# **POWHATON TONEY CEMETERY, 67-1**

### **Summary Report**



Powhaton-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 Powhaton Toney Cemetery is for Millie Horton, January 12, 1898 – September 9 (or 4?), 1936.



Powhaton-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.

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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.

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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:

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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 Powhaton 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:

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<sup>&</sup>quot;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

	RelationSex I	Race	Age	Birthplace	
Frank TONEY	Self M	M	В	27	AL
Winey TONEY	Wife F	M	В	22	AL
John TONEY	Son M	S	В	8	AL
Mary TONEY	Dau F	S	В	5	AL
Smith TONEY	Son M	S	В	1	AL

Census Place: Township 5, Madison, Alabama

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

	RelationSex I	Race	Age	Birthplac		
Eliza RAGLIN	Self F	W	В	40	AL	
Rachel RAGLIN	Dau F	S	В	20	AL	
Sallie RAGLIN	Dau F	S	В	18	AL	
Matilda RAGLIN	Dau F	S	В	14	AL	
Perlina RAGLIN	Dau F	S	В	11	AL	
Mason PARKER	GSon M	S	В	1	AL	

Census Place: Township 5, Madison, Alabama

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

 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

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

Census Place: Township 5, Madison, Alabama

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

RelationSex Marr Race Age Birthplace Self M S B 49 AL

Ned KELLEY

Census Place: Township 5, Madison, Alabama

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

	RelationSex	Birthplace			
Rueben TONEY	Self M	W	В	63	TN
Riley TONEY	Son M	S	В	17	AL
Harris TONEY	Son M	S	В	14	AL
Henry TONEY	Son M	S	В	12	AL

Census Place: Township 5, Madison, Alabama

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

RelationSex Marr Race Age Birthplace **Susan TONEY** Self F W B 24 ΑL **Charley TONEY** S В 6 AL Son M Alexandra TONEY Son M S В 3M AL

Census Place: Township 5, Madison, Alabama

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

	RelationSex	Marr	Age	Birthplace	
Sam ARNETT	Self M	M	MU	56	AL
Louisa ARNETT	Wife F	M	В	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	В	14	AL
Eliza ARNETT	Dau F	S	В	12	AL
Ellen ARNETT	Dau F	S	В	12	AL
Oler ARNETT	Dau F	S	В	8	AL
Lovenia ARNETT	Dau F	S	MU	6	AL
Edgar ARNETT	Son M	S	В	3	AL
Lucy ARNETT	Mother F	W	В	70	VA

Census Place: Township 5, Madison, Alabama

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

 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

RelationSex Marr Race Age Birthplace **Randal THOMPSON** B 51 Self M M ALMary THOMPSON Wife F В 30 ΑL M Elliott THOMPSON S B 17 ΑL Son M

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

Census Place: Township 5, Madison, Alabama

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

	RelationSex I	Race	Age	Birthplad	ce	
Bona TONEY	Self F	M	В	27	AL	
Laura TONEY	Wife F	M	В	23	AL	
Olley TONEY	Son M	S	В	2	AL	
Thomas TONEY	Son M	S	В	1	AL	

Census Place: Township 5, Madison, Alabama

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

	RelationSex	Marr I	Race	Age	Birthplace
Edwin TONEY	Self M	M	W	28	AL
Annie TONEY	Wife F	M	W	23TN	
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

	RelationSex I	Marr F	Race	Age	Birthplace
Major TONEY	Self M	M	В	26	AL
Perlina TONEY	Wife F	М	В	22	AL
Mathis TONEY	Son M	S	В	2	AL
Davy CROCKETT	Other M	S	В	11	AL

Census Place: Township 5, Madison, Alabama

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

	RelationSex I	Marr	Race	Age	Birthplace
Tayler RAGLIN	Self M	M	В	58	AL
Betsey RAGLIN	Wife F	Μ	В	60	AL

Census Place: Township 5, Madison, Alabama

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

	RelationSex I	Marr F	Race	Age	Birthplace
Bettie WADKIN	Self F	W	В	30	AL
Lettie WADKIN	Dau F	S	В	8	AL
Lewis WADKIN	Son M	S	В	5	AL
George WADKIN	Son M	S	В	4	AL
Jefferson WADKIN	Son M	S	В	3	AL

### Census Place: Township 5, Madison, Alabama

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

	RelationSex N	√larr	Race	Age	Birthplace
Ellen WADKINS	Self F	S	MU	30	MO
Louella WADKINS	Dau F	S	В	14	AL
Malissa J. WADKINS	Dau F	S	В	12	AL
James N. WADKINS	Son M	S	В	8	AL
Mattie WADKINS	Dau F	S	В	4	AL
Josaphine WADKINS	Dau F	S	В	1	AL

#### Census Place: Township 5, Madison, Alabama

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

RelationSex 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

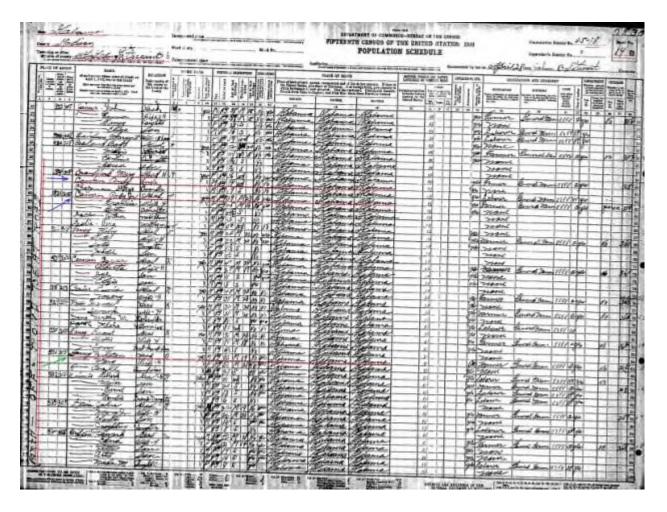
Source: FHL Film 1254022 National Archives Film T9-0022 Page 146A

