

Loudoun County, Virginia

Will of PETER OATYAR

(1751 – 1834)

Transcribed July 2000 by A Hennings

Names listed with relationship or function as indicated in the document
(surnames in parentheses are married names of females):

C Binns, clerk
James Bridwell, son-in-law
Sophia (Bridwell), daughter
Landon Carter
Ann (Caylor), daughter
Catharine (Caylor), daughter
Jacob Caylor, son-in-law
Benjamin Davis, witness
David Davis
John Davis
Samuel M Edwards, witness
William Gilmore
E G Hamilton, witness
Burr W Harrison
Thomas Harrison
Thomas Hawkins
Richard H Henderson, witness
William Hickman
Mary (Lafaber), daughter
William Lafaber, son-in-law, executor
Mrs Fanny Lee
George Lee
Charles Lewis, commissioner
William Lyne
Elizabeth (Moffett), daughter
John Oatyer, late son
Peter Oatyer Junior, grandson
Henry Piles
John Piles
Benjamin Shreve
Snyder
Thomas Swann, commissioner
Amos Thompson
Charles Thrift

Veitch
Williamson
Edward Wilson
John M Wilson, executor

Will Book V, p 204 - 209
Signed 23 February, 1829
Codicil - 2 May, 1832
Codicil - 5 August, 1833
Submitted to court - 12 May 1834

In the name of God Amen - I Peter Oatyer of the County of Loudoun & State of Virginia, being in health, and of sound understanding and disposing memory, but calling to mind the uncertainty of human life, do make and ordain this my last will and Testament.

I give to my beloved wife for the term of her natural life all that that tract of Land on the north side of Goose Creek, that I last bought from Mrs. Fanny Lee, also a tract of Land called the broad run church tract bought from Thomas Swann and Charles Lewis Commissioners under a decree of the County Court of Loudoun rendered in the case of Thompson & Veitch against Amos Thompson's Admr - also a tract of Land bought from St Leger Landon Carter called Lucas's place, and also one other lot or parcel of Land containing about seventy three acres [bought of?] Benja Shreve and Charles Thrift with all other Lands, and tenatments of which I may die seized and possessed or entitled to, not herein after specifically devised; I also give unto my wife all my Slaves with the future increase of the females, and all my other personal property or Estate including debts due to me and any money or hand, during her natural life.

I give to my Son in Law Wm Lafaber in trust for the following uses and purposes, and subject to the following limitation, the lot of Land whereon James Bridwell formerly lived, beginning at a white oak corner near a well on the North side of a branch, running thence up said branch nearby as the fence now stands to a stone in the line of Williamson thence with that line to Lees' Hickory corner, thence with the Road to a stake in Lees line, thence round the tract according to the Courses in the deed to the beginning - immediately after my death, and after the death of my wife, also the following tract of Land to wit: about two hundred acres, lying north or rather west of Goose Creek lately bought from Burr W. Harrison as agent for Thos Harrison his brother - it being part of the real Estate in which my life is to hold a life Estate - to hold in trust for the use and benefit of my Daughter Sophia Bridwell's children, paying over to them the rents and profits of the first mentioned, from the time of my death, & of the last mentioned tract from the death of my wife, annually during the Joint lives of my said Daughter Sophia Bridwell and her husband James Bridwell, and after the death of the said James Bridwell if he dies before his wife, then said Rents & profits are to be paid over to my said daughter the said Sophia - and after the death of my said Daughter & her husband, sd Bridwell, said tracts of Land are to go to the Children of my said Daughter Sophia & their heirs to be held and Enjoyed by them forever (It being my will and desire that the said Sophia and James Bridwell her husband, shall not, nor either of them, during the life of the said James, enjoy any part of my Estate.)

I give to my Daughter Catharine Caylor the lot of Land I now live on and one adjoining lot, that I bought from Thomas Hawkins, and a small Strip bought from David Davis, that lies on the ridge adjoining John Davis' Land also the tract of Land on the North or west side of Goose Creek containing about four hundred and sixteen acres and a fraction bought from Mrs. Fanny Lee - the first mentioned tracts to be held and enjoyed by her & her husband [blank] Caylor, during their Joint lives and the life of the survivor, from and after my death and the last mentioned tract from and after the death of my wife, and after the death of my said Daughter and her husband said tracts of Land, to go to the Children of my said Catharine, and to their heirs, to be held & enjoyed by them forever - it being my intention that my said Daughter & her husband shall have a life Estate in said tracts of Land severally & nothing more.

I give to my Daughter Elizabeth Moffett the place she lives on and a small strip bought from John Piles also the Lands which I bought of Geo. Lee & which lies between the place she lives on and the place called Snyders & Bridwell's lot - also the tract of Land called Lucas's place on which my grand son Peter Oatyer Junr lives - also a lot called Henry Piles lot and about four or five acres of what is called the old church lot, beginning at two small white oaks a corner to the Church lot thence to a black oak tree to which the gate to the Church lot hangs, from thence as the Road runs to a stone corner for Lafaber, her lot and the Church lot - the three first mentioned lots or parcels of Land to be held and enjoyed by her, from and after my death & the residue from and after the death of my wife, for & during the life of my said Daughter, and after her death the whole to go [to] the Children of my sd Daughter & their heirs to be held & enjoyed by them forever. I also give to my said Daughter & to her children & their heirs forever the right & privilege of getting out of the Spring called the old school house spring on the church lot, with the privilege & use of a waggon road to the same. It is my will & desire that one of the dividing lines between Mrs. Moffetts lands & Mrs. Caylors be as follows, viz from the two white oaks near Mrs. Moffetts house to a tall white oak called Wm Hickmans corner marked WH.

I give to my Daughter Mary Lafaber the lot her husband Wm Lafaber now lives on, bought from George Lee - also the Residue of the Church lot - the first mentioned lot to be held & enjoyed by her & her husband during their Joint lives and the life of the survivor from and after my Death & the last mentioned lot from after the death of my wife and after the death of my said Daughter Mary and of her husband, said Lands are to go to the Children of the said Mary & their heirs to be held and enjoyed by them forever it being my intention to give my said Daughter and her husband a life Estate in said Lands & nothing more.

It is my will and desire that my house and lot at the Gum Spring (late the property of Wm Lyne) & my houses and lots in Leesburg one on Liberty Street & one on Loudoun & Air Streets, be held in trust by my Executor for the following uses & purposes, to wit, that he rent the same out annually at a public renting giving reasonable public Notice thereof & that during the life of my wife he pay over the rents & profits thereof to my said wife - and that after the death of my wife, he divide said Rents & profits into four equal parts, one of which is to go to the said Lafaber & his wife or the survivor, one fourth to my Daughter Elizabeth Moffett during her life, one fourth to my daughter Catharine Caylor & her husband Jacob Caylor or to the survivor, & the other fourth to the Children of my Daughter Sophia Bridwell during the Joint lives of the said S. Bridwell & of her husband, but if she survives her husband then from the time of his death she is to have said one fourth part of sd Rents & profits - and

the Children of either of my Daughters is to have one fourth part of said rents and profits after the death of their mother & father respectively, till all my daughters & Sons in Law shall have departed this life - after which said property is to descend and pass to the Children of my said Daughters and their heirs forever, equally, that is the children of each of my Daughters & their heirs to have one equal fourth part of said property.

All the Estate of whatever nature I may be possessed of, in which my wife is to have a life estate whether real or personal not herein before specifically disposed of at her death (save my slaves). It is my will and desire shall be divided into four equal parts, one fourth part of which I give and bequeath to my Daughter Catharine Caylor and her husband Jacob Caylor during their Joint lives or the life of the survivor & after the death of both then to go [to] the Children of sd Cathr & their heirs one fourth part I give to my daughter Elizabeth Moffett during her life & after her death to go to her Children & their heirs - another fourth part thereof I give to my daughter Mary Lafaber & her husband Wm Lafaber during their Joint lives & the life of the survivor, & after the death of both of these, to go to the Children of said Mary and their heirs - the other fourth part I give to the said Wm Lafaber to be held in trust for the same uses and purposes that he holds the Lands given in trust for the benefit of my Daughter Sophia Bridwell & her children & to be disposed of precisely in the same way that the Lands aforesaid & their profits are to be disposed of?

After the death of my wife it is my will and desire that all the Slaves & the Slaves & the future increase of the females of which I may die possessed be free, and at the death of my wife I do hereby emancipate & set at Liberty all the slaves of which I may(?) & the future increase of the females, hereby declaring them to be free from the service of all persons whatever and to be entitled to all the rights and privileges of free people of Colour (from and after the death of my wife.)

And whereas I have made some advances to some of my Children or Legatees, and may perhaps make more - now it is my will and desire & I hereby direct, that my accounts which I may leave on my books, or Notes or bonds against any of my Legatees, shall be accounted for by them proportionably, in the division of my Estate.

Having heretofore given to my late son John Oatyer & to my daughter Ann Caylor & to their children as much as I intended to give them - I of course now make them no devise & I of course hereby release them from any charge.

In testimony whereof, I have hereunto set my hand & affixed my seal this twenty third day of Feby 1829.

Peter Oatyar (Seal)

These papers containing seven pages Signed, Sealed, published & pronounced & declared by the sd Peter Oatyer as & for his last will & Testament in our presence, who witness it at his request in the presence of each other.

Richd H. Henderson, Saml M. Edwards, E. G. Hamilton

I Peter Oatyer having omitted in my foregoing will to name my Executor - I do hereby constitute and appoint William Lafaber my Son in Law my sole Executor - In

witness whereof I have hereunto set my hand & affixed my seal this 2nd day of May 1832

Peter Oatyar (Seal)

Witness present -
Saml M. Edwards

I Peter Oatyer, do hereby make the following codicil to my last will and Testament which I hereby alter in the following particular to wit, my son in Law Wm Lafaber having from affliction become incapable of performing the trusts in my aforegoing will reposed in him, and of taking upon himself the burthern of the Execution of my will - I do hereby appoint Jno M. Wilson trustee & Executor in his stead & direct that the property & Estate in & by my sd will given to him in trust, be held in trust by the said John M. Wilson for the uses & purposes, in my aforegoing will expressed in the same manner & under the same limitations as the same was to be held by sd Wm Lafaber hereby appointing sd Wilson my sole Executor of my last will and testament. - In testimony whereof I have hereunto set my hand & seal Augt 5th 1833.

Peter Oatyer (Seal)

Witness: Saml M. Edwards, Benjamin Davis

At a Court held for Loudoun County at the Court house thereof the 12th day of May 1834 - This paper purporting to be the last will & testament of Peter Oatyar decd was presented to the Court and proved by the oaths of Rd H. Henderson & Saml M. Edwards two of the subscribing witnesses thereto - and the codicil of the 2nd day of May 1832 thereon endorsed was proved by the oath of Saml M. Edwards the subscribing witness thereto and the codicil of the 5th Augt 1833 was proved by the oaths of Saml M. Edwards & Benja Davis the subscribing witnesses thereto & ordered to be recorded, and on the motion of John M. Wilson named in the said will as trustee & Executor who made oath as Executor & with Wm Gilmore & Edward Wilson his securities entered into & acknowledged their bond in the penalty of ten thousand dollars with condition according to Law certificate as granted him for obtaining a probate thereof in due form.

Teste - C. Binns, Clk