

WILL OF

JOHN McCLARY

In the name of God Amen. I John McClary of the District of Williamsburgh in the State of South Carolina, being of perfect mind and memory thanks be to God for the same Do make constitute and appoint this my last Will and Testament, Revoking and annulling all other Wills and Testaments heretofore made by me. I give bequeath and devise unto Mary Asfield McClary, James H McClary, John Calvin McClary, Alexander McClary David Newton McClary & George F McClary children of my son John J McClary and unto any other child or children hereafter lawfully begotten in marriage by my said son John J McClary jointly and equally between said children all the lands whereon the said John J McClary now lives containing six hundred acres more or less, being the half of a Tract of land granted to Edward Plowden, also one other Tract of land granted to David Witherspoon also one other Tract of land granted to Archibald Knox which said several tracts of land I purchased at Sheriffs sales and were conveyed to me by a deed of Release from Thomas D Singleton Sheriff of Williamsburgh District bearing date in the year of our Lord one thousand eight hundred and twenty four; and also one other Tract of Land in the District aforesaid on the west side of Black River containing nine hundred and ten acres by a resurvey made on the 14 December in the year of our Lord one thousand eight hundred and thirteen by William Richburgh.

Item I give bequeath and Devise unto my Daughter Mary H Duke and her children, David McClary Duke, Sarah Themutis Duke, Mary Elinor Duke, and unto any other child or children which may hereafter be born of her body to be equally divided between

voking and annulling all other wills and Testaments hereto

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fore made by me. I give bequeath and devise unto Mary

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ander McClary David Newton McClary & George F McClary child-  
ren of my son John J McClary and unto any other child or

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and her children, David McClary Duke, Sarah Themutis Duke,

Mary Elinor Duke, and unto any other child or children which  
may hereafter be born of her body to be equally divided between

them, that plantation or Tract of Land whereon her husband  
Thomas Duke now resides comprehending all the lands contained

within the double dotted lines in a general survey plat of my  
lands of Beggy Swamp made by William Montgomery in the month

of August of the year of our Lord one thousand eight hundred  
and eleven, the same lying and being north & East of said dou-

ble dotted lines and bounded by said lines, Plowdens Lands, Joh/  
Scotts lands, James Tisdels lands and Cedar Swamp road, together

WILL OF JOHN McCLARY PAGE 2

with the lands I received by Thomas Dukes Mother as Estate of Adair. The true intent and meaning of the above bequest of the lands to my daughter Mary H Duke and her children is, that on the decease of the said Mary H Duke the aforementioned lands shall become absolutely the property of those children of the said Mary H Duke, who are at that time living. Item I give bequeath and devise unto my son Samuel Blackwood McClary, and unto his children Margaret H McClary John Milton McClary, Hannah McClary & Sarah Blackwood McClary and unto any other child or children which may hereafter be lawfully begotten by him the said Samuel Blackwood McClary in marriage that portion of Land whereon he now lives being a part or portion of Land where G H Fleming formerly resided and which I purchased at Sheriffs Sales the same being conveyed to me in a deed of release by Thomas D Singleton Sheriff as aforesaid and also one half of Plowdens land with a straight line running from Plowdens corner to the Potato ferry road and down the north side of that road to Tisdels line, to the double dotted line to Plowdens Lands. Item I give bequeath and devise unto my son David Sidney McClary ( and to his lawful children) should he hereafter have any) the whole of the remainder of my lands undeviseed whereon I now live, bounded by Plowdens, D. R. McClarys, Stronges and Tisdels lands to the Potato ferry road, also any share of an undivided Tract of land in Williamsburgh District on the west side of Black River according to the plat reference being thereunto had--- also the choice of two beds and furniture, the whole of my house hold, and kitchen furniture ( with the exception of the remaining beds and their

bequeath and devise unto my son William Book Blackwood McClary, and  
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unto his children Margaret H McClary John Milton McClary, Han-  
nah, McClary & Sarah Blackwood McClary and unto any other  
child or children which may hereafter be lawfully begotten by  
him the said Samuel Blackwood McClary in marriage that portion  
of Land whereon he now lives being a part or portion of Land  
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District on the west side of Black River according to the  
plat reference being thereunto had--- also the choice of two  
beds and furniture, the whole of my house hold, and kitchen  
furniture ( with the exception of the remaining beds and their  
furniture ) also a horse saddle and bridle , six cows and calve  
my watch and firearms and my wench Anna. Item it is my will  
and desire that the remaining beds and bed furniture be equal-  
ly divided between the children of John McClary, my daughter  
Mary H Duke and her children and Samuel Blackwood McClary and  
his children that is divided into three shares and one share  
to each family- Item My Town lotts in the Village or town of  
Kingstree to be divided into four shares and I give and be-  
queath and devise to John J McClarys children one share, to Mary

II Duke and her children one share to Samuel Blackwood McClary and his children one share and to David Sidney McClary one share. Item it is my will and desire that the whole of my stock of cattle (with the exception of six cows and calves already devised to David Sidney McClary and with the exception of two more cows and calves to be reserved ) also the whole of my horses with the exception of one already devised ) my mules, sheep and hogs plantation tools, cash in hands notes and accounts be divided into four equal shares, and I give and bequeath and devise one share unto the children of John J McClary which are now living or any other child or children hereafter lawfully begotten by him, to be equally divided between them--- also one share unto my daughter Mary H Duke and the children which she now has living and to any other child or children hereafter born of her body jointly between her and her children.

