

1851-1865

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James Smith's

I James Smith, desiring to do make this my last will and testament: I give and bequeath to my wife Eliza Smith and our children my whole estate both real and personal, upon the following terms and conditions; counting what property, that I may give my sons James I Smith, Robert I Smith and Elliot Smith, between this time and the time of my death, they are ~~not~~ such property to receive from my Estate twenty five hundred dollars each in property at valuation whenever convenient and necessary for them, according to their circumstances and consider to make them near equal to their older brother and sisters; And my wife Eliza Smith to have the possession of and control the balance of my whole Estate, and out of it and the proceeds of my real and personal property to pay all my debts, and to have and enjoy the same during life if she remains unmarried; and at her death my whole estate real and personal to be equally divided amongst our children then living and the good and lawful children of such of our children as may die before she dies, share and share alike; the portion to which either of my daughters or grand daughters may become entitled to rest in and in the property in trust of my sons William I Smith, James I Smith, Robert I Smith, Elliot Smith as trustees for such daughters or grand daughters being some court being some court, during life and at her death to go to the daughter and in no event to be subject to the debts or obligations of their husbands; and in the event of either of my daughters being some court and dying without any child or children in good and lawful children then the portion of my Estate, held in trust for such daughter to rest in my other children equally, subject to the part going to a female court to be rested in the trustees aforesaid; and in any case when it becomes necessary for a trustee to act for a female court, she to choose the one to act. And in case my wife chooses to remarry again, then it is my will that my whole estate both real and personal be appraised; and equally divided between her and all our children share and share alike; the share falling to a daughter being some court, to rest in her trustees aforesaid, for her use and benefit during life, and at her death subject to the limitations aforesaid; and the right of my wife to act as Executor of this my will to cease and determine on her intermarriage.

I give and bequeath the tract of land, I bought from John Wynn in Cass and Henry County Ohio some more or less to my children, Smith Blackland and Jesse Blackland children of James Blackland deceased. to them & their heirs forever, and in case of their death of both my said grand children without children then said land to be sold and equally divided between the heirs of James Blackland of Greenville to Eastman and my son John the said John Blackland.

James Smith's will contained
 And in case of ~~www.georgiapioneers.com~~ ^{James} appointed a my executor
 herein in failing circumstances it is my will that the Superior Court
 or Court of Ordinary on application on oath of any person interested to
 take security do be given for the safe and faithful performance
 of the trust imposed; and if said trustee or Executor is in default
 thereof then said Court be pleased to despatch such defaulting trustee
 or Executor according to such my desire herein expressed.

And lastly I hereby nominate and appoint my wife Eliza Smith
 and my sons William G. Smith, Robert A. Smith & Elliott Smith
 to be Executors and Executors of this my last will and testament

In testimony whereof I the said James Smith hath hereunto
 set my hand and affixed my seal (in common form)
 at Macon on the first day of May in the year aforesaid

and forty five
 Signed, sealed, declared & published in presence of us
 who sign at request of said Smith in his presence }
 and in the presence of each other = James Smith

Allen P. Powers
 Joseph E. Wells } Georgia Probate Court,
 William E. Whitlock }
 Whit P. Cahant } Probate

County of Ordinary Adjourned
 Georgia } Before me Philemon Tracy, Ordinary in and
 Bibb County } for said County Personally came Robert A.
 Smith one of the Executors of the last will & testament
 of James Smith late of said County deceased, and
 produced before me the last will & testament of said James Smith
 deceased, and two of the witnesses of said will & testament
 to wit, Allen P. Powers & Joseph E. Wells, which witnesses being duly
 sworn depose and say that they saw James Smith the testator
 sign said will and testament, freely, voluntarily & of his own accord
 that at the time of the execution of the said will, said testator
 was of sound & disposing mind & memory, that said testator
 signed said will as witness in presence of the testator &
 he signed request & instance, and in the presence of
 each other and that they saw William E. Whitlock, & Whit P.
 Cahant, the other two subscribing witnesses to said will
 and testament, do likewise.

Wherefore it is ordered, considered and adjudged
 by the Court that said will, and testament, be & hereby
 are admitted to record.
 Given & subscribed
 Before me this June 11th 1852
 Allen P. Powers
 Joseph E. Wells }
 J. Tracy }
 Ordinary }