

John E Smiths Noncapative Will

I would refer you all to Dr Brantly now present as my attending Physician that in my present Condition I am incapable of executing my Will in writing - I wish you all to bear witness that this is my last Will and Testament and that I am sound in mind.

I leave all that I am possessed of after paying my just debt, to my wife in trust for the benefit of herself and our Children.

I make my Brother Alexander Smith and my friend William H Armstrong my Executors

I instruct my Executors to use their best judgement in the management of my affairs and desire my property to be kept so far as possible together. The my Executors to do as their judgement deems for each of my Children as they marry off in equal proportion and only giving as much as in their judgement with the consent and approval of my wife they deem can be spared from the support of my wife and other Children.

I would call special attention of my executor to the fact that I do not desire to make any special provisions whereby I might show any preference to any one of my children for I wish to do equally by all but I would call their attention to the fact that Jimmy is a great opstent and Willie also to a less degree are afflicted and may therefore in the future demand better provisions to place them on an equal footing with the others. This I leave at their discretion of my executor and wife.

In the winding up of the estate of my Father for whom I acted as Administrator I yet owe a balance of two hundred Dollars Confederate Money, this is a small matter which I wish settled in U S currency so that the debt due by the equitable established for such cases on the basis of valuation of Confederate money and U S currency at the time the Confederate money was received. This will place me even with the estate of my Father which I Administered. And I call all present either to reject or receive this statement now together with the other parts of my will.

With regard to my farm business the entries in my farm Books for and against my Crops are complete and accurate with the single exception that I have omitted to make two entries, One Cow sold for twelve dollars and one Cow sold to Joshua for fifteen dollars for which they are to be charged.

George Washington County, The annexed and foregoing is the substance of the Testamentary disposition made by John E Smith deceased at his late residence in said County on the Eleventh Instant, which are witnessed and written this November the 14th 1870 within thirty days of the speaking of the same, in presence of Alexander Smith William H Armstrong Wm H Moore Thompson S Brantly Jas Morgan Brown Richard R Smith Wm A Smith Thomas A Smith John T Smith James W Smith Alexander L Cullum Dr S D Brantly Mr Adeline Smith Mrs Lavinia W Cullum Mr Margaret J Dodge Mr Maggie E Brown and Mr Armstrong and others

B S Brantly
J Morgan Brown
W H Moore