

The Last Will and Testament of Joseph Poythress Deceased

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In the name of God Amen!

I Joseph Poythress of said County and State being of sound and disposing mind and memory, but calling to mind, that it is appointed for all men once to die do make publick and declare my last will and testament in words following to wit

Item 1st To my beloved wife Mary I hereby confirm the land and negroes heretofore given her by deed and agreement. In addition thereto I give to my said wife the house and lot on which we now live in the town of LaGrange and all the house hold and kitchen furniture of every description and also the negro boy, Randolph and also the house and Corncrib and James Monk, Peter and James Childs William and Rachel and her two children and one Mack.

Item 2nd I give to my son Frank Chadrin the sixty shares I own in the Capital Stock of the Atlanta and LaGrange Rail Road Company.

Item 3rd The balance of my Estate of every description I wish equally divided between my Children when and where alive. In this division that portion heretofore advanced to a portion of Children I desire taken into the account so that there be none I have not made advancements while in life may be ultimately equal; and in order to avoid difficulty on this point I will here specify the advancements made: To my daughter Mary Ann E. Ware, wife of Daniel Ware, I now advance and confirm the negroes and land of which she is now in possession by permitting being about eighteen negroes and three hundred and eighty acres of land which heretofore has been a loan and estimated by me to be of the value of fourteen thousand dollars and so to be valued in the division. And to my son Russell B. Poythress I have advanced about the sum of Five thousand dollars and at which it is to be valued in the division. The six thousand dollars Rail Road stock given to my son Frank in the Decade, none of this will is not to be brought into hotchpotch but is a gift extra.

Item 4th That portion of property falling to my daughter Sarah Jane is to be received and kept by my wife Mary in trust for the sole and separate use of the said Sarah Jane. And that portion of property falling to my son William is to be received and managed by his brother James B. Poythress as trustee for William.

Item 5th That portion of the property hereby given to my daughter Mary Anne Ware, including the land and negroes mentioned in the third item of this will I give to her sole and separate use during her life and after her death to her children in fee.

Item 6th I nominate and appoint my son Russell B. Poythress and my wife Mary Poythress Executor and Executrix of this my last will and testament.

In testimony of all which I have hereunto set my hand and affixed my seal and published and declared this to be my last will and testament, the 28th day of March 1856.

Signed, read, published and declared the 28th day and year above written in presence of

Louis Harris

W. H. Colquhoun

Sam Turner

A. J. Blalock

Joseph Poythress

State of Georgia (Superior Court): May Term 1858.

A paper writing purporting to be the last will and testament of Joseph Poythress late of this County deceased, being at the term of the Court for probate in Open Court for probate as the last will and testament of Joseph Poythress dec'd by Russell H. Poythress one of the Executors therein appointed and it appearing to the Court, on the oath of Louis Hinds James H. Trimmer and John H. H. Colquhoun three of the subscribing witnesses that they were present and saw the testator sign the same and declare the same as his will, that he did the same freely and voluntarily and was at the time of sound mind and disposing mind, and memory and that each of the said witnesses attested the same in the presence of the testator and in the presence of each other.

It is therefore ordered by the Court, that the same be admitted to probate and Record as the last will and testament of the said Joseph Poythress deceased, that said Russell H. Poythress be qualified as the Executor therein and letters testamentary be issued in terms of the Law. It is further ordered, that Louis Hinds, James Cartright, Alexander Spray, C. E. Harris, Robert N. Ridley be appointed appraisers of said Estate in terms of the Statute in such case made and provided & tested and approved and by order of Court the witnesses signed the same under oath in Open Court.

Louis Hinds
John H. H. Colquhoun
Jas. M. Trimmer

Wiley D. Davis Clerk

Recorded 5th May 1858.

Wiley H. Davis Clerk