

R. Saffold: Will

In the name of God Amen: I Reuben Saffold of the County of Baldwin State of Alabama being in actual health and of sound mind and disposing memory, for which I desire to be devoutly thankful, but being also mindful of my mortality Do make and publish this my last will & testament, directing & disposing of all the earthly goods & estate with which God has been pleased to reward my exertions, in manner & form following. That is to say: First Being yet indebted to a considerable amount after much reduction of my liabilities with in the last four years and being the rightful owner of property Real & Personal, which I trust may prove sufficient to pay all my last debts and leave a competence for my family I desire to prescribe & direct the authority, mode & manner of disposing of my said Estate the better to endure, under the most adverse circumstances, just & equitable payments of all my said debts, entire if practicable, and if not ratiably in manner and to the extent herein after mentioned: and also to dispose of any residue of such there be among the different members of my family, and particularly to provide as effectually as I can for the protection of my daughters whatever may be their destiny in life. Now these are in view of the above objects I do by these presents, give grant, devise & bequeath to all my sons who may survive me, that is to say Joseph P. Adams & Reuben W. Benjamin & also to the two or the survivors of them as afore said (to take effect in respect to the two latter when they respectfully attain their majority of age, should they live to do so) all my Estate and property Real & Personal of what ever nature and description, including all Chats in action and Equities of Redemption, as well all other Equities and all legal Rights, Interests & Claims of whatever and said State of Alabama & elsewhere, to have and to hold the same, and every part and parcel thereof, with the improvements & appurtenances, to the said Estate belonging, and every thing incident to all the personally and other Rights and Interests aforesaid and patents, deeds and other evidences of Right or title and other various documents & writings touching or relating to the same, unto them my said Sons & and Survivors of them being of lawful age for the time being, as aforesaid and their assigns forever, & I desire & authorize them & for the use and purposes herein after mentioned, provided & directed that is to say that my said Sons be & begeth as aforesaid or as majority of them, who may accept and continue to

Exercise that trust are by these presents constituted to be
Receivers and Return, assignors of all my said Estate & property
Real & Personal, all my Rights Interest Claimed or demands Legal
& Equitable of whatever Nature or description of affairs
of which I may be proprietor or to which I may be
entitled as the legal or Equitable Proprietor or owner at
the time of my decease, and to use ~~any~~ & apply the same
judiciously for the best Interest of all my Children and Heirs,
So far as these Respective Interests are concerned in the main
charitable purposes & directed also for the greater
benefit of the surviving members of my family in respect
to any Residue that may remain of my said Estate after paying
all my Just Debts & all Expenses incident to the execution
of this trust and the due administration of my Estate by my
Executors if any other administration under the execution
of this trust being necessary. Second The aforesaid Trustees
or a majority of them at any time acting as such
& always in conformity with one said Joseph D. if for the time
being alive & in the exercise of the trust, otherwise a majority with
out him) or the survivors or survivor of them, or the Executors
or administrators of such survivor I do by these presents declare
authorize & request to renew & extend, if practicable, and
by them demand & receive, all or any part or portion of the same
unsatisfied notes or debts of whatever nature which may at
any time after my decease justly exist against my Estate in
favor of such or either of the Banks, or any other Corporation
in the City of Mobile or elsewhere or of any individual
or individuals what ever, also to extend any such debts or
liabilities on mortgage or other securities then existing, paying
any such Certificates as may from time to time be requi-
-red; & leaving such securities in full force & virtue for the
remaining balances. And they the said, Trustees, or such
majority of them as afore said, or the survivors or survivor of
them as afore said, or also by these presents, declare, authorize
and request, at any time after my decease when they or he
(as the case may be) shall find it necessary, or deem it advi-
-sable & consistent with the best Interest of my Creditors, and other
interested therein, to bargain, sell, grant, alien and convey
in fee simple, or otherwise, all or any requisite portion of
my said Estate Real & Personal, or of either or either only
wherever the same may be situated, lying or being, the same to
bargain, sell, grant, alien & convey by such proper deeds
of conveyance & other instruments as may be found
necessary & most appropriate to each particular case
either at public sale on reasonable notice given or by
private contract, and in either case for cash or any

