

Georgia
Chatham County

I, Alexander Augustus Smith residing in the City of Savannah in said County and of sound mind and memory in the name of the Holy Trinity amen, do make publish and declare the following to be my last Will and Testament. —

First: It is my wish that all my outstanding credits and claims should be collected as fast as practicable and the proceeds immediately applied to the payment of my debt, and should said proceeds fall short of paying my debt in full, it is my desire that my Executors shall as soon as they may find it expedient dispose of my Rail Road and Bank Stocks, and should that be still found insufficient to pay my debt in full, that each of my other property be devalued as an investment for my children be sold, but not more than shall be required for that purpose. —

Secondly: It is my wish and desire that the Lots number five and Ten and improvements, Decker Ward and Lot number thirty nine in Franklin Ward shall not under any circumstances be sold. Accompanying this my Executors will find for their government a balance sheet taken first October last. In this balance sheet my library, furniture, plate, carriage &c are not embraced. My interest in the land bounded by the River and Canal owned conjointly with Amos Snader and R. L. Jackson is one fourth and my proportion of the Rent as the different Leases will show is Nine Hundred and Eighty dollars, each collecting his own rent: believing that this property in its present situation is more profitable it is my wish that no division should at present be made unless the other owners should desire it. The tract of bought from the Executors of the late Joseph Shiles adjoining said property except a very small fraction leased to James Selkirk for thirty dollars per annum is unembarked: my interest in said tract is one third. When I sold the plantation on Hutchinson's Island formerly Mordicai Myers now belonging to Mitchell King, I reserved to myself in fee simple all the lands and privileges outside of the bank on the Savannah River. This land and water privileges are leased to R. A. Allen & Co. for five hundred dollars for five years commencing on the fifteenth day of June Eighteen hundred and forty nine. As there is not in the vicinity of the City any other place so eligible as regards safety and convenience this rent should be increased considerably.

Thirdly: The plantation for which an account is opened in my books under the title of Barnwell Plantation and the Negroes, about twenty six in number belong to me bona fide. However as I made the purchase of this property to save the former owner John D. Wise now acting as my manager from ruin: it is my desire when the above account is balanced from the sales of the lumber and from the mill that the said plantation and negroes shall be made over in trust to the sole and separate use of his wife and children, taking care that my Estate shall not be burdened or subject in any way whatever to or for any subsequent or former liabilities. —

Fourthly: As regards the particulars of my other property, I refer my Executors to the titles and leases which they will find among my papers.

Fifthly: My life is insured for the benefit of my wife and children for Five Thousand Dollars in the Mutual Life Insurance Company.

my debts I would suggest the propriety of applying the proceeds of this Policy now increased by dividends to the thousand one hundred and fifty eight Ten Dollars (\$1580⁰⁰.) to the payment of my debt—
Fourth. My house negro, plate, furniture, carriage and harness I bequeath to my beloved wife for and during her natural life, and after her death for the joint use of each of my daughters who may remain unmarried and keep house together, or long as any of them may remain unmarried and continue to reside together, and when the purpose of this bequest shall have been accomplished by the marriage or separation in residence of my daughters then the property aforesaid shall become subject to distribution as a portion of my estate. Should any of my said servants through misconduct or other causes require to be sold the proceeds of the same may be reinvested in the purchase of other servants for the use of my said unmarried daughters—

Fifth. I leave the disposition of my Library to the discretion of my Executors who will nevertheless have ^{regard} therein to the wishes of my children, could the collection be sold entire it would bring a better price; the sale might be advertised in the papers of the principal Cities of the United States, giving a description of a few of the most curious MSS, autographs, early printed books &c: if sold at auction the sale should take place in the winter or spring at candle light as more likely to secure a larger attendance: only one work to be put up at a time, and none sacrificed, in the mean time no book shall be lent out. Previously to the sale several hundred volumes may be set apart for the use of my children, My little Cabinet of curiosities I direct to be divided among my children—

