

Michael Barschall's Will continued

Muscogee County Wills

1862-1875

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Georgia
Muscogee County 3 I, Josephine Barschall, do solemnly swear, that this writing contains the true last will of Michael Barschall deceased so far as I know or believe and that I will well and truly execute the same in accordance with the laws of this State
So help me God
Signed to & subscribed before me 3 M J Barschall
July 6th 1868 per Johnson Ordinary 3

Nathaniel Nuckolls Will.

State of Georgia 3
Muscogee County 3

I Nathaniel Nuckolls of said State and County, being of sound mind and memory, and being of advanced age, and knowing that I must shortly depart this life, deem it right and proper that I should make a disposition of my property, do therefore make, publish and declare, this to be my last Will and Testament, hereby revoking all Wills by me heretofore made.

Item 1. I desire and direct, that my body be buried in a decent and Christian like manner, in my new burial lot in the Cemetery, of Columbus Ga., by the remains of my beloved wife, and that the remains of my son William T. Nuckolls, be removed to said lot. I desire and direct, that said lot be enclosed with an iron fence, and that Monuments be erected over the remains of my wife, myself and my son William. All to be suitable to our circumstances and conditions in life. My soul I trust shall return to rest with God who gave it, as I trust and hope for eternal salvation through the merits and atonement of the blessed Lord & Saviour Jesus Christ.

Item 2. I desire and direct, that all my just debts be paid out of any moneys on hand, or collected or received from sale of any produce of my Plantations, or from any source of income of my Estate. If from now any unforeseen cause it may become necessary, to sell any property to pay my debts, I desire and direct, that my principal Executor select from all my property that which can best be spared & used for that purpose, so as not to interfere with the provisions, devises & bequests of this my Will.

Item 3. I hereby constitute and appoint my sons, Thomas J. Nuckolls, Nathaniel A. Nuckolls, and James T. Nuckolls, and my sons in law, Robert B. Kyle and Henry Ware as Executors of this my last Will, and Testament.

Item 4. I constitute my son, Thomas J. Nuckolls, as principal Executor, with the special powers herein granted. In the event of his failure from any cause to act, then the next person named as Executor, to act in the capacity of principal Executor, and so in the order in which they are named.

Nathaniel Nuckolls Will Continued.

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Item 5. In the sale of any of my property, for any purpose, my Will that my Executors Consult & Confer together, as to the time manner & terms of such sale, but it shall be necessary in any and all Cases of Sale to have the consent of my principal Executor. And my said Executors, are authorised, to sell any and all of my property, Real and personal, either at public or private sale, as to them may seem most, for the interest of my Estate, without any order of any Court or jurisdiction within which it may become necessary to execute this my last Will & testament.

Item 6. It is my Will & desire and I do direct, that my Executors and and legal Representatives in every State, where this my Will may be Executed, after payment of debts, and legal charges and expences, turn over to my principal Executor, all money, notes and effects received by them from sale of any property, crops, or otherwise to be by said principal Executor paid over & distributed according to the terms and conditions of this my Will. No Commissions to be allowed, for turning over such money and effects by one Executor to another, nor shall the Executor receiving the same have any Commissions therefor, that is for receiving the same.

Item 7. I have given to my Children named in this Item, Money or property, Valued by me, at the sums set opposite their names to wit,
 To Elizabeth A Ware, Four Thousand Dollars in property, \$4000.00
 To Thomas J Nuckolls, Five Thousand Dollars in Money \$5000.00
 To Nathaniel A Nuckolls, Five Thousand Dollars in Money \$5000.00
 To Louisiana A Hawkins Four Thousand Dollars in property, & the further sum of Two Thousand Dollars in Money \$6000.00
 To Mary B Kyle, the sum of Six Thousand Dollars, in property and Money, \$6000.00
 To Cordelia L. Richardson the sum of Five Thousand Dollars in property, \$5000.00

In all future distributions of my Estate among my children, I desire & direct, that the above named children be charged with the several amounts hereto affixed to their names without interest.

Item 8. I give bequeath and devise, to my son, James T. Nuckolls, the Plantation in Bullock County, Alabama, on which he now resides, described in a Deed from George Stewart to me, which with the improvements, is valued by me at Six Thousand Dollars, \$6000.00

Item 9. I give bequeath & devise, to my Daughter Laura C. Freeman, the Plantation in Cherokee County Alabama, on which she now resides, described in a Deed from Martin Hale & A H. Mackey, Administrators, valued by me at Six Thousand Dollars, free from the debts, or contracts, or control of her present or any future husband, \$6000.00

In case of her death without children, or descendants of children surviving her, All property, Money or effects, other than said Plantations, which she may receive from my Estate, revert back to my Estate, to be distributed according to the provisions of this my Will. And said Plantation is to be held by my Executors and legal representatives, as security for the return of the said money and effects, upon the happening of the event as above stated in this Item. She may Will or devise said plantation subject to said incumbrance.

