

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

Case Number 1232

Dallas Genealogical Society
Founded 1955

www.dallasgenealogy.org



FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

1232

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977



State of Texas
County of Dallas.

In The County Court of
Dallas County, Texas.

-----0-----

To The Honorable E.G. Bower Judge of said Court.

-o-

Now comes Emily Osborne, Helen Osborne and Thomas^M Osborne, citizens of the city of Auburn, County of Cayuga, State of New York, and present to the court this their application for the probate of the last will of David M. Osborne, who died in the County of Cayuga, State of New York, in the year 1838; that said David M. Osborne left an estate situated in Dallas county, State of Texas, also a will devising said property in Dallas county, Texas, to your applicants herein. They further show that said will has been duly probated in the proper court of Cayuga County, state of New York, and that a copy of said will and the probate thereof, attested by the clerk of the court in which said will was admitted to probate, together with the seal of the court, together with the certificate of the Judge of said court that said attestation is in due form, is hereto attached and made a part of this application.

These applicants show that said will was duly probated as aforesaid, and the record thereof, properly certified to, is hereto attached showing the same. Wherefore, they ask that said will be admitted to probate and filed and recorded in accordance with the statutes, and in duty bound will ever pray.

Jno. Beckhout,

Attorney for applicants.

To the Surrogate's Court of the County of Cayuga:

The petition of Thomas M. Osborne of the City of Auburn in the County of Cayuga and State of New York, respectfully sheweth:

That David Munson Osborne late of the City of Auburn in the County of Cayuga, aforesaid, departed this life on the sixth day of July in the year of our Lord one thousand eight hundred and eighty-six.

That the said deceased was at the time of his death a resident of the City of Auburn in the County of Cayuga and State of New York.

That said deceased left a Last Will and Testament which is dated the 19th day of April in the year of our Lord one thousand eight hundred and eighty-two.

That your petitioner is one of the executors named in said will: That as your petitioner is informed and believes, the said deceased left Eliza W. Osborne his widow, and that the following named persons are the only heirs-at-law and next of kin of said deceased, viz:

Emily Harris, wife of Frederick Harris, who resides at the City of Springfield, State of Massachusetts.

Your Petitioner, who resides at said City of Auburn. And Helen Osborne, who resides at said City of Auburn. And no others.

That all of the above named persons are of full age and sound mind.

and honestly discharge the duties of the office of executor of the said last Will and Testament.

Subscribed and sworn to before me,)
this 16th day of July, 1886.)

Thomas M. Osborne.

John D. Teller,

Surrogate.

ment may be proved, that the same may be recorded, and that letters
testamentary be granted thereon, in pursuance of the statute in
such case made and provided. That a citation may be issued to
said widow, heirs-at-law and next of kin, requiring them to appear
in this Court on such a day as to this Court shall seem meet, to
attend the probate of said last Will and Testament according to
law, and for such other or further order or decree as may be
proper.

(Petitioner's)
(Signature.) Thomas M. Osborne.

Cayuga County,) ss:

Thomas M. Osborne, being duly sworn, says he is the petitioner
named in the foregoing petition; that he has heard read the said
petition and knows the contents thereof, and that the same is true
to his own knowledge, except as to the matters therein stated to
be alleged on information and belief, and as to those matters he
believes it to be true.

Thomas M. Osborne.

Sworn to before me, this 15th)

day of July, 1886.)

Ernest Rhodes,

Notary Public.

Cayuga County,) ss:

I, Eliza W. Osborne, of the City of Auburn, N. Y., Executor
named in the last Will and Testament of David M. Osborne late of
said city, deceased, do solemnly, sincerely and truly declare and
affirm that I am a resident of said City of Auburn, County of Cay-
uga in the State of New York, and over twenty-one years of age,
and that I will well, faithfully and honestly discharge the duties

Faint, illegible text at the top of the page, possibly bleed-through from the reverse side.

of the office of executor of the said last Will and Testament.

Subscribed and affirmed to before me,)
this 16th day of July, 1886.) Eliza W. Osborne.

Witness Jos. C. Anderson,
Notary Public.

Cayuga County,) ss:

I, Frederick Harris, Executor named in the last Will and Testament of David M. Osborne late of Auburn, deceased, do solemnly swear, that I am a resident of Springfield, Massachusetts, and over twenty-one years of age, and that I will well, faithfully and honestly discharge the duties of the office of executor of the said last Will and Testament.

Subscribed and sworn to before me,)
this 16th day of July, 1886.) Frederick Harris.

