

Floyd County Will Book B, p. 230 et seq.
No. 153 (1864)
State of Georgia)
Floyd County)

Know all men by these presents that I, John Bale of the State aforesaid being in perfect health and sound mind do hereby in my own hand writing, will and bequeath all my Estate as follows

As to the Disposal of my body, I feel no particular Interest - If I possess an immortal principle, the Disposition of It is beyond my control, nor do I hesitate in person to leave it to the direction of the great first cause and supporter of my existence whose leading Attributes I suppose to be benevolence wisdom and prudence.

It is my wish that ten shares (10) of Georgia Rail road stock, be set apart for a benevolent purpose, the dividends of which to be paid semi annually for Twenty five (25) years as follows - about the first day of December each year, the Two magistrates of the precinct of Goshen Cherokee County Alabama or in the absence of one or both of them substitutes to be provided from the most convenient magistrates or from the most reputable land holders of the neighborhood, whose business it shall be to select five (5) of the most respectable land holders of the precinct, living at remote distance from each other, who with themselves are to form a committee of seven (7) persons, to determine who is the most worthy unmarried woman eligible between the ages of eighteen (18) and twenty eight (28) years of age to Receive the under written bounty residing within five (5) miles of the post office of Goshen Alabama.

That on Christmas Day or there abouts of each year they or as many of them as can conveniently attend at Goshen do award to the female determined by the committee of seven (7) to be the most meritorious, the dividends for the next year accruing from the above amount of Georgia Rail road Stock, and that a certificate from one or both of the magistrates certified to by the Clerk of the County court, shall be sufficient to allow said dividends for the year next ensuing. I will further and [sic] that the particular items of merit, to consist first, of a kind, human, and industrious disposition, secondly, neatness without extravagance [sic] of personal attire, united to neat orderly and economical domestic management.

No woman eligible to receive this bounty for more than one year, nor any one to be eligible who is in her own right the owner of any land or slaves or whose parent is the owner of more than one slave, or a property of over two thousand Dollars (2000) value should the female entitled

decease previous to the payment of the above bounty, whatever remains unpaid to be added to the amount awarded to the most meritorious of the ensuing year. It is also my desire that on the day the above award is made that a public advertisement be written and posted at Goshen stating the name and residence of the female entitled together with an extract from my will containing a statement of the items of merit and conditions on which such bounty is bestowed. It is also my wish that to each and every young woman who has become entitled to the above bounty previous to my Decease, that each one be entitled to & should Receive semi annually, as they become due the dividends derived from three (3) shares of Georgia Rail road stock for life, or the term of Twenty five (25) years and at the expiration of that period, a right-in full to the said three (3) shares of Rail road stock, to be made in full to each and every one that has survived; all of which dividends and principle, only upon condition that each female make an affidavit before some Justice of the peace, that she has not smoked Tobacco or had snuff or Tobacco in her mouth, for the space of Twelve (12) months previous to my Decease, nor up to the time of making such affidavit, and that said affidavit be inserted in some convenient newspaper. At this time Miss Kiddy Jane Graham, Miss Louisa S. Moon and Miss Hortense Harris, are entitled by complying with the above conditions.

I do also Determine that in the matter of my annual prize [sic] to meritorious young women that if there be a failure to award the same, at the time specified, I do hereby permit this the said award may be made at any other convenient period not to exceed six (6) months from the time designated, but if said award is not made by that time or if said award is not paid to the party or person who is appointed to represent said party for the space of nine (9) months from the time said award becomes due, then the ten (10) shares of Georgia Rail Road stock, together with forty (40) more shares, in all fifty (50) shares of said stock from my estate, be conveyed in trust to the Mayor and Corporation of the city of Augusta Georgia, and their successors in office to be applied to the use & benefit of the Orphan Assylum of said City.

