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114. In the name of God amen. I Daniel Finguen of the County of Calaveras and State of South California being weak of body but of perfect sound and disposing mind and memory but willing to resign the mortality of my body knowing that it is appointed for all men to die do make and publish this my last will and testament in manner and form following that is to say principally and first of all I give and recommend my soul into the hands of almighty God who gave it and my body I recommend to the earth to be buried in a decent Christian like manner and as to my real and personal estate whosoever it hath pleased God to bless me in this life I give devise and dispose of the same in the following manner and form

1st I give my beloved wife Catharine Finguen I give the use of my dwelling house and buildings where I now live and privilege to occupy all of my lands that I now own (except one tract of forty acres lying on the head waters of Little Creek) in any way that she may think proper during her natural life and also all of my household and kitchen furniture two good horses her choice out of my stock a good wagon and hind gear two plows and gear for two horses, a wind mill, cattle, hogs and sheep out of stock that may be on hand; so much thereof as may be necessary for the decent support of my wife and family as much thereof as she may choose to keep to be used and disposed of by my wife in any way during her natural life and also a sufficiency of the crop, stock and provisions that may be on hand as may be necessary for the decent support of my wife and family for one year.

2^d my will and desire is that my daughter Francis who intermarried with James Kistler shall have the privilege of living and have her maintenance along with her Mother in my dwelling house where she now lives as long as her Mother lives and after the death of her Mother my will is that my said daughter Francis shall still continue to have the privilege to occupy my dwelling house and land in the same way that I have allowed my wife to occupy them until two orphan children that are bound to me come to the age of sixteen years the names of said children in full name being John & Jane Mary out Moore and my daughter Francis after the death of her Mother I provide she out lives her shall take care of and see to the raising and education of said children the expenses of which education and what I am bound by bond to give said children shall be paid by my executor out of my estate and further it is my will that all that part of my estate that will be due and coming to my daughter Francis when as she is intermarried with James Kistler be left in the hands of my trusty friend and son in law Dr Henry Thornton a trustee for my said daughter Francis to be expended by him for her use according as she may need it in the usual circumstances of case may require and for no other purpose and if any part of said estate should remain unexpended at her death it is to

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be equally divided amongst all the children
3^d I give to my daughter Francis the sum of one hundred dollars which I give to her and also her equal share of my estate to be left also in the hands of the trustee as above stated
4th I give to my two beloved sons (viz) John Carkin and Daniel McLean Kistler each the sum of fifty dollars to be paid to them by my executor when they come to the age of twenty one years or as soon afterwards as he may have funds on hand
5th my will is that all that part of my estate that may be due or in any way coming to my daughter Anna who intermarried with Anthony Thord be left in the hands of Dr Henry Thornton a trustee for her to be by him expended for the use and benefit of my said daughter Anna and her children and if any of said estate remains unexpended at her death I shall be equally divided amongst all of her children
6th it is my will that all the money that I may have loaned out at interest at the time of my death or if there should be cash on hand to the amount of one hundred dollars that it shall also be loaned out at interest by my executor and that it together with what was out at interest at the time of my death shall be kept loaned out at interest in safe hands by my executor and the interest accruing from the same shall be annually paid over to my wife to be expended by her for the purpose of keeping the fences on the plantation in repair or for any other purpose for which she may need it during her life and after the death of my wife provided my daughter Francis be alive said interest is to be paid to her in the way and for the same purposes until the two orphan children above named come to the age of eighteen years

7th my will is that all the rest of my personal property not otherwise disposed of by this my last will together with the tract of land containing forty acres lying on the head waters of Little Creek shall be sold on a reasonable credit by my executor and the money arising from said sale to be equally divided between my wife and all my children or their personal representatives Francis and Anna's share to be paid over to the trustee above named to be applied as above stated

8th my will is that after the death of my wife Catharine and also when the two orphan children that are bound to me come to the age of sixteen years that then all of the lands that I have given to my wife during her natural life together with whatever personal property that I have given her that may remain or be on hand shall be sold on a reasonable credit by my executor and the money arising from said sale together with whatever cash funds there may be on hand or money loaned out at interest shall be equally divided after paying my debts &c amongst all of my children or their personal representatives Francis and Anna's part or share to be paid over to the trustee before mentioned to be applied to their use as long as they