

Will of John Poe

(1785 probably Anson County, North Carolina, died 1859 Grant (now Saline) County, Arkansas)

LAST WILL AND TESTAMENT

In the name of God, Amen:, I, John Poe, of the County of Saline and State of Arkansas, being weak: and affected in body but of sound and disposing mind and memory, and calling to mind the frailty and uncertainty of human life, and being desirous of settling my worldly affairs, and directing how the estate with which it has been please God to bless me with, shall be dispose of after my decease, while I have strength and capacity so to do: make and publish this my last will and testament, hereby revoking and making null end void all other will and testaments by me heretofore made.

And first of all I commend my immortal being to him who gave it and my body to the earth to be buried by my executors hereinafter named.

And as to my worldly estate and all the property real or personal of which I shall die seized and possessed or to which I shall be entitled at the time of my decease, I desire, bequeath and dispose thereof in the manner following to wit:

I will that all of my just debts be paid out of my estate by my executors and my funeral expenses. I then will that my beloved wife Sarah Poe have the use and benefit of all the lands that "I am seized of or possessed with at my death for her own benefit with all the rents and productions with all the buildings thereon and all the household and kitchen furniture, for her own use end benefit for and during her natural life. And I also leave with her for use my servants namely Bob and his wife Martha, and Lucinda, and Suraney, and Gilbert, and Harriett to remain with her, my beloved wife, during her lifetime for her own proper use and benefit; and should any of them become contrary and not obey what she requires of them, then she may with the assistance of my executors hire them or any such out and make use of the money towards her support. And if I die at any time after the crop is begun, then all the hands remain on the place until the crop is housed, and I will that there be a sufficiency of the crop left for the support of her and the family left with her for the present year until more is made. And I will that my wife have one hundred dollars with her two horses, one wagon and yoke of oxen and as many cattle as she wishes to keep, with all the hogs, sheep and anything not here numerated that my be found by my executors that would be of benefit to her; I want it left with her for her to use.

And I will that my son Alfred Poe have \$200.00 out of estate and that is to be his portion of my estate both him and his heirs forever.

And I will that my daughter Elizabeth Nall have \$200.00 out of my estate and that is to be her portion of my estate both her and her heirs forever.

I then will that the rest of my children to wit: William T. Poe, Thomas Poe, John W. Poe, Oliver P. Poe, Sarah Reynolds, Mary Jane Watson and Sareptha E. Gray and Matilda E. Sudduth, eight in number, have eleven servants, namely; Elizabeth and child Dilsy and Isham and Hicks and Lewis and Henry and Elizabeth and Winney and Catherine and Melissa and divide them equally by sale or otherwise so that they keep them in the family, and also the rest of the horses and cattle if any more than is needed by my beloved wife, and the overplus of the crop and any surplus property that may be found over and above that which is given away in the will, be all equally divided amongst the last mentioned eight heirs, and at the death of my beloved wife that all the property both real or personal that was left to my beloved wife with all the increase, if any, fall to my last mention eight heirs and, if any of them be dead, to their heirs: And lastly I will that my sons William T. Poe, and Thomas Poe and John W. Poe be my executors to execute this my last will and testament .

In testimony whereof I, the said John Poe, have to this, my last will and testament, subscribed my name and affixed my seal this twenty-sixth day of April in the year of Our Lord one thousand eight hundred and fifty eight. Signed, sealed, published and declared by the said John Poe as and for his last will and testament in presence of us, who, at his request and in his presence and in the presence of each other, have subscribed our names as witnesses there.

Signed,

John Poe
Attest:
David Barnett
Joshua Holliman

Codocil

I, John Poe of Arkansas, Saline County, is desirous to make some alterations to the above written will in consequence of the death of my son Oliver Perry Poe and my daughter Sarah Reynolds having married again. I therefore will that Oliver Perry's heirs draw the same portion of my estate as he would have drawn if he had lived, but that the negroes that they may draw be sold here on the premises to the highest bidder by my executors, and when collected for paid over to the widow and children in equal proportions as soon as the children becomes of full age to receive it with the interest ----- and that Sarah Halbert draw the same as was said for her to draw in the written will, but that it only to remain hers during her lifetime and then that it fall to her four children namely, John Thomas,

and Nancy Elizabeth, and Bales Earl and Benjamin Elkin as soon as they become of full age.

In testimony whereof I the said John Poe have hereunto set my hand and affixed my seal this fifth day of February in the year of our Lord One Thousand Eight Hundred and Fifty-Nine ---- Interlined before assigned.

John Poe

Attest:
David Barnett
Jshua Holliman

Filed for record October 4, 1859