

Thomas Robert Harris Benjamin Davis
John Woodroffe

Proved before Charles Loring Esquire C. C. D. Sumner
ry 30. 1861. At same time qualified Anne M. Cobb Esquire
Jurat.

Examined
1876. H. J. C. L.

46.
12. In the Name of God Amen, I Thomas
Segare Senior of Johns Island in the State of South
Carolina being of sound and disposing mind and
memory do make and ordain this my last Will
and Testament in manner and form following
first and principally I commit my soul to God
who gave it indulging no hope of future happi-
ness but through the obedience, sufferings, and
death of the Lord Jesus Christ assured that there
can be no acceptance for guilty mortals, with a
holy God, but thro' the merits of the saviour, my
body I commit to the Earth to be buried in a
decent frugal manner. As to my worldly Estate
it is my Will and desire that my just debts
and funeral charges be fully paid as soon as
may after my decease, for which purpose it is
my desire that all my outlying horses and
mules be sold and the money arising from
the sale together with as much of the crop
on the ground as may remain after paying
expenses of the family and the whole be appli-
ed in that way and for that purpose, and
should these be not enough to pay my whole
debts, then my Will is my whole Estate be kept
and worked together for one year more before
any division shall take place and the whole
amount of stock and crop after paying the
expenses of the family be applied to that purpose as far as is
necessary. Item I give and bequeath to my daugh-
ter Catherine the Wife of Doctor Isaac Smith

and to her heirs Executors and assigns my house and
lot of land in Trade Street wherein I now live with
all other the buildings thereon erected. Item I also
give and bequeath to my said daughter Catharine
all those my slaves named old Nancy, little or
house Cloc, little Nancy, Peter and young Will and
old Bess and little Bess who with Molly, Phillis
and her son Jack, Ulvira and Charles given be-
fore makes twelve, with all their future Issue and
Increase which they may have from the day of
the date of this my Will to the end of her life
and to her heirs, Executors and assigns for ever.
Item I give and bequeath to my loving daughter
Mary Segare and to her heirs, Executors and assigns
all that plantation consisting of the tract of land
which I bought from the Executors of the last Will
and Testament of Hezekiah McCall deceased and
the Southern most part of the tract of land
which I bought from the heirs of John Raven
Mathewes deceased bounded to the Southward
by a Creek running from Stono River on a west-
terly course between the said two tracts of land
and extending Northwardly unto the said tract
as far as the old landing path formerly made
and used by old c^m Raven then by a line
running Westerly from Stono River up the said
path or road and crossing the public road run-
ning as far as the lower dam made near the
mouth of Roquets road where it crosses the bot-
tom and rises the hill, then by a line running
in a right angle on a southerly course to where
it may strike the line which divides c^m McCall's
tract and Ravens, all which lands contained
in these bound, I give and bequeath to my
daughter c^m Mary. I also give and bequeath to
my said daughter Mary all those my Negro
slaves named little Phebe, Santry, Charlotte,

and their Children Lawrence, John, Mary and
little Santry, Silver, Careless, Sharper and Su-
key with all the Issue and Increase which they
may have from the day of the date of these
presents. Also give and bequeath to my daugh-
ter Mary one third part of my stock of cattle,
my Grey horse and Chaise with one half of
my household furniture and one half of my
plate the other half of my household furniture
and plate I give and bequeath to my daughter
Reith. All the rest and residue of Estate consist-
ing of that part of the plantation or tract
of land which I bought from the heirs of John
Raven's Mathewes not herein before given to
my daughter Mary and two thirds of my
stock of cattle and the following Negroes or
slaves viz. Smart, little George, big Will, Venus
and her child Lydia, Brutus, Carolina,
long Cloc, Pinah and her daughter Maria
and Son Silver, old Stepney, young Stepney,
Joe, Lucy, old Tom and young Tom, it is my
Will and I do hereby order and direct shall
be kept together and improved for the main-
tenance and schooling of my Grand Chil-
dren Eliza, Mary and Hugh Legare the
Children of my deceased Son so long as my
Executors herein after named shall judge it
to be most for their interest, and as it pleased
God in his sovereign Will and pleasure to
reduce my deceased Son Solomon so low in his
temporal concerns before he died as rendered it
impossible for him to make the least provision
for the maintenance and support of his Wi-
dow after his death, and as by her prudence
and frugality in the management of her

house and her tender affection for her husband
think her in common justice intitled to such support
and maintenance from that part of my Estate
herein given to her Children as its yearly income
will allow, It is therefore my Will and pleasure
and I do hereby order and direct that she shall
have full right to reside on that part of the tract
of land which I bought from the heirs of John
Raven's Mathewes not herein before given to my
daughter's Mary during the whole time that
she shall remain his Widow, and that during
that time she shall have full power to work
as many Negroes thereon as she may be able
to put on it in her own right, jointly with
her Childrens Negroes and under the care and
direction of my Executors herein after named
and it is farther my Will, and I do hereby
order and direct that during her Widowhood
she shall receive so much out of the income
of my residuary Estate for her maintenance
and support as they shall judge necessary, un-
til in their opinion she may be able to support
herself without difficulty. Item I give and be-
queath to my said daughter in law (the Widow
of my deceased Son Solomon) so long as she
shall remain his Widow the use of my Mollatto
boy named Prince provided nevertheless that
at whatever period she may be able to purchase
him on her paying for him such a considera-
tion as may be agreed on between her and
my Executors they my Executors shall be hereby
impowered to give her a good and sufficient
bill of sale for him, Item it is also my Will and
I do hereby direct and order that if at any
time the yearly income of this my residuary
Estate shall amount to more money than may
be necessary for the yearly maintenance of my
said Grand Children, and their Mother du-

Leaving her Widowhood as before directed, that then
my said Executors shall have full power to im-
prove the said surplus for the benefit of my
said Grand Children in any way that to them
may seem best. Item my Will farther that if
either or both of my said Grand daughters Eli-
za or Mary shall marry before my Grand
Son Hugh shall arrive at the age of twenty
one years, and their or either of their husbands
shall require it, my Executors shall have pow-
er to divide my said personal residuary Estate
with all its improvements, into three equal
parts and to deliver over to her or them as
the case may be, each their third provided
nevertheless that each share or part so deliv-
ered shall pay one third of the expence of
such maintenance for the current year as
my Executors shall see fit to allow her for
that year, and this to continue during
the time that she remains my Sons Wi-
dow, and she is hereby empowered to recover it
by suit at common pleas if any attempt is
made to deprive her of it, or any unnecessary
delay used in paying it, and I do hereby so
subject those dividends or shares to the pay-
ment of their proportion of such maintenance
as that she shall have a right by the most su-
mmary process to seize upon any part of the
capital of those shares and retain it to her own
use until such proportion of the expence is paid
to her, nor shall any transfer of such share or
shares made by the party's holding them de-
prive her of this claim so long as she continues
my Sons Widow, but my Will is that the plan-
tation or tract of land shall remain undivided
and unappropriated in that way and retain-
ed as a place of residence as above directed for

happen to die before they attain the respective
ages, the girls of eighteen years or the boy twenty
one or be married which shall first happen then
my Will and I do hereby order and direct that
my said personal residuary Estate shall be di-
vided into five equal parts four of which I give
and bequeath to my four Children James,
Thomas, Catherine and Mary share and share
alike, the other fifth part it is my Will and I
do hereby order and direct shall be retained
and employed for the support and maintenance
of my daughter in law Mary C. Legare as
above directed on the said plantation until
she shall be married again or shall die
which shall first happen. Item it is farther
my Will that if all my said Grand Children
Eliza, Hugh and Mary should so die yet my
daughter in law shall continue to have a
right to on and to plant the said plantation
as above directed during the term of her
natural life if she remains my Sons Widow so long
unless by some compromise she may be wit-
ling to give up her right therein to my Chil-
dren or their descendants. Item it is farther
my Will and I do hereby direct that at the death
or second marriage of my said daughter in law
all her right both in the use of the fifth part
of this my residuary Estate and of the planta-
tion and all maintenance from my Estate as
above directed shall cease for ever, and that this
part of my residuary Estate shall be divided
amongst my living Children or the living de-
scendants of them as is directed above respecting
the division of my personal residuary Estate,
and as it is impossible for any human fore-
sight to provide for future contingencies fully
and it may happen to become more the interest
of my Grand Children to sell or other ways

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dispose of this my residuary Estate than to keep it
together and work it for the benefit of my said Grand
Children and their Mother as above directed. I do
hereby vest full powers in my Executors to sell or
otherwise dispose of my said residuary Estate with
the consent and approbation of my said daughter
in law due regard always being had to providing
her maintenance and a home as above directed and
in order to prevent any legal disputes respecting
the construction of this my last Will and Testament
or my intention therein I do hereby constitute and
appoint my Executors herein after named viz
Doctor Isaac Heith, James Legare and Thomas
Legare sole judges in this matter from whose deci-
sion or construction there shall be no appeal
and I do hereby direct and order that if any
of the legatees named in this my last Will or
any of their descendants shall make any legal
appeal respecting this business they or any of
so appealing ^{them} they shall be wholly excluded
from all and all manner of right, title or inte-
rest into any part of my Estate which they
may claim either in right of descent from
me or under any bequest herein made to them.
It will no doubt be observed that I have not men-
tioned either of my Sons James Legare or Thomas
Legare neither did I intend it. They having re-
ceived their full proportion of my Estate many
years ago according to a just division then
made of it between my dear Wife and her Chil-
dren and it having pleased God in his adorable
Sovereignty by a remarkable series of provi-
dences to deprive my deceased Son Solomon of
all that he possessed of it, I did and do think it
my bounden duty to make some provision for
the maintenance and support of his family.
I therefore have left these my two Sons out (ex-
cept it should so happen that all my said
Grand Children should die) that I might be
able to make what provision for their support
which that proportion of my Estate designed

12 for their Mother may afford which should not exceed the proportion that my other Children may have received of my Estate by about three hundred pounds not more their necessities will justify me in doing, thus having brought this great business to such a close as my own conscience most heartily approves I little regard what others think. Lastly I do hereby nominate and appoint my son in law the Revd Doctor Isaac Heith and my sons James and Thomas Legare Executors and my daughter Mary Executrix of this my last Will and Testament hereby revoking and annulling all former Wills and Testaments by me at any time heretofore made or published.

Thomas Legare (Sd)

The above Instrument of Writing contained in one whole sheet of paper closely written on four sides annexed hereto, and in the few lines written above on this sheet with all its interlineations was sealed, signed, published and declared to be the last Will and Testament of Thomas Legare by him before us on the ninth day of September in the Year of our Lord one thousand seven hundred and eighty nine, to which at his request we have signed our Names as Witnesses. Thomas G^o Mathewes. Benjamin^c Mathewes. George^c Mason. Proved before Charles Lining Esquire C. L. J. D. February 23. 1804. At same time qualified Thomas Legare Executor. March 3. 1804. Qualified James Legare Executor.

Examined
30th 54 Co. Sh. J. C. L.

13. Charleston South Carolina.

In the Name of God Amen, I Godfrey Dubert being weak in body but of sound mind memory and disposing understanding, knowing that it is appointed for me