

State of Georgia

I John McClain of the County of Rabun and State
aforesaid do publish & declare the following to be My Last will & Testament
hereby Revoking all former

Items first, I bequeath My Late wifes Clothing Shrouds & Broadstrees & furniture
to My three Daughters Margaret McClain Jane Porter and Ann Maulain to be
divided among them as they may think proper.

Item second, My wearing apparel I Give to My five sons David John
Charles Ephraim & James to be divided amongst them as they may think
proper.

Item Third, I further will and devise that all the Estate both Real &
Personal Consisting of Stocks of various kinds farming utensils Lands and
Negroes Notes Accounts bonds and other evidences of Debt Gold Silver & Bonds
Notes of which I did possess as in and of My own right title & Interest shall
be sold and Collected in the most advantageous Manner by My Executors and
after being Collected together to be equally divided amongst all My Children
(or in the event either of them should die before Me such share of the one so
dying to the Children of such) share and share a like subject to the Specifications
herein after set forth.

Item Fourth, I Give to My Executors & there representatives in perpetuity one
half acre of Land out of the Land on which I now live to be laid off by them
so as to include the Grave yard now thereon as near the center of a square
making said half acre as possible, this I Give in Trust for a Publick Burying
Ground forever.

Item Fifth, To David McClain My son as his Part of the Proceeds of My
Real & Personal Property Estate I give to in the Item Third of this My Last
Will & Testament or to so much thereof as the same may amount to, I give the
following Notes Made by the said David to the individuals hereafter named
to wit Note to John McClain Three Dollars Note to Benjamin Richardson
Eight Dollars & Seventy five Cents Note to Myself for Ten Dollars also one
of Five dollars also one other of Five dollars Duebill with an account
thereon Making Eleven dollars also a Note of five dollars also a Note
One Thousand & Thirty Dollars fifty Cents also one Note for Ten dollars
also a Note Twenty dollars fourteen Cents also one Note of ten dollars
also a Note of Twenty dollars also a Note of One Thousand & Twenty
Nine dollars Seventy five Cents also a Note of forty Eight dollars
Sheriff Porters Receipt for Thirteen dollars Eighty one Cents Paid
by Me Mrs D Smiths Receipt for Thirteen Dollars Twelve and a half
Cents Paid by Me all these Notes & Receipts above named when the
Paper is named were Made to Me and for Money advanced by Me
to My son David those Made payable to others I have paid off for him
and I will and desire that My Executors shall consider them all principal
& Interest as so much Money and pay them over to said David McClain

as in the whole or Part as the Case May be of his equal distributive
Share of My Estate as Referred to in the Said Third Item above Named
Item Sixth, To Charles McClane My Son as his part of the proceeds of My
Real & Personal Estate Referred to in the Third Item of this My Last will
& Testament or to so much thereof, as the same May amount to I Give
the Notes and Other liabilities Made by the Said Charles to Myself and
Various individuals to wit Two Notes of forty dollars each one Note of
Twenty Dollars one Note of Ten Dollars Made payable to A. Mauldon
also one Note of fifty five dollars Seventy Two Cents payable to Elijah
Sisk A. Mauldon Security one Note for five dollars fifty Cents payable
to John S. Carter &c one Order Money for three dollars & Seventy five Cents
James Allens Receipt for Seventy five Cents all these above Named Notes
& Evidences of debt I advanced the Money on them for My Son Charles
and I desire & will that My Executors Shall pay them over to him as
part or in whole of his Share as the Case May be in the same Manner
as I have directed them to do with My Son David.

Item Seventh, To Ephraim E. McClain My Son as his part of the property of
My Real & Personal Estate Referred to in Item Third of this My Last will
& Testament or to so much thereof as the same May amount to, I Give the
Notes & Other Liabilities Made by the Said Ephraim E. & Various Individuals
to wit one Note of ~~one~~ one Hunanad & Twenty Two Dollars forty three
Cents also one Note of one Hunanad and fifty four dollars Ninety Seven
Cents also one Note for Twenty five dollars also one Note for five Dollars
also one Note for one Hunanad dollars also one Note for Twenty dollars
also one Note for six dollars also one Note for fifteen dollars also one Note
for forty dollars also one Note for Twenty five dollars also one Note for
Ten Dollars fifty Cents also one Note for five dollars also one Note for
Twenty dollars the above Notes were all Made payable to Myself one Note
for six dollars Seventy three Cents payable to Peabody Phillips one Note to Myself
for six dollars one Execution P. R. Silar vs Ephraim E. McClain for principal
Ten dollars six Cents including Interest & Cost to Judgment one Execution
John W. Hanson vs the same for Twenty dollars Ninety Cents principal Interest
& Cost to Judgment one Execution A. Erwin Nineteen dollars fifty six & a fourth
Cents principal Interest & Cost to Judgment one Execution John S. Carter vs
same for Thirty dollars Thirteen & Three fourth Cents principal Interest & Cost
to Judgment one Execution Joseph Underwood vs same five dollars fifteen & three fourth
Cents principal Interest & Cost to Judgment one Execution A. M. Wankes vs same
for Twenty one dollars Ninety Cents principal & Interest ^{Cost} to Judgment one Execution
W. Rusk vs same for fifty Two dollars Thirty Two Cents principal Interest & Cost to
Judgment and Other Costs Not Calculated one Note for Seven Dollars Seventy Seven
Cents payable to John S. Carter &c all the above Notes & Evidences of debt I desire
that My Executors Shall pay over to My Son Ephraim E. under the same Rules as
I have prescribed for them in the Case of My Son David also I will that they

