

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

Case Number 2916

Dallas Genealogical Society
Founded 1955

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FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

#2916

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The State of Texas,)
County of Navarro.)

KNOW ALL MEN BY THESE PRESENTS: That I,
Eva Schellenger of said County and State, do make, publish and
execute my last will and testament, hereby revoking any will
by me at any other time heretofore made.

Item One.

I direct that all my just debts be paid.

Item Two.

I nominate, constitute and appoint my husband, Newton Clay
Schellenger, Executor of this my said last will and testament. And
I direct that no bond or other security be required of him, as such
Executor.

Item Three.

No other action shall be had in the County Court, or
other court exercising probate jurisdiction, in the relation to the
settlement of my estate, than the probating and recording of this,
my said will, and the return of an inventory and list of claims of
my said estate, and appraisal thereof.

Item Four.

I give, devise and bequeath to my said husband, Newton
Clay Schellenger, all my property of every kind.

In Testimony of which, witness my hand, this

A. D. 1907.

Eva S. Schellenger.

The above instrument was subscribed by Eva Schellenger,
testatrix, in our presence, and we, at her request, and in her pres-
ence, and in the presence of each other, sign our names hereto as
attesting witnesses, this

A. D. 1907.

Freedman Johnston,

Bessie Johnston.

*We certify that this is
a true copy of the orig-
inal will as compared
by us this 11th day of
March 1907.*

E. Schellenger

THE STATE OF TEXAS
COUNTY OF DALLAS

The State of Texas :
County of Dallas. : I, Jack M. Gaston, Clerk of the County
: Court in and for Dallas County and
: State aforesaid do hereby certify

that the above and foregoing is a true and correct copy of the Will of Mrs. Willie Schillinger, deceased, as the same appears from the Original filed in this Office on the 19th., day of October A.D. 1907, and withdrawn by Special Order under order of the County Court of Dallas County, for the purpose of taking the deposition of Emma Johnston and Freedman Johnston and this Copy is filed in lieu of the Original one filed herein on the date of October 19th., 1907.

Witness my hand and Official Seal of Office this 21st., day of November, A.D. 1907.



Jack M. Gaston
Clerk County Court of Dallas County, Texas.
By *[Signature]* Deputy.

SOCIETY - 1978

.....
Certified Copy of the Last
Will and Testament of Mrs.
Eva Schelenger, Deceased.
.....

FILED
NOV 1 1967
DICK W. HARRIS, Clerk, Clerk
[Signature]

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 Eva Schellenger Deceased:
Newton C Schellenger has filed in the County Court of Dallas County, State
of Texas, an Application for the Probate of the last Will of said Eva Schellenger
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
Nov A. D. 1907, 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 10 day of Sept A. D. 1907

JACK M. GASTON,

County Clerk, Dallas County, Texas.

By R. W. Lee Deputy.

119.
Original
No. 4203

In the County Court

ESTATE OF

Erw Schellenger

Deceased

Notice of Application for Probate of
Will and Letters

ISSUED

This 10 day of Sept A. D. 1907

JACK M. GASTON,

County Clerk

By R. H. Lee Deputy

Recorded
- 8-73-

SHERIFF'S RETURN

CAME TO HAND The 10 day of Sept A. D. 1907, and executed the 10 day of Sept A. D. 1907, 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.

By A. J. Ledbetter Sheriff Dallas County
W. H. Callum Deputy

Posting 3 notices 30c

WENDEL SPENCE
ATTORNEY

Estate of Mrs. Eva Schellenger, Deceased, :
N. C. Schellenger, Executor. : Nov. 6, 1907.
No. 4203. :

.....

This day in the above Estate came on to be considered by the Court the Report of the Inventory and Appraisement of the property of the above named Estate as heretofore returned and filed herein by J. W. Spake, J. B. Crawford and E. M. Browder, Appraisers heretofore appointed, assisted by N. C. Schellenger, Executor. And the Court having examined said Report and same being found in due form of law and to be a full and fair Inventory and Appraisement-- it is, therefore, now ordered by the Court that the same be and it is hereby, in all respects approved and ordered to record.

And the said N. C. Schellenger having taken the oath required by law of Executors, and having filed the same herein, the same is found to be in due form of law and is approved.

And the said N. C. Schellenger, having now duly qualified, it is ordered that he be and is hereby confirmed as Independent Executor of the above named Will and Estate, and Letters Testamentary shall be issued to him by the Clerk of this Court upon his application therefor, and from henceforth he is entitled to act as Independent Executor of the Will and Estate of said Eva Schellenger, Deceased, without further orders or action of this Court in relation to the said Estate.

Estate of Mrs. Eva Schellenger, Deceased, :
N. C. Schellenger, Executor. : Nov. 9, 1907.
No. 4203. :

.....

This day in the above Estate came on to be considered by the Court the Report of the Inventory and Appraisement of the property of the above named Estate as heretofore returned and filed herein by J. W. Spake, J. B. Crawford and E. M. Browder, Appraisers heretofore appointed, assisted by N. C. Schellenger, Executor. And the Court having examined said Report and same being found in due form of law and to be a full and fair Inventory and Appraisement-- it is, therefore now ordered by the Court that the same be and it is hereby, in all respects approved and ordered to record.

And the said N. C. Schellenger having taken the oath required by law of Executors, and having filed the same herein, the same is found to be in due form of law and is approved.

And the said N. C. Schellenger having now duly qualified, it is ordered that he be and is hereby confirmed as Independent Executor of the above named Will and Estate, and Letters Testamentary shall be issued to him by the Clerk of this Court upon his application therefor, and from henceforth he is entitled to act as Independent Executor of the Will and Estate of said Eva Schellenger, Deceased, without further orders or action of this Court in relation to the said Estate.

Order No 9 712

No. 4203, Probate.

.....
Estate of Mrs. Eva Schellen-
ger, Deceased. N. C. Schellen-
ger, Executor.

.....
Order of Court approving
Inventory, Appraisement, etc.
declaring N. C. Schellenger
duly qualified as Indepen-
dent Executor of the Estate,
and ordering Letters Testa-
mentary to be issued to him.
.....

Estate of Mrs. Eva Schellenger, Deceased,:	Administration pending
N. C. Schellenger, Executor. :	in the County Court of
No. 4203, Probate. :	Dallas County, Texas,
:	sitting in matters
:	Probate.

Oath of the Executor.

