

Box 1, Folder 7 – Inventory

Will of Jose De La Baume for the years 1832, 1833, and 1834 and testimony in support of the will for years later, 1844-07-06

Testamento de Jose De La Baume para el bienio de 1832 y 1833 y 34., 1844

WILL OF JOSE DE LA BAUME.

1834.

THIRD SEAL

[SEAL]

FOR THE YEARS

TWO REALES

1832, 1833, AND 1834.

Flores

[Rubric]

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In the name of the Holy Trinity, Father, Son and Holy Ghost, three different Persons, but only one true God.

Know all who read this will, that I, Jose de la Baume, a native of Montpellier, of the family of Count de la Baume, am the first-born and legitimate son by lawful marriage of Jose Felipe, Count de la Baume, and of Maria Isabella Dalton, who both died in France. I am a resident of the City of San Antonio de Bexar in the State of Coahuila and Texas of the Mexican Republic, and although I am ill, I am in sound mind, memory, and natural understanding.

I truly believe in all the articles and mysteries of our sacred Catholic faith, in which belief I wish, and profess to live and die as a faithful Christian and true Catholic. I hope that His Divine Majesty may have mercy upon me for my sins and wrong-doings, through the virtues of Our Lord, Jesus Christ and His Sacred Mother, whom I choose as my Advocate for the awful moment to which I must inevitably come, so

that with my Guardian Angel, the Saint of my name, and those of my devotion, they may assist me before the tremendous Tribunal of God.

Thus I make, publish and declare this my last will and testament in the following form:

1. First, I commend my soul to God, Our Lord, who created and redeemed it with His precious blood, and my body to the earth of which it was formed. I direct that when I die, my body be buried without any pomp whatever, in a sacred place where all faithful Christians are laid to rest.

2. I also command that the customary church bequests made compulsory by law be paid once, at the rate of two reales each.

3. I also declare that I am 103 years of age, the first-born and legitimate son of Count de la Baume, in the Seignory of Baume, Province of Avignon in France.

4. I also declare that I was married in first nuptials, according to the rites of the church, to the late Ana Maria Kentree, in the Parish of Ouachita, State of Louisiana, United States of America, and by this marriage no children were born.

5. I also declare that I was married the second time, according to the rites of the church, in the municipality of Nacogdoches of the Department of Bexar to Luisa Cuturie. By this marriage we have had and procreated four sons and

daughters. They are Victorina, Joseph, Gertrudis and Sancier Pedro; the first three are of age.

6. I also declare that I have reared as a son, since his tender age, Valerio la Baume, issue of my present wife. In consideration of the respect and obedience which he has always shown me, and of my fondness for him, it is my wish and my will that he bear my name and that he enjoy the share of inheritance which I shall assign him in this my last will.

7. I also declare as my own property the dwelling and land which I own, situated in the Alameda of this city.

8. I also declare that I own a tract of land with 300 varas frontage and 600 varas depth on the far side of the acequia. I acquired this land from the government with a clear title.

9. I also declare as my property six sitios of land, acquired from the Supreme Government of the State, situated at Capote Springs on the Guadalupe River. I have the deed to this property.

10. I also declare that I have the right to one sitio of land between the Brazos and Colorado Rivers, in the colony of the empresarios, Stephen F. Austin and Samuel M. Williams, according to a certificate which will be found among my papers.

11. I also declare that I own, within the boundaries of Nacogdoches, a ranch with farm land, composed of two sitios

of land along Loco Creek, bounded on the North by land of Manuel de los Santos, and on the South by land of the heirs of the late Captain Bernardo Dortolan.

12. I also declare as my property all the household furniture and a few farm implements, which will be found in the house.

13. I also declare that I do not conscientiously remember any debts payable by my estate except the following: to the surveyor, Santiago Locard [Lockhart], the sum of 122 pesos, the balance due for his work of surveying the lands of El Capote and to my son-in-law Alejandro Vidal, 42 pesos. I order my executors to pay these debts from my estate.

14. I also declare that I have filed a claim against the Supreme Government of the United States of America asking for the pension awarded to those who fought in the War for Independence, since I was captain of a company which fought for the cause of America in that glorious struggle against Britannic power. I direct that any money realized from this claim, should it be paid after my death, be divided among my heirs.

