

Arthur Smiths' Will I, Arthur Smith, of the Town of Suffolk, County of Nausumond and State of Virginia, do make, publish and declare this paper writing to be my last will and Testament, hereby revoking and annulling all other or former wills by me heretofore made.

First - I give and bequeath unto my wife Susann Smith the Dividends arising and accruing or which may arise and accrue from my Bank Stock, in the Bank of Virginia, and Farmers Bank of Virginia, during her life; and at her death I bequeath the said dividends in the same manner, as I shall herein after bequeath the said Stocks; I also give her the use of a bed and furniture, bureau and work Stand during her life, and at her death I give and bequeath the said furniture unto my daughter Martha Jane Louisa Smith to her and her heirs forever.

Secondly - I give and bequeath unto my Daughter, Martha Jane Louisa Smith, the houses and lot whereon I now live, and the appurtenances belonging thereto, together with the furniture of every description and denomination which I may possess at my death, not herein otherwise bequeathed; I also give and bequeath unto my said daughter, Martha Jane Louisa Smith, all the provisions of every kind I may possess at my death; also negro girl Lucy and her future increase; to her and her heirs forever.

Thirdly - I give and bequeath unto my son Doctor Othman K. Smith, Ten Shares of the Stock of the Bank of Virginia, and six Shares of the Stock of the Farmers Bank of Virginia, to him and his heirs forever.

Fourthly - I give and bequeath unto the Rev. James Morrison (my son in Law) Nine Shares of the Stock of the Bank of Virginia and Seven

arising and accruing or which may arise and accrue from my Bank
Stock, in the Bank of Virginia, and Fanners Bank of Virginia, during her
life; and at her death I bequeath the said dividends in the same
manner, as I shall herein after bequeath the said Stocks; I also give
her the use of a bed and furniture, bureau and work Stand during her
life, and at her death I give and bequeath the said furniture unto my
daughter Martha Jane Louisa Smith to her and her heirs forever.
Secondly- I give and bequeath unto my Daughter, Martha, Jane Louisa
Smith, the houses and lot whereon I now live, and the appurtenances
belonging thereto, together with the furniture of every description and
denomination which I may possess at my death, not herein otherwise
bequeathed; I also give and bequeath unto my said daughter, Martha
Jane Louisa Smith, all the premises of every kind I may possess at
my death; also negro girl Lucy and her future increase, to her and
her heirs forever.

Thirdly- I give and bequeath unto my son Doctor Arthur K. Smith, Ten
Shares of the Stock of the Bank of Virginia, and six Shares of the Stock
of the Fanners Bank of Virginia, to him and his heirs forever.

Fourthly- I give and bequeath unto the Rev. James Morrison (my son
in Law) Nine Shares of the Stock of the Bank of Virginia, and seven
Shares of the Stock of the Fanners Bank of Virginia, to him and his
heirs forever.

Fifthly- It is my will and desire, and I do hereby direct that my
Executor to be hereinafter named, shall make sale of all the residue

and, remainder of my Estate of whatsoever kind it may be, either at private or public sale as my Executor, shall think best calculated to promote the interest of my Estate; and on such terms, as he may deem best; it is also, my will and desire, that my Executor shall collect all moneys due me, whether by account, bond or otherwise (not herein before disposed of) as soon as convenient, and out of the moneys so collected and the proceeds of sale I direct all my just debts and funeral expenses to be paid, and the remainder, if any, to be equally divided between my son, Dr. Arthur K. Smith, Son in Law Rev. James Morris and Daughter Martha Jane Louisa Smith, to them and their heirs forever.

Lastly and Lastly - I do hereby nominate, constitute and appoint John Richardson Kilby, my whole and sole executor of this my last will and testament; and request that the Honorable Court of Wauseon County, will permit him to qualify, without giving security, for the faithful administration of my Estate - In Testimony whereof, I hereunto set my hand and affix my seal this twenty-fifth day of August, one thousand eight hundred and thirty eight.

