

In the name of God, amen; I, Robert Drake, of the County of New Kent, State of Georgia, of sound and disposing mind, do this day make this as my last will and Testament as follows, that is to say, I desire ^{that} all of my just debts, and funeral expenses be paid by my Exors. as soon after my diseased as possible. I then desire that all of my perishable estate be sold as soon after my diseased as can conveniently be done by my Executor, and the amount arising from said sales together with other small amounts and interest, which is due from interest funds collected, and put together, and not the principal of any debts of any note shall be collected as yet. Out of said amount I desire my Exors. to receive 5 per cent. com. and then pay to my son William M. Drake out of said amount one thousand dollars as his full portion of my perishable estate. Then pay to Martha T. Raach or the lawful heirs of her body one thousand dollars as her full portion of my perishable estate.

The balance then remaining of said sales, and other amounts which have been collected, to be put at interest, together with all other amounts, which shall be on hand or due otherwise. and the interest arising from all due to be collected yearly for 3 consecutive years, and pay to Mrs Martha Hicks, wife of John Hicks, twenty dollars at the expiration of each year for the 3 years, if she lives as long.

Twenty dollars to be paid to Mrs Nancy Cumber, wife of Saden M. Cumber, of said interest fund, at the expiration of each year for the 3 years if she lives as long.

The remaining interest arising from said funds to be collected annually for each of the 3 years, and pay one half of said amount to Mrs Mary Wall, wife of Robert Wall, or her heirs each year and the other half to be paid to my Exors. Vernon P. Jones or his assigns.

At the expiration of 3 years my real estate is to be sold by my Exors. and out of the proceeds of said real estate my Exors. is to receive two and a half per

my Exor. Vernon P. Jones or his assigns

At the expiration of 3 years my real estate to be sold by my Exor. and out of the proceeds of said real estate my Exor. is to receive two and a half per cent com. and out of the proceeds of said sails my Exor. is to pay to my son W. M. Drake One thousand dollars as his entire portion of my real estate and to my daughter Martha T. Roach or her lawful heirs of her body One thousand dollars as her entire portion of said real estate

The woman, Sarah, which I got of William M. Drake I give back to him. The remaining portion of money from said sails, together with all other dues, in bonds, notes, or any other way that shall be in my possession or due me at the time of my decease, shall be divided into four equal parts; the one part I give to Mrs. Mary Walls, wife of Dr. Walls, or her heirs; the other parts I give to Dr. Vernon P. Jones, or his heirs

The slaves which I lost by the U. S. Army and their increase if we got, I desire to be sold by my Exor. V. P. Jones, and 5 per cent com. deducted for my Exor. and the net proceeds to be divided into four equal parts, the one fourth I give to my son, W. M. Drake, one fourth to my daughter Martha Roach, one fourth to Mrs. Mary Walls, and the other fourth to Dr. Vernon P. Jones

I do hereby nominate and appoint Dr. Vernon P. Jones as Executor of this my last will and testament, and I do hereby revoke and make void all former wills, testaments or deeds or conveyances by me at any time made, and do hereby declare this to be my last will and testament

In witness whereof I the said testator Robert Drake have to this my last will and testament set or cause to be set my hand and seal this the twenty

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ninth of March, one thousand eight hundred and sixty four.

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Benj. Timberlake, J.P.

Signed, sealed, published and delivered by the testator Robert Drake, as and for his last will and Testament in the presence of us and we in his presence and at his request, and in the presence of each other, have hereunto subscribed our names as witnesses.

Witnesses:

Benj. Timberlake,

James R. Taylor.

Bunwell B. Jones.

(25⁰⁰ Rev. Stamps.)

In New Kent County Court September 14th 1865.

The foregoing writing purporting the last will and Testament of Robert Drake deed, was put into Court by Remon P. Jones the executor therein named in order to be proved, and on the motion of Mrs. W. Drake and Christopher T. Roach and Martha T. his wife, heirs and distributees of the said Robert Drake, deceased by their counsel who desire to contest the probat of said will, it is ordered by the Court that they be admitted as defendants to contest the probat of said will, and on the further motion of the said heirs and distributees of said Robert Drake it is ordered that the motion of the said Remon P. Jones to record the said paper be continued till the next term.

And again in New Kent County Court on the 13th day of October, 1865.

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The said writing purporting the last will and testament of Robert Drake deceased, bearing date the 29th day of March, 1864, was this day again produced in Court by Remon P. Jones the executor therein named in order

The said writing purporting the last will and testament of Robert Drake deceased, bearing date the 29th day of March, 1864, was produced in Court by Vernon P. Jones, the executor thereof, in order to be proved, and Mrs M. Drake and Chas. T. Roach, and Martha T. his wife, heirs and distributees of the estate of said Robert Drake, appeared and opposed the proof of the said will, whereupon divers witnesses were sworn and examined and the parties aforesaid by their counsel fully heard on consideration whereof it is the opinion of the Court that the said Robert Drake died, at the time of executing the writing aforesaid, dated the 29th day of March, 1864, was of sound and disposing mind and memory, and that he was under no undue influence. And Benwell B. Jones and James R. Taylor, the surviving witnesses to the said writing having testified in Court that the said Robert Drake signed and published the same in their presence as and for his last will and testament, that they subscribed their names as witnesses thereto, in the presence of the Testator at his request and in the presence of each other and that the said Testator was of sound sense and memory as far as they knew or believed, and having also testified that they saw Benjamin Timbrelake one of the other witnesses to the said writing, who is now dead, subscribe his name thereto also in the presence of the said Testator at his request, and that the said Benjamin Timbrelake signed the name Robert Drake to the said will at the request of the said Robert Drake in his presence and in the presence of the said B. B. Jones and James R. Taylor, it is ordered that the said writing of the 29th day of March, 1864, be recorded as the last will and testament of the said Robert Drake deceased.

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