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by H. G. Jones and Raymond A. Winslow, Jr., 1979

d. Nov. 1825

John Clary, enters history because of his political success following his conviction for fornication with his stepdaughter. Little is definitely known of his background, though existing records suggest that he was born between 1755 and 1765, the son of Barns and Mary Jordan Clary of Surry County, Va., and that he moved to Perquimans County [2] in 1776. A Quaker [3] at least for a time, Clary was married successively to Miriam Jordan, Peninah Anderson Copeland Newby Toms, and Jane Pointer Copeland. Of his known children, there were William and John by his second marriage and Susanna by the third. His family connections extended through the upper levels of Perquimans society and included holders of various offices.

In 1798, Clary built a toll float bridge across the Perquimans River at Hertford. He was its proprietor until his death, and its importance undoubtedly influenced local opinion of him. His holdings included several tracts of land in the county, about a dozen lots in the town of Hertford, a wharf, and a seine-fishing operation.

Clary's second marriage brought under his roof young Leah Toms, daughter of the thrice-widowed Peninah. In 1808, Clary was charged with adultery with his stepdaughter, and the following year he was convicted of fornication and fined. In August 1809, nonetheless, Clary's neighbors in Perquimans County elected him to the House of Commons. His reception in the legislature was cool, and following the introduction of a resolution proposing that the house "free itself from the contamination of grossly impure and unworthy characters," Clary resigned and went home to vindicate himself. On 15 Dec. 1809, his county, whose voters had proved themselves independent in the past, reelected him by an even larger margin than previously. Five days later, Clary returned triumphantly to the state house. The majority of the legislators were still in no mood to admit him to their company, and on 20 Dec., by a vote of sixty-eight to twenty-eight, the house voted to expel him as "guilty of a crime so enormous as renders it unfit that he should be permitted to continue a member."

Clary was involved in another suit related to his seduction of Leah. Six men, including a stepson, forcibly removed him from his home one night and covered him with tar and feathers. Thereupon, Clary brought charges against all six; the judge, while condemning Clary's attack upon his stepdaughter, ruled that "his crime, great as it is, cannot rightfully be punished by any man, except in the manner prescribed by law." All six men were convicted and fined, but Governor David Stone [4] later remitted the fines. The Perquimans County Court, of which Clary was a justice, continued to appoint him to positions of trust, including membership in 1822 on the committee overseeing construction of the county's courthouse.

Clary's contribution to history probably lies in the light that his conviction and subsequent prestige among his neighbors sheds upon the moral tone of his county, a tone perhaps not unlike that of the state in general in 1809.

References:

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The Trial and Conviction of John Clary of Perquimans[5](1810).

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