State of Tennessee Lincoln County January
the 26th 1847

In as much as it is appointed for all men once to die I John Smith of the County and State aforesaid do make this my last will and Testament In the name of almighty God amen which is as follows (viz)

1st No person shall administer on my little Estate

2nd I bequeath to my wife Nancy Smith & my three youngest sons namely Benjamin Chiles Thomas Jefferson and Napoleon Polk Smith to have and to hold in full possession the thirty acre tract of land on which I now reside and the improvements thereof also one other tract of land containing forty four acres more or lesse entered by me and Maria Havel which lands my three sons above named and my wife Nancy to have and to hold in full possession with all the appertainances thereunto during her life time or widowhood provided Nancy Smith my wife should marry again the above described lands and improvements are no longer to remain in her possession but the above named three sons are to have and to hold in full possession the above described land with all the appertainances thereto until the youngest one Napoleon Polk Smith is twenty one years of age

3rd The above named four Nancy my wife Benjamin C Thomas J. and Napoleon P. Smith are to have and to hold my waggon and Oxen Stock hogs and my two mares one cow and calf and my stock of sheep

Item 4th The Ballance of my perishable property together with my working tools are to be sold on a credit of twelve months to the highest Bidder the farming tools excepted

5th my daughter Elizabeth Melana is to have equal rights and privileges with my wife and three sons in the above land property & C during the time she remains single.

6th The tract of land on which my son Joshua now resides is for his benefit with all the improvements he may make on it or the M Colloch tract or the fifty acre tract in barrens until my youngest son Napoleon P. Smith becomes of age

7th my three tracts of land viz two in the state of Georgia and one in Tennessee are subject to the improvement of any or all of my lawfull heirs to have and to hold until my youngest son become of age at which time if my wife Nancy Smith is not living the whole of my Estate is to be equal ly devided among all my heirs if they can make the division and agree if not the whole of my Estate shall be sold and the proceeds arising therefrom to be equally devided between my lawfull heirs

8th The proceeds arising from the sale of the perishable property and my tools shall go to defray the expenses of the execution this will and to pay my just debts

9th I do appoint my two sons John R and William Smith lawful executors to execute the above written will

In testimony whereof I have hereunto set my hand and seal in presence of

William W Parks
Also M Colloch
mark

John Smith (Seal)

W B Hart
Godfrey Mollenus

to my dear three daughters I give into them