

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

Case Number 1275

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1275

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THE STATE OF TEXAS.

To all Persons Interested in the Administration of the Estate of

M. Donohue deceased.

W. A. Rodgers has filed, in the County Court of Dallas County, an Application for the Probate of the last Will of M. Donohue deceased, and for Letters Testamentary, which will be heard at the next Term of said Court, commencing on the first Monday in February A. D. 1890, at the Court House, in the City of Dallas, at which time all persons interested in said Estate may appear and contest said Application if they see proper.

WITNESS W. C. Hill County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court, at office in the City of Dallas, this 13th day of December A. D. 1889.

W. C. Hill, County Clerk Dallas Co., Texas.

By J. Ross King Deputy.

The State of Texas, } Estate of M. Donohue
COUNTY OF DALLAS. } deceased

Know all Men by these Presents, That we, W. A. Rodgers and as Principal, and as Sureties, are held and firmly bound unto the County Judge of said County of Dallas, and his successors in office, in the sum of Two hundred and two thousand Dollars; conditioned that the above bound W. A. Rodgers, who has been appointed Executor of the will of M. Donohue, deceased shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this 8th day of February 1890.

W. A. Rodgers W. C. Hill
SEAL SEAL

I DO SOLEMNLY SWEAR that the writing which has been offered for probate, is the last will of M. Donohue deceased, so far as I know or believe; and that I will well and truly perform all the duties of Executor of said Will.

Sworn to and subscribed before me this 12th day of February 1890.

W. C. Hill
County Clerk, Dallas Co., Texas.
By J. Ross King Deputy.

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County--GREETING:

YOU ARE HEREBY COMMANDED to summon

W. A. Day

J. L. Judge

to be and personally appear before the Honorable County Court of Dallas County, at the Court House in the City of Dallas, County aforesaid, instanter, on *Friday February 7th*

A. D. 1890, at *9 1/2* o'clock a. m., at the instance of the *Plaintiff*

then and there to give evidence in a certain case

wherein *Estate of M. Donohue, Deceased*
is plaintiff, and *to prove up said Will of said Donohue*
defendant, and remain from day to day and term to term, until discharged by the Court.

HEREIN FAIL NOT, but due service and return hereof make, as the law requires.

WITNESS my Hand, at office in Dallas, this *6th* day of

February A. D. 1890

S. B. SCOTT,

Clerk County Court, Dallas Co., Texas.

By *Grasslunz* Deputy.

The State of Texas,
COUNTY OF DALLAS.

Estate of *M. Donohue, deceased*

Know all Men by these Presents, That we, *W. A. Rodgers*

as Principal, and
as Sureties, are held and firmly bound unto the County Judge of said County of Dallas, and his successors in office, in the sum of *Five thousand* Dollars; conditioned that the above bound *W. A. Rodgers*, who has been appointed *Temporary Administrator of the estate of M. Donohue, deceased* shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this *19th* day of *December* 1889.

W. A. Rodgers SEAL
J. M. Dickson SEAL
W. W. Weston SEAL

I DO SOLEMNLY SWEAR that *deceased, died*
without leaving any lawful will, so far as I know or believe; and that I will well and truly perform all the duties of Administrator of the Estate of said deceased.

Sworn to and subscribed before me this _____ day of _____ 1889

County Clerk, Dallas Co., Texas

By _____ Deputy.

The State of Texas } I do solemnly swear that M. Donohue
County of Dallas } is dead and that I will well and truly
perform all the duties of Temporary Admin-
istrator of the Estate of the said M. Donohue, deceased

M. A. Rodgers

Subscribed and sworn to before me this 21st

A. B. Scott, Co. Clerk

By J. F. Reed, Secy

Mail, Dallas Tex

Robinson, McKinney

318

County Court, Dallas County.

Temporary Administrator's Bond.

ESTATE OF
M. Donohue
Deceased

Filed Dec 21 1889
J. F. Reed, Clerk,

By *J. F. Reed* Deputy.