with undoubted security as they, said Trustees, may deem
most beneficial to the several objects contemplated by
these presents: also to negotiate or arrange & regularly ad-
-just, without litigation if practicable, any controversies
claims or demands against or relating to my said Estate
+ as they may deem expedient; and out of the proceeds of
all such sales and negotiations, as well as from the
profits arising from my said Estate and any means at their
Command (as such Trustees) said Trustees or such majority
survivors or survivor of them as aforesaid, are authorized
& required to arrange and pay or satisfy in full if the
means prove sufficient, if not ratably or pari passu
all the debts justly due & owing by or from my Estate to all
any individual creditors also to the Planters & Merchants Bank
according to an existing contract between it & myself
regulating the engagements and that entitling me to a further
credit for professional services, and claiming a grant of
a just credit for my stock in the Capital of said Bank
also the Branch of the Bank of the State of Alabama at
Mobile, claiming against it also a just credit for important
professional services rendered, and for which or allow-
-ance has yet been given or entered to me, also to the
Alabama Life Insurance & Trust Co. Mobile, three debts our own
notes & mortgages the largest being in my own name, and
the other two in the name of my sons respectively Joseph P
aforesaid & William B. Sr. but all three of which are my
own proper debts & have been treated as such since
they were contracted and the stock in said Co. for which they
were created has been disposed of by me, & which I
✓ further will advise & request that the Trustees aforesaid shall
be allowed reasonable compensation or commissions for
their services in the execution of this Trusts out of the said
Trust proceeds; which compensation they are hereby authorized
to retain out of any part of the trust proceeds which
may come to their hands, any thing contained herein apparent
by to the contrary notwithstanding. In witness I do further by these
presents will and desire or claim & advise that if any residue
of my Estate, real or personal or money or effects of any kind
nature or description, shall remain in the hands or subject
to the control or direction of said Trustees, or the majority
or survivors or survivor of them or of his executors or admin-
-istrators after all the other duties & objects of this Trust being and
as are above particularly prescribed & allowed to and
have been complied with & performed then that all such
residue, remainder or excess of whatever nature or de-
-scription real or personal, legal or equitable, shall

to remain & inure to & for the proper use & benefit & behoof of the said
members of my family in manner following, that to & say of the
other means be deemed sufficient for the comfortable sup-
port & subsistence of my beloved wife Mary & each of our
children as may remain unmarried & continue to reside with
her and that it shall be made sufficient for this purpose if
practicable I hereby declare to the primary object of my care &
beauty then I will and direct that said Trustees must
provide & set apart sufficient funds for the purpose & from time
to time when necessary apply the same towards the comple-
tion of my son Milton B. College course of education
paying the expenses thereof also that from the same source they
also pay the reasonable expenses necessary to enable my son Henry
& said said Milton to undergo a regular course of legal or
other professional studies as they are said Trustees may deem
most advisable & sufficient also to pay the necessary expen-
ses of each for one year after the expiration of their respective
terms of professional study I also will & direct that said
Trustees under like circumstances provide & set apart
sufficient funds for the purpose and from time to time when
necessary apply the same towards completing the Education
of my two youngest daughters Caroline & said Elizabeth
and from the same pay the expenses of each until their
regular graduation in such female seminary in this
State as said Trustees may select as best & most safe.
I further will & direct that all other necessary & proper expenses of
my said two youngest daughters until they respectively attain
their age of twenty one years or marry be defrayed by said
Trustees out of my Estate my desire and intention respecting
the Education of my said four younger children is
hereby further declared & explained to be that their expenses
as afore said shall create no charge against either of them
but that the above provisions are made in order to place them
on an equality in their respects with their elder brothers and
sisters or which no charge is to be made or account
taken as against any. But I further will & direct
that if either of my said two younger sons should
in case the expenses in addition to the said ordina-
ry course of attending Law lectures or of receiving
other similar benefits after passing the usual College course
then for these latter only in they to be charged as in
the case of their elder brothers and I also will & direct the
same in respects to my said two younger daughters in
the event the Education of both or either be expensively
extended beyond the course as above can be paid
and it is my further desire if my Estate prove sufficient

That each or either of my said four younger children may have the privilege of extending his or her education as above intended to if they desire the same and said Trustees shall think it advisable.

