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I, John H. Blakney of the County of Warren
& State of Alabama do hereby make public and
publish this my last will & testament, that is to say,
1st I direct my executor hereinafter named to
pay all my just debts from the money now on
hand & the proceeds of my cash - 2nd I give &
bequeath to my Grandson John H. Blakney Son of
my Son Robert a negro boy named Sam
3rd I give & bequeath to my Grand daughter
Sarah Ann Blakney a negro girl named Emily
4th I give and bequeath to my Grandson Joseph Blake
my a negro boy named Calson 5th I give and
bequeath to my Grandson Gideon Blakney a negro
boy named William 6th I give and bequeath
to my Grand daughter Mary & Elizabeth a negro
girl named Charlotte. 7th I give and be-
queath to my wife Polly Blakney the following
Slaves to wit: Julia & her six children to wit, Calvin
Hester, Mary, Juliet & Henry also her two children
Peter and an infant not named also, Albert
William, Dr. Caroline, Rachel, & Phebe. Hannah
Albert & Henry to gether with their future increase, has
the south half of my tract of land on which I now
reside, the dividing line to run east & west so that the
same the half shall include my residence & out buildings
also I give and bequeath to my said wife one half of all
my Stock & farming utensils & some tools & Kitchen
furniture and also my buggy to have and to hold
the property real and personal herein bequeathed & be-
queathed to my said wife for & during the term of her
natural life & at her death to be disposed of or herein
after mentioned. 8th I bequeath & charge to my said
wife Polly Blakney the following Slaves to wit, Huley
Harrison Green and Bart. Richard Caroline also
one half of my Stock & every kind of household
furniture & also the half of my tract of
land on which I now reside not before devised to
my wife which is the north half. I do trust for the
use & benefit of my son Robert H. Blakney & his wife
Mary & the said property is to be held used & man-
aged by the said Polly Blakney, the trustee before named.
And I hereby direct said trustee from time to time
to pay over to my said son Robert such part of the in-
come & said estate (or the whole of it if re-
quired) as may be necessary for the support & well
& reasonable subsistence of my said son & his wife & the
support & education of their children, And I hereby
direct said trustee that in the event my son dies not
lawfully ably the money as paid over to him to the
support & education of himself & family the said
trustee is directed to use & appropriate a portion & suitable
amount for this purpose or to pay the same over to

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the wife of my said son to be used by her in the sup-
port & education of herself & children, the income of
the increase of said trust estate (if any) is to be held
& used by said trustee as a part of the trust estate
upon the death of my said son leaving his wife
surviving him the said trust shall also cease &
determine & the trust estate shall be delivered
over to the widow of my said son to be held & employed
by her during her life for the support & educa-
tion of herself & children & at her death to be equally
divided among the children of my son Robert.
10th I hereby declare it to be my design, in legat-
ing & devising the property in the foregoing items to
my said son & his wife & his children & against any
act of insubordination on his part & also any accident
which may befall him hereafter, 11th And I hereby &
instruct said trustee at any time hereafter to deliver
portion of the personal property before mentioned which
my said son & his wife may desire to have sold & convert
the proceeds of same into property, subject to the pro-
visions of this trust & she shall also have the right
to buy any property which they shall hereafter desire
to have bought with the income of the trust estate or
proceeds of sale of any property which my said son
& his wife direct to be sold, 12th After the termination
of the life estate of my wife in the property before re-
ferred to & devised to her, or in my will & the trustee
then to be appointed by my said son & his wife, or by
his estate take possession of the same & Real & Personal
& to hold & use & employ the same as a portion of
the trust estate created in them during of this my
will & upon the death of my said son & his wife
the same is to be equally divided among the chil-
dren of my said son - provided however any other
child or children shall be born to my said son
I hereby direct said trustee out of the proceeds of
their increase in this then mentioned & after the death
of my wife & before the division among my said son
children & to give & deliver to such child or children
born or may hereafter be born each a negro slave
equal in value to the average value to the negroes
specifically given to my Grand children, so as to make
the same divisions of my property among my Grand
children as nearly equal as possible 13th I hereby
direct said trustee so long as my said son may wish to do
so, to keep all the property before devised & bequeathed
together & to keep up & improve & cultivate the said
plantation & at the end of each year my said
son is to receive one half of the net proceeds of
the income of my said plantation & the other half
to be retained by said trustee under the trust before
created & so long as the said plantation is the prop-
erty the property & the property given to my Grandson

