

O Wm. Franklins

Last Will & Testament

June 4th 1813

Jan 1819

In the name of God Amen. I John Franklin Senior of the County of Burke and State of North Carolina being in perfect health and of sound disposing mind & memory (Thanks be to God for his mercies) Do make and Ordain this to be my last Will and Testament and do hereby disavow, disannul and revoke all other and former Wills and Testaments by me made heretofore. After recommending my soul to God through Jesus Christ his Son & my Saviour My Will is and I do hereby direct my body to be buried in a decent orderly and Christian like manner as my Executor hereafter to be named may think proper & fit.

My Will is and I do hereby devise and bequeath unto my well beloved wife Phoebe Franklin all my House hold furniture entire (on feather bed & furniture excepted) my stock of Cattle one sheep some Hogs one Horse creatures to her and her heirs forever.

My Will is and I do devise and bequeath unto my son John Franklin a tract of two Hundred acres of Land heretofore conveyed to him by Deed this being intended to confirm to him this his forever the said Land —

My Will is and I do devise unto my son David Franklin One Hundred acres of Land being the same I purchased of my son John Franklin at the same he now or left to him my son David and his heirs forever.

My Will is and I do devise & bequeath unto my son Moses Franklin one Hundred acres of Land be the same more or less, being the same I purchased of Bindall Sutthland lying on the Lower Creek to him this his forever —

My Will is and I do devise and bequeath unto my son Jonathan Franklin a tract of Land containing two Hundred & twenty one acres being part of two Grants originally granted to me from the State and by me conveyed to the said Jonathan on the fifth day of the present month be the same more or less this bequest being intended to confirm the said Deed of conveyance and exempting therefrom the life estate in the said Land which was conveyed by the said Jonathan to my wife Phoebe Franklin & myself on the second day of this present month also I also devise & bequeath unto my said son Jonathan Franklin all my farming tools and the residue of my estate which may or shall not be willed to him & his heirs forever —

My Will is and I do devise & bequeath unto my son Samuel Franklin
One Hundred acres off the West end or side of the three hundred
and twenty acre tract on which I reside and which was on
the first day of this month surveyed & laid off by William
W. Ewain Beginning on a Hickory the south West corner of
the tract adjoining said Ewain line running East ~~to~~
108 poles to a white Oak on the side of a hill then North
150 poles to two Sawwoods close by the road side going
to James Kincaid, then ~~South~~ West 108 poles to a
pine the N. West corner of the old survey thence to the Beginning
be the same more or less to him & his heirs forever —

My Will is and I do hereby devise & bequeath unto my ~~son~~
Grand daughter Polly Franklin
(and daughter of Jonathan Franklin my son) who now lives with me
one feather bed & furniture to be taken out of the furniture
of the House bequeathed to my wife Phoebe & excepted in the bequest
to my said wife to her & her heirs forever.

My Will is and I do devise & bequeath unto my daughters. I mean
Phoebe Anna, Lydia, Mary and Rachel two dollars & fifty cents
each to be paid to them and each of them & their heirs forever

My Will is and I do devise that my executor pay all my
just debts the expenses of my burial & the legacies which
are to be paid in ~~my~~ money to the legacies & out of
any monies that may be upon hand debts due
and owing to me & to be made out of any property
not bequeathed and further my son Jonathan who
I intend to make my sole executor I do direct that
he pay the balance if any out of the Chattel
estate bequeathed him

My Will is and I do hereby nominate and appoint
my son Jonathan Franklin my sole executor
of this my last Will and Testament —

In testimony of which I have subscribed my hand
and affixed my seal this fourth day of June Anno
Domini 1813 and of the Independence of the United
the XXXVIIth year.

Signed sealed published & pronounced
and declared by the testator to be his
last will & Testament the day & date
above written in presence of us
and of each other.