Fifth - my further will & desire is that all such medical books as I may own at the time of my decease be allotted to my son Benjamin W and I bequeath them to him accordingly. All the Law Books which I may at the same time own I give and bequeath to my three sons Addison S Benjamin & said eldest son I to be equally distributed between them, so as to make the allotments to each equal in value, including such as I may have previously given to either; but excluding all such as either may have purchased for him self. All other Books Pamphlets maps &c which may remain on hand I desire may be equally distributed between my wife & all our sons & daughters and I further direct that said Trustees make the distribution of Books &c as aforesaid and take an account of the same to be regarded in the further distribution of my Estate.

Sixth. After payment of all my Just debts as aforesaid which is the more necessary before any decision of my Estate for the reason that a large portion of the lands are under mortgage and after defraying the expences of my four younger children as aforesaid if the residue of lands comprising my present or other last residence shall not have been disposed of by me or under the authority hereby given to said Trustees, and if they shall not deem it necessary or expedient to sell the same or so much as to prevent a power being taken out of the same, in that event I will & desire that said Trustees do and set apart to my said wife a part of said settlement including the dwelling House & other improvements necessary to her use, not exceeding in Value (having regard to quantity, quality & improvements) One third of the whole of said settlement which shall constitute her entire dower interest in my Real Estate, and which shall be & inure to her proper use & benefit as such during the Term of her natural life. But if said Trustees shall find it necessary or deem it most expedient to sell & shall dispose of all or some of my said settlement as not to leave a sufficient cy for the dower as aforesaid, in that event I will direct & direct that said Trustees shall purchase some other suitable residence for my said wife with a sufficient quantity of lands for her cultivation & other

uses and such as shall be satisfactory to her in ³⁵¹ ~~case~~ of any other claim
of answer. that they pay for the same out of my estate and leave it to
her as her answer. I also will desire and direct that said
Trustees distribute and allot to my said wife one fifth part
according to just valuation including such slaves and other
articles as she may prefer of all the residue remainder, or excess
✓ of my personal property of whatever kind or nature after pay-
ing all my just debts, & discharging the expenses of my said four
youngest children as aforesaid, which portion of said personally
shall be and inure to the proper use benefit and behoof of her self
her heirs and assigns for ever: Provided however that said Portion
or interest in my Real Estate hereby given and provided to aid for
the use of my said wife, and alluded to as her dower interest therein
and said portion or distribution share of my said personally here-
in above directed to be allotted to her, are by these presents
so given, bequeathed & declared subject to the restrictions and
qualifications, that in the improbable event that my said
wife shall again inter marry with any other in that
event all her said Estate property & interest in said Realty as
well as personally as here by declared to be so far restricted
+ qualified that the afore said gifts devised and legacy shall
be construed to be and shall operate only as an Estate proper-
ty & interest to aid for her sole separate & exclusive use & profit
during the term of her natural life only, and free & exempt
from all contracts responsibility and control of any future husband
she may have; and that in such event of her future marriage then on
her death all such personal property and interests as shall have
been allotted to her as aforesaid with all the net profits thereof
& natural increase of the female slaves, shall revert and
return to my Estate and constitute a part of the residue there-
of, subject to distribution among all my children, and the
representations of any that may have occasion to be held &
enjoyed by each of my sons or their representations as herein pro-
vided in respect to their other portion of my Estate, and by said
Trustees in respect to the portions of my daughters for the use of
them selves and their representations in the same manner as herein
after provided in respect to their other respective portions.
But if my said wife shall continue to live and shall
die my widow, then all said personally of every kind di-
rected to be distributed & allotted to her as aforesaid shall
be & is hereby declared subject to such Voluntary dis-
position as she may choose to make thereof by her last
will and Testament duly provided and Recorded.
Seventh. Then my further will & desire is that
the entire residue or remainder of my said Estate
and property of what ever nature or kind shall

