

POWHATON TONEY CEMETERY, 67 - 1

Summary Report



Powhatan-Toney Cemetery, Redstone Arsenal TA6, Madison Co. AL, March 4, 2003

(Contract archaeologist Jeff Thomason preparing to enter the cemetery.)

This cemetery is one of three known burial grounds in Test Area 6. Each of them has only one inscribed tombstone found to date. The inscribed stone in the Powhatan Toney Cemetery is for Millie Horton, January 12, 1898 – September 9 (or 4?), 1936.



Powhatan-Toney Cemetery, Redstone Arsenal TA6, Madison Co. AL, March 4, 2003

Finding Millie Horton in census records takes some persistence and deductions. What is known is that the census of the cemetery area was taken along routes known as the Huntsville – Triana Road and the Pond Beat Road in 1920 and 1930. In some census years, the area was part of the Madison Precinct or the Triana Precinct. In 1930 it was part of Whitesburg Precinct 6.

X 368364	Madison, H.	Son	M	B	20	8			Alabama	Alabama	6
	Jacobs, Abbie	Head!	R	M	B	14	8		Alabama	Alabama	6
	Mary	Daughter			B	12	3		Alabama	Alabama	6
	Leona	Daughter			B	10	8		Alabama	Alabama	6
X 368365	Scruggs, Corina	Head!	R	F	B	17	11		Alabama	Alabama	6
	Martha	Wife			B	10	11		Alabama	Alabama	6
X 368366	Rodes, Miriam	Head!	R	F	B	43	11		Alabama	Alabama	6
	William	Daughter			B	23	11		Alabama	Alabama	6
	Henry	Daughter			B	26	11		Alabama	Alabama	6
	Epist	Wife			B	29	11		Alabama	Alabama	6
X 368368	Houston, Edd	Head!	R	M	B	40	11		Alabama	Alabama	6
	Willie	Wife			B	30	11		Alabama	Alabama	6
	John	Daughter			B	13	11		Alabama	Alabama	6
	Lucas	Head!	R	M	B	43	11		Alabama	Alabama	6
821365370	Golden, Sam	Head!	R	M	B	23	11		Alabama	Alabama	6
	Susie	Wife			B	20	11		Alabama	Alabama	6
71366571	Humphrey, Lina	Sister			B	11	11		Alabama	Alabama	6
	Clay	Daughter			B	30	11		Alabama	Alabama	6
	Cressie	Daughter			B	13	11		Alabama	Alabama	6
821368372	Horton, Millie	Head!	R	F	B	33	11		Alabama	Alabama	6
	Turner, Willie	Head!	R	M	B	30	11		Alabama	Alabama	6
	Sarah	Wife			B	27	11		Alabama	Alabama	6
	Colwell, Lula	Sister			B	30	11		Alabama	Alabama	6
X 368373	Bell, Paul	Head!	R	M	B	40	11		Alabama	Alabama	6
	Largie	Wife			B	35	11		Alabama	Alabama	6
	Marion	Daughter			B	15	11		Alabama	Alabama	6
	Cristina	Daughter			B	13	11		Alabama	Alabama	6
	Charlie	Son			B	11	11		Alabama	Alabama	6
	Clara	Daughter			B	9	11		Alabama	Alabama	6

1920 Madison County AL, E.D. 123, page 15A, Huntsville City, Madison Street: Millie Horton

This Millie Horton in the 1920 census (when only heads of household were listed in the index of Ancestry.com) was age 33. That would make her born about 1887, not 1898 as the tombstone showed.

1930 Madison County AL Enumeration District 18, Sheet 3-A, Whitesburg Precinct, Pond Beat Road: George & Milberda Horton

This 1930 census record for a Milberda Horton, wife of George, states that she was age 21 in that year. If this possibility were our Millie of interest, she would have been born about 1898 per the tombstone, not 1909 as shown in the census. The 1930 census index on Ancestry.com is an “every name” index, and the only “Mil--- Horton” in Madison County in that year is the one above, within the accuracy of the index preparers’ interpretations.

However, as the 1920 every name census index was just added (September 2005) to Ancestry.com’s on-line census service, it was re-checked. The 1920 index for Millie had her recorded as “Millie Harton”, wife of Robert. A close look at the census page image shows that it is indeed the Millie Horton of interest, per the tombstone, and the Madison County marriage records show that Millie was a Toney prior to her marriage at age 14:

Horton, Robert (c)	Toney, Millie	19 Jan 1912	Vol. 37 p. 237
--------------------	---------------	-------------	----------------

STATE Alabama

1920 E.D. 132, Sheet 12-A DEPARTMENT OF COMMERCE-BU

COUNTY Madison

FOURTEENTH CENSUS OF THE UNITED STATES

TOWNSHIP OR OTHER DIVISION OF COUNTY Triana Precinct

NAME OF INCORPORATED PLACE

NAME OF INSTITUTION X

ENUMERATOR

PLACE OF ABODE	NAME	RELATION	SEX	AGE	MARITAL STATUS	CITIZENSHIP	EDUCATION	Place of Birth of each person and	
								PERIOD	Place of Birth
1	2	3	4	5	6	7	8	9	10
	Nault Addie	Mother-in-law	F	66	W	66	W	Alabama	Alabama
226257	Sullivan Tom	Head	M	69	W	69	W	Alabama	Alabama
	Ida A	Wife	F	66	W	66	W	Alabama	Alabama
227258	Cotwright Gus	Head	M	28	B	28	No/No	Alabama	Alabama
	Fannie	Wife	F	27	B	27	No/No	Alabama	Alabama
	Sara	Daughter	F	9	S		No	Alabama	Alabama
	Marion	Daughter	F	4	S			Alabama	Alabama
	Thompson	Daughter	F	2	S			Alabama	Alabama
	Customa	Daughter	F	1	S			Alabama	Alabama
	Beasley Frank	Grandfather	M	75	W		No/No	Alabama	Alabama
229259	Banks Sam	Head	M	21	S		W	Alabama	Alabama
	Rice Mary Lee	Mother	F	47	W		No/No	Alabama	Alabama
	Della	Daughter	F	19	S		No/No	Alabama	Alabama
	Marion	Daughter	F	13	S		No/No	Alabama	Alabama
	Rubie	Son	M	5	S		No/No	Alabama	Alabama
229260	Fields George	Son	M	1	S		No/No	Alabama	Alabama
229261	Fields Smith	Head	M	24	W		No/No	Alabama	Alabama
	Lucie	Wife	F	22	W		No/No	Alabama	Alabama
	Luther	Son	M	2	S		No/No	Alabama	Alabama
230261	Fields Richard	Head	M	68	W		No/No	Alabama	Alabama
	Alice	Wife	F	69	W		No/No	Alabama	Alabama
	Jefferson Gladie	Granddaughter	F	15	S		No/No	Alabama	Alabama
232263	Kelley Darryl	Head	M	47	W		No/No	Alabama	Alabama
233264	Whittington Ernest	Head	M	36	W		W	Alabama	Alabama
	Rosie Lee	Wife	F	22	W		W	Alabama	Alabama
	Ernest	Son	M	2	S			Alabama	Alabama
	Rubie	Daughter	F	1	S			Alabama	Alabama
234265	Horton Robert	Head	M	23	W		No/No	Alabama	Alabama
	Millie	Wife	F	22	W		W	Alabama	Alabama
	Robert	Son	M	6	S		No/No	Alabama	Alabama
235266	Horton William	Head	M	34	W		No/No	Alabama	Alabama
	Carry	Wife	F	37	W		W	Alabama	Alabama
	William	Son	M	17	S		No/No	Alabama	Alabama
236267	Hulet Wash	Head	M	49	W		W	Alabama	Alabama
	Adeline	Wife	F	40	W		No/No	Alabama	Alabama

The complete page image is provided on the CD-ROM supplied to Army offices, but basically both Robert and Millie were shown as born of parents who were both born in Alabama. Both worked on a farm, with Robert's occupation listed as "Farmer". The William Horton living next door was probably a brother of Robert. Millie may well have "company" in the cemetery from both families, as well as from others of their 1920 neighbors.

