

WILL OF DANIEL MCCARTY FITZHUGH<sup>12</sup>

In the name of God, Amen, I Daniel McCarty Fitzhugh of the County of King George do make this my last will and testament in manner following –

Item 1. I give to my son John Thornton child of Elizabeth Cullom my housekeeper, Cherry Point, the place I reside on, to him and his heirs lawfully begotten forever.

Item 2. The residue of all my land I give to my son Francis another child of Elizabeth Cullom to him and his heirs lawfully begotten forever and should either of them die before they marry or arrive to the age of twenty one, the survivor to heir from the deceased brother and should each or both of them die before they marry or arrive to the age of twenty one in that case the above land I give to their three sisters, my daughters and children of the said Elizabeth Cullom and their heirs lawfully begotten forever, namely Caroline, Ann, and Mary and should either of the above named Caroline, Ann and Mary die before they marry or arrive to the age of twenty one the surviving sisters jointly with their two brothers John Thornton and Francis to inherit from their deceased sister.

Item 3. I give all my negroes<sup>13</sup> to be equally divided among my five children John Thornton and Francis to take their part at the age of twenty one each to heir from the other in the case of death and should they both die or not marry before they arrive at the age of twenty one in that case their three sisters to heir from the said John Thornton and Francis. And should either of the aforesaid girls die or not marry before they arrive to the age of twenty one the survivors to inherit from their deceased sister jointly with their two brothers John Thornton and Francis.

Item 4. The above named Caroline, Ann and Mary to receive their part when they marry or arrive to the age of twenty one years, and should they not marry or arrive to the age of twenty one years the survivor jointly with their two brothers John Thornton and Francis to heir their part to them and their heirs lawfully begotten forever, and for want of such issue their brothers or brother to heir from them.

Item 5. My stock of horses, mules, horned cattle, sheep, hogs, plantation utensils, also my household and kitchen furniture to be kept for the use of the farm and benefit of my family already mentioned.

Item 6. Should my two sons John Thornton and Francis arrive to the age of twenty one my desire is that the stock of horses, mules, horned cattle, sheep, hogs, household and kitchen

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<sup>12</sup> King George County, Virginia Will Book 3, p.232.

<sup>13</sup> In 1810, Daniel McCarty Fitzhugh was living in the household consisting of himself and 13 slaves. By 1820, he had 5 children, his housekeeper, and 26 slaves. Since Mary Ann was not born until 1823, there appears to have been another daughter who died before Daniel wrote his will.

furniture, and plantation utensils that they may then belong to the estate, to be divided equally between them and in case of death the survivor to be sole heir and should they both die before they marry or arrive to the age of twenty one the above household and kitchen furniture, and plantation utensils, horses, mules, horned cattle, sheep, hogs to be equally divided between their three sisters as above named and their heirs lawfully begotten forever.

Item 7. My crops of wheat, corn, provender<sup>14</sup> to be sold after reserving a sufficiency for the support of the plantation and for the payment of my just debts.

Item 8. My watch, silver mounted gun and fowling piece I give to my two sons John Thornton and Francis to dispose of as they think proper.

Item 9. I give to my housekeeper Elizabeth Cullom twelve pounds cash per year<sup>15</sup> during her life to be paid from the proceeds of my whole estate.

Item 10. Should all the above five children die before they marry or arrive to the age of twenty one in that instance my desire is that the whole of my estate and personal estate go to my nephew J. B. S. Fitzhugh<sup>16</sup> of Bellair and his heirs forever subject however to the legacy of twelve pounds in favor of Elizabeth Cullom my housekeeper during her life.

Item 11. I constitute and appoint J. B. S. Fitzhugh, Edwin Conway<sup>17</sup>, William A. Knox, and Lawrence Washington Berry<sup>18</sup>, esquires, Executors of this my last will and testament.

In witness whereof I have hereto put my hand this thirteenth day of April in the year of our Lord one thousand eight hundred and twenty three.

Daniel McCarty Fitzhugh

Signed, sealed and  
Delivered in presence  
Of Enoch Arnold,  
William S. Quesenberry

Recorded June 5, 1823

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<sup>14</sup> Food or provisions

<sup>15</sup> Equivalent to approximately \$1380 in today's money

<sup>16</sup> John Bolling Stith Fitzhugh (1778-1825), son of Daniel McCarty Fitzhugh's oldest brother Henry Fitzhugh.

<sup>17</sup> Edwin Conway (1785-1844), son of Daniel McCarty Fitzhugh's sister Elizabeth Fitzhugh Conway.

<sup>18</sup> Lawrence Washington Berry was the son of Daniel McCarty Fitzhugh's neighbor Lawrence Washington Berry of Berry Plain. Lawrence Washington Berry, Sr. had died in 1822.