be equally divided & allotted to and for the use of all
my sons and daughters and the legal representatives of
any that may have deceased as aforesaid. except that
an exception is to be had to any & all advancements hereby
provided or heretofore made & received by any, so that
the distribution hereof shall have received the
same shall be reduced or stand ^{the} ~~the~~ ^{fixed} as the justice &
equity of each case may require, and provided that the annuities
legal and bequests hereby created & intended for all my daughters
are and shall be subject to the restraints and qualifications
herein after declared & prescribed; and provided also that the
extra provision herein after declared in favour of my said
son Addison I be duly observed by said Trustees & others
and also special directions respecting any of my other children
fully executed by them. Eighth I further will & advise that
to my said son Addison ^{1/2} portion of my Estate real
& personal, which would otherwise be only equal to those of
his brothers and sisters, shall be added in consequence of
his affliction and physical disability fifty per cent on the
value of an equal share to be also allotted to him as part
of his increased portion; and I also direct that he be permitted
by his said Co Trustees, to take and receive in to his exclu-
sive possession & control, at any time he may choose, as
an advancement, the negro boy called Moore (son of
Abby) or any other he may prefer, at the price of six hundred
dollars; or that the Trustees allow him reasonable hire for said
boy while he continues to work on my plantation, as I am
now doing; and that he be charged with the price of said
boy from the first of January 1845. And I having con-
sideration of our professional profits as partners in the law
the two negro boys Bill (or Bucks) & Daniel (son of Lydia)
and the former having been after married worked on my
plantation since January 1845, said Trustees are
also directed to recognize his title as purchaser to both said
last named boys, and also his claim to hire for ^{the} ~~the~~ ^{one} as aforesaid
while he continues to be employed, except so far as I may
make the payments. Ninth It is further my will & ad-
intention that my son Joseph P. shall not be chor-
ged with the land (about four hundred acres part of
my present settlement) which long since & before I
became embroiled, I conveyed to him as an advance-
ment, until he shall receive the actual possession
or profits of the land, as I have continued in the use
and occupancy thereof; and that there be no charge for
the same only a sum owing to its just valuation at that

Time; nor that any of my children be charged with any disbursements
or contemplations of advancement unless such actually receive
the same. & the profits thereof, and then only from the time
so received. Fourth In the event my said Son (Reuben W. Co.)
shall marry before any distribution of my estate as aforesaid
then it is my will and desire that said Trustee advance to him
some two likely young negroes, including any one that he may
have previously received and five hundred dollars in money and
articles necessary to his use, also that previous to his marriage
said Trustee shall from time to time advance to him such small
sums of money for the purchase of medicines and other necessities as
he may need, not exceeding one hundred dollars annually;
and also one of the two negroes above referred to as he or she
may remove from the family residence. Fifth I also will and
desire that in addition to the disbursements hereinabove directed
for the education & necessities of my four younger children,
Benjamin & Milton I, Caroline C. and Olga M., said Trustee
shall whenever any of said younger children shall marry,
or otherwise have special use for more, make to each or either
such just & equitable advances, or payments as nearly as
may be with those previously made to their elder brothers and sisters
under like circumstances, as they may deem proper.
Sixth. In the event my daughter Lane C. Boney, shall
by any means be deprived of the requisite means for her comfortable
support from the provision I have already made for her and
otherwise, in the event the resources of her husband and become
insufficient, before any further distribution of my Estate as aforesaid
then and in that event I will & desire direct that said Trustee
advance to her from time to time, as her exigencies may require
for her separate & exclusive use, and not to go in to the hands of her
present husband, in money and necessary articles such as she
may require, not exceeding one hundred dollars annually for
her self, and twenty five dollars more annually, to be in like
manner disbursed to her for & on account of each of her children
then surviving and for the time being residing with her; and should
she at any time become a widow and be destitute as aforesaid
said Trustee are in that event authorized & required making
adequately to increase the aforesaid advances to her as her situation
may demand. Provide that all the foregoing directions for
the advancements to my said several children are subject
to the variations in respect to the ability of my Estate to make
them as herein before prescribed. Seventh I further will
& desire that the accounts which have been & may be charged
by me in a Blank Book kept among my papers entitled
"Cash & Family account Book," and which may be found
all in my hand writing be regarded by said Trustee as

