

47
and thirty two
about
James Smart
his
mark

William Mayhall
John Mayhall
Franklin County Court
February Term 1833

The last will and testament of James Smart deceased was produced in Court and proved by the oaths of William Mayhall and John Mayhall the subscribing witnesses thereto and ordered to be recorded which is done accordingly in my office
J. H. Kinnebeck Clk

Knowing the uncertainty of life, and the possibility of my being taken off by death, I have immediately and having done something for the part of my children and nothing for a part and also having made no provision as yet for my wife I have thought proper to make this as a will In the first place I wish my debts paid and the money that is owing me from the Store for the sale of my land in Fayette Shire is paid to the payment of my debts and the balance of the money which then will be a small balance I wish my wife to have. I also give to my wife Jane Hodges during his life one half of the plantation and woodland I have on bounded as follows except two small acres which I shall hereafter devise to my son Leonard (beginning at Mr. Morris' white Oak Corner when his line and the Creek nearly cuts my land into two thence with Mr. Morris' line to the mouth of branch thence down the Creek to Leonard J. Hodges line thence with his line and down the Creek until it comes opposite said beginning which is on the highest part of the ridge thence to the beginning I also give to my wife during her life eleven negroes namely Mourning, Alfred Sells, Tom, Susans Malindy Billy, Lucy Jane Alice Nelson and old James with their families. In case I also give to my wife during his life all the hours and kitchen furniture black of every kind farming utensils and cart and oxen that may be on the farm at my death, except what I shall hereafter devise. I also give to my wife during her life the one half of all the buildings now on the land. I give to my son Willis Hodges a negro boy James together with money and other property which I have already given him which I estimate at one thousand Dollars I wish him Willis' hand

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thirty five Dollars which I have taken from the pocket of James and fifty Dollars for his funeral expenses (as soon as the money can be raised with convenience from the plantation) also wish James to be buried in for the best price he will fetch and the money given to Willis. I also wish Willis to have one hundred Dollars out of my estate more exclusive of this as soon as the money can be conveniently raised from the farm also at the death of my wife it is my wish that my son Willis Hodges have the following negroes Billy, Melinda and Susannah, and their families in case Cooper, it is also my will that said negroes including James, shall not be sold but hired out for the benefit of Willis, by himself or agent, because it is my wish that if he had said Willis dies without any heir or heirs lawfully begotten, then and in that case the said negroes above given him shall return to my estate and be equally divided among my living heirs (in case he can enjoy the immediate benefit of them by purchase or a slave State) and in case he has an heir or heirs as above mentioned then the said property I give to him and his heirs forever. I give to my son Leonard J. Hodges three negroes daily, Harrow and a plow, also a small piece of land on the upper side of his land called the sea acry field also a piece on the low side of his land between the Creek and Cleft including the cleft and four acres of Table land when his garden now is running across from his westerly corner to the cleft and about it as to include the above four acres on the top of the cleft good land also I give him one hundred acres of land beginning at the creek and Morris' white oak corner when my land is nearly cut into by the Creek and Morris' line running down the Creek and on Morris' line thence across in such order as will lay the land into several good farms, all which I give to him and his heirs forever, but in case he dies leaving no living child the above property shall return to my surviving heirs and be equally divided among them. I give to my son James H. Hodges the other half of the land mentioned in the boundary to my wife, and also the other half of the Buildings and at the death of my wife it is my wish that he shall have the part of the land also which I have left to his mother I also give to my son James H. Hodges three negroes Susannah, Harrow and a plow with their families in case he dies without any heir or heirs lawfully begotten, then and in that case the said negroes above given him shall return to my estate and be equally divided among my living heirs (in case he can enjoy the immediate benefit of them by purchase or a slave State) and in case he has an heir or heirs as above mentioned then the said property I give to him and his heirs forever.