Approved this 21 day of

Dec 21 1889
E. B. Smith
County Judge, Dallas Co.

Carter & Gibson Printing Co., Printers and Bookbinders, Dallas, Tex.

Record

*W. A. Rodgers Knows
the parties*

No. 1388

COUNTY COURT.

Estate of

vs. **SUBPOENA.**

M. Donohue

Issued 6 day of Feb
A. D. 1890

S. B. SCOTT,
Clerk County Court, Dallas County, Texas

J. F. Reed, Deputy.
SHERIFF'S RETURN.

Came to hand the 6 day of Feb
1890, and executed 6 day of
Feb 1890, by reading the
within named subpoena to the within named

W. A. Rodgers
and *J. L. Fudge*

H. B. Lewis
Sheriff Dallas Co.

By *J. M. Dwyer*, Deputy.

2. with 1.00
me 2.43

The State of Texas }
 County of Dallas } I do solemnly swear
 that I was well acquaint-
 ed with M. Donohue, now deceased; The
 said M. Donohue died about Dec. 5th 1888
 in Dallas County Texas; he had resided
 in said county for a number of years
 prior to his death. The said M. Don-
 ohue at the time of his death was
 an elderly man, probably more than
 50 years old.

The will offered for probate as
 the last will and testament of M.
 Donohue deceased, is his last will;
 my signature thereto as a witness is
 genuine; I signed said will as a wit-
 ness at the request and in the presence
 of M. Donohue who then and there
 told me it was his last will. At the
 time I signed said will as a witness
 I was more than 14 years of age; The
 said M. Donohue was at said time of
 sound mind, and disposing memory
 I signed said will as a witness in the
 presence of W.H. Roy who signed the said
 will at the same time as a witness at
 the request of M. Donohue. M. Donohue
 signed said will in our presence at
 the same time we signed it as witnesses

J. L. Tiedge
 Sworn to and subscribed before me in
 open Court this 7 day of February A.D. 1890
 J. B. Scott Co. Clk.,
 By A. S. Jackson Depy

The State of Texas }
County of Dallas } I do solemnly swear
that I was well ac-
quainted with M. Donohue, now
deceased; the said M. Donohue died
about Dec 5th, 1889 in Dallas County
Texas; he had resided in said county
for a number of years prior to his
death. The said M. Donohue at the
time of his death was an elderly
man, probably more than 50 years old.

The will offered for probate as the
last will and testament of M. Donohue
deceased, is his last will; my signa-
ture thereto as a witness is genuine;
I signed said will as a witness at
the request ^{and in the presence} of M. Donohue who then
and then told me it was his last
will. At the time I signed said will
as a witness I was more than 14 years
of age; the said M. Donohue was at
said time of sound mind, and disposing
memory. I signed said will as a witness
in the presence of J. L. Fudge who signed
the said will at the same time as a
witness at the request of M. Donohue.
Mr. Donohue signed said will in
our presence at the same time
we signed it as witnesses.

W. A. Ray

Sworn to and Subscribed before me in
open Court this 7 day of February 1890

J. B. Scott Co., Clerk,
By A. S. Jackson Dy.

INVENTORY AND APPRAISEMENT

Of the Property, Real and Personal, Belonging to the Estate of

M. Donohue

Deceased

REAL ESTATE:

- (1) 50 feet on south side of Elm St. by 100 feet on east side of Ervay St. in block 95 being 50 x 100 feet the S.E. corner of Elm and Ervay Sts. on which is a 3 story brick house; valued at *\$45,000*
- (2) 50 feet by 100 feet on S. side of Main St. being lot 10 in block 172 on which is a two room frame house; valued at *5,000*
- (3) 25 x 100 feet, E. side Elm St. ^{with} lot 4 in block 78 1/2, small frame house; valued at *15,000*
- (4) 50 x 100 feet, S. side Main St. lot 7 block 103, 5 room house; valued at *20,500*
- (5) 50 x 100 feet, N. side Main St., lot 9 block 1/432, 2 houses 3 r. each; valued at *3,000*
- (6) 25 x 200 feet running through from Elm to Main St in block No. 182 no improvements - valued at *4,000*
- (7) 25 x 100 feet ~~on~~ ~~corner~~ ~~Ray~~ and Commerce Streets, fronting 25 feet, on ~~the~~ *on south side of Commerce Street, east* of Ray St. no improvements; valued at *10,000*
- (8) 15 10/12 x 200 feet on N. side of Elm St. running through to Pacific Avenue, east of and near Griffin St., in block No. 60 1 story brick; valued at *15,000*
- (9) 6 4/10 acres in South Dallas, *A. H. Daniel Survey* valued at *8,400*