I, N. C. Schellenger, the undersigned, do solemnly swear that the writing which is offered for probate is the Last Will and Testament of my deceased wife, Mrs. Eva Schellenger, Deceased, so far as I know or believe, and that I will well and truly perform all the duties of Independent Executor of said Will and of the said Estate of the said Eva Schellenger, Deceased.

N. C. Schellenger

Sworn to and subscribed before me by N. C. Schellenger this the 8th. day of November, 1907, as witness, my hand and official seal.

Edward M. Browder
Notary Public for Dallas
County, Texas.

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

No. 4203, Probate.

.....
Estate of Mrs. Eva
Schellenger, Deceased,
M. C. Schellenger, Ex-
ecutor.

.....
Oath of the Executor.
.....

FILED

NOV 9 1907

JACK Mc GEE, County Clerk
W. H. Lee
Clerk

Vol 5 Page 215

In Re, (No. 4203, Probate).
Estate of Mrs. Eva Schellenger,
Deceased.

Oct. 19, 1907.

.....
In this Estate on this day came on to be heard the Application of N. C. Schellenger, Proponent of the Will, have an Order allowing the original will herein filed to be withdrawn for the purpose of having the non-resident attesting witnesses thereto, identify and prove up the same for probate by their depositions:

And the Court having heard the said Application, and being fully advised, it is ~~thaxxixaxx~~ ordered by the Court that the said Application be and the same is hereby granted. And the said Applicant or Wendel Spores, his Attorney of Record, is hereby authorized to withdraw the said document purporting and alleged to be the last will and testament of the Deceased from the files in this proceeding, and to exhibit same to the attesting witnesses for their identification and proof in the taking of their testimony by deposition in behalf of the Applicant, - the said original document to be then returned immediately to the files herein in this court. The clerk of this Court shall, however, retain a copy of said original document duly certified by him, in lieu of the original instrument.

And the said clerk is directed to then deliver said original document to the said Applicant or to his said Attorney of Record, taking proper receipt therefor.

In Re: (No. 4203, Probate)

Estate of Mrs. Eva Schellinger

Decedent

In this matter on this day came on to be heard the Application of E. C. Schellinger, Executor of the Will, having an Order of Appointment in this matter, and the said Schellinger, in support of his application, filed herewith the following exhibits, to-wit:

1. A copy of the original will of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

2. A copy of the original inventory of the estate of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

3. A copy of the original account of the executor of the estate of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

4. A copy of the original report of the executor of the estate of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

5. A copy of the original petition for the appointment of the said Schellinger as executor of the estate of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

6. A copy of the original order of appointment of the said Schellinger as executor of the estate of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

7. A copy of the original order of appointment of the said Schellinger as executor of the estate of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

8. A copy of the original order of appointment of the said Schellinger as executor of the estate of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

9. A copy of the original order of appointment of the said Schellinger as executor of the estate of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

10. A copy of the original order of appointment of the said Schellinger as executor of the estate of the said decedent, as the same appears from the records of the County Clerk of Dallas County, Texas, and a true and correct copy of the same, as the same appears from the records of the County Clerk of Dallas County, Texas.

In Re Estate of Mrs. Eva Schellenger, : Pending in County
N. C. Schellenger, Applicant for : Court of Dallas County,
Probate of Written Will. : sitting in Matters
: Probate. No. 4203.

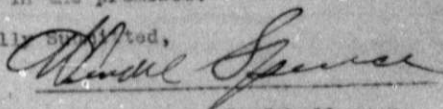
.....
To the Honorable H. F. Lively,
County Judge.

Now comes N. C. Schellenger, the above named Applicant, by his attorney and asks for an order of the Court permiting him to withdraw the original will of the said Eva Schellenger now herein propounded for probate, for the purpose of exhibiting same to the subscribing witnesses and having them identify same as the genuine will of the said Deceased, and attested by them. For good cause, the Applicant shows:

1. That the said will was executed in Corsicana, Texas. That the subscribing witnesses are Mrs. Emma Johnston and Miss Fredman Johnston, mother and sister respectively of Deceased. Said Subscribing witnesses reside in Corsicana, Texas. It has become necessary that their testimony to prove the said will should be taken by deposition. Applicant has propounded interrogatories to them to that end, and has filed same in this court and has applied for a commission to take their testimony by deposition. Now in order that the said document now propounded for probate may be identified by the said non-resident witnesses, Applicant prays that upon leaving a certified copy thereof on file in this Court, he be permitted to withdraw the original will temporarily so that same may be identified by the said subscribing witnesses in connection with their testimony by deposition.

And Applicant prays for all further and other orders which to the Court may seem proper in the premises.

Respectfully submitted,


Attorney for N. C. Schellenger,
Applicant.

FILED BY DALLAS GENERAL LOGICAL SOCIETY - 1978

No. 4203.

In Re Estate of Mrs.
Eva Schellenger, Deceased

Application of H. C.
Schellenger, Proponent
of the Will for Probate,
to withdraw the said Will
for the purpose of havin
a testing Witnesses iden-
tify and prove up the
same for Probate.

FILED

OCT 19 1977

JACK W. ...

R. H. Lee

9-440

Estate of Mrs. Eva Schellenger, Deceased, : Administration
N. C. Schellenger, Independent Executor. : in the County
No. 4203, Probate. : Court of Dallas
: County, Texas.

Inventory and Appraisement of the Estate of Mrs. Eva Schellenger, Deceased, produced before the undersigned Appraisers on this 9th day of November, 1907, by N. C. Schellenger, Executor of the said Estate of Mrs. Eva Schellenger, Deceased, to-wit:

Separate Property of the said Deceased.

1. These certain lots or parcels of land located in Archer County in the State of Texas, to-wit:

1st. Tract: Being 141-3/10 acres of land, known as Survey No. 1 on the waters of the Middle Fork of the Little Wichita, about 10 1/2 miles S. 61 W. from Archer City, located by virtue of Land Scrip No. 18; beginning 70 vrs. N. of the S. E. corner of Dallas Co. School land, a pile of rock, marked XX, a large flat stone, marked XX, set naturally edgewise in the ground, brs. N. 20 1/2 W. 106-4/10 vrs. the stone witness monument of said Dallas Co. School land, brs. S. 19 1/2 W; Thence East 614 vrs. to pile of stone marked XX, N. W. corner of J. Mewellyn League; thence South with W. E. line of same 1300 vrs. a pile of stone; Thence North 1300 vrs. the beginning; this being the same land mentioned in Cause No. 115 in a suit pending in the District Court of Archer County, Texas, styled Henry Boll and E. Boll vs. Stone Kyle and Kyle, and one of two tracts of land decreed to Henry Boll and Elizabeth Boll on the 29th. day of August, 1899, as is evidenced from the judgment therein rendered on said day and recorded in the minutes of said Court in Volume B, pages 52, 53 and 54, to which reference is hereby made, of the value of \$142⁰⁰.
These certain lots or parcels of land located in Llano County, Texas: viz:

2nd. Tract: Known as Lot Number Nine (9) in Block Number Forty-five (45) of Holden's addition to the town of Llano, County of Llano, State of Texas, being the identical lot conveyed by Henry Boll to Wm. Henry Morris on October 11th., 1887, and reconveyed by said

...
...
...
...