15. I declare that at the time of my marriage to my present wife, I owned as real estate, two leagues of land, which I bought from the late Dortolan, near Loco Creek, and some cattle and furniture, part of which has been used by the family. Other articles were lost during the revolution.

I direct that the two leagues of land aforesaid be considered as capital brought into the marriage estate, since the remainder of the real estate has been acquired during our marriage.

16. I also declare that among my papers there will be found a receipt from the late Baron de Bastrop which shows that my wife paid him the sum of 700 pesos, during my absence in Natchitoches, for the house which is now my dwelling and for the lands of the Alameda. This property had been granted by General Commander Joaquin de Arredondo to Baron de Bastrop and he later sold it to my wife. Since the grant to Baron de Bastrop was rendered null and void by the law of December 21, 1821, I consider the said sum as an obligation due me against the estate of the late Baron de Bastrop. I direct my executors to use every effort to make this collection and divide the money among my heirs.

17. I also declare that after my death when partition is made of the lands of El Capote among my heirs, my son, Sancir Pedro, shall be preferred to the extent of one sitio of land on this condition: that if he should die before he marries, or if he should marry and not leave any heirs this land shall fall into the corpus of my estate and be divided among the surviving heirs.

18. I also name and appoint as my sole and universal heirs, my four children aforesaid and Valerio de la Baume. It is my wish and last will that he, Valerio de la Baume,

inherit a share equal to that of the remainder of my children, without prejudice to the preferred share which I leave to Sancier Pedro in the preceding clause. These shares shall be divided and distributed in equal parts after all my debts and funeral expenses shall have been paid and settled, with the blessing of God and my own.

19. I also declare that I name as heir to the title of Count de la Baume, which descends to my by inheritance from my late father, my first-born daughter. If, she, being a woman, cannot inherit this title, under the laws of France, I name as my successor to the title, the man-child who follows, that is, Joseph.

I direct that both of them work together in harmony to recover possession of the property embraced in the Seignory of La Buame in France and they shall possess and enjoy [such property] in due compliance with the laws of that realm [France].

20. I also name and appoint as testamentary executors of this my last will, first, my wife, Luisa Cuturie, second, Joseph, my son and third, Juan Antonio Padilla. To them all jointly and severally, I give my full power to whatever extent may be necessary in law for one, two, three or as many more times as necessary, so that they may take possession of my property and sell it or auction it at their discretion.

So that they may execute the conditions of this my last

will, I give them the authority to appoint substitutes in their places and to subrogate them to the powers of their own office. These, whom I acknowledge to be duly named, may carry to proper completion any task assigned and I confer on said substitutes from this instant the same power and authority as to the executors themselves.

By this will, I hereby revoke, annul and invalidate any other will or wills, codicil or codicils which I may have made and executed, so that they will not be valid in court or out of court, now or at any time that they may be offered. This provision shall apply even though any such wills may contain some inconsistent clauses or particular words, of which special mention should be made and which at the present I do not recall, but if I should remember them I will repeat them word for word.

I do not want any other will or wills, which I may make in the future, to be valid unless they definitely mention this clause, which I insert.

I desire my present disposition of property to be considered in all its parts as my will, codicil or last will in the best manner known to the law.

I declare, finally, as an addition to the 14th clause of this will, that if, after my death, there should appear any paper or document, written by the hand of my late son-in-law, Juan Francisco Buchetti, which contains any statement

contrary to the said clause or any part of this my last will, even though it may be signed in my own handwriting, it is my wish and my will that it be void. I remember that I signed a paper which was presented to me last year, 1833, by my son-in-law, Buchetti, before John G. Smith, who will be able to reveal what he knows concerning this matter. I make this declaration so that there will be no misunderstanding about this transaction.

I also declare that it seems to me that the second clause of this my last will is contrary to the provisions of the law of the state congress, dated March 3 of this year. It is my wish that the said second clause be annulled so that this my last will may have the necessary validity and force.

Done in Bexar, April 4, 1834 Joseph de la Baume /Rubric/

Filed in open court this 6th day of July, A. D., one thousand eight hundred and forty-four. Thos. H. O'S. Addicks,
Cl'k, Probate Court.

