

Transcript of 1870 December 7: Hester Jett, Executrix of the estate of Benjamin P. Jett, Petition to General Assembly concerning the sale of land, L.C. Gulley collection, Arkansas State Archives, Little Rock, Arkansas.

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The State of Arkansas
County of Hempstead

To the Honorable,
The General Assembly of the State of Arkansas

Your petitioner Hester Jett as Executor of the last Will and Testament of Benjamin P. Jett deceased most respectfully represents and shows that at the July term of the Court of Probate in and for the County of Hempstead in the State of Arkansas in the year Eighteen Hundred and Sixty nine she was ordered and authorized by said Court to sell certain real estate of which the said Benjamin P Jett, deceased, was seized and possessed at the time of his death, situate ink the County of Hempstead in the State of Arkansas in order to enable her to pay off and discharge the debts exhibited and allowed against said estate, That the real estate that she thus ordered and authorized to sell is and was known and described as the South-east quarter of the South-west quarter of Section Twenty-eight (28) and the North-west quarter of the North-west quarter of Section Thirty-three (33) in Township Nine (9) South of Range twenty-five (25) West; Part of the North-East quarter of Section Twenty- Eight (28) in Township Eleven (11) South of range Twenty five (25)

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West, Also Lot Number Four (4) in Block Numbered Four (4) and Lots numbered One, (1) two, (2), three (3), and four (4) in Block numbered thirty-three (33) in the Town of Washington in the County of Hempstead, in the State of Arkansas; and, that in obedience to the order and authority of said order of said Court

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She did proceed to sell, and did sell at public auction on the 4th day of September in the year 1869 a portion of said real estate for a much larger sum of money than the sum at any time since could have been realized therefore; That if the October term of said Court in the year 1869 She made a report to said Court of the Sale made by her in obedience to the order of Said Court, and that her report of said Sale fully approved of, and confirmed by said Court; all of which will more fully appear by copies of the order and proceedings of said Court, in this behalf marked respectively Exhibit "A" [/strikethrough] and "B" [/strikethrough] accompanying this petition, and which she prays may be taken and considered as part of her petition herein; That at the time said Court made the order for the sale of said Court or others in Hempstead County, in consequence of the Nonpublication

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of the laws, that the laws in relation to the sale of real estate, belonging to the estate of deceased personal, had been changed so as to give the Circuit Courts exclusive jurisdiction making orders for the Sale thereof; Your Petitioner, believing that the Sale made by her under the order of said Court of said real estate, has resulted greatly to the benefit and advantage of said Estate, in enabling her to pay off and discharge the debt existing against said estate, and that the same sold for a much larger sum than the same could now, or at any time since said sale, be sold for, prays that an Act be passed by the General Assembly of the State of Arkansas, legalizing and in all things confirming said sale & for all and such other and further action as may be deemed necessary to vest in the purchaser all of the right title interest and estate

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that the said Benjamin P Jett deceased,
at the time of his death had in and to
the same.

Hester Jett Executor of
B.P. Jett Dcd.

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State of Arkansas | In the Probate Court of
County of Hempstead | Hempstead County at the
October Term thereof Octr 20th AD 1869
Estate of Benjamin P. Jett deceased

Came Hester Jett as Executrix of the
last Will and Testament of Benjamin P Jett deceased,
and filed her report of the sale of the
Real Estate of Estate, which is in the word
and figured following to wit:

The State of Arkansas | In the Hempstead Court
County of Hempstead | of Probate October Term
AD 1869
{Exhibit A}

In the Honorable Court of Probate
in and for County of Hempstead on the
State of Arkansas.

The undersigned Hester Jett
as Executrix of the last Will and Testament
of Benjamin P. Jett deceased submits the
following report and return of her proceedings
in regard to the sale of certain Real Estate
belonging to the Estate of the said Benjamin P. Jett
deceased, and which was sold under
the order of this Court, made at July Term
thereof in the year AD 1869.