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

#### Census Place: Township 5, Madison, Alabama

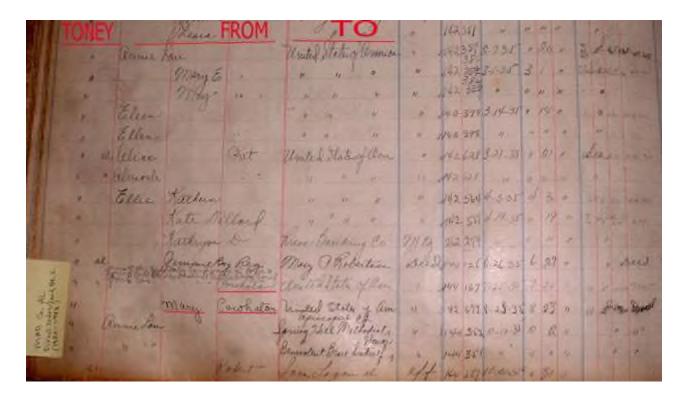
Source: FHL Film 1254022 National Archives Film T9-0022 Page 146A

	RelationSex N	∕larr F	Race	Age	Birthplace
Ben BRADFORD	Self M	M	В	72	VA
Mary BRADFORD	Wife F	M	В	60	AL
Ben BRADFORD	GSon M	S	В	13	AL
Sidney BRADFORD	GDau F	S	В	12	AL
Peter LACY	GSon M	S	В	9	AL

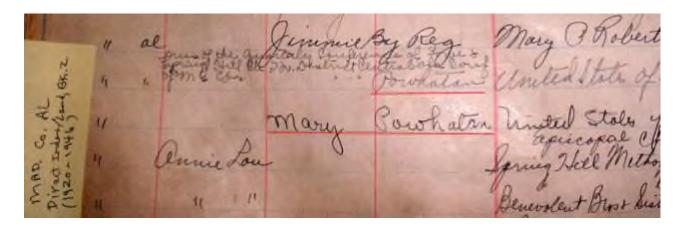


(This 1930 census record shows Powhaton Toney at age 63 – green arrow. This fits with the age shown as 13 in the 1880 census.)

Some of the many land transactions conducted by Powhaton Toney during his lifetime are shown below. Immediately below is the



(Expanded view below)



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

MAD. Co. AL Dead Beach TVA 532 Valley Authority WARRANTY DEED Pm. 677 Mary Toney & Husband,

torne 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 Wine Hundred Seventy and no/100 (\$ 970.00

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, Manue two (2) west, and more marticularly described as follows: The northeast quarter (15%) of the northeast quarter (12%) of the northeast quarter (12%) of section eleven (11). The west half (Wh) of the southeast quarter (SEA) of the southwest quarter (SWA) of section twelve. All of the above described land contains thirty and five-tenths (50.5 A.) acres, more or less, being further known as tract WR 708 as shown on map 8-219 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 assigns, in fee simple forever; and for the 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 Rkewise 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 Powhetan Toney

THE STATE OF ALABAMA, COUNTY OF MADISON.

I.W. E.Butler, Judge of Probate ... Notary Public, in and for said county, in said state, hereby certify that Mary Toney and husband, Poshatan 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 the jexecuted the same voluntarily on the day the same bears date. , 193 5 Given under my hand and official seal of office this the 23 day of AUPUB t

(SEAL) W.E.Butler, Judge of Probate Notary Public

THE STATE OF ALABAMA, COUNTY OF MADISON.

I.W.E. Butler, Judge of Probate ... Notary Public, in and for said county, in said state, do hereby certify that on the 23 day of August , 193 5 , came before me the within named linny Toney

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

acknowledged that she signed the same of her own free will and accord, and without fear, constraints, or threats on the part

Given under my hand and official seal of office, this the 23 day of August . 193 5 \* W.E.Butler, Julee of Probate (Seal)

THE STATE OF ALABAMA, COUNTY OF MADISON.

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 day of August 193 5 at 12 o'clock M., and duly recorded.

W. E. BUTLER, Judge of Probate. 23 day of August

Stp \$1.00

MAD. CO. AL Page 167-168

Warranty Deed

L. G. Fields et als Trustees In United States of America

The State of Alabama Madison County.

Know all men by these presents, that for any in consider tion of the sum of Four America Twenty-five and no/100 (\$425.00) dollars, cash in hand paid to the universitied, by the United States of America, the receipt of which is hereby adding the described, we do practice, the grantors, L. G. Fill.

First Fill Churches, hand violated the control of the united to the present of the control of the control of the present of the control of the

so th, and a reso (2) we t, and ore particularly earth and ollows:

A portion of the north half (M) of the south half (S) of the South half (S) of section Two (2) and more particularly described as follows:

Beginning at a point in the east line of the southwest quarter (SW) of Section to (a) approximately eight hun red minety (890) feet north of the southeast corner of the continuent quarter (St.) of ection Two (?), a corner of the lands of James Tillian William and Hiss Annie Lou Toney; then west with King Armie Lou Toney's line wenty-five (25) test to a point; thence north two hun red on (210) fat to a point; thence east twenty-live feet to a point in the east line of the southwest cuarter (SW.) of section Two (2) a corner of the lands of Nies Annie Lou Toney, and James Tillman Williams, thence east with James Tilman Williams, williams a 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 a point, a corner of the lands of Arthur Rangland et al and James Tillman Williams; there 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 Auth rity.

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 Stated 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 a green that whenever in this includes

It is understood and a greed 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 hand, and seals on this the is

As Pastor of the Spring Hill Church

As Trustee of the Cuarterly Conference of Lowe and Spring Hill Churches, Runtsville District, Central Alabama Conference, of Methodist, Episcoval Church.

his Pitts X Griffin (SEAL).

Mark
As trustee of the Quarterly Conference of
Lowe and Spring Hill Churches, Huntaville
District, Central Alaba a Conference of
Methodist Episcopal Church

Andy X Cowan (SEAL)

As trustee of the Cuarterly Conference of Lowe and Spring Hill Churches, huntsville District, Central Alabasa Conference of Methodist Episcopal Church.

Witness:-

. obt J. Coker



The State of Alabama Madison County

I, W.E.Butler, Judge of Probate in and for said County, in said State, hereby certify the L.G.Fields, whose name as Pastor, of the Spring Hill Church, and Powhatan Toney, Pitts Griffiand Andy Cowan, whose names as Trustees of the Carterly Conference of Lowe and Spring Hill Churches, Huntsville District, Central Albama Conference, of Methodist Upiscepal Church, at sirned to the foregoing conveyance and who are known to me, acknowledged before me on this at that, being informed of the contents of the conveyance, they, in their capacity as such Pastor and Trustees, excuted the jame voluntarily on the day the same bears of the Given under my hand and official seal of office this the 25 day of Tyly, 1935.

(Seal)

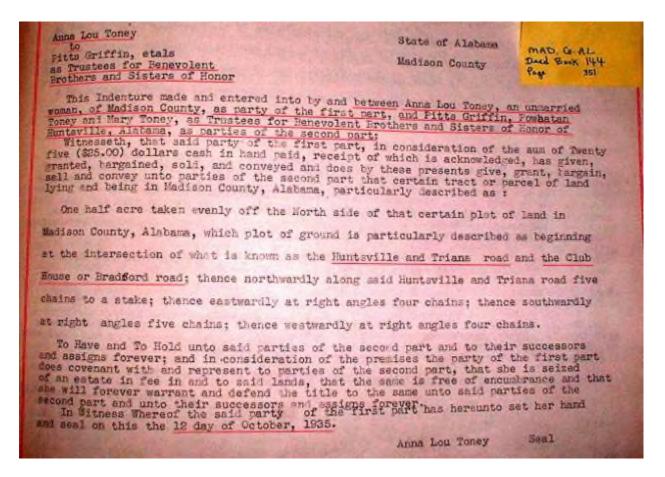
15

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

State of alabama Parohattan Joney Elal & This inductive made and entered into this the 29" day of april 1905 below Riley Toney and his wife Sallie Toney of the Country of Madison State of alabaner, parties of The first part and Constration Toney, Heavis Tenen and Samuel armed, of the Country of Madison State of alabama, parties of the second part, Wilmeret that the said Reley Toney and his wife Saelie Turney for and in Consideration of Fifteen Dullars (\$1500) to them in hand paid by the said Van hallan Joney Harris Joney and Samuel armell Trustees in Trust, and their successor in office for the Meteodist Episcopal Church and Known as pring tice Church for the we and benefit of the municity and membership of said Church in the Time led States of annual subject to the discipline usage, and munistered appointments of the said Church as from line to line anthorized 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 acknowled teus this day given, granted, barysimet conveyed and confirmed and by these pres do give, grant, trangain sell, convey Confume unto the said aboved some

461 in trust and their successors in office for the wer and benefit of the above named Church all that certain lot of land, lying and being in the Country of Madison, State of alabama, treasure and described as fallows, to-wit: its treing in Jownstip 5 Range 2 West and being a part or parcel of land conveyed to me by deed november 28" 1904, by Hearris Towny Ellen Juney, and Pills Griffin. See deed Book Jol 93 page 285, The land tween meant to be conveyed is described as being One half (1) acre begins ming at a found on the Healton Road and reming East along said road One Houndred and five (105) feel, to land of the Brothers and Disters of However, and hence north with said land Levo Hamidred and Ten (210) feet to lands of the week ensigned, and thence west with the lands of the undersigned, One hand red and tripe (105) fest thence Swith with dands of the endersequel Two tumbed and ten (210) ged to the Heatlow road the place of beginning and Containing One half ( ) ale acre off the west side to have and to hold The above described said one hay ( a acre with The tensments and oppour tenances thereunto belonging or anywise apperlaining mets the said Trustee, in brust and him succes Ess in office for the use above described and arrigueds forever, and the said Reley Joney and The wife Sallie Joney for themselves their heir executors and administrators do hereby warrant and well forever defend The title to the above described and here try granted unto the said Trustees in trust and their successors in office against one between our treits and all and every person or persune claiming or holding under us The said Riley Toney and his wife Sallie Joney on The claims or demands of all and every person or persone, whomesoever. In lectioning where of the said Reley Loney and his wife Sallie Joney hereunto subscribe ou names and affix our seals the fay and year about Wrellen.