In the City of San Fernando de Bexar on April 5, 1834,
there appeared Joseph de la Baume, resident of
Envelope this city, evidently in sound mind and natural
of the will understanding, and he said: that this envelope
contains his last will and testament, made under the solemn

declaration of the Catholic faith, in which he designates his burial place, heirs, executors and whatever other clauses are required by law.

In witness whereof the testator signed before the witnesses whom he had summoned and requested to sign and who were present and will sign below. Signed: Francisco Xavier Bustillo=Bachelor Francisco Maynes=Fernando Rodriguez=John G. Smith=Erasmus Seguin=J. Antonio Padilla=Manuel Yturri Castillo. =Filed in open court this 6th day of July, A. D., one thousand eight hundred and forty-four. Thos. H. O'S. Addicks, Cl'k, Probate Court.

[Original testimonies in English follow:]

Probate of Will.
Testimony of
John W. Smith

In the spring of the year 1834, I was called upon to visit the room of Jose de la Baume, on entering the room I found there assembled several of the citizens of the City of San Antonio, shortly after my entering the room, the said Jose de la Baume, in presence of the persons present, drew from under his pillow a writ/t/en document and exhibited the same to the persons present, and then declared that he was old and infirm, and was desirous to make and execute a last will and testament, and that he had invited those present to se/e/ him sign and authenticate the document then in his hand as his last will, that he had invited those

present to se/e/ him sign and authenticate the same. Pen and ink was furnished when he signed the document then presented to us, when the same was in the presence of the witnesses enclosed in an envelope and sealed up, and the indorsement made thereon, and the same here presented to the court was signed by the witnesses thereon endorsed, all of which was done in the presence of said Jose de la Baume who was then in his entire judgment and sound mind, but weak in body from old age, as he then declared to the witnesses endorsed on the document now presented that he was over one hundred and three years old, the envelope is the same that was endorsed and signed by the witnesses and I believe the will is the same that was signed by said La Baume in the presence of the witnesses and by him declared to be his will, and enclosed in the envelope at that time. As to the opening of the envelope, I know nothing; I saw this same will and envelope in the possession of Mrs. Vidall, daughter of said La Baume, in the year of 1836. It was then open as now presented to this court Jno. W. Smith. Sworn & subscribed to in open court this 6th day of July, A. D. 1844; to which I certify under my hand. Thos. H. O'S. Addicks, Cl'k, Probate Court. Filed 6th July, 1844. Thos. H. O'S. Addicks, Cl'k, Probate Court.

Francisco Xavier Bustillo being duly sworn, deposes and
 says that he signed his name as a subscribing
 witness to the last will and testament of Jose
de la Baume, deceased, that said Jose de la
 Baume signed the same in his presence and
 declared that it was his last will and testament; that this
 deponent signed his name as subscribing witness on the enve-
 lope of said will after the same was sealed up and that the
 other subscribing witnesses signed their names in the same
 manner in the presence of said Jose de la Baume and in the
 presence of each other; that the envelope presented to the
 court is the same signed by him and he believes the will also
 to be the same that at the time of signing said will, this
 deponent believes that said Jose de la Baume was of sound
mind and discretion and further says not. Franco. X.

Bustillo. Sworn & subscribed to in open court this 6th day
 of July, A. D. 1844, to which I certify under my hand. Thos.
 H. O'S. Addicks, Cl'k, Probate Court. Filed, 6th July, 1844.
 Thos. H. O'S. Addicks, Cl'k, Probate Court.

Erasmus Seguin being duly sworn, deposes and says that he
 signed his name as a subscribing witness to
 the last will and testament of Jose de la
 Baume, deceased, that said Jose de la Baume
 signed said will in his presence and declared the same to be

the court was signed by the witnesses thereon endorsed, all of which was done in the presence of said José de la Baume who was then in his entire judgment and sound mind, but weak in body from old age, as he then declared to the witnesses endorsed on the document now presented that he was over one hundred and three years old, the envelope is the same that was endorsed and signed by the witnesses and I believe the will is the same that was signed by said La Baume in the presence of the witnesses and by him declared to be his will, and enclosed in the envelope at that time. As to the opening of the envelope I know nothing; I saw this same will and envelope in the possession of Mrs. Vidall, daughter of said La Baume, in the year of 1836. It was then open as now presented to this court =Jno. W. Smith.=Sworn& subscribed to in open court this 6th day of July, A. D. 1844; to which I certify under my hand. =Thos. H. O'S. Addicks, Cl'k, Probate Court. = Filed 6th July, 1844. =Thos. H. O'S. Addicks, Cl'k, Probate Court.