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advancements of so much to each of my children to whom made
annuity, the same to my dear deceased son and that any further
advancements which I may make during my lifetime to either of the same
or others of my children, and be entered by me in said Family Account
Book, or which from their nature must be presumed to have been in-
tended to be so entered, or otherwise charged, shall by said Trustees
be also regarded and charged in like manner; but it is hereby expre-
ssly provided & declared that all future advancements which may
be made under the authority of this will to or for the use of either of my
daughters, shall be & remain subject to all the conditions and restrictions
in respect to their sole & separate use of the property and interest so advanced
as are here in prescribed in reference to their respective portions, portio-
tions and distributive shares of any Estate under the decisions to be
made as herein provided. And I also by these presents declare
for the information of all whom it may concern, that all notes
& other liabilities heretofore executed or contracted and negotiated to
any Corporations, or individuals containing my name, and those
of my land or either, (as well as the two herein before mentioned as having
been made payable to the Alabama Life Insurance & Trust Co., Mobile,
to which my name does not appear) are my individual debts to
which my land are only sureties or in answer for their names used
for my accommodation) and that all the same, and any others which
may be here in after executed & negotiated for the renewal or exten-
sion thereof, are by said Trustees to be regarded & paid according to
Fifteenth. All the shares, portions, advancements and distribu-
tive interests in or of my Estate real and personal, which each
of my land may receive or be entitled to as here in provided
I do by these presents give devise and bequeath to them respectively,
their heirs and assigns for ever. Fifteenth By these presents I further will
provide and declare as restrictions, limitations, and qualifications
to, and explanations of the several gifts, devise & bequeaths and
advancements, here in provided for each of my said four da-
ughters, the following, that is to say: That all the said shares or
portions real & personal, which may be allotted in the portions
and distributions of my Estate, or otherwise accrue from the
same, to each or either of my said daughters, and all the rents
issues hire of the same & other profits which may arise from the
same, shall be, remain and ensure to them respectively, for their
sole separate & exclusive use benefit and behoof, and for the
use of their legitimate issue respectively; and subject to the
further condition, that in the event they or either of them should
die leaving no such issue, or die without issue of such their
surviving, then immediately the residue & remainder of
all such Estate and property, or the equitable and beneficial
interest therein, shall accrue to and vest in my then surviving
daughters and the legitimate issue of any that may have

then deceased (I wish them be) all the issue of any such deceased
daughter to to represent their deceased mother. I also will & direct that
each of the said portions or shares to my said daughter, and all their de-
vise, bequests and distributions here or interests of my estate, to which she
each or either may become entitled, directly or indirectly under
this will, or otherwise, shall at all times be & remain utterly exempt
& free from & unincumbered by any contracts or responsibilities
for or on account of any husband which has or may at any time
have. And I further will & direct that said Trustee or Trustees
- only or survivors or survivor of them as aforesaid shall by virtue
of their powers, at all times have, retain & possess all the requisite
legal title, power and authority to superintend and protect the said
several interests of their said sister, whether they be married or single
from all molestation, unlawful possession, or unjust use of
the same, or any part thereof by or from and all persons what-
- ever, and I moreover will, devise & direct that said Trustee
or some one of them (by the consent of a majority of others) take receipt
and retain all the portion, allotment and distribution share in & pay
any estate, real & personal, and all interests of every kind which
shall accrue or inure under this will to or for the use of my said
daughter Lane C. Roney, until his or their actual possession can and
manage must, and rent, hire & in all respects control the same
for the most beneficial use & permanent advantage of my said sister
mentioned daughter, during the term of her natural life; and afterwards
- as to & for the use & benefit of her children, as she may have
surviving her, and to the survivors of such children, to be equally
divided between them when the youngest attains the age of twenty
one year or marries; Provided however, that if my said daughter
Lane C. Roney shall survive her present husband, and become wid-
- owed, she shall have the full right, power and discretion and this
same are hereby expressly reserved & declared and secured to her,
at any and all times, after the death of her said present husband, to receive
the possession use & management of all or any part of her said property,
and interest of every kind nature and description (of said said Trustee
shall in their discretion deem it safe and advisable), but in any
event they are to retain the trusteeship of said property & interests as in
the case of their other trusts; And it is by these presents also provided
and declared, that in the event aforesaid, that my said daughter Lane
C. Roney shall become a widow, or in any way entitled to the rights
& privileges of a free male, then & at times thereafter the right power
& discretion is hereby expressly declared reserved & secured
to her, to dispose of all or any part of her aforesaid portion,
allotment and distribution share of my said estate real
& personal, and of all her interest in the same of any
nature or description, by her last will and testament
only and entire and without any thing therein