Sixth. I give and bequeath to my beloved Step Mother Marie Catherine Thet and Sister Pauline Lechez residing together Rue de l'Arche Evêche Nantes, for their joint use and the survivor of them the sum of Four thousand dollars which shall be remitted to them in an untroubled bill of exchange, as soon as my debt are paid and property can be advantageously disposed of for the purpose. I also give and bequeath to my beloved Sister Hortense Mousquet now residing at number fifty six Allée de Turnes, Bordeaux, the sum of Five Hundred Dollars to be remitted to her in the same manner. It is nevertheless my desire that until the above remittances are effected, an annual remittance of Two Hundred and Eighty Dollars shall be made to my Mother and Sister Pauline in the month of October. The smallness of the legacy to my Sister Hortense compared with the other legacy is not because I have less affection for her, but because she has a husband and sons, while her Mother and Sister have been entirely dependent on me for their support for years past. In order to relieve their mind from the state of uncertainty in which they will be thrown by my death, it is my desire that immediately after the opening of my will a copy of this clause shall be transmitted to them—

Seventh. It is my desire that my Estate shall remain undivided during the natural life of my beloved wife, except what is herein specifically bequeathed to my daughter Miss Sarah, and to my son, and also his additional share of my estate: I further desire that my unmarried children will reside with their mother, and the necessary means of support shall be furnished to them out of the income of my Estate. In the

event of my wife marrying again my estate both real and personal shall be divided equally between her and my children she taking a child's share. The shares falling to my children shall be made over to trustees as is hereinafter provided in clause number seven her husband being inhibited from serving in that capacity or as guardian of my children; The share of my wife I give and bequeath unto my Executors hereinafter named In Trust for the sole and separate use of my said wife for and during the term of her natural life not subject to the debts contracts or control of her husband, and on subject to such disposition at her death as she may make by last will and testament. And in the event she should execute a marriage settlement then my said Executors are authorized to retire from the said trust and resign it to the trustee appointed in such settlement. The division under such contingency to take place as soon as my debts are paid, and the provisions in clause number eight are carried into effect.

Tenth. I direct that in the event of the death of my wife without having again married my estate shall be divided as soon as practicable after my youngest child shall have reached the age of twenty one years, but should either of my daughters marry before the division of my estate as is herein directed she shall be allowed, after the payment of my debts and the legacies to my Mother and Sisters such a proportion of the income of my Estate as should arise from her share if the same was divided: And upon the final division of my Estate as herein is directed I give devise and bequeath unto my Executors hereinafter named the property or money which may fall to my daughters to hold in trust for the sole and separate use of my said daughters respectively during the term of their natural life not subject to the debts, contracts or control of any husband they may marry and at and after the death of my said daughters neither of them then to hold the share of the deceased daughter for the benefit of and to divide the same among such child or children as she may leave living at the time of her death share and share alike, the child or children of a deceased child to stand in the place and take the share of its or their parent: But should either of my daughters die married and without children at the time of her death then I direct my said Executors to convey the share of the daughter so dying to such person or persons and in such manner as she may by last will and testament or power of appointment in the nature thereof direct, and in case of the failure of the exercise of such power then I direct my said Executors to convey the said share to the right heirs at law of said deceased daughter. Upon the marriage of any one of my daughters and the execution of a marriage settlement between her and her intended husband in which there shall be a trustee or trustees named who shall be approved of by my said Executors, then it shall be lawful for my said Executors to retire from the trust as far as the share of said daughter and to resign the same to the trustee or trustees under said settlement upon the same trusts as are herein expressed.

Eleventh. I give devise and bequeath unto Henry Canale the sum money of Lot number Seventy Two Granfield Ward in said City of Savannah to hold in and upon the following trust viz in trust for and for the sole and separate use and behoof of said Henry Canale

and Hannah for and during the term of her natural life not subject to the debt contract or control of her present or any future husband, and at and after her death then to divide the same among the children of my said daughter living at the time of her death share and share alike, the child or children of a deceased child to stand in the place of and take the share of it or their deceased parent. But should my said daughter die married and without children living at the time of her death then I direct my said Executors to convey the said moiety to such person or persons and in such manner as my said daughter by last will and testament or former of appointment in the nature thereof may direct. The cost of said moiety which is Two Thousand five Hundred and forty one Dollars and fifty cents, on which no interest is to be charged, is to be deducted from my said daughter Maria's share, together with the amount of taxes, repairs and other expenses thereon, if not already paid out of the rent. There shall also be deducted from the share of my said daughter her husband's two notes held by me amounting to nine Hundred and twenty one dollar and twenty seven cents and also any other liabilities I may hereafter during my life come under for him.