Testimony of Franco. X. Bustillo.	Francisco Xavier Bustillo being duly sworn, deposes and says that he signed his name as a subscribing witness to the last will and testament of José de la Baume, deceased, that said José de la Baume signed the same in his presence and declared that it was his last will and testament; that this deponent signed his name as subscribing witness on the enve-
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his last will and testament, that this deponent signed his name as subscribing witness on the envelope of said will after the same was sealed up and at the request of the testator, that the other subscribing witnesses signed their names in the [same m]anner in the presence of this deponent in the presence of said Jose de la Baume and in the presence of each other, that the envelope here presented to the court is the same signed by him and he believes the will here presented is the same, that at the time of signing said will this deponent believes that said Jose de la Baume was of sound mind and discretion, and further says not. Erasmo Seguin. Sworn & subscribed to in open court this 8th day of July, A. D. 1844. Thos. H. O'S. Addicks, Cl'k, Probate Court. Filed 8th July, 1844. Thos. H. O'S. Addicks, Cl'k, Probate Court.

Recorded, Probate Court, Bexar County, pp. 325-336.

velope of said will after the same was sealed up and that the other subscribing witnesses signed their names in the same manner in the presence of said José de la Baume and in the presence of each other, that the envelope presented to the court is the same signed by him and he believes the will also to be the same; that at the time of signing said will, this deponent believes that said José de la Baume was of sound mind and descretion and further says not.—Franco. X. Bustillo. —Sworn & subscribed to in open court this 6th day of July, A. D. 1844, to which I certify under my hand.—Thos. H. O'S. Addicks, Cl'k, Probate Court. Filed 6th July, 1844. Thos. H. O'S. Addicks, Cl'k, Probate Court.

Erasmo Seguin being duly sworn, deposes and says that he signed his name as a subscribing witness to the last will and testament of José de la Baume, deceased, that said José de la Baume signed said will in his presence and declared the same to be his last will and testament, that this deponent signed his name as subscribing witness on the envelope of said will after the same was sealed up and at the request of the testator, that the other subscribing witnesses signed their names in the same manner in the presence ^{B-336} // of this deponent in the presence of said José de la Baume and in the presence of each other, that the envelope here presented to the court is the

same signed by him and he believes the will here presented is the same, that at the time of signing said will this deponent believes that said José de la Baume was of sound mind and discretion, and further says not.—Erasmus Seguin—Sworn & subscribed to in open court this 8th day of July, A. D. 1844. —Thos. H. O'S. Addicks, Cl'k, Probate Court.—Filed 8th July, 1844. Thos. H. O'S. Addicks, Cl'k, Probate Court. Recorded, Probate Court, Bexar County, pp. 325-336.

TESTAMENTO DE JOSE DE LA BAUME. *WEL*

AÑO DE 1834.

SELLO TERCERO
DOS REALES

[SELLO]

PARA EL BIENIO DE
1832 Y 1833 Y 34.

Flores

[Rúbrica]

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En el nombre de la Santisima Trinidad, Padre, Hijo y Espiritu Santo, tres personas distintas y un solo Dios Verdadero. Sepan cuantos este testamento vieren, como yo, José de la Baume, originario de Montpellier, perteneciente á la familia del Conde de la Baume, hijo primogenito, legitimo y de legitimo matrimonio del señor José Felipe, Conde de la Baume, y de la Sra. Maria Ysabela Dalton, ya difuntos en la Francia; y actualmente vecino de esta Ciudad de S. Antonio de Bexar en el estado de Coahuila y Texas, de la Republica Mexicana, hallandome *enfermo*, y en mi entero juicio, memoria y entendimiento natural, creyendo, como verdaderamente creo todos los articulos y misterios de nuestra Sta. Fee Catolica, en cuya creencia quiero y protesto vivir y morir, como fiel cristiano, y verdadero catolico, y espero en la Divina Majestd. que há de tener misericordia de mis culpas y pecados, por los meritos de Nro. Sor. Jesuchristo, y de su Madre Santisima, á quien elijo por abogada para el tranze en que me he de hallar

para que con el angel de mi guarda, santo de mi nombre, y demas de mi devocion, me asistan en el tremendo tribunal de Dios: hago, ordeno, y establezco este mi testamento y ultima voluntad en la forma sigte.:

1.^a Primeramente: mando mi alma á Dios Nro. Sor. que la crio y redi-

SELLO TERCERO
DOS REALES

[SELLO]

PARA EL BIENIO DE
1832 Y 1833 Y 34.

