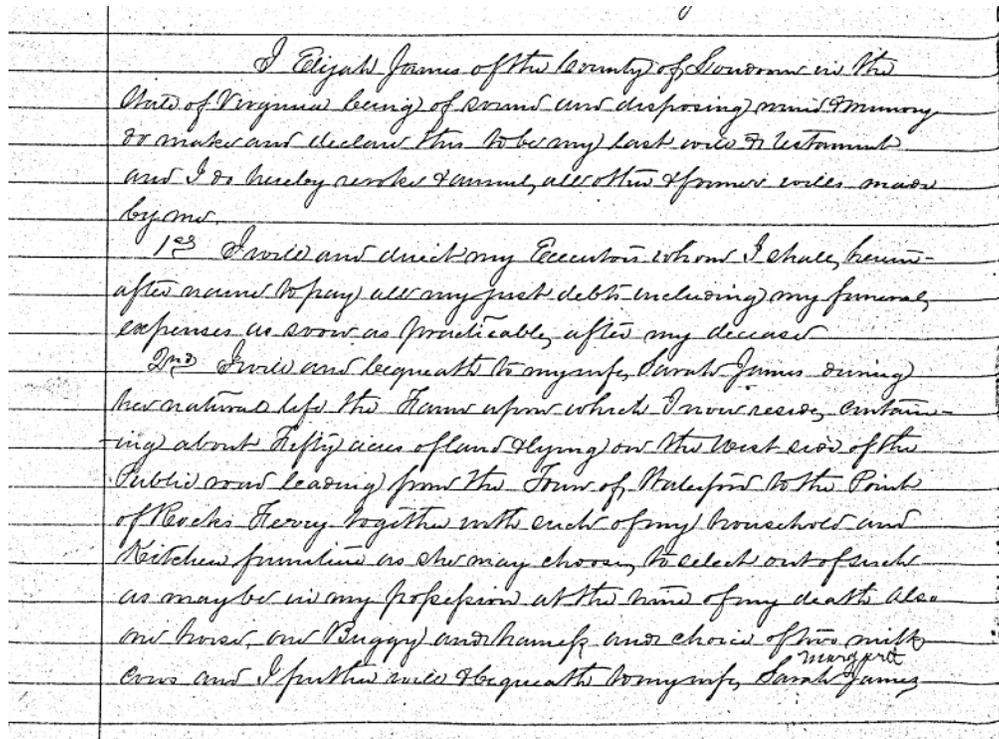


The Will of Elijah James 1869

Elijah James is the grandfather of Eliza James Yakey. There are parts of the transcription that may not be correct, owing to some words being difficult to decipher. Additionally there were very few "periods" used in the original and the transcription tried to stay true to that.



I Elijah James of the County of Loudoun in the State of Virginia being of sound and disposing mind & memory do make and declare this to be my last will & testament and I do hereby revoke & annul all other former wills made by me.

1st I will and direct my Executors whom I shall hereinafter name to pay all my just debts including my funeral expenses as soon as practicable after my decease.

2nd I will and bequeath to my wife Sarah James during her natural life the Farm upon which I now reside containing about fifty acres of land lying on the west side of the Public road leading from the Town of Waterford to the Point of Rocks Ferry together with such of my household and kitchen furniture as she may choose to select out of such as may be in my possession at the time of my death also our horse and buggy and choice of two mikes cows and I further will bequeath to my wife Sarah James

I Elijah James of the County of Loudoun in the State of Virginia being of sound and disposing mind and memory do make and declare this to be my last will and testament and I do hereby revoke and annul all other former wills made by me.

1st I will and direct my Executors whom I shall herein after name to pay all my just debts including my funeral expenses as soon as practicable after my decease.

2nd I will and bequeath to my wife Sarah James during her natural life the farm upon which I now reside, containing about fifty acres of land and lying on the west side of the public road leading from the town of Waterford to the Point of Rocks Ferry together with such of my household and kitchen furniture as she may choose to select out of such as maybe in my possession at the time of my death. Also our horse and buggy and (?) and choice of two mikes and I further will bequeath to my wife Sarah Margaret James

during her natural life the sum of Five thousand dollars which I require & direct my Executors within one year after my decease to loan out for her benefit & pay to her the interest arising therefrom annually during her life.

3rd I will & direct my Executors as soon as practicable after my decease to sell at public sale all the balance of my live Stock & such farming implements as I may have at the time of my death together with such of my household & kitchen furniture as my wife may not choose to take.