The said Executrix represents and
reports to the Court here that in compliance
with & in obedience to the order of this Court,

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That she proceeded to, and did Expose to public sale at the Court House door in the Town

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of Washington in the County of Hempstead in the State of Arkansas on Saturday the fourth day of September in the year AD 1869 between the hours of Nine O'clock in the forenoon and and three O'clock in the afternoon of said day, the lands and tenements mentioned and described in the said order of this Court on a credit until the first day of January next to the highest and best bidder, having previously given twenty days notice of the time and place of said sale by printed notice and advertisement put up in ten of the most public places in Hempstead County in the State of Arkansas, giving a particular description of land to be sold and the time, place and terms of sale, and also by publication thereof in the "Washington Telegraph" News paper printed and published on the Town of Washington in the County of Hempstead and State of Arkansas, more than Twenty days before the said day of said sale, and having also previously had the said lands and tenements appraised by I.W. Paup George Taylor and John P. Etter three disinterested house holders of the County of Hempstead in the State of Arkansas, who before entering upon their duties as such appraiser made and subscribed an affidavit that they would well and truly according to the best of their abilities view

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and appraise the lands and tenements, which might be shown to them, who having made their appraisal of said lands and tenements made out a state of the same under their hands and delivered the same to me, and which is

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herewith filed and made part of this her report, prayed to be taken and considered herewith, and marked Exhibit A.

That Lot numbered four in Block numbered four in the Town of Washington in the County of Hempstead in the State of Arkansas was appraised by the said appraisers at the sum of Two Thousand Dollars. That Lot Numbered One in Block numbered Thirty Three in the said Town of Washington was appraised by said appraisers at the sum off Two Hundred and fifty Dollars. Lot numbered Two in Block numbered Thirty Three in said Town was appraise by said appraisers at the sum of Two Hundred and fifty Dollars. Lot numbered Three in Block numbered Thirty Three in said Town was appraised by said appraisers at the sum of Eight Hundred Dollars & Lot numbered four in Block numbered Thirty Three in said, was appraised by said appraisers at the sum of Twelve Hundred Dollars. That the SE of the SW qr of Sec 28 in Township 9 S of R. 25 W. was appraised by said appraisers at the sum of Forty Dollars

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That the NW qr of the NW qr of Sec 23 in Town 9 S or R 25 West, was appraised by said appraiser at the sum of Forty Dollars. And that part of the North East quarter of Section 28 in Township 11 South of Range 25 West, containing fifty Three acres was appraised by said appraisers at the sum of Five Hundred Dollars.

That at said sale, Robert Bruce, then and there bid the sum of Sixty five Dollars for the North West quarter of the North West quarter of Section Thirty Three, and the South East quarter of the South West quarter of section Twenty Eight

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all in Township nine South of Range Twenty five West, and the same being more than two thirds of the appraised value thereof and he being the highest and best bidder having Executed his bond with approved security, then and there became the purchaser thereof.

That Edward D. Jett and Benjamin P. Jett at said sale bid the sum of five hundred and Eight Dollars for the One third part of lot numbered four in Block numbered four in the Town of Washington, commencing at the North Corner thereof running thence South West along Franklin Street Thirty Three feet _ thence back at right angles through said lot, thence North East Thirty Three feet to Hamilton Street, thence along Hamilton Street

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to the beginning, and the said bid being over two thirds of the appraised value thereof, and they being the highest and best bidders, and having executed their bond for the payment of the purchase money, with approved security became the purchasers thereof.

That at said sale Jonathan Irvin then and there bid the sum of Three Hundred and sixty Dollars for one third part of said lot numbered four in block numbered four beginning at a point on Franklin Street Thirty Three feet from the North Corner of said lot, thence South West along said Franklin Street Thirty Three feet, Thence back at right angles through said lot. Thence North East along the line of said lot to a point thirty three (33) feet from the East Corner thereof thence at right angles to the point of beginning on Franklin Street, and he being then and there the highest bidder, and he having executed to me his bond with approved security for the payment of the purchase

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money then and there became the purchaser thereof

That at said sale George Taylor then and there bid the sum of Three Hundred and Ninety five Dollars for one third part of said lot numbered four in Block numbered four in said Town of Washington beginning at a point on Franklin Street Sixty Six (66) feet from the North Corner of said lot, Thence South

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West along Franklin Street thirty three feet to the West Corner of said lot. Thence back at right angles along the line between lots numbered Three and Four in said Block, the full depth of said lots. Thence North East along the line of said lot numbered four Thirty Three feet, Thence at right angles to the point of beginning__ He being then and there the highest and best bidder, and he having executed to me his bond with approved security for the payment of the purchase money, then and there became the purchaser thereof, the amount bid by him as aforesaid being more than two thirds of the appraised value of the lot of ground so bid for and purchased by him as aforesaid.

That the whole block of lots in block numbered Thirty Three in the Town of Washington was appraised by said appraiser at the sum of Twenty five hundred Dollars \$2500.00

And that at said sale Edward D Jett and Benjamin P. Jett then and there bid the sum of Six Hundred and twenty Dollars \$620. for a part of said Block Thirty Three in said Town beginning beginning at the North Corner thereof, running thence South West, along Franklin Street Twenty five and three sevenths (~~25 3/7~~ feet) ~~[/del] feet) to a stake_ thence back at right angles through said Block thirty three, thence North East twenty~~

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five and three Sevenths (25 $\frac{3}{7}$ feet) to Lawrence

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Street_ thence along Lawrence Street to the beginning.

And they also at said sale having bid the sum of Three Hundred and Twenty Dollars for that part of said Block Thirty Three beginning at a point on Franklin Street One Hundred and twenty seven and one seventh feet ($127 \frac{1}{7}$ feet) from the North Corner of said Block_ thence South West along Franklin Street twenty five, and three sevenths feet to a stake _ thence back at right angles through said Block Thirty Three, thence North East along the line of said Block thirty three to a point One Hundred and twenty seven and one seventh ($127 \frac{1}{7}$ feet) from the East Corner thereof, thence at right Angles through said Block thirty three, to the point of beginning on Franklin Street.

And the said Edward D. Jett and Benjamin P. Jett having also then and there at said sale having also bid the sum of Three Hundred and Eighty Dollars \$380. for that part of said Block numbered Thirty Three beginning at a point on Franklin Street One Hundred and Seventy Eight feet (178 feet) from the North Corner of said Block_ Thence South East along Franklin Street twenty feet to the Corner of Franklin and Columbus Streets, thence Ninety Nine feet along Columbus Street to the Corner of lots Three and Two

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in Block Thirty Three on Columbus Street._ thence back at right Angles along the line between lots Three and two in said Block thirty three twenty feet. Thence at right angles to the point of

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beginning on Franklin Steet, and they being the highest and best bidders for said several mentioned and described lots or parcels of land, and their bids being more than two thirds of the appraised value thereof, and they having executed to me their bonds with approved security, for the payment of the purchase money so so bid by them for said parcels of land, then and there became the purchasers thereof.

That at said sale R. Sr. Hinton then and there bid the sum of Fire Hundred and one Dollars for that part of said Block Thirty three in said Town of Washington, beginning at a point of Franklin Street One Hundred and one and five seventh feet ($101 \frac{5}{7}$) feet from the North Corner of said Block Thirty Three_ Thence South West along Franklin Street twenty five and three sevenths feet ($25 \frac{3}{7}$ feet) to a stake _ Thence back at right angles through said Block thirty three_ thence North East along a line of said Block thirty three to a point One Hundred and one and five sevenths feet ($101 \frac{5}{7}$ feet) from the East Corner thereof. Thence at right angles through said

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Block to the point of beginning on Franklin Street, and he being the highest and best bidder therefor, and the sum by him bid, being more than two thirds of the appraised value thereof, and he having executed to me his bond with approved security for the payment of the purchase money, then and there became the purchaser thereof.

That at said sale William I. Ferguson then and there bid the sum of Four Hundred and ten Dollars for that part of said block numbered Thirty Three in said Town of

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Washington. Beginning at a point on Franklin Street, twenty five and three seventh feet ($25 \frac{3}{7}$ feet) from the North Corner of said Block Thirty Three _ thence South West along said Franklin Street Twenty five and three sevenths feet ($25 \frac{3}{7}$ feet) to a stake, thence back at right angles through, said Block numbered thirty three, thence North East along the line of said Block to a point twenty five and three sevenths feet ($25 \frac{3}{7}$ feet) from the East Corner thereof—thence at right Angles to the point of beginning on Franklin Street, and he being then and there the highest and last bidder, and the sum by him so bid being more than two thirds of the appraised value of said parcels of Land, and he having executed his Bond to her for the payment of the purchase money, with approved security, then and there became

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the purchaser thereof.

