

1798 Will of William Fitzhugh Washington Co.

(Liber A No. 2; folio 240-245)

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"In the name of God Amen I William Fitzhugh of Washington County and State of Maryland being in the Seventy sixth year of age tho not in perfect health of sound memory...First I commend my Soul to Almighty God in hope of a glorious resurrection...

I give bequeath to my son William Fitzhugh to him his heirs forever two thousand acres of land lying in Fayette County in the State of Kentucky on Trigrals Creek it being part of a tract of land containing twelve thousand acres by patent adjoining Richard Graham's survey of eighty thousand four hundred six and a quarter acres, and having heretofore provided to him equally with my other sons, and having had his services in the transaction of all my business. I also give and bequeath unto my son William Fitzhugh to him and his heirs forever the following slaves and their increase, Lucky, Charles, Betty, Mary son, Lucky, Toby, Fanny, Black Bett, Carpenter James, Mulatto Rose, Mill James, and his wife, Ned, Tom, Hati his wife, Also my Cattle, Horses, Mules, and stock of every kind whatsoever except what I may herein after devise. Also all my Carte Waggon and plantation utensils of all kind and my wearing apparel,

I give and bequeath to Ann Fitzhugh wife of my aforesaid son my negro boy Jack and my riding horse

I give and bequeath to my Grand Daughter Rebecca Ann Fitzhugh to her and her heirs forever one thousand acres of land lying in Fayette County Kentucky it being part of a tract of land on Tigrals Creek out of which I devise two thousand acres to my son William, I likewise give and bequeath to Rebecca Ann Fitzhugh to her and her heirs forever, the following slaves and their children Nay & Fanny their children Henry & Rebecca, Black Rose and her children David and Ella Adam Vine and his wife and their three children lucky Sarah, & Rachel & James Able nere hired at the Furnace, also my colt Whitestockings & my silver watch- I give and bequeath to my Grandson William Hughes Fitzhugh to him to his heirs forever one thousand acres of land lying in Fayette County Kentucky it being part of a tract of land of twelve thousand acres on Trigrals Creek before mentioned a part of which I have before devised to his Father and Sister. I also give and bequeath to my Grand Son William Hughes Fitzhugh my negro Boy Stephen-

I give and bequeath to my Grand Son Daniel Hughs Fitzhugh to him and his heirs forever, one thousand acres of Land in Fayette County, Kentucky it

being part of a tract of Land containing twelve thousand acres on Trigrels Creek a part of which I have herein before devised to his Father, Sister and Brother- [f.241>] I give and bequeath to my Grand Son Samuel Hughes Fitzhugh to him and his heirs forever One thousand acres of land in Kentucky in Fayette County it being part of a tract of land containing twelve thousand acres on Trigrels Creek part of which I have herein before devised to his Father, Brothers and Sister. I also give and bequeath to my Grand Son Samuel Hughes Fitzhugh my Negro boy Jesse and my Negro girl Patience-

I give and bequeath to my Grand Son Daniel Hughes Fitzhugh herein before mentioned my Negro Boy Jervis-

I give and Bequeath to my Grand Son James Fitzhugh to him and his heirs forever, one thousand acres of land being part of a tract of Land containing eight thousand acres lying Mason County Kentucky in which I concurred with the heirs of Richard Graham and with my Son Peregrine Fitzhugh which tract of Land is hereafter particularly described. I also give and Bequeath to my said Grand Son James Fitzhugh my Negro Boy Lewis -- It is my desire and I do hereby direct that the profits arising from the Houses herein devised to the Descendants of my Son William Fitzhugh go to my said son for his use until my dear Grand Children marry and arrive at age and that he shall not be accountable to any One for their hire or Services--

I give and bequeath to Rachel Traher [?] for her long and faithful service in my family and for which I think she has not been fully compensated my Negro Girl Frank--

Wherein by mistake my Son Peregrine Fitzhugh had six thousand acres of Land included in a patent which I made in my name for twelve thousand acres lying in Trigrels Creek in Fayette County Kentucky and adjoining Richard Grahams Survey of eighty thousand four hundred six and a quarter acres . If it should not be done in my life time I do direct my Executor to convey to him his heirs and assignees forever the said six thousand acres--