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.

American Francham hours mirtigage Company Prime The State of New Horking Hur Cook Country & French are humand and sixty & oforderea en granter the American Freehoeddance Company of hondon himtures, in home point by Cowhataw Joney of humison Country Stew of Alwhamme of when the acknowing it The Laire the American unahouse hance mon gage Company of homeon hunders, acting by its attimey due great burgine succes convy unto the saine Porhutan Toney stubuling describer reve estate to wit, The East half of the North East guare (2/2 of hE 1/4) of section eleven (11) in Lumoni, fine (5) Runge (2) Sow West Containing ugring (40) and mene or less, situated in marion County Alcahamer To have and To have To The xuite Portalino Long his Their come any no bever. And said Company dofer it seef comment with The Sain Powhatan Loney his Him and anigus That it is lumbury seize in fer simple found Jonnes: Thut They are free from au in homemore and other it has a good right convey ofer summe as a principalite other it will Warrant and cufunce The Sum to the Rund Powheten Doney his. Hims and assigns benear against The enopee dumof au person In witness where of its suin amoney how he the his home the such stress 12 day & Dec

While Powhaton 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 contilitate of Judgment		-
The Huderson Matt Bank	IN THE	Circuit	COURT
enter under the lows of the winter	OSlates	OF	
No. VS. Pinintiffs.	MAD	ISON COUNTY, ALAI	BAMA.
Towkstan Joney	Date of Judgment	sept	16 750
	Amount of Judgmen	nt for Damages	\$ 900
Jas G Stanner Clerk	- 91	Curent	Court.
for said County and State, hereby certify that on the 18 th	11	STATE OF THE PARTY	190 3
The sky dy son Mational Bank ,	uganize Sander	returg und	thelang
Plaintiff , recovered of Journation	Foney	0	-
in the laid of	Court of said County,		Judgment for
the sum of one Rundre I sixty Lev	en and softe	-	Dollars
and for the further sum of	nene and any	Prov	Dollars
	econol		Plaintiff's Attorney
Given under my hand, this /2 day of Oct	1903	P. D.	ier.
	Clerk	Ciscust Co.	int-
I THOMAS W TOMBER TO A LA	DATE MANAGEMENT		
I, THOMAS W. JONES, Judge of Profeste in and for said County			
on the 1 Zelay of Oct 198	3 . 735 0	ourt of said County, was	DOM:
WITNESS, this 12 day of 0 c.f	1933 Show	ed Conse	Jan Sall
		1 3	udipe of Probata

		147
	N THE Circuit	COURT
Jeanette Metzger	IN THE	COURT
1	OF	
Plaintiffs.	MADISON COUNTY, ALABAM	
Na Powhettan Joney	Date of Judgment Declieble Amount of Judgment for Damages	13363
	Amount of Judgment for Damages	900
. James & Stagner Olleck	Branit	Court.
1. James & Stogner Clerk	or the Tree cucker	, 193.3
for said Downty and State, berefy certify that on the Mith	day of	
years 1 11	Toney.	
Plaintiff , recovered of Tawhallie	U	Defendant
in the Circuit Court	of said County. Q 13 hon-	Judgment for
in the Circuit court therty to	hree are	Dollars,
and for the further sum of	und nofre.	Distriction Attention
costs of suit, and that I full Judgment, and that coproper of seed Judgment, and that coproper	rty of Defendant is exempt from levy and sale beround	er.
Given under my hand, this B day of Dec	190	
Cities works and second and	Clark Cudant	Court
THE STATE OF ALABAM		
I, THOMAS W. JONES, Judge of Probate in and for said County and	State, do hereby certify that the foregoing Certificate of	the
Chip for Curcu	Court of said County, was	filed for registration
on the B day of Dec 1903.	as 10 Welcek Cl. Mr., and duly recorded a	n marne day.
WITNESS, this B day of Nec	1003 Those Jone	Judge of Probate.
- 00	000	
RP Wuden	4 The Inferior	COURT
	1= yes 1937	
Thintife of	199 MADISON COUNTY, ALAH	IAMA.
No. I Shed a to the	Discoffeedment Dec 1	7/60
( ) (g	V North & Judgment for Damages	3/0
STATE	A Applica of Costs	. 1 285
, annie Young Clerk	M. Inlesson	Court.
A for said County and State, person certify that on the 20	day of Dec	, 193 3
RO Weeden	DO O MAD G. AL	1
Plaintiff , recovered of	Teed circuit court	-
0	8 10 hor 143	Defendant ,
in the said of Cour	rt of said County.	Judgment for
the sun of seventy	There + s. Fre	Dollars,
and for the further sum of .	de	s Plaintiff's Attorney
of Record; that said Plaintiff is owner of said Judgment, and that no prop		A STATE OF THE PARTY OF
Given under my hand, this 29 day of Dec	. 193 2 Com 1 188 com 1	Check
	Infector Cal 17	of whill
THE STATE OF ALABA	MA, MADISON COUNTY.	1
I, THOMAS W. JONES, Judge of Probate in and for said County and	State, do hereby certify that the foregoing Certificate	of the
0.0 0.0	Court of said County, w	as filed for registration
on the M day of Nec 1932	at o'clock M., and duly recorded	on same day.
WITNESS, this day of	. 1800 Shoses Jones	
THE RESERVE OF THE PARTY OF THE		Judge of Probate.

