

WORKS PROGRESS ADMINISTRATION OF VIRGINIA
HISTORICAL INVENTORY

COUNTY: Franklin

CLASS : Wills

5
.. HAIRSTON, Samuel

--- SAMUEL HAIRSTON WILL ---

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Research made by
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Rocky Mount, Virginia.

February 1, 1937.

1. SUBJECT:

Samuel Hairston Will.

2. LOCATION:

Franklin County, Virginia.

3. DATE:

1834-1835.

4. OWNERS:

None.

5. DESCRIPTION:

Recorded in Franklin County Clerk's Office.
In Will Book 4 - Page 290 the following Will is recorded.

In the name of God Amen, I Samuel Hairston Sr., of the County of Franklin and State of Virginia now being on my bed of affliction, but of sound mind and disposing memory thank God for the same and wishing to dispose of my worldly Estate which it has pleased God to bless me with, do make and ordain this my last Will and Testament.

Item 1st. My Will and desire is that all the Perishable part of my Estate shall be immediately sole at a reasonable credit and the money arising therefrom to pay all my just debts and should that be insufficient to pay all my just debts, then it shall be left with my Executors hereafter to be named to sell such other portion of my Estate to pay the balance of my just debts that they may think most advisable after all just debts and funeral expences is paid off I dispose of the balance of my Estate in the manner and from the following.

Item 2nd I give and bequeath unto the lawful begoten heirs of my son Robert Hairston by his wife Elizabeth one certain tract or parcel of land containing three hundred and eighteen acres lying on the waters of Runnet Bay in said County to the same more or less, also one seventh part of my negroes to them and to their &c. But all the above named property to remain in the hands of my said son Robert Hairston to use for raising his family or to divide it amongst his children at any time he may think proper, or should he die then descresionary with him on his death bed, when the division shall take place, but neither hands nor negroes herein given to my son Roberts children to be in no way used for any debts my said son has contracted or may hereafter contract but sold for use of his children.

Item 3rd. I give unto my son Peter Hairston and my son-in-law Marshall Hairston all my lands lying on Nicholas

Creek in said County to be Equally divided unto them and to their heirs forever.

Item 4th. I give unto my son Peter Hairston one seventh part of all my negroes to him and to his heirs forever.

Item 5. I give unto my son-in-law Marshall Hairston one seventh part of my negroes unto him the said Marshall Hairston and to his heirs forever.

Item the 6th I give to my son Samuel Hairston one certain tract or parcel lying in the said County beginning at a red oak on my line and running in direction of my cross fence to Callaways line, thence with said Callaways line to my son Samuels divin line to the corner white oak thence on east to a gum, then with my line to the beginning. Also one other tract of land in Floid County on Pine Creek containing by survey two hundred and ninety eight acres, be the same more or less, also one seventh part of my negroes to him and his heirs forever, both land and negroes.

Item 7. I give unto my son-in-law Joab Early who married my daughter Ruth, two tracts of land in said County lying on Waters of Nicholas Creek Known by the name of the Days land containing three hundred and forty five acres both tracts be the same more or less also one seventh part of my negroes unto him and to his heirs forever.

Item 8th. I give unto my daughter Laticia Hairston all my tract of land wherein I now live not otherwise disposed of also a set of tabler one bord twelve new chairs together with all the furniture in the room. I also give her one seventh part of all my negroes over and above them named in my memorandum unto her and to her heirs forever.

Item 9. I give unto my grand son Samuel H. Callaway son of John Callaway who married my daughter Mary Hairston one tract of land lying on the mountain Known by the name of the Aseur land containing one hundred and forty-eight acres be the same more or less also one fourteenth part of my negroes unto him and to his heirs forever.

Item 10. I also from the misconduct of Mary Callaway her harsh and ill treatment to me has caused me to cut her off by giving her five shillings, who is the daughter of John and Mary Callaway and sister to the above S. H. Callaway. The other fourteenth part not bequeathed to be equally divided between all the legatees before named.

Item 11. I do hereby constitute and appoint my three sons, Robert Hairston, Peter Hairston, Samuel Hairston and my son-in-law Joab Early, Executors to this my will and Testament, making void all other Wills heretofore by me written, I also further desire that my Executors shall not be called on to give security for their true perfor-

mance, believing they will do Justice to all I request further that my executors lay off one acre of land and inclose for a burying ground for my family at the present grave yard that no one legatee shall lay claim to "but for the use of all.

As witness whereof I have hereunto set my hand and affixed my seal this the seventh day of November one thousand eight hundred and thirty four.

Signed sealed and acknowledged in the presence of

S. P. Hovall
James S. Whittington
his
Jess x Willikin
mark

Saml Hairston (Seal)

Richard M. Taliaferro.

A codicil to this my last Will and Testament, witnesseth that in case my son Robert should move from the Country that the land given his children in the body of my will I hereby autherise my Executors to sell said land and lay out the proceeds thereof for the benefit of his children as expressed in its true meaning in the body of my will also any property real or personal not mentioned in the body of my Will shall be sold by my Executors and the proceeds there of be equally divided amongst the distributors named in my Will except two lots which I have in the town of Mount Pleasant in Franklin County. I give and bequeath them to my son Samuel Hairston and to his heirs forever, as witness my hand and seal this the 8th day of November 1834, witness.

S. P. Hovall

Samuel Hairston (Seal).

James S. Whittington

Richard M. Taliaferro

And, This is to certify that for a length of time back that I gave to my daughter Leatitia Hairston the following property, Chaney a negro woman Sucky, Shoober, Tonnah, Dacey, Surey, Jack, Norrah, For ever a good horse bridle and saddle &c. 2 Feather beds and furniture and twelve head of good cattle over and above what is allowed her in my Will to take possession of at at my death.

Given under my hand this fourth day of November 1834.
Samuel Hairston Sen.

Henry T. Callaway

John Cassell.

S. P. Stovall.

James S. Whittington.

Richard M. Taliaferro.

At a Court held for Franklin County at the Court house the 5th day of January 1835.

This last Will and Testament of Samuel Hairston Sr., deceased together with the codicil hereto annex was produced in

Court and proved by the oath of Sander P. Stovall and Richard M. Taliaferro two of the Subscribing witness hereto and ordered to be recorded.

And on motion of Samuel Hairston Jr., and Joab Early two of the Executors therein named who made oath and gave bond (the testator desiring that no security should be required) in the penalty of twenty thousand Dollars conditioned according to law certificate is granted them for obtaining a probat thereof in due form liberty being reserved to the other Executor in said Will named, to join in the probat when they think fit.

Teste. Caleb Tate C. F. C.

6. HISTORICAL SIGNIFICANCE:

None:

7. ART:

8. SOURCES OF INFORMATION:

Informant, Recorded in Franklin County, Clerk's Office, Will Book 4, Page 290.