

VIRGINIA:

In the office of the Clerk of the Circuit Court for Henry County 13th July 1907. The last will and testament of Miss Ann M. Hairston, deceased, was this day produced before me in my office and fully proven by the oaths of B. P. Davis and B. M. Townes the subscribing witnesses thereto. And ordered to be recorded as and for the last will and testament of Miss Ann M. Hairston, deceased.

TESTE:

John H. Matthews, Clerk.

VIRGINIA, Henry County, to-wit:

I, T. C. Matthews, Clerk Circuit Court for Henry County in the State of Virginia, do hereby certify that the foregoing is a true and correct copy of the will of Ann M. Hairston, dec'd, as appears on file and record in my said office.

Given under my hand this the 15th day of January 1936.

T. C. Matthews, Clerk Circuit Court for
Henry County, Va.

VIRGINIA, Patrick County, to-wit:

In the Clerk's Office of Patrick Circuit Court, the 7 day of Feb. 1936, this will was presented and with the certificate annexed, admitted to record.

TESTE:

Eva Gilbert, D. Clerk.

WILL
RECORDED IN DEED BOOK
No. 12 PAGE 16

I, Elizabeth P. Hairston, of Henry County, Virginia, being of sound mind and disposing memory, and being desirous of executing the power given to me under the sixth clause of the will of my father, Marshall Hairston, of disposing by will of certain real estate devised to me by the third clause of said will, and also being desirous of disposing of my other property, do make this my last will and testament as follows:-

First: I give, devise and bequeath unto Annie M. James, my great niece and the daughter of my niece, Annie Wilson James, subject to the conditions, limitations and restrictions herein after contained, the residence of the late Marshall Hairston and my residence since his death, known as "Beaver Creek" with the lands adjacent thereto, situated in Henry County, Virginia, and fully described in the first Clause of the aforesaid will of the said Marshall Hairston, which said residence and lands were devised to me by the Third Clause of said Will. In the event that the said Annie M. James shall marry the aforesaid real estate devised to her shall be held by her husband as trustee for her sole and separate use and benefit, free from any, claims or debts of her said husband. If the said Annie M. James should die leaving issue at her death the lands above devised to her shall go in fee simple to her issue, to be divided among the said issue, if more than one in the same manner as if said lands had descended to them from her by the law of descents in the State of Virginia. If, however, the said Annie M. James should die without issue at her death, and without availing herself of the power of devise hereinafter given her, the said lands shall go to her mother, Annie Wilson James, should she be then living, for her natural life, to be held in trust for her by her husband, R. A. James, for her sole use and benefit, free from any claims or debts of her said husband, Should, however, the said Annie Wilson James be not living at the death of the said Annie M. James, she, the said Annie M. James dying without issue, or at the death of the said Annie Wilson James, should she survive the said Annie M. James, then the said lands shall go, subject to the following conditions limitation and restrictions, to the three sons of the said Annie Wilson James and brothers of the said Annie M. James, namely, Wilson, Rorer, and Bruce James, in equal portions. In the event, however, of the death of any one or all of the said brothers, leaving issue at his or their death, then the shares going to the ones so dying, leaving issue, shall go to such issue in fee simple in the same manner as if they took by descent under the law of the State of Virginia. Should, however, one or more of the said brothers of the said Annie M. James die without issue, and without availing himself or themselves of the power of devise hereinafter given, then the shares devised to him or them shall go to his or their surviving brother or brothers, subject to the same limitation as to the share or shares herein directly devised to him or them.

Second: The said Annie M. James shall have full power by last will and testament, to dispose of the lands given her by the First Clause of this will, in whole or in part, provided the lands, or such part thereof as she shall thus devise, shall be given to one or more of her said brothers, or to one or more of the descendants of one more of them, provided that is such devise be to one or more of her said brothers it shall contain the limitation that it is to go at his or their death to his or their issue then leaving, which disposition shall be valid and binding in the event that the said Annie M. James shall die without issue living at her death, and it shall be valid whether she be single or married at the time of making such will. In the event that the said Annie M. James should die without issue living at her death, and without availing herself of the power of devise herein given, then the said brothers, taking under the provisions of this will, shall have the same power of devise herein given to her.

Third: I hereby give and bequeath unto the said Annie M. James, unconditionally and absolutely, all household and kitchen furniture, pictures, books, cattle stock, farming implements, tools and machinery, and all other personal property belonging to me at my death which may be in the residence or on the lands hereinbefore devised to her.

Fourth: The rest and residue of my property I dispose of as follows:- I devise to R. A. James, Jr., in fee simple, son of Rorer A. James and Annie Wilson James, a tract or boundary of land in Henry County, Virginia, lying on both side of the Figsboro Road and both side of the Reed Creek Road leading from Figsboro to Reed Creek and on the waters of Reed and Beaver Creeks in the Reed Creek district containing approximately 4,390 acres, it being all the land I own in the Reed Creek district except the tract in said district known as the Clift Springs tract hereinafter disposed of.