The first of the first of and for butter to	IN THE Great	COURT
Prohattan Tarry	MADISON COUNTY, AI  Dots of Judgment I I I -  Amount of Judgment for Insurages.  Amount of Costs.	1402.00
Jonath States Affice - Col. M. Stateshers Jonath Country. Junt Stateshers Jonath Country. Junt the Stateshers Jonath Country. Junt the sum of Jour Arendre	energy	Defendant Judgment Defendant
and for the further sum of Myore To The and that Ho Co. Alexand for the transfer of the confit that the Co. Alexand Judgment, and the filtern under my hand, this 31 day of Herry MAR. Co. Al	t no-property of Infendant is exempt from been	ie we
Condition of Separat  Santing of Separat  1, THOMAN W. JONES, Judge of Probate in and for said Con  Collect of the Core Level	AMA, MADISON COUNTY.	going Corridonte of the

Sarmero Cotton Sel + Fertiliger  a confinaltan  Paintilla  Proportion 2000000	Date of Judgment for Dames 1 2 6 -
Production of State, hereby certify that on the 22 may of Comparties 2  Production 3   Det Deferin lovet of Rhantinel tone Det  a confer to the tone to the tone  and to the tone to the tone tone  and to the tone tone  and to the tone tone  and tone tone  and tone tone  and	
and the further sum of  See of sait. It that of Raward; that said Plaintiff is cover of said Judgment, and that go properly Given under my hand, this lay of  THE STATE OF ALABAM	See R sees I Clerk of the inferior land of Smitholle, also A. MADISON COUNTY.
I, THOMAS W. JONES, Judge of Probate in and for said County and S  Any of Jan 199 2 , at 1// July  WITNESS this   2 day of Jan	record of man Country recorded on same day.  192 3. 2 hrs. W. Domes.

	MAD. Co. AL circuit Court		183
CONTRACTOR	Bush 8, page 183		CONTRACTOR INC.
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and for the further sum of	2/1-	b motor	
	Thele		iff's Attorney
of Record; that said Plaintiff is owner of said Judgment, and t	that no property of Defendant	is exempt from levy and sale hereunder.	1000
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		Clerk Circuit Court	
No. of the last of		Carrie	
THE STATE	E OF ALABAMA, MADISO	N COUNTY.	1000
L THOMAS W. JONES, Judge of Probate R and for sa	id County and State, do herel	by certify that the foregoing Certificate of the	4
11. 1	7 Const	of said County, was filed for registration on	22
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day of Mary no	1920 at // o'cloc	k. M., and duly recorded on same day.	
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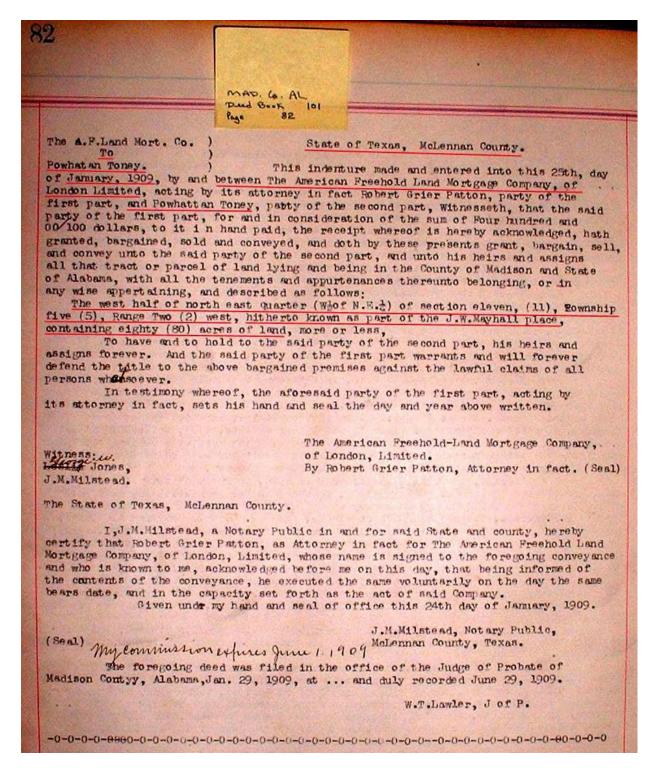
In February of 1928 Powhaton Toney claimed the Northeast Quarter of S11, T5-R1W, as his homestead. This was done for tax reduction purposes, and may have also entitled him to claim its exemption from seizure for debts at the time.

Destate of alchania CLAIM! OF EXEMPTIONS Before me, Rachel It relievan, a pater Public for and for wach State thin has performally appeared Youthaten Jones. The theing he me first hely even dath depose and we y that he in a resident citizen of median Obmity, Colshause; that he kay occepted and claims as a homeste exception under the campitation and laws I the State of alabanea, all I kin right, title, interest agad claim in out to the pleasure devoribed tract or farcel of land lying an Lung in madinan County, States alchance 5 Range 2 West, exception therefrom Southwest gart there of said track Resei claimed at exemption being bear in area Than 160 acres, and the interest of office Therein being leave in value thank Thougand ( \$ 0000 =) Dallar. Powheten Janey Irram to and subscribed before me Matery Public. Fileh this ord day Jet. 1929 at 2877 and holy

