

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

Case Number 1717

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Estate of Minnie Spillars dec'd In County Court
M L Thum Executrix &c Dallas County Texas.
Probate Papers

To all whom it may concern.

Ten days after service hereof I will apply to the Clerk of the County Court of said county for a commission to take the answers of Seth F. Lewis, of Chicago, Cook County, Illinois - (Rooms 506 No 150 Dearborn Street) to the following Interrogatories to be evidence for the probating of the Last will & Testament of said dec'd.

Williams and Turney
Atty's for Plff.

Inty. 1st

What is your name, age, place of residence and profession? Do you know the signatories to the body, and attesting certificate of the accompanying document? If yes, state who signed the body of said document, and who signed the authenticating certificate thereto? Were you acquainted with all the signers of said document? Were you acquainted with Minnie Spillars? How old was she at the time said Instrument was made and signed? State when, where, how and why said instrument was signed by said signers - all about it. Is the certificate of the attesting witnesses correct & true? Where is the signer of the body of said document - Minnie Spillars - now? Is she living or dead? Did she ever revoke or cancel the accompanying document, or make any other state fully? Was Minnie Spillars of sound & disposing mind when she executed said document?

Williams & Turney
Atty's for Plff.

702

Estate of Minnie Spillars
Decd

M. L. Hyatt
Executor of

Last Will & Testament

Order to be prepared to suit
& Honor of Chicago, Ill

Filed May 10th 1884

Wm. H. Needler
By L. H. Hughes

To any Clerk of a Court of Record having a seal, or any Notary Public
of Leock County, State of Illinois or to
any Commissioner of Deeds, duly appointed under the Laws of
Texas, within and for said State.—GREETING:

You are Hereby Authorized and Empowered to cause to come before you

Orin G. Lewis, a resident of your county,

at such time and place as you may appoint; and that you then and there carefully and fully
examine him upon his oath, first to be taken before you, touching the annexed

Interrogatories:

1. That you reduce his answers, so taken, to writing, in proper form, and cause the
same to be subscribed and sworn to by said witness.

2. That you certify, under your hand and seal of office, that said answers were sworn to
and subscribed before you.

3. That you seal up in an envelope the answers so taken, together with the annexed inter-
rogatories and this commission, with your name written across the seal.

4. That you endorse on the envelope the names of the parties to this suit, and the name
of said witness.

5. That you direct the package to the "Clerk of the County Court of Dallas County, Dallas,
Texas."

6. That if said package is sent by mail, the postmaster, or his deputy, shall endorse
thereon that he received it from your hands, and sign his name thereto; or, if you entrust it
to private conveyance, as provided by the statute, you will apprise the person 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 a suit now pending in the County Court of said
County of Dallas, wherein in the probating of the will of Minnie

Spillars deceased plaintiff, and defendant.

Herein fail not, but make due return of this writ.

WITNESS, W. H. McNeill
~~A. H. H. H.~~ Clerk of the County Court of Dallas County,

and the seal of said Court, at office in the City of Dallas, this the
20th day of May A. D. 1887.

W. H. McNeill
Clerk County Court, Dallas Co., Texas.

By L. H. Hughes Deputy.

No. 702

Estate of Minnie
vs.
Spillars, dec'd

Commission to take Deposition
of Seth G. Crews

Issued 20th day of May
A. D. 1887.

W. M. Heie
County Clerk, Dallas Co., Texas.

By L. A. Hughes Deputy.
GARDNER & CO., DALLAS

Know all men by these presents
that I, Minnie Spillars of Dallas
Texas, being of sound mind and
full and disposing memory; and
being in feeble health doth make
and execute this my Last Will
and Testament: and now and
herely revoke any and all former
or other Wills.

First: After payment
of my funeral expenses and all
other lawful debts, I give and
bequeath to my beloved Mother,
Mary L. Thynne of Dallas Texas
all my personal property of every
kind and character, including
all my clothing jewelry and other
articles of personal apparel.

Second:
I also give and bequeath unto my
beloved Mother Mary L. Thynne of
Dallas Texas, all my real estate
of every kind and nature and
particularly my house and Lot
situate on the Corner of Tenth (10th)
and Rusk Streets in the City of
Forth Worth in the State of Texas,
and also my house and Lot situate
on the Corner of Commerce and Leonard
Streets situate in the City of last
Dallas in the State of Texas, and
that I am not able for want of the
deeds here to give a more full or

Complete description of said real estate
But it is my full intention and desire
that my dearly beloved and affectionate
Mother Mary L. Thynge of Dallas
Texas should have and hold and
own and Control as her property
in fee all my said real estate
of which I am the owner and
of which I am now seized.
Third: It is my last Will
and desire that my said Mother
Mary L. Thynge of Dallas Texas
be and is hereby by me appointed
as Executor of this my last Will
without Bonds or Security of any
kind.

This Will Executed at St^o Louis
Michigan Urume in the City of Chicago
and State of Illinois this the Thirteenth
(13th) day of November A.D. 1883.

Minnie Spillers *seal*

State of Illinois
Cook County *ss* W. Seth J. Crews and
W. S. DeDollar at the request of the
Testator in her presence and in
the presence of each other hereby
witness the signing and execution
of the above Will by Minnie Spillers
as her free and voluntary act and
that she is of sound and disposing
mind but is very feeble health

Witness our hands and seals this
13th day of November A.D. 1883

Seth J. Crews *seal*
W. S. DeDollar *seal*

Estate of Minnie Spillars Dec'd In County Court
M. L. Thyng, Executrix &c Dallas County Texas.
Probate Papers.

State of Illinois. es
County of Cook.

By authority of the commission directed to me and interrogatories accompanying the same which are hereto attached, from the Clerk of the County Court of Dallas County, Texas, in the cause of the estate of Minnie Spillars Dec'd., now pending in said county, I caused to come before me at my office in the city of Chicago, County of Cook and State of Illinois, the witness Seth F. Crews, therein named, a resident of the said County of Cook, aged thirty-seven years, who being by me duly sworn to speak the truth, the whole truth, and nothing but the truth, in answer to the several interrogatories in said case propounded to him, proceeded to answer as follows. -

Ans. - Yes I suppose I might say that I was, although I never met them until on that day. _____

Interrogatory Fourth. - Were you acquainted with Minnie Spillars? _____

Interrogatory First- What is your name, age, place of residence and profession? _____

Ans. - My name is Seth F. Crews, age thirty-seven years, place of residence, Chicago, Illinois, profession, attorney at law, and engaged in the active practice of my profession in said city. _____

Interrogatory Second- Do you know the signatures to the body and attesting certificate of the accompanying document? _____

Ans. - Yes, the signature to the body of the instrument or accompanying document, known as a will, is the signature of Minnie Spillars. The signatures purporting to be the witness to the signature of Minnie Spillars are first, myself, Seth F. Crews, the second one is that of the gentleman, whom, I was introduced to on that day by the name of H. S. DeSollar. Mr. H. S. DeSollar and myself signed the authenticating certificate as witnesses. _____

Interrogatory Third- Were you acquainted with all the signers of said document? _____

Ans. - Yes I suppose I might say that I was, although I never met them until on that day. _____

Interrogatory Fourth. - Were you acquainted with Minnie Spillars? _____

Ans. - I met her on the day which she signed and executed the will, I wrote the will at her request and saw her sign and execute it, and that is about the extent of my acquaintance with her.

Interrogatory Fifth- How old was she at the time said instrument was made and signed?

Ans. - I don't know, judging by her appearance, I would suppose her to be somewhere from twenty to twenty-two years old.

Interrogatory Sixth- State when, where, how and why said instrument was signed by said signers, all about it?

Ans. - On the afternoon of the thirteenth day of Nov. 1883, I was requested by a messenger, to call at No. 1224 Michigan Avenue, in the city of Chicago, and state of Illinois, to draw up or write the will of Minnie Spillars. I went, in answer to the summons, and found the young lady, Minnie Spillars, lying very ill and in the room with her, was her mother and the young man H. S. DeSollar. Her mother spoke to her and told her that I was the lawyer who had come to prepare and write her will. She recognized me as such and I asked her if she desired me to perform the service for her, she replied that she did. I then drew up the accompanying will and after completing it, read it over to her very slowly and care-

fully, she signified or expressed her approval and said,
that it was as she desired. She then sat up in bed,
being supported by her mother, and with her own hand
signed the name Minnie Spillars to the will.

I then asked her if she desired myself and Mr. H. S.
DeSollar, the gentleman present, to witness the will, and
she said she did, where-upon Mr. DeSollar and myself signed
the certificate of authentication, as appears below the
will on the same sheet of paper.

Interrogatory Seventh- Is the certificate of the attesting
witness correct and true?

Ans. - It is.

Interrogatory Eighth- Where is the signer of the body
of said document, Minnie Spillars, now?

Ans. - I do not know, but I understand that she is dead,
I saw. I think somewhere about the last of November 1883,
a notice of her death in one of the Chicago papers, and I
was afterwards told by a gentleman purporting to be her
step-father, that Minnie Spillars was dead.

Interrogatory Ninth- Is she living or dead?

Ans. - My information is that she is dead.

Interrogatory Tenth- Did she ever revoke or cancel the accompanying document or make another, state fully?

Ans. - She never did as far as my knowledge goes, ~~and~~ I never saw her except on the one occasion.

Interrogatory Eleventh- Was Minnie Spillers of sound and disposing mind when she executed said document?

Ans. - She was very weak and emaciated in body, but I think her mind was clear and in a sound and disposing condition at the time when she executed said will.

Beth J. Crews

which answers I caused to be reduced to writing, and
they were sworn to and subscribed before me at my office
in the city of Chicago, County of Cook, aforesaid, on
the 23th day of May A. D. 1864 by the said Seth F. Crews. -
In witness whereof I have hereunto set my hand and
official seal.

Samuel King
Notary Public
Cook County
Illinois

I hereby certify that the fees
for taking the within deposition
are seven & 50/100 Dollars (\$7⁵⁰)
and same were paid me by
Milliam & Furney attorneys for
Bill

Samuel King
Notary Public
Cook County
Illinois

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Dallas County - Texas

Estate of
Minnie Shillars
Dec'd

Probate Papers.

Deposition of
Seth F. Crews on
part of p^lss

Recorded page 145
Williams & Turney
attys. for p^lss

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