

"Will of Lucinda Smith"

In the name of God Amen, I Lucinda Smith do make public and declare this paper writing to be and contain my last will and testament in the following words (viz)

Item 1st I give and bequeath unto my son David Smith his heirs assigns &c the following named negroes slaves to wit Henry and Samuel now in possession & under the control of my son Bryan to have and to hold to him the said David his heirs &c upon trust for his brother Bryan & his heirs as follows to wit that the said Bryan for his more comfortable support and maintenance shall have and enjoy during his life the labor and profit arising from said slaves and their increase free and exempt from seizure by virtue of any proceeds to collect any debts heretofore contracted or any debt or debts which the said Bryan may hereafter contract or in any way become liable for during his life and at his death the said shall vest absolutely in his children and grand children.

Item 2nd I give and bequeath to my son David Smith his heirs assigns &c the following named negroes to wit Liza, Dorathy, Madison, Avery, Ellen, Green, Isaac, Kingo, Daniel and Liza's infant not named now in the possession & under the management of my son John to have and to hold to him the said David his heirs assigns &c upon trust for his brother John during her natural life to wit that the said John Smith for his more comfortable maintenance shall have and enjoy the labor and profits arising from said slaves free & exempt from liability for any debts or contracts made or entered into by the said John or for which he may hereafter become responsible during his life and at the death of the said John the said slaves shall belong in fee simple to his children and grand children should he have any heirs surviving and upon the further trust that at John's death should he die without leaving issue surviving him then & in that case the said slaves should be equally divided between his sister Lucinda Sanders & his brothers David and Bryan, David taking one third & Bryan shall upon trust as mentioned and directed in item 1st of this will and that no part of my intention to secure the above mentioned slaves named in item 1st & 2nd be frustrated or fail to be carried into effect from any cause whatever.

I do hereby devise and bequeath that my executors under the advise of a court in equity or of counsel learned in the law shall have said slaves and all other slaves & other property conveyed in such way & manner as will carry into effect

my purposes viz to secure to Bryan and John a usufructuary title & interest in the above named slaves and all other slaves and property interested for them during their lives and at the death to vest absolutely in their next of kin.

Item 3rd I give and bequeath to my son David slaves Isaac and Watt

Item 4th I give and bequeath to my daughter Lucinda slaves Reubin, Betsey, William & Allen.

Item 5th The following negroes to wit Ellen, Ecolina, Rose, Mourning, Henderson, Dolly, James & Phillis with their future increase from the date of this will

I give and bequeath to be equally divided between my aforesaid children but the slaves of my two sons Bryan & John Smith in said slaves & their increase I give in trust to David Smith to be held upon the trust above declared in this will during the natural lives of the said Bryan & John Smith and then after their deaths upon the further trust and upon the trust & for the uses & purposes set forth and declared in this will. Signed published and declared by Lucinda Smith in the presence of us as her last will and testament -

Test -
H. Lane
Samuel S. Turner

Lucinda Smith (Seal)

State of North Carolina } Court-Place & Judge's room
Johnston County } May Term A.D. 1857

This paper writing purporting to be the last will and testament of Lucinda Smith deceased is exhibited in open court for probate and the due execution thereof is proven by the oath & examination of Henry Lane and Samuel S. Turner the subscribing witnesses thereto. It is therefore considered by the court that the said paper writing and every part thereof is the last will and testament of the said Lucinda Smith and the same is ordered to be recorded and filed.

Test Thomas D. Inead C.C.