All of the above property is situated in the City of Dallas in Dallas County, Texas.

Total value of Real Estate

\$ 123,900

Personal Property
 Funds now in the hands of W.A. Rodgers
 as Temporary Administrator of the Estate
 of M. Donohue, Deceased, as reported by
 the said W.A. Rodgers #445.99
 Rents collected by the said W.A. Rod-
 gers as Executor of the will of M. Don-
 ohue, Deceased 588.00
 Total amount of Personal Property #1033.99
 " " " Real Estate 123900.
 " " " All Property #124933.99

Filed Mar 6 1890
 Attest as Clerk
 By J. J. Elliott
 Recorded 3/17/90
 Scott
 Elliott
 Clerk

J. P. Murphy
 W. E. Parry
 Appraisers

THE STATE OF TEXAS, }
 COUNTY OF DALLAS. } I, W.A. Rodgers, Executor
 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 7th day of March A. D. 1890
 J. B. Scott Clerk, Co. Court.
 By J. J. Elliott Deputy, Dallas County, Texas.

THE STATE OF TEXAS, }
 COUNTY OF DALLAS. } BEFORE THE UNDERSIGNED AUTHORITY, this day personally appeared
 J. P. Murphy and W. E. Parry
 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 Appraisalment of the property pointed out to them as belonging to said estate.
 Subscribed and sworn to before me this 6th day of March, 1890
 Attest
 George
 Notary Public
 for Dallas
 Texas

Sworn to and Subscribed before me, this the _____ day of _____ A. D. 1890
 J. B. Scott Clerk, Co. Court.
 J. J. Elliott Deputy

INVENTORY AND APPRAISEMENT

Estate of M. Donohue, } In County Court
no Probate } Deceased } of Dallas County, Texas

The State of Texas } J. W. A. Rodgers, Executor
County of Dallas } of the Estate of M. Donohue
deceased do solemnly swear

that the following is a true and correct
list and statement of all claims against
the Estate of the said M. Donohue at the
time of my appointment as executor that
have been presented to me or that have
come to my knowledge, and that I have
as such executor paid all said claims.

Notes

- ① 1 note for \$700⁰⁰ made by W. J. Sherman and J. W. Thompson dated Oct 17, 1888 due 2 years after date to John Callahan and transferred to Mrs. E. C. Anderson; 10% int. Payment of this note was assumed by M. Donohue in the deed to him by W. J. Sherman and J. W. Thompson, dated June 3, 1889 recorded Vol 110 p. 278. sub books.
- ② 1 note for \$900⁰⁰ made by M. Donohue to W. J. Sherman and J. W. Thompson, dated June 3, 1889 due Jan 1, 1890 with 10% int.
- ③ 1 note for \$350⁰⁰ made by John Callahan to C. V. Patton, dated Sept 26, 1888 due 2 years after date, 10% int., transferred to C. E. Willesby and R. L. Patten. Payment assumed by M. Donohue in same deed in which he assumed no. ①.

Notes nos. ①, ② + ③ are secured by vendors lien on lot 10 blk 172 Dallas, being 50 x 100, S. side Main St.

④ 1 note for \$1600⁰⁰ executed by M. Donohue dated July 24, 1888 due one year after date to W. S. Addison and Sydney M. Fricker and by them transferred to W. H. Thomas. Note bears 10% interest. Secured by vendors lien on lot 25 feet by 200 feet, extending from Main to Elm Street in Dallas, Texas.

