

The last will and testament of Hugh Smith

of the County of Ashe and State of N. Carolina
 I Hugh considering the uncertainty of this mortal life
 and being of sound mind and memory blessed be almighty
 God for the same do make and publish this my last
 will and testament in the manner and form following
 that is to say. First I give and bequeath unto my beloved
 wife L. C. Smith all my household and kitchen furniture and
 the choice horse and two the chane cows ^{that are} owned by me at my
 death and also twelve months provision to live and to hold
 during her natural life or so long as she remains my widow and
 on and after her second marriage or death the above named property
 is to be sold and equally divided among my children share
 and share alike I give this more than an equal share to my
 beloved wife in lieu of her having dower in the land as I think
 it would injure the sale of the land much. I also bequeath the
 balance of my residue after paying all my just debts equally
 between my wife and the children share and share alike to be sold
 at publick sale to the highest bidder and proceeds to be equally
 divided between my wife and five children. The sale to take
 place at such time as the executors may think best if they
 think best to not sell the land till the children comes of age and
 if my wife should keep up the farm and cloth board and
 school the children in a right way and manner and
 my executors thinks it would be as good for the children then
 can keep off the sale as long as they see proper.
 I likewise make constitute and appoint my beloved wife
 and my much esteemed friend James Wagg and my esteemed
 brother James B. Smith and also guardians for my children
 untill they attain the age of twenty one years of age
 my wife to act as one of the guardians only so long as she
 remains my widow and after her second marriage the entire
 guardianship to pass to James Wagg and James B. Smith to
 manage to the best of their judgment for the children
 this my last will my last will and testament

hereby revoking all former Wills by me made
in witness whereof I have hereunto subscribed my name
and affixed my seal the eleventh February in the
year of our Lord one Thousand eight hundred and
sixty three

Hugh Smith *[Signature]*