

I, Michael Smith, of the County of Johnson and State of Tennessee being of sound mind and disposing memory do make; ordain and publish this as my last Will & Testament, hereby revoking all former Wills and Codicils to any Will or Wills by me heretofore made.

It is my Will first that at my death I be buried in a plain and decent manner. Secondly; It is my Will that my executors herein after named pay all the just debts existing against me at my death, and for this purpose I set apart all the money and debts which may be on hand, and which may be due and owing to me at the time of my death, and in the event that shall not be sufficient so much of my personal property which may be on hand and which can be best spared from my farming operations as may be necessary to that end. Thirdly I give and bequeath to my beloved wife Mary the one half of my home tract of land on which I now live, together with the residue of my household and kitchen furniture and all the stock such as cattle, milch cows, horses & farming utensils (after my debts shall have been paid as aforesaid) that may be convenient & necessary to carry on the part of the farm hereby allotted to her, which is to include my dwelling house, kitchen, barn and all the other out buildings therewith connected, during her natural life; It is my Will further that my said wife Mary shall have, corn, wheat, Rye, Oats, hay, fodder, meat and provisions enough out of what may be on hand at my death to support herself and family So Wilt, living or all of her unmarried children.

That my⁺ Chas^d to live or remain with her after my death by her consent. The slave hereinafter bequeathed to her for life together with the stock of one sail for one year after my death and to enable my beloved wife Mary to carry on her farm & it is my Will further that she have my three slave s^{vs}. Wm., Sam, Lawson, and George during her natural life.

Fourth. It is my will that my said home farm together with all the lands connect^d therewith including what is called the Sink-hole lands containing in the aggregate upwards of two thousand ^{square} be equally divided in value as near as may ^{be} between my two sons Meriam Smith Peter and David Smith Peter, in fee simple to them and their heirs forever, after receiving the life estate of one acre to my wife Mary of the one half of the home tract of land, the lands above bequeathed to my said two sons Meriam & David Smith Peter I value at six thousand dollars, which together with one thousand dollars which I have hitherto given in a negro stock property to my son David will ^{give} him four thousand dollars of my estate, and I have heretofore given to my son Meriam Smith Peter the sum of five hundred dollars in a negro & which together with the foregoing bequest will give him three thousand five hundred dollars of my estate. Fifth I will and bequeath to my son William Smith Peter my Poor plantation conveyed to me by Jacob Crotch and also one hundred acres of land adjoining the same conveyed to me by John Grindstaff containing in the whole by estimation three hundred and sixty three acres be the same more or less, to have and to hold said tract

of land according to the bulks & bounds set forth &
 described in the Conveyances aforesaid to me. The lands
 hereby bequeathed to my said son William Smith & to
 J. White at three thousand dollars, which together with
 a negro boy and other property which I have heretofore
 given to my said son William Smith & to J. White valued at
 one thousand dollars will give to him four thousand
 dollars of my estate. Sixth I have heretofore given
 in to Matilda M. Fenn wife of Samuel M. Fenn & her
 said husband, lands & other property valued to them at
 twelve hundred dollars. To my daughter Mary Smith
 wife of James Smith, in a negro girl and other prop-
 erty valued to them at six hundred dollars, and to
 my daughter Louisa Smith wife of Lafayette Smith a
 negro girl & other property valued to her at six hundred
 dollars. It is therefore my will that all my negroes
 not herein otherwise disposed of be valued by two
 disinterested men who shall be sworn to value them
 at their true value, and that said Negroes shall be
 divided amongst my said three daughters as their
 lawful heirs, so that Matilda M. Fenn & her heirs
 Mary Smith and her heirs and Louisa Smith and
 her heirs (I am using the term heirs in this will it is to
 be distinctly understood that I mean heirs of the body
 and none other) shall each receive of my estate the
 sum of three thousand five hundred dollars with
 what they have ^{each} already received and that after
 this shall be done this is my will that my
 son William Smith & my daughter Matilda
 M. Fenn, Mary Smith, and Louisa Smith shall
 each receive by a division of my negroes

