

Jesse Beene's Will & Testament

I, Jesse Beene of the State of Alabama, and County of Dallas, knowing that it appears that all men shall die; things solemnly impressed with the propriety of arranging all my worldly concerns, which is the proper exercise of all my faculties, I do make this my last will & testament; I wish my body decently buried, on the high Ground near the middle of the apple Orchard at my residence near Cohasset, and I wish the remains of my daughter Catharine, removed from the place they now are and buried by my side, within the same Stone placed over her Grave, in the same manner it now is. I desire, that a few fruit-Trees, may be removed from around my Grave, and that a handsome Circular brick wall be erected around said Grave, forty five feet in diameter 15 five feet high one brick thick, of the very best material & that the brick be laid in a cement made of one third good quick lime & two thirds sharp Clean Sand without any Clay. I want circular segments of Iron Casts, broad enough to cover the top of the wall and to fasten over, inside and out one inch with screws & Tap-holds, in the ends, so they may be fastened together by screws & pins, & strongly. I want 2 brick gate posts made to the rubicon and I want a light iron gate made firmly put up between the posts the Wall will join those posts. This gate to have a light Iron frame and all put up in the best and most substantial manner; I wish a plain substantial monument placed over my Grave, made of white marble containing on one of its sides the following inscription in plain Roman letters "Remains of Jesse Beene, who was born Dec. 29th 1794, and died". I wish this monument placed in the center of the brick inclosure & around the brick wall, inside and I want a circle of the Evergreen Community known as the wild Orange plant. I wish these grounds planted in Roses, and kept in neat Order. This I design as a family burying ground for my family and their descendants, and when the plan shall be sold & go out of the family I wish a stipulation made that the ground, are to remain untouched and all the Walls gates monuments &c may be permitted to remain without change or alterations with liberty for any of my descendants at any time to repair the fencing monument or grounds as long as any of them may remain I do not wish my monuments to cost a fortune Stone Cutters, in New York, more attention than

Dollars, I want it to combine strength & neatness & put in the best & most substantial manner, I want the strictest economy & industry aided in keeping up my plantations & working them under good overseers, who will do their duty; and as soon as it is found that any overseer neglects his duty, I wish him dismissed & another of good honest reputation and skill in planting employed, out of the proceeds of my plantations, I want all my debts paid as soon as possible. The crop of the years 1843, & 1844 will put my estate nearly out of debt. So far as the debts due are concerned and to accomplish this my Commission merchant must be requested to aid my estate all he can, the main debt is due to Thomas Casey for the plantations and slaves, on the Alabama River above Choctaw I was to give him \$37,500. for all complete and I have paid about ten thousand Dollars, and the balance will become due in nine annual instalments, from the 1. March 1843. I want every instalment paid punctually if possible & if it can be done I want the whole debt upon equitable terms paid off in a few years. I paid 10 per cent per annum on the same judgment of about \$5000, which Casey must refund for the purpose of paying debts I wish my Executors to have full power to sell any and all property real and personal should it become necessary, which I trust it will not. I give to each of my sons a good gold watch & chain & seal not to cost over two hundred Dollars, engrave on the inside Case a request from me to their naming them. The Seal I wish set in stone & to contain the initials of my sons names on the stone will cut & engrave Roman Capitals, I also give and bequeath to my three sons, silver named a little gun each one National Wagon, of the make of Richard S. Wall & mostly engrave on each of the boxes "Foster Wine" & naming the son the watches are to be ready & delivered as each of my sons arrives at the age of 21 years or as soon thereafter as may be convenient these presents are intended as affectionate tokens of regard for my three sons, the watches I wish to keep as long as they will live & then dispose of them to their own immediate descendants, if any & if they have none such then to some person who may have descended from one of their Brothers. It is my desire that they should never leave the family which has descended from me, the ~~Watches~~ I wish them also to keep under & maintain as long as they shall

