

instructed in my little sister's education, and feel confident
that either of these gentlemen will look to my wishes.

The Court of King's Bench was opened on
Thursday the first day of December 1864

This last will of Luke Wolfe Boulton and
his offers for proof and both of the subscribing witnesses
thence being Legats under the said will. Linda da Gorma
(and J. B. Jones were sworn and solemnly depose that they were
well acquainted with the said Linda da Gorma and
verily believe the said writing to be the will and testament
to be wholly written by the testator as above said
Whereupon the said writing is ordered to be recorded
as the last will and testament of the said Luke Wolfe
Boulton and

Take
And given and Signed Robert D. Swinburne
Judge

In the name of God. Arrived I Martin
Smith being of sound and disposing mind and
memory, do make and ordain this writing to be my
last will and testament hereby revoking all and every
former will by me at any time heretofore made

1st I wish my executor hereinafter named to pay
my debts with the amounts due me and the proceeds
of crops &c should these be insufficient for the purpose
then I direct that she shall sell one or more slaves
as may be necessary to accomplish said object

(2nd) I wish my estate (except such as is hereinafter
directed and mentioned and bequeathed) to be kept
together by my said executor until the first day
of January 1865 unless my wife Eleanor A. Smith
should marry before that time, on the occurrence of
which, should it so happen, I wish my estate divided
as is hereinafter directed and provided

(3rd) I direct my two sons Oscar Emmet & Martin

to live at home & to be sent to school from home two years from
the 1st day of January 1861 and the expenses of tuition books &c to
be paid by my Executors out of the profits of my estate.

4th I give and bequeath to my son Oscar Emmett to be
paid out of my profits of my estate six hundred and thirty five
dollars and to my son Mortimer to be paid also out of my
profits six hundred and twenty six dollars which two sums are
not to be accounted for in the final division of my estate.

5th I give and bequeath to my son William the bag
now used by him with gold watch now worn by him
(and in his possession) and these are not to be accounted for
in the said final division.

6th I give and bequeath to my daughter Mary Alice now
Mary Alice Will a negro woman Nancy now in the
possession of my said daughter and her husband James Will
but to be accounted for in the said final division of my
estate at the price of nine hundred dollars.

7th In the event that my daughter Fanny should
marry before the time for a final division of my estate,
I then give and bequeath and I hereby direct my said
Executors to deliver to her a likely female slave as a maid
for my said last mentioned daughter, which said slave is
to be accounted for by my said daughter Fanny as of her
value when so delivered.

8th When my youngest son Mortimer arrives at
twenty one years of age I then and thereby direct my wife
Phoebe A Smith to have one third of my land with
one third of my slaves with the exception of one mentioned
to be held by her for the term of her life and at her death to be
equally divided amongst all my children.

9th In addition to the one third of my land and
slaves given as aforesaid to my wife, for life I want her
if she is then my widow and unmarried to purchase at
the rate of my estimable property there to be made, such
articles as she may desire to the amount of two hundred
dollars to be delivered to be paid out of the general

of my estate and such articles as may be so purchased and repaid for I give and bequeath to my said widow in fee simple provided she is then my widow. But should my wife marry before the term of the division of my Estate as herein directed, then she is not to have the benefit of the said Legacy of Two hundred dollars last above mentioned.

10th On the arrival of my said son Mortimer to the age of twenty one years I wish all my estate real and personal except such as is bequeathed herein before to be equally divided between and amongst all my said children and the issue of such as may have died before such division which issue in such event shall take such part as its parent would have taken had he or she been living.

11th In the division of my real Estate it is my Will and desire and thereby direct that my wife and each and all my children who may receive any portion of my said real estate shall have all the rights of way with free ingress and egress from and to the lands so received by them in said division.

12th and last. I appoint my wife Eleanor A. Smith executrix to this my last Will and Testament and I hereby direct and request that she may be permitted to qualify as such executrix without any security having full confidence that the duties will be faithfully discharged.

In Witness whereof I have hereunto set my hand this 8th day of December in the year 1860

Signed and declared in the presence of us who were both present at the same time and requested by the testator to subscribe our names as Witnesses to this last Will and Testament
 Robert Smith
 John Smith
 John Florioannis

Mortimer Smith

J. Mortimer

Smith do make this Codicil to my last Will and Testament
above written. It is my wish and desire that the two sums
directed by my said Will in the 4th clause thereof shall
be applied by my executrix in her discretion if she should
deem it expedient and proper to the completion of the
education of my said two sons Oscar Emmett & Mortimer
As Witness my hand this 10th day of December 1860
Signed published and delivered
Mortimer Smith

in the presence of us
Robert Smith
John P. Williams

At a Court held for Henry and Deane County at the
Court house on Thursday the 7th day of March 1861. The last
Will and Testament of Mortimer Smith deceased and
the Codicil annexed, were offered for probate by Eleanor A.
Smith the executrix therein named and the said Will
was proved by the oaths of Robert Smith John Smith and
John P. Williams the witnesses thereto subscribed and the
said Codicil was proved by the oaths of Robert Smith and
John P. Williams the witnesses thereto subscribed
and also by the oath of the said Executrix and an
order was thereon made.

Teste Robert Slocum Secy.

At the Clerk's office of Henry and Deane County Court December 1860
The Record and the original Will of
Mortimer Smith deceased being lost by the burning
of the Clerk's office of this County by the fire occurring
on the 20th day of August 1860. Teste Robert
Slocum Secy. Attest Robert Slocum Secy. is
on the motion of Robert Smith administrator with
the Will annexed of Mortimer Smith deceased
admitted to record and now

Teste
Mortimer Smith
Teste Robert Slocum Secy.
Teste Robert Slocum Secy.