- ⑤ 2 notes for \$1600⁰⁰ each, dated Dec 8, 1887 due in 1 and 2 years after date, 10% int., executed by M. Donohue to Geo. H. Langdale and transferred to Texas Land & Mortgage Co. Secured by vendor's lien on $10\frac{1}{2}$ of lot 4 block $\frac{76\frac{1}{2}}{128}$, 25-ft x 100ft S. side Elm St.
- ⑥ 1 note for \$3000⁰⁰ executed by M. Donohue to Texas Land & Mortgage Co dated Jan 3, 1887 due Jan. 3, 1889 and extended to Jan. 3, 1890; 10% int. Secured by trust deed on $16\frac{1}{2}$ x 200 block 60, Dallas, N. side Elm St.
- ⑦ 1 note for \$1500⁰⁰, dated Dec 10, 1888 due 2 years after date, executed by M. Donohue to J. W. Hill and H. B. Saunders, and indorsed by them to Parry Bros.; 10% int. See note no. ⑩
- ⑧ 1 note for \$500⁰⁰ dated July 29, 1889 due 6 months after date, 8% interest, executed by M. Donohue to Joseph Vieth. No lien.
- x ⑨ 1 note for \$1000⁰⁰ dated Apr. 1, 1889 due on or before April 1, 1892, executed by A. G. Keffel to R. J. Latta bring note no. 3 of the series, also \$800⁰⁰ on note no. 4 of same series, this note also bring for \$1000⁰⁰ and return the same parties. Payment of note no 3 and of \$800⁰⁰ on said no. 4 was assumed by M. Donohue in the deed to him from J. A. Uilmanus, dated June 6, 1889 recorded in Book 103 pages 24 Records of Deeds. Secured by vendor's lien on lot no. 9 Block no 1-482 Dallas, 50 x 100 ft N. side Main St.
- + ⑩ 2 notes for \$1000⁰⁰ dated Mch 15, 1888 due 1 and 2 years after date, 10% int. executed by H. P. Saunders and G. B. Hill to Martha N. Sproat, 1st note extended for one year. Payment of these notes was assumed by M. Donohue in Hill and Saunders deed to him dated Dec 10, 1888 and recorded in Book 99 p. 202 Records of Deeds. These notes and note no. 7 secured by vendor's lien on $6\frac{1}{10}$ acs of land in South Dallas in M^c Daniel survey.

- (11) 1 note for \$5000⁰⁰ dated Sept 25, 1889 due 3 years after date, 9% interest, executed by Frank Field by M. Donohue and transferred by Field to the International Loan & Trust Co. Secured by vendors lien on 25 x 100 feet blk 78/4, Dallas, ss side ^{Conway St.}
- (12) 1 note for \$11000⁰⁰, dated Nov 2, 1889 due Nov 2, 1894, 8% int., executed by M. Donohue to Texas Land & Mortgage Company. Secured by Trust deed upon 50 x 100 feet, Dr. cor. Elm & Ivory streets, Dallas.
- (13) 3 notes for \$4222.22 each dated Nov 2, 1889 due in 1, 2 and 3 years, with 10% interest, executed by M. Donohue to Mrs. C. A. O'Bannon. Secured by vendors lien on lot no. 7 block 108 Dallas, 50 x 100 feet, S. side Main St.

Accounts

Robt. Catman, services as nurse	\$15.00
Dr. S. Eagon " " physician and medicine	60.50
State and County taxes	26.25 -
A. J. Corder " " nurse	18.00
E. M. Kalin & Co bill for overcoat	20.00
Birnis, Venable & Co. " " lumber	4.55 -
Ed Manning " " articles furnished and destroyed or damaged in last sickness	60.00
O. K. Harry	78.00 -
J. J. Finnigan bill for painting	74.40

D. A. Rodgers Examinor
Est. M. Donohue
Sext

Subscribed and sworn to before me this the
29th day of April A.D. 1891

Joseph M. Dickson
Notary Public, Dallas County
State of Texas

no

Estate of M. Donohue
deceased

List of claims
against the
Estate of
M. Donohue
deceased

Died April 29, 1891
At Death CMB
By J. J. Keenan

by the said M. Donohue an all non-resident of the State of Texas.