as aforesaid the sum of five hundred dollars, to make each
 of them equal to my said son David & William Smith
 Peter if my negroes and sale of other property will suf-
 fice this object, including the sale of all the personal
 property & the negroes herein bequeathed to my wife
 Mary after her death this provision is not to be un-
 derstood to inhibit a division of my slave amongst
 my said children till my said wife's death but said
 slaves are to be divided amongst said sons & daugh-
 ters as above directed as soon after my death as
 possible except those set apart to my said wife
 and they and their increase shall be divided at
 her death as aforesaid; Seventhly after the above
 bequests shall have been settled as aforesaid
 if there is a sufficient amount of money or property
 left, It is my will that my executors pay to my
 son Alfred Smith Peter the sum of one thousand
 dollars, and if there should not be so much left after
 sd. bequest then whatever may be left but if there sh-
 ould be more than one thousand dollars left after said
 bequest, then it is my will after my said son Alfred
 Smith Peter shall have received the thousand dollars
 herein bequeathed to him, that the residue of my es-
 tate if it can be done be equally divided between
 my said sons William Smith Peter, William Smith
 Peter, David Smith Peter, and my daughters Ma-
 tilda McGrew, Mary Smith, and Lavinia Smith,
 and their heirs, but it is distinctly understood
 that if my estate should not prove as valuable
 as I think it is or if my negroes should die
 so that my said six children cannot be made

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equal, then my said sons Aquid, William and
Hiram, shall each pay according to the value
I have herein placed upon the land herein be-
tween to them by me, to Matilda M. Ewen, Mary
Smith, and Lewis Smith my daughters aforesaid
after the division of my negroes as before directed
an amount that will make them on an equal foot-
ing with my said three sons; the reason ~~xxx~~
~~xxxx~~ I have made the provision in this will in the
way I have in regard to my son Alfred Smith
is. I gave him when he was small to the West
about one thousand dollars some years since
and he has had the benefit and advantage of laying
it out for lands &c, whereas my other children
have had, nor will have no such advantage.
Whereas I have heretofore given to my daughter
Mary White and her husband John R. White upwards
of one hundred dollars in a negro woman &c and the
increase has been considerable, it is my will
that neither the said Nancy White or her heirs
shall have any more of my property either real
or personal, And whereas I have heretofore given
to Sarah Williams wife of Pleasant M. Williams
in land and other property about twelve hundred
dollars and they have sunk me in property &c
by law suits about five thousand dollars in addi-
tion, it is my will that they nor their heirs shall
ever inherit an other dollar of my estate and to this
end neither the said Nancy White & heirs or the said
Sarah Williams or her heirs shall be considered
as my heirs or the heirs of either of my said children

Harriet Smith, Peter, Miriam Smith, Peter, William Smith,
 Peter, Alfred Smith, Peter, Matilda M. Ewen, Mary
 Smith, and Louisa Smith and the heirs of this body
 or the heirs born to them in lawful wedlock, It is
 my will further that the property which I may dis-
 seized and possessed of whether real or personal and
 that herein specifically bequeathed or to be divided
 by a fair and just construction of this my will
 by my executors, shall be equally divided between
 my said children Harriet, Miriam & William Smith
 Peter and Matilda M. Ewen, Mary Smith and
 Louisa Smith, if the same can be done, or either
 of my said children may take it by the consent
 of the others, at its fair value in the settlement of
 this portion of my estate as before set forth, or any
 part of it, if this cannot be done then my executors
 may sell the same a majority of them agreeing thereto
 either at private or public sale on such terms
 as they may think best for the best interest
 of my said children. It is my will and desire
 that my two Negro Susan and Lucinda shall be
 emancipated if the laws of the land will permit them
 to remain in this State or if they or either of them sh-
 all prefer to go to a foreign Country and if not there
 they shall have and enjoy a quasi freedom in this
 Country and shall have the right of marrying and
 working for themselves and it is my will further
 that my executors shall pay to each of said ne-
 gro women the sum of two hundred dollars out
 of the first monies which shall come into their
 hands, and allow them in addition thereof their
 clothing and all the household and kitchen fer-
 niture

which they or either of them shall or may have on hand at the time of my death.

It is my Will and desire that all the property ^{which is devised} herein bequeathed or ^{my daughter} in trust to, be bequeathed to, ~~bequeathed to~~ ^{bequeathed to} M. C. Fenton, P. W. Smith and Leticia Smith, and their heirs or the property or money which they shall inherit from my estate shall be and go to their separate use and benefit and shall not be subject ^{the contract or obligation} to their said heirs, bonds or either of them or be made subject to their contracts or debts.

It is my Will further and I do hereby nominate and appoint my two sons William Smith Peter & David Smith Peter and Corrick McNeilson Executors of this my last Will and Testament. In testimony whereof I have hereunto set my hand and seal this 16th day of September (Sunday) Anno Domini 1886.

Signed, sealed and acknowledged Michael Smith Peter & David Smith Peter in the presence of the Testator and in the presence of each other.

J. O. Howard
William R. Rader
Wm. H. Rader

State of Tennessee
Johnson County
J. Rich. L. Wilson

Clk. of the County Court in and for said County do certify that at the November Term 1886 of sd. Court the within last Will & Testament was exhibited & duly proven by the subscribing witnesses in open Court & it is ordered that the same be recorded. J. R. Wilson Clk.