

## **Will of Joseph R. Smart, Deceased**

In the name of God amen. I, Joseph R. Smart, of the county of Edgar and the state of Illinois, being of sound mind and memory do constitute this my last will and testament.

1<sup>st</sup> I leave my much beloved wife Mary Ann S. Smart during her widowhood or natural life all my real estate which consists of the following tracts or parcels of land situated in Edgar county and the state of Ill. vis. the East half of the South West quarter of Section Eighteen in Township fourteen North of Range thirteen West containing sixty six acres and 62/100 also the West half of the North East quarter of Section nineteen Township fourteen North of Range thirteen West containing eighty acres, together with all my personal estate for her to dispose of at pleasure.

At the decease of my beloved wife Mary Ann all my estate both real and personal, I desire to have divided equally between my children accordingly to what they have received.

William Smart, Rachael Smart, Nancy Smart, James Smart, Susanah Smart, Jane Smart and as many more as my wife shall raise of mine.

And should it take place that my beloved wife marry a second husband, it is my wish that she retain one third of my real and personal estate and the other two thirds be placed in the hands of M. W. Darnall and A. T. Martin to be divided equally among the above named children of mine as they come of age, and retain a reasonable compensation for their trouble in selling the property and collect the money.

And at the death of my wife I want what remains of her third of the estate to be taken care of and divided as the other two thirds is.

In testimony whereof I have herewith set my hand and affixed my seal this 16<sup>th</sup> of February A. D., one thousand and eight hundred and forty two.

Joseph R. Smart  
In the presence of  
James Martin  
Elisabeth R. Martin

## **Will of Joseph R. Smart, continued**

State of Illinois      Edgar Probate Court  
Edgar County          November 6<sup>th</sup>, 1845

This day this last will and testament of Joseph R. Smart, deceased, was produced in open court and proven by the oath of James Martin and Elizabeth R. Martin, the subscribing witnesses thereto in due form of law, therefore Ordered that said will be recorded and probate granted thereon.  
Samuel Connely, Probate Justice of the Piece

State of Illinois

Edgar County: I do solemnly swear that this writing contains the true last will and testament of writer named Joseph R. Smart, deceased so far as I know or believe: and that I will well and truly execute the same by paying first the debts and then the legacies mentioned therein, as far as his goods and chattels will therewith extend and the law charges me: and that I will make a true and perfect inventory of all such goods and chattels, rights and credits as may come to my hands or knowledge belonging to the estate of the said deceased, and render a fair ~~and fair~~ and just account of my administration, when therewith required by law, to the best of my knowledge and abilities, so help me God.

Mary Ann + Smart (+ = her mark)

Subscribed and sworn to before me this eleventh day of November, A. D. 1845.  
Samuel Connely, Probate J. P.

Transcription Comments:

Will written: 2-16-1842  
Joseph died: 10-14-1845  
Will validated: 11-6-1845  
Will probated: 11-11-1845

It appears that the word Deceased in the heading of the will was written in another hand or another time.

M. W. Darnall is assumed to be Moses Wallace, Mary Ann's younger brother.

A. T. Martin is assumed to be Alexander T. Martin, husband of Sarah White Darnall, Mary Ann's younger sister.

Format, for the most part, is provided herein by the typist and only for clarity. See original will for actual format, capitalization, and punctuation.