I do also give and bequeath to Mary Ann Helmington, of Floyd County, a young female partly raised by Dr. Kinard, Three (3) shares of Georgia Rail Road stock, and to Miss Edwina Green, Daughter of Newton Green also three (3) shares, in the same way and upon the same tobacco and snuff conditions, principal and dividends as I have directed and have Divised to Miss Kiddy Jane Graham and the other young women who have received my annual first Twenty five years before the principle [sic] be paid should the parties survive. I deem also that the dividends of five (5) shares of Georgia Rail Road stock be given to Miss Mathilda Van der Corput of Cherokee County Alabama for the term of Twenty

five years or her life at the expiration the principle in full of said five (5) shares, should she survive to that period. For certain sufficient reasons I direct that Marion Savage and his wife Frances M. Savage be entirely Disinherited from all Interest or benefit in my estate, and that they be not allowed any money or property from my estate, but that the amount of said share be equally divided between the husbandless Daughters of my Daughter Emily in addition to their regular inheritance or failing such between her two youngest surviving children or the survivor of them.

I do also direct that in the event of the Death of either or all my sons before me on the shares received the full amount of what I leave to him or them as the case may be that said amount do immediately revert back to my estate for the benefit of my other heirs or legatees. It is my wish that so much in amount as my Daughter Josephine may be entitled to be given in corporation stocks commencing with Georgia Rail Road, Atlanta, West point Rail Road in as nearly as convenient equal portions providing however that not more than half of her legacy be in Georgia Rail Road if they be insufficient then the ballance to be taken from Augusta or Atlanta Gas Company stocks in about equal proportions all of which to be put at regular appraised prices not to exceed Par. And it is my desire that none of my stocks in Roads, be charged more than a par price, to any of my heirs or legatees, with the interest added thereto from the date of the last payment or dividend. My Daughter Josephine's portion I desire to convey in trust for her use to her two youngest Brothers, and for her to receive the regular Dividends thereof as they become due, the principle to remain as an undivided part of my estate during her lifetime, or the period of the final distribution of my estate, providing however that my said Sons, do not become disqualified to fulfill said trusts (habits of Intemperance or Gaming to be considered as disqualified for) At her decease the property to regularly pass to her children. It is my wish should my Daughter Josephine decease that the dividends from said stock be placed either in the Georgia Rail Road Bank or in some responsible Savings Bank or otherwise securely invested in the purchase of Rail Road or other such stock, excepting so much of said dividends, as shall be absolutely required for the education of either of said children until it becomes of age, so much of said dividends to be strictly applied to that and when of age each child to receive its full share with all the accumulations. Should either of my sons die or refuse to act as trustees then the proper legal authorities to make up the Deficiency. It is my wish that my sons act as trustees and manage the affairs in full of my Daughter Josephine and her children unless there be some more formidable objection than I can at this time suppose as my Son in Law B.S. Harbour by his drinking propensities has Destroyed all my

confidence in him. It is my particular Desire that he be not allowed to have any management or control of the above named property or any portion of my estate should he or any future husband of my Daughter Josephine Make or present any suit for Money or property from my Estate, then the payments to my daughter Josephine and her children to be immediately stopped and perfected, till double the amount received including all cost directly or indirectly incurred, in Defense against such suit whether gained or otherwise to be retained to my Estate.