John Franklin



Jonathan V. Franklin
A

Marcus D. H. Erwin Jurat Jan 1819
John Franklin

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

State of North Carolina Court of Pleas and Quarter
Burke County 3. January Term 1819

The last will and testament of John Franklin dec'd was
presented in Court and proved by the oath of Marcus
D. H. Erwin a competent juror and ordered to be recorded

Test D. H. Erwin

The name of God Amen, I John Franklen of the County of Burke
State of North Carolina, do make and declare this my last will
testament in manner and form following: First I resign my soul
to the hands of Almighty God, who gave it me, hoping and
trusting in a ~~reconciliation~~ of my sins, by the Merits and Mediation
of Jesus Christ. And my body I commit to the Earth to be
buried at the discretion of my Executor hereinafter
named; And my worldly estate I give and devise as
follows;

First it is my desire and request that all my Just debts be paid
out of my Chattle property or Common Stock.

Secondly I will and devise to my beloved Wife Nancy, one third
part of all my lands and Tenements including the Dwelling
house wherein I reside and all the Out buildings to have and
hold the same during her natural life or Widowhood and
in case she should again Marry then it is my desire that
she be disposed of the same.

Thirdly I will and devise and give to my four sons that
I have by my present (Wife) Abraham, John, Levi, and Samuel
all my lands that I possess in the County and State aforesaid
to be equally divided among them the said Abraham, John, Levi,
and Samuel in such manner as my oldest son shall arrive to the age of
twenty One Years. to have and to hold the said land and Tenements
to them and their heirs and assigns for ever. and if any one or
more of my four sons Abraham John Levi, or Samuel should
cease to live then it is my desire that their portion of
said land be equally divided among those that are
living, the same at all times to remain and be subject to
flowing as above bequeathed to my wife.

Fourthly It is my desire and request that my Executor make
out of my Chattle property the following Legacies in money and
of the same over to my children that I had by my first
wife that is to say. to my oldest son Wesley I give and bequeath
the sum of Ten Shillings, also I give and bequeath to my daughter
by Maria Wentler the sum of Ten Shillings, I also give and
bequeath to my son David the sum of Ten Shillings. Also
I give to my daughter Nancy Stone the sum of Ten Shillings
I give ~~and give~~ to my son Benjamin Ten Shillings. Also
I give to my daughter Phebe Erwin Ten Shillings. Also
I give to my son Harmon Ten Shillings. And also to my son
Anderson the sum of Ten Shillings. All of which Legacies it
is my desire that my Executor collect out of my estate and

came over to them the Eight Legates last

give and bequeath to my Daughter Peggy
values Two beds and furniture, and all the

and desire that my Executor sell a Sufficiency
and other stock to pay for the Education of my
I have by ^{my} last will or at least to sell a
and Estate to defray the Expenses of their schooling

Will and give to my wife Nancy three Bee hives
and cattle not before disposed of, together with
and Kitchen furniture all of which is to remain
for the common support of the family, and all
damage to be by my Executors sold and the
same to be equally divided between my five
children John Lee Samuel, and Peggy,

and intention that the Legatee bequeathed
my wife Nancy is to be taken and received
free of dower and it is also my will that my
waked and and Boarded by my wife out
and bequeathed in her, and for their
Taxed with any Expenses by her for their
Cloathing-

that my Executor have the sole and entire Man-
agement of my Children as respects their Education
nally I appoint my Trusty friend John Sudduth
to this my Last will and Testament. In
witness whereof I have hereunto set my hand and seal this 1st
day of February 1827. J. Sudduth

Witnessed and declared
before us for his last will and Testament
the presence of us who at
and in his presence, and
presence of each other, have
subscribed our names

Witnesses
J. Sudduth

Witnesses
J. Sudduth

State of North Carolina
Burke County } October Term 1837

I. J. J. Cum Clerk of the Court of
Plas and Quarter before for said County certify
that the execution of the foregoing will was duly
done in open Court by the oaths of Peter Humphreys
and William S. Sparks, two of the subscribing witnesses
present. and ordered to be recorded. and that
the said execution was read on said will
as duly sworn according to law

Teste J. J. Cum Clerk

Burke Co. NC Wills 1793-1868
www.northcarolinapioneers.com

John Franklen
Will

Oct 1837

Peter Humphreys }
Wm S Sparks } Clerk

Witness Ex

Recorded

Ex qualified Oct 1837