

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

Case Number 2321

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2321

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State of Texas
County of Dallas

Know all men by these presents, that, - I Ester Coleman of the County and State aforesaid - being of sound and disposing mind and memory recognizing frailty of life, and the certainty of death and desiring to settle and dispose of my worldly affairs, and to direct how my estate shall be disposed of after my death do make ordain and establish this as my last will and testament, hereby revoking all former wills by me made:

- First I direct that all my just debts and funeral expenses shall be fully paid out of my personal estate as soon after my death as convenient
- Second I give and bequeath the remainder of my personal estate to my Step-Son Johnny Gaston and my Grand-Daughter Fannie Moore one half to each.

Third I give and devise to my Grand-Children Willis Mitchell and Estu Mitchell, my one-half undivided interest in a five acre tract of land, fully described in a certain deed which is of record, on page 396 Book 94. Records of deeds of Dallas County, State of Texas. Said land is to be equally divided between my said grand-children, one and one quarter acres to each

Fourth I give and devise to my step-son Bohmy Gaston and my Grand-daughter Fannie Moore, in equal portions one half to each, all other real property that I may at my death be seized and possessed of and especially do I give and devise to my said step-son Bohmy Gaston, and my said grand-daughter Fannie Moore a certain tract of land, situated in Dallas County Texas containing five acres and fully described in a certain

deed made by B Davis and
wife to Ester Gemell, recorded
in Book 97, page 464, of deed
records of Dallas County Texas
and have used her me
as my homestead

Fifth

I hereby make constitute
and appoint J. F. Warren
of Dallas County Texas, Executor
of this my last will and
testament; and direct
that no bond shall be re-
quired of him as executor.

I further desire that the probate,
district, or other courts of this
state shall have no further juris-
diction of my estate, than the
probating of this my will
and the receiving and re-
cording of an inventory of
my property.

In witness whereof I herunto.

set my hand and do publicly
& declare this to be my last
will and testament, at Dallas,
Dallas County, Texas. This the
17th (seventeenth) day of February
A. D. 1897

Ester Gemell
Ester Coleman
m.w.

Signed published and de-
clared by the said Ester
Coleman to be her last will
and testament and in our
presence signed same, and
we in her presence and
in the presence of each
other have at her request
subscribed our names
as witnesses Feb. 17 - 1897

E. J. Bower
R. D. Jones

①

2853

Will of Ester
Coleman

Made 17 day Feb. 1897

FILED the
date of
September 8
A. S. JACKSON, Clerk Co. Court

By W. R. Rawlin
Deputy

Recorded

8-628

THE STATE OF TEXAS,

To all Persons Interested in the Estate of *Easter Coleman*, Deceased:
Bohney Gaston, and Fannie Moore joined
 by her husband *A. L. Moore*, have filed in the County Court
 of Dallas County, State of Texas, an application for the Probate of the last Will of said
Easter Moore, 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 *November* A. D. 1900, at which time and place all persons
 interested in said Estate shall appear and contest said application, should they desire to do so.

WITNESS: A. S. JACKSON, County Clerk of Dallas County, Texas.

GIVEN UNDER MY HAND and the seal of said Court, at office in the City of
 Dallas, this *6th* day of *September* A. D. 1900

A. S. JACKSON,

County Clerk, Dallas Co., Texas.

By *A. S. Rawlins* Deputy.

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to summon

M. V. Miller - Grocer - 372
Neudelkin St. Dr. J. W. Anderson, (Col.) 408 Jackson St.
Jerry Wilson + Mary Warren (Col.) Queen City

To be and appear before the Honorable County Court of Dallas County, Texas, to be held at the Court House
 of said County *Jan 2, 1901* A. D. 1901, at 9 o'clock A. M., then and there to
 testify as witness in behalf of ~~the State~~ in a criminal action pending in said court
 wherein ~~THE STATE OF TEXAS~~ Plaintiff, and *The Will of Easter Coleman*
is offered for probate Defendant, and there remain from day to day and from
 term to term until discharged by due course of law.

HEREIN FAIL NOT, but of this Writ make due return, showing how you have executed the same.

WITNESS MY OFFICIAL SIGNATURE, at office in the City of Dallas, this *11* day
 of *Jan* A. D. 1901

A. S. JACKSON,

Clerk County Court, Dallas County, Texas,

By *B. J. Cullen* Deputy.

WITNESS AFFIDAVIT--CIVIL.

THE STATE OF TEXAS,
COUNTY OF DALLAS.