2.

Wm. Henry Morris on August 13th., 1890, and recorded in Llano County Record of Deeds in Volume R on pages 324 and 325. Value \$25⁰⁰

3rd. Tract: Out of the Heinrich Struckbein Survey No. 28 on the North Bank of the Llano River and more particularly described as Lot Number Ten (10) in Block Number Fifty-nine (59) of Holden's addition to the town of Llano, said lot being bounded as follows: Commencing 50 ft. Northwest of the S. E. corner of Block Number Fifty-Nine (59), thence running West 50 ft. along the N. line of Leon Street to a stake for corner, thence N. 140 ft. to an alley thence 50 feet East along same alley to a stake for corner; thence S. 140 feet parallel with Bessemer Street to the place of beginning; the lot herein conveyed being one of the lots conveyed to Elizabeth Bell by Henry Bell on March 2d., 1889, as per Deed of Record in Llano County Records of Deeds in Volume O on pages 26 and 27. Value, \$25⁰⁰

4th. Tract: Out of the Struckbein Survey No. 28 and Holden's addition to the town of Llano, the map of which is recorded in Llano, County, Texas, Records of Deeds, etc., and designated on said map as Lots Number Six (6) in Block Number Thirteen (13); Nine (9) in Block Number Thirty-three (33); Eleven (11) and Twelve (12) in Block Number Forty-five (45); One (1) in Block Number Forty-Nine (49); Seven (7), Eight (8), and Thirteen (13) in Block Number Fifty-Three (53); Two (2), Three (3), Four (4), and Nine (9) in Block Number Fifty-Nine (59) and Lots Four (4), Five (5), and Six (6), in Block Number Forty Seven (47); each of said lots being 50 x 140 feet, with an alley in the rear of each. Value \$375⁰⁰

Also the following described tracts of land situate in Dallas City and County, Texas, to-wit:

5th. Tract: All that certain lot, tract or parcel of land lying and being situated in the City and County of Dallas, State of Texas; Beginning on the North line of Swiss Avenue one hundred and twenty-three feet four inches West from Germania Street at the S. W. corner of Chas. Bell's lot; thence N. 45 W. with the west line of Chas. Bell's lot 156 feet to West corner of said Chas. Bell's lot; thence S. W. parallel with S. line of Liberty Street 50 feet to corner

3.

which is eleven feet 8 inches from N. E. corner of Jacob Boll's lot, and S. line of lot owned by Anna Boll; thence S. 45 E/ parallel with West line of Chas. Boll's lot to the N. side of Swiss Avenue a point Eleven feet 8 inches N. E. of Jacob Boll's lot; thence with the N. line of Swiss Avenue 50 feet to the beginning. Value \$3000.⁰⁰

Sixth Tract: Beginning at the east corner of Block No. 495 in the City of Dallas at the intersection of the North West side of Swiss Avenue and the South West side of Germania Street. Thence N. 45 W. with the S. W. side of Germania Street 167 feet 6 inches to the East corner of a lot deeded by Henry Boll Sr. to Henrietta Peak and Lizzie Boll on Jan. 28th., 1899. Thence S. 45 W. 61 feet 8 inches in South East line of last mentioned lot to corner. Thence S. 45 E. parallel with the S. W. line of Germania Street 162 feet to N. W. line of Swiss Avenue, the East corner of a lot deeded by Henry Boll Sr. to Chas. Boll on Jan. 28th., 1899, Thence N. 50 E. with the N. W. line of Swiss Avenue 61 feet 8 inches to the place of beginning. Value \$4500.⁰⁰

Seventh Tract: Being a part of Block 495; beginning at a point on the southeast side of Liberty Street 80 feet south 45 west from Germania Street, said beginning point being at the west corner of a lot conveyed to Lizzie Boll and Henrietta Peak by Henry Boll Sr. Thence south 45 west with the southeast line of said Liberty Street 52 feet to corner; thence south 45 east parallel with Germania Street 120 feet to corner on northwest line of lot conveyed to William Boll by Henry Boll Sr. thence north 45 east parallel with the southeast line of Liberty Street 52 feet to south corner of Lizzie Boll's and Henrietta Peak's lot; thence north 45 west with the southwest line of said lot and running parallel with Germania Street 120 feet to the place of beginning, and being the same lot conveyed to Jacob Boll and Mrs. Minnie Arnoldi by Henry Boll Sr. on January 28th. A. D. 1899, recorded in Book 236, page 162, Records of Deeds etc., of Dallas County, Texas. Value \$1800.⁰⁰

Personal Property.

Jewelry comprising a watch, diamond rings and one pin,

4.
of the value of \$375.⁰⁰
Personal wearing apparel of deceased, of the value of \$200.⁰⁰

A chest containing a silver service, cut-glass, etc. of the value of \$150.⁰⁰

Two shares of the Capital Stock of Dallas Turn Verein Bowling Club, evidenced by certificates Nos. 23 and 24 of the face value of \$5.00 each, actual value, \$10.00.

Summary.

Appraised value of first tract of land	\$ 142. ⁰⁰
" " " second " " "	\$ 25. ⁰⁰
" " " third " " "	\$ 25. ⁰⁰
" " " fourth " " "	\$ 375. ⁰⁰
" " " fifth " " "	\$ 000. ⁰⁰
" " " sixth " " "	\$ 4500. ⁰⁰
" " " seventh " " "	\$ 1800. ⁰⁰
	<u>9867.⁰⁰</u>

Appraised value of personal property \$ 725.⁰⁰
Total appraised value of all the property \$10,592.⁰⁰

We, the undersigned Appraisers heretofore appointed, do solemnly swear that the foregoing is a full and fair appraisal of all the property of the Estate of Mrs. Eva Schellenger, Deceased, produced before us by N. C. Schellenger, Independent Executor.