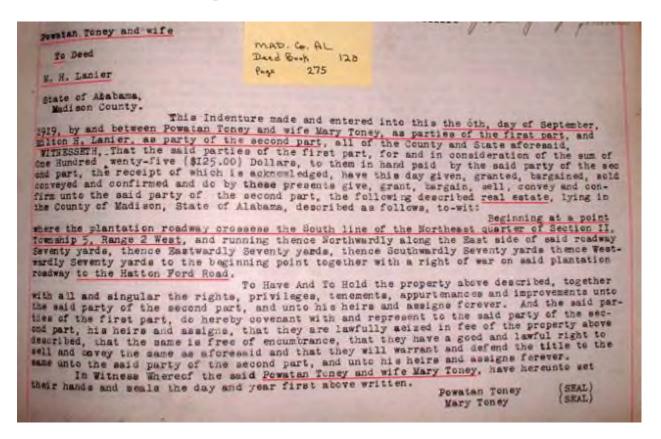
The mortgage record below shows Mary Patton as a widow. She borrowed \$200 in September 1941, using her homesteaded land as collateral. The mortgage was paid in December 1941.

	MAD. CA.		_		
TATE OF ALABAMA, )	Book	PAGE(S)			-
MADISON COUNTY	305	.0		C. Alberta	
0			400		
Know All Men by These Presents: That, Whereas	the undersigned.	mar	y Foney	, a wil	Dane
m 21	21 0	A .	0		
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and parable as follows: Two Kundans and me	1100 Dell	ced by	promissory note_	of even date herewi	th, in the an
January 1, 1942			00.00) ox	or wego	-
And Whereh & anxious to secure the payment of	said debt, principal	and interest whe	n due:		-
Now therefore, in consideration of the previses and said sum of	\$ 200.00	to m	in hand paid by a	Man. Flore	
be receipt of which is hereby acknowledged, the undersi-	ened man	y Jones	ug, a wi	Low	-
	~/	51	,	100	
to hereby grant, bargain, sell and convey to the said.	down	_ H.	speake	-	
be following described real estate situated in Madison County, State of ,	Alabama, viz:				
70-4/ 1	A.L				
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m. H. Lanier			Damene	~ speake	-
					_
To Have and to Hold, with the rights, privileges, tenerghts an	d appurtenances the	ceunto belonging	0		
mas Florence H. Speak	Loney.	a w	ilan s	No here	by covenant heirs and ass
	Loney.	a w	ilan s	No here	heirs and ass
And South Said Market Speak the say man Planner M. Speak has I am seized in see of the above described property	Loney .	a luc	nd convey the same; th	Do here hat the same is free fr	heirs and ass
And the Said Market Speak the say man. Planner M. Speak the say man. Planner M. Speak the say man. Speak the say of the above described property and that I will forever warrant and defend the title theret	and have a good leg	a luc al right to sell a I chiose and den	nd convey the same; the	as the same is free fr	heirs and ass om encombes
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And that 5 said and the above described property and that I will forever warrant and defend the title thereto But this conveyance is upon condition that if pay ame become definquent, and keep the improvements on said property cause or holder of this mortgage, then this conveyance to be void; but	and have a good leg to against the lawfo maid debt, principal insured against loss should.	al right to sell a  l claims and den  and interest w by fire and tor fall to pay	nd convey the same; the same of all persons when due, and keep the nado in a sum and with	at the same is free from sever.  taxes paid on said preta a company satisfact	operty before tory to the n
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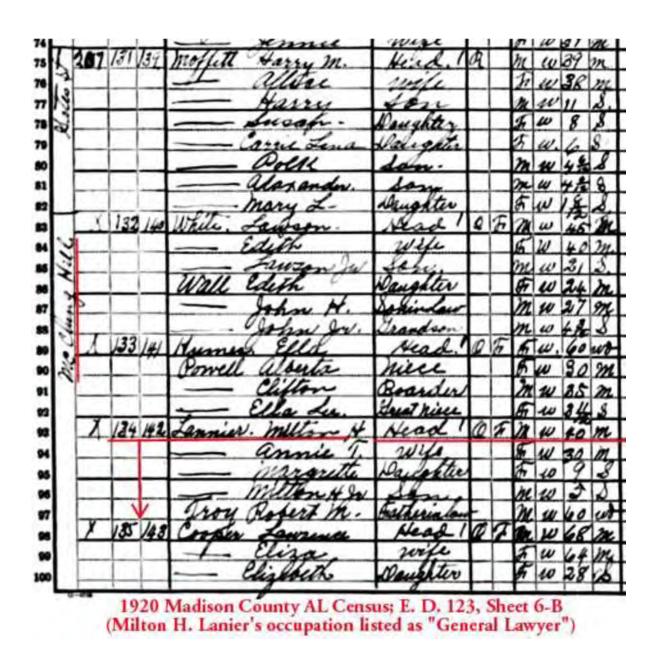
The instrument below shows that Powhaton Toney redeemed the W/2 of the NE/4 of S11-T5-R1W in 1909 from the same American Freehold Land Mortgage Company of London. It also identified the parcel as having been known as "part of the J. W. Mayhall place".



The 1919 land transaction below shows Powhaton & 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 Powhaton Toney, but he also witnessed several of the Toney land transactions. It is likely that he was considered the "family lawyer" by the Toneys. Milton H. Lanier is shown below in the 1920 census for reference, one year after the above transaction was conducted.