Term, 189
County Court.
I, the undersigned, do solemnly swear that I was duly Subpoenaed as Witness in the case wherein
Ester Coleman vs. Bohay Goston et al sure forgoers
and John Mitchell et al in Contendants Defendant
on the part of said forgoers and that I have served
miles hence to said Subpoena.
Barney Jones
day of 13
A. S. JACKSON,
Clerk County Court.

Subscribed and sworn to before me, this
By B F Cullum D. C.

No.

No. 2853
3/10/4

COUNTY COURT.

ESTATE OF

Ester Coleman

Deceased.

Notice of Application for Probate of
Will and Letters.

Issued the 6th day of
September 1900
A. S. JACKSON, Clerk.
By W R Rawlins Deputy.

SHERIFF'S RETURN.

Came to hand the 6 day of Sept
1900 and executed the 6 day of Sept
1900 by posting up three copies of this Writ at
three public places in Dallas County, one of which
was at the Court House doot of said County, and no
two of which were in the same town or city.

By L N Hughes Sheriff, Dallas County.
W R Knight Deputy.

Recorded 7/9
3 copies W 20

No. 2853

THE STATE OF TEXAS

-VS-

Ester Coleman
Deceased

SUBPOENA.

ORIGINAL-INSTANTER.

Issued 11 day of Jan 1901
A. S. JACKSON, CLERK.
By B F Cullum Deputy.

Came to hand the 11 day of
Jan 1901, and
the day of 1901.

by sending the within Subpoena in the presence and
bearing of
and returned
Jan 12-1901-
Could not find

the within named witnesses.

By J R Johnson Sheriff,
Dallas County, Texas.
A Witt Deputy.

SHERIFF'S FEES.

Summoning Witnesses . . \$
Mileage miles at 5 cents . . \$
Total \$

In Re Est
 No. 2853 of
 Easter Coleman, Secd

In the County Court,
 Dallas County, Texas.

To the Honorable Judge of Said Court:

Now comes the Clerk, and, in behalf of himself, and the other officers of this Court, moves the Court to require the ~~Plaintiff~~ ^{Contestants} in the above entitled and numbered case to give security for costs.

A. S. JACKSON, CLERK

By B. F. Cullom Deputy.

SUBPOENA-CIVIL.

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to summon

Oscar
Rutherford (Col.) (or Relliford)
Queen City

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 12th Feb A. D. 1901, at 2 o'clock, a. m., at the instance of the proposee then and there to give evidence in a certain case wherein will of Easter Coleman is offered for probate is plaintiff, and is 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 12 day of Feb A. D. 1901

A. S. JACKSON,

Clerk County Court, Dallas County, Texas.

By B. F. Cullom Deputy.

No. 2853
in Probate
Est. of Easter Coleman
vs Dec'd

Motion for Security for
Costs.

Filed 13 day of Nov
A. D. 1900
A. S. JACKSON, Clerk.
By B. F. Cullow Deputy.

Est No. 2853

COUNTY COURT.

Est. Easter Coleman

SUBPENA.

Issued 12 day of
Feb A. D. 1901
A. S. JACKSON,
Clerk County Court, Dallas County, Texas.

By B. F. Cullow Deputy.

7506 MILLINGTON PRINTER DALLAS TEXAS

By

J. McFarlane Deputy.

Sheriff

B. F. Cullow
Dallas County, Tex.

The within named witnesses.

Came to hand this the
12 day of
Feb
in the hearing of

12 day of Feb
A. D. 1901

and executed
the within named witnesses
Jury reading the within Subpoena

SHERIFF'S RETURN.

The witness named next found in Dallas Co. (for the want of time)

SUBPENA-CIVIL

John Brewster Pease - Central Avenue

THE STATE OF TEXAS,

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

John Brewster Pease
John Brewster Pease

YOU ARE HEREBY COMMANDED to summon

Mr. Mackey, South Central Ave. Mr. Miller, Groceryman, So. Central Avenue on Wendelkin st. J. P. Johnson, Dr. A. T. Pate, West Dallas, Mr. Sebastian Queen City, Walter Felton, Wendelken st, All whites. Following are colored, Bub Webb, Robert Johnson, Richard Sattlewhite, Joseph Welch, all Queen City, Mrs. Cole, Sanger Ave, Mrs. Howard Cumby, Burton Scott Trinity Oil Mills, Walker Johnson, Cotton mills, Jeff Calhoun, Queen City, Sam Hamilton, Porter st., Sam Wilson, Santa Fe R R, Tempie Payne, Fannie Smith, Jessie Abraham, Jim Groce, Queen City, John Armster, City, Maggie Mitchell, Oakland ave., Mary Davis, Mary Mitchell, Sam Hamilton, Joe Combs, Tom Watson, Queen City, Lewis Warren, Sam Wilson, Queen City.

the *proprietors, Coleman* and there to give evidence in a certain case wherein *the will of Easter Coleman, Decd.* is offered for probate *is plaintiff, and is 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 *13* day of *November* A. D. 1900

A. S. JACKSON,

Clerk County Court, Dallas County, Texas.