With Millie's maiden name being Toney, she was most likely related to Powhatan Toney, the namesake for the cemetery. The 1900 census shows a "Minnie Lee Toney" as a 2-yr-old child in the household of her parents:

1900 E.D. 108, Sheet 11-B TWELFTH CENSUS OF THE UNITED STATES

State Alabama
 County Madison
 Township or other division of county Acrcinct 7
 Name of incorporated city, town, or village, within the above-named division, Vriana
 Enumerated by me on the 14 day of June, 1900, Chas. G. Dill

SCHEDULE No. 1.—POPULATION

IN CITIES.	LOCATION.	NAME	RELATION.	PERSONAL DESCRIPTION.							NATIVITY.		
				Sex	Color or race	Age at last birthday.	Whether deaf, dumb, or blind.	Number of years married.	Married in this country.	Place of birth of this person.	Place of birth of Father of this person.	Place of birth of Mother of this person.	
		Mathew Robert	Head	B	M	Mar 1866	34	M	14		Alabama	Alabama	Alabama
		Robert J	Son	B	M	Jan 1886	14	S			Alabama	Alabama	Alabama
		Peter	Son	B	M	Mar 1898	12	S			Alabama	Alabama	Alabama
		Change	Son	B	M	Feb 1890	10	S			Alabama	Alabama	Alabama
		Morrison	Son	B	M	Mar 1892	8	S			Alabama	Alabama	Alabama
		Jennie	Daughter	B	F	Apr 1894	6	S			Alabama	Alabama	Alabama
		Anderson Math	Boarder	B	F	Jun 1870	29	S			Alabama	Alabama	Alabama
		Toney Chas Rhee	Head	B	M	Oct 1848	51	M	21		Alabama	Alabama	Alabama
		Rinda	Wife	B	F	Mar 1862	38	M	11 7		Alabama	Alabama	Alabama
		Elyabeth	Daughter	B	F	Mar 1853	17	S			Alabama	Alabama	Alabama
		Franklin	Son	B	M	Nov 1884	11	S			Alabama	Alabama	Alabama
		Ambress	Son	B	M	May 1891	9	S			Alabama	Alabama	Alabama
		Edwin	Daughter	B	F	July 1893	6	S			Alabama	Alabama	Alabama
		Minnie Lee	Daughter	B	F	Aug 1897	2	S			Alabama	Alabama	Alabama
		Beada	Daughter	B	F	May 1900	1/2	S			Alabama	Alabama	Alabama
		Bolton Chas. 1/3	Head	B	M	July 1844	56	M	3		Alabama	Virginia	Virginia
		Lena	Wife	B	F	May 1864	36	M	3 0		Alabama	Virginia	Alabama
		Hillman Mary A	M-in-law	B	F	Oct 1834	65	M	1 1		Alabama	Tennessee	Alabama
		Toney Lee 1/9	Head	B	M	Jan 1844	56	M	18		Alabama	Virginia	Alabama
		Malinda	Wife	B	F	Aug 1856	43	M	16 13 9		Alabama	Alabama	Alabama
		Wagner	Son	B	M	May 1884	16	S			Alabama	Alabama	Alabama
		Charles	Son	B	M	Mar 1886	14	S			Alabama	Alabama	Alabama
		Thurston	Son	B	M	Jan 1889	11	S			Alabama	Alabama	Alabama
		Puttin R	Daughter	B	F	Oct 1891	8	S			Alabama	Alabama	Alabama
		Mary Ann	Daughter	B	F	Mar 1894	6	S			Alabama	Alabama	Alabama
		Mattie Lee	Daughter	B	F	Apr 1896	3	S			Alabama	Alabama	Alabama
		Laura	Daughter	B	F	Mar 1898	2	S			Alabama	Alabama	Alabama
		Betts Domin 2/3	Head	B	M	Mar 1840	60	M	14		Alabama	Alabama	Alabama

"Minnie" was the closest to "Mille" for the expected age in the 1900 census.

The 1880 census of course wouldn't include Millie Horton or anyone else born in 1898, but it does have a **Powhaton Toney** (namesake of the cemetery):

1880 Madison County, AL, Census Excerpts

Census Place: Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 144B

	Relation	Sex	Marr	Race	Age	Birthplace
Frank TONEY	Self	M	M	B	27	AL
Winey TONEY	Wife	F	M	B	22	AL
John TONEY	Son	M	S	B	8	AL
Mary TONEY	Dau	F	S	B	5	AL
Smith TONEY	Son	M	S	B	1	AL

Census Place: Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 144B

	Relation	Sex	Marr	Race	Age	Birthplace
Eliza RAGLIN	Self	F	W	B	40	AL
Rachel RAGLIN	Dau	F	S	B	20	AL
Sallie RAGLIN	Dau	F	S	B	18	AL
Matilda RAGLIN	Dau	F	S	B	14	AL
Perlina RAGLIN	Dau	F	S	B	11	AL
Mason PARKER	GSon	M	S	B	1	AL

Census Place: Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 144B

	Relation	Sex	Marr	Race	Age	Birthplace
Rueben RAGLIN	Self	M	M	B	55	AL
Lettie RAGLIN	Wife	F	M	B	54	AL

Census Place: Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145C

	Relation	Sex	Marr	Race	Age	Birthplace
Major TONEY	Self	M	M	B	55	AL
Jane TONEY	Wife	F	M	MU	45	AL
Kate TONEY	Dau	F	S	B	20	AL
Straughter TONEY	Son	M	S	B	15	AL
Pow Tan TONEY	Son	M	S	B	13	AL
Charley TONEY	Son	M	S	B	21	AL
Rose ARNETT	GDau	F	S	B	5	AL
Faney ARNETT	GDau	F	S	B	3	AL
Samuel TONEY	Son	M	S	B	19	AL

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145C

	Relation	Sex	Marr	Race	Age	Birthplace
Ned KELLEY	Self	M	S	B	49	AL

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145C

	Relation	Sex	Marr	Race	Age	Birthplace
Rueben TONEY	Self	M	W	B	63	TN
Riley TONEY	Son	M	S	B	17	AL
Harris TONEY	Son	M	S	B	14	AL
Henry TONEY	Son	M	S	B	12	AL

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145C

	Relation	Sex	Marr	Race	Age	Birthplace
Susan TONEY	Self	F	W	B	24	AL
Charley TONEY	Son	M	S	B	6	AL
Alexandra TONEY	Son	M	S	B	3M	AL

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145C

	Relation	Sex	Marr	Race	Age	Birthplace
Sam ARNETT	Self	M	M	MU	56	AL
Louisa ARNETT	Wife	F	M	B	50	NC
Kate ARNETT	Dau	F	S	MU	20	AL
Sannie ARNETT	Son	M	S	MU	18	AL
Virginia ARNETT	Dau	F	S	MU	16	AL
Manday ARNETT	Dau	F	S	B	14	AL
Eliza ARNETT	Dau	F	S	B	12	AL
Ellen ARNETT	Dau	F	S	B	12	AL
Oler ARNETT	Dau	F	S	B	8	AL
Lovenia ARNETT	Dau	F	S	MU	6	AL
Edgar ARNETT	Son	M	S	B	3	AL
Lucy ARNETT	Mother	F	W	B	70	VA

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145C

	Relation	Sex	Marr	Race	Age	Birthplace
Isom HATON	Self	M	M	B	27	AL
Mattie HATON	Wife	F	M	MU	23	AL
Mattie I. HATON	Dau	F	S	B	10M	AL

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145C

	Relation	Sex	Marr	Race	Age	Birthplace
Randal THOMPSON	Self	M	M	B	51	AL
Mary THOMPSON	Wife	F	M	B	30	AL
Elliott THOMPSON	Son	M	S	B	17	AL

John THOMPSON	Son	M	S	B	15	AL
Millie THOMPSON	Dau	F	S	B	12	AL
Randal THOMPSON	Son	M	S	B	11	AL
Pollie THOMPSON	Dau	F	S	B	10	AL
Manday THOMPSON	Dau	F	S	B	7	AL
Albert THOMPSON	Son	M	S	B	4	AL

Census Place: Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145C

	Relation	Sex	Marr	Race	Age	Birthplace
Bona TONEY	Self	F	M	B	27	AL
Laura TONEY	Wife	F	M	B	23	AL
Olley TONEY	Son	M	S	B	2	AL
Thomas TONEY	Son	M	S	B	1	AL

Census Place: Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145D

	Relation	Sex	Marr	Race	Age	Birthplace
Edwin TONEY	Self	M	M	W	28	AL
Annie TONEY	Wife	F	M	W	23	TN
Mary B. TONEY	Dau	F	S	W	5	AL
Edwin TONEY	Son	M	S	W	3	AL
Tom B. PARR	Other	M	S	W	17	AL

Census Place: Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145D

	Relation	Sex	Marr	Race	Age	Birthplace
Major TONEY	Self	M	M	B	26	AL
Perlina TONEY	Wife	F	M	B	22	AL
Mathis TONEY	Son	M	S	B	2	AL
Davy CROCKETT	Other	M	S	B	11	AL

Census Place: Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145D

	Relation	Sex	Marr	Race	Age	Birthplace
Taylor RAGLIN	Self	M	M	B	58	AL
Betsey RAGLIN	Wife	F	M	B	60	AL

Census Place: Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 145D

	Relation	Sex	Marr	Race	Age	Birthplace
Bettie WADKIN	Self	F	W	B	30	AL
Lettie WADKIN	Dau	F	S	B	8	AL
Lewis WADKIN	Son	M	S	B	5	AL
George WADKIN	Son	M	S	B	4	AL
Jefferson WADKIN	Son	M	S	B	3	AL

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 146A

	Relation	Sex	Marr	Race	Age	Birthplace
Ellen WADKINS	Self	F	S	MU	30	MO
Louella WADKINS	Dau	F	S	B	14	AL
Malissa J. WADKINS	Dau	F	S	B	12	AL
James N. WADKINS	Son	M	S	B	8	AL
Mattie WADKINS	Dau	F	S	B	4	AL
Josaphine WADKINS	Dau	F	S	B	1	AL

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 146A

	Relation	Sex	Marr	Race	Age	Birthplace
Carrie BRADFORD	Self	F	S	B	22	AL
Dora BRADFORD	Dau	F	S	B	1	AL

