

Dallas County, Texas Probate Cases 1846 – Early 1900's

Case Number 2942

Dallas Genealogical Society
Founded 1955

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FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

#2942

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The State of Texas
County of Dallas

Know all men by these presents that I, Charles M. Terry of the City and County of Dallas in the State of Texas, being of sound and disposing mind, and realizing the uncertainty of life, and the certainty of death, and desiring while I may to direct the disposition of my estate, after my death, in accordance with my wishes, do make publish, ordain and declare this to be my last will and testament, hereby revoking canceling and annulling all other wills that have been, or that may have been by me heretofore made.

First. I direct the payment of any debts that I may owe to be paid by my executor hereinafter named, as soon as may be, out of my estate.

Second: I give, devise and bequeath unto my wife, Carrie Terry, all my household and kitchen furniture and effects, and all of the personal property, money, notes and choses in action of which I may be possessed, and I also give devise and bequeath unto my said wife Carrie Terry, an undivided one half of all my real estate owned by me in my separate right, to be and become her property, the title thereto, to vest in her absolutely upon my death. The remaining one half of all my real estate, owned by me in my separate right, together with my community interest in every community tract of which I may be possessed I give, devise and bequeath unto my said wife Carrie Terry for and during the term of her natural life, intending hereby to vest

in her only a life estate thereto, and the rents
and revenues therefrom shall vest, and
belong absolutely unto the said Carrie Perry
during her life time.

Third I will, devise, give and bequeath unto
my daughter Augustia Franklin wife of
Jos. H. Franklin the sum of Five thousand
and Five hundred (\$5500⁰⁰) Dollars
to be paid out of the real estate willed herein
to my wife Carrie Perry for her life time,
said payment to be made therefrom, upon
the termination of the life estate of my
said wife Carrie Perry in said property.
After the payment of said legacy and
bequest aforesaid to my said daughter
Augustia, and upon the termination of
the life estate devised to my wife Carrie Perry
in one undivided one half of my real estate
owned by me in my separate right, and
my community interest in any community
estate of which I may be possessed,
the residue remaining after the payment
therefrom of the five thousand and five
hundred (\$5500⁰⁰) Dollars bequest to my
said daughter Augustia I will devise, give
and bequeath unto my three daughters
Mrs. Winnie Gill, Mrs. Madie Bradford
and Mrs. Augustia Franklin respectively.
Such residue remaining to be divided
equally between them share and share alike.
Fourth - Should my said wife Carrie Perry and
my said daughter Mrs. Augustia Franklin
elect to do so, then I will and direct that
my executor hereafter named shall convey
unto my said daughter Augustia Franklin
out of the real estate aforesaid willed and

devised unto my said wife for her life time
so much thereof, as shall be sufficient
and satisfy said bequest of

My be called
bequeathed to my said daughter Augusta Franklin
out of the real estate of said wife and

devised unto my said wife for the life time
so much thereof, as shall be sufficient
to pay off and satisfy said bequest of
one thousand and five hundred dollars
or any part thereof, as may be desired
by my said wife and daughter Augusta
And for such purpose my said wife as
executrix herein shall have the right and
power to execute any conveyance or
conveyances to any party under this will
to which I have vested in her a life estate;
and absolute and perfect title shall pass
under such conveyance or conveyances
without the intervention of any probate Court,
under the power hereby conferred upon her
as executrix of this will.

Fifth:- I name constitute and appoint my
said wife Carrie Perry sole and independent
executrix of this my said last will and
testament. And having the greatest trust
and confidence in her integrity and
her fulfillment of my wishes, it is my express
will and desire that no bond whatsoever
shall be required of her as the executrix
of this my said last will and testament;
and that no proceedings of any character
whatsoever shall be had upon my
estate by the Probate Court, further than
the necessary probating of this will
in accordance with law, the filing of
an inventory of my estate, and the
appointment of my said wife as independent
executrix of this my said last will.

Sixth:- In order that there shall be no
misunderstanding as to my estate and
my wishes, and as to my will, I here declare

that all the real estate now owned by
me, is my separate property and estate;
and that there is no Community real
estate belonging to myself and my wife.
And I will and direct that my wife shall
have an undivided one half of all my
separate real estate, as her own property with
absolute title thereto, and a life estate in
the other undivided one half of my separate
real estate, as well as my interest in any
Community realty of which I may be possessed,
which property charged with such life estate
upon the termination thereof, after the
payment of the legacy hereinbefore provided
therefrom, shall be equally divided between
my said three daughters as herein recited,
And reaffirming the preceding paragraphs
of this will, and the provisions therein
made. I hereto sign my name this
20th day of March A.D. 1906 in the
presence of J. C. Muse and
R. B. Allen who sign hereto as witnesses
at my request and in my presence, and in
the presence of each other. C. M. Terry
We the undersigned
subscribe our names
as witnesses to the foregoing
will, at the request of the
testator C. M. Terry, and in
his presence, and in the
presence of each other.
This 20th day of March 1906
R. B. Allen.
J. C. Muse