Wherefore petitioner prays that notice of this application, with citation, be given as required by law, that the said last will and testament of M. Donohue be probated as the last will and testament of the said M. Donohue and that letters of administration be issued to petitioner upon the said estate of the said M. Donohue, and that his appointment as executor in said will be confirmed by the court.

And petitioner further represents to the court that the greater portion of the estate of the said M. Donohue consists of improved real estate in Dallas and East Dallas, Texas which property was rented to tenants at the time of the death of the said M. Donohue; that there is no one now authorized to receive or collect said rents which amount to about the sum of \$400.00 per month. That there is a balance in the hands of the former agents of the said M. Donohue of about \$150.00 for rents collected, and a balance to his credit in the bank with which he did business of \$545.45. That there is also a small amount of personal property belonging to the estate of the said M. Donohue which should be taken care of and attended. Petitioner also states that the State and County taxes on the property of the said M. Donohue for 1889 are unpaid and will become delinquent on Jan 1, 1890 and that they should be paid by that time to avoid expense. Petitioner prays that temporary letters of administration be issued to him upon the estate of the said M. Donohue, deceased.

Dickson Mowrey
attorney for Petitioner

of administration be issued to him upon
the estate of the said M. Donohue, deceased,
Dickson Mononey
attys for Petitioner

State of Texas
County of Dallas }

Known all men, by these
presentis, that I M. Donohue of the County
of Dallas, State of Texas, being now of sound
mind and body, calling to mind the
uncertainty of life and the certainty of
death do make declare and publish
this as my last will and testament hereby
revoking any and all former wills by
me at any time heretofore made and
I hereby dispose of all my estate in real
and personal as follows

First It is my wish and desire that my
funeral expenses and all just debts due
by me shall be paid as early as practicable
after my death.

Second It is my wish and desire that
after my just debts are paid that out of
my estate, there shall be paid by my exec-
utor hereinafter named, to John Murphy
and Thomas Murphy of Valentin, County
of Kerr, Ireland each the sum of Twenty
Seven hundred dollars provided that if either
of the said Murphys die before my death
then the whole sum to be paid to the
survivor, and in the event they both die
prior to my death - it is my express will
and desire that the said sum of Two
Thousand dollars be paid to John Curran
of Cameron - County of Kerr, Ireland
Third

The balance of my estate of whatever it
 may consist I will devise and bequeath
 unto the said John O'Connell of Cabarrus
 County North Carolina.

Witness

I hereby appoint W. A. Roper of the
 County of Dallas State of Texas executor
 of this will and if there is not a suffi-
 cient amount of personal property at hand at my
 death to pay all my said debts and the
 five thousand dollars desired to John
 Murphy and Thomas Murphy - then and in
 that event my said executor is authorized
 and is hereby empowered to sell so much
 of my real estate as may be necessary
 for that purpose - that is to make up
 whatever deficit there may be of any
 after exhausting the personal estate.

Witth

It is my express wish and desire,
 and I hereby provide that no further
 action be taken over my estate, by the
 County Court, further than to postulate
 this my will - qualify my executor herein
 appointed, return an inventory of my estate
 and a list of claims against the same.

In witness whereof I have hereunto
 set my hand this 19th day of August 1889

Witness

W. A. Roper
 J. L. Tubge

M. Donohue

no. 1388 Probate

Estate of M. Donohue
deceased

Application of
W.A. Rodgers for
the Probate of the
Last Will of M. Donohue
deceased

and for the issuance
to him of letters
testamentary

Filed December 13, 1889
J. H. Scott Clerk
By J. H. Scott

Recorded
Scott

Sierson Monroe
attys for W.A. Rodgers