Flores

[Rubrica]

mió con su preciosísima sangre y mi cuerpo á la tierra de que fué formado; y que cuando el caso se llegue, este sea sepultado sin pompa alguna en lugar sagrado, donde se sepultan á los demas fieles cristianos.

2.^a Yt. mando que por una sola vez se pague á las manda[s] forzosas y acostumbradas á razon de dos reales por cada una, por una sola vez.

3.^a Yt. declaro hallarme á la edad de ciento tres años, ser hijo lexítimo, y primogenito del Sor. Conde de la Baume, en el condado de la Baume en la Prova. de Avignon en Francia.

4.^a Yt. declaro haber sido casado en primeras nupcias infacie ecclesie con la señora Ana Maria Kentree ya difunta, en el distrito de *Ouhichitá* Provincia de la Luiciana de los

Estado Unidos del Norte, de cuyo matrimonio no tube suc^e-
cion.

5.^a Yt. declaro habe^r sido casado en segundas nupcias
in facie ecclesie en el pueblo de Nacogdoches de este Departa-
mento de Bexar, con la Sra. Luisa Cuturie, de cuyo matrimonio
hemos habido y procreado cuatro hijos entre varones y hembras,
que lo son: ^{B-327}// Victorina, Josef, Gertrudis, y Sancir Pedro,
todos vivos, y los tres primeros emancipados.

6.^a Yt. declaro haber criado como

SELLO TERCERO
DOS REALES

[SELLO]

PARA EL BIENIO DE
1832 Y 1833 Y 34.

Flores

[Rúbrica]

hijo desde su tierna edad á Valerio la Baume, hijo natural de
mi actual muger; y por consideraciones al amor que le tengo,
y al respeto y obediencia con que siempre me há mirado,
quiero y es mi voluntad que lleve mi apelativo, y que entre á
disfrutar de la parte de herencia que le señalaré en este mi
testamento.

7.^a Yt. declaro por bienes míos propios y libres la casa
y labor de mi morada, sitas en la alameda de esta ciudad.

8.^a Yt. declaro tener al otro lado de la asequia un
terreno de trescientos^a varas de frente, sobre seiscientas de.

✓

fondo, adquirido del gobierno de esta provincia, con justo titulo.

9^a Yt. declaro por bienes mios seis sitios de tierra adquiridos del Gobno. Supremo del estado, en el ojo de agua del Capote, sobre el Rio de Guadalupe, de que tengo los correspondientes titulos.

10^a Yt. declaro tener derecho á recibir un sitio de tierra entre los Rios Brazos y Colorado en la colonia de los empresarios Esteban F. Austin, y Samuel M. Williams, como consta de la certificacion que se hallar^a entre mis papeles. ✓

11^a Yt. declaro tener en la jurisdiccion de Nacogdoches un rancho con labor, compuesto de dos sitios de tierra sobre el Arroyo del Loco, colindantes por la ^{B-328}// parte de arriba con D. Manuel de los Santos, y por la de abajo con tierras

SELLO TERCERO
DOS REALES

[SELLO]

PARA EL BIENIO DE
1832 Y 1833 Y 34.

Flores

[Rúbrica]

de los herederos del dijunto Capn. D. Bernardo Dortolan.

12^a Ytt. declaro por mis bienes todo el menaje de casa, y alguna poca erramienta de labor, que se encontrara en ella.

13^a Yt. declaro no reconocer en mi conciencia otras deudas pasivas en contra de mis intereses, que las siguientes:

al agremensor Santiago Locard la suma de ciento veinte y dos pesos por resto de su trabajo de medir las tierras del Capote; a mi hijo politico, Alexandro Vidal, cuarenta y dos pesos. Mando que mis albaceas satisfagan estas deudas con mis bienes.

