

I William L. Smith of South Garden in the County of New Kent being of sound & disposing mind, do make this to be my last will & Testament as follows -
I lend to my nephew Charles L. Price during his life all my estate both real and personal (except such as may be hereinafter disposed of) and at his death, I give the same to such child or children as he may leave at the time of his death or to the heirs of the body of any child or children of the said Charles L. as may have died before him, and should my said nephew Charles L. Price die leaving no child or children lawfully begotten or heirs of the body of such child or children as may have died before him. Then and in that case it is my will and wish and I hereby direct that the property real and personal which I have above lent him shall go to and be equally divided between my four nieces, daughters of my sister Mary B. Price, to wit; Mary F. Harwood, Betty S. Lacy, & and Lurina P. Price to them & their heirs forever. I am at this time engaged in defending two suits in the Circuit ~~Court~~ Superior Court of Law and Chancery for the County of Hanover brought by individuals contesting my right to certain property named in the proceedings, I confidently expect said suits to be decided in my favour and that the property real and personal named in said suits (my title to which is questioned) will be adjudged to be mine, in that event, I hereby direct my Executor hereinafter named to sell the whole of the said property real and personal on such terms as he may deem most advantageous & after taking from the amount of sales the whole expence incurred in defending said suits to divide the balance of said amount arising from the sales of said property equally amongst my four nieces above named which I hereby give to them and their heirs forever & I give to my sister Mary B. Price and to her heirs forever whatever amount shall be due me in bonds or accounts at the time of my death, all my just debts and funeral charges being deducted therefrom & I would emancipate my woman Elly if

me in bonds or accounts at the time of my death, all my just debts and funeral charges being deducted. Therefrom I would ^{New Kent County, Virginia Will No. 1, 1864} ^{www.virginiapioneers.net} ~~emancipate my said woman Elly~~ if the laws of the land would permit her to remain her to remain within the limits of the Commonwealth of Virginia. but as she cannot remain in said commonwealth as ^{an} emancipated slave, it is my will and desire and I accordingly hereby direct that my said woman Elly shall remain in the plantation which I have lent my nephew Charles L. Price under his control and management, to be alone benefitted by her own labour, and should she live until she is not able to support herself, that she shall be comfortably supported my said nephew Charles L. Price out of the property which I have by this my will lent him as long as she lives, her youngest child Ellice, I will and direct shall remain with his mother & aid & assist her and be under the control and management of my said nephew Charles L. Price until he attains the age of twenty one years; at which time I hereby emancipate him and if he chooses ^{to} leave this Commonwealth and go to a non-slaveholding State that my executor hereinafter named shall give him such evidence of emancipation, and that my said nephew Charles L. Price shall pay him out of the property which I have lent him the sum of Five hundred dollars, should said boy Ellice prefer to remain in this Commonwealth, he is not to have the sum which I have above directed to be paid him, and is to remain under the control and direction of my said nephew and his heirs, and is to be benefitted by his own labour, I insert this clause in this my will in relation to my two slaves Elly and her son Ellice with the firm belief, that those to whom I have bequeathed my property will take pleasure in carrying it fully into execution in relation to said slaves, but should any one to whom I have given anything attempt by any defect in this my will or any legal quibble, to enslave my said woman Elly and her child Ellice

I hereby revoke and annul all and every bequest ^{New Kent County, Virginia Will No. 3, 1864-1867} ^{www.virginiapioneers.net} made in their favour, and should anyone claiming an interest or share in my estate to whom I have given nothing attempt to set aside this clause of my will in relation to said woman Elly and her son Ellick and succeed in the attempt; I hereby give the said woman Elly and her son Ellick together with the future increase of said Elly to my nephew Charles L. Price, to him and his heirs forever. Lastly, I nominate and appoint my said nephew Charles L. Price executor to this my last will and testament and request of the court of New Kent to permit him to qualify as such without ^{giving} security. In testimony whereof I have hereunto set my hand and affixed my seal this twelfth day of November One thousand eight hundred and forty six.

William L. Smith. *(Seal)*

Signed sealed published and declared by the Testator Wm L. Smith as and for his last will and testament in the presence of us who in his presence and at his request and in the presence of each other have hereunto subscribed our names as witnesses

John H. Christian.

James Blamper

New Kent County

At a court held for said County the 10th day of December 1846

The aforewritten last will and testament of William L. Smith deceased was put into court proved by the oaths of the subscribing witnesses ~~there~~ and ordered to be recorded

Teste

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John H. Christian

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New Kent County

New Kent County, Virginia Will No. 1, 1864-1887

www.virginiapioneers.net

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Teste

Jno. D. Christian C. C. C.

A copy

Teste

Pat. D. Christian D. C.

Sept 12th 1856

In New Kent County Court Clerk's office January 13th 1880

The foregoing writing purporting to be a copy of the will of William L. Smith deceased was presented the Clerk and the record thereof as well as the original having been destroyed by fire and the Clerk being satisfied of the genuineness of the certified copy doth admit the same to record as a copy of the last will and testament of William L. Smith deceased

Teste

E. M. Lemp Clerk