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 146A

	Relation	Sex	Marr	Race	Age	Birthplace
Aaron MCCALLEY	Self	M	M	B	44	AL
Francis MCCALLEY	Wife	F	M	B	30	AL
Ellen MCCALLEY	Dau	F	S	B	10	AL
Willie MCCALLEY	Son	M	S	B	7	AL
Johnney MCCALLEY	Son	M	S	B	4	AL
Mary F. MCCALLEY	Dau	F	S	B	2	AL

Census Place:Township 5, Madison, Alabama

Source: FHL Film 1254022 National Archives Film T9-0022 Page 146A

	Relation	Sex	Marr	Race	Age	Birthplace
Ben BRADFORD	Self	M	M	B	72	VA
Mary BRADFORD	Wife	F	M	B	60	AL
Ben BRADFORD	GSon	M	S	B	13	AL
Sidney BRADFORD	GDau	F	S	B	12	AL
Peter LACY	GSon	M	S	B	9	AL

TONNEY	FROM	TO	Acres	Value	Deed	
Annie Lou	United States of America	"	142.351	"	"	
"	Mary E	"	142.351	2.25	30	
"	Mary	"	142.351	3.35	31	
Eileen	"	"	142.378	3.14-35	14	
Eileen	"	"	142.378	"	"	
Helene	Pot	United States of America	142.678	3.21-35	11	
Harmon	"	"	142.678	"	"	
Ellie Kathan	"	"	142.524	4.3-05	4	
Kate Millard	"	"	142.551	4.9-35	17	
Kathryn D	Trust Banking Co	771 Co	212.279	"	"	
at	Jimmie By Reg	Mary O Robertson	Deed	144.126	6.22-35	6
"	Mary	Powhatan	United States of America	144.167	7.22-35	7
"	Mary	Powhatan	United States of America	142.677	1.23-35	8
Annie Lou	Spring Hill Methodist	Spring Hill Methodist	142.552	0.11-35	0	
"	"	Benwood Bros	144.301	"	"	
"	Pot	Sam Logan et	144.227	11.02-35	31	

(Expanded view below)

"	at	Jimmie By Reg	Mary O Robert
"	"	Powhatan	United States of
"	Mary	Powhatan	United States of
"	Annie Lou	Spring Hill Metho	
"	"	Benwood Bros	

This index segment shows Powhatan Toney, as a Trustee of the Low and Spring Hill Methodist Episcopal Churches, selling land to the TVA in 1935, per Deed Book 144, page 167. It also shows that Powhatan and his wife Mary sold more land to the TVA per Deed Book 142, page 677. These deeds are shown below:

WARRANTY DEED

MAD. Co. AL
Deed Book 142
Page 677

677

Mary Toney & Husband,

to The United States of America

THE STATE OF ALABAMA, COUNTY OF MADISON.

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of
Nine Hundred Seventy and no/100 ----- (\$ 970.00) dollars,
cash in hand paid to the undersigned by the United States of America, the receipt of which is hereby acknowledged, we the
undersigned grantors,

Mary Toney and husband, Powhatan Toney.

have this day bargained and sold, and by these presents do hereby grant, bargain, sell and convey unto the United States of
America, the following described tract or parcel of land, lying and being in

Madison County, Alabama, and more particularly bounded and described as follows:

A tract of land lying in Madison County, State of Alabama, in Township five (5) south, Range
two (2) west, and more particularly described as follows: The northeast quarter (NE $\frac{1}{4}$) of
the northeast quarter (NE $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$) of section eleven (11). The west
half (W $\frac{1}{2}$) of the southeast quarter (SE $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of section twelve.

All of the above described land contains thirty and five-tenths (30.5 A.) acres, more or
less, being farther known as tract WR 708 as shown on map 8-212 prepared by the engineers
for the Tennessee Valley Authority.

TO HAVE AND TO HOLD the said tract or parcel of land unto the said United States of America, its successors and as-
signs, in fee simple forever; and for the consideration aforesaid, we do for ourselves, for our heirs, executors and administra-
tors, successors and assigns, covenant to and with the said United States of America that we are lawfully seized and possessed
in fee simple of said tract or parcel of land; that we have a good and lawful right to sell and convey the same as aforesaid; that
the same is free of all encumbrances, and that we will forever warrant and defend the title thereto against the lawful claims
of all persons whomsoever.

It is understood and agreed that wherever in this instrument the singular number is used, it applies to the plural if and
when necessary, and that when the plural is used, the plural likewise applies to the singular if and when necessary.
IN WITNESS WHEREOF we have hereunto set our hands this the 23 day of August, 1935.

Mary Toney
Powhatan Toney

THE STATE OF ALABAMA, COUNTY OF MADISON.

I, W. E. Butler, Judge of Probate, a Notary Public, in and for said county, in said state, hereby certify that
Mary Toney and husband, Powhatan Toney

whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that,
being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this the 23 day of August, 1935

(SEAL)

W. E. Butler, Judge of Probate Notary Public

THE STATE OF ALABAMA, COUNTY OF MADISON.

I, W. E. Butler, Judge of Probate, a Notary Public, in and for said county, in said state, do hereby certify that
on the 23 day of August, 1935, came before me the within named Mary Toney

known to me (or made known to me) to be the wife of the within named Powhatan Toney

who, being by me examined separate and apart from the husband touching her signature to the within deed,
acknowledged that she signed the same of her own free will and accord, and without fear, constraints, or threats on the part
of the husband.

Given under my hand and official seal of office, this the 23 day of August, 1935

(Seal)

W. E. Butler, Judge of Probate Notary Public

THE STATE OF ALABAMA, COUNTY OF MADISON.

I, W. E. Butler, Judge of Probate, do hereby certify that the within conveyance was filed in my office for record on the
23 day of August, 1935 at 12 o'clock - M., and duly recorded.

W. E. BUTLER, Judge of Probate.

Stp \$1.00

MAD. Co. AL
Deed Book 142
Page 167-168

Warranty Deed

L. G. Fields et als Trustees
to
The United States of America

The State of Alabama
Madison County.

Know all men by these presents, that for and in consideration of the sum of Four Hundred Twenty-five and no/100 (\$425.00) dollars, cash in hand paid to the undersigned, by the United States of America, the receipt of which is hereby acknowledged, we the undersigned grantors, L. G. Fields, as Pastor of the Spring Hill Church, and Powhatan Toney, Pitts Griffin, and Andy Cowan, as Trustees of the Quarterly Conference of Lowe and Spring Hill Churches, Huntsville District, Central Alabama Conference of Methodist Episcopal Church, have this day bargained and sold, and by these presents do hereby grant, bargain, sell, and convey unto the United States of America, the following described tract or parcel of land, lying and being in Madison County, Alabama, and more particularly bounded and described as follows:

A tract of land lying in Madison County, State of Alabama, in Township five (5) South, Range Two (2) West, and more particularly described as follows:

A portion of the north half (N $\frac{1}{2}$) of the south half (S $\frac{1}{2}$) of the South half (S $\frac{1}{2}$) of Section Two (2) and more particularly described as follows:

Beginning at a point in the east line of the southwest quarter (SW $\frac{1}{4}$) of Section Two (2) approximately eight hundred ninety (890) feet north of the southeast corner of the southwest quarter (SW $\frac{1}{4}$) of Section Two (2), a corner of the lands of James Tillman Williams and Miss Annie Lou Toney; thence west with Miss Annie Lou Toney's line twenty-five (25) feet to a point; thence north two hundred ten (210) feet to a point; thence east twenty-five

feet to a point in the east line of the southwest quarter (SW¹/₄) of section Two (2) a corner of the lands of Miss Annie Lou Toney, and James Tillman Williams, thence east with James Tillman Williams's line eighty (80) feet to a point, a corner of the lands of James Tillman Williams, and Arthur Ragland et al; thence south with Arthur Ragland's line two hundred ten (210) feet to a point, a corner of the lands of Arthur Ragland et al and James Tillman Williams; thence west with James Tillman Williams' line eighty (80) feet to the point of beginning.

The above described land contains five-tenths (0.5) of an acre, more or less, being further known as Tract WR 835, as shown on map 8-212.1, prepared by the engineers of the Tennessee Valley Authority.

To have and to hold the said tract or parcel of land unto the said United States of America, its successors and assigns, in fee simple forever; and for consideration aforesaid, we do for ourselves, for our heirs, executors and administrators, successors and assigns, covenant to and with the said United States of America that we are lawfully seized and possessed in fee simple of said tract or parcel of land; that we have a good and lawful right to sell and convey the same as aforesaid; that the same is free of all encumbrances, and that we will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

It is understood and agreed that wherever in this instrument the singular number is used, it applies to the plural if and when necessary, and that when the plural is used, the plural likewise applies to the singular if and when necessary.

In witness whereof we have hereunto set our hands and seals on this the 25 day of July, 1935.

L.G. Fields (Seal)
As Pastor of the Spring Hill Church

Powhatan Toney (SEAL)
As Trustee of the Quarterly Conference of Lowe and Spring Hill Churches, Huntsville District, Central Alabama Conference, of Methodist, Episcopal Church.