Should it at any time become indispensably necessary that either of my sons who will act as trustee or any other trustee, who will act for my Daughter Josephine or her children to visit Augusta or any other place to attend to the business connected with said trust, that said individual be allowed all necessary expenses, in addition to a moderate compensation for the time necessarily consumed in the trip to be paid out of my Estate. It is my wish that with the exception of a power of Attorney to one of my sons James A., Charles R. or Alfred F. Bale that no money be paid to my order or power of Attorney. If my Daughter Josephine Harbour, but only to her in person while she is of sound mind and competent to the transaction. It is my wish that my wife have during her lifetime a child's part or one third of my estate at her option, and that she Phebe G. Bale and my sons Alfred F., Charles R. and James A. Bale, or the survivor of them, act as Executors of this my will, and that my wife be exempted from all requirement of security. This is my last will, and it is my desire that all others be considered as void and of no effect. It is my wish that my Son Alfred F. Bale be charged three (300) hundred Dollars for assessment of goods with which he commenced business in Georgia. I desire that there be no other charge made against any of my children. It is my wish that my Granddaughter Emma Josephine Glover, should she survive receive from my Estate one fourth of what would have been her Mother's share and no more and should she decease whatever remains unpaid before the time for a final distribution to revert to my Estate. [de?? and in one ?? made next correction ???] in relation to Miss Van der Corput, mostly previous to my signature she is to have the dividends of five (5) shares of Georgia Rail Road stock, and at the end of Twenty five years, the principle should she survive. I leave to my wife all my Books and Papers together with a silver spoon given to me at my Birth by my Grandfather Bale, marked with the Initials J.B. It is my wish that my Entire Estate be not Distributed till Twenty (25) Five years [elapsel], at that time my annual Donation to meritorious young women to cease and the principle of Rail road stock from which said prizes and dividends to revert to my estate. It is my wish that none of my property be put up to sale but to be apportioned in suitable and equal lots, according to the number of my children or the parties

legally entitled to represent them and that a copy of the articles comprising said lots to be given to each of my heirs at least one week previous to the time of Distribution.

It is my wish that such Bonds as belong to my estate remain in the hands of my Executors till maturity at which time the bonds or their proceeds to be distributed. The stocks to remain till each corporation closes its business or till the period of twenty years after my decease. Signed and sealed in the presence of each other and at this Twenty (22) second October Eighteen Hundred and Sixty (1863) three 1863.

John Bale [SEAL]

M.F. Kinard
William T. Terry
Geo. K. Green

Georgia)
Floyd County)

Before me came on the 16th day of February 1864 At Chambers for the purpose of Proving the Last will and testament of John Bale and one of the Witnesses to said will vis William Terry and the will having been before that time brought before me for probate by one of the Executors Charles R. Bale who has filed a petition for the same he the said Witness depose of the same that he saw said John Bale sign and publish the same as his last will on the day and year it purports to have been written as executed by him that he witnessed the same at his request also did M. F. Kinard and George K. Green who are now in the Confederate Army in his presence and in the presence of each other that the same was voluntarily Executed by him while he was of sound disposing mind and memory sworn to and subscribed before me the 16th February 1864.

Jesse Lamberth, ordinary.

William Terry

Georgia)
Floyd County)

By Jesse Lamberth ordinary of said County. Know all whom it may concern that on the 16th day of February 1864 the last will and Testament of John Bale deceased, and at the time of his death a resident of said County was legally proven in vacation and at a regular Term of the Court of ordinary of said County held on the first Monday in March 1864 was admitted to record a copy of which is annexed duly certified at which time an order was also taken to allow P.G. Bale and C.R. Bale named executrix and Executor in said will to quallify and that letters testamentary should issue to them upon qualifying as such Executrix and Executor. Now

therefore the said P.G. Bale and C.R. Bale having taken the oath of office and complied with all necessary form [?] of the Law said P.G. Bale and C.R. Bale is legally authorized to discharge all the duties of Executrix and Executor on the will of John Bale to administer the property of said deceased which is devised according to the will and the law of the Land and said P.G. Bale and C.R. Bale are hereby required to make a true [?] and perfect Inventory and appraisement of all and singular the goods and chattles rights and credits of said deceased and make returns of them to the Ordinary of said County and further to report annually to the same office the situation of said Estate their actings and doings untill this executrix & Executorship is fully discharged. Given under my hand and seal of office At office Rome Georgia March 7th 1864.

Jesse Lamberth Ordinary

Recorded March 31st A.D. 1864

Jesse Lamberth ordinary