John D. Teller,
Surrogate.

Cayuga County,) ss:

I, Thomas M. Osborne, one of the Executors named in the last Will and Testament of David M. Osborne late of City of Auburn, County of Cayuga, deceased, do solemnly swear, that I am a resident of the City of Auburn, County of Cayuga in the State of New York, and over twenty-one years of age, and that I will well, faithfully and honestly discharge the duties of the office of executor of the said last Will and Testament.

Subscribed and sworn to before me,)
this 16th day of July, 1886.) Thomas M. Osborne.

John D. Teller,
Surrogate.

4

Supervisor of the Office of the Surrogate of the County of Cayuga, New York

Surrogate's Court. County of Cayuga.

In the Matter of the Proof and Probate of the
Last Will and Testament

of
David M. Osborne,
Deceased.

The undersigned, widow and legatee of the said deceased, hereby waive the issuing and service of the usual citation required by law in this matter, and I do hereby consent that the last will and testament of the said deceased may be proved and admitted to probate, before and by the Surrogate's Court of Cayuga County, in the State of New York, without further notice, whenever presented for that purpose.

Eliza W. Osborne.

State of New York,)
County of Cayuga,) ss:

On this 16th day of July, 1886, personally appeared before me Eliza W. Osborne to me known to be the same person described in and who executed the foregoing instrument, and acknowledged the execution of the same.

Jos. C. Anderson,
Notary Public.

Surrogate's Court, County of Cayuga.

In the Matter of the Proof and Probate of the
Last Will and Testament
of
David M. Osborne,
Deceased.

The undersigned, next of kin, heirs-at-law and legatees of the
said deceased, hereby waive the issuing and service of the usual
citation required by law in this matter, and I do hereby consent
that the last will and testament of the said deceased may be proved
and admitted to probate, before and by the Surrogate's Court of
Cayuga County, in the State of New York, without further notice, or
whenever presented for that purpose.

Emily O. Harris.

Helen Osborne.

State of New York,)
County of Cayuga,)

On this 15th day of July, 1886, personally appeared before me
Emily O. Harris and Helen Osborne, to me known to be the same per-
son described in and who executed the foregoing instrument, and
severally acknowledged the execution of the same.

Ernett Rhodes,

Notary Public.

.....
Sunderland, a County of Cayuga.

At a Surrogate's Court, held at the Surrogate's Office, in the City of Auburn, in and for the county of Cayuga, on the 16th day of July, A. D. 1886.

Present, Hon. John D. Teller, Surrogate.

.....
In the Matter of the Proof and Probate of the

Last Will and Testament of

David M. Osborne,

Deceased.

.....
An Instrument in Writing, purporting to be the Last Will and Testament of David M. Osborne late of the city of Auburn in said County, deceased, being offered for proof and probate, as a will of real and personal estate, pursuant to the Statute in such case made and provided. Upon petition of Thomas M. Osborne a citation was duly issued, directed to the next of kin and heirs at law of said deceased, requiring them to appear at this time and attend said probate. On filing waivers of citation by Eliza W. Osborne, Emily O. Harris and Helen Osborne--

The following named persons now appearing in person--Thomas M. Osborne, Petitioner and Executor, Frederick Harris, Executor, and Mrs. Eliza W. Osborne appearing by David Wright, Esq., of Counsel.

Upon motion of petitioner, it is ordered that this matter be contested, the subscribing witnesses to said will were produced in open Court, and testified as follows:

Gayuga County, ss: David Wright of the city of Auburn in Cayuga County, being duly affirmed, says: I was well acquainted with David M. Osborne late of the city of Auburn in the County of

Cayuga, aforesaid, deceased. I was present when a certain instrument in writing, now here shown to me bearing date the 19 day of April A. D. 1882, (marked exhibit A,) and purporting to be the Last Will and Testament of said deceased, was executed. I saw the deceased execute the same by signing his name at the end thereof. I heard him publish and declare the same to be his Last Will and Testament. The deceased requested me to become a subscribing witness to the execution thereof. I did so, and signed my name thereto, as such witness, in his presence. The said deceased was, in my opinion, at the time of the execution of said instrument, of a sound and disposing mind and memory, and in all respects competent to make and publish a Last Will and Testament, and to devise real estate; he was of full age, and under no restraint to my knowledge.

D. Wright.

Subscribed and affirmed to, this 16th)

day of July, A. D. 1886, before me,)

John D. Teller, Surrogate.

