

COPY

IN THE MATTER OF THE ESTATE OF

JOHN POE

DECEASED

IN THE COURT OF PROBATE FOR THE COUNTY OF

SALINE

STATE OF ARKANSAS

William T. Poe)
Thomas Poe) Executors
John W. Poe)

FILE: 1847-1891
Probate Court Papers
N.O. & P.

In addition to the attached papers signed
vouchers for receipt of all monies spent
are on file.

August 15, 1957

W. P. WALTON
Benton, Ark.

In the name of God Amen: I, John Poe, of the county of Saline and State of Arkansas being weak and afflicted in Body but being 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 disposed 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 and void all other wills and testaments by me heretofore made..

and first of all I Commend my Emortal 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 Devise Bequeath and Dispose thereof in the manner following to wit..I will that all 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 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 and benefit for and during her natural Life..and also leave with her for her use my servants namely Bob and hiswife Martha and Lucendo and Furaney and Gilbert and Harriet to remain with her my beloved wife during her life and for her own proper use and benefit and should any of them become contrary and not obey what she requires of them 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 crops left for the support of her and the family left with her for the present year until more is made and I also will that my wife have one hundred dollars to make use of as she pleases..I also leave with her two horses, one wagon and yoke of oxen and as many cattle as she wishes to keep with all the hogs and sheep and anything not here numbrated that may be found by my Executors that would be of benefit to her I want it left with her for her use

and I will that my son Alfred Poe have two hundred dollars out of my 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 two hundred dollars out of my Estate and that is to be her portion of my Estate both her and her heirs forever.

Page 2 of w\Will of John Poe, Saline Co., Arkansas

I will then that the rest of my children to wit: William T. Poe, Thomas Poe and John W. Poe and Oliver P. Poe and Sarah Reynolds and Mary Jane Watson and Serepta E. Gray and Metilda E. Sudduth Eight in number have eleven servants namely Vilet, Elizer and Chile Dilsy and Isham Hicks and Lewesin Henry and Elizabeth and Winney and Catherine and Melessan and divide them equally by sale or otherwise so that they keep them and also the rest of the horses and cattle if any more than is needed by my beloved wife or the overplus of the crop or any surplus property that may be found or sold and all the notes that may be found over and ave that which is given away in the will be all equally divided amoungst 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 mentioned eight heirs and if any of them be dead to their heirs and lastly of all 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 testamony where of I the said John Poe have to this my last will and testament subscribes my name and affixed ~~my~~ seal this 26 day of April in the year of our Lord one thousand eitht 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 thereto.

JOHN POE (SEAL)

Test.

David G. Barnett
Joshua Holiman

I John Poe of Arkansas, Saline County-is desirous to make some alterations to the within written will in consequence of the death of my son, Olliver Perry Poe, and my daughter, Sarah Reynolds, having married again, I therefore will that Oliver Perrys 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 paid over to the widow and the children in equal proportion. As soon as the children becomes of full age to receive it with the interest- and that Sarach Holbert draw the same as was said for her to draw in the within will, but that it only to remain hers during her life 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 testamony whereof I the said John Poe have here unto 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- Inter, lined before assigned

JOHN POE (SEAL)

Test.

D. G. Barnett
Joshua Holiman

State of Arkansas)
County of Saline)

We William T. Poe, Thomas Poe, and John W. Poe here applying for letters testamentary on the Estate of John Poe deceased, late of said County, being first duly sworn, depose and say, that the said John Poe died in said County of Saline on or about the 10th day of September 1859 having made and signed his last Will and Testament; that they will make a true and perfect Inventory of the Estate, and faithfully execute the last Will of the testator, pay the debts and legacies, as far as the assets will extend, and the law direct, render just accounts of their administration and faithfully perform all things required by law touching such administration or executorship.

So help us God!

Sworn to and subscribed before)
me this 4th day of October)
A.D. 1859)

William T. Poe
Thomas Poe
John W. Poe

John W. Shoppach
Clerk.