J. N. Spaly
E. M. Brander
J. H. Crawford

Sworn to and subscribed before me by the said appraisers this the 9th. day of November, A. D. 1907, as witness my hand and official seal.
A. D. Lacy
Notary Public of Dallas County, Texas.

of the State of Texas, County of Dallas, to wit: N. C. Schellenger, Independent Executor, of the Estate of Eva Schellenger, Deceased, do solemnly swear that the foregoing Inventory is a full and complete Inventory and Appraisement of all the property of the Estate of Eva Schellenger, Deceased, that has come to my knowledge and that there are no claims belonging to said Estate.

5.

There are no claims belonging to the Estate of Eva Schellenger, Deceased.

I, N. C. Schellenger, Independent Executor, of the Estate of Eva Schellenger, Deceased, do solemnly swear that the foregoing Inventory is a full and complete Inventory and Appraisement of all the property of the Estate of Eva Schellenger, Deceased, that has come to my knowledge and that there are no claims belonging to said Estate.

N. C. Schellenger
Executor of the Will and Estate
of Eva Schellenger, Deceased.

Sworn to and subscribed before me by N. C. Schellenger this the ninth day of November, 1907, as witness my hand and official seal.

A. B. Gay
Notary Public of Dallas County,
Texas.

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

No. 4203.

.....
 Estate of Mrs. Eva Schellenger, Deceased, N. C.
 Schellenger, Executor.

Inventory and Appraisement
 of the Property belonging
 to the Estate of Eva
 Schellenger, Dec'd.

FILED

NOV 6 1977

JACK N. ...

Nov. 11-07

*Examined and
 appraised -
 H. S. ...*

*Vol 9
 Page 210*

Estate of Mrs. Eva Schellenger, Dec'd.,
N. C. Schellenger, Independent Executor,
named in the Will. No. 4203, Probate.

Nov. 8, 1907.

This day came on to be heard the petition of N. C. Schellenger for the probate of a certain instrument in writing now produced in Court, purporting and alleged to be the Last Will of Mrs. Eva Schellenger, Deceased. And it appearing to the Court that citation has been duly posted ^{and served} in the manner and for the length of time required by law, and there being no contest or opposition filed to said Application of the said N. C. Schellenger, the Court proceeded to hear the evidence offered by the Applicant— in support of his petition. And the evidence, a written statement of which is filed in this cause, having been heard and fully considered by the Court, and the Court being satisfied from the evidence that the instrument propounded as the Last Will and Testament of said Eva Schellenger, and now produced in Court is her Last Will and Testament, and that the same should be admitted to probate:--

Therefore, it is now ordered, adjudged and so decreed by the Court that the said instrument in writing, now produced in Court by the said Applicant and offered for probate, be and it is hereby established and declared to be the Last Will and Testament of the said Eva Schellenger Deceased, and same is hereby admitted to probate and records as her Last Will. And the same together with the testimony adduced on the hearing of said Application shall be recorded in the Minutes of this Court.

It is further ordered that N. C. Schellenger, the Applicant who is named as Independent Executor in the said Will of the Estate of the said Eva Schellenger, Deceased, be and he is hereby confirmed as the Independent Executor of the Will and Estate of the said Deceased; as provided in said will, and that no bond or other security be required of him as such Executor, but that Letters Testamentary be issued to him upon his taking

Wills 712/
Nov 8-27

No. 4203, Probate.

Estate of Mrs. Eva
Schellenger, Dec'd.,
N. C. Schellenger,
Executor.

Order of Court admit-
ting Will to Probate,
confirming N. C.
Schellenger as Inde-
pendent Executor of
the Will and of the
Estate, and appointing
Appraisers:

W
426

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

Estate of Mrs. Eva Schellenger, :
Deceased. N. C. Schellenger, : No. 4203.
Applicant for Probate of Written Will
produced in open Court. :

.....
November 8, 1907.

Be it Remembered that on the hearing of the Application of N. C. Schellenger for the probate of the written instrument produced by him before the Court, purporting and alleged to be the Last Will and Testament of Mrs. Eva Schellenger, (Applicant's deceased wife), the following testimony was adduced by the Applicant, viz:

Miss Freedman Johnston being duly sworn as witness for plaintiff testified:

I am the sister of Mrs. Eva Schellenger, Deceased. She was the lawful wife of the Applicant N. C. Schellenger. I identify the written will produced now in open Court, which I now hold in my hands, as the genuine Last Will of my sister, Eva Schellenger. Her genuine signature is signed to that instrument. It was executed on the ^{28th or 29th} day of August, 1907. My sister was then the lawful wife of N. C. Schellenger and she was more than 21 years of age, and she was of sound mind. My mother, Mrs. Emma Johnston, and I signed said will as witnesses at the request of my sister Eva and in her presence. Eva Schellenger died at St. Paul's Sanitarium ^{in Dallas City, Tex.} on or about the ^{1st} day of September, 1907. She never revoked the said will, so far as I know or have any reasons to believe. The principal property belonging to my sister Eva Schellenger was and is located in Dallas City and County, Texas, and consists of real property here. My mother and I, were, each, more than 21 years of age when we signed the said will as witnesses thereto. As stated the will was signed by me and my mother, Emma Johnston, as witnesses. Our genuine signatures appear thereon. We signed the instrument as witnesses at the request of my sister Eva and in her presence.

Freedman Johnston

Sworn to and subscribed before me this 8th day of 1907
Jas M. Gaston Clerk
By Robt Lee

IETY - 1978

FILED BY DALLAS GENERAL LOGICAL SOCIETY - 1978

Proof of will

No. 4203.

.....
Estate of Mrs. Eva Schellen-
ger, H. C. Schellenger
Applicant for Probate of
Written Will produced in
Open Court.

.....
Affidavit of Miss Freedman
Johnston.

.....
Filed Nov 8, 1907
James M. Johnston Clerk
Ray K. H. Lee Dy

SOCIETY - 1978

WENDELL SPENCE
ATTORNEY

In the Matter of the : Pending in County
Estate of Mrs. Eva Schellenger, : Court of Dallas
N. C. Schellenger, Applicant : County, sitting in
for Probate of Written Will. : Matters probate.
: No. _____ Probate.

.....

All parties concerned will take notice that I will apply to the clerk of the above named Court for a commission to take the depositions of Mrs. Emma Johnston and Freedman Johnston, each of whom resides in the City of Corsicana, Navarro County, Texas, in response to the accompanying interrogatories, their answers thereto to be used in evidence in behalf of the Proponent of the Will of Mrs. Eva Schellenger, Deceased, upon the hearing before the Court of the Application to Probate the said Will.