Twelfth. Having some years since purchased at Sheriff's sale the interest of my Son in law Henry Canahl in his father's estate as will appear by the Sheriff's deed to me, I do hereby give devise and bequeath the same, in case no other disposition should be made thereof during my life time, unto my said Son in law Henry Canahl to hold in and upon the same conditions and trusts and subject to the same covenants as are expressed in clause number eleven of this my will. It is my desire that this bequest shall not be taken in account in the apportionment of the share of my said daughter.

Thirteenth. Should at the time of my death my plantation, negroes and stock in the County of Cobb where he now resides not have been otherwise disposed of I give devise and bequeath the same to my son Alexander D. W. Smelt in Trust for the sole and separate use benefit and behoof of his wife for and during the term of the present coverture between them, not to be in any manner subject to any debts or contracts of my said son. And in the event of her death during the life time of my said son, then after her death in trust for such child or children as she may leave living at the time of her death, any child or children of a deceased child to stand in the place of and take the share of it or their deceased parent. But should she die leaving no issue living at her death, then I give devise and bequeath the said property to my Executors hereinafter named in Trust to permit my said son to possess occupy and enjoy the said property during his life for the support and maintenance of himself and any family and children he may have by any subsequent marriage but not in any manner to be subject to any debts, now existing or hereafter contracted, of my said son. I hereby directing my Executors and trustees in case any attempt be made by any such creditor to seize and subject such property, or its profits and income, immediately to enter upon and take possession of the same, and to apply the profits and income to the support and maintenance of any family and children he may have during his life, and after his death to convey the same to such issue as he may leave living at his death in fee according to the

Statute of distributions of Georgia approved 1850 case of his death without issue then to convey to his right heirs at law.

Fourteenth. It is my desire that all my children shall share equally in my estate, my son's share partly consisting of the property described in clause number thirteen shall be set apart as soon as my debt are paid and the provisions in clause number eight complied with: his share however shall be taken from my estate generally except lots number nine and ten Decker ward and lot number thirty nine Franklin ward, if property it shall be made over if money invested upon the trusts and conditions expressed in clause number thirteen.

Fifteenth. It is my desire that my estate be divided in the following manner. The tenements of my estates in Decker and Franklin ward to be divided among my daughters, in effecting which due regard shall be had to their respective value at the time of the division, and as it will be necessary to equalize the shares the tenements being of different value reckoning the tenement occupied by E. W. Morrell & Co as two, other property or money shall be taken from my estate for that purpose, for doing which, or for dividing the rest of my estate among my heirs it may be found necessary to sell other property, my Executors are authorized to sell only what shall be deemed absolutely necessary to equalize the shares at public sale on the first Tuesday of the month.

Sixteenth. The trust estate belonging to my wife and children consists of the Lot and improvements in Jasper ward for which I refer my Executors to my declaration of trust. The interest of my daughter Maria C. Vanahle in said trust is one thousand dollars, which she is hereby permitted to commute for in the same amount of money, which however is not to be paid until after the discharge of my debt and the legacies to my mother and sisters. Should either of my children wish to purchase from the co-heirs their shares in the said trust estate they may be permitted to do so if they can do it out of their private means: they may also be allowed to sell a portion of their shares for this purpose only, provided there shall be sufficient therefor without touching their interest in the Lots in Decker and Franklin ward. But it is my wish that such an arrangement shall not be made unless my Executors shall deem it to be advantageous. It would at least be a desirable exchange for my son if he should continue to reside in the Country.

I do hereby authorize and empower the several trustees herein appointed in their sound discretion to sell and dispose of or exchange any or all of the property herein to them severally bequeathed which the written consent of the certifying trusts and to hold the proceeds, or property received in exchange in and upon the same trusts as are herein expressed.

And lastly I do nominate and appoint Anthony Porter, Isaac Cohen and William Deming all of the City of Savannah Executors of this my last Will and Testament.

Signed Sealed published and declared by the Testator as and for his last Will and Testament

in the presence of us who in the
presence and at his request and in
the presence of each other have
hereunto subscribed our names as
witnesses

Francis S. Barton
Wm. Law
Jno. M. D. Lovell

A. A. Smelt Seal

Dated this Eighth day of July
Eighteen Hundred and fifty three

Georgia

Chatham County

Whereas I, Alexander Augustus Smelt, have made
my last Will and Testament bearing date of the eighth of July, eighteen
hundred and fifty three, now do by this my writing, which I hereby declare
to be a Codicil to my said Will and Testament, to be taken as, and in those,
circumstances having occurred which now cause me to make modifications
of several of the clauses of said Will, namely, in
First. By referring to the Balance sheet of my Books taken in July last
it will be seen that the notes on hand together with the Rail Bonds and Bank
stocks would be more than sufficient now to discharge my debt and legacies
to my mother and sisters.