Wm. T. Poe
Thomas Poe &
John W. Poe
as Executors
of
John Poe deceased

Affidavit

Filed Oct. 4th 1859
John W. Shoppach
Clerk

State of Arkansas)
County of Saline)

Be it remembered, that on this 4th day of October A.D. 1859 before me John W. Shoppach, Clerk of the Circuit Court, and Ex-Officio Clerk of the Probate Court in and for the County and State aforesaid, personally appeared David G. Barnett and Joshua Holiman, both personally well known to me, who being duly sworn according to law, depose and say, that John Poe in his life time declared the foregoing instrument of writing to be his last Will and Testament in the presence of these affiants, that he was then a resident of the County of Saline and State of Arkansas, and from thence until at the time of his death resided in said County of Saline, and that on the 5th day of February A.D. 1859 the said John Poe was of sound and disposing mind and memory; and on said last mentioned day the said John Poe so being of sound mind, at said County of Saline acknowledged that he had subscribed signed and sealed said Will within and annexed, at the end thereof, and that such signature was so made by him and is in his own proper handwriting, and that said John Poe, at the time of such acknowledgment declared and published the said instrument within and annexed hereto, and so subscribed, to be his last Will and Testament, and that each of these affiants then and there in the presence of said John Poe and in the presence of each other signed his name as a Witness at the end of said Will, at the special instance and request of said John Poe, the testator herein named, and that the respective signatures of these affiants to said instrument hereto annexed are genuine and their own handwriting respectively. And further said Deponents say not. Sworn to and subscribed before) D.G.
me this 4th of October AD 1859) Barnett

Joshua
Holiman

John W. Shoppach
Clerk

State of Arkansas
County of Saline

Know all men by these presents, that we, Wm. T. Poe, Thomas Poe, and John W. Poe, as principals are held and firmly bound unto the State of Arkansas, in the just and penal sum of Sixteen Thousand Dollars, for the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents. Witness our hands and seals, at Benton, this 4th day of October, A.D. 1859.

The Condition of the above obligation is such, That, if the above bounden Wm. T. Thomas & John W. Poe, Executors of the last Will and Testament, of John Poe deceased, shall make, or cause to be made a true and perfect inventory of all and singular the goods and chattels rights, and credits, of the said deceased, which have or may come to the hands, possession, or knowledge, of them, the said Executors or into the hands or possession of any other person for them; and the same, so made, shall return and exhibit in the office of the Clerk of the Court of Probate for the county of Saline, within sixty days from the date of the above obligation; and all and singular the goods and chattels, rights and credits of the deceased, which shall come to the hands, possession, or knowledge of the said Executors and if they, shall well and truly administer, according to law, and pay the debts of the deceased, as far as their assets will extend, and the law direct; and further, make, or cause to be made, just and true accounts of their administration, and make due and proper settlements thereof from time to time, according to law, or the lawful order, sentence, or decree of any Court having competent jurisdiction; and shall, moreover, well and truly do and perform all other matters and things touching such administration, that are or may be prescribed by law, or enjoin on such Executors by the lawful order, sentence, or decree of any Court having competent jurisdiction, then the above obligation to be void and of no effect-otherwise, to remain in full force and virtue.

In Testimony Whereof, We have hereunto set our hands, and affixed our seals, the day and year first above written.

SIGNED, SEALED AND DELIVERED, IN THE)
PRESENCE OF)

William T. Poe, Seal.
Thomas Poe, Seal.
John W. Poe, Seal.

Warren Holiman, Seal.
Joshua Holiman, Seal.

William T. Poe
Thomas Poe
John W. Poe
as Executors of John Poe deceased
Bond
Approved October the 10th A.D. 1859
Joseph Scott
Judge P.C.

Filed Oct. 4th 1859

Admin. Bond, John W. Shoppach, Clerk.