By *B. F. Cullow* Deputy.

Mrs. Cole near Shields Collar Factory

Mrs. Warren

THE STATE OF TEXAS.

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

YOU ARE HEREBY COMMANDED, That you attach *Mr. Miller - Groceryman, South Central Ave, on Wendelkin st,* if to be found in your County, and bring *him* personally before the Honorable County Court of Dallas County, at the Court House, in the City of Dallas, instanter, on the *17* day of *Feb* *1901* at *—* o'clock, *—* M., then and there to testify in behalf of the *proprietors* in a certain suit now pending in said Court, wherein *the State of Texas is Plaintiff, and the will of Easter Coleman is Defendant. is offered for probate*

HEREIN FAIL NOT, but due return make, and have you then and there this Writ, with your return thereon, showing in what manner you have executed the same.

WITNESS my official seal and signature, at office, in the

City of Dallas, this the *17* day of

Feb *1901*

A. S. JACKSON,

Clerk County Court, Dallas County, Texas.

By *B. F. Cullow* Deputy.

19

No. 2853

WITNESS ATTACHMENT
CRIMINAL INSTANTER.

The State of Texas

vs
Est of Easter Co

Issued this 12 day of Feb

A. D. 1901

A. S. JACKSON, Clerk.

By B. F. Cullow Deputy.

Came to hand on the 12 day
Feb 1901, and executed
one Camp Day, Severs
with phone.

J. R. Johnson
Sheriff
J. A. Scott & Dallas Co.

Should be fine 50
milege 20

SHERIFF'S RETURN.

Came to hand this the 13 day of Nov A. D. 1900, and executed
on this the 16 day of Nov A. D. 1900, by reading the within Subpana
in the hearing of N. V. Miller H. Feltou But With Robert Johnson R. Cotton White
Joseph Welch Mrs Cole Burton Scott A. Johnson Jeff Calkoun Sam Houston
Sam Wilson Deupie Payne Fannie Sulek Jessie Abraham Maggie
Mitchell Mary Mitchell Joe Combs Tom Wilson Sam Wilson & of
the within named wit. The others named on the within are not
found they are scattered & represent parts of the County. Making
return on this the 17 day of Nov A. D. 1900

By A. Simpson Deputy.

L. H. Hughes
Sheriff Dallas County, Tex.

Humphreys

No. 2853
in Probate

COUNTY COURT,

Est of Easter Coleman
vs SUBPENA. Deeds

Issued 13 day of
Nov A. D. 1900

A. S. JACKSON,
Clerk County Court, Dallas County, Texas.

By B. F. Cullow Deputy.

Shrip. Fees paid 10.00
milege \$11.50

BOND FOR COSTS.

J. D. Mitchell et al
-vs-
Johnny Gaston et al

SUIT PENDING IN THE ^{County} DISTRICT COURT
OF DALLAS COUNTY, TEXAS.

Know all Men by these Presents, That we,

J. D. Mitchell et al

as Principal, and

as Sureties,

bind ourselves, jointly and severally, to pay unto the officers of said Court all costs that have accrued or may accrue in the prosecution of a certain suit now pending in said Court, wherein

et al

and Applicant to Probate will of Carter Coleman ^{is} Defendant

WITNESS our hands this 7 day of January 1901

Approved this 7 day of

January A. D. 1901

Per *A. Jackson*
Clerk of the Court, Dallas County. Deputy.

x J. D. Mitchell
x Maggie Mitchell
x S. A. N. Hamilton
x *Ellis Collins*
x *Gas & Edmund*

J. D. Mitchell
Denny Mitchell
Maggie Mitchell
S. A. N. Hamilton
Ellis Collins
Gas & Edmund

17
No. 2507

Probate
~~DISTRICT~~ COURT.
~~Est. Easter Coleman~~
Deed

J. D. Mitchell et al.
Contractors
vs. BOND FOR COST.

Bohmy Gaston et al.

FILED this 7 day of

Jan A. D. 1901

Chas. Jackson Clerk.

By B. J. Cullom Deputy.

STATE WILL BOOK NO. 122 SAN ST. DALLAS.

No. 2853

PROOF OF WILL.

THE STATE OF TEXAS, } ESTATE OF
County of Dallas } Easter Coleman Deceased.