children are to be sold & underyd them on any expense
incident to the raising to the raising of the negroes
then specifically devised to my grand children are to be
paid out of the profits of the plantation. 14th.
The residue of my property of any is to be di-
vided into two equal parts. one half to go to my said
wife & the other half to my said trustee to be held in
possession of the trust estate. If however the said resi-
due or any part thereof consists of money the whole
of it to go to my said wife 15th. I hereby instruct
my said trustee that he is not to pay any debts heretofore
contracted by my said son. Robert, with out the same an
contract by him with the consent of said trustee for the
said son & family & connections of himself
& wife & children. 16th. I hereby authorize my
said executor to pay any debts which are now due &
owing by my said son which were contracted for neces-
saries or reasonable comfort for him self & family &
leaving the same to the discretion of the said my said
executor. 17th. I hereby appoint Edward Bennett my
executor. 18th. It is my will that as long as my said
wife remain living to act as trustee under this my will
that she be required for the faithful discharge of her
duties be required of her by the court.

Witness my hand & seal this 7th Dec. 1856.

Signed sealed & published
in presence by the said
testator each of us here-
by subscribed our names
as witnesses at his request
& in his presence & in the
presence of each other

Charles C. Bennett
Edw. Bennett
James S. Hovey

Witness my hand & seal this 7th Dec. 1856.
I further shew will & de-
clare that at any time
should it become necessary
my wife Sally both in her
own behalf & as trustee
of the trust estate
shall here forever in her
own seal & to the
aid the proceeds of said
sale be applied to the
purpose of paying off the
equal value elsewhere. Section 8. the words to be
equally divided & divided among my grand children on
line 22 & 23 before signing. Section 9. the words
property was awarded as above Section 11. on
line 11th. the words out of was awarded as above
Section 12. the words then to be expressed
by said son & wife interlined at 5th & 6th lines
on section 13 on line 1 the word in trustee is an-
nulled on above the above Appendix was added
previous to signing the will
1. it was } Chas. C. Bennett. Ed. Bennett. James S. Hovey

The State of Alabama }
Meriwether County }
Probate Court held }
15th day of December 1862 }
In the matter of the }
will of John Blackery }

This day came on to be heard
the Probate of the writing here-
fore pronounced as the last
will & testament of John
Blackery deceased & it ap-
pearing that the said will
was duly given by citation to
Mrs Sally Blackery & to Robert Blackery by publication
for three successive weeks in the Indian American News-
paper. The Probate of said will is heard & James S. Hovey
one of the subscribing witnesses to said will being first
duly sworn in open court deposes & states that he
was present on the day said will was made & that I saw the
same with the appended there to signed & published by
said John Blackery as his last will & testament. That
he & Edward Bennett & Dr Charles C. Bennett all subscribed
their names as witnesses at the request & in the
presence of said testator & in the presence of each other
to said will & the appended there to. witness for this
says that said testator was at the time of ex-
ecuting said will of sound & disposing mind & memory.

James S. Hovey,
and it appearing to the court from the testimony
of said J. S. Hovey taken in open court & signed by
him that said will was legally executed. It is
therefore ordered & directed that said instrument be
recorded & recorded in the last will & testament of
said John Blackery deceased & that letters testamentary
may be granted thereon

James S. Hovey
Judge &c.

Last Will of
Augustus Fossow
Dead

I Augustus Fossow of the County of Marengo and State of
Alabama do hereby make and publish this my last
Will and Testament in Marengo and from following tenor:

I first of hereby devise and set apart out of my property
out. Estate the following described real and personal property and effects for
the support and maintenance use and benefit of my wife Matilda
Fossow for and during the term of her natural life to wit: the quarter section of
about eight acres my present residence with the dwelling house out house
buildings and appurtenances which attached thereto belonging. I also designate
and set apart for my said wife One half of my House hold and kitchen
Furniture. Also the following named Negro Slaves to wit: Susan this wife Rhoda
Betty Curry and her wife Fannie and their children Reuben and Rebecca
Also Allen Gorman Hannah and her two children Margaret and Josephine Mary
and her three children Frank Mariah and Harriette Perry Jack and his wife
Eliza Alfred Martha and her child Peter together with the future increase
of the families of said Slaves. I Will devise and bequeath to Bryan W Whitfield
the title to the above described real and personal property set apart and designated for
the support and maintenance use and benefit of my said wife. So that and
upon the signed condition that the said parties should be to release the title
and possession of said property and to take to herself and enjoy the use and
profit thereof for and during the term of her natural life. At the death of my said
wife I hereby will and direct that the foregoing described property real and
personal do by the said Trustee set to upon my youngest daughter Mary H
Whitfield aforesaid as her separate property to hold for and during the term of
her natural life and at her death to be equally divided among her children I
hereby give and bequeath to my said Bryan W Whitfield the sum of Twenty
five thousand and no Cash out of my Estate to be by him as Trustee paid and
some Cash and production there of should or placed at interest on good security
as he may deem best the interest on the same he shall collect annually or
the dividend at such time as they may accrue and pay over the same to my
said wife as long as she may live and at her death the principal shall by
said Trustee be settled upon said estate as my daughter Mary H Whitfield
for and during the term of her natural life and at her death to be divided
second I give and devise to Frances S Lyon as Trustee for the use and benefit of my
daughter Jane the wife of Frederick Fossow the following named negro Slaves together
together with the future increase of the families thereof to wit: Alice Matilda
Cecily and Sarah I Gorman the two latter named being known in possession
Also Orena Little Alice and Rose for the use and benefit and support
support of my said daughter Jane Fossow for and during the term of her natural
life free and exempt from the control possession demands of any third party
I moreover for this further use benefit and support of my said daughter Jane
Fossow give and bequeath to the said Frances S Lyon the sum of Fifty thousand
dollars in Cash out of my Estate to be by him as Trustee used in some safe and
productive Stock or in or placed at interest on good security as he may
in his discretion deem best the interest on the same he shall collect annually
or the dividend at such time as they may accrue and pay over the same to my
said daughter Jane for her sole and separate use and benefit as long as she
may live and in making such payment the receipt of the
said Jane to the said Trustee shall be valid and binding without
her being joined by her husband and at the death of said Jane

The principal of said sum of Fifty thousand dollars shall be paid to the said daughter
Jane in the Children of said Jane. Third - I will and bequeath to Frances S Lyon as Trustee
out of my Estate the sum of One hundred and twenty thousand dollars in money to be by him
as Trustee as aforesaid and at his discretion settle in some safe way for the use and benefit
of said daughter Jane in good security from time to time to amount the interest or dividend as she
may deem best for the said daughter Jane the principal sum and accumulations thereof
after paying to the Trustee a reasonable and proper Commission for managing the fund shall
by said Trustee be equally divided among the several Children of my daughter Jane to wit
Mary H Whitfield the said Trustee in the administration of the fund to employ the same
in such mode as in his judgment he may deem best that he shall only such Cash and delivery
as would be observed by a discreet and prudent person in the management of his own affairs
Fourth - I Will devise and bequeath to my daughter Mary H Whitfield the wife of Bryan
W Whitfield all the real and personal property of my Estate of every kind and description not heretofore
specifically disposed of including all real personal and mixed Estate and moveable and
immovable property of every kind and description not otherwise disposed of as her
sole and separate property to hold for and during the term of her natural life and at her
death to go to be divided among her Children to wit: Frances S Lyon her husband the said
Bryan W Whitfield to have and receive the income and profits thereof during the life term
of her wife the said Mary H Whitfield being liable to account therefor Fifth I hereby appoint
Bryan W Whitfield and Frances S Lyon Executors to this my last will and Testament and exempt
them from giving bond with Security as such Executors.