Wendell Spence,
Attorney for N. C. Schellenger,
Proponent of the Will and
Applicant for Letters Testamentary.

Interrogatories propounded to Mrs. Emma Johnston and Miss Freedman Johnston, of Corsicana, Texas.

1. Please state your name and residence and whether or not you are more than 21 years of age.

2. Did you or not know Mrs. Eva Schellenger (or Evis Schellenger), wife of N. C. Schellenger? Was she or not related to you? If so, how? Is she living or dead? If dead, when did she die? Do you know N. C. Schellenger? If yea, state if he was the lawful husband of the said Eva or Evis Schellenger, and state when they were married?

3. Mr. N. C. Schellenger makes application to the Probate Court of Dallas County to probate the original instrument produced by him in open Court, and purporting and alleged to be the Last Will and Testament of his ^{deceased} wife the said Eva Schellenger:

ETY - 1978

WENDEL SPENCE
ATTORNEY

2.

Now state, if you know whether said Eva did execute and leave a written will? If you say you do, then state the time, place and circumstances of the execution of said will, and who was present and state how you know the facts.

4. Where was Eva Schellenger when she executed said will?
5. Did she or not call on you to witness her said will? Did you do so? And state who signed the said will as witnesses?
6. Were those subscribing witnesses to the will more than 21 years of age at the time of signing?
7. At whose request and or at whose instance did said subscribing witnesses sign said will?
8. If you say that you are one of the subscribing witnesses to said will, state at whose request you signed it, and who else was present when you did sign it?
9. What did Mrs. Eva Schellenger say at the time that she executed and signed the said will and at the time that you signed it as a witness?
10. What was the condition of Mrs. Eva Schellenger's mind when she executed said will? Was she not of sound mind and memory?
11. Who wrote the said will of Eva Schellenger and at whose instance was it written?
12. What was done with the will after it was executed by Eva Schellenger and signed as a witness by you?
13. Was the said will at any time revoked by Eva Schellenger within your knowledge?
14. Where and when did Eva Schellenger die?
15. Were you or not present at her death? If yea, who else was present?
16. Had the will which had been executed by Mrs. Eva Schellenger been in anywise revoked by her before her death? Explain fully.
17. Did Mrs. Eva Schellenger leave any property. If yea, where was it located, and of what does it generally consist.
18. The Notary taking your depositions will exhibit to you the

WENDEL SPENCE
ATTORNEY

3.

original written instrument which N. C. Schellenger has caused to be filed in the Probate Court of Dallas County, Texas, and which he offers for probate as the last will of his deceased wife, Mrs. Eva Schellenger. Now please examine that instrument when shown to you by the Notary, and state whether it is or not the genuine last will and testament of the said Eva Schellenger? And state how you know, and state if that is or is not the will about which you have been testifying in response to previous interrogatories?

19. If you identify the said written instrument so exhibited to you by the Notary, and have stated that it is the genuine last will and testament of the said Eva Schellenger, then state if you saw her sign that will? State the time, place and circumstances of her signing it, and state if you signed it as a witness? If so, at whose request, and state who else signed it as a witness, and how you know?

20. Please write your initials upon the said document so exhibited to you by the Notary, in order to identify that instrument as the last will and testament of Eva Schellenger, Deceased, if you have said that it is her last will? Have you done this?

21. How have you identified the instrument which the Notary has shown you as the genuine last will and testament of Eva Schellenger Deceased? What mark of identification have you put upon the will?

Attorney for N. C. Schellenger,
Proponent of the Will and Appli-
cant for its Probate.

Original

No. 4203, Probate.

In Re Estate of Eva Schellenger, Deceased.

Interrogatories propounded by W. O. Schellenger, Applicant for Probate of Will, do Mrs. Emma Johnston and Miss Freedman Johnston, subscribing Witnesses to Will, of Navarro County, Texas.

FILED

OCT 19 1907

[Signature]

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

and the ...
... of the ...
... N. C. ...

WENDEL SPENCE
ATTORNEY

In the matter of the Estate of) Application for the probate
Mrs. Eva Schellenger, deceased.) of a witten will.

The State of Texas,)
County of Dallas.)

To the Honorable County Court in and for Dallas County, Texas:

Your petitioner, Newton Clay Schellenger, respectfully shows to the Court that he resides in Salt Lake City, State of Utah. That Mrs. Eva Schellenger was the wife of your petitioner, and that she is dead. That she died within the City of Dallas, in Dallas County, Texas, on the 5th day of September, A. D. 1907. That at the time of her death, the said Mrs. Eva Schellenger had no domicile and no fixed place of residence within the State of Texas, but she died within this State as aforesaid, within the County of Dallas, and at the time of her death her principal property was and is situate in Dallas County, Texas, the same consisting principally of real estate, residence and rental property situate in Dallas City and County, Texas. That at the time of her death, the said Mrs. Eva Schellenger was seized and possessed of real and personal property of the probable value of \$1500.00. That she left a written will, duly executed, and herewith filed, in which your petitioner was appointed sole Executor, and in which he is named as sole devisee. That there is a necessity for administration upon the estate of the said Mrs. Eva Schellenger, and your petitioner is not disqualified by law from accepting Letters Testamentary.

Wherefore, petitioner prays that citation be issued to all parties interested in said estate as required by law; that said will be admitted to probate; that Letters Testamentary be issued to your petitioner, and such other and further orders be made in the premises as to the Court may seem proper.

Wendel Spence
Attorney for Petitioner.

Newton Clay Schellenger
Petitioner.

Exhibit "A"

State of Iowa
County of Hawaero

Know all men by these presents; That I Eva Schellenger of said County and State, do hereby publish and declare this my last will and testament, hereby revoking any will by me at any other time heretofore made.

Item One,

I direct that all my just debts be paid.

Item Two,

I nominate, constitute and appoint my husband, Newton Clay Schellenger, Executor of this, my said last will and testament. And I direct that no Bond or other security be required of him, as such Executor.

Item Three,

No other action shall be had in the County Court, or other Court exercising probate jurisdiction, in the relation to the settlement of my Estate, than the probating and recording of this, my said will, and the return of an inventory and list of Claims, of my said Estate, and appraisement thereof.

Item Four,

I give, devise and bequeath to my said husband, Newton Clay Schellenger, all my property of Every kind.

