

December Session 1847

be married off in my life time and be furnished as one of those who are furnished with their necessaries, or either of them it shall be considered that she or they have fully received in full of the fifty dollars to each of them first out of my estate. Item fourth, it is also my will, that the remainder of my property that is not already settled is to be at public sale by my executor, and the money arising from it to be equally divided between my legal heirs of which son David has received five hundred and dollars which is his land also, my son Frederick has received five hundred and fifty dollars, which is his land, also my daughter Mary has received three hundred dollars also in land, also my daughter Nathaniel's share has received thirty one dollars and seventy five cents money paid for property and left in his possession, also my daughter Sarah Smith's and her husband has received twenty dollars money paid and loaned to them.

Item fifth, it is also my will, that my last son David's Testament and be here by attested, signed and disavowed, all and every other former will and testament, legacies bequeaths and bequests by me in any way before this time named will, I and to bequeathes satisfying and confirming this and no other, to be my last will and testament, in witness whereunto I have set my hand and affixed my my seal this day and year first a true written

Signed sealed published
procured by the said
Smith & his last will
and Testament in presence
of us the Subscribing Witnesses

William Heman
Moses Heman

John Smith

In the name of God Amen, I John Smith of the County of Calaveras & State of California being of sound mind and memory at this time first day of Dec 1847, make publish and declare this my last will & Testament in manner & form following, to wit, first I will & bequeath to my son Henry James Smith sixteen dollars & 17 cents the amount of a note of hand which it was held against him and it is further my will that he shall not be held accountable for the interest on said note.

Secondly I will & bequeath to my son David James my Walnut Orchard the content thereof & it is further my will that his note which it was held against him shall be, worthless to him.

Thirdly I will and bequeath to my son Ephraim James the sum of a note of hand it was held against him with interest.

Fourthly I will and bequeath to Emma Miller daughter of David Miller, now one hundred and thirty one in her health it is my will that in case she should not recover that the same should be considered belonging to my estate.

5th I will & bequeath to my son's daughter Nathaniel Robert & Emma Miller all my other share to be equally divided among them it is further my will that all of my Wheat & Corn in hand shall be given to support the family of said Miller's in case they live and stay together but if they quit home keeping & have no need of it it shall belong to my estate it is also my will that the remainder of my property not disposing shall be sold & the money therefrom equally divided among all of my legal heirs it is further my will that my son Ephraim James be and I hereby appoint him executor of this my last will & Testament

Signed and sealed at my last will & Testament in the presence of
Eph. J. Hume &
Egan Simpson

David J. James dead

In the name of God Amen, I John Hume of the State of North Carolina and County of Calaveras being weak in body yet of a sound & perfect disposing mind and memory, I do make & publish this my will & Testament in manner & form following, first I give and bequeath with my wife Margaret all my land & business & all the property I own & possess at this time dead or personal during my natural life or widowhood excepting my money on hand or out standing in notes or other wise I give & bequeath with my two sons George Alexander Hume & William Luther Hume