

would be such for the children of the said John & children. I am in earnest desirous that if the said John & children should die leaving no child or descendant of which I am desirous that the share hereby given him & his heirs should remain among the children of my daughter Beatrice & her heirs and the share that is going to my son William & his heirs I am in haste for the said John and his heirs if his own children do not to be born, and if he should die leaving no child or descendant of which I am desirous that the above share is to be specially devised among the children of my three daughters above named.

Item 14th It is my will that all my children should be made equal before the distribution mentioned in the foregoing clause be made.

Item 15th I hereby constitute and appoint my friends & counsel John L. McGee & my esteemed friends Rufus Livingston Breuners of this my last will and testament this 11th day of February 1863 John Smith *Test*

Signa seals published and declared by John Smith to be his last will & testament in the presence of the subscribers who subscribed our names here in the presence of the testator & of each other this 11th day of February 1863. The words "remain" of my estate on the first page & 12th line from bottom entailed before signing

Presley D. Christian
Richard D. Strickland
A. M. Evans

Georgia
Newton County

Court of Ordinary May Term 1863

Personally appeared in open Court Presley D. Christian, Richard D. Strickland & A. M. Evans who being duly sworn to & oath that they saw John Smith sign seal publish & declare the foregoing instrument to be and contain his last will & testament and that he was of sound disposing mind and memory at the time of signing the same that he executed the same freely & without compulsion so far as they know or believe and that they signed the same as witnesses in the presence of the testator and of each other the words "remain" of my estate" interlined in the first page before signed by the testator & witnesses. Sworn to & subscribed in open Court this 5th May 1863

Wm. D. Luckie

Ordinary

Presley D. Christian
Richard D. Strickland
A. M. Evans