- 1978

Chas M. Gray
Last will and testament

FILED

JAN 4 1908

R. H. Lee

$Q = \frac{1}{430}$

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

Notice of Application for Probate of Will and Letters

THE STATE OF TEXAS

To all Persons Interested in the Estate of Chas. M. Terry Deceased:
Mrs. Carrie Terry has filed in the County Court of Dallas County, State
of Texas, an Application for the Probate of the last Will of said Chas. M. Terry
deceased, and for Letters Testamentary, which Application will
be heard and acted upon by said Court, at the next term thereof, to be held at the Court House
in the City of Dallas, County of Dallas, State aforesaid, and commencing on the First Monday in
March A. D. 1908, at which time and place all persons interested in said estate
shall appear and contest said Application should they desire to do so.

WITNESS JACK M. GASTON, County Clerk of Dallas County, Texas.

Given under my hand and seal of said Court, at office in the City
of Dallas, this 4 day of Jan A. D. 1908

JACK M. GASTON,

County Clerk, Dallas County, Texas.

By R. H. Lee Deputy.

134
Original

No. 4267

In the County Court

ESTATE OF

Chas M Ferry

Deceased

Notice of Application for Probate of Will and Letters

ISSUED

This 4 day of July A. D. 1908

JACK M. GASTON,

Clerk

By A. L. Lee Deputy

R 8/22

SHERIFF'S RETURN

CAME TO HAND The 4 day of July A. D. 1908 and executed the 4 day of July A. D. 1908 by posting up three copies of this Writ at three public places in Dallas County, one of which was at the Court House door of said County, and no two of which were in the same town or city.

A. L. Lee
Sheriff Dallas County

By W. H. Colburn Deputy

Posting 3 notices 300

Inventory and Appraisement

OF THE PROPERTY, REAL AND PERSONAL, BELONGING TO THE ESTATE OF

CHARLES M. TERRY

(X) About 2½ acres of ground situated in the City of Dallas, Dallas County, Texas, fronting about 535 feet on Cedar Springs Road in the City of Dallas, said land divided by Alice Street, and upon which is situated the homestead and nine other houses, valued at Eighteen Thousand Dollars (\$18,000.00).

Lot 25x100 feet on the south side of Elm Street in the City of Dallas, 50 feet west of Pearl Street, on which is a one story brick building, valued at Eight Thousand Dollars (\$8000.00); Household and kitchen furniture in the possession of Mrs. Carrie Terry, the widow, Two Hundred and Fifty Dollars (\$250.00).

None of said property, in the opinion of the Appraisers, is subject to inheritance tax.

No. 4267

COUNTY COURT

ESTATE OF

Chas M Terry
decd

Inventory and Appraisement

FILED

day of _____ 1908

County Clerk

Deputy

By _____

EXAMINED AND APPROVED

This *5th* day of *May* 1908

J. M. [Signature]
County Judge

248

THE STATE OF TEXAS,
COUNTY OF DALLAS.

I, MRS. CARRIE TERRY,

of the above named Estate do solemnly swear that the foregoing is a true, full and complete Inventory of all the property, real and personal, belonging to said Estate that has come to my knowledge.

Sworn to and subscribed before me, this the *13th* day of April 1908.

W. C. [Signature] Clerk County Court
Deputy
By *[Signature]* Dallas

THE STATE OF TEXAS,
COUNTY OF DALLAS.

Before the undersigned authority, this day personally appeared

T. L. BRADFORD, AKA T. L. TERRY,
Appraisers of the above named Estate, heretofore appointed by the Court, and each being duly sworn, says that the above and foregoing is a just and true Appraisement of the property pointed out to them as belonging to said Estate.

T. L. Bradford

Sworn to and subscribed before me, this the *14th* day of April 1908.