30^b Contrary to the contrary notwithstanding; especially anything
in this Item contained. Seventeenth And I do also by these
present, invest said Trustees, or the majority of them, or
the survivors or survivor (as the case may be) with sufficient
power and authority at any time when they are either of their
said Sister, or her representatives, as aforesaid or their Guar-
-dians if minors; to whom the particular property or equitable
interest may belong, shall confer in the property of making
any sale or exchange of any portion of said Estate or property
of either of my said daughters, or their representatives, then they
the said Trustees and such beneficiary, whether at the time
married or single, or the Guardian in the case of a minor estate
que tient by Marriage in the requisite deeds of conveyance
may and are hereby authorized and empowered to bargain, sell, exchange
and convey, the said property and estate real & personal, or any
part thereof, to the proper purchaser absolutely in fee simple or other
wise as they may deem available. And they the said Trustees
in any such events or transaction, shall receive the proceeds
of any and all such sales or exchanges; and apply the same to
the purchase of other Estate or property, or receive other estate or prop-
erty in exchange, deemed more beneficial, also to receive all
the rents issues here and other profits, arising and accruing from
any of the said property of either of said beneficiaries and to ac-
cumulate the same by loans on interest, and by reinvesting the
same in the purchase of other property real or personal, for the
use of said respective beneficiaries, or the surplus thereof after
paying the necessary expenses of such beneficiary; and to under-
all such new acquisitions to be duly and legally granted
conveyed & assured to them or either one of them (or more than one)
as Trustee or Trustees as aforesaid, for all or any of said
beneficiaries, from the sale or profits of whose Estate or property
said proceeds may have arisen, having the same and interest
thereof in all respects the same as that from which it proceeds
effectually securing the person or persons duly entitled (then or
afterwards) to such Estate property and interest as when in its
previous state or condition, and said Trustees are required
to have all deed or conveyances or other written evidences
of title which may be so taken, whether for real personal
property duly recorded in the proper offices. Said trustees are
also further authorized & directed in their discretion in reference
to the best interest & greatest safety of said respective bene-
ficiaries, either to rent and hire the said Estate and property
in each particular case, and collect and account as
aforesaid for the proceeds or to place said Estate and property
or part thereof, temporarily in the possession & use of
the particular beneficiary, but then for her or them.

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Sipor & exclusive rule as aforesaid, and in the latter case to vest
in me the possession and particularly control & management of the same
at pleasure, according as they may deem most prudent, economical
safe, and most beneficial to the respective estates & trusts
with the exception however of the case of my said daughter Lou-
-isa Boring, whose husband is so improvident that no part of her money
-est. control or management in any respect whatsoever; but if
by Legislation an actment or other change of circumstances
she should acquire the privilege of a female in respects to
her property and interests generally then and at all times thereafter her
right of disposal, power, privileges and control of & over all her
said property, rights and interests are by said Statute to be enlarged and
extended as herein before provided. Seventeenth I do by these
- presents further will ordain & direct, that if either of my said
- daughters, Mary & Boring wife of J. M. Boring or younger daughters
Caroline & Eliza etc. (both unmarried) should by their last
will & testament duly executed & attested dispose of all or any
part of the Estate property or interests legal or equitable intended
by this will to be provided or secured to her or for the use and be-
-nefit of herself, issue, or others, as in and by the fifteenth Statute
or any other part of this will expressed or declared then & in that
event, any & all such testamentary dispositions by each or either
of my said last mentioned daughters shall be valid and fully oper-
-ative, and shall pass and secure the Estate property or interest
legal & equitable of such testament to her or their respective ex-
-ecutors, or legatees according to the true intent & meaning of my
-said last will & testament; and that such shall be the effect
of any & all such testamentary provisions & dispositions of each
or either of my said named daughters whether at the time of their decease
respectively they be married or single or with or without issue
then surviving. And I further declare and provide that this
Statute shall operate as a qualification & modification to
the extent above mentioned only, of any and every thing in
the said fifteenth Statute or other part of this will expressed
or implied to the contrary. Eighteenth Lastly I do by
these presents constitute and appoint my said sons Louis & Joseph
- Addison J. Newlin W. Benjamin H. and William H. Coffey
or such of them as may qualify and act the authority and
responsibility of the two latter to well and become not until
they respectively attain their majority of age Executors
of this my last will and testament with full author-
-ity to act as such if at any time any other administration
of my Estate be found necessary than the execution of
the various trusts by said trustees acting as such herein
before provided and directed. This my said last will