Witness:-

Sub J. Coker

MAD. Co. AL
Deed Book # 142
Page 124 (1935)

his
Pitts X Griffin (SEAL).
mark

As trustee of the Quarterly Conference of Lowe and Spring Hill Churches, Huntsville District, Central Alabama Conference of Methodist Episcopal Church

his
Andy X Cowan (SEAL)
mark

As trustee of the Quarterly Conference of Lowe and Spring Hill Churches, Huntsville District, Central Alabama Conference of Methodist Episcopal Church.

The State of Alabama
Madison County

I, W.E. Butler, Judge of Probate in and for said County, in said State, hereby certify that L.G. Fields, whose name as Pastor, of the Spring Hill Church, and Powhatan Toney, Pitts Griffin and Andy Cowan, whose names as Trustees of the Quarterly Conference of Lowe and Spring Hill Churches, Huntsville District, Central Alabama Conference, of Methodist Episcopal Church, are signed to the foregoing conveyance and whose names known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, in their capacity as such Pastor and Trustees, executed the same voluntarily on the day the same bears date.

(Seal)

Given under my hand and official seal of office this the 25 day of July, 1935.
W.E. Butler, Judge of Probate.

The deed below shows Riley Toney in 1905 selling the land to Powhatan Toney (and other Trustees) for the Spring Hill M. E. Church.

MAD. Co. AL
Deed Book 93
Page 460-1

Riley Toney and wife
To
Powhatan Toney Etal } State of Alabama
Madison County

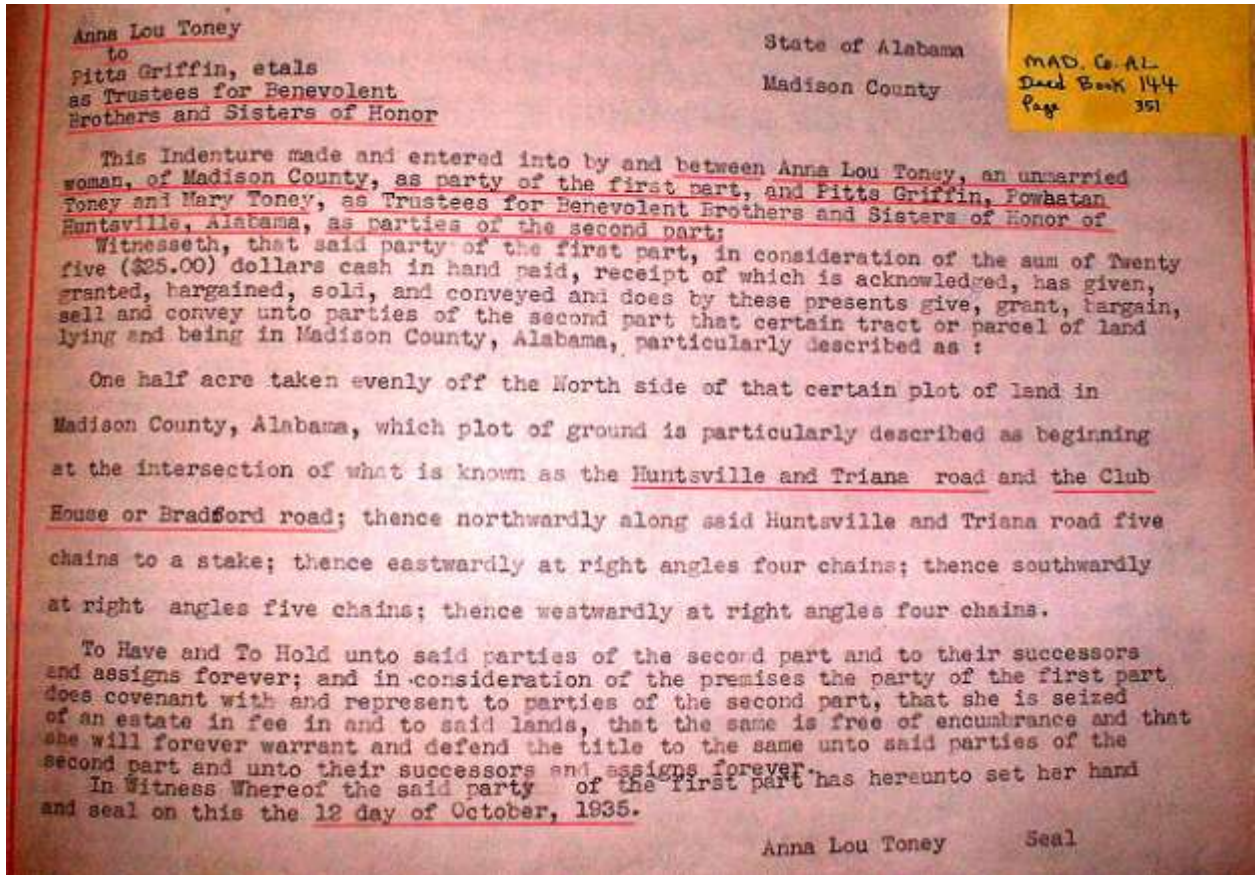
This indenture made and entered into this the 29th day of April 1905 between Riley Toney and his wife Bessie Toney of the County of Madison State of Alabama, parties of the first part and Powhatan Toney, Harris Toney and Samuel Arnett, of the County of Madison State of Alabama, parties of the second part. Witnesseth that the said Riley Toney and his wife Bessie Toney for and in consideration of Fifteen Dollars (\$15.00) to them in hand paid by the said Powhatan Toney Harris Toney and Samuel Arnett Trustees in Trust, and their successors in office for the Methodist Episcopal Church and known as Spring Hill Church for the use and benefit of the ministry and membership of said Church in the United States of America subject to the discipline, usage, and ministerial appointments of the said Church as from time to time authorized and declared, and if sold the proceeds shall be disposed of and used in accordance with the provision of said discipline. The receipt is hereby acknowledged, has this day given, granted, bargained, conveyed and confirmed and by these presents do give, grant, bargain sell, convey and confirm unto the said above named Trustees

in trust and their successors in office for the use and benefit of the above named Church all that certain lot of land, lying and being in the County of Madison, State of Alabama, known and described as follows, to-wit:

As being in Township 5 Range 2 West and being a part or parcel of land conveyed to us by deed November 28th 1904, by Harris Joney Ellen Joney, and Pitta Griffin, see deed Book Vol. 93 page 285. The land herein meant to be conveyed is described as being One half (1/2) acre beginning at a point on the Keaton Road, and running East along said road One Hundred and five (105) feet, to land of the Brothers and Sisters of Honor, and thence North with said land Two Hundred and Ten (210) feet to lands of the under-signed, and thence West with the lands of the under-signed, One hundred and five (105) feet thence South with lands of the under-signed Two hundred and ten (210) feet to the Keaton road. The place of beginning and containing One half (1/2) acre off the west side to have and to hold the above described said one half (1/2) acre with the tenements and appurtenances thereunto belonging or anywise appertaining unto the said Trustee, in trust and their successors in office for the use above described and assigns forever, and the said Riley Joney and his wife Sallie Joney for themselves their heirs executors and administrators do hereby warrant and will forever defend the title to the above described and hereby granted unto the said Trustee in trust and their successors in office against ourselves our heirs and all and every person or persons claiming or holding under us the said Riley Joney and his wife Sallie Joney or the claims or demands of all and every person or persons, whomsoever. In testimony whereof the said Riley Joney and his wife Sallie Joney hereunto subscribe our names and affix our seals the day and year above written.

Riley Joney (Seal)
Sallie Joney (Seal)

The deed below shows land sold to Powhaton & Mary Toney plus Pitts Griffin for the use of the “Brothers and Sisters of Honor”, as mentioned in the deed above, which was for the Spring Hill M. E. Church. This deed also mentions several roads in the area. The Huntsville and Triana Road (also called a “Pike” in other instances) was what is now called Anderson Road.



The deed below shows the purchase of the East Half of the Northeast Quarter of Section 11, Township 5 South, Range 2 West, by Powhaton Toney in December of 1904 from the American Freeholder Land & Mortgage Company of London, Limited. The transaction was executed by an agent in New York. This purchase was for the land where the Powhaton Toney Cemetery is located now.

MAD. G. AL
Deed Book 93
Page 390

W.D. Lowrey, Jr.
Judge of Probate,
The American Freehold and Mortgage Company of Louisiana

American Freehold and Mortgage Company of Louisiana
The State of New York
New York County } Now all men by these
promises that for and in consideration of five
hundred and sixty & 00/100 dollars to the American Freehold
and Mortgage Company of Louisiana limited, its heirs and assigns by
Powhatan Toney of Madison County State of
Alabama the receipt whereof is acknowledged
it the said American Freehold and Mortgage
Company of Louisiana limited, acting by its
attorney, does grant bargain sell and convey
unto the said Powhatan Toney the following
described real estate to wit:

The East half of the North East quarter (2 1/2
of NE 1/4) of section eleven (11) in Township
five (5) Range (2) two West containing exactly
(40) acres more or less, situated in Madison
County Alabama

To have and to hold to the said Powhatan Toney
his heirs and assigns forever. And said
Company do for it self covenant with the
said Powhatan Toney his heirs and assigns
that it is lawfully seized in fee simple of said
premises; that they are free from all incum-
brances and that it has a good right to sell &
convey the same as a free title that it will
warrant and defend the same to the said
Powhatan Toney his heirs and assigns
forever against the lawful claims of all persons
In witness whereof its said attorney has hereunto
set his hand and seal this 12th day of December

W.D. Lowrey, Jr.
Judge of Probate

The American Freehold and Mortgage Company of Louisiana
By Benjamin C. Arall, Jr.
Attorney in fact

While Powhatan Toney was a landowner and Trustee of two churches (at the same time), he also had adverse experiences with the legal system of Madison County. There were several "Certificates of Judgment" by the Circuit Court against him. Some of them are shown below. The first one is in favor of the Henderson National Bank, and that bank building (with its name embossed) is still standing on the west side of the courthouse square in Huntsville.

