

Copy of the will of Francis Smith Decd

In the name of God Amen. I, Francis Smith being of sound and disposing memory mind and memory do make this my last will and testament

In the first place my will is that all my just debts be paid by a sale of such portions of my real and personal Estate as in the Judgment of my executors and Trustees shall seem best taking into consideration those parts of my real Estate that will sell best

In the second place my will is that my dear wife Mary shall have the rest of my Estate both real and personal during her life and Widowhood and then that my Estate shall be equally divided among my Children and in case any of my Children should die before this will takes effect that then it shall go in equal parts to their Children if they leave any and if they die without Children that the part that would go to the deceased be equally divided among my surviving Children, and I hereby appoint John Reed living in Henderson County my Trustee in whom I vest the as Trustee of all my real and personal Estate who is to give my Children and Grand Children above named according to their respective interests. The profits arising from my real and personal Estate. And in case it should be thought necessary by my Executors and Trustees that the real Estate or any portion of it should be sold for the benefit of my Children and Grand Children then he is authorized to sell said Estate giving to my said Children and Grand Children the interest arising from the proceeds ^{of the sale} annually

In testimony whereof I hereby set my hand and affix my seal this 15th December 1844

Francis Smith

And whereas I have heretofore given to my son John such portion of my Estate as I deem to be his part I therefore will that my Estate both real and personal after my just debts are paid shall be divided among the rest of my Children according to the terms and conditions to be found in this will and that said son John my Trustee be and he is fully authorized to exercise the power as trustee delegated to him without the intervention of the Court of probate

Witness my hand and seal this 10th June 1848

Francis Smith *Seal*

State of Illinois
Warren County

I Erastus Rise Probate Justice of the Peace within and for the County aforesaid do hereby Certify that on this day Mrs Mary Smith and Virginia Smith two credible persons appeared before me and sworn upon their solemn Oath the foregoing last will and testament of Francis Smith to my full satisfaction and the said will is admitted to Probate

Given under my hand and seal
this 14th day of November 1848
Erastus Rise P. J. P.

State of Illinois
Warren County

I Erastus Rise Probate Justice of the Peace in and for the County aforesaid do hereby Certify that the above is a true copy of the last will and Testament of Francis Smith deceased late of Warren County in the State aforesaid as taken from the record in my office and was admitted to Probate according to the laws of the State aforesaid as shown by the above

Advised
to January

James the son of Francis Smith as the executor
together with my dear wife Mary and in case they should not agree touching the disposition
of the Estate this then a majority of them shall decide. Witness my hand and seal this 15th Dec 1844

Certificate which is also a true copy from the Record And further I Certify That John Reed John Brown and Mary Smith have given bond And taken out letters testamentary in accordance with the law of the State aforesaid as also appears to me of Record



For Testimony whereof I hereunto set my hand and affix the seal of my said office at Monmouth this 7th day of June 1849
Ematus Rice P.S.D.

State of Illinois
Warren County
I Daniel McKel Clerk of the County Commissioners Court in and for said County hereby Certify ^{that} Ematus Rice Esq whose name is subscribed to the foregoing Certificate is and was at the date of his said Certificate the acting Justice of the peace in and for said County duly elected Commissioner and sworn as the law directs as appears to me of Record in my office and by virtue of his office is the proper person to take proof of Wills and Grant letters testamentary or of Administration and that full faith and credit is due and ought to be given to all his official acts and further that I am personally acquainted with the hand writing of said Justice and believe the signature purporting to be his to be genuine



In Witness whereof I hereunto subscribe my name and affix the seal of said Court at Monmouth this eighth day of June A. D. 1849

Daniel McKel Clerk

State of Illinois
Warren County
I John B. Fenken President of the Board of the County Commissioners Court in and for said County hereby Certify that Daniel McKel whose name is subscribed to the annexed Certificate of Magistracy is and was at the date of his said Certificate Clerk of our said Court duly elected and sworn as the law directs as appears of Record in our said Court and that full faith and credit is due and ought to be given to all his official acts And further that by virtue of his office he is keeper of the seal and ex officio recorder of dates and Resignations of Commissioners and the proper officer to make Certificates of Magistracy And that I am personally acquainted with the hand writing of said Clerk and believe the signature purporting to be his to be genuine

Given under my hand at Warren County this ninth day of June 1849

John B. Fenken President County Court

Kentucky Breckinridge County Set

County Court Monday November 19th 1849

The within Copy of the last will and testament of Francis Smith decd With the certificates thereon was produced in Court and ordered to be Recorded

Wm Gilbert L. Lundy Sec