Cayuga County, ss: John H. Osborne of the city of Auburn in Cayuga County, being duly sworn, says: I was well acquainted with David M. Osborne late of the city of Auburn in the County of Cayuga, aforesaid, deceased. I was present when a certain instrument in writing, now here shown to me bearing date the 19 day of April A. D. 1882, (marked exhibit A,) and purporting to be the Last Will and Testament of said deceased, was executed. I saw the deceased execute the same by signing his name at the end thereof. I heard him publish and declare the same to be his Last Will and Testament. The deceased requested me to become a subscribing witness to the execution thereof. I did so, and signed my name thereto, as such

At a Surrogate's court, held at the Surrogate's Office in the City of Auburn, in and for the County of Cayuga, on the 16th day of ^{July} April, 1886.

Present, Hon. John D. Teller, Surrogate.

In the matter of the proof and probate of the

last will and testament of

David M. Osborne, deceased.

Satisfactory proof having been made of the due service of the citation heretofore issued in this matter requiring the proper persons to appear in this Court on the 16th day of July last passed and attend the proof and probate of an instrument in writing hereinafter set forth (Exhibit A) propounded as the last will and testament of David M. Osborne, late of the City of Auburn in said County of Cayuga, N. Y., deceased, bearing date the 19th day of April A. D. 1882; and Thomas M. Osborne, the petitioner, in this matter, having appeared in open Court in person and by his proctor and counsel in support of said instrument, and the following named persons having appeared in person or by counsel, viz., Thomas M. Osborne, petitioner, Frederick Harris, executor and Mrs. Eliza W. Osborne by David Wright, Esq., Atty &c., and duly executed waivers of citation on part of Eliza W. Osborne, Emily O. Harris and Helen Osborne were filed and the following named infants having appeared by -----Esq., (Atty &c.) of -----special guardian duly appointed by this Court, viz: and the proofs of the subscribing witnesses to said will and other witnesses produced and sworn having been heard and taken as hereafter set forth; and it appearing therefrom that said instrument was duly executed as and for a last will

and testament; that the testator at the time of its execution was in all respects competent to make and publish a last will and testament and to devise real estate and not under restraint; the probate of said will was not contested--

It is hereby ordered, adjudged and decreed that the said instrument in writing (Exhibit A) was duly executed as a last will and testament; that the testator at the time of executing the same was of sound and disposing mind and memory in all respects to make and publish a last will and testament and to devise real estate and not under restraint; and that the said last will and testament, together with the proofs and examinations taken in respect to the same, be recorded; and that the said last will and testament be admitted to probate; and that the same be and hereby is established as a valid will of real and personal estate. And it is further ordered that letters testamentary of the said last will and testament be issued to Eliza W. Osborne, Frederick Harris and Thomas M. Osborne, the executors in the said will named, they having first taken the oath prescribed by law.

John D. Teller, Surrogate.

...books and all other things
...which he owned... Also all horses, cows, carriages and all
...other property, which shall belong to the estate of the said
...deceased and the other persons named in the will...
...of appraising or in any way... and I hereby declare that
...myself shall neither be required nor permitted to make any
...inventory or appraisal thereof or of any part thereof, unless re-
...quired so to do by the said will.

Sixth. All the rest and residue of my property, real, per-
sonal and bequest in my said will, my daughter Mary and son
and my son Thomas, to be equally divided between them.

Seventh. In case of the death of either of my said daughters

I, David M. Osborne, of the City of Auburn in the State of New York, aged fifty nine years, hereby make, publish and declare this my last Will and Testament, as follows:

First. I hereby give and bequeath to my sisters Abbey Jane and Caroline Ten Thousand dollars each, to be paid in one year from my decease.

Second. I hereby give and bequeath to my nieces Josephine, Caroline, Mary and Matilda Osborne, daughters of my deceased brother George, two thousand five hundred dollars each.

Third. I give and bequeath to my son Thomas ten thousand dollars.

Fourth. I give and bequeath to my daughter Helen the lands lying between South and Moravia streets and adjoining Swift street, being portions of what was known as the Swift Farm, and lands conveyed to me by David Wright known as the toll gate lot.

Fifth. I give and bequeath to my beloved wife Eliza all the household furniture fixtures pictures books and all other things which shall be in or about or belonging with the dwelling house in which we reside. Also all horses, cows, carriages and all other property which shall belong with or be in use on or about said dwelling house and the other buildings and grounds belonging or appertaining or in use therewith. And I hereby declare that my executors shall neither be required nor permitted to make any inventory or appraisal thereof or of any part thereof, unless requested so to do by my said wife.