Whereas I hold Twenty Thousand Acres of Land in the County of Fayette and State of Kentucky it being the third part of sixty thousand acres taken up in Copartnership with Richard Graham now Deceased Ronald Johnson and patented in our names which Lands have been since marked out by us upon the plat of Survey only into Lots of six thousand six hundred & sixty acres and two thirds acres each xxxxx and divided between us as will appear by Mutual Deed s between us passed and recorded in the Office of the General Court of Virginia, the whole of the said Twenty Thousand acres of Land I authorize and empower my [f.242>] Executor hereafter named to sell upon Credit or for ready Money as he shall Judge most Expedient for the purposes of this my Will hereafter

mentioned and the same to the purchase to convey in fee simple and out of the Money arising from the sale of the Said Lands. I devise to the children of my son George Fitzhugh the average price of three thousand acres the some Equally to be divided between them male and female -

To the children of my Son Peregrine Fitzhugh the average price of three thousand acres to be equally divided between them male and female-

To the children of John Fitzhugh the average price of three thousand acres to be equally divided between them male and female-

And to my Grand Daughter Rebecca Ann Fitzhugh Daughter of my son William the average price of six hundred sixty and six and two thirds of an acre But in case my said Executor should not during his life sell and dispose of the said Twenty Thousand Acres of Land by Virtue of the Authority I have hereby given, then I give to the Children of my said son George Fitzhugh three thousand acres of the said Land to be laid off in my North East lot of the same, which lott contains six Thousand six hundred sixty six acres and two thirds of an acre the three thousand acres I give to the Children of my said son George and their heirs equally to be divided between them as tenants in common -

To the children of John Fitzhugh and to their heirs as tenants in common I also give three thousand acres part of the last mentioned North East Lott the residue of the said north east lott the same more or less I devise my granddaughter Rebecca Ann Fitzhugh and her heirs forever-

And to the Children of my Son Peregrine Fitzhugh and to their heirs equally to be divided between them as tenants in Common I devise three thousand of the Said Twenty thousand Acres to be laid off for them upon that Lott of mine as marked in the aforesaid division which shall be nearest to Cow Creek--

Whereas I am interested in a Survey or Surveys in Kentucky for eight thousand Acres of Land in Virtue of an Entry made in the name of Judson Coolidge now Deceased and in which entry Richard Graham and myself were intended to be equally Concurred and which entry was only intended to be for six thousand acres but by mistake warrents for two thousand acres belonging to Peregrine Fitzhugh were used for us which has made this survey or Surveys contain Eight thousand acres and Judson Coolidge having decline having any interest in the said Lands and his heirs at law having assigned his interest in the said Lands as follows two thousand acres to the said Peregrine Fitzhugh and six thousand acres to Richard Graham and myself from whence it follows in Justice that I am entitled to only three thousand acres, my son Peregrine Fitzhugh to two thousand acres [f. 243>] and the representatives of Richard Graham to three thousand acres. But to avoid all disputes and for the purpose of doing Justice my Will is that if in Law I have any title to the two thousand acres of the said Land which in

*Justice belongs to my son Peregrine Fitzhugh I give and devise the same to my said son Peregrine Fitzhugh and his heirs forever-
And the three thousand acres of the said land to which I am according to the above statement properly entitled (except) one thousand Acres thereof which I have herein before devised to my Grand son James Fitzhugh together with all the rest and residue of my estate Both real and personal not herein before Specifically devised~in possession ~remain in or expectancy or of what nature or him soever it may be and where ever so it may be I devise the same to my Executor hereafter named and his heirs for the purpose in the first place of paying my Debts and if there to any reserve for the purpose here in After mentioned- It is my desire and I do direct that the Bond arising from the sale of my Land in Virginia and all other Bonds of every kind whatsoever, and the Debts due me, and the Other property which I have left subject to the payment of my Debts be applied to that purpose before any of my lands in Kentucky (exempt) the Twenty thousand Acres herein before mentioned taken up with Richard Graham & Richard Johnson be disposed of and in case it should not be nowfary [?] to sell it, and the property which I have directed shall be applied to the payment of my Debts be found sufficient therefore, and there Lands to be Surplussage, I do the give and bequeath the said surplussage in the following manner to the children of my four Sons George, Peregrine, William & John Viz-To the Children of my son George Fitzhugh one fourth part to the Children of my Son peregrine Fitzhugh one fourth part, to the fourth part to the Children of my son Peregrine Fitzhugh one fourth part, to the Children of my Son William Fitzhugh one fourth part, And to the Children of my son John Fitzhugh one fourth part to them and their heirs forever-*

Whereas my trusty slave Jack aged about fifty years when he was taken by the enemy in the late revolution refused to go with and making his escape from them returned to me as a mark of gratitude for his faithfulness and attachment to me I do have the said slave Jack free at my decease and I do recommend to my son William Fitzhugh in case of said slave Jack being reduced to sickness or any other cause to afford him such...support...for his comfort.

Reflecting on the truly Great Losses I have sustained by the British [f. 244>] Emphasise my distress and reduced circumstances occasioned thereby has much I was exposed by my local situation at a time when circumstances of the State rendered her unable to protect and defend her faithfull Citizens how particularly I was marked by the Common enemy in Consequence of the part I had taken for the Good and Safety of my Country and supporting two sons in the Continental Army and relying as I do upon the good faith Justice and humanity of this State and the United States for a Compensation to my Family for such losses

and damage, I do devise my Executor herein after mentioned and name to petition the general Assembly of the State, and the Congress of the United States in the most humble and earnest Manner at every Succeeding session until such Compensation be obtained-

I do hereby give to my Executor hereafter named full power and authority to sell and dispose of any part of my real and personal estate or of both or either of them as may appear necessary and most conducive to the Interest of the whole for the payment of my Debts, provided Nevertheless that it is my meaning and Intention and I do hereby direct that the property whether real or personal herein before devised specifically to the several & respective persons in this my Will herein before particularly mentioned or described shall not be Done[?] for the payment of my Debts untill all the whole of the said ~ of my estate both real and personal be sold and applied to discharge thereof --If my Executor shall sell any or all of the property either real or personal which by this my Will he is Authorized and empowered to sell upon a Credit which is in his discretion he is hereby Authorized to do my Will is and I do hereby devise that my said Executor shall be in no wise answerable in his own property for any loss that may happen in such sale or sales by jealousy [?] or other inability of the person with whom he may so contract to fulfil the same, and I do farther devise that it by such ~ there should be a deficiency to pay my Debts, and thereby make of necessary for my Executor to appropriate to that purpose any part of the money herein before devised to my Grand Children and Charges upon the twenty thousand acres of land in Kentucky taken up with Richard Graham and Richard Johnson then my Will is that the legacies to be devised to my Grand Children shall be proportionally applied to make up the deficiency

As a Compensation to my Executor for the great trouble which he will have in the Execution of this my Will, I give and devise to him a Commission after Contain upon all manner which he shall Actually pay either in [f.745>] discharge of my Debts legacies and I do further direct that my Executor shall be paid any Expense which he may incur by attending the sales of any part of my property and in the Execution of this my will-

I also direct that my said Executor shall not pay any of the Money Legacies herein and hereby devised for the span of six years after my Decease, but that he shall hold the same during that time ready to discharge my latest debts that may come against my estate, and that during the time he shall so hold the same he shall not be accountable for the interest thereof to any of my said legatees

And lastly I do Constitute my son William Fitzhugh Executor of this my last will and Testament revoking and annulling all former Wills by me heretofore made ratifying and confirming this my last will and Testament

*In testimony whereof I have hereafter set my hand and affixed my seal this
Twenty sixth day of January in the year of our lord 1798*

William Fitzhugh"

Wit:

John Rochester, Th Sprigg, Henney Owen, Jos Sprig