[Signature] County Clerk
By *[Signature]* Dallas County
[Signature]

No. 4267

PROOF OF WILL

THE STATE OF TEXAS,

ESTATE OF

County of Dallas

Chas M Terry Deceased

Proof of Last Will and Testament of Chas M Terry Deceased

This day personally appeared in open Court Robert B Allen

who, being duly sworn as a witness in the above entitled matter, and examined on behalf of the applicant to prove said Will, says: I was well acquainted with Chas M Terry

deceased, during his lifetime; I knew the above decedent for about 20 years

before his death; the signature of the said deceased to the instrument now shown to me, and offered for probate as his last Will and Testament, filed in this Court on the 4 day of July A.D. 1908

and bearing date on the 20 day of March A.D. 1906 was made by the deceased

on said last named date at Dallas Texas in presence of myself

Robert B Allen and J C Munn

the other subscribing witness; all of said witnesses being over the age of fourteen years. At the time of the

making of said Will the testator was of sound and disposing mind and memory, and he declared the said

Will so made by him to be his Last Will and Testament, and I thereupon signed my name as a witness,

together with J C Munn at the request of the said testator,

in his presence and in the presence of each other. The said deceased at the time of the execution of said

instrument was about 45 years of age; the said Chas M

Terry departed this life on the 2 day of Dec A.D. 1907

about Eighteen months after making said Will, in the County of

Dallas in the State of Texas, where and at which time his residence and

principal estate was situated.

Robert B. Allen

Sworn to and subscribed before me this 17 day of March A.D. 1908 in open court.

Jaed M. Taylor Clerk
County Court Dallas County, Texas.

By RH L Deputy

K

No. 4267

PROOF OF WILL

THE STATE OF TEXAS

County of _____

Term, 190 _____

ESTATE OF _____

Deceased

FILED

The 17 day of *March* A.D. 1900

AND RECORDED

The _____ day of _____ A.D. 190 _____

in the Probate Minutes of _____

County, in Volume _____ Page _____

Jaek M. Gaston
County Clerk

By *R.H. Lee* Deputy

R = 435

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978



The State of Texas } In County Court
County of Dallas } Dallas County Texas

To the Hon A. J. Hoyle, Judge
Your petitioner Mrs Carrie Perry, surviving widow
of Chas M. Perry deceased, makes this her
application for appointment as temporary
administratrix of said estate of Chas M. Perry
and as grounds thereof shows -

1. That said Chas M. Perry a resident citizen
of Dallas County Texas, died testate on the
day of December 1907 in said county possessed
of an estate consisting of real and personal
property, money or value in said county.
2. That by the terms of said will, which has
been filed for probate, your petitioner is the
chief devisee, and entitled to all the personal
property money and choses in action, and
one half of the realty in fee and a life
estate in the remaining half.
3. That a necessity exists for a temporary
administration in order to care for said estate
and personal same, collect or pay taxes
and funeral expenses, and provide
for the support of your petitioner.
4. That your petitioner is not disqualified by law
and is entitled to such temporary adminis-
tration, and is a resident citizen of said Dallas
County. Wherefore she prays that she
be appointed as such with the powers as
above suggested, and with emphy -

Must follow

Subscribed and sworn

to by J. C. Mear, atty, before

the 4th day of June 1908 -

Jaed M. Gaston County Clerk
By R. H. Lee Deputy

Atty for Mrs Carrie Perry

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

AL SOCIETY - 1978

Estate of
Chas M. Perry
Account

Application for
Temporary Admin

FILED

JAN 8 1968

JACK W. BARNETT, CLERK
[Signature]

The State of Texas 3 In County Court
County of Dallas 3 Dallas County Texas

To the Hon. H. J. Lively Co. Judge,
Your petition Mrs Carrie Terry, surviving
widow of Chas M. Terry deceased, filed
this application to probate the last will
and testament of said Chas M. Terry, deceased
and for letters of administration as
independent Executor without bond
and shows

1. That said Chas M. Terry, a resident
Citizen of the State and County of said
said estate on the day of December 1907
in the City of Dallas in said County of said
leaving an estate consisting of real and
personal property situated in said
Dallas County.

2. That by the terms of his said will
aforesaid, your petitioner Mrs Carrie Terry
his surviving widow, who resides in
said Dallas County Texas, is named
and appointed Independent Executor of
his said estate under said will without
bond, and is the Chief devisee under
said will, thereunder possessing one
half of said estate in fee, and a life
estate in the remaining half; except as
to personal property, money, notes and
chose in action, of which she is made
the sole owner under said will.

3. That a necessity exists for the probating
said will ^{and for the administration} thereunder in accordance with
the terms of said will in order to pay the
debts of said estate, and establish the
property rights of the devisees thereunder

That your petitioner is not disqualified
by law from acting as Independent Executor
aforesaid and is legally entitled to
be appointed as such.

4. Wherefore the premises considered,
your petition is prayed as directed
by law, and upon hearing hereof
said case is prayed to be admitted
to probate, and your petitioner appointed
therein Independent Executor with
said in accordance with its terms
and will ever pray.

Muse & Allen
Attys for Petitioner
Mrs Carrie Story

J. C. Muse atty for Mrs Carrie Story
do hereby state that the facts
set forth in the foregoing application
are true as therein stated.

J. C. Muse
Subscribed and sworn to before me
this 4th day of January A.D. 1908
J. Lee W. Gaston County Clerk Dallas Texas
By C. W. Lee 34

Estate of
Wm. M. Terry
deceased

Application
to Probate Will

FILED

JAN 4 1909

JACK N. GASTON

[Signature]

ESTATE OF CHAS. M. TERRY, DEC'D

NO. 4267

APRIL 28, 1908.

BE IT REMEMBERED that on this day came on to be considered the report of the inventory and appraisement of the estate of Chas. M. Terry, deceased, made by T. L. Bradford and T. G. Terry, two of the appraisers heretofore appointed by the court, and verified by the affidavit of the executrix herein, and the court having examined same, it is ordered by the court that said report be and the same is hereby in all respects approved and ordered of record.

ESTATE OF CHAS. M. TERRY, DEC'D.

NO. 4267.

MAR. 17, 1908.

BE IT REMEMBERED that on this 17th day of March A.D. 1908, came on to be heard the application of Mrs. Carrie Terry for the probate of the last will and testament of Chas. M. Terry, her deceased husband, which will is now produced in court. And the evidence of R. B. Allen and J. C. Muse, a statement of which is filed in this case, being heard and fully considered by the court, and being made in open court as required by law; and it appearing to the court that citation thereof has been duly made as required by law, to which no objection has been made, and that said Mrs. Carrie Terry is named and appointed in said will as independent executrix thereof, and that she is not disqualified therefor;

It is therefore ordered, adjudged and decreed by the court that the last will and testament of said Chas. M. Terry, deceased, is hereby admitted to probate, and a record of the testimony shall be recorded in the minutes of this court. It is further ordered by the court that letters testamentary thereof be granted to said Mrs. Carrie Terry. And it appearing to the court from said will that she is appointed as independent executrix of the estate, it is ordered by the court that she be and is hereby appointed such independent executrix without bond, in accordance with the terms of said will, and that the probate court of Dallas County have no further jurisdiction of said estate, other than the requiring and approving of an inventory in said estate.

And it appearing to the court that T. L. Bradford, W. G. Terry and Albert Walker are citizens of Dallas County, Texas, and disinterested persons in said estate, it is therefore ordered by the court that they, or either two of them, be and are hereby appointed appraisers of the estate, both real and personal, of the said Chas. M. Terry.

PROOF OF WILL

No. 4267

PROOF OF WILL

THE STATE OF TEXAS,

ESTATE OF

County of Dallas | Chas M. Terry Deceased

Proof of Last Will and Testament of Chas M Terry Deceased

This day personally appeared in open Court J C Muse

who, being duly sworn as a witness in the above entitled matter, and examined on behalf of the applicant to prove said Will, says: I was well acquainted with Chas M Terry

deceased, during his lifetime; I knew the above decedent for about sixteen years

before his death; the signature of the said deceased to the instrument now shown to me and offered for probate as his last Will and Testament, filed in this Court on the 4th day of Jan A.D. 1908

and bearing date on the 20th day of March A.D. 1904 was made by the deceased

on said last named date at Dallas Texas in presence of myself

J C Muse and Robert B Allen

the other subscribing witness; all of said witnesses being over the age of fourteen years. At the time of the making of said Will the testator was of sound and disposing mind and memory, and he declared the said

Will to be his Last Will and Testament, and I thereupon signed my name as a witness, together with Robert B Allen at the request of the said testator,

in our presence and in the presence of each other. The said deceased at the time of the execution of said instrument was more than fifty five years of age; the said Chas M Terry

departed this life on the 17 day of Feb A.D. 1907

about Eighteen months after making said Will, in the County of Dallas

in the State of Texas, where and at which time his residence and principal estate was situated.

Sworn to and subscribed before me this 17 day of March A.D. 1908, in open court.

Jack M Easton Clerk
County Court Dallas County, Texas.

By R H Lee Deputy

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

K

No. 4267

PROOF OF WILL

THE STATE OF TEXAS

County of *Chambers*

Term, 190

ESTATE OF

Deceased

FILED

The *17* day of *March* A.D. 190

AND RECORDED

The day of A.D. 190

in the Probate Minutes of

County, in Volume Page

James M. Jackson
County Clerk

By *R. M. Lee* Deputy

R = $\frac{4}{436}$