In Witness whereof I have hereunto set my hand and seal this 27th day of July 1854.

A Fossow (Read) Signed sealed and witnessed by the Testator Augustus Fossow as his last
Will and Testament in presence of the undersigned Witnesses this 28th July 1854

B. H. Allen & C. R. Roney

I Augustus Fossow of Marengo County have heretofore made my last will and Testament
and left the same in the hands of F. S. Lyon of Marengo County for safe keeping. I now will
aforesaid I set apart and bequeathed a certain amount of funds to be by him loaned out or placed in government bonds or other secure and profitable
debt but for a certain period therein named re-secured within the said funds with the
interest thereof to go as aforesaid and provided in said will. Now instead of the time
specified in the will aforesaid during which said funds was to be employed by the
will aforesaid it is my will and desire and thereby direct that said funds
be employed as aforesaid in said will by the Trustee therein named for the period
of five years from the time said will shall take effect. Instead of the time therein
specified when that the proceeds of said funds go as therein directed
I hereby direct this to be attached to my said Will as a Codicil thereto and that
I parcel thereof through my hands back this 27th day of April 1856. A Fossow (Read)
Miner McCashe J. F. Smith

The State of Alabama Probate Court for the 1st Monday day of May
Marengo County A.D. 1856 Now J. A. Young Judge presiding

In the Matter of the Probate of the last Will of Augustus Fossow Dead
This day Came F. S. Lyon and B. W. Whitfield the persons
Nominating as Executors in the aforesaid proposed
as the last will of said Augustus Fossow & Benjamin Can-
dell's Executor Mary E. Spencer & Betsey W. Spencer
the Minor heirs of said Augustus Fossow by Henry & Wofford Esq. and it appearing that
Notice has been given by Affidavit to the heirs at law residing in the State of
Alabama by serving on each of them this day to the same respective heirs
by publication for their successors and in the absence of the same
The Probate of said last will and Testament as by Court record and

And as regards to my, at a term of the Probate Court of Worcester County, Mass. held on the 2nd Monday in June 1864, John Thomas Price being
of further orders were made & procuring had to do.
I ratify the application & on June 20, 1864, and
1864, by the Sec. it appeared that by an act of the Legislature, the Sec.
of Worcester had been authorized to do so, & on June 20,
December 1863, it is provided that upon the petition of the
State of Massachusetts, by the said County of Worcester to remove the said
to the said County of Worcester, the said County of Worcester to remove the said
settlement of said estate to the said County of Worcester, the said County of Worcester
to remove the said estate to the County of Worcester, and the said County of Worcester

of Probate of said County, shall make out & certify to the Court of Dallas County a full & complete Transcript of all the proceedings of said Court in relation to the Probate of the Will of said William McHugh and the carrying out of said Transcript with the Will of said William McHugh in the Probate Court of Dallas County and the execution of the proper Bonds by the said James Cuthbert the Probate Court of Dallas County shall give authority to said James Cuthbert as the Executor of said William McHugh and shall become invested with a full & complete Jurisdiction over the Estate of said deceased as if he had died in Dallas County and shall execute all the provisions of the law in relation to said Estate as if said Estate had original Jurisdiction of the Estate; It is further ordered by the Court that a full & complete Transcript of all the proceedings of this Court in relation to the Probate of the Will of said William McHugh be certified to the Probate Court of Dallas County as provided in and upon said act and that the original Will be removed to said Probate Court of Dallas County as further provided in said act.

Ja. D. Henry
Judge

1864

END

FILM EMULSION NUMBER

0 119 171

FILM UNIT SER. NO.

GS1 5435

PROJECT NUMBER

ALA 1 — 046

ROLL NUMBER

12

LOCALITY OF RECORD

MARENGO COUNTY ALA

TITLE OF RECORD

WILL RECORD A

ITEM NUMBER

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