308 and Testament being all in my own hand Writing, and having my signature duly subscribed by me in the margin of each leaf sheet, this being the twentieth page, and which last will and Testament is also signed & sealed in the usual place & manner at the conclusion being on the twenty-ninth page. And I do by these presents revoke and annul all former Wills and Testaments & Codicils by me at any time heretofore made & etc. extra.

In testimony whereof I have hereunto set my hand & seal this 15th day of December A.D. 1845 (the word "of my daughters" on the 13th page between the words "portions" & "for" interlined, and several words of repetition - and mis-taken erased with the pen before signed & sealed)

Reuben Gafford Seal

The above instrument of twenty-nine pages in covering this (an-
other paper) and to which our names are hereunto subscribed
at witness was on the day of the date thereof duly published
& declared to us by Reuben Gafford the above-named testa-
tor, to be his last will and Testament: and he then ask-
ed names of us, and each of us that we signed, sealed
and published the same for the purposes therein expressed
and we at his request, & in his presence duly subscribed
our names severally hereto on this the thirtieth page
of said instrument as attesting and subscribing
Witnessed to said last Will & Testament this 15th day
of December A.D. 1845 as follows

Matt Gayle of Cahawba Dallas County

Sanford Blann of Cahawba Dallas County

Leander D. Wimmer of Cahawba Dallas County

James H. Hancock of Cahawba Dallas County

State of Alabama & I Reuben Gafford of the
Dallas County — County and State aforesaid, do hereby
publish and declare the following as a Codicil to my last
will and Testament which bears date the 15th day of
December A.D. 1845 duly signed and sealed by me on
the twenty-ninth page thereof, and duly published and
declared on the same day in the presence of Matt Gayle
of Cahawba Dallas County, and others as subscribing witnesses
thereof - which Will and Testament I by this Codicil
intend in no manner to revoke or alter, but to con-
firm the same in all particulars; except so far as
herein expressly varied and altered. By this Codicil
I will and advise to modify & alter said Will and Tes-
tament so far only as related to the provisions therein
made for the use and benefit of my daughter Louisa B. Bury

and her children, and only to the extent herein expressly declared
that is to say, I here provide and direct that the right and title to
the share or portion Real and personal, which may be allotted
on any and each partition & distribution of my Estate, or otherwise
come from the same to or for the use of my said daughter
Jane C and to all the rents, issues, hire of the slaves and other
profits which may arise from the same, shall vest in my said
deceased Trustee as provided in my said Will and Testament and
that the beneficial interest therein shall vest in my said daughter
Jane C and shall be remain and inure to her sole, separate
& exclusive use, benefit and behoof in respect of her issue
during the term of her natural life & subject to the further consent
and qualifications, that in the event she should die leaving
no issue or descendants of her surviving then immediately
the residue and remainder of all such Estate & profits or the
equitable & beneficial interest therein shall come to and
vest in my other surviving daughters & the legitimate issue of
any that may have then died all the issue of any such
deceased daughter to represent their mother but should
my said daughter Jane C die legitimate issue her
her surviving, then her said share, portion or dividend
of my Estate of any kind together with all profits & in-
terests accruing therefrom to be held, appropriated and
directly applied by the said Trustee or one of them to and
for the benefit of such issue and the survivors or
survivors thereof until the youngest shall have at-
tained the age of twenty one years and as much more
as said Trustee may then think (having regard
to their disposition, habits and qualifications & the proba-
bility in place of their father over them) Proper
caution and prudence require for the preservation of all
such property and interests and should all the issue of
my said daughter die without lawful issue of their
own then the remainder of said share, portion or property
to vest in my said other daughters or their representatives
in the same manner as if my said daughter Jane C
had died without issue surviving her as aforesaid
It is however hereby further expressly provided and di-
rected that if my said daughter Jane C should
survive her present husband Dr James King, or be
absolutely divorced from him & her entire marriage
that then and from the date thereof said Trustee shall
hold and apply her said share, portion or dividend of
my Estate to and for her own separate and exclusive
use for ever or in the event of my said daughter
becoming separated by either of the means above