Nathaniels Truckolls Will Continued.

Item 10

I give bequeath and devise, to my Sons, ^{Mascogee County Wills 48624815 www.gettadapioneers.com} Truckolls, and Nathaniel A. Truckolls, the plantation in Waine late Cherokee County, Alabama, near Gadsden, on which my Daughter Emma O. Cox now resides, more fully described in a Deed from Berry to me, valued by me at Six Thousand Dollars. \$6000.00

In trust for the use and benefit of my said Daughter Emma O. Cox, Said Trustees are hereby authorized to rent out said Plantations to such persons & for such Crops as they may deem best to secure to my Daughter Emma & her family food, clothing and all the Comforts of life, suitable to their Condition and Circumstances in life. Said Trustees are authorized to appoint an agent for one year at a time, not excluding her Husband, from such agency, to act in their steads. The Trustees not to be responsible for the Mismanagement of such agent unless reappointed after having so mismanaged the trust Confided to him. No waste to be allowed on said Plantations, the Timber not to be sold, or used for any purpose, except the necessary fencing and Repairs, and for building on the place. No bond to be required of the Trustees above named, In Case there should be a vacancy, and no acting Trustee from any cause, my Executors are requested to act as Trustee or Trustees, or if they decline to act, they are authorized to appoint a Trustee or Trustees to manage said trust Estate, after paying the Current Expenses incident to said trust Estate, and the support and maintenance of said Emma O. Cox and her family for the year, the balance to be turned over and delivered to said Emma O. at the end of each and every year, and her receipts therefore to be a good discharge for said Trustees. It is my Will, and I so direct, That any other money or property, to which my said Daughter Emma O. may be entitled in the distribution of my Estate, be delivered to said Trustees, to be by them invested in some safe property, Stocks or bonds, or loaned on good and sufficient security, as they may deem best, and the income arising therefrom to be appropriated as is herein provided for, the income of the plantation.

In Case of the death of my said Daughter Emma O. Cox, without Child or Children or their descendants surviving her, that all Money and property, other than the Land aforesaid, which she may have received from my Estate, shall revert to my Executors, to be by them distributed according to the provisions of this my Will.

Said Emma O. Cox, may dispose of said Land by Will.

Item 11

It is my Will, and I so direct, that my principal Executor purchase some safe property of equal value to that devised to each of my Daughters, Laura C. Freeman, and Emma O. Cox, preference being given to Real Estate, and convey said property to my Daughter Adella L. Truckolls free from the debts and Contracts, or the Control of any husband, she

may hereafter marry, she to have the right to dispose of said property, subject to the incumbrances hereby created by Will, in case she should marry, and die without children, any money or other property, which she may have received from my Estate, other than the property in this item, directed to be purchased and conveyed to her, is to revert to my Estate. The same restriction shall be observed in case she does not marry. The property to be purchased & conveyed as aforesaid, shall be valued at Six Thousand Dollars, without regard to the actual cost. And my Executor is required in making a conveyance to said property, to retain a lien thereon, as security for the return to my Estate, of the money and property subject to be returned to my Estate, as aforesaid. In case of her Marriage before the investment is made, I desire that my Executor in selecting the investment, consult and conform as nearly as he can safely do so, to the wishes of her Husband.

Item 12. Before any other legacies are paid, It is my desire, & I so direct, that the sum of one Thousand Dollars each, be paid to my children, Thomas J. Nuckolls, Nathaniel A. Nuckolls, & Cornelius L. Richardson, and the sum of One Thousand Dollars, to Elizabeth A. Ware, and the sum of One Thousand Dollars, to the children of said Elizabeth A. Ware, by a former Marriage with E. D. Long, now deceased. This last mentioned One Thousand Dollars, to be considered as a part of the distributive share of said Elizabeth A. Ware, in the distribution of my Estate. — These legacies being all paid, my children will have received equal shares from my Estate, which I desire to be done if practicable, without the sale of property.

Item 13. In case of partial or total failure of title or incumbrance on any of the lands herein ~~directed~~ ^{desired}, and loss should ~~follow~~ ^{be due} to the devisee, I direct the loss to be made up from my general Estate.

Item 14. After equalizing the advances as herein before provided for, which according to my estimate is Six Thousand Dollars, — I direct that all the residue, and remainder of my Estate be divided equally among all of my children, subject however to the limitations and restrictions herein provided for. And it is my Will & I so direct, that in case any of my children shall die, without children or descendant of child or children, surviving, All the money or property such child may have received from my Estate, over and above Six Thousand Dollars as aforesaid, shall revert to my Estate, to be distributed according to the provisions of this my Will, and my Executors are required in making distribution of my Estate, to take security for the return of all such Estate, as may be liable to such reversion, except such securities as have been herein already provided for, which provisions are not to be disturbed. In taking such securities, a lien on real Estate is to be preferred.

Item 15. All debts due me, either on note or open account, by any of my children, their Husbands or Wives, to be collected or the amounts taken into account, in the settlement of any legacies to which they may be entitled, in the settlement of my Estate.

Nathaniel Nuckolls Will continued.

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Item 16.

I desire and direct, that all my property be kept in good repair, and in making repairs due regard must be had to future as well as present value, and the prospect of getting back the money expended, in making sale of the property repaired. I direct that the Timber on my Lands in Russell County Alabama be carefully preserved, and that none be sold or used, except what may be necessary for repairs of my property, and improvements on the land.

Item 17.

In case either of my daughters, Laura C. Freeman and Adella Nuckolls, shall at any time desire to sell the property herein conveyed and to be conveyed to them, and upon which a lien attaches for a reversionary interest, by & with the consent of my principal Executor, such sale may be made, and title executed, therefore, and the proceeds may be reinvested in other property, upon which the same liens and limitations shall attach.

In case my daughter Emma O. Cox, shall desire to sell the Land, held by her Trustees herein appointed, said Trustees shall have the power to sell said Land, and invest the proceeds in other real Estate, upon which the same liens and limitations shall attach, Provided they shall be satisfied such sale and re-investment shall be for the best interest of said Emma O. Cox and her family.

Item 18.

No security shall be required of any of my Executors, except upon sufficient cause being shown, that the Estate which they may be entitled to control, would be unsafe in their hands without security, in which event the Court—having jurisdiction of the case may require security.

Item 19.

I desire and direct, that my Daughter Adella have paid to her the sum of Two hundred dollars, for the purchase of furniture from my general Estate, in addition to what is herein before given to her.

Item 20.

It is my Will, that no interest be charged upon the advances heretofore made to any of my children.

Having made myself fully acquainted with what is contained in this, and the annexed foregoing twelve pages, I hereby declare the same to be my last Will & testament in witness whereof I hereto have subscribed my name and affixed my seal in the presence of the subscribing witnesses, on this fourteenth day of September 1868.

Nathaniel Nuckolls.

(Seal)

The foregoing writing published and declared by Nathaniel Nuckolls, as & for his last Will and testament and the said testator subscribed & sealed the same in our presence, and at his instance & request, we have hereto subscribed our names as witnesses in the presence of said testator & of each other, this 14th day of September 1868.

L. A. Billing

P. A. Buttinger

Jno Johnson

Nathaniel Nuckolls Will *continued*
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Georgia
 Muscogee County 3

Court of Ordinary, October Term 1868.

At this regular Term of the Court of Ordinary, Thomas J. Nuckolls one of the Executors therein named, Comes into Court & propounds the foregoing instrument as, & for the last Will and testament of Nathaniel Nuckolls, late of said County deceased, and S. A. Billing, P. A. Guttinger and John Johnson, Subscribing witnesses thereto being present & said witnesses being duly sworn on oath say, that they were present when said Nathaniel Nuckolls, then in life, but now deceased, Executed published & declared said instrument, as his last Will and testament, that at the time of publishing said instrument, said testator was of sound and disposing mind and memory, that so far as witnesses know or believe, he Executed ^{said} Will voluntarily, and without any undue influence or compulsion, that said testator signed & sealed said Will, in the presence of said deponents, and at his request, said witnesses subscribed their names as witnesses thereto, in the presence of said testator and of each other.
 Sworn to and subscribed in open Court,
 this 5th day of October 1868.

John W. Duer
 Ordinary

S. A. Billing
 P. A. Guttinger
 John Johnson

Georgia Muscogee County

I do solemnly swear, that the foregoing writing, contains the true last Will, of the within named Nathaniel Nuckolls deceased, so far as I know or believe and that I will well and truly execute the same in accordance with the laws of this State, so help me God,
 Sworn to and subscribed
 before me this 5th day of October 1868,
 John W. Duer
 Ordinary.

Thomas J. Nuckolls

Georgia Muscogee County

Court of Ordinary October term 1868.
 The foregoing writing admitted to record, as the last Will and testament of Nathaniel Nuckolls deceased.
 See Minutes page 341. & 342.

John W. Duer
 Ordinary