

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

Case Number 1627

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1627

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John D. Lawrence

In the matter of the Estate of James M. Donnell, deceased,
 Number 1875 as. 8th day of March, 1894.

On this day came on to be heard the petition of Rebecca Donnell for the probate of a certain instrument in writing now produced in open Court purporting and alleged to be the last will of ^{and it appearing to the Court that testimony said application has been duly issued, but served in the manner and for the length of time required by law} James M. Donnell, deceased, and the evidence, a statement of which if filed in this case, being heard and fully considered by the Court

It is ordered, adjudged and decreed that said instrument in writing is hereby admitted to probate and record as the last will of said James M. Donnell, deceased, and the testimony shall be recorded in the minutes of this Court.

And it further appearing to the Court that in said last will of James M. Donnell, deceased, Rebecca Donnell was constituted and appointed independent executrix without bond or other security of said will of said James M. Donnell, deceased, and it further appearing that the said Rebecca Donnell, surviving wife, as aforesaid, has taken and subscribed in open Court the oath of executrix prescribed by law,

It is therefore further ordered, adjudged and decreed that ~~letters testamentary be issued to~~ ^{Said Rebecca} ~~said Rebecca~~ Donnell. and she is hereby appointed Independent Executrix of said will, without bond, as by the terms of said provided, and that the Clerk of this Court issue letters testamentary to her the said Rebecca Donnell,

In the matter of the estate of James M. Donnell, deceased.
In the County Court of Dallas County, Texas, March Term, 1894.

On this the 8th day of March, 1894, it is ordered adjudged and
decreed by the Court that W. H. DeBorde, M. P. Moody and A. B. Lacy,
citizens of Dallas County, Texas, be and the same are hereby ap-
pointed appraisers and directed to appraise the estate of James M.
Donnell, deceased and to report the same to this Court according to
law.

For the purpose of the estate of James M. Donnell, deceased, the undersigned appraisers have appraised the same and report the same to this Court according to law.
W. H. DeBorde
M. P. Moody
A. B. Lacy
Appraisers
March 8, 1894

The State of Texas, }

COUNTY OF DALLAS.

I, ~~W. H. HUGHES~~ ^{L. H. HUGHES}, County Clerk in and for said County, hereby certify that, on the 8th day of March A. D. 1894, by the County Court of said County, having exclusive jurisdiction of the Probate matters, Rebecca Donnell was appointed Independent Executrix of the ~~Estate of~~ last will and testament of James Milton Donnell deceased without bond or other security as by the terms of said will provided

And that, on the 8th day of March A. D. 1894, the ~~Bank of the~~ said Rebecca Donnell, took and subscribed in ~~the court of~~ open Court the oath prescribed by law as such ~~and she is therefore~~ Independent Executrix ~~and she is therefore~~ and she is therefore ~~being taken the oath prescribed by law, he is~~ duly qualified and fully and legally authorized and empowered to act as the Independent Executrix of the above named Estate.

WITNESS MY HAND and official Seal, at office, in the City of

Dallas, this the 8th day of

March A. D. 1894.

~~W. H. HUGHES~~ ^{L. H. HUGHES}
Clerk County Court, Dallas County, Texas.

By A. Johnson Deputy.

The State of Texas,) In the County Court of Dallas County,
) Texas, March Term A. D. 1894.
 County of Dallas.) In the matter of the estate of James M.
) Donnell, deceased.

On this 8th day of March A. D. 1894, personally appeared in open court Margaret V. Hedges, who being duly sworn deposes and says that the 23rd day of December, 1893, she was present and saw James M. Donnell sign the instrument filed in this Court on the 19th day of February, 1894, and now shown to her, bearing date on the 23rd day of December, 1893, and purporting to be the last will of him, the said James M. Donnell, and that she ^{she saw him sign and} heard him publish and declare the same to be his last will and testament. That at the time of signing and publishing the same the said James M. Donnell was over 21 years of age and of sound and disposing mind and memory, That this affiant and W. J. J. Smith, whose signatures appear on said instrument as witnesses thereto, on the said 23rd day of December, 1893, then being credible witnesses above the age of 14 years, subscribed their names as witnesses to the same in the presence of and at the request of the said James M. Donnell, the testator, and in the presence of each other, and that the said James M. Donnell signed said will with his own hand.

That afterwards on the 2nd day of January, A. D. 1894, the said James M. Donnell died in said County of Dallas, in the State of Texas, in which he had his domicile at and before his death, and without having revoked said will so far as known by affiant.

Sworn to and subscribed in open court before me, ^{in open court 8th} this the 8th day of March, A. D. 1894.

L. H. Hughes
 Clerk County Court Dallas County,
 Texas.

By adjournor deputy

In the matter of the Estate of James M. Donnell, deceased.
Number _____ In the County Court of Dallas County, Texas,
March Term, 1894.

The State of Texas,)
County of Dallas,)

I, Rebecca Donnell, do solemnly swear that the writing which
has been offered for probate is the last will of James M. Donnell,
who was my husband, so far as I know or believe, and that I will
well and truly perform the duties of independent executrix of said
will of the estate of said James M. Donnell, deceased.

Rebecca Donnell

Sworn to and subscribed before me this the 5th day of March A. D.
1894.

L. H. Hughes

Clerk of County Court in and for
Dallas County, Texas.

By W. Jackson Deputy

no.
for the
of the
James M. Don-
nell
and
W. Jackson
Deputy
of the
County Court
of Dallas
County, Texas
March Term
1894
Record

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No. —
 In the Matter
 of the Estate
 of James M.
 Donnell
 Clerk of Ex-
 ecutory, Rebecca
 Donnell

FILED
 L. N. HUGHES, Clerk County Court,
 Dallas, Texas
 March 8 1892
 L. N. HUGHES, Clerk County Court,
 By *As Jackson* DEPUTY
 J. M. Donnell,
 Plaintiff
 vs
 J. M. Donnell,
 Defendant

(Recorded)

THE STATE OF TEXAS.

To all Persons Interested in the Estate of *James Milton Donnell* deceased:

Mrs Rebecca Donnell has filed, in the County Court of Dallas County, State of Texas, an application for the Probate of the last Will of said *James Milton Donnell* deceased, and for Letters Testamentary, which application will be heard and acted upon by said Court, at the next term thereof, to be held at the Court House in the City of Dallas, County of Dallas, State aforesaid, and commencing on the first Monday in *March* A. D. 189*4*, 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 *20* day of *February* A. D. 189*4*

L. H. HUGHES,
County Clerk, Dallas Co., Texas

By

A. S. Jackson

Deputy.

The State of Texas,)
)
 County of Dallas.)

In the matter of the estate of
 James Milton Donnell, deceased.

To the Honorable County Court in and for said County of Dallas

Your petitioner Rebecca Donnell shows to the Court that she resides in the County of Dallas, in the State of Texas. That on the 2 day of January, 1894, James Milton Donnell, who at and before his death resided and had his domicile in the said County of Dallas, in the State of Texas, died. That at the time of the death of said James Milton Donnell his principal property was situated in the said County of Dallas, in the State of Texas.

That said James Milton Donnell on the said 2nd day of January, 1894, died in the said County of Dallas, in the State of Texas.

That at the time of his death the said James Milton Donnell was seized and possessed of personal property of the probable value of \$3000.00, and left a written will duly executed and herewith filed, in which your petitioner ^{who is the surviving wife of deceased James Milton Donnell} was appointed independent executrix.

That by the terms of said will it is provided that no bond or other security shall be required of your petitioner as such executrix, and that no other action shall be had in this Court or any other Court in the administration of the estate of said James Milton Donnell, except the probate and recording of his said last will, which is herewith filed, and the return of an inventory and appraisement of said estate and a list of claims.

That there is a necessity for the probate of said will and an administration in accordance with the terms of the will by the independent executrix therein named upon the estate of said James Milton Donnell, who, at the time of his death was indebted to the Texas Farm and Ranch Publishing Company, and other persons, in large sums of money, the amount of which is unknown to petitioner. ^{and there are debts owing to the estate}
 That your petitioner is not disqualified from qualifying as inde- ^{an acting}

...in the County of Dallas, in the State of Texas...
...Honorable Rebecca Donnell...
...County of Dallas...
...State of Texas...

County of Dallas)
State of Texas)
Rebecca Donnell
In the matter of the estate of

pendent executrix of said will and accepting letters testamentary,
Wherefore, your petitioner prays that citation be issued to all the
parties interested in said estate, as required by law, and that
said will be admitted to probate; that letters testamentary be
issued to your petitioner, and that such other and further orders
be made as are provided in said will, or as to the Court may seem
proper.

Rebecca Donnell
By Oeland Smith
her attorneys.

In the matter of the Estate of
James Milton Donnell.

Application of Mrs. Rebecca
Donnell for Probate of Will.

FILED

FEB 17 1894

L. H. HUGHES,

County Clerk.

By *M. M. L. L. L.* Deputy.

Recorded

Sealed & signed

In accordance with the within pages an instrument purporting to be the last Will & Testament of James Milton Donnell, being proven by the written testimony of Mrs. Margaret V. Hedges one of the subscribing witnesses thereto - is ordered by Record as the last Will & Testament of the said James Milton Donnell to gather with the probate thereof and Mrs. Rebecca Donnell is appointed Independent executrix without Bond and letters testamentary are hereby ordered to be issued to her
W. H. DeBord, P. P. Moody & A. B. Lacy appraisers
3/8 1894 J. G. Nash Co Judge

The State of Texas Know all men by these
County of Dallas presents that J. James
M. Donnell of the City and County
of Dallas in the State of Texas, being
of sound and disposing mind
and memory do make and
publish this my last will and
testament hereby revoking all
other wills by me at any time
made:

Item First: I nominate Consti-
tute and appoint my beloved
wife Mary Rebecca Donnell
executrix of this my last will;
and it is my desire and I so
will and direct that no bond
or other security shall be re-
quired of my said executrix
herein appointed, and that no
other action shall be had in
the County Court or in any other
Court, in the administration
of my estate, except the probate
and recording of this my will, and
the return of an inventory and ap-
praisement of my estate and
list of claims

Item Second: It is my desire
and I so will and direct that
my executrix herein appointed
shall so soon after my death
as it can conveniently be done

pay all the expenses of my last
 sickness and burial expenses, and
 also all sums of money and debts
 now owing by me to Texas
 Farm and Ranch Publishing Com-
 pany and also all sums of money
 that may be hereafter advan-
 ced to me or on my account
 by said Company and to the said
 Farm and Ranch Publishing
 Company I hereby will and be-
 queath sufficient money out
 of my estate to pay it in
 full all such debts and advances.
 Item Third: After the said debts
 and advances and expenses above
 mentioned are paid in full,
 I give devise and bequeath
 unto my beloved wife Mary
 Rebecca Bonnell all the residue
 of my estate real personal
 and mixed where so ever situated.
 It being my intention that
 my said executrix and wife
 shall be after said debts advances
 and expenses are paid shall be
 my sole devisee as to the residue
 of my estate of whatsoever kind
 or character, real personal and
 mixed and where so ever situated.
 In witness whereof I have
 this day, the 23rd day of December

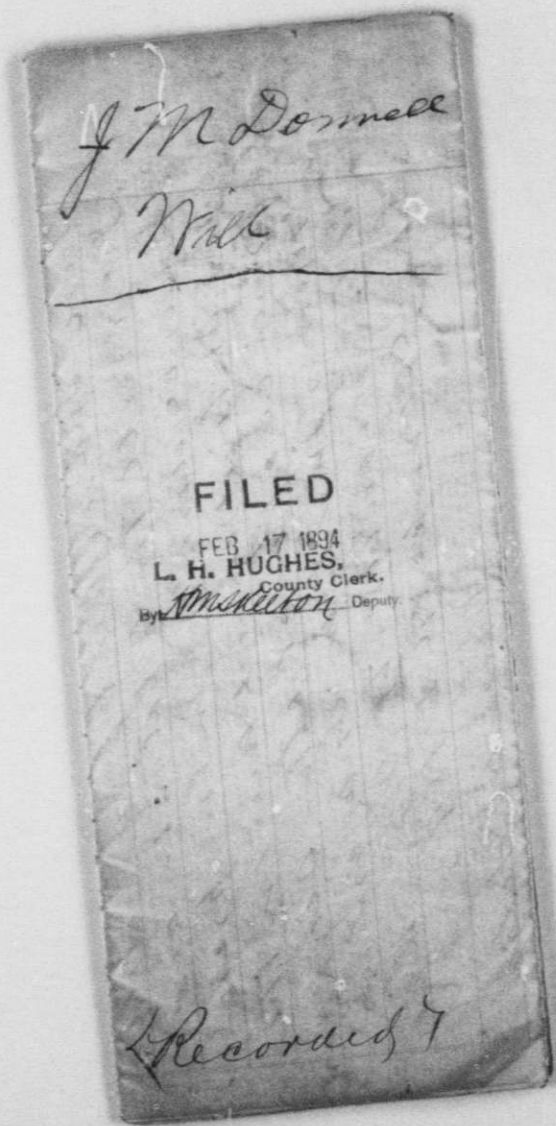
A.D. 1893, set my hand hereunto
in the presence of Margaret V. Hedges
and W. J. J. Smith who attest the
same at my request.

J. S. D. Smith

The above instrument was now
here subscribed by James M.
Donnell the testator in our
presence and we in his presence
and at his request and in the
presence of each other signed our
names hereto as subscribing
witnesses on this the 23rd day
of December A.D. 1893

Margaret V. Hedges.
W. J. J. Smith

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