

## Will of Joel Smith (Grant Co., IN Will Record 2, p. 116-118)

Be it remembered that on this the 4<sup>th</sup> day of September, 1879 the following Copy [*sic*]of the will and Proof of Joel Smith was filed in the Clerks office of the Grant Circuit Court To-Wit

### Probate of Will

And afterwards on said 30<sup>th</sup> day of December A. D. 1876 the testimony in relation to the Execution of said Will was taken in words and figures following to-Wit

The State of Ohio            )    In Probate Court  
Adams County                )

Personally appeared [*sic*] in open Court G. W. Nixon and R. H. W. Peterson the subscribing witnesses to the last will and Testament of Joel Smith late of Oliver Township in said Adams County, deceased who being duly Sworn, according to law to speak the truth the whole truth and nothing but the truth in relation to the Execution of said Will depose and say: That the paper before them, bearing date the 14<sup>th</sup> day of October AD 1849 purporting to be the last Will and Testament of Joel Smith now deceased, is the Will of said deceased , by them witnessed with this exception that the item therein now giving to Mary A. Wilson and Sarah C. Rees the Sum of six hundred dollars was originally written five hundred, and was so signed by said testator that they were present at the execution of said Will, and at the request of the testator respectively subscribed their names to the same as witnesses in his presence: That they saw the said Joel Smith deceased sign and seal said Will and heard him acknowledge the same to be his last Will and testament and that the said Joel Smith at the time of making, signing and sealing said Will was of lawful age of sound and disposing mind and memory and under no undue or unlawful restraint whatsoever

G. W. Nixon

R. H. W. Peterson

Sworn to and subscribed by said witnesses, in open Court this 30<sup>th</sup> day of December A. D. 1876, James L. Coryell Probate Judge

### Journal Entry

And afterwards on said 30<sup>th</sup> day of December AD. 1876 the findings and orders of said Court relative to said Will wer [*sic*]entered on the Journal in words and figures following to-wit

Journal Probate Court Adams County Ohio

In the Matter of the Will of            )            December 30<sup>th</sup> A.D. 1876  
Joel Smith deceased                    )

This day an instrument in writing purporting to be the last Will and Testament of Joel Smith late of Oliver Township in this County deceased was produced in open Court for Probate and at the same time came G. W. Nixon and R. H. W. Peterson the subscribing witnesses to said Will who being duly qualified testified to the due execution and attestation of said Will: which testimony was reduced to writing by them respectively subscribed and filed with said Will. Whereupon the Court finds that the aforesaid instrument of writing is the last Will and testament of said Joel Smith deceased: That the same was duly executed and attested and that the said testator at the time of signing [*sic*] the same was of lawful age, of sound and disposing mind and memory and under no undue or unlawful restraint whatsoever. It is therefore by the Court ordered that the said Will be admitted to probate and that the same together with the testimony of the witnesses above named be entered of record in this Court: Attest James L. Coryell Probate Judge

In the name of the Benevolent Father of all:

I Joel Smith of the County of Adams and State of Ohio do make and publish this my last Will and Testament.

I give my three boys Reuben C. Smith John M. Smith and Joseph A. Smith the farm on which I now live, agreeable to their bonds, and they are to get peaceable possession of it at my decease, and to pay Mary A. Wilson

and Sarah C. Rees agreeable to their bonds, and Mary A. Wilson and Sarah C. Rees is to have six (five) hundred dollars each in Cash at my decease counting in what the boys bonds calls for and to be paid agreeable to the bonds the balance to be paid our of my estate and all the rest of our estate after the decease of myself and wife Isabella A. Smith who shall hold the place the same as I do during her natural life the remaining portion of my Estate to be equally divided between Reuben C. Smith John M. Smith Joseph A. Smith Mary A. Wilson and Sarah C. Rees -

I do hereby revoke all former Wills by me made

In testimony hereof I have hereunto set my hand & seal this 14 day of October AD. 1849

Signed & acknowledged by said )  
Joel Smith as his last Will & )  
testament in our presence, and )  
Signed by us in his presence )  
G. W. Nixon )  
R. H. W. Peterson )

Joel Smith (seal)

The State of Ohio ) SS  
Adams County )

I James L. Coryell Judge of the Probate Court within and for said County hereby Certify the foregoing to be a complete and true copy of the last Will and Testament of Joel Smith deceased as the same remains on file in said Court together with the entry of probate thereof and testamony of witnesses to prove the same as recorded in Records of Wills Vol 4 Page 449

Witness my official signature and the seal of said Court at West Union  
this 30<sup>th</sup> day of December A.D. 1876

James L. Coryell Probate Judge

(L. S.)