14.^a Yt. declaro tener hecho un reclamo al Govno. Supremo de los Estados Unidos del Norte pidiendo la pension señalada á los que pelearon en la guerra á favor de su independencia, como que fui capitan de una compañía en aquella gloriosa lucha en contra del poder britanico, y á favor de la causa de America. Mando que el resultado de esta instancia, si viniere despues de mi muerte, sea repartida entre mis herederos.

15.^a Yt. declaro que al tiempo de contratar matrimonio con mi actual muger, tenia por bienes raizes las dos leguas de tierra compradas al finado Dortolan sobre el Arroyo del Loco, con otros bienes semovientes, y muebles que se han consumido y gastado en atenciones de la familia unos y otros se perdieron en tiempo de la revolucion. Mando

SELLO TERCERO
DOS REALES

[SELLO]

PARA EL BIENIO DE
1832 Y 1833 Y 34.

Flores

[Rúbrica]

que las dos leguas de tierra ya mencionadas sean consideradas como un capital introducido al matrimonio, puesto que

los demas bienes raizes ahora existentes, son adquiridos durante nuestro matrimonio.

16.^a Yt. declaro que entre mis papeles se hallará un recibo del difunto Baron de Bastrop en que consta haberle pagado mi muger durante mi ausencia á Natchitoches, la cantidad de setecientos pesos, como importe de la casa de mi morada y tierras de la alameda, que vendio á mi muger por haberselas donado el Comte. Gral. D. Joaquin de Arredondo. Y como tal donacion es nula conforme á la ley de 21 de diciembre de 1821, considero la mencionada cantidad como un credito á mi favor y en contra de la testamentaria del difundo Baron de Bastrop. Mando que mis albaceas diligencien este cobro, y se reparta entre mis herederos.

17.^a Yt. declaro que en las tierras del Capote, cuando despues de mi muerte se haga la division y particion de ellas entre mis herederos, dexo mejorado en un sitio de tierra á mi hijo Sancir Pedro, con esta declaracion que si este mu-
riere antes de tomar estado, ó si, habiendolo tomado no tu-
biere sucesion, buelva este sitio al tronco de la familia,
y sea repartido entre los demas herederos. //

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18.^a Yt. declaro é instituyo por mis

SELLO TERCERO
DOS REALES

[SELLO]

PARA EL BIENIO DE
1832 Y 1833 Y 34.

Flores

[Rúbrica]

únicos y universales herederos á mis cuatro hijos arriba nombrados, y á Valerio de la Baume quien quiero y es mi ultima voluntad lleve y perciba una parte de herencia igual á cada uno de los demas mis hijos, sin perjuicio de la mejora que dejo establecida de Sancir Pedro en la clausula que antecede, los cuales partan y lleven en iguales porciones, despues de satisfechas y pagadas todas mis mis [sic] deudas, y gastos funerales, con la bendicion de Dios y la mia.

19.^a Yt. declaro que instituyo por heredero del titulo de Conde de la Baume, que me corresponde por herencia de mi finado padre, á mi hija primogenita, y en el caso de que esta, por ser muger, no pueda adquirir este titulo conforme á las leyes de Francia, instituyo al varon que le sigue, que es Josef, y mando que agenciando ambos, por su orden la adquisicion y posesion, de los bienes del condado que pudieren hallarse en Francia los posean y disfruten con entera conformidad á las leyes de aquel reyno.

20.^a Yt. dexo y nombro por mis albaceas testamentarios y executores de este mi testamento, en primer lugar, á mi esposa Luisa Cuturie; en segundo lugar, á Josef, mi hijo, y en

SELLO TERCERO

DOS REALES

[SELLO]

Flores

[Rúbrica]

PARA EL BIENIO DE

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tercero, al ciudadano. *Juan Antonio Padilla*, á los cuales, y á cada uno de ellos in solidum doy todo mi poder cumplido, cuan bastante de dro. se requiere por una, dos, tres veces y quantas mas sea necesario, para que puedan entrar en todos mis bienes y los vendan y rematen como mas juzgaran convenir para que cumplan lo contenido y dispuesto en este mi testamento, y les doy facultad para que puedan substituir sus oficios y subrogar otros en su lugar, que lo lleven á debida execucion, á los cuales los doy desde luego, por nombrados, y les concedo la misma potestad y facultades que á los dichos, Y por el presente testamento, revoco, anulo y doy por ninguno otro cualquiera testamento o testamentos, codicilo, ó codicilos, que yo haya hecho, y otorgado para que no valga, ni tenga efecto alguno en juicio ni fuera de él, ahora ni en tiempo alguno que parezca