Sixth. All the rest and residue of my property I give, devise and bequeath to my said wife, my daughters Emily and Helen, and my son Thomas, to be equally divided between them---

Seventh. In case of the death of either of my said children

before the provisions of this will shall take effect, leaving a child or children surviving, such child or children shall take such interest as the parent would have been entitled to claim under this will had such parent survived me.

Eighth. The provisions made by me for my said wife are intended to operate in lieu of all claim she might otherwise have for dower or other interest in or to my estate or in or to any part thereof, as my widow.

Lastly, I hereby appoint my said wife Eliza, my son-in-law Frederick Harris and my son Thomas the executors of this my will.

In witness whereof, I have hereunto set my hand and affixed my seal this nineteenth day of April one thousand eight hundred and eighty two. (1882)

D. M. Osborne. (L. S.)

The foregoing instrument, consisting of one half sheet of paper, was subscribed by David M. Osborne the testator in our presence and in the presence of each of us, and he at the same time declared it to be his last will and testament and requested us to sign the same as subscribing witnesses.

David Wright of Auburn, N. Y.

John H. Osborne of Auburn, N. Y.

STATE OF NEW YORK
Cayuga County

Thomas Wright, Clerk of the County of Cayuga, do hereby certify that the above instrument was subscribed in the presence of each of us, and he at the same time declared it to be his last will and testament and requested us to sign the same as subscribing witnesses.

THIS DOCUMENT CONTAINS INFORMATION OF A CONFIDENTIAL NATURE AND IS NOT TO BE DISCLOSED TO THE PUBLIC WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE BUREAU OF LAND MANAGEMENT

Cayuga County, } ss:

I, Thomas M. Hunt ^{of the} Clerk of Surrogate's Court in

[L. S.]

and for said County and State, the same being a Court of record having a seal, do hereby certify that the foregoing and annexed pages contain a true copy and correct transcript of the record and proceedings and the whole thereof, in the matter of the probate of the will of David M. Osborne late of Auburn, in said county deceased

in Surrogate's Court in said County, as the same remains on file and of record in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at Auburn, this 22nd day of December 1890 -

Thomas M. Hunt
Clerk of Surrogate's Court.

STATE OF NEW YORK, } ss:

Cayuga County,

I, George B. Turner Surrogate in and for the County and State aforesaid,

do hereby certify that the above named Thomas M. Hunt, by whom the foregoing attestation was made, was, at the time of so making the same, and is now the Clerk of said Court, duly appointed and qualified, to all whose acts as such, full faith and credit are and ought to be given: that the seal thereto annexed is the seal of said Court, and that the said attestation so made by him is in due form of law, and that the same is competent evidence in any of the Courts of this State.

In Testimony Whereof, I have hereunto set my hand and seal, at Auburn, this 23rd day of December 1890 -

Geo. B. Turner
Surrogate.

[L. S.]

STATE OF NEW YORK, } ss:

Cayuga County,

I, Thomas M. Hunt ^{of the} Clerk of Surrogate's Court in

[L. S.]

and for said County, do certify that Hon. George B. Turner by whom the foregoing certificate was given, and whose name is thereto subscribed in his own proper handwriting, was at the date thereof Surrogate of said County, duly elected, qualified and acting.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, at Auburn, this 23rd day of December 1890 -

Thomas M. Hunt
Clerk of Surrogate's Court.

14

State of New York,
County of Cayuga.

SURROGATE'S COURT:
In the Matter of

estate of the will
of D. M. Osborne

Amplification of Record.

188

In Re Estate of D.M. Osborne, Deceased:

This day came on to be heard the application of Emily Osborne, Helen Osborne and Thomas Osborne for the probate of the last will and testament of David M. Osborne, Deceased, and it appearing to the court that said will had been duly probated in the Surrogate's Court of Cayuga County, State of New York, and that a copy of said will and a true and correct copy thereof duly attested under the statutes in such cases made and provided was attached to said application, and that said attestation is in due form. It is, therefore, considered and so ordered, adjudged and decreed that said will be and the same is hereby admitted to probate, and the same, together with the proof thereof and certificates thereof are hereby ordered filed and recorded.

E. G. Power, Clerk
Dallas Co. N.Y.

187

1899
In Re Estate of David M. Os-
borne, Deceased.

-o-
of foreign will
Application for probate and
order of court.

Filed Jan 5, 1891
At Court Room
By J. J. Lewis

Recorded -
Hills Book No. 154
162