The original land ownership of the NE/4, S11-T5-R2W is shown below:

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

TOWNSHIP 5 S	outh	F	RANGE 2 West			_HUI	NTSVILLE M	ERID
DESCRIPTION OF TH	E TRACT	AREA	UNITED STATES TITLE	Date of Sale			Number of Da	
PART OF SECTION	Section	Acres 100th	TO WHOM SOLD OR GRANTED	Loca	tion or G	rant	Certificate or Warrant	Mili
Page 112	10	639.88						
North East }	11	159.97	State	23	May 1	1828	*Mem	7
200 C C C C C C C C C C C C C C C C C C			*River Impts Saml Hattin				141* VOR	
			J. B. Horton				141* VOR	
			-	- 6	VOL 3,	. 103	20	- , ,
North West &	"	159.97	Harris Toney, Asse		Feb 1			3
Et of SEt		79.88%	John Rowe, Jr.		Dec 1			
W≥ of SE≥		79.88%	John Cartwright, Asse		Feb 1			
South West &	<u>"</u>	159.97	Edward Dillard, Asse		Feb 1			
	(11)	641.40	The state of the s		-			
North East &		160.35	Samuel Hatton, Asse	28	Jun 1	1831	94:	2
North West &	"	160.35	Jno. Rowe, Jr. &					
			Wm. Oliver, Asse		Jun 1			
South East &	**	160.35	John H. Lundy, Asse (Hundley		Jun 1			3
NE½ of SW≿	"	40.083/4			Dec 1			
NW% of SW%	"	40.08%	John Cartwright		Jun 1			9
Sh of SWh	Ö	80.17%	Edmund Ayres	. 4	Sep 1	833	6363	5
m) 6 mm	(12)	643.76	Issue Pate					
Et of NEt	"	80.47	Mary Lanier (2 Aug 18)		Feb 1			
Wig of NE	"	80.47	Edmond Ayres	19	Sep 1	833	6408	3
NEt of NWt		40.233	Frank Toney		Apr 1			
			Holden W. Prout		Feb 1			
ani 6 mm	**		*Leso to Frank Toney		Apr 1			
CFL of NUL		VU 337	Camual Watton	77	14	HAT		

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

_			100	Section 11 Township	Countries transper -	West	- de	on Co	unty, Alabam		
L			204 ha	GRANTON	ORANTER	BATE OF STREET	BOT PLOS	N	s w		
P	80	2 15		Lundy, John H	Estton, James	1005	0.00	N 18		30 N 10 10 1	
۳	60	SE Van		Room, John Jr & Aurin 2	Ayers, John C		111		14 49 49	3 3 3	
н	59	201001		Moore, Sm i & Pary 5	Hommar . Daniel & Highard	1888	199	++	-		
ı,	19		-	Carteright, John & Kary	Prenefert, Abram	1541	1	100	-	1 - 3	200
н	201	SECOND 1	Trust	Estim, Parsel	Moore, Seplento 7 tr	1065		121		1 1 1	3000
H	275			Braneford, A & Slissboth	Procy, Stand	1047	100	1		1	
ь	321	CENTRAL PROPERTY.		Rows - John & Marin 2	Resw. William	2549				19 19	<b>388</b> 6
8	220	46.		Langley, Thomas et al	Seing, Alexander et al	1888	I I I	10	ETE .	1	100
CC.	474	1		Lowry. F C b Missboth a	Tonay, Blaued	1660	100	THE	20 50		ME S
른	2.60		31. 24	A degland, Sec 0 4 Mary J	Jones, Sphort J ager	1987	Marie III	Q.	130	12 7 1	H 5 -
EE	- 53		Jul 1	Spraging, Dine C	Printell, Rob: C Alor	1044			Was Dill	100	<b>电影节</b>
	缸	2		Regions, George by Fr	Sprogine, Rites C	1080	1 1	-	13 5 6 6	1000	
22	566	D		Toney, Simued	Toney, Marris, Mary B	1070			Par Sept	To Division	9
4	425	2		Spriging, Stine W. L. Lond	Noora , Name 1 W	1870	177 200	7		OF BUILDING	
-	東京	2		Toney, Historia	Agnest, Punnel	1693	1200	THE			M B OIL
#	48	3	_	Notes . Associ 8	Apricing . James 8	1074		, QE		No Porto	<b>据</b> 语标
114	027	13.4		Sympton, 7 2 + Sallie E.	Spragino, Sorah A	1876	4-1-10		<b>*</b> /		61000
	155	Doed		Wyregins, & Wa Acre	Ayragina, Zabert a	1070	17 18	70		944 前於同	E C C
100	105	Mig.	-	Maghall, John H & 4 2	\$10/9. 7 H	1886		4		MA BEE	Ly Billion
121	611	3	2	Springing, Surak	Naghalli, John W.	1866	100	1	HER RICH		
35	37	Att.		Hoghell, John A S a 2	Aug tean Prophoto L is Un	1086	1-1-1				<b>西</b> 斯巴 (
10	36	LUZZE	Mag	Stone, 2 E	Pontary, 2 4	1660	100	7			
122	461	D.		Royholl, A J & J P by Wign	a Rester, 5 5	1688	100	1			
70	495	D	91.	Mantin; A # 1 fels P at al	Firefer, N 2	1002	1 1 1	10			
10	217	2		Wheeler, H U & Livin A	Proban, Emphain	1894	1. 1. 1.	7	1 + 19 0		100
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	625	501	1000	Oyshin , Septente & Mary S	American Procheld 1 1 Vo	1104	136	Y		1000	200
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9	106	E1a		Topey, Towkstan & Hary	Biller, Jula 4	2004		4			100
2		Mar	_	Foney, Narris	*all, Agreen	1905		1	10 大	1	
	9,06	facilities of		Sarthather, Schoon K	Sell , Serman & Doma L	1996		1	1 30	1	
0	271	35		Toney, Nary & Incheston	Fallace, "alinio	1984	BOOK 19 13	-	THE RESERVE	1000	400