In Testimony of which, witness my hand this
A. D. 1907.

Eva Schellenger, Eva Schellenger

The above instrument was subscribed by Eva Schellenger, testatrix, in our presence, and we, at her request, and in her presence, and in the presence of each other, sign our names hereto as attesting witnesses.

A. D. 1907.

Witness my hands, Fredman Johnston
Ermond Johnston

Eva Schellenger,
Last Will and Testament

FILED

SEP 9 1977

JACK B. [unclear] City Clerk

By RNT

No. _____ Probate.

In the Matter of the Estate of
Mrs. Eva Schellenger, deceased;
Newton Clay Schellenger, Execu-
tor, and application for pro-
bate of written will.

P R T I T I O N

Of Newton Clay Schellenger for
the probate of the written will
of Mrs. Eva Schellenger, deceas-
ed, now produced in court, and
for Letters Testamentary.

Jack H. Schellenger
BY *Jack H. Schellenger*
JACK H. SCHELLENGER, Executor

SEP 9 1907

FILED

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1370

PROBATE COURT

In the Matter of the
Estate of Mrs Eva Schellenger,
N.C. Schellenger, Applicant,
for Probate of Written Will.

Pending in the County Court
of Dallas County, sitting in
Matters probate.

Answers and depositions of Miss Freedman Johnston, of Corsicana,
Navarre County, Texas, to the accompanying direct interrogatories
propounded to her in the above entitled cause, taken before A.H. Wil-
lis, a Notary Public in and for Navarre County, Texas, in accordance
with the accompanying commission.

Answers of the witness Miss Freedman Johnston: *My name*
is Freedman Johnston. I reside in
Corsicana, Texas, and I am now
the 21 years of age.

To the 2nd interrogatory she
answers, Yes, I know Mrs Eva
Schellenger, she was related to
me, she was my sister, she is
dead. She died the 6th of Sept.
1907 at Dallas Texas. My brother
H. L. Schellenger, He was the
lawful husband of said Eva
Schellenger, I think they were
married in March or the Spring
of 1906.

To the third interrogatory she
answers, Yes, I know that my
sister Eva executed and left
a written will, It was about
the 29 or 30th of August, 1907,
at Corsicana, Texas, She asked
me to sign the will as a witness
and I did so, and asked me to

put it away which I did.

There was no one present at the

time ^{by appointment} when I signed the will. My mother ^{never} came into the room where my sister ^{was} a little while after almost immediately. My sister Eva was very sick at this time at my father's home.

To the fourth interrogatory she answers. She was at my father's home in Corsicana, Texa. when she executed the said will.

To the fifth interrogatory she answers. Yes, she called on me to witness her will. Yes, my mother, Mrs. Emma Johnston, also signed the will as a witness. No one else signed it as a witness.

To the sixth interrogatory she answers. Yes.

To the seventh interrogatory she answers. Eva asked me and I requested my mother to sign said will.

To the eighth interrogatory she answers. I signed the will at the request of my sister, Eva. No one else was present when I signed the will.

To the ninth interrogatory she answers. Nothing except that she requested me to sign the will as a witness.

To the tenth interrogatory she answers, she was of sound mind knew what she was doing etc.

Yes.

To the eleventh interrogatory she answers, I think Mr Spake of Dallas, wrote the will, as my sister, Eva, wrote him about it.

To the twelfth interrogatory she answers, after I signed the will as a witness I put it away in my sister, Eva's trunk and afterwards gave it to her husband.

To the thirteenth interrogatory she answers, No.

To the fourteenth interrogatory she answers, At Dallas, Texas, the 5th or 6th of Sept, 1907.

To the fifteenth interrogatory she answers, No.

To the sixteenth interrogatory she answers, Not that I know of.

If she had revoked the will I think I would have known of it as I was with her up to within a two or three days of her death, or until she was taken to Dallas, where she died about four days afterwards.

To the seventeenth interrogatory she answers, Yes she left some property. Some of her property was located in Dallas. She also had other property, but I do not know where it was situated. It consisted generally of real estate, - improved property.

To the eighteenth interrogatory she answers, The will exhibited to me by the State of Public, Mr. Atwell, is the genuine last will and testament of my sister Eva Schellenger. I know it by my signature as a witness to it and is the same will about which I have been testifying.

To the nineteenth interrogatory she answers, I handed her the pen and ink to sign the will, and while I paid no particular attention to it I must have seen her sign it. Of course I was very much worried by my sister's condition and was not thinking much of anything else. It was about the 29th or 30th of August 1907, as heretofore stated and at my father's home in Corsicana, Texas. There was nothing much said or done about the matter, more than what I have already stated. I signed the will as a witness, at my sister Eva's request.

I also think my mother,
Emma Johnston, signed the will
as a witness, for Sister Eva
told me to ask her to do so,
and she said she would, and
I have seen her name signed to
the will, and it looks very
much like her signature, and
I feel sure she signed it.

In the 20th interrogatory she
answers, I have stated that
said ~~last~~ will is the last will
and testament of my sister Eva
Schellenger, and have written
my initials, "G.J." on the margin of
the will exhibited to me by
the said Notary. I have done
as requested,

In the 21st interrogatory she
answers, I have identified
the said instrument which the
said Notary has shown me
by writing my initials on
the margin of the same,
that is "G.J." I have put the
mark "G.J." on the margin of
said will, marked exhibit
"A" and attached ~~it~~ hereto.
Frederick Johnston.

Sworn to and subscribed before
me this, the 4th day of November
A.D. 1907.

Att Willie
Notary Public, in and
for Navarro County
Tex. co.

1978

The State of Texas,
County of Navarro.

I, A. H. Willie, a Notary Public
in and for Navarro County,
Texas, do hereby certify that the
foregoing answers of Miss
Friedman Johnston, the wit-
ness before named, were made
before me, and were sworn
to and subscribed before me
on the 4th day of November
A. D. 1907 by the said witness.

Given in all my hand and
official seal this 4th day
of November A. D. 1907.

A. H. Willie
Notary Public in and
for Navarro County,
Texas.

In the Matter of the
Estate of Mrs. Eva Schellenger,
N. C. Schellenger, Applicant,
for Probate of Written Will

Pending in the County Court
of Dallas County, sitting in
matters probate.

Answers and depositions of Mrs. Emma Johnston, of Corsicana,
Navarro County, Texas, to the accompanying interrogatories propounded
to her in the above entitled cause, taken before A.H. Willis, a Notary
Public in and for Navarro County, Texas, in accordance with the ac-
companying commission.