128

MAD. Co. AL
Circuit Court
Certificate of Judgment
Book 10 page 128

The Henderson Natl Bank
a corporation organized and
existing under the laws of the United States
Plaintiffs.

No. *vs.* *Powhatan Toney*
Defendants.

I, *Jas G Stagner* Clerk of the *Circuit* Court,
for said County and State, hereby certify that on the *18th* day of *September*, 193*3*
The Henderson National Bank organized and existing under the laws of
the United States Plaintiff, recovered of *Powhatan Toney*
Defendant
in the *said* Court of said County, Judgment for
the sum of *one hundred sixty seven and 50/100* Dollars,
and for the further sum of *Nine and 00/100* Dollars
costs of suit, and that *Watts & White* is Plaintiff's Attorney
of Record; that said Plaintiff is owner of said Judgment, and that no property of Defendant is exempt from levy and sale hereunder.
Given under my hand, this *12* day of *Oct*, 193*3*
 Jas G Stagner
Clerk Circuit Court

THE STATE OF ALABAMA, MADISON COUNTY.
I, THOMAS W. JONES, Judge of Probate in and for said County and State, do hereby certify that the foregoing Certificate of the
 Clerk of the *Circuit* Court of said County, was filed for registration
on the *17* day of *Oct*, 193*3*, at *2 35* o'clock *P*. M., and duly recorded on same day.
WITNESS, this *12* day of *Oct*, 193*3*
 Thomas W. Jones
Judge of Probate

Jeanette Metzger
 Plaintiffs.
 No. *Parishattan Joney* vs. *Jeanette Metzger*
 Defendants.
 I, *James G Stogner Clerk* of the *Circuit* Court,
 for said County and State, hereby certify that on the *17th* day of *December*, 193*3*
 Plaintiff, recovered of *Parishattan Joney* Defendant
 in the *Circuit* Court of said County, Judgment for
 the sum of *one hundred thirty three and 63/100 -* Dollars,
 and for the further sum of *Nine and 70/100 -* Dollars,
 costs of suit, and that *W J Price* is Plaintiff's Attorney
 of Record; that said Plaintiff is owner of said Judgment, and that no property of Defendant is exempt from levy and sale hereunder.
 Given under my hand, this *18* day of *Dec*, 193*3* *James G Stogner*
Clerk Circuit Court

THE STATE OF ALABAMA, MADISON COUNTY.
 I, THOMAS W. JONES, Judge of Probate in and for said County and State, do hereby certify that the foregoing Certificate of the
Clerk of the *Circuit* Court of said County, was filed for registration
 on the *18* day of *Dec*, 193*3*, at *10:30* o'clock *A*.M., and duly recorded on same day.
 WITNESS, this *18* day of *Dec*, 193*3* *Thomas W Jones*
 Judge of Probate.

R P Wudem
 Plaintiffs.
 No. *J S Reed* vs. *Annice Young*
 Defendants.
 I, *Annice Young Clerk* of the *Inferior* Court,
 for said County and State, hereby certify that on the *20* day of *Dec*, 193*3*
 Plaintiff, recovered of *J S Reed* Defendant
 in the *said* Court of said County, Judgment for
 the sum of *Seventy Six + 60/100 -* Dollars,
 and for the further sum of *Two + 85/100 -* Dollars,
 costs of suit, and that *Lavin + Pude* is Plaintiff's Attorney
 of Record; that said Plaintiff is owner of said Judgment, and that no property of Defendant is exempt from levy and sale hereunder.
 Given under my hand, this *29* day of *Dec*, 193*3* *Annice Young*
Clerk Inferior Court of Shille

THE STATE OF ALABAMA, MADISON COUNTY.
 I, THOMAS W. JONES, Judge of Probate in and for said County and State, do hereby certify that the foregoing Certificate of the
Clerk of the *Inferior* Court of said County, was filed for registration
 on the *29* day of *Dec*, 193*3*, at *11:30* o'clock *A*.M., and duly recorded on same day.
 WITNESS, this *29* day of *Dec*, 193*3* *Thomas W Jones*
 Judge of Probate.

MAD. Co. AL
 Circuit Court
 Certificate of Judgment
 Book 10 Page 147

496

For Value received the sum of \$1000 (10) acres of land on the SW part of the North East 1/4 Section Eleven (11) Township 5 Range 2 West and 12 N. 70. 1/2 Acres by deed of James Smith hereinafter referred to as Plaintiff and for Value received the sum of \$3200 (3200) Dollars by deed of James Smith hereinafter referred to as Defendant in and to the Plaintiff J. M. Matthews

IN THE Circuit COURT

OF MADISON COUNTY, ALABAMA.

1836 vs.

Plaintiff.

Prokattan Toney

Defendants.

Date of Judgment J-19-1922
Amount of Judgment for Damages 2402.36
Amount of Costs 1.50

Carter McKie Clerk of the Circuit Court

Do said County and State, hereby certify that on the 19 day of May 1922 J. M. Matthews Plaintiff recovered of Prokattan Toney Defendant

In the Circuit Court of said County, Judgment for the sum of Four Hundred Two & 34/100 Dollars and for the further sum of Nine & 7/100 Dollars costs of suit, and that H. E. Smith is Plaintiff's Attorney

Given under my hand, this 31 day of May 1922

Carter McKie Clerk Circuit Court

MAD. Co AL Circuit Court Certificate of Judgment Book 6 page

THE STATE OF ALABAMA, MADISON COUNTY.

I, THOMAS W. JONES, Judge of Probate in and for said County and State, do hereby certify that the foregoing Certificate of the Clerk of the Circuit Court of said County, was filed for registration on the 31 day of May 1922, at 4 o'clock P.M., and duly recorded on same day.

WITNESS this 31 day of May 1922

Thos. W. Jones Judge of Probate

Vertical handwritten notes on the left margin, including 'Prokattan Toney' and other illegible text.

Vertical handwritten notes on the right margin, including 'Carter McKie' and other illegible text.

Noted and paid in full
Dec 17 1923 Farmers Cotton Oil & Fertilizer Co.

Farmers Cotton Oil & Fertilizer Co. a corporation
- Plaintiffs.

vs.
P. J. [unclear] [unclear]
- Defendants.

Plaintiffs recovered of
P. J. [unclear] [unclear]
the sum of
and for the further sum of
costs of suit, and that

IN THE Superior COURT

OF
Huntsville
MADISON COUNTY, ALABAMA.

Date of Judgment 12/22 1923
Amount of Judgment for Damages \$ 65.00
Amount of Costs \$ 2.60

1923

Defendant
Judgment
Dollars
Dollars
is Plaintiff's Attorney

MAD. Co. AL
Certificate of Judgment
Book 7
Page 191

Given under my hand, this 11 day of Jan 1923
[Signature]

THE STATE OF ALABAMA, MADISON COUNTY.

I, THOMAS W. JONES, Judge of Probate in and for said County and State, do hereby certify that the foregoing Certificate of the
Clerk of the Superior Court of said County, was filed for registration on the 12
day of Jan 1923, at 11:30 o'clock A.M., and duly recorded on same day.

WITNESS this 17 day of Jan 1923
[Signature] Judge of Probate

MAD. Co. AL
Circuit Court
Certificate of Judgment
Book 2, page 783

W. L. Halsey Grocery Company
a corporation

Plaintiffs.

No. *Parhatan Joney*

Defendants.

Carter H Rice Clerk of the Circuit Court,
for said County and State, hereby certify that on the *18* day of *May* 192*5*

Plaintiff, recovered of *Parhatan Joney*

in the *Circuit* Court of said County, Judgment
for the sum of *One hundred two and 28/100* Dollars
and for the further sum of *Nine and 25/100* Dollars
costs of suit, and that *Watts & White*

is Plaintiff's Attorney of Record; that said Plaintiff is owner of said Judgment, and that no property of Defendant is exempt from levy and sale hereunder.

Given under my hand, this *23* day of *May* 192*5*

IN THE *Circuit* COURT

OF

MADISON COUNTY, ALABAMA.

Date of Judgment *May 18 1925*

Amount of Judgment for Damages, *\$ 202 28*

Amount of Costs, *\$ 9 75*

Carter H Rice Clerk of the Circuit Court, 192*5*

W. L. Halsey Grocery Company a Corp. Carter H Rice

Parhatan Joney Defendant

W. L. Halsey Grocery Company Plaintiff

Watts & White Plaintiff's Attorney

THE STATE OF ALABAMA, MADISON COUNTY.