4th I will direct & require my Executors within one year from the day of my death to sell, either at public or private sale for such terms as they may deem best all the remains of my landed estate.

during her natural life the sum of Five thousand dollars which I require and direct my Executors within one year after my decease to loan out for her benefit and pay to her the interest arising therefrom annually during her life.

3rd I will and direct my Executors as soon as practicable after my decease to sell at public sale all the balance of my livestock and such farming implements as I may have at the time of my death together with such of my household and kitchen furniture as my wife may not choose to take.

4th I will and direct my Executors within one year from the day of my death to sell, either at public or private sale for such terms as they may deem best all the remains of my landed estate.

5th I will and direct that all of the new proceeds arising from the sale of my landed estate which I have in the fourth clause of this will directed to be sold by my Executors as well as the proceeds arising from the sale of such of my personal property as may not be taken by my wife Sarah James together with such monies and bonds or other securities as I may have in my possession & belonging to me at the time of my death (after having taken therefrom the five thousand dollars mentioned and set apart in the second clause of this will for the special use & benefit of my wife Sarah James during her life) shall be equally divided between my nine children namely Mahlon James, Richard James, Joseph James, Levi James, Charles E. James, William James, Ann Kalb formerly Ann James, Mary Mock formerly Mary James and to Elizabeth James Russell formerly Elizabeth Jane James subject however to such provision & conditions in regard to two of them (namely Mahlon James & Elizabeth Jane Russell, formerly Elizabeth Jane James) as I shall hereafter make.

5th I will and direct that all of the new proceeds arising from the sale of my landed estate which I have in the fourth clause of this will directed to be sold by my Executors as well as the proceeds arising from the sale of such of my personal property as may not be taken by my wife Sarah James together with such monies and bonds or other securities as I may have in my possession belonging to me at the time of my death (after having taken therefrom the five thousand dollars mentioned set apart in the second clause of this will for he special use and benefit of my wife Sarah James owning her life) shall be equally divided between my nine children namely Mahlon James, Richard James, Joseph James, Levi James, Charles James, William James, Ann Kalb family Ann James, Mary Mock family Mary James and to Elizabeth James Russell family Elizabeth Jane James subject however to such provision and conditions in regard to two of them (namely Mahlon James and Elizabeth James Russell, formerly Elizabeth Jane James) as I shall hereafter make.

6th In regard to my son Mahlon James Lewis and direct & this provision is to be positively fully & completely carried out by my Executors that his share of my estate or so much thereof as may be remaining after the following named debts owing by him together with such interest as may accrue upon them shall be fully paid off being the note of his due to myself for the sum of seventy dollars dated the 13 day of May 1851 payable one day after date also or balance of about five hundred dollars due to my son Levi James the same being a balance due to a negotiable note of the said Mahlon James for the sum of Five hundred eighty dollars & fifty eight cents dated Decr 19 1860 payable ninety days after date to the order of the said Levi James negotiable and payable at the Merchants Bank of Baltimore Md shall be loaned out & placed in trust by my Executors for the benefit to use of the wife & children of the said Mahlon James and the interest arising therefrom shall be paid to his wife annually until the youngest child shall have arrived at the age of thirty one years when and at that time the principal sum shall be divided as follows to viz: one third to his wife and the other two thirds shall be divided equally between such of his children as may then be living

6th In regard to my son Mahlon James I will and direct this provision to be positively fully and completely carried out by my executors that his share of my estate or so much thereof as my be remaining after the following named debts owing by him together with such interest as may accrue upon them shall be fully paid off being the note of his owed to myself for the sum of seventy dollars owed the 13 day of May 1851 payable one day after date also or balance of about five hundred dollars owed to my son Levi James the same being a balance owed or a negotiable note of the said Mahlon James for the sum of Five hundred eighty dollars and fifty cents dated Dec 19, 1860 payable ninety days after dated to the order of the said Levi Ames negotiable and payable at the Merchants Bank of Baltimore Md shall be loaned out and placed in trust by my Executors for the benefit to use of the wife and children of the said Mahlon James and the interest arising therefrom shall be paid to his wife annually until the youngest child shall have arrived at the age of thirty one years when and at that time the principal shut shall be divided as follows to viz: one third to his wife and the other two thirds shall be divided equally between such of his children as my then be living.