SELLO TERCERO

DOS REALES

[SELLO]

Flores

[Rúbrica]

PARA EL BIENIO DE

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Y sea mostrado, aunque tengan clausulas derogatorias y palabras particulares, de que haya de hacer especial mencion, de que al presente no me acuerdo, y si á mi memoria vinieren las repitiria de verbo ad verbum todas las cuales quiero que no valgan, y asimismo que no valga ni tenga efecto otro cualquiera testamento ó testamentos que yo de aquí adelante hiciere, si no es que haga mencion expresa de esta clausula que yo pongo; pues quiero que la presente ^{B-332} // disposicion valga en todo acontecimiento por mi testamento, codicilo, ó postrema voluntad, en la forma y modo que mejor haya lugar en derecho. Ultimamente declaro como ampliacion de la clausula 14.^a de este testamento que si pareciere despues de mi muerte algun papel ó documento escrito ^{de} mano del dijunto mi hijo politico, Juan Francisco Buchetti, que contenga alguna cosa contraria

SELLO TERCERO
DOS REALES

[SELLO]

PARA EL BIENIO DE
1832 Y 1833 Y 34.

Flores

[Rúbrica]

á dicha clausula, ó á este mi testamento en alguna parte, aunque esté firmado de mi puño y mano, quiero y es mi voluntad que no valga, porque me acuerdo haber firmado un papel que me presentó en el año pasado de mil ochocientos

treinta y tres mi citado hijo politico, Buchetti, delante del C. Juan G. Smith, quien podrá declarar lo que sepa en este particular. Y asi declaro para que conste.

Ytt. Declaro que pareciendome contraria la segunda clausula de este mi testamento á lo que previene la ley del Congreso del Estado de fecha tres de marzo del corriente año; es mi voluntad quede derogada la citada segunda clausula á fin de que mi testamento quede con la validez y firmeza necesarias. Es fecho en Bexar á 4 dias del mes de abril de mil ochocientos treinta y cuatro. =*enfermo, *Ouhachita*, *Juan Antonio Padilla*, entre renglones, vale. = Joseph de la Baume= Rúbrica de Joseph de la Baume aparece en el original. Filed in open court this 6th day of July, A.D. ^{B-333} // one thousand eight hundred and forty-four. =Thos. H. O'S. Addicks, Cl'k, Probate Court.

En la Ciudad de S. Ferndo. de Bexar á los cinco dias del mes de abril de mil ochocientos treinta y cuatro, Envelope Josef de la Baume, vecino de esta ciudad, estando of the Will al parecer en su entero juicio y razon natural dijo; que dentro se contiene su testamento y final voluntad en que tiene hecha la protesta de la fee catolica, y deja señalada sepultura, herederos, albaceas, y otras clausulas en derecho necesarias. En testimonio de lo cual lo firmó en presencia de los testigos que subscriben y se hallaron

presentes y fueron llamados y rogados por el testador para lo asi ver y otorgar, quienes lo firmaron. Franco. Xavier Bustillo=Br. Fraico. Maynes=Fernando Rodriguez=Juan G. Smith =Erasmus Seguin=J. Antonio Padilla=Manuel Yturri Castillo. Filed in open court this 6th day of July, A. D. one thousand eight hundred and forty-four. Thos. H. O'S. Addicks, Cl'k, Probate Court.

In the spring of the year 1834, I was called upon to visit the room of Jose de la Baume, on Probate of Will. entering the room I found there assembled Testimony of several of the citizens of the City of John W. Smith San Antonio, shortly after testimony my entering the room, the said José de la Baume, in presence of the persons present, drew from under his pillow a writ^t/_{en} document and exhibited the same to the persons present, and then declared that he was old and infirm, and was desirous to make and execute a last will and testament, and that he had invited those present to se^{B-334}/_e // him sign and authenticate the document then in his hand as his last will, that he had invited those present to se^{e/_e him sign and authenticate the same. Pen and ink was furnished when he signed the document then presented to us, when the same was in the presence of the witnesses enclosed in an envelope and sealed up, and the indorsement made thereon, and the same here presented to}