Signed, sealed, published and declared as and for the last will and testament of Arthur Smith, before us, who in his presence and at his request have subscribed our names as witnesses. R. H. Riddick Jr.
H. C. P. T. T. S. K. L.

Arthur Smith

Wm. G. Boutwell, Thos. J. Kilby }

Codicil

I, Arthur Smith, of Suffolk, Nausumond County, Virginia, have thought proper on this day to add this Codicil to my foregoing will. First. Since the execution of my said will, I have become the owner of a tract of Land in the Upper Parish of Nausumond County, which formerly belonged to Christopher Lawrence; also of a house and Lot near the Town of Suffolk, on the Somerset Road, bought of James Campbell's wife. I therefore direct that my executor named in my said will, sell and dispose of the said tract and lot of land, on such terms as he may deem best, either by public or private sale, or for cash, or on credit, conveying the same to the purchaser, and the proceeds I give and bequeath to be equally divided between my son Arthur R. Smith, son in Law James Morrison, and my daughter Martha J. L. (who is now the wife of John R. Kilby) to them and their heirs forever.

Secondly. Since the execution of my said will, my beloved wife Susan, has departed this life. I therefore give and bequeath the furniture left her, to my daughter Martha J. L. Kilby, and her heirs forever.

Third. The Bank Stock loaned to my said wife, I also give and bequeath immediately on my death, to my son Arthur R. Smith, and my son in Law James Morrison, in the same proportions as named in the fourth clause of my said will, to them and their heirs forever.

Fourth. At the time of making my said will, it was expected that I should not survive my said will, but I have since

Providence that I should survive her, and in consequence thereof the
Bank Stock I own will immediately go to my son Arthur H. Smith,
& my son in Law James Morrison; In order therefore to make
equal the portion of my said Daughter Martha J. & Kelly, I did on the
9th. day of June 1845, assign to the said John K. Kelly a bond I hold
against Richards & Riddick, for Seven Hundred & twenty eight
Dollars and six cents, dated the 4th. day of July 1843, and payable
the 30th. of September thereafter. I therefore do hereby confirm
unto said John K. Kelly, his heirs forever the transfer & assignment
of the bond aforesaid.

5th. All the property which I have given to my children before
the execution of my said Will, I do hereby confirm to them & their
heirs forever.

In Witness whereof, I have hereunto set my hand and affixed my seal,
this 23th. day of August 1845.

Signed, sealed, published &
Declared by Arthur Smith
to be a Codicil to his aforesaid
will, before us who in his
presence & at his request
have subscribed our names
as witnesses
Thos. J. Kelly
R. H. Riddick Jr.
Ro. Ho. Webb

Arthur Smith Seal

At a Monthly Court held for Nassau County, the 8th day of
October 1849.

This Last Will and Testament of Arthur Smith deceased,
with a Council thereof annexed, was proved by the oaths of Richard H.
Riddick Jr. and Thomas J. Kelly, two of the subscribing witnesses
thereof, and was ordered to be recorded: And on the motion of
John Richardson Kilby, the Executor therein named, who made
oath according to law, entered into and acknowledged a bond in the penalty
of Ten Thousand Dollars (without security, the will requiring none),
conditioned as the Law directs. Certificate is granted him for
obtaining a probate of the said Will in due form.

Teste,

Joseph P. Prentiss, Clerk

A Copy:

Teste,

Joseph P. Prentiss, Clerk

In the Clerk's Office of Nassau County Court, the 1st day of March
1866. This duly authenticated copy of the Last Will and Testament of
Arthur Smith deceased, with the certificate thereon, was produced by
John R. Kilby to the Clerk of said Court: and on the application of said
Kilby, is recorded anew: the book, in which the same was originally
recorded, having been destroyed by the burning of the Clerk's Office and
records, on the 7th day of February 1866.

Teste,

Peter B. Prentiss, Clerk.