live and to defend their Country with them if required. When
they die dispose of them to some one of their Sons or some
member of the family which has descended from me, with all
these articles kept in good order and condition, & to descend
Conditionally in the line of my family according to the wishes
of my Son, & my Son's Son, & I have a natural daughter borne
before my marriage Maria L. B. Winston, wife of Col. William
O. Winston of De Kalb, County, Ga.; I have educated her from time
to time given her and her husband besides her education about
Twenty five hundred Dollars in Cash, I have also given her
in trust for the use of herself and Children Eight Slaves which
have been delivered. In addition to this I wish my Executors
to procure for her, if I should not before I die, a neat
fine strong ladies gold watch to cost not more than
not over two hundred & fifty Dollars I have bequeathed in the
will a request from me to Maria L. B. Winston and on the
part a fine Roman Capital "M" Also a Piano Forte of
good quality to cost not more than four hundred Dollars.
And a plain neat strong family Carriage to cost not
over \$600. I wish the watch & Piano to be disposed of,
by her so that they will remain among her Children or her descendants.
I also bequeath to Maria L. B. Winston ten thousand Dollars
in Cash one half to be laid out in Slaves by Executors
and divided in trust to a good trustee for the benefit of
her & her husband during their lives & to the Children
begotten on the body of the said Maria L. B. Winston & their
descendants, I also bequeath to Jesse & Berne Winston
my name Plate Son of Maria and William O. Laffin
rifle gun of the make of Russell, S.S. Ball like
those made for my Son's engraving on the top. Jesse
Berne, to his grand Son Jesse & Berne Winston
and also a young likely negro Woman.

It is my will that my three Sons William, Anderson
Berne, Benjamin young Berne, & Jesse & Berne
shall be well educated and graduated at some good
College of the United States, and that each shall
study a profession, to be selected by himself when
he finishes his Collegiate course for this purpose
funds must be furnished provided from my Estate after
they finish their professions. It is my wish that
they should practice it with vigor and make themselves
all they can in that profession to and in this I wish
they all study law, I divide my law library in four
equally between them, and give one thousand Dollars
in Cash to each to buy new law books to complete their
libraries should one or more of my Sons take another

profession an equal allowance in money must be made
 him to purchase Books of his profession, and my old
 Law Books kept by the Son or Sons, who may study
 Law. It is my wish that my Miscellaneous Library
 Should be equally divided among my three Sons, and
 should they not agree on a Division they are to
 settle the difficulty by lot. If either should die the
 remaining Son or Sons, as to have all the Books, to be divided
 in Case of two as above mentioned, Should either
 of my Sons study physic or decline any profession
 (which last I trust will not be the Case) I give
 him the same amount which I have given the others
 to buy professional Books, I wish my Sons never to
 part with or scatter my private Library I have a few
 large costly volumes containing a complete description of the
 public Works of Great Britain which must be
 nearly useless in a private Library, I bequeath this
 Volume to the University of Alabama as the best
 Repository of Science in the State to remain the College
 Library as a token of my good wishes for the prosperity
 of the institution. At my death I wish my wife &
 Children unite at my residence near Cahawba &
 supported out of my Estate in a proper manner
 until my Estate is out of debt the strictest
 Economy must be used, when either of my Sons
 marries if he be twenty one years old or as soon
 as he arrives at that age it is my wish that a portion
 of my property should be set apart by my Executors for
 his use and so with any of the rest, I wish my
 homestead in Dallas kept until my youngest Son
 comes of age and the debts of the Estate all paid
 or provided for, and then I wish my three Sons
 to take my three plantations and Slaves and provide
 a proper and equivalent amount among them for
 their Mother's Support according to the value of my
 Estate among which I include the present House
 & grounds to be used ~~take~~ during his life then to be equally
 divided among my three Sons, I give and bequeath
 twenty one thousand Dollars to my wife Catharine
 & give the portion I recd. with her to do with as
 she may think proper and a maintenance during
 her life in a handsome manner at my homestead near
 Cahawba, After paying debts supporting my & Children's
 payment of legacies, I wish all the residue of my Estate
 divided Equally among my wife & three Sons or their Survivors
 or minor the Children of a second Son to King the father's

[illegible]

as far as to raise, and promptly pay off, as the friends
of my Chap. will authorize I wish the Land & the
Slaves worked on them at my three plantations retained
for my three Sons as when all my debts are paid &
after the debts all the legacies named in this will, I
wish my Sons placed in possession of their property
as they may come of age and if one plantation is worth
more than the rest I want all made equal by other
property. All my lands, are to be divided equally
among them and my three lots of every description the
interest I have in the farms, may be sold or my Sons
may retain it in Comm. and draw their part of the
money and divide it equally among them yearly or
monthly as it is to be paid to me by Contract retaining
the right in Case of Sale for all my three Sons and
their families, theirs to Cross both rivers for free
passage. Before any of my large legacies are paid it is
my will that all my debts shall be paid or be aman-
gled that they can be certainly paid, And leave William
Anderson Brine Benjamin Yancy Brine and Jesse
Brine fifteen Thousand Dollars each also a sufficiency
to educate them and set them up in their professions,
and allow an independent support for my wife Catharine
Brine, my Summer Residence in Blount County with my
mill there, and all the lands in that County & give
Smithy to my three Sons, for a Summer retreat, & when
our former distasteful with his interest he is to sell
to his brothers who retain the balance his interest at
a fair valuation my wife during her life has full power
to occupy the Summer residence in Blount. I purchased fraction
36. S. W. N. g. Comprising part of my plantation near Cahaba
of Edmund Handall & William & Jones & hold their land for
littles & Jones, Curryance I wish this little made good
as soon as possible the estate of Edmund Handall is such he is
dead, his widow resides in Campbell County Geo. married to Watts
if I mistake not she is willing to make Curryance she is
the sister of Judge Colquitt who has the charge the making
of titles as Mr. Watts informed me many of my receipts
are in the form of letters I wish them all collected and see
that my estate pays nothing twice I appoint my friend
William W. Hambro Esq. and Samuel M. Hill Executors of
this my last will and testament and I rely on their
industry and vigilance in carrying out my plantation, &
executing my will in the best manner they can
I also appoint my friend Samuel M. Hill Esq. &
William W. Hambro Esq. Guardians of my three Sons

