

In the name of God, Amen!

I, Lorenzo Drake, of Brunswick County, in the State of North Carolina, being of sound and disposing mind and memory, but mindful of the uncertainty of life do make, ordain and publish this to be my last will and testament hereby revoking and making void all other wills by me at any time heretofore made.

First My plantations and lands on Little River in Brunswick County, comprising my Hickory Hall plantation, and the old place on which my father lived. (A small part, about one hundred and fifty acres, of the Hickory Hall plantation being in South Carolina) I give and devise to my son, Samuel Drake, in fee simple.

Second My house and lot on Bay Street in Smithville, together with the water front in front of it, lying between Bay Street and the River and also a garden lot of about a half acre of the town which I purchased from Moody D. Smith. I give and devise to my friend, Col. Roger Moore, and his heirs, in trust for the sole and separate use of my daughter, Elizabeth D. Gorton, wife of John W. Gorton, during her life, not to be liable for any debt or obligation of her husband; and at her death, then in trust for her children then living and the issue of such child or children as may then be dead, such issue to take, her share, the shares which their parents would have taken if living. All my household and kitchen furniture, silver plate, and silver ware, of all kinds, books, and specific articles of tangible property in and about my house and lot in Smithville, I give and bequeath to be equally divided between my son and my daughter.

Fourth I give, devise and bequeath all the rest and residue of my estate of every kind to be divided into two equal parts; and I give and bequeath one of the said equal parts to my son Samuel.

Fifth I give and bequeath the remaining equal part of the said residue of my estate to my friend Col. Roger Moore in trust for the sole and separate use of my daughter, Elizabeth D. Gorton during her life, not to be in any way liable for the debt and obligations of her husband, and at her death, then in trust for her children then living, and the issue of such child or children as may then be dead, such issue to take her share, the shares which their

Sixth

which their parents would have taken if living. I hereby authorize and empower my said friend Roger Moore, upon the written request of my said daughter, and at any time during her life, to sell all or any portion of the real and personal estate hereby given to him in trust for her and her children upon such terms as he may deem most advantageous, the Monies arising from such sales to be reinvested by him in other property, to be conveyed to and held by him on the same trusts, for the same persons, and under the same powers and authority, as are herein limited and expressed in relation to the property so as aforesaid given to him in trust.

Lastly

I nominate and appoint my said friend Col. Roger Moore to be sole executor of this my will.

In witness whereof I have hereunto set my hand and affixed my seal this 25 day of June A.D. 1877.

Signed, published and declared by the testator as his last will in the presence of us, who in his presence and the presence of each other and at his request, have subscribed the same as witnesses.

W. H. Burton.

M. W. Burton.

L. Drake (seal)

Codicil

I make this Codicil to my foregoing will, conforming the same in all things, except as herein set forth. My daughter Mrs. Elizabeth D. Gorton having died since the execution of my will, all the estate and property in my said will given to her, or to Col. Roger Moore in trust for her and her children after her, I do hereby devise and bequeath to the said Col. Roger Moore and his heirs in trust for the children of my said daughter equally, and if any one or more of said children shall die before coming of age and before marriage, the share, or shares of any so dying shall go and belong to the survivors of them; and if all shall die under age and before marriage, the last survivor to take the whole, and I do hereby authorize and empower the said trustee in his discretion either to accumulate the income of said property, or to expend it from time to time as he may think best for

the benefit of the children, or any one or more of them; not limiting the expenditure for any one child to his equal share of the income, but leaving the whole income to the discretion of the trustee to be expended on any one or more, as he may think right and proper under the circumstances. And if he shall think it best to sell any part of the property, real or personal, I empower him to make the sale at his best judgment shall direct, and to lend-out or invest the proceeds at his discretion for the benefit of this trust. In witness whereof I have hereunto set my hand and seal this 25th day of October A.D. 1877.

Signed, published and declared by the testator, as and for a Codicil to his said last will in the presence of us, who in his presence and in the presence of each other and at his request have subscribed the same as witnesses.

W. B. Curtis.

M. B. Guthrie.

L. Franks (Seal)

State of North Carolina } Superior Court.
County of Brunswick } Before the Clerk.

A paper writing, purporting to be the last will and testament of Lorenzo Franks, deceased, is exhibited before me, the undersigned, Clerk of the Superior Court for said County, by Col. Roger Moore, the executor therein mentioned, and the due execution thereof and of the Codicil thereto attached by the said Lorenzo Franks is proved by the oath and examination of W. B. Curtis and M. B. Guthrie, the subscribing witnesses thereto, who being duly sworn, do depose and say, and each for himself depose and say, that he is a subscribing witness to the paper writing now shown, purporting to be the last will and testament of Lorenzo Franks and to the Codicil thereto attached; that the said Lorenzo Franks, in the presence of the deponent subscribed his name to the end of said paper writing now shown as aforesaid and

bearing date the 25th day of June A.D. 1877 and also the Codicil thereto attached, bearing date the 25th day of October A.D. 1877. And the deponent further saith that the said Lorenzo Franks, the testator aforesaid, died at the times of subscribing his name to the said will and Codicil to be his last will and testament. And this deponent did thereupon subscribe his name at the end of said will and Codicil as an attending witness thereto, and at the request and in the presence of the said testator. And this deponent further saith, that at the said times when the said testator subscribed his name to the said will and Codicil as aforesaid, and at the times of the deponent's subscribing his name as attending witness thereto, as aforesaid, the said Lorenzo Franks was of sound mind and memory, of full age to execute a will, and was not under any restraint to the knowledge, information or belief of this deponent. And further these deponents say not.

W. B. Curtis.

M. B. Guthrie.

Sworn to and subscribed
severally this 22nd day of
October 1887, before me.

W. S. Dasher.

Clerk. Supr. Court.

State of North Carolina } Superior Court
Brunswick County } Oct. 22. 1887.

Before the undersigned, Clerk, Supr. Court for the County aforesaid personally came Col. Roger Moore, who after being duly sworn, depose and says that he is the executor named in the last will and testament of Lorenzo Franks dead that the value of the testator's property is about Eighteen Thousand Dollars, consisting of mostly stock, bonds &c.

Sworn to and subscribed
before me this 22nd day
of Oct. A.D. 1887.

W. S. Dasher.

C. S. G.

Roger Moore