mentioned (but not in the event of her being declared
free dealer as mentioned in my said original will)
then said trustees may in their discretion, permit her
to receive the possession, use & management of all
or any part of her said property and interests of
every kind but not unless they shall then think such
course safe and advisable; but in any event they are
to retain the trust itself as herein above, and in my said
Will provided, whether for the benefit of my said daugh-
ter or her children, or the survivor or survivors of them.
And it is hereby also provided and directed that if my
said daughter Jane E should be come widowed
or absolutely divorced from her said present husband
as aforesaid that then and after the happening of such event
she shall also have the same right and power to bar-
gain and sell and dispose of her said share, portion or
interest in my estate with the aid & concurrence of
said trustees, and the same right to dispose of the
same by her last Will and Testament; as provided
and decreed in my said former Will in reference
to my said other daughters. But this right or power of
bargain & sale, or exchange, or of Testamentary dis-
position, is hereby expressly denied to my said daugh-
ter Jane E so long as she shall remain the wife
the wife of her said present husband, I also by these
presently expressly provide & declare that her said hus-
band James Birney is not to be permitted in any
event, to control, manage or in any way command
the negroes or either one of them, or any part of the
property money, or interests of any kind which may
be partitioned or allotted to any said daughter
Jane E or any other her children, or to which
she or any of them may be come entitled, that
he shall never receive or appropriate in any event,
any portion of said interest nor is she, while his
wife, or either of her children during his life time
to receive the possession or have the use or approp-
riation in individually, of any portion of said
property money or interests arising there from,
except such small sums from time to time
as said trustees may deem it safe and prudent
to place in her hands or in the hands of her chil-
dren after they shall have attained sufficient
age & discretion, and independent of their
father, to render it in the opinion of said trustees

Safe and prudent: the same to be applied to the
proper purposes as said Trustees may approve of my will
and advice being that all such possession, use, control
and appropriation, shall be ever aided by some one of
said Trustees in person or by their proper agent.
Given under my hand & seal this 17th day of October A.D.
1846 (The words "said Trustees")

on 3rd page interlined

The above ~~be~~ or instrument of six pages (including this) to which
our names are herewith subscribed as witnesses, was on this day
being the day of the date thereof, duly acknowledged with the proper
signature & seal of the Testator, Reuben Saffold, & published
& declared to us by the above named Testator to be his last &
only bequest to his last Will & Testament there in execution: and
he also acknowledged to us & each of us, that he signed, sealed &
published the same, for the purposes therein expressed; and we at
his request & in his presence, subscribed our names severally
there to on this the 7th page thereof, as subscribing witnesses
there to, this the said 17th day of October A.D. 1846

Little Bony Vasser

George Goodwin

John Randolph Vasser,

William W Goodwin

The State of Alabama Middle Chancery Division 19th
Chancery District I James L Evans Register in Chancery
for the nineteenth Chancery District of the State of Alabama
Comptroller of the County of Dallas, do hereby certify that the fore-
going instrument of writing purporting to be the last will and
Testament and the bequest thereto of Reuben Saffold decedent
late of said County, was at the June Term ad 1847 of the
Court of Chancery for said 19th District, produced at Cahowka
proven as the last will and Testament of said decedent
And I further certify that it was ordered and decreed
by said Court of Chancery that said last will and Tes-
tament and bequest certified by the Register of said Court
of Chancery to the Orphans Court of the County of Dallas
for registration on the Records of said Orphans Court
which is accordingly done Given under my hand and
~~last~~ private seal having no seal of office at offi-
ce in Cahowka the 25th day of June ad 1847

J. L. Evans Reg^r (Seal)

Recorded the 23rd day of July 1847

Thos. G. McNeill Clerk