Item one other share unto my son Samuel Blackwel McClary and the children he now has living and unto any other child or children hereafter lawfully begotten by him--- also one other share to David Sidney McClary and to any children which he may hereafter lawfully beget in marriage. Item It is my will that the whole of my slaves ( except my negro wench Anna already devised to David Sidney McClary, and also with the exception of my old and faithful servant Axle ) including those loaned and hired to my children be brought together and appraised and that they be divided into four equal lots as to value , keeping families together as much as possible in making the division equal. I give bequeath and devise unto Mary R McClary James M McClary John C McClary Alexander McClary, D M McClary and Geo F McClary children of my son John J McClary and unto any other child or children hereafter lawfully begotten

of two more cows and calves to be preserved, also the whole  
horses  
of my <sup>Williamsburg Co., SC Wills, Book B (1827-1840)</sup>  
with the exception of one already devised ) my  
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any other child or children hereafter lawfully begotten  
~~lawfully-begotten-~~ by said John J McClary one lot of said  
slaves jointly between the aforementioned children and any  
other children which said John J McClary may hereafter lawfully  
beget. Be it understood that in making the bequest of a por-  
tion of my lands and slaves unto the children of my son John  
J McClary it is not my intention to deprive him of all

H Duke and her children one share to Samuel Blackwood McClary and his children one share and to David Sidney McClary one share. Item it is my will and desire that the whole of my stock of cattle (with the exception of six cows and calves already devised to David Sidney McClary and with the exception of two more cows and calves to be reserved ) also the whole of my horses with the exception of one already devised ) my mules, sheep and hogs plantation tools, cash in hands notes and accounts be divided into four equal shares, and I give and bequeath and devise one share unto the children of John J McClary which are now living or any other child or children hereafter lawfully begotten by him, to be equally divided between them--- also one share unto my daughter Mary H Duke and the children which she now has living and to any other child or children hereafter born of her body jointly between her and her children.

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participation of the profits arising from the planting of the lands and labour of the slaves, on the contrary the bequest is made upon the proviso, and it is my will that he the said John J McClary shall have ~~during his life~~ a joint interest with his children during his life: in the profits (only) arising from the planting of said lands and labour of said slaves, but that the said lands, slaves and other property so devised by me to his children, shall not in any wise or manner be subject to any debts contracted by said John J McClary

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other of his children, which he may hereafter lawfully beget in in marriage one lot of said slaves to be equally divided between them. I also give bequeath and devise unto ~~the~~ my son David Sidney McClary and unto any children which he may hereafter lawfully beget in marriage one lot of said slaves. Item I give unto my faithful servant Axle the two cows and calves above reserved from stock of cattle it is also my will and desire that my son David Sidney McClary shall furnish Axle with

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and unto her children David McClary Duke, Sarah Themutis Duke, Mary Elinor Duke, and unto any other children she may hereafter have, born of her body one lot said slaves to be equally divided between them, and upon this express condition that upon the decease of my said daughter Mary H Duke all the slaves devised to her and her children shall become the absolute property of those her children who are living at the time of her death- and I give bequeath and devise unto my son Samuel Blackwel McClary and his children Margaret H McClary, John Milton McClary, Hannah R McClary, Sarah Blackwel McClary and unto any other of his children, which he may hereafter lawfully beget in marriage one lot of said slaves to be equally divided between them. I also give bequeath and devise unto ~~the~~ my son David Sidney McClary and unto any children which he may hereafter lawfully beget in marriage one lot of said slaves. Item I give unto my faithful servant Axle the two cows and calves above reserved from stock of cattle it is also my will and desire that my son David Sidney McClary shall furnish Axle with as much land as he can cultivate and should Axle become unable to support himself my son David Sidney McClary whom I appoint as the Guardian of Axle shall clothe and maintain him as long as he lives It is my will that if any of my heirs should attempt to go to law and sue the other heirs about the division of my Estate the heir so acting shall forfeit to the other heir his or her portion of my estate- It is my will that my

Executors shall reserve a sufficient sum of money out of my  
Estate and that they do purchase with the same four headstones  
with suitable inscriptions: one to be placed at the head of my  
grave and the others at the head of the graves of my deceased  
wives. ( and I do hereby appoint Thomas D Singleton Sen<sup>r</sup> Thomas  
D Singleton Jun<sup>r</sup> David R McClary, Henry D Shaw and David Sidney  
McClary my Executors to this my last Will and Testament ) In  
witness whereof I have hereunto set my hand seal this twen-  
tieth day of January in the year of our Lord one thousand eight  
hundred and Thirty one

In presence of

The word horses between  
17 & 18 lines on 2nd page  
interlined The words dur-  
ing his life on sixth line  
third page erased before  
signing and sealing-

John McClary (SEAL)

John T. Tisdale  
Sam<sup>l</sup> Tisdale  
William Tisdale

Recorded in Will Book " B " Page 59

Recorded 13th day of May 1833

Samuel G. McClary Ordinary Williamsburgh District

Apt 22 Pkg 4

Codicil for the better explanation of the above will- It is the  
true intent and meaning of my will above written, and It is  
if  
my Will that any of my children should attempt to break my  
ill at Law, that the child or heir who shall enter a suit at  
Law or Equity for that purpose shall not only forfeit the por-  
tion so left him but shall so forfeit to the other heirs his  
childrens portion of my estate left to them In witness where-  
of I have hereunto set my hand & seal this 20th day January one  
thousand Eight hundred and thirty one

In presence of

John I? Tisdale

John McClary (SEAL)