That at said sale Henry Lazarus then and there bid the sum of Four Hundred and Seventy five Dollars for that part of said Block numbered Thirty Three in the said Town of Washington beginning at a point on Franklin Street fifty and Six Sevenths feet ($50 \frac{6}{7}$ feet) from the North Corner of said Block Thirty Three _ Thence South West along Franklin Street Twenty five and three sevenths feet ($25 \frac{3}{7}$ feet) to a stake_ thence back at right Angles through said Block_ Thence North East along the lined of said Block to a point fifty and Six Sevenths feet ($50 \frac{6}{7}$ feet) from the East Corner of said Block Thirty Three _ Thence at right angles through said block Thirty Three to the point of beginning on Franklin Street, and he being the highest and last bidder, and the amount bid by him being more than two thirds of the appraised value thereof, and he having executed to me his bond with approved

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security for the payment of the purchase money, then and here became the purchaser thereof.

That at said sale Miss Mollie I. Cannon then and there bid the sum of Five Hundred and six Dollars and Seventy five cents for that portion of said block Thirty Three in said Town of Washington

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Beginning at a point on Franklin Street Seventy Six and two sevenths feet ($76 \frac{2}{7}$ feet) from the North Corner of said Block Thirty Three—Thence South West along Franklin Street twenty five and three sevenths feet ($25 \frac{3}{7}$ feet) to a stake, thence back at right angles through said Block Thirty Three- Thence North East along a line of said block to a point seventy six and two sevenths feet ($76 \frac{2}{7}$ feet) from from the East Corner of said Block Thirty Three at right Angles through said block to the point of beginning on Franklin Street, and she being the highest and last bidder, and the sum bid by her being more than two thirds of the appraised value of said parcel of land, and she having executed her bond with approved security for the payment of the purchases money, then and there became the purchaser thereof.

And that at said sale Robert P. Winn then and there bid the sum of Three Hundred and two Dollars for that part of said Block numbered Thirty Three in said Town of Washington commencing at a point on Franklin Street One Hundred and fifty two and four sevenths feet ($152 \frac{4}{7}$ feet) from the North Corner of said Block Thirty Three_ Thence South West along Franklin Street Twenty five and three sevenths feet ($25 \frac{3}{7}$ feet) to a stake, thence back at right angles through said Block_ Thence North East along the line of said Block,

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Thirty Three to a point One Hundred and fifty two & four sevenths feet (152 $\frac{4}{7}$ feet) from the East Corner of said Block Thirty Three_ Thence at right angles through said block to the fourth of beginning, on Franklin Street and he being then and there the highest and last bidder therefor, and his said bid being more than two thirds of the appraised value thereof, and he having executed to me his bond with approved security for the payment of the purchase money then and there became the purchaser thereof

The said Executrix represents to the Court that no part of the North East quarter of section Twenty Eight in Township Eleven South of Range Twenty five West was sold or offered for sale by her & she therefore reports that fact to the Court. The said Executrix files herewith a copy of the notice given by her of the time_ place and terms of sale of the property herein before described, and having reported fully her action, in discharge of the duty imposed upon her by the order of this court in the premises, and being duly sworn deposeth and says, That she was not the purchaser of the Lands, and Lots or Tenements mentioned and described in the annexed and foregoing Report or any part thereof, and that they were not

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purchased for my benefit or use, and that I am not in any way interested in the purchase thereof.

Hester Jett as Executrix of
the Last Will and Testament of

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Benjamin P. Jett decd

Subscribed and sworn to by the said Hester Jett as Executrix of the last Will and Testament of Benjamin P. Jett deceased before me the undersigned G H Martin Justice of the Peace in and for the County of Hempstead in the State of Arkansas on this 19th day of October AD 1869

G.S. Martin J.P.

Where upon it is ordered adjudged and decreed by the Court, that said Report, is in all things approved and Confirmed

The State of Arkansas
Hempstead County | I, John Booker, County Clerk
and Ex-officio Clerk of the Probate Court for Hempstead
County do hereby certify that the foregoing Report of Sale
and order of Approval are truly copied from Probate Court
Record "I" pages 429. 430. 431. 432. 433. 434. 435. & 436, as the same remains in my office

In Testimony Whereof I hereto set my hand and seal
of office this 7th day of December 1870.

John Booker Clerk
By G H Martin D. C.

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I 429. 430. 431
432. 433. 434
435. 436

In the Matter of the
Est B. P. Jett decd

Copy
Report of Sale of
Lands and Tenements

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and

Confirmation of Court

Exhibit A. Referred to in the
petition of Hester Jett as Exectr
of Benjamin P. Jett decd

Refer to [illegible]