Second. The land bordering on the river and canal referred to has been sold
except a narrow strip bounded on the west by the canal and by the land
bought of the Executors of Joseph Shely on the east, which land is under
lease subject to a sale, to one of the co. owners, R. Lacklison.

Third. The Plantation is still in my name. After the account against
it is paid together with Lawyers fees for legal opinion and conveyance I desire my
Executors to convey the land and negroes as Mr. John J. Wier may direct

Fifth. Anticipating difficulties in remitting the premium on the
Policy in question I paid it in advance. The risk is consequently covered up
to 8 January 1863.

Sixth. As regards to the personal property mentioned therein I request
my Executors to be governed by the wishes of my daughter, either to be used
as therein directed, or divided, or sold and when the proceeds to be divided
among my heirs.

Seventh. The more valuable part of my Library has been sent to Philadel-
phia to save it from the calamities of the war. \$2000 thereon are insured in
the Lynchburg Fire & Marine Insurance Co. and \$4000 by the Augusta Insur-
ance and Banking Co. That portion of my Library remaining in the
city is insured for \$3000 by the South Western Mutual Insurance Co. of Athens

Eighth. In consequence of the terrible revolution we are now passing
through the value of my Estate may be so much reduced that the
provisions of this clause could not be carried out without material injury
to the interest of my children, & therefore, in the event of such a contin-
gency, give and bequeath to my step-mother Marie Catherine Smelt and
Marie Anne Sechiz, residing together Rue Dagomier, n. 6. Nantes, for
their joint use, in lieu of the sum specified, four per centum on the value
on the value of my Estate, provided its value do not exceed one hundred
thousand dollars, to be remitted as already directed, should unavoidable

circumstances cause my Executors to delay in remitting the same as a legacy it is then my wish and desire that until it is effected they shall remit at the commencement of winter the sum of fourteen hundred francs per annum to my said Sister Pauline Beecher for the joint use of herself and mother. It is also understood that should the value of my Estate be reduced as just mentioned, the legacy to my sister Hortense Thomsen shall be reduced in the same proportion, say to one half of one per cent. As the place of her residence is uncertain letters to her should be addressed to the care of my sister Pauline.

Fourth. Of no effect by the death of my much lamented wife.
Fifth. As from the reading of this clause it might be inferred that my eldest daughter, Maria A. Savahl, and son, are not to participate in the income of my Estate until its division, it is my desire they should in that respect be placed, ^{on a par} on the same footing with my other children.

Sixteenth. This clause is partly annulled by the burning of the buildings on the half lot referred to. The amount of insurance, two thousand dollars, were paid over to my daughter Maria, the said half is still in my name but subject to such a disposition as she may think fit. The two notes also referred to have since been charged to her "special account" in my books, which together with her note dated 16 December 1897, payable one day after date, for sixteen hundred forty five dollars & forty four cents, and such items as may be charged to her general account, and also any other liabilities I may hereafter during my life come under for herself and husband in case she should marry again, shall be deducted from the share of my said daughter.

Seventeenth. The first part of this clause was made void by the sale of the plantation, negroes and stock in Cobb County, and subsequent disposition of the proceeds which were used by my son, ^{and part of said proceeds} ~~was~~ invested in the lot of land and dwelling house, Fairfax Co., Virginia, whereon, as well as I can learn, are no debts. This property although standing in my name I desire my Executors to be governed as to its disposition by my said son's instructions, but these instructions shall in no way whatever affect the provisions of my Will in regard to the securing from his debts what property they may fall to him in the distribution of my Estate. I further desire that the sum of eight thousand dollars (\$8000), not near what was expended in Cobb County for my son's benefit, together with any other liabilities I may hereafter come under for him, shall be deducted from his share. The said sum of eight thousand dollars is charged to my son's special account in my books.

Fourteenth. It is my desire that my said son shall wait for the balance that may be coming on his share until the distribution of my estate among all ~~the~~ heirs.

I give and bequeath to my unmarried daughters at the time of my death the sums.

In addition to the Executors of my Will and Testament, I say Anthony Forier, Isaac Cohen and William Dinniman, I nominate and appoint as one of my Executors of said Will and Testament Henry E. Thomasson, and I also nominate and appoint the four gentlemen aforesaid Executors of this last of my said Will and Testament.

Signed, sealed, published and delivered in the presence of the witnesses named in the foregoing instrument and at the request of the said deceased, the said witnesses have hereunto subscribed our names as witnesses

Alex. F. Bennett
Paul Thomasson
Jr. A. Staley J.D.
Thos. S. Chatham
County Georgia

A A Smets (L.S.)

Dated this sixth day of January
Eighteen hundred and sixty two (1862)

State of Georgia }
Chatham County }

Court of Ordinary.

Present—Dominick A O'Dyne Esq., Ordinary for the County of Chatham.
Personally appeared, John A Staley subscribing witness to the annexed instrument of writing, purporting to be a will to the last Will and Testament of Alexander A Smets late of Chatham County deceased, who being duly sworn, deposed and said that he was present, and did see the said instrument of writing duly executed by the said Alexander A Smets, and deponent further saith that the said Alexander A Smets at the time of executing the said instrument of writing, was, to the best of deponent's knowledge and belief, of sound and disposing mind, memory and understanding; and that John A Staley (the deponent) and Paul Thomasson and Alex F Bennett in the presence of each other, and of the said Alexander A Smets, and at his request, signed their names as witnesses to the due execution of the same.

Sworn to this twenty second
day of May 1862
Dominick A O'Dyne
C.C.

Jr. A. Staley J.D.

State of Georgia }
Chatham County }

Court of Ordinary.

Present—Dominick A O'Dyne Esq., Ordinary for the County of Chatham.
Personally appeared William Law subscribing witness to the annexed instrument of writing, purporting to be the last Will and Testament of Alexander A Smets late of Chatham County deceased, who being duly sworn, deposed and said that he was present and did see the said instrument of writing duly executed by the said Alexander A Smets, and deponent further saith that the said Alexander A Smets at the time of executing the said instrument of writing, was, to the best of deponent's knowledge and belief, of sound and disposing mind, memory and understanding; and that William Law (the deponent) and Francis S. Martin and John M. B. Lovell in the presence of each other and of the said Alexander A Smets and at his

request, signed their names as witnesses, in the due execution of the same.

Witness to this Twenty second
day of May 1862
Dominick A O'Dyne
A.C.C.

Wm Law

We do solemnly swear that this writing contains the true last will, with Codicil annexed, of the within named Alexander A Smith deceased, so far as we know or believe; and that we will well and truly execute the same by paying first the debts, and then the legacies contained in the said will, with Codicil annexed, as far as his goods and chattels will thereunto extend and the law charges us; and that we will make a true and perfect inventory of all such goods and chattels. So Help me Gods.

Witness to this Twenty second
day of May 1862

Dominick A O'Dyne
A.C.C.

A Porter

H. J. Thomasson

Finals

State of Georgia,
City of Savannah.

I, Margaret Scott of the said City of Savannah being of sound mind and disposing memory do make publish and declare this my last will and testament, hereby revoking and annulling all wills heretofore made by me.

First. I give and bequeath to my Nephew James Oliver of Scotland Ten Shares of the Capital Stock of the Central Rail Road, and Banking Company of Georgia or the proceeds of the sale thereof to be paid to him at my decease, but should the said James Oliver be not then in life then I give and bequeath the said Ten Shares of Stock to my Niece Miss Mary Margaret Spring of the said City of Savannah for and during the term of her natural life and at and after her death then I give and bequeath the same to The Trustees of the Savannah Free School for the use of their charity.

Second. I give and bequeath to Robert Scott son of Robert D. and Abelle Scott of Savannah One Bond of the City of Savannah for the payment of Five Hundred Dollars and One Bond of the Milledgeville Rail Road for the payment of Five Hundred Dollars and a negro Boy named Troublesome to him and his heirs forever: the income of said Bonds to be applied to his maintenance and education, the principal to be paid to him upon his arriving at age: It is my will that his Mother shall have the use and services of the said Slave until the said Robert Scott shall arrive at age should she live so long.

Third. I give and bequeath to my Executors hereinafter named the sum of Five Hundred Dollars now on deposit in the Merchants and Planters Bank at Savannah to be by them paid out as follows: