

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

Case Number 1635

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FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

1635

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The State of Texas, No. 2023  
COUNTY OF DALLAS, Estate of Mitchum Webb Higgins deceased

KNOW ALL MEN BY THESE PRESENTS, That we, as Principal, and \_\_\_\_\_ 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 \_\_\_\_\_ Dollars; conditionally that the above bound \_\_\_\_\_ who has been appointed \_\_\_\_\_ shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_\_  
(SEAL)  
(SEAL)  
(SEAL)

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

Sam P. Cochran  
Sworn to and subscribed before me this 14 day of May 1895  
L. H. Hughes  
County Clerk, Dallas County, Texas.  
By As Jackson Deputy.

THE STATE OF TEXAS.

To all Persons Interested in the Estate of Mitchum Webb Higgins deceased:

Sam P. Cochran has filed, in the County Court of Dallas County, State of Texas, an application for the Probate of the last Will of said Mitchum Webb Higgins 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 May A. D. 1895, at which time and place all persons interested in said Estate shall appear and contest said application, should they desire to do so.

WITNESS: L. H. HUGHES, County Clerk of Dallas County, Texas.

GIVEN under my hand and the seal of said Court at office in the City of

Dallas, this 16 day of April A. D. 1895  
L. H. HUGHES,  
County Clerk, Dallas Co., Texas.

By As Jackson Deputy.

No. 2023

COUNTY COURT,  
DALLAS COUNTY.

EXECUTOR'S <sup>oath</sup> ~~BOND~~.

ESTATE OF  
*Mitchum Webb Higgins*  
*Deed*

Filed *May 14* 1895  
*L. H. Hughes*  
~~D. SCOTT~~, Clerk.

By *A. Jackson* Deputy.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_

County Judge, Dallas County.

*Recorded*

W. D. Abledge & Co., Stationers, Printers and Binders, Dallas.

148

No. 2023

COUNTY COURT.

ESTATE OF  
*Mitchum Webb Higgins*

Decensed.

Notice of Application for Probate of  
Will and Letters.

Issued this *16th* day of  
*April* 1895

L. H. HUGHES, COUNTY CLERK.

By *A. Jackson* Deputy.

SHERIFF'S RETURN.

Came to hand the *17th* day of *April*  
1895 and executed the *17th* day of *April*  
1895, 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.

*R. E. Colwell*  
Sheriff, Dallas County.

By *A. Jackson* Deputy.

Dunay Print Co., Dallas, Texas. 14500.

*Sp # 300 m gr*  
*(Recorded)*

Know all men by these presents, that I,  
Rettie C. Higgins, of the city of Lexington, County  
of Fayette, State of Kentucky, being in good  
health and of sound and disposing mind,  
do make and publish this my last will and  
testament, hereby revoking all wills by me at  
any time herebefore made.

Item First; I hereby nominate, constitute and  
appoint my son, M. Webb Higgins of Dallas, Texas,  
executor of this my will. & it is my desire, and  
I so will and direct, that no bond or other security  
shall be required of my executor here in appointment;  
and it is my will that no other action shall be had  
in the County Court, or in any other Court having  
jurisdiction over the estates of deceased persons,  
in the administration of my estate than to prove &  
record this my will and to return an inventory  
and list of claims.

Item Second: All of my estate, real, personal and  
mixed, of which I may die seized and possessed, or to which  
I shall be entitled at the time of my death, I give, devise  
and bequeath to my children, Joel Higgins Jr of Phelps  
County, Arkansas; M. Webb Higgins of Dallas, Texas;  
Robert H. Higgins of Dallas, Texas; Sue H. Cochran, wife  
of Saml P. Cochran of Dallas, Texas; Lou H. Smith, wife  
of Joseph B. Smith of Ashland, Kentucky; Mary  
H. W. W. wife of Dr William Rodes of Lexington, Kentucky;  
Allene H. Hadley, widow of Joseph C. Hadley deceased,  
of Lexington, Kentucky; Lizzie H. McElroy, wife of  
Charles H. R. McElroy of Kansas City, Missouri, in  
equal portions, share & share alike; and in the event  
of the death of any of my said children prior to the time  
of my death, his or her children shall be entitled in  
equal parts to the share of my said child.

In witness whereof I have hereunto set my hand  
this 1<sup>st</sup> day of May 1873 at Dallas, Texas, in the presence  
of James R. Coarons and Charles W. Phillips  
and Robert S. Price who attest the same at my  
request. Bettie C. Higgins

The above instrument was now here subscribed by  
Bettie C. Higgins, the testatrix in due presence, and  
we at her request, and in her presence and in the  
presence of each other sign our names hereto as  
attesting witnesses.

James R. Coarons  
Charles W. Phillips  
Robert S. Price.

Codicil

I, Bettie C. Higgins, make and publish of the above and  
foregoing will and testament, do hereby make and publish  
this my codicil to said foregoing will, substituting in  
 lieu of item 1<sup>st</sup>, of said will, the following, which shall  
take the place of said item 1<sup>st</sup>, viz,

Item 1.

I hereby nominate, constitute and appoint Saml P Cochran,  
and Robert H Higgins, of Dallas County, Texas, executors of  
my said will in place of Mrs Higgins, who has died since  
the making of my last will. In case of the death, inability  
or refusal to act as such executor, of either the said Saml P  
Cochran or the said Robert H Higgins, whether prior or subsequent  
to the probate of my said will, then I desire that the other  
shall be the executor of my said will having all the power  
and authority herein conferred on both. It is my  
desire, and so will and direct, that no bond <sup>shall</sup> ~~be~~ <sup>be</sup> ~~required~~  
shall be required of my executors herein appointed, or either  
of them, in case the other should not act, for any cause

whatsoever; and it is my will that no action shall be had in  
the County Court or other Court exercising jurisdiction  
over the estates of deceased persons, in the administration  
of my estate, than to probate and record this my will  
and Codicil, to return an inventory of my estate &  
list of claims

Witness my hand this 20<sup>th</sup> day of June,  
1890, in the presence of F. J. Moxley, P. M. Lawton and  
A. F. Pillet who attest the same at my  
request,

Belle C. Higgins

The above codicil of the last will and testament of Mrs.  
Belle C. Higgins was now here subscribed by the said  
Belle C. Higgins, 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.

F. J. Moxley  
P. M. Lawton  
A. F. Pillet

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1977

will.  
2881

Will

FILED Feb 14-1900  
A. S. JACKSON,  
County Clerk, Dallas County, Tex.  
BY J. M. Day DEPUTY

Recorded 510.

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1977



In the Matter of the } County Court of  
 Estate of Mitchum Webb Higgins } Dallas Co Texas  
 No. 2023, } Deceased

A. F. Pickett being duly sworn deposes and says as follows, to wit:- I am a resident citizen of Dallas County, Texas; I have lived in the city of Dallas 4 years, and am 24 years of age. I know Mr. Mitchum Webb Higgins, whose will is now offered for probate before this court. I was quite well acquainted with him, and had known him, up to the time of his death, 4 years. We had been associated together as employes of Trezevant & Cochran, an insurance firm of the city of Dallas, about 3 years. He lived for about seven (7) years before his death, in Dallas and owned property, both personal and real, in Dallas at the time of his death. He is dead; he died on Apr. 3rd, 1895 at Denver, Colorado. The paper here offered for probate is his last will and testament. I saw him subscribe his name thereto; and signed my name thereto in his presence at his request as a subscribing witness. That is my signature (Witness here identifies his signature to the will), the other witnesses, namely O.F. Parks, and H. C. Sumner thereto as subscribing witnesses in my presence and in the presence of the said testator, and at his request. The witnesses, O.F. Parks and H. C. Sumner are both over twenty one years of age. Mr. Mitchum Webb Higgins, the testator was about twenty six and one half years (26 1/2) of age, and was of sound mind at the time he signed said will. He had been in feeble health for a few weeks, and died in Denver, Colorado, where he had gone for the benefit of his health a day or two after he made this will. He died, I believe, of consumption. This will so far as I know or believe was never revoked by the said testator.

A. F. Pickett  
 Sworn to and subscribed before me  
 in open court by A. F. Pickett on this  
 the 14<sup>th</sup> day of May AD 1895  
L. H. Hughes Clerk of Court  
 Dallas Co Texas  
 By Jackson Deputy

No. 2023

The State of Texas, } Estate of Mitchum Webb Higgins  
County of Dallas. } Deceased.

I, L. H. HUGHES, County Clerk in and for said County, hereby certify that, on the 14<sup>th</sup>  
day of May A. D. 1895, by the County Court of said County, having exclusive  
jurisdiction over Probate matters, Saw O. Cochran  
was appointed Executor of the last will and ~~of the last~~  
testament of Mitchum Webb Higgins deceased  
~~upon entering into bond, as such, conditioned as required by law in the sum of~~  
without bond as by the terms of DOLLARS,  
said will directed.

And that, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 189 \_\_\_\_\_ the Bond  
of the said \_\_\_\_\_ in the  
sum of \_\_\_\_\_ DOLLARS,

was approved by said Court and the said Saw O. Cochran  
having taken the oath prescribed by law, he is duly qualified and fully and legally authorized and  
empowered to act as the Executor of said last will and  
testament of said Mitchum Webb Higgins deceased,  
said will having been this day duly probated,

WITNESS MY HAND and official Seal, at Office in the

City of Dallas, this the 14<sup>th</sup> day of

May A. D. 1895

L. H. HUGHES,

County Clerk, Dallas County.

By Asjaensm Deputy.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

No. 2023

ESTATE OF

*Mitchum Webb Higgins*  
Deceased

LETTERS TO

*Sam P. Cochran*  
- Executor -

Issued *May 14* 1895

L. H. HUGHES, Clerk.

By *A. Jaenson* Deputy.

H. F. Venzon, Printer and Stationery Manufacturer, Dallas.

MAY 14 1895

L. H. HUGHES, County Clerk.

By *A. Jaenson*  
DEPUTY

The State of Texas } No. 2023  
County of Dallas } In the matter of the  
Estate of Mitchum Webb  
Higgins, deceased } County Court  
of Dallas County  
Texas,

H. C. Dunn being duly sworn deposes and

says as follows, to wit:- I am a resident citizen of Dallas County, Texas; I have lived in the city of Dallas 14 years, and am 38 years of age. I knew Mr. Mitchum Webb Higgins, whose will is now offered for probate before this court. I was quite well acquainted with him, and had known him, up to the time of his death, <sup>about</sup> 7 years. We had been associated together as employes of Irsevant & Cochran, an insurance firm of the city of Dallas, about 4 years. He lived for about seven (7) years before his death, in Dallas and owned property, both personal and real, in Dallas at the time of his death. He is dead; he died on Apr. 3rd, 1895 at Denver, Colorado. The paper here offered for probate is his last will and testament. I saw him subscribe his name thereto; and signed my name thereto in his presence at his request as a subscribing witness. That is my signature (Witness here identifies his signature to the will), the other witnesses, namely O.P. Parks, and A. F. Pillet also signed their names thereto as subscribing witnesses in my presence and in the presence of the said testator, and at his request. The witnesses, O.P. Parks and A. F. Pillet are both over twenty one years of age. Mr. Mitchum Webb Higgins, the testator was about twenty six and one half years (26 1/2) of age, and was of sound mind at the time he signed said will. He had been in feeble health for a few weeks, and died in Denver, Colorado, where he had gone for the benefit of his health a day or two after he made this will. He died, I believe, of consumption. This will so far as I know or believe was never revoked by the said testator.

H. C. Dunn

Sworn to and subscribed before me  
in open Court on this the 14<sup>th</sup> day of  
May A.D. 1895  
L. H. Hughes Clerk Co., Court  
Dallas Co. Texas,  
By A. Jackson Deputy

## INVENTORY AND APPRAISEMENT

Of the property, real and personal, belonging to the estate of M. Webb  
Thiggins dec'd.

Cash on hand in hand of Executor being proceeds of Life Insurance policy	\$ 4883.51
Cash on deposit with Executor	100.00
" Acct from profits of business of Green Spear and Thiggins	175.00
Cash from Kingdom of Pythias Lodge	125.00
Proceeds of sale of 1/4 interest in the business of Green Spear and Thiggins	2250.00
1/2 interest in equity of lot and building 25x100 feet W 1/2 lot 7 Block 40 (lot being under mortgage for \$10,000.00)	1250.00
1/2 interest in equity of lot and building East 1/2 lot 1 Block 32 (lot being under mortgage for \$9750.00)	1375.00
Room furniture and wearing apparel	250.00
One Diamond ring	50.00
One watch and chain	10583.51
<u>Total</u>	

The State of Texas,  
 County of Dallas.

I, Sam P. Cochran 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 26<sup>th</sup> day of June A. D. 1891-

Sam P. Cochran Executor  
 D. C. Green  
 Notary Public in and for the State of Texas - Deputy

The State of Texas,  
 County of Dallas.

Before the undersigned authority, this day personally appeared B. O. Webb, C. B. Gillespie and J. A. Harris Appraisers of the above named Estate, heretofore appointed by the Court, and each being duly sworn, says that the above and foregoing is a just and true appraisement of the property pointed out to them as belonging to said Estate.

B. O. Webb  
C. B. Gillespie  
J. A. Harris

Sworn to and Subscribed before me, this 26<sup>th</sup> day of June A. D. 1891-

D. C. Green Notary  
 Public in and for the State of Texas - Deputy

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

No. 2023  
COUNTY COURT.

ESTATE OF

*M. Webb Higgins*  
Dec'd

INVENTORY AND APPRAISEMENT

Filed 26 day of June  
A. D. 1895

*L. H. Hughes*  
COUNTY CLERK.

By *W. Jackson* Deputy.

Examined and approved this 17<sup>th</sup>  
day of July 1895

*W. F. Ash*  
COUNTY JUDGE.

A. B. Bridge & Co., Stationers and Printers. 256

*Recorded,*

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

STATE OF TEXAS )  
DALLAS COUNTY )

ESTATE OF MITCHUM WEBB HIGGINS, DECEASED.  
ON THE PROBATE DOCKET OF SAID COURT.

To the

Honorable Judge of the County Court of Dallas County:--

Your Petitioner, Sam P. Cochran, does respectfully show unto your Honor that one Mitchum Webb Higgins, a citizen of the City and County of Dallas, State of Texas, departed this life on the 3rd day of April 1895 whilst temporarily in the City of Denver, State of Colorado.

That said Mitchum Webb Higgins left a will duly executed in accordance with the laws of this State, which will is herewith filed; that in said will, your Petitioner, Sam P. Cochran, is appointed Executor of the Estate of said Mitchum Webb Higgins without bond and independent of any orders of the Probate Court, except for the probating of the will and the filing of an inventory and appraisement of the estate.

Your Petitioner shows that he is a resident citizen of Dallas County, Texas, and is in no way disqualified from acting as Executor under said will, and that he is willing to qualify and act as such.

That the property belonging to said estate is as follows: One life insurance policy for \$5000. Miscellaneous personal property to the probable value of \$250. One-half interest in the equity in a lot corner of Main and Market Streets estimated to be worth \$5000. One-half interest in a lot No. 177 Main St. estimated at \$5000. And a one-fourth interest in an Insurance business in Dallas, value unknown to Petitioner; that almost all of the property of said decedent is in Dallas County, Texas;

WHEREFORE, Petitioner prays that the proper notices may be issued, and that after due and legal hearing, evidence be taken as to the genuineness and due execution of said will; and that said will may be probated in forms of law, your Petitioner appointed as Executor thereof, and that your Honor will appoint appraisers to appraise said estate as is provided by law in such cases.