Answers of the witness Mrs. Emma Johnston:

To the first interrogatory she answers: *My name is*

*Emma Johnston, I reside in
Corsicana, Navarro County, Texas,
and I am more than 21 years
old.*

*To the second interrogatory she
answers: I knew Eva Schellenger.
She was bequeathed to me. She was
my daughter. She is dead.
She died in Dallas, Texas,
on the 5th day of September
1907. Yes, I know Mr. N. C. Schel-
lenger, Yes, he was the law-
ful husband of my daughter,
Eva Schellenger. She was
married to Mr. Schellenger March
5th, 1906.*

*To the third interrogatory she
answers, Eva did execute and
leave a written will. I think
she made a will in May 1906*

at the St. George Hotel in
Dallas, Texas. I never saw
the will written and do not
know its contents, but Eva,
told me she made the will,
as she can state I was not
present when the will was
written, but Eva told me
that Mr Spake, of Dallas,
was present.

To the fourth interrogatory
she answers, as stated she
was in Dallas, Texas.

To the fifth interrogatory
~~the interrogatory~~ she answers:
As I was not present when
the will was written she
did not call on me to
witness the will, etc.
I have been told that
the clerk of the St. George
Hotel, ^{at Dallas} and Ben Johnston
signed the will as
witnesses.

In the sixth interrogatory she answers, Ben Johnston was 21 years of age, I don't know anything about the other witnesses.

In the seventh interrogatory she answers; I do not know.

In the eighth interrogatory she answers; I was not one of the subscribing witnesses, as previously stated.

In the ninth interrogatory she answers; I was not present at the time she executed the will, I do not know.

In the tenth interrogatory she answers; she was of sound mind, yes.

In the eleventh interrogatory she answers; Mr Spake of Dallas wrote the will and it was at her instance, Eva told me this.

To the 12th interrogatory she
answers: I don't know.
I did not sign it as a witness.

To the thirteenth interrogatory
she answers: No.

To the fourteenth interrogatory
she answers: She died at
the St. Pauls Sanitarium
in Dallas, Texas, on the
5th of Sept. 1907.

To the fifteenth interrogatory
she answers: I was at
Dallas, but not present at
the Sanitarium at her death.

To the sixteenth interrogatory
she answers: If she ever
recovered she will she never
told me that she died.

To the seventeenth interrogatory
she answers: Yes, she left
property. She had property
in Dallas, Texas, lots in
Luna, Texas, and some land
in Archer County. It con-
sisted chiefly of improved and
unimproved real estate

To the eighteenth interrogatory
she answers: The Notary
Public, Mr. Atwater, has
shown me the instrument
you refer to, but I don't
know whether or not it is
the genuine last will
and testament of Eva
Schellenger. It is not the
will about which I have
been testifying in response
to previous interrogatories.

To the nineteenth interrogatory
she answers: I cannot identify
the instrument you refer to
as the genuine last will
and testament of Eva Schellenger.
I did not see her sign that
will, as I was not present
when she signed that will.
I do not know the time,
place and circumstances
of her signing it. My name
is signed to that document.
Freedman, my daughter, asked
me to sign it. Freedman

also signed it as a witness,
I know she signed it because
I see it there on the document.

To the twentieth question
interrogatory she answers, I do
not identify the instrument.
No. I have not identified
the instrument by writing
my initials on it.

To the twenty-first interrogatory
she answers, No. I have not
identified the instrument
shown me by the Statute
of Evidence and document
of Eva Schellinger. I have
not put any mark of
identification on it.

Edna Johnston

Sworn to and subscribed before
before me this 7th day of
November, A.D. 1907.

W. H. Willie
Notary Public in
and for Kansas
County, Texas.

The State of Texas.

County of Navarro.

I, A. H. Willie, a Notary Public
in and for Navarro County,

do hereby certify that
the foregoing answers of Mrs
Emma Johnston, the witnesses
before named, were made
before me and were sworn to
and subscribed before me, on
the 7th day of November, A. D.
1907, by the said witness.

Given under my hand
and official seal, this 7th
day of November, A. D., 1907.

A. H. Willie
Notary Public
in and for Navarro
County, Texas.

In the Matter of the : Pending in County
Estate of Mrs. Eva Schellenger, : Court of Dallas
N. C. Schellenger, Applicant : County, sitting in
for Probate of Written Will. : Matters probate.
: No. _____ Probate.

.....

All parties concerned will take notice that I will apply to the clerk of the above named Court for a commission to take the depositions of Mrs. Emma Johnston and Freedman Johnston, each of whom resides in the City of Corsicana, Navarro County, Texas, in response to the accompanying interrogatories, their answers thereto to be used in evidence in behalf of the Proponent of the Will of Mrs. Eva Schellenger, Deceased, upon the hearing before the Court of the Application to Probate the said Will.

Wendel Spence,
Attorney for N. C. Schellenger, Proponent of the Will and Applicant for Letters Testamentary.

Interrogatories propounded to Mrs. Emma Johnston and Miss Freedman Johnston, of Corsicana, Texas.

1. Please state your name and residence and whether or not you are more than 21 years of age.
2. Did you or not know Mrs. Eva Schellenger (or Evie, Schellenger), wife of N. C. Schellenger? Was she or not related to you? If so, how? Is she living or dead? If dead, when did she die? Do you know N. C. Schellenger? If yes, state if he was the lawful husband of the said Eva or Evie Schellenger, and state when they were married?
3. Mr. N. C. Schellenger makes application to the Probate Court of Dallas County to probate the original instrument produced by him in open Court, and purporting and alleged to be the Last Will and Testament of his ^{deceased} wife the said Eva Schellenger:

2.

Now state, if you know whether said Eva did execute and leave a written will? If you say you do, then state the time, place and circumstances of the execution of said will, and who was present and state how you know the facts.

4. Where was Eva Schellenger when she executed said will?
5. Did she or not call on you to witness her said will? Did you do so? And state who signed the said will as witnesses?
6. Were those subscribing witnesses to the will more than 21 years of age at the time of signing?
7. At whose request and or at whose instance did said subscribing witnesses sign said will?
8. If you say that you are one of the subscribing witnesses to said will, state at whose request you signed it, and who else was present when you did sign it?
9. What did Mrs. Eva Schellenger say at the time that she executed and signed the said will and at the time that you signed it as a witness?
10. What was the condition of Mrs. Eva Schellenger's mind when she executed said will? Was she not of sound mind and memory?
11. Who wrote the said will of Eva Schellenger and at whose instance was it written?
12. What was done with the will after it was executed by Eva Schellenger and signed as a witness by you?
13. Was the said will at any time revoked by Eva Schellenger within your knowledge?
14. Where and when did Eva Schellenger die?
15. Were you or not present at her death? If yes, who else was present?
16. Had the will which had been executed by Mrs. Eva Schellenger been in anywise revoked by her before her death? Explain fully.
17. Did Mrs. Eva Schellenger leave any property. If yes, where was it located, and of what does it generally consist.
18. The Notary taking your depositions will exhibit to you the

WENZEL SPENCE
ATTORNEY

3.

original written instrument which N. C. Schellenger has caused to be filed in the Probate Court of Dallas County, Texas, and which he offers for probate as the last will of his deceased wife, Mrs. Eva Schellenger. Now please examine that instrument when shown to you by the Notary, and state whether it is or not the genuine last will and testament of the said Eva Schellenger? And state how you know, and state if that is or is not the will about which you have been testifying in response to previous interrogatories?

19. If you identify the said written instrument so exhibited to you by the Notary, and have stated that it is the genuine last will and testament of the said Eva Schellenger, then state if you saw her sign that will? State the time, place and circumstances of her signing it, and state if you signed it as a witness? If so, at whose request, and state who else signed it as a witness, and how you know?

20. Please write your initials upon the said document so exhibited to you by the Notary, in order to identify that instrument as the last will and testament of Eva Schellenger, Deceased, if you have said that it is her last will? Have you done this?

21. How have you identified the instrument which the Notary has shown you as the genuine last will and testament of Eva Schellenger Deceased? What mark of identification have you put upon the will?

Wenzel Spence

Attorney for N. C. Schellenger,
Proponent of the Will and Appli-
cant for its Probate.

THE STATE OF TEXAS }
County of Dallas. } L. JACK M. GASTON, Clerk of the
County Court of Dallas County, Texas, do hereby certify that the foregoing is a true and correct copy of *the Direct Intest*
proc. forwarded to Mrs. Emma Johnston & David Johnston
in the above styled and numbered cause as the same now appears on
file in my office. Witness my hand and official seal this *1st*
day of *Nov* 1907. JACK M. GASTON, County Clerk.
By *J. A. Lee* Deputy

TY - 1978

Est. Em Schellenger
No. 4203 Dec

~~SUB~~ PENDING

In the County Court
of Dallas County.

THE STATE OF TEXAS

To the Clerk of the District Court, Judge or Clerk of the County Court, or any Notary Public in and for the
County of Navarro State of Texas—GREETING:

You are hereby commanded that you summon Mrs Emma Johnston and
Friedman Johnston

residente of your County, to be and appear before you at such time and place as you may name, giving the
day and hour that the taking of testimony will begin, and that upon the appearance of said witness, you
execute this Commission and return it to the Clerk of this Court as herein provided.

1st. That upon receipt of this commission you give the parties to the above entitled cause or their
attorneys of record five days notice of the time and place when and where the deposition of said witness
are to be taken, giving the particular address and day and hour when the taking of such testimony will begin.

2nd. That you execute this commission by propounding to the witness the interrogatories
accompanying the commission in numerical order beginning with the first interrogatory and continuing until
all the direct and cross-interrogatories have been propounded and answered.

3rd. The answers of the witness to each interrogatory and cross-interrogatory shall be reduced to
writing and then read over to the witness at the time it is made and before the next succeeding
interrogatories or cross-interrogatories until the same are severally propounded to them by you.

4th. When the answers of the witness have been so made and reduced to writing in this due order
they shall be signed and sworn to by the witness; and you shall certify over your signature and seal of
office that such answers are made; reduced to writing, and read over to the witness in the due order of
such interrogatories and cross-interrogatories.

5th. And when the same have been signed and sworn to before you, you shall seal them up in an envelope,
together with the commission and interrogatories and the cross-interrogatories, if any, and write your name
across the seal and endorse on the envelope the names of the parties to the suit and of the witness, and
direct the package to "The Clerk of the Dallas County Court of Dallas County,
Dallas Texas."

6th. You are instructed that it is lawful for either party, his agent or attorney, to be present and make
such notes of the proceedings as he or they may desire, but it shall be unlawful for either party, his agent or
attorney, to make any suggestion to the witness or yourself in regard to such deposition while said
depositions are being taken.

7th. It is not lawful for the witness, while answering direct or cross-interrogatories, to use or refer
to any memorandum or writing, except such as under the rules of evidence he would be permitted to use and
refer to if testifying as a witness in open court, and in case of the use of any such, the same or a certified
copy thereof, properly marked by you for identification, shall be attached to and returned with said answers.

8th. If said package so sealed and endorsed by you as aforesaid be sent by mail, the postmaster or his
deputy shall endorse thereon that he received the same from your hands and signed the same officially; or if
you entrust it to private conveyance, you will apprise the persons receiving it that it must be delivered to the
Clerk of this Court by himself in person, which evidence so taken as above is to be used on the trial of the above
entitled cause.

HEREIN FAIL NOT, but make due return of this Writ as the law directs.
Given under my hand and seal of office at Dallas Texas, this 14 day

of November A. D. 1907

James M. Gaston
Clerk of the Dallas County Court
of Dallas Co., Texas.

By R. H. Lee Deputy.

No. 4203
in the County Court of
Dallas County,
Term, A. D. 19

COMMISSION TO TAKE DEPOSITION
OF RESIDENT WITNESS
ON WRITTEN INTERROGATORIES.

Mrs Emma Johnston
Fredman Johnston
of Norris Co. Ia

Issued 1st day
Nov A. D. 1907.

JAMES M GASTON Clerk.
By P.H. Lee Deputy.

Filed _____ day
_____ 19
_____ Clerk.

File No. 4203
County Court,
Dallas County, Texas.
Est Era Schellenger
Deed

Deposition of
Emma Johnston
Fredman Johnston Witness

Received this package on the _____ day of _____ 19____ from the hands of _____

the officer before whom they were taken, and forwarded same the _____ day of _____ 19____ by due course of mail as directed.

Postmaster at _____
By _____
Deputy Postmaster at _____

FRONT OF ENVELOPE.

BACK OF ENVELOPE.

Officer before whom the enclosed depositions were taken

Officer before whom the enclosed depositions were taken

Court _____
County, _____
Texas _____

To the Clerk of the _____
of _____
Texas _____

Fees _____