

*WILL: Will of John Thomas, proven 6 Mar. 1839, Louises Co.,
Mississippi Probate Record B:309-312, Clerk Chancery Court, Columbus,
Mississippi; also, Hempstead Co., Arkansas. Loose Will File, Co. Clerk's
Office, Hope, Arkansas. Transcribed line for line from a photocopy of the original
loose will.*

*Louises County
State of Mississippi*

*Know all men by these presents that I John
Thomas of the County & State aforesaid being
of sound mind and memory do make & ordain
this my last will and Testament in the manner
& form following to-wit--*

*First, It is my will and desire that as soon as possible
after my decease that all my just debts be paid
and that for the purpose of carrying this my last
will and Testament into Execution my beloved*

wife Ferebe Thomas shall be my Executor and in
order & her aid and assistance until one of my
eldest sons come of age she may & shall
if she find it necessary chose some prudent friend
to be associated with her as Executor and further
it is my will that in the event of his decease
before my two eldest sons come of Lawful age
that she may & shall appoint by will my Executor
who shall act until my beloved sons John S. &
Samuel S. Thomas come of Lawfull age whenit
is my will they shall act as my executors alone
or in the event my beloved wife aforesd shall
survive till they my sd sons come of Lawful
age then they shall act in conjunction with my
wife aforesd in the execution of this my last
Will & Testament.

Second, It is my will that after my decease that all
my property of whatsoever kind after my just

debts are paid shall remain in the hands of my beloved wife and be under her control and at her disposal just as it would be under mine were I alive to be changed improved or distributed only that it shall not be alienated or turned away from the final benefit of my children as herein

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after directed. It is also my will that she shall raise and Educate my younger children just as we have done the elder children and that so much of my estate as may be necessary be to make them all equal in this respect shall be apply'd in & for that purpose and shall not be made account of at all against the younger children in a final Settlement and division of my Estate

Third It is my will that my beloved wife after my decease shall procure a suitable Blank Book and in it by the assistance of a friend make out or

raise a regular account for each of my Ten children
so that in sd Book it may appear fairly & fully
all and every thing in kind and value which has
been or may hereafter be distributed or given off
to any one of the children in order that all may
be made equal in a final division except that
according to a long understanding with me and my
beloved wife that she should give our daughters at
their marriage one bed more than than to our Sons
that is to say one bed to each of our sons at their
marriage & two to the daughters each at their marriage

It is my will however to provide by this my will
& Testament against the reckless prodigality of
Edwin K Austin who while a Stranger & under
a specious fairness of character was married to my
beloved daughter Jane Christian so that he
all not have it in his power to wast or
alienate from her & her children any portion of

my Estate justly coming to them. I therefore will
to him & my Daughter Jane Austin his wife
five dollars and no more during the life of sd
Edwin K Austin--

Fourth It is my will and desire that that portion
of my Estate which I would have given (that
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is a child's part) to my beloved daughter Jane
Austin had she not unfortunately been married
to sd Edwin K Austin be set off and distinguished
and manage to the best advantage so as to increase
& preserve it in trust by my beloved wife Ferebe
Thomas for the following purposes to wit, The
support and comfort of my beloved daughter
Jane and the support & education of her three
children Leonidas & Rosetty Catherine and Sarah
Francis Austin and that to this and my beloved
wife shall have full & entire control of the

said child's part of my Estate while she lives
and that at her decease she shall have the
power to appoint a successor to herself acting in
trust for the above described purpose in the control
of said child's part of my Estate truly to the end &
purpose aforesaid—and in the event of her death
the sole use & benefit right & title shall fall to
the three sd children of my daughter Jane Austin
or such of them as may survive her & in the event
of the death of all three of the said children of
my daughter Jane Austin before they or any of
them arrive at mature age or are married then the
whole of said portion as falling to them shall revert
& go back to my own children or their natural
heirs it being my own intent that none of sd child's
part now in this division of my will above described
shall ever go into the use or control of Edwin K Austin,

Fifth It is my will and desire that at the decease of

my beloved wife Ferebe Thomas that a fair and full inventory of all my property of whatsoever kind shall be made by such disinterested persons appointed for the purpose either by my wife in her will or by the consent & joint act of the Legacies or by the proper legal authorities as may be desired best.

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by my heirs and after the payment of the just debts of the estate then the account current kept as above described in this my will for each of my children shall be examined and the Estate divided according to the strictest rules of Justice deducting from the portion of each who have personally received property its amount from the portion of such Legatee now remaining for him and if any interest shall be judged by disinterested persons to be properly allowable to the undivided part of my Estate from those who have received an over equal

advance over the others then such account
of interest shall be brot into the Common
Stock & subject to an equal division among
all my children excepting always according
to the fourth division of my will my Daughter
Jane Austin Edwin K Austin & their children,
Sixth It is my will that the Legally being one
childs part which it is my will should be set
off and Kept to itself by my beloved wife as early
as she may deem proper for the support and comfort
of my daughter Jane Austin & the support &
education of her three children as above described
to be held in trust by her shall be kept when
divided off by my wife seperate from the balance
of my Estate and shall not come into a the gen-
eral & final division of my Estate neither shall
it be subject to any charges or debts of my
Estate and in the event of the death of any of

*my daughters before they shall have
children then their portion shall return to my surviving chil-
dren and natural heirs,*

John Thomas

Test,

Test

Willie Buck

B.B. Duke

James W. Howell

W.W. Vaughn

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The State of Mississippi

Louises County

J Wm P Pullen

Clerk Protem of Probate

*Court of Louises County aforesaid do hereby
certify that James W Howell personally
appeared before me and after being duly
Sworn deposed and saith that he saw John
Thomas sign seal and deliver the within & fore*

*going will on the day and year therein named
that he saw Willie Buck W.W. Vaughn &
B B Duke sign their names as witnesses in
the presence of John Thomas and that he
signed the same as witness in presence
of John Thomas and that they all subscribed
their names in the presence of each other on
the day and year therein named.*

*Given under my hand and seal of
office the 6th day of March A.D. 1889*

Wm P Pullen, Clerk Protem

The State of Mississippi

Louises County

J Daniel Williams

*Clerk of the Probate Court of said County do hereby
certify that the foregoing pages contains a
true and correct Transcript of the last Will
and Testament of John Thomas Decd, as appear*

upon Probate and record in my office,

*Given under my hand and seal
of said Court at Columbus this the
22 day of September A.D. 1855.*

Daniel Williams, Clerk

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The State of Mississippi

Louises County

J Stephen A. Brown

*Judge of Probate in & for said County do
hereby certify that Daniel Williams whose
genuine signature appears to the
foregoing certificate is now and was
at the time of signing the same clerk
of the Probate Court of said County
duly Commissioned & qualified according
to law that full faith & credit are
due to all his official act as*

*such. That Said Probate Court is a Court
of Record & the Said Clerk the Keeper
of the records thereof & that his
said Certificate is in due form
of law.*

*Given under my hand and
seal this 22nd day of
September A.D. 1855.*

*Stephen A. Brown
Judge of Probate*