7th In regards to my daughter Elizabeth Jane Russell
formerly Elizabeth Jane James I will and direct this provision
is to be positively fully and completely carried out by my
Executors that her share of my estate or so much thereof
as may be remaining after the payment of the following
named debts owe and owing by her husband George W Russell
shall have been fully made and also the payment of such
interest as may accrue upon them, being a debt owed to
my son William James by the said George W Russell, for
about one thousand five hundred dollars as will more fully
appear by a true acct cash loaned and sundry notes given
by the said Geo W Russell, to the said William James on
this note of the said Geo W Russell, one to the Valley Bank
of Virginia at Leesburg for the sum of two hundred and fifty
dollars with interest from the 27 April 1862 and by
Sanford Ramey and myself endorsed. Also a debt owed to my
son Chas E James by the said Geo W Russell, of seventy
five dollars and forty six cents the same being a balance of
the one half of a note given by the said Geo W Russell,
to Mr Myers for one hundred and eighty five dollars ninety
five cents dated January 1st 1860 for which note the said
Chas E James is one of two endorsers (therefore is responsible
for one half the principal and interest of said note) shall be
loaned out or placed in trust by my Executors and pay
to her the said Elizabeth Jane Russell, the interest arising
therefrom annually during her life, and at her death the
principal sum shall descend to such of her children viz
may her be living or to her descendants if any.

7th In regards to my daughter Elizabeth Jane Russell family Elizabeth Jane James I will and direct this provision is to be positively fully and completely carried out by my Executors that her share of my estate or so much thereof as may be remaining after the payment of the following named debts owe and owing by her husband George W Russell shall have been fully made and also the payment of such interest as may accrue upon them, being as debt owed to my son William James by the said George W Russell for about one thousand five hundred dollars as will more fully appear by as how acct cash loaned and sundry notes given by the said Geo W Russell to the said William James on this note of the said Geo W Russell owed to the Valley Bank of Virginia at Leesburg for the sum of two hundred and fifty dollars with interest from the 27 April 1862 and by Sanford Ramey and myself endorsed. Also a debt owed to my son Chas E James is one of two endorsers therefore is responsible for one half the principal and interest of said note shall be loaned out or placed in trust by my Executors and pay to her the said Elizabeth James Russell the interest arising therefrom annually owing her life and at her death the principal sum shall descend to such of her children viz may her be living or to her descendants if any.

8th I will direct & require my Executors at the death of my wife Sarah James to sell at Public sale as soon thereafter as practicable the Farm which I have bequeathed to her during her life, together with such personal property

as she may be in possession of at the time of her decease and which is mentioned in the second clause of this will and the proceeds arising therefrom together with the Five thousand dollars which I have bequeathed to her during her life in the second clause of this will & on which she is to receive the interest annually during her life shall be equally divided by my Executors amongst my nine children whom I have named in the fifth clause of this will the shares of my son Mahlon James & my daughter Elizabeth Jane Russell formerly Elizabeth Jane James shall however be subject to the same provisions & shall be disposed of by my Executors in the same manner as they are required to direct to do with their respective shares of my estate as provided for & mentioned in former clauses of this will

8th I will direct and require my Executors at the death of myself of my wife Sarah James to sell at public sale as soon thereafter as practicable the farm which I have bequeathed to her owning her life, together with such personal property as she may be in possession of at the time of her decease and which is mentioned in the second clause of this will and the proceeds arising therefrom together with the Five thousand dollars which I have bequeathed to her owning her life in the second clause of this will and on which she is to receive the interest annually during her life shall be equally divided by my Executors amongst my nine children whom I have named in the fifth clause of this will the shares of my son Mahlon James and my daughter Elizabeth James Russell formerly Elizabeth Jane James shall however be subject to the same provisions and shall be disposed of by my Executors in the same manner as they are required to direct to do with their respective shares of my estate as provided for and mentioned in former clauses of this will.

I now in conclusion appoint my sons Richard James Levi James
James & Joseph James & Charles E James my Executors of this my
last will & testament.

Witness my hand & seal, this 30 day of April 1869

Acknowledged by Elijah James to be his

Elijah James 

last will & testament in our presence & attested

by us at his request in his presence & in the

presence of each other

Henry D. Viny
Wm. H. Brough of B

9 I now in conclusion appoint my sons Richard James Levi James
and Joseph James and Charles E James my Executors of this my
last will and testament.

Witness my hand and seal this 30 day of April 1869.

Elijah James