And as in duty bound your Petitioner will ever pray.

*Delward Greer*  
*atty for Petitioner*

Last Will & Testament of M. Webb Higgins.  
 + name of record  
 Probated on the testimony of H.C. Dunn and  
 A.F. Pillel two of the subscribing witnesses and  
 J.P. Cochran appointed Executor without  
 Bond - B.O. Miller J.D.A. Harris + C.B. Killip  
 appointed appraisers - J.F. Hish  
 May 14<sup>th</sup> 1895 Co. Judge

n = 2022

Last of M. Webb Higgins

Exec J.P. Cochran, etc.

Appraisers & Parties  
with and for their  
Inventory.

B.O. Miller  
 J.D.A. Harris  
 C.B. Killip

FILED

APR 18 1895

L. H. JONES, County Clerk,  
 DALLAS, TEXAS

J.P. Cochran  
 Executor without Bond  
 PR 9150

RLG  
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Record  
 Dallas, Texas  
 May 14, 1895



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Know all men by these presents, that I, Mitchum  
Webb Higgins, of the City and County of Dallas, State  
of Texas, being of good health and of sound and  
disposing mind and memory, do make and publish  
this my last will and testament, hereby revoking  
all wills by me at any time heretofore made.

Item first:-

I nominate, constitute and appoint Sam  
P. Cochran, executor of this my will. It is my  
desire and I so will and direct, that no bond shall  
be required of my executor herein named, and that  
no other action shall be had in the County Court  
or any other Court having jurisdiction over the  
Estates of deceased persons, except to prove and record  
this my will, and to return an inventory and  
appraisement of my estate.

Item Second:-

It is my desire, and I so will, and  
direct, that all my just debts shall be paid out of  
my Estate by my executor herein appointed, as  
soon after my death as the same can be conveniently  
done.

Item third:-

I give and bequeath to my sister, Sue  
N. Cochran, wife of Sam P. Cochran, of Dallas, Texas,  
my gold finger ring with diamond set therein.

Item fourth:-

I give and bequeath to my brother Robert  
Holmes Higgins, of Dallas, Texas, my bed room set of  
furniture, including my combined secretary and book-  
case, and my carpet, also all of my personal wearing  
apparel, umbrellas, canes.

Item Fifth:-

I give and bequeath to my niece Louise Roden, daughter of Wm. Roden and Mamie F. Roden, of Lexington, Kentucky, my gold watch and chain and charm.

Item Sixth:-

After the payment of all my just debts, and after the payment and satisfaction of the legacies herein given and bequeathed, I give, devise and bequeath all the residue of my Estate, real, personal and mixed, of whatsoever kind and wheresoever situated, unto my beloved mother Mrs. B. C. Higgins in fee simple; the purpose and intention of this provision in my will being to give, devise and bequeath, after the payment of my debts, and after the satisfaction of the legacies herein mentioned, all my Estate to my mother Mrs. B. C. Higgins, absolutely and without any limitations or restrictions whatsoever.

In witness whereof, I have hereunto set my hand this the twenty eighth day of March, A. D. 1895, in the presence of H. C. Dunn and O. F. Parks and A. F. Pillet who attest the same at my request.

Mitchum Webb Higgins

The above instrument was now here subscribed by Mitchum Webb Higgins, the testator, in our presence, and us, at his request and in his presence and in the presence of each other, sign our names here to as attesting witnesses.

H. C. Dunn  
O. F. Parks  
A. F. Pillet

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Will-

Filed April 16<sup>th</sup> 1895.  
L. H. Hughes clerk  
By *[signature]* deputy

Recorded >

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