Brine

Hambro

and I wish them to educate them according to the manner herein stated
and furnish no more money for this purpose than may be necessary
proper for supplying them suitably and this must be put in the hands
of some one of the faculty who will pay debts &c of the student without
giving him the trouble of doing so want of success, in many of the
Southern Colleges is frequently occasioned by placing in the hands of the
student an improper amount of funds I trust that my guardians will
be particular on this head so as not to stint them improperly. I have
found that five hundred Dollars will cover all expenses of one
student at Tuscaloosa one year, including clothing tuition,
boarding expense, money &c. I wish my sons to have plenty
so that nothing is improperly expended. 26th day of May
1843

Deed Done Executed in presence
of us this 29 day of May 1843. (Matt Gayle, J. R. Crandall,
James L. Evans, R. F. English, write to R. Habusham
Savannah Geo for the amount of all my payments the State may
be mislaid in some cases - "The State of Alabama & County
Orphans Court 12th March 1843. Personally appeared
in open Court Matt Gayle George R. Crandall, J. R. Crandall
& R. F. English three of the Subscribing witnesses, to the
 foregoing will who being first duly sworn depose
that the said James L. Evans the Testator acknowledged
that he published in their presence said will as if
for his last will & testament that said Testator was
of sound mind & disposing memory at the time of
acknowledging & publishing the same & that all
these deponents signed the same as witnesses both
with James L. Evans, the other Subscribing witness
in the presence of & at the request of said Testator
& in the presence of each other on the 29th day
of May & year therein named - Matt Gayle
J. R. Crandall, R. F. English sworn to & returned
in open Court before me this 12th March 1843
Samuel H. Adams Clerk

Adiel W. White's Will
I, Adiel W. White, of the State of Alabama and County
of Dallas ^{having} on the 26th day of May 1843
made my last will and testament and there by made this
as a Codicil to the same to be taken and acted under by my
Executors, with the same power and authority as they act
under my will, I do hereby declare it to be my will that
my Executors shall erect a monument over my wife's
grave which shall not cost over five hundred
Dollars my own judgment is that both the monument
& mine should be finished of grey sandstone & that each
of white marble one for the monument, one for the base

and four further sides and ends, the sides & ends to
have each slab a square panel of neat work, with
the name "C. Brune" on the panel of each side slab
of her and on the top & ends, the following in plain
Roman letters "The Remains of Catharine Brune, wife
of Jesse Brune" of Cherokee Co. who was born 18th
Febry 1792; and died 1st July 1843, "she was a
kind and devoted mother" and a sincere friend; Erin
under my hand this Monday 11th December 1843, Jesse Brune
acknowledges published & declared by the said Jesse Brune
as & for a Codicil to his last will & Testament in our
presence who have signed the same as Subscribing
Witnesses in the presence of said Jesse Brune & at
his request & in presence of each other this 7th August
1844, James L. Evans, Robert English & J. B. Evans;
The State of Alabama Dallas County Orphans Court
March 12th 1845. Voluntarily appeared in open Court
Robert English & George W. Evans, two of the
Subscribing Witnesses to the foregoing Codicil to the
last will & Testament of Jesse Brune who being
first duly sworn Depose & say that the said Jesse
Brune the testator acknowledged & published said
Codicil before them & that said testator was of sound
mind & disposing memory at the time of acknowledging
and publishing the same & that they these deponents
& James L. Evans signed the same as witnesses in
the presence of and at the request of said Testator
& in the presence of each other on the day of August
1844. — J. B. Evans, R. English, sworn to
& Subscribed Before me this 12th March 1845. in Open
Court Sanford Manns clerk

Recorded 21st March 1845
Sanford Manns clerk