FIFTH: To Annie Wilson James I devise in fee simple my one half undivided interest in that tract or boundary of land lying in Patrick County, Virginia, containing approximately 7,000 acres of land and adjoining the lands of J. I. Woods, et als. the said Annie Wilson James being the owner of the other one half undivided interest in said tract of land. I also devise in fee simple to the said Annie Wilson James that boundary of land lying in and near the town of Martinsville, Virginia, beginning at G. E. Townes'

lot on the north side of Church Street, thence with said street and with the line of Hairston, Cheshire, Allen and Booker to the Danville Road, with said road to the old Danville Road to a corner with the Thomas property, thence north east with Hairston's line to Harden Hairston's line, thence with Harden Hairston's line and J. F. Well's line to the old poor house property, with that line to the property owned by the town of Martinsville, with that line to the Johnson Stultz property, thence with Stultz' line to the Alex Williams property et als, and with that to the Lester property and with that line to the property of R. A. Prunty, with the Prunty line to the G. B. Bryant property, and with that line to the property of B. M. and G. E. Townes and with that line to the Beginning. I also devise in fee simple to Annie Wilson James all those certain lots or parcels of land with the improvements thereon fronting on the Public Square in the town of Martinsville, Henry County, Virginia, as well as those lots fronting on the South side of Fayette Street and the lots on the east side of Franklin Street in said town and also that tract of land in said town and lying between the Lester property and the property of the Martinsville Cotton Mill Company, Incorporated, and the Danville and Western Railway containing about fifteen acres.

Sixth: I devise in fee simple to Wilson James, son of Rorer A. and Annie Wilson James, that tract of land lying in the County of Pickins, State of Alabama and Lowndes County, State of Mississippi, known as the Choctaw Springs place containing approximately 440 acres. I also devise in fee simple to the said Wilson James a tract of land in Lowndes County, Mississippi, known as the Bluff Place situated on the Tom Bigbee river containing about 640 acres.

Seventh: I devise in fee simple to Bruce James, a son of Rorer A. and Annie Wilson James, that tract of land in Yalobusha County, State of Mississippi, known as the Billings Creek Place, containing about 2,500 acres more or less.

Eighth: I devise in fee simple to Wilson James, R. A. James, Jr., and Bruce James, children of Rorer A. and Annie Wilson James, jointly and equally all of that tract or parcel of land in Ponola County, Mississippi, known as the Ponola Place, containing 2,300 acres more or less.

Ninth: I devise in fee simple to Annie M. James, daughter of Rorer A. and Annie Wilson James, a tract of land in Lowndes County, Mississippi, known as the Troup Place containing 240 acres more or less and lying on the road leading from Crawford to Columbus. I also devise to her in fee simple a tract of land in Lowndes County, Mississippi, known as the Hairston Home containing 2,000 acres more or less. I also devise to her in fee simple that tract of land in Henry County, Virginia, lying in the Reed Creek district containing 287 acres more or less lying on the waters of Town Creek and known as Clift Springs which adjoins the lands of James Via, William Davis, et als.

Tenth: I devise in fee simple to Annie Wilson James, wife of Rorer A. James that certain tract or parcel of land in Henry County, Virginia, lying north of and partly in the corporate limits of said town beginning at the Ann M. Hairston gate near Franklin and Fountain Streets; thence with the Hairston line in a northerly direction to the old Franklin Road, thence that road to Orthnell Stultz line, that line westerly to the J. M. Smith line; thence southerly with Smith's line to Waller's Ford Road; ~~thence with Waller's Ford Road~~; thence with Waller's Ford Road in an easterly direction to the old Jones Road near the colored Methodist Church; thence with the Hairston line to the Joe Turner lot, with his line to Fayette Street and east with Fayette Street to the Penn and Watson factory lot; thence northerly with the Hairston line to a branch; thence easterly with the Hairston line to the beginning.

Eleventh: I direct my executor hereinafter named to pay all my just debts and debts and funeral expenses as soon after my decease as may be convenient and practicable.

Twelfth: The rest and residue of my estate, real, personal and mixed, wheresoever located, I devised and bequeath to Annie Wilson James in fee simple.

Thirteenth: I nominate and appoint R. A. James, husband of Annie Wilson James, the executor of this my last will and testament and direct and that he be permitted to qualify as such without security; and I hereby revoke any and all wills by me at any time heretofore made.

In testimony whereof I have hereunto set my hand and seal to this my last will and testament, dated at Martinsville, Virginia, this 18th day of April 1921.

Elizabeth P. Hairston (SEAL)

Signed, published and declared by Elizabeth P. Hairston, as and for her last will and testament, in the presence of us, who in her presence, and at her request, and in the presence of one another have hereunto signed our names as attesting witnesses thereto.

A. C. Lancaster (SEAL)
Bobbie Leake (SEAL)
S. G. Whittle, Jr. (SEAL)

Codicil No. 1: R. A. James the executor named in my will having departed this life, I nominate and appoint B. M. Townes executor in his place and stead. Witness my hand and seal this 21st day of September 1921.

Witness:

S. G. Whittle, Jr.,
Bobbie Leake

E. P. Hairston (SEAL)

VIRGINIA® Before the Clerk of the Circuit Court for Henry County on the 27th day of April 1922.

A paper purporting to be the last will and testament of Mrs. Elizabeth P. Hairston dec'd. bearing date 18th day of April 1921. and the codicil thereto bearing date 21st day of September 1921, were this day produced before me and fully proven by the oath of S. G. Whittle, Jr. one of the subscribing witnesses to the will and also this codicil and ordered recorded as the true last will and testament of the said Mrs. Elizabeth P. Hairston, dec'd. And on motion of B. M. Townes the executor therein named he is permitted to qualify whereupon he together with the Aetna Casualty and Surety Company by H. A. Ford its duly authorized agent and attorney in fact, his surety entered into and acknowledged a bond in the penalty of \$30,000.00 conditioned according to law, and he took the oath prescribed by law. And on his further motion it is ordered that H. A. Ford, J. A. Brown and A. C. Lancaster do appraise the personal estate of the said Mrs. Elizabeth P. Hairston dec'd. and make return thereon according to law.

TESTE:

T. C. Matthews, Clerk.