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Testator and in the presence of the other subscribing witness
es and at the time of the signing of said will, the testator
personally considered the Testator of sound and disposing
memory.

Known to and subscribed to }
for me 25-4-85 }
J. Mc. Lorne Ordinary

O. R. Harris

Georgia } In the name of God Amen
Sumter County } I Stephen S. Smith of County of
Staley & State of said being of sound & disposing
mind & memory & being desirous to settle
my worldly affairs while I have strength to do so
do make & publish this my last will & Testament
hereby revoking all wills by me at any time her-
etofore made,

1st I commit my soul to the God who gave it &
my body to the earth be buried in a Christian like
manner according to the usage of my Country and
the wishes of my Children,

2nd I bequeath to my son in law John Moning for
the sole & exclusive use of his wife Lucinda Mon-
ing, my daughter, & her children, a negro man
named Andre about thirty four years old, and
his wife Ann about thirty years of age & the young-
est child she may have at my death & a negro
man named Purcell now in Moning's possession
about twenty three years old & said Moning
as Trustee, is to manage said property so be-
queathed for the best advantage of the benefi-
ciaries, with his said wife & children.

3rd I give & bequeath to my son John S. Smith in
trust for my daughter Sarah Jane Evans & for
the sole use and benefit of herself & children
a negro woman named Harriett about twenty two
years old & her two children Matilda about
three years old & Solomon about one year & a half
old & her future increase together with a boy
named Henry one thousand dollars in cash
to be paid with & I desire the said trust
estate to be so employed as to be made most
beneficial to my said daughter & her children

4th

I give and bequeath unto my son in law Jackson Coleman in trust for my daughter Mary Ann Coleman & for the sole and separate use of herself and her children a negro woman named Ably about twenty two years old & her increase which woman is now in their possession, also a negro man named Peter about thirty years old & his wife Mahala about fifteen years old & their future increase which trust property I wish to be so managed by the trustee & his successors so as best to promote the interest of the beneficiaries of my bounty.

5th

I give & bequeath to my beloved little Grand daughter Anna Ellen Smith a negro girl named Sophy about ten years old a negro boy named Carter about eleven years old & a negro boy named Andrew about six years old & Five Hundred Dollars in Cash & I hereby appoint my son Samuel M. Smith to be her trustee for the faithful management of the estate & should she die before marriage or without issue my will & desire is that said trust estate shall went to my own children & be equally divided between them in such way as they may agree upon.

6th

I give & bequeath unto my son Andrew J. Smith in trust for the use of my orphan grand children, Thomas P. Andrew J. & Sarah J. Cowart a negro woman named Fanny about fifteen years old & her increase, a negro boy about fourteen years old & One Thousand Dollars in Cash, the hire of the negroes from my death & the interest of the money to be used by the trustee for the support, maintenance & education of said Orphans.

7th

I give & bequeath to my son Andrew J. Smith my black ligman in the sold heaver walking cane my will & desire is, if not done by me before I go hence, that my son William C. have out of my estate, before division, and extra of his share as residuary legatee twelve hundred dollars in cash or a negro equal to that sum in value.

8th

I give & bequeath to my five sons John J. William C. Samuel M. Asahel R. & Andrew J. all the rest of my estate of which I may die possessed or to which I may be entitled in any way at my death, of whatever character the same may be, whether real personal or mixed, land negroes or other property, only asking of them to pay off any just debts of the same, and then to make an equal division of what remains between themselves.

9th

I give & bequeath to my five sons John J. William C. Samuel M. Asahel R. & Andrew J. all the rest of my estate of which I may die possessed or to which I may be entitled in any way at my death, of whatever character the same may be, whether real personal or mixed, land negroes or other property, only asking of them to pay off any just debts of the same, and then to make an equal division of what remains between themselves.

10th I hereby appoint my sons Samuel & Andrew
J. Smith my Executors of this my last Will & Tes-
tament & believe they will be faithful, upright &
just in carrying the same into effect according to
my wishes.
In Testimony whereof I have hereunto set
my hand & affixed my seal this 8th day of October 1865
J. G. Smith L.S.

Signed, sealed, published & declared by the above
named Stephen J. Smith as his last Will & Testament
in presence of us who, at his request, in presence
of each other & in his presence, have subscribed
our names as witnesses thereto

G. W. Dudley
Wm. J. Callier
J. N. Riviere

Georgia Court of Ordinary in and for said
Marion County } County November Term 1865

Whereas Andrew J. Smith proffers for Probate
the last will and testament of Stephen J. Smith, late
of said County, deceased, upon the Testimony of
George W. Dudley of Sumter County, one of the
Subscribing Witnesses to said Will taken by Depo-
sition, the Commission for which was issued by
said Court of Ordinary directed to Moses Spur
and Wm. J. C. Dudley, the same returned and
opened by order of said Court and are now of
file in the Office whereby said witness deposes
and says he subscribed the same in the presence
of the Testator and in the presence of the other
two Subscribing witnesses who subscribed the same
as witnesses in presence of Testator at the special
instance of Testator and that said Testator sub-
scribed the same in their presence and declared the
same to be his last Will and Testament, and
further that said Testator was of sound and dis-
posing mind at the time of signing the same,
It is therefore ordered that the same be pro-
bated in Common form of law.

J. M. Lowe
Ordinary