

WILL OF HUGH McCUTCHEN

State of South Carolina

In the name of God amen I Hugh McCutchen of Williamsburgh District & state above written being of sound & disposing mind & memory do make publish & declare this Instrument of writing to be my last will & testament in manner & form following--

Item 1st I give devise & bequeath to my daughter Mary Ervin wife of Joseph W. McCutchen the sum of ten dollars she haveing already as I conceive got a full share or equivalent of my Estate in the negroes & the various sums of money I have at sundry times given her & her husband--

Item 2 I give devise & bequeath to my daughter Elizabeth McCutchen the following named thirteen negroes Viz Big Harry Sally, Lydia, Flora, Fossy, Big Minda. Cate, tillar Here, Adaline, Marcus Sary, & Ellen, with the future issue & increase of the females. Also the sum of one thousand dollars in cash & one bed and furniture--

Item 3 I give devise & bequeath to my daughter Jane McCutchen the sum of two Hundred dollars to be paid to her trustees. At my decease for her immediate use. & I do hereby nominate constitute & appoint my two sons in laws Joseph W. McCutchen & Robert Dick trustees to take charge of all the legacies herein left to her or for her use and further It is my will & desire that my daughter Mary Ervin shall take the charge or care of my said daughter Jane--

Item 4th I give devise & bequeath to the aforesaid Joseph W. McCutchen & Robert Dick in trust for my daughter Jane McCutchen the sum of four thousand dollars to be kept at interest by them and the interest annually collected and

testament in manner & form following--

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Item 4th I give devise & bequeath to the aforesaid Joseph W. McCutchen & Robert Dick in trust for my daughter Jane McCutchen the sum of four thousand dollars to be kept at interest by them and the interest annually collected and applied (or so much of it as may be necessary) to her support or maintenance also I give her own bed and furniture and at the death or decease of my said daughter Jane the Legacy herein left in trust for her support or maintenance it is my will shall be with any interest that may be remaining, equally divided between all my children, but should there be any of my ~~deceased~~ children dead leaving issue which

issue shall be surviving at the decease of my said daughter Jane such Issue shall take the part or portion their parents or parents would have been entitled to receive.

Item 5 I give devise & bequeath to my two sons Thomas McConnell McCutchen & James McCutchen all my real Estate to be equally divided between them but should either of them die before they arrive of age leaving no lawful Issue it is my will that his share so dieing shall return to the survivor and further it is my will that my wife Mary B. McCutchen during the terms of her life & my four youngest daughters until they marry or arrive of age shall have a joint use with them of all my lands--

Item 6th I give devise & bequeath to my son Thomas McConnell McCutchen my silver watch--

Item 7th I give devise & bequeath to each of my four youngest daughters Viz Sarah B. McCutchen Jannet McCutchen Martha A. McCutchen & Emma McCutchen the sum of one thousand dollars to be paid them when they arrive of age or marry, but if either of them die before they arrive of age or marry as aforesaid the said sum of one thousand dollars herein given them shall be equally divided between the survivors

Item 8th I give devise & bequeath to my four youngest daughters Sarah B. Jannet, Martha A? and Emma McCutchen my B Barouche & harness--

Item 9th I give devise & bequeath to my beloved wife Mary B McCutchen the following named twenty one negroes viz Mary Elmira & child James, Hannah, Rebecca Minda Simon Harry David Crocket, Amarinthas & Yanicas, Big Sam Ruth, Augustus Peggy, Nancy & Alfred, Elsey Sam, Franklin & Aron. with

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Item 10th I give devise & bequeath all the rest residue & remainder of my Estate to be equally divided share & share alike between my wife Mary B. McCutchen & my six youngest children namely Thomas McConnell, James, Sarah B., Jannet,

Martha A. & Emma-MCutchen

Item 11th Lastly I do hereby nominate constitute & appoint my wife Mary B. ~~McCutchen~~ executrix And my two sons Thomas MConnell & James MCutchen & friens Robert Dick & John B. Pressley executors to this my last will & testament hereby revoking all former wills made by me or for me at my request declaring this & none other to be my last will & testament & I do hereby give my executors the power of calling on any three or more disinterested persons to act as commissioners to appraise and set off to each of my children as they shall arrive of age ther part a portion of my Estate herein given and any division so made shall be as binding on them all as if made under an order from a court of Law or Equity In witness whereof I have hereunto set my hand & affixed my seal the ninth day of July in the year of our Lord one thousand eight hundred & forty seven--

H MCUTCHEM (SEAL)

Signed sealed published & delivered by the above named H

Hugh MCutchen as & for his last will & testament in the presence of us who at his request & in his presence & in presence of each other have subscribed our names, as witnesses hereto-- the third line from the bottom is interlined with the word her on first page-- the fourth line from top on third page is interlined with the word daughter

GEO BARR
JANNET R DICK
ELIZA S PRESLEY

Recorded in Will Book "D" Page 48

Recorded 8th day of September A D 1847

W.R.Scott Ordinary Williamsburgh Dist.

Apt 22 Pkg 20