I, THOMAS W. JONES, Judge of Probate in and for said County and State, do hereby certify that the foregoing Certificate of the

Carter H Rice Clerk of the Circuit Court,
day of *May* 192*5*, at *11* o'clock A. M., and duly recorded on same day.

Court of said County, was filed for registration on the *23*

WITNESS this *23* day of *May* 192*5*

Thos W Jones Judge of Probate.

W. L. Halsey Grocery Company
a corporation

Plaintiffs.

No. *E. V. Sandree* vs.

Defendants.

Carter H Rice Clerk of the Circuit Court,
for said County and State, hereby certify that on the *18* day of *May* 192*5*

Plaintiff, recovered of *E. V. Sandree*

in the *Circuit* Court of said County, Judgment
for the sum of *One hundred fifty three and 28/100* Dollars
and for the further sum of *Nine and 25/100* Dollars
costs of suit, and that *Watts & White*

is Plaintiff's Attorney of Record; that said Plaintiff is owner of said Judgment, and that no property of Defendant is exempt from levy and sale hereunder.

Given under my hand, this *23* day of *May* 192*5*

IN THE *Circuit* COURT

OF

MADISON COUNTY, ALABAMA.

Date of Judgment *May 18 1925*

Amount of Judgment for Damages, *\$ 153 28*

Amount of Costs, *\$ 9 75*

Carter H Rice Clerk of the Circuit Court, 192*5*

W. L. Halsey Grocery Company a Corporation

E. V. Sandree Defendant

W. L. Halsey Grocery Company Plaintiff

Watts & White Plaintiff's Attorney

THE STATE OF ALABAMA, MADISON COUNTY.

I, THOMAS W. JONES, Judge of Probate in and for said County and State, do hereby certify that the foregoing Certificate of the

Carter H Rice Clerk of the Circuit Court,
day of *May* 192*5*, at *11* o'clock A. M., and duly recorded on same day.

Court of said County, was filed for registration on the *23*

WITNESS this *23* day of *May* 192*5*

Thos W Jones Judge of Probate.

Tenne. Chem. Co. a
 corp.

IN THE Circuit COURT
 OF
 MADISON COUNTY, ALABAMA.

No. 3971 vs. Plaintiffs.
Powhattan Toney
 Defendants.

Date of Judgment: Oct 17 1927
 Amount of Judgment for Damages, \$ 551.13
 Amount of Costs, \$ 9.10

Carter H. Rice, clerk of the Circuit Court,
 for said County and State, hereby certify that on the 17 day of Oct. 1927
 Plaintiff, Tenne. Chemical Co. a corp.
 recovered of Powhattan Toney Defendant.

in the Circuit Court of said County Judgment
 for the sum of Five Hundred Fifty One & 13/100 Dollars
 and for the further sum of Nine & 10/100 Dollars
 costs of suit, and that David W. Crayton is Plaintiff's Attorney

of Record; that said Plaintiff is owner of said Judgment, and that no property of Defendant is exempt from levy and sale hereunder.

Given under my hand, this 19 day of Oct 1927
Carter H. Rice
Clerk of Circuit Court

THE STATE OF ALABAMA, MADISON COUNTY.

I, THOMAS W. JONES, Judge of Probate in and for said County and State, do hereby certify that the foregoing Certificate of the
Court of said County, was filed for registration on the 19
 day of Oct 1927, at 12:30 o'clock P. M., and duly recorded on same day.

WITNESS this 19 day of Oct 1927
Thomas W. Jones
 Judge of Probate.

MAR. Co. AL
 Circuit Court
 Certified of Judgment
 Book 8, Page 199

In February of 1928 Powhatan Toney claimed the Northeast Quarter of S11, T5-R1W, as his homestead. This was done for tax reduction purposes, and may have also entitled him to claim its exemption from seizure for debts at the time.

MAD. Co. AL
CLAIMS OF EXEMPTIONS
BOOK E
page 123

State of Alabama
Madison County

Before me, Rachel Tomlinson, a Notary Public for and for said County and State this day personally appeared Powhatan Jones, who being by me first duly sworn hath depose and say that he is a resident citizen of Madison County, Alabama; that he has selected and claims as a homestead exemption under the constitution and laws of the State of Alabama, all of his right, title, interest and claim in and to the following described tract or parcel of land lying and being in Madison County, State of Alabama to wit:

The North east quarter of Section 11, Township 5 Range 2 West, excepting therefrom approximately eleven (11) acres in the South west part thereof, said tract herein claimed as exemption being less in area than 160 acres, and the interest of applicant therein being less in value than Two Thousand (\$2,000.00) Dollars.

Powhatan Jones

Sworn to and subscribed before me this 23 day of February 1928

Rachel Tomlinson
Notary Public

Filed this 24 day Feb. 1928 at 2 PM and duly recorded
Shoy vs Jones
Judge of Probate.

The mortgage record below shows Mary Patton as a widow. She borrowed \$200 in September 1941, using her homesteaded land as collateral. The mortgage was paid in December 1941.

MAD. Co. AL
MORTGAGE RECORD
BOOK PAGE(S)
305 50

STATE OF ALABAMA,
MADISON COUNTY

Know All Men by These Presents: That, Whereas I the undersigned Mary Joney, a widow
justly indebted to Mrs. Florence H. Speake
in the sum of Two Hundred and no/100 Dollars
~~with out interest~~
and payable as follows: Two Hundred and no/100 Dollars (200.00) on or before
January 1, 1942

And, Whereas I am anxious to secure the payment of said debt, principal and interest when due:
Now therefore, in consideration of the premises and said sum of \$ 200.00 to me in hand paid by said Mrs. Florence H. Speake
the receipt of which is hereby acknowledged, I the undersigned Mary Joney, a widow
do hereby grant, bargain, sell and convey to the said Mrs. Florence H. Speake
the following described real estate situated in Madison County, State of Alabama, viz:

Northeast quarter except N 1/4 of N 1/4 and except 11.30 acres
in southwest part of south half, and except 1 acre due east
of 11.30 acres, this one acre, Camp property, all being
in Section 11, Township 5, Range 2 West, containing 140.30
acres.

Endorsed on original has been paid and
satisfied in full on the 6th day of December, 1941

Witness M. H. Lanier Mrs. Florence H. Speake

To Have and to Hold, with the rights, privileges, tenements and appurtenances thereto belonging or in any way appertaining, to the said
Mrs. Florence H. Speake her heirs and assigns forever.
And I the said Mary Joney, a widow do hereby covenant with
the said Mrs. Florence H. Speake her heirs and assigns
that I am seized in fee of the above described property and have a good legal right to sell and convey the same; that the same is free from encumbrances
and that I will forever warrant and defend the title thereto against the lawful claims and demands of all persons whomsoever.

But this conveyance is upon condition that if I pay said debt, principal and interest, when due, and keep the taxes paid on said property before the
same become delinquent, and keep the improvements on said property insured against loss by fire and tornado in a sum and with a company satisfactory to the mort-
gagor or holder of this mortgage, then this conveyance to be void; but should I fail to pay said note when due, or any annual
installments of interest when due, or any tax against said property before the same becomes delinquent, or to keep up said insurance as aforesaid then, or in either
such event, the said Mrs. Florence H. Speake or the holder of the mortgage is authorized to declare the
entire debt, principal and interest, immediately due and payable; and may take possession of said property, and, after giving three weeks notice of the time, place and
terms of sale, with a description of the property, by advertisement once a week for three successive weeks in some newspaper published in Madison County, Alabama,
may sell said property to the highest bidder for cash, in front of the Court House door in the City of Huntsville, Alabama, or at other public places to be designated in
said advertisement; and may become the purchaser at said sale, and may execute a deed to the purchaser; or the auctioneer conducting the sale is authorized to execute
such deed. And the proceeds of such sale, or of any sale of said property under proceedings in a court of equity foreclosing this mortgage, shall be applied:

- FIRST—To the payment of the costs and expenses of foreclosing this mortgage, including a reasonable attorney's fee therefor;
- SECOND—To the payment of amount, principal and interest, due on said note, together with any taxes on said property or insurance premiums which the
mortgagee, or holder of mortgage, may have paid, with legal interest thereon from the time of such payment; and
- THIRD—The balance, if any, to be paid to the undersigned Mary Joney