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shall in the same way include a house that I let Ephraim have some time ago
named Bob & estimate said House at One thousand Dollars Now if all these
Executions & above named & said House should exceed his said share then he
Ephraim is to account to my Executors for the Balance as a debt owing
by him to my Estate. John McClain Esq.

Continuation of the Last will and
Testament of John McClain
Sheet 18th.

Item Eight

To James S. McClain my Son as his part of the proceeds
of my Estate both real & Personal referred to in the Item Third of this my Last
will & Testament or to so much thereof as the same may amount to. I give the
Following Notes and Other evidences of Debt made by said James S. and others
herein named to wit: One Note for thirty two dollars twenty eight Cents one Note
for fifteen dollars fifty Cents one Note for nineteen dollars thirty seven and a half
Cents signed by said James S. & Walter Dever, one Note for twenty two Dollars fifty
two and a half Cents one Note for thirty Dollars one Note for ten Dollars, one
Note for one thousand dollars, one Note for fifty Dollars one Note for fourteen
dollars, one Note for ten dollars, one Note for twelve dollars signed also by Thomas
J. Powell one Note for — all of the above Notes were made payable to myself, Solicitor
Dripps Receipt for nine dollars twelve & a half Cents Daniel Englands Order for ten
dollars which I paid on said Order to James for thirty five dollars Order to me from
James S. for twenty five dollars order to me for five Bushels Corn (which I estimate
at fifty Cents per Bushel) one Execution L. H. C. Dugas Plaintiff one dollar prin-
cipal seventy five Cents one execution James S. Plaintiff for principal
twelve dollars fifty seven Cents one Execution same Plaintiff thirteen dollars forty
Cents principal, and L. H. C. Dugas Plaintiff for five dollars forty four Cents principal
— and one Execution L. H. C. Dugas Plaintiff for fifteen dollars principal, one Execution
L. H. C. Dugas Plaintiff for twenty dollars twenty two Cents, one Execution R. E. Powell
Plaintiff for fifteen Dollars twenty three Cents principal one execution R. E. Powell
Plaintiff for five dollars & seventy five Cents principal, one Execution R. E. Powell
Plaintiff for twenty dollars principal one Execution John Suill Plaintiff for seven dollars
principal dated 18th May 1822 J. H. Stanfords receipt for twenty two dollars twenty three
Cents all the above Notes and evidences of debt I desire may be paid over to my Son
James S. in the same way as I have directed in the Case of David and if it should
amount to more than his said share the Balance is to be accounted for
to my Executors in the same way as I have directed in the Case of Ephraim C.
Item Ninth, all the Notes & evidences of Debt which I have at my death against Alexander
Mandain my Son in Law John McClain my Son and Christopher C. Porter my Grand
son as agent of my daughter Jane Porter of what ever date and amount I desire that
my Executors shall pay over to them upon the same terms as I have directed in the

case of My Son David & My other Sons and as part of these Share Respectfully
 Item Sixth, In order that No difficulty May occur & which I hope May be
 avoided it is My will that all Notes Executions & Evidences of Debt herein
 before set forth or which May be Left by Me at My decease are Considered
 & held by Me as of full force against the several parties Respectfully and
 if there Should be any that I have Not Named they are to be placed by My
 Executors on the same footing as those I have Specified and the amount of each
 of them included as well as those omitted & which Shall so be found principal
 interest & Cost Shall be fully Counted up from the time they were due and paid
 over as Money so Much to each of My Sons & Sons in Law Alexander Mauldin
 Respectively, or the Children of them according to My intentions Manifested in
 the Above Third,

Item Eleventh, I Give to My Grand son Christopher C. Porter
 in Trust for the sole and separate use of My daughter Jane Porter all and
 singular such Share of My Estate as is set forth in the Above Third of this
 My will and Testament and direct My Executors to pay the same to him
 to her use under said Trust or if she dies before Me equally with her Children
 Item Twelfth, I Give

I give and bequeath to My Executors in Trust for the sole &
 separate use of My daughter Margaret McClain all her Share of My Estate
 as is set forth in Above Third of this My will & testament and direct them to
 pay the same to her in the following Manner to wit One Hundred dollars
 for the first payment then fifty Dollars annually for during the term of her
 Natural Life and at her death if she dies without Children and any balance
 Remain such Balance such Balance is to be equally divided Share & Share
 alike amongst My other Legates Mentioned in this Instrument but if she
 does Should have a Child or Children equally among them, the said Share is
 thus to Remain in the hands of My Executors on Interest until finally disposed
 of according to the terms of this Above
 Item Thirteenth

I hereby Constitute Make and appoint Alexander
 Mauldin of the County of Wakeham and State aforesaid & John McClain
 My Son of the State of North Carolina & County of Wakeham My only & Legal
 Executors to carry into Effect this My Last will & Testament and hereby give
 them or either one of them to Make good & Lawful Deeds to such and all My
 Real & personal estate of which I die seized, I desire that My said Executors
 or either of them as Convenient May pay out of My Estate all My Just Debts
 and see that I am Buried in a decent & Christian like Manner, —
 I hereby Revoke and annul & Make Void all other Wills and Testaments that
 I have Made & in hopes of a Glorious Resurrection Commend My soul to God
 & My Ashes & Body to the dust from whence it came.

The foregoing Shirts Signed Sealed published
and delivered as the Last will & Testament of John McClaine
The Testator is our present and in the presence of the
said Testator we subscribed The same as Witnesses.

John McClaine

January 6th 1843-

Isaac Finckannon

Isaac Sashy

John Finckannon

Georgia } Before us Edward Coffee Werry B Beck & Thomas Wilborn
Robert County } Justices of the Superior Court of said County personally came
Isaac Finckannon Isaac Sashy & John Finckannon witnesses to the Last will & Testament
of John McClaine Late of said County deceased and an oath specially being examined
by that they signed said will as witnesses in presence of the Testator who declared the
same as his Last will & Testament, that they saw him sign seal publish & deliver the
said will as such and at the time of doing the same the said John McClaine was
of a sound disposing Mind and Memory & that he executed the same freely &
without Compulsion so far as known or Believed,

Sworn to before us and Subscribed this

The 23rd day of July 1844

Werry B Beck J.S.C.

Thomas Wilborn J.S.C.

Edward Coffee J.S.C.

Isaac Finckannon

Isaac Sashy

John Finckannon

Georgia } I Alexander Malinin Executor by appointment of the
Robert County } Last will & Testament of John McClaine do solemnly
swear that the foregoing Shirts contain the true and Last will of John McClaine
so far as I know and believe & that I will well & truly execute the same by
paying first the debts & then the Legacies contained in said will as far as his goods
& Chattels will thereto extend and the Law Charge Me and that I will make
a true & perfect inventory of all such goods & Chattels so help me God
Sworn to & Subscribed before us this 23rd day of July 1844

Edward Coffee J.S.C.

Werry B Beck J.S.C.

Thomas Wilborn J.S.C.

A Malinin

Georgia } Court of Ordinary Chambers 23rd July 1844
Robert County } The ^{within} Last will & Testament of John McClaine deceased being
proved before us in Vacation upon the oath of Isaac Finckannon John Finckannon
& Isaac Sashy, and that the same be put upon the Records of said Court at the
next Regular Term Hereof,

Edward Coffee J.S.C.

Werry B Beck J.S.C.

Thomas Wilborn J.S.C.

Georgia } I James Bleckley Clerk of the Court of Ordinary of said
 Rabun County } County do hereby Certify that the above & foregoing is a true copy
 of the Last will & Testament of John McClain deceased Now of Record in My Office
 Given under My hand & print that there being no Seal of Office this 4th day of
 November 1844

James Bleckley C. C. C. Seal

Georgia } I Edward Coffee one of the Justices of the Superior Court
 Rabun County } in and for said County do Certify that James Bleckley whose
 Name appears to the above Certificate is the acting Clerk of the Court of
 Ordinary in and for said County and all true faith & Credit ought &
 should be given to his signature as such, Given under My hand & seal this fourth day
 of November 1844

Edward Coffee J. C. C. Seal

Recorded in Open Court this 14th day of November 1844

James Bleckley C. C. C.