(continued on next page)

Section I Township South of Range of W. Johns & South										
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The above land records and indexes show that Samuel Hatton in was the first purchaser of the NE/4 of S11-T5-R1W and several adjacent quarters in other sections as well. John W. Looney had some of the adjoining land in the NW/4 of Section 12. In 1845 Samuel Hatton put the NE/4 of Section 11 in a Deed of Trust to Benjamin T. Moore, as Trustee. Several others (Langley, Ewing, Ragland, Jones, Brickell, and Spragins) were involved in transactions regarding the NE/4, until in 1870 the land was transferred from Elias C. & Anna Spragins to Samuel H. Moore. Samuel transferred the land in 1874 to James R. & Sallie K. Spragins, who in turn transferred it to Sarah ("Sallie") A. Spragins in 1876. In 1886, Sarah Spragins sold the land to John W. & A. J. Mayhall, who also sold a portion of it in 1886 to the American Freeholder Land Mortgage Company. It was that company that referred to the parcel as "part of the J. W. Mayhall place" and initially sold the land to Powhaton Toney in 1904, as shown in the deeds and INDEX inserted earlier.

Other aspects of this cemetery are seen in the photos below:



Powhaton-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 Powhaton 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.



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



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



Powhaton-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

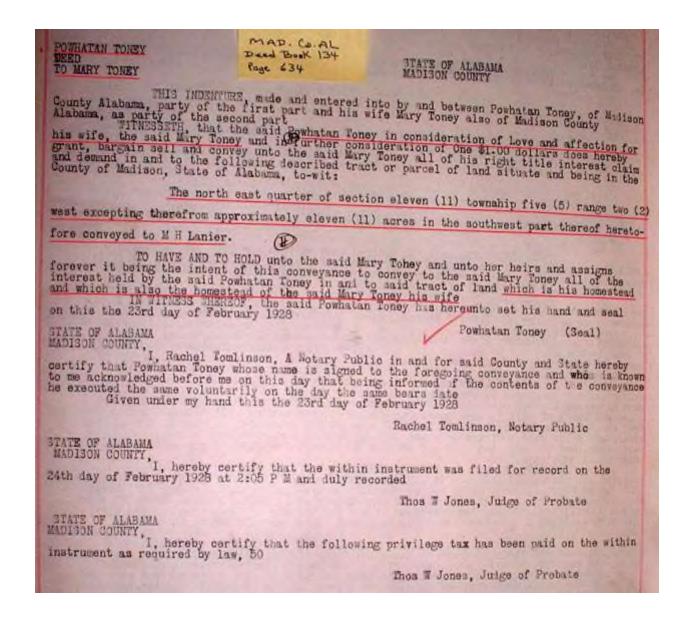
It may be that the Royal Funeral Home conducted the funeral and emplaced the metal marker, since that funeral home did inter a number of people in the arsenal cemeteries. It is not known whether they have serial numbers of the markers recorded, or if there is enough of this number legible to determine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

1	THE STATE OF ALABAMA,
1	MADISON COUNTY.
TO A	NY OF THE JUDGES OF SAID STATE: ANY JUSTICES OF THE PEACE
	OF SAID COUNTY: OR OTHER PERSONS LEGALLY AUTHORIZ
of sai	se are to Authoriza Don, or either of you, to solemning the Rites of Matrimo en Town Hen J. John and Maky J. Hours and County, agreeably to the statute in such cases made and provided.
	AND 1896 In Judge of Probate of said County, this To de Marie Probate County and Services County and Servi
So	lemnized on the 90 day of March 1896
	X x smile Mg.
· · · · · ·	Honey Diggins Presents, That we Sowhattan y Joney
payme	tison County, State of Alabama, are held and firmly bound unto the State ma in the sum of Two Hundred Dollars, for the use of said State; for the d nt thereof, we bind ourselves and heirs, jointly and severally.
	tness our hands and seals, this, the TO day of March 189
THE PU	ondition of the above Obligation is such, That the said To whattan 9.
200 CAR 116	is day prayed a License from the Judge of the Probate Court of Mudison Count arried to Noty J. JADVES
	there be no lawful cause to obstruct such marriage, then the above obligation to there is to remain in full force.
40)	In Municipal Southaton 9, Money
	Sustewash June & biggers.
STAT	E OF ALABAMA.
Per	resonally appeared before me The Clack Broth Judge of the Probate Court
made o	only whillan I . Joney on
Mas	by J. Hooks is over the age of 18 years, and lives in this County
APRO	orn to and subscribed before me this
- 4	aggillanch 18th Proschaters & Morter
	Millework Witness:
	AND THE RESERVE OF THE PARTY OF

Marriage Book 21, Record # 470: Powhaton Toney & Mary T. Graves
(Mary T. Graves may be Mary T. Groves, related to Austin Groves?)

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



The precise reason for the transfer of land into his wife's name by Powhaton Toney is not known, but it was probably either for protection from seizure over debts or in order to avoid probate, if Powhaton 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 Powhaton 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 Powhaton 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 Powhaton.

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 Powhaton 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 Powhaton 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