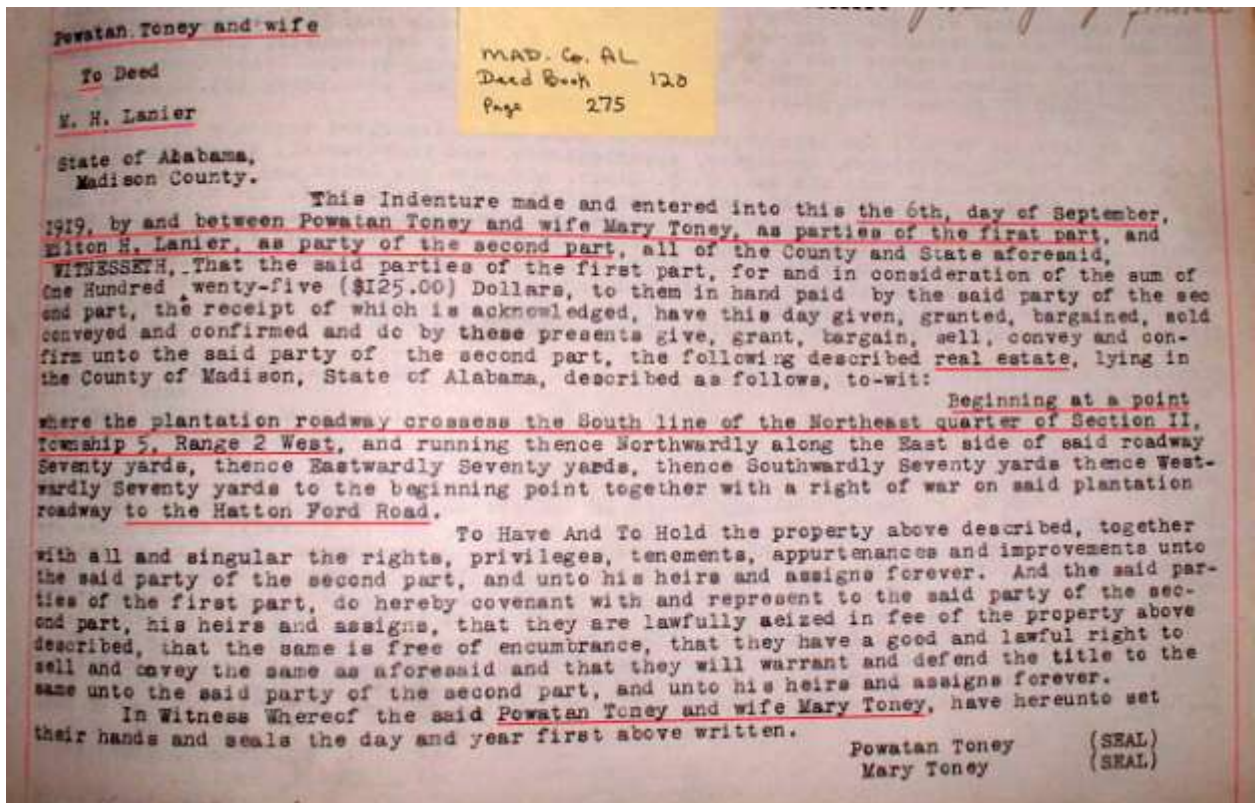
In witness whereof, I have hereunto subscribed my name and affixed my seal, this 27 day of
September, 1941 Mary Joney (SEAL)
(SEAL)
(SEAL)
(SEAL)

State of Alabama—Madison County
I, J. R. Barkley Notary Public in and for said County in said State,
hereby certify that Mary Joney, a widow

whose names is signed to the foregoing mortgage and who made known to me, acknowledged before me on this day, that, being informed of
the contents of said mortgage, executed the same voluntarily on the day the same bears date. Given under my hand this 27 day of
September, 1941 J. R. Barkley Notary Public

State of Alabama—Madison County

The 1919 land transaction below shows Powhatan & Mary Toney selling land to Milton H. Lanier. The instrument mentions several old roads of the area as boundaries for the parcel.



Milton H. Lanier was a white lawyer who not only purchased the above parcel of land from Powhatan Toney, but he also witnessed several of the Toney land transactions. It is likely that he was considered the “family lawyer” by the Toney. Milton H. Lanier is shown below in the 1920 census for reference, one year after the above transaction was conducted.

OLD LAND RECORDS OF MADISON COUNTY, ALABAMA, by Margaret Matthews Cowart

TOWNSHIP		RANGE		HUNTSVILLE MERID			
5 South		2 West					
DESCRIPTION OF THE TRACT		AREA		UNITED STATES TITLE	Date of Sale Location or Grant	Number of Certificate or Warrant	Date Milit Ac
PART OF SECTION	Section	Acres	100ths	TO WHOM SOLD OR GRANTED			
Page 112	(10)	639.88					
North East ¼	"	159.97		State *River Impts Saml Hattin J. B. Horton	23 May 1828 6 Jul 1830/41 28 Jul 1830/41	*Memo *Vol 6, p *Vol 6, p	
North West ¼	"	159.97		Harris Toney, Asse	4 Feb 1818	98	
E ½ of SE ¼	"	79.88 ½		John Rowe, Jr.	6 Dec 1832	5805	
W ½ of SE ¼	"	79.88 ½		John Cartwright, Asse	4 Feb 1818	1301	
South West ¼	"	159.97		Edward Dillard, Asse	4 Feb 1818	1274	
	(11)	641.40					
North East ¼	"	160.35		Samuel Hatton, Asse	28 Jun 1831	942	
North West ¼	"	160.35		Jno. Rowe, Jr. & Wm. Oliver, Asse	25 Jun 1831	868	
South East ¼	"	160.35		John H. Lundy, Asse (Hundley?)	2 Jun 1831	633	
NE ¼ of SW ¼	"	40.08 ¾		John Rowe, Jr.	6 Dec 1832	5804	
NW ¼ of SW ¼	"	40.08 ¾		John Cartwright	4 Jun 1832	4899	
S ½ of SW ¼	"	80.17 ½		Edmund Ayres	4 Sep 1833	6365	
	(12)	643.76					
E ½ of NE ¼	"	80.47		Mary Lanier	6 Feb 1832	4763	
W ½ of NE ¼	"	80.47		Edmond Ayres	19 Sep 1833	6408	
NE ¼ of NW ¼	"	40.23 ½		Frank Toney	30 Apr 1909	02281	
				Holden W. Prout	4 Feb 1828	3028	
				*Also to Frank Toney	30 Apr 1909	02281	
SE ¼ of NW ¼	"	40.23 ½		Samuel Hatton	27 Mar 1827	11120	

The transitions of land ownership to 1920 for this section are given in the INDEX below:

INDEX TO LANDS

Section 11 Township 5 South of Range 4 west Madison County, Alabama.
G. W. JONES & SONS

BOOK	PAGE	Kind of land	SUB No.	GRANTOR	GRANTEE	DATE OF INSTRUMENT	DATE FILED	S E 1/4				S W 1/4					
								31	32	33	34	35	36	37	38		
0	602	D		Lundy, John H	Hutton, Samuel	1835											
1	405	D		Ross, John Jr & Maria J	Ayers, John C	1835											
2	590	D		Moore, Wm S & Mary C	Hamner, Daniel & Richard	1835											
3	190	D		Carterright, John & Mary	Spensford, Abram	1841											
4	200	D of Trust		Hutton, Samuel	Moore, Benjamin F Jr	1845											
5	376	D		Spensford, A & Elizabeth M	Toney, Samuel	1847											
6	315	D		Ross, John & Maria J	Ross, William	1849											
7	134	D		Langley, Thomas et al	Being, Alexander et al	1853											
10	494	D		Lowry, F C & Elizabeth C	Toney, Samuel	1850											
11	168	D of Tr - 2 pt		Hagland, Geo D & Mary J	Jones, Sgbert J Adm	1857											
11	55	lien 2nd		Syracuse, Elias C	Brinkell, Robt C Adm	1859											
11	61	D		Hagland, George by Tr	Syracuse, Elias C	1858											
12	566	D		Toney, Samuel	Toney, Harris, Mary B	1870											
12	675	D		Syracuse, Elias C & Anna	Moore, Samuel B	1870											
12	738	D		Toney, Samuel	Schett, Samuel	1873											
12	10	D		Moore, Samuel B	Syracuse, James H	1874											
14	937	D		Syracuse, J F & Sallie K	Syracuse, Sarah A	1876											
4	165	Deed		Syracuse, A W Adm	Syracuse, Robert W	1878											
14	168	Mtg		Hayhall, John W & A J	Stans, J H	1886											
111	821	D		Syracuse, Sarah	Hayhall, John W	1886											
14	37	Mtg		Hayhall, John W & A J	American Freehold T M Co	1888											
10	16	Agmt Mtr		Stans, J H	Benton, J C	1890											
122	481	D		Hayhall, A J & J W by Stans	Wheeler, S D	1893											
122	495	D		Kantlin, A B & Julia W et al	Wheeler, S D	1893											
75	317	D		Wheeler, S D & Maria P	Graham, Benjamin	1894											
83	574	D		Collier, M C	Ross, W A et al	1895											
67	300	Mtg		Campbell, J A & Caroline B	Great, Willie	1890											
10	45	D		Toney, Watkins H et al	Toney, Harris	1898											
74	308	Mtg		Toney, Harris	Vertheimer, Solomon H	1898											
77	121	Option		Stevens, J H et al	New York Ala Oil Company	1898											
14	435	D		Graham, Benjamin & Mary B	American Freehold T M Co	1894											
82	290	D		American Freehold T M Co	Toney, Powhatan	1894											
85	106	Mtg		Toney, Powhatan & Mary	Miller, John B	1894											
90	378	Mtg		Toney, Harris	Ball, Herman	1895											
90	173	Agmt Mtr		Vertheimer, Solomon H	Hull, Herman & Thos I	1895											
94	261	D		Toney, Mary & Powhatan	Pallesen, "Alinda"	1895											

(continued on next page)



Powhatan-Toney Cemetery, Redstone Arsenal TA6, Madison Co. AL, March 4, 2003
(Area with old type mesh wire enclosure that has fallen apart, plus a metal funeral home marker, just to right of center.)

There is no indication of the names of people buried within this separately enclosed area within the Powhatan Toney Cemetery, other than the old metal funeral home marker. However, the marker no longer has an insert with the name of the deceased, and the serial numbers on the marker are very difficult to interpret. Still, the photos below show the marker in as much detail as could be obtained.



Powhatan-Toney Cemetery, Redstone Arsenal TA6, Madison Co. AL, March 4, 2003



Powhaton-Toney Cemetery, Redstone Arsenal TA6, Madison Co. AL, March 4, 2003



Powhatan-Toney Cemetery, Redstone Arsenal TA6, Madison Co. AL, March 4, 2003



Metal Funeral Home marker in Powhaton-Toney Cemetery, Redstone Arsenal, Madison County AL, March 3, 2003

It may be that the Royal Funeral Home conducted the funeral and emplaced the metal marker, since that funeral home did inter a number of people in the arsenal cemeteries. It is not known whether they have serial numbers of the markers recorded, or if there is enough of this number legible to determine the deceased's name from them, if they did in fact conduct the funeral.

When the effort to explore this cemetery was first undertaken, it was thought that the name Powhaton Toney was actually two different surnames. Thus, the name in the caption of the photos is hyphenated. However, it is now known that Powhaton Toney was indeed one man's name in the area. His marriage record is shown below:

THE STATE OF ALABAMA,
MADISON COUNTY.

TO ANY OF THE JUDGES OF SAID STATE; ANY JUSTICES OF THE PEACE
OF SAID COUNTY; OR OTHER PERSONS LEGALLY AUTHORIZED:

These are to Authorize You, or either of you, to solemnize the Rites of Matrimony
between Powhatan T. Toney and Mary T. Graves
of said County, agreeably to the statute in such cases made and provided.

Given at the office of the Judge of Probate of said County, this 30 day
of March 1896
M. Stewart
Judge Probate Court.

Solemnized on the 30 day of March 1896.

J. J. Smith Mg.
Know all Men by these Presents, That we Powhatan T. Toney
and Mary T. Graves
of Madison County, State of Alabama, are held and firmly bound unto the State of
Alabama in the sum of Two Hundred Dollars, for the use of said State; for the due
payment thereof, we bind ourselves and heirs, jointly and severally.

Witness our hands and seals, this, the 30 day of March 1896.

The Condition of the above Obligation is such, That the said Powhatan T.
Toney
hath this day prayed a License from the Judge of the Probate Court of Madison County,
to be married to Mary T. Graves.
Now if there be no lawful cause to obstruct such marriage, then the above obligation to be
void; otherwise to remain in full force.

Approved March 30 1896

M. Stewart
Judge of Probate.

Powhatan T. Toney Seal
Mary T. Graves Seal

STATE OF ALABAMA,
COUNTY OF MADISON.

Personally appeared before me, M. Stewart, Judge of the Probate Court of
said County, Powhatan T. Toney and
made oath that he is over the age of 21 years; and that
Mary T. Graves is over the age of 18 years, and lives in this County.

Sworn to and subscribed before me this

30 day of March 1896

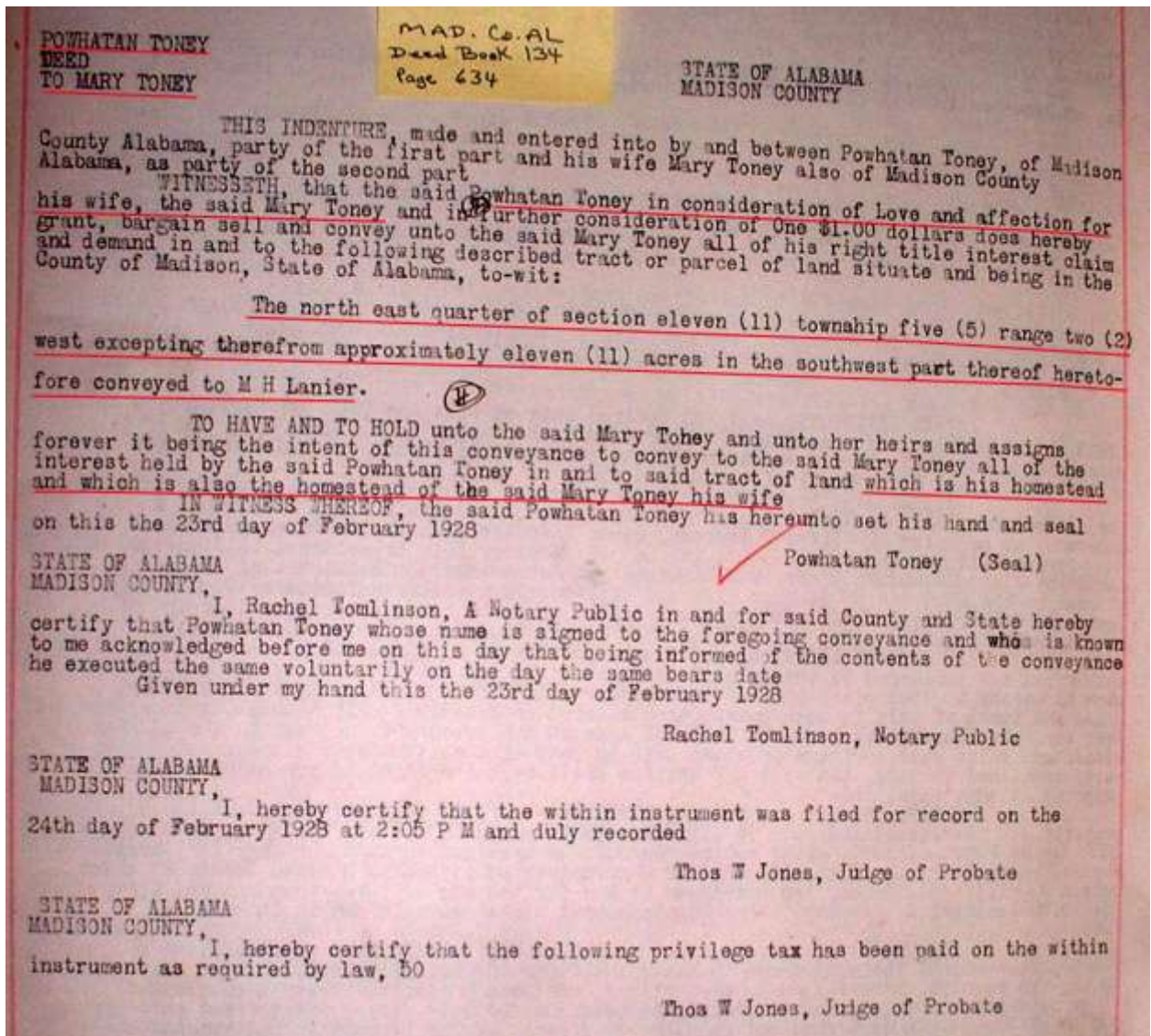
M. Stewart
Judge of Probate.

Powhatan T. Toney
Witness:

Marriage Book 21, Record # 470: Powhatan Toney & Mary T. Graves

(Mary T. Graves may be Mary T. Groves, related to Austin Groves?)

In February 1828 Powhatan Toney put his land in his wife's name:



The precise reason for the transfer of land into his wife's name by Powhatan Toney is not known, but it was probably either for protection from seizure over debts or in order to avoid probate, if Powhatan expected to pass away soon. However, from other records it is known that he continued to live through 1935, when he sold land to the United States for the use of the Tennessee Valley Authority. It is also known that he did pass away by 1941, when his wife Mary was shown on a mortgage instrument as a widow.

The Powhatan Toney Cemetery has not been filled with information to be gained from tombstones. However, it has led into research about a black man who was born just after the Civil War (in 1867) and who died in the late 1930s or early 1940s. His life record shows that he was a fairly responsible man, being a trustee of churches and a member (or officer) of a black honorary society. He obviously had good legal advice in his numerous land transactions, probably as guided by Milton H. Lanier, a notable Huntsville attorney. Yet, he had several circuit court judgments against him, all apparently for debts. Oddly enough, there is no tombstone for Powhatan Toney or his wife in the cemetery that carries his name. Even the one tombstone found in the cemetery was for a name other than Toney. Yet, research has shown that it was indeed for a woman whose maiden name was Toney, so there was probably a close relationship to Powhatan.

While nothing definitive can be shown directly for the burials, other than for Millie (Toney) Horton, it is likely that the cemetery is filled with those who lived in the immediate area around Powhatan Toney, as shown in the census records. In particular, it is likely that many of the members of the Lowe and Spring Hill Methodist Episcopal Churches were buried in the cemetery, since Powhatan was a trustee of those churches. Similar logic would apply to the members of the "Brothers and Sisters of Honor" society. The cemetery could even have been considered more so a church cemetery than a private family cemetery. It is unfortunate that no tombstones were erected, or at least that none remain today, beyond that for Millie Horton. Still, it has been worthwhile to learn of this family headed by a man with an unusual first name. His life left its mark, whether he has a tombstone or not.

Prepared by John P. Rankin, April 6, 2003; revised September 18, 2005