Proof of Last Will and Testament of Easter Coleman Deceased.

This day personally appeared in open Court R. C. Ayres

who, being duly sworn as a witness in the above entitled matter, and examined on behalf of the applicant to prove said Will, says: I was well acquainted with Easter Coleman deceased, during her lifetime; I knew the above decedent for about Eight or ten years before her death; the signature of the said deceased to the instrument now shown to me, and offered for probate as her last Will and Testament, filed in this Court on the 6th day of Sept A. D. 1900 and bearing date on the 17 day of February A. D. 1897, was made by the deceased on said last named date at Dallas Texas in presence of myself and E. J. Bawer - ~~and T. L. Camp~~

the other subscribing witness; all of said witnesses being over the age of fourteen years. At the time of the signing of said Will the testator was of sound and disposing mind and memory, and she declared the said Will so made by her to be her Last Will and Testament, and I thereupon signed my name as a witness, together with E. J. Bawer at the request of the said testator, in her presence and in the presence of each other. The said deceased at the time of the execution of said instrument was Sixty five or sixty years of age; the said Easter Coleman departed this life on the about 24 day of Aug A. D. 1900 about three years after making said Will, in the County of Dallas in the State of Texas, where and at which time her residence and principal estate was situated.

R. C. Ayres

Sworn to and subscribed before me, this 13 day of Feb A. D. 1901, in open Court.

A. Jackson Clerk
County Court Dallas County, Texas.

By R. F. Cullum Deputy.

A 172

6

No. 2853

PROOF OF WILL.

THE STATE OF TEXAS.

County of Dallas
Jan Term, 1901

ESTATE OF

Easter Coleman
Deceased

Filed the 13 day of
Feb A. D. 1901

and recorded the _____ day
of _____ A. D. 189____, in the

Probate Minutes of _____

County, in Volume _____ Page _____

As Jackson
County Clerk.

By B. F. Cullom Deputy.

Recorded

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1979

No. 7853

PROOF OF WILL

THE STATE OF TEXAS, } ESTATE OF
County of Dallas } Easton Coleman Deceased.

Proof of Last Will and Testament of Easton Coleman Deceased.

This day personally appeared in open Court E. G. Bower

who, being duly sworn as a witness in the above entitled matter, and examined on behalf of the applicant to

prove said Will, says: I was well acquainted with Easton Coleman

deceased, during her lifetime; I knew the above decedent for about fifteen years

before her death; the signature of the said deceased to the instrument now shown to me, and offered for probate

as her last Will and Testament, filed in this Court on the 6th day of September A. D. 1900

and bearing date on the 17 day of February A. D. 1897 was made by the deceased

on said last named date at Dallas Texas in presence of myself

and R. C. Ayres and J. L. Camp

the other subscribing witness; all of said witnesses being over the age of fourteen years. At the time of the

making of said Will the testator was of sound and disposing mind and memory, and she declared the said

Will so made by her her Last Will and Testament, and I thereupon signed my name as a witness,

together with R. C. Ayres at the request of the said testator,

in her presence and in the presence of each other. The said deceased at the time of the execution of said

instrument was about sixty five years of age; the said Easton

Coleman departed this life on the 29 day of Aug - A. D. 1900

about three yrs after making said Will, in the County of

Dallas in the State of Texas, where and at which time her residence and

principal estate was situated. E. G. Bower

Sworn to and subscribed before me, this 13th day of February A. D. 1901, in open Court.

A. S. Jackson Clerk

County Court Dallas County, Texas.

By B. J. Cullom Deputy.

A 172

6a

No. 2853

PROOF OF WILL.

THE STATE OF TEXAS,

County of Dallas 1901
Term, 1899

ESTATE OF

Carter Coleman
Deceased

Filed the 13 day of
Feb A. D. 1901

and recorded the _____ day
of _____ A. D. 1899 in the

Probate Minutes of _____
County in Volume _____ Page _____

W. Jackson
County Clerk
By B. J. Cullom Deputy

Recorded

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

In the Matter of the
Estate of Master Coleman,
Deceased.

In the County Court
Dallas County, Texas, sitting in
Matters of Probate.

On this the 13 day of February, 1901, came on for hearing
the petition of Johnny Gaston and Fanny Moore, joined by her husband
A. L. Moore, to probate a certain instrument in writing purporting
and alleged to be the last will and testament of Master Coleman,
deceased, which instrument having heretofore been filed is now
produced in open Court. And it appearing to the Court that due and
legal notice of said application ^{to} probate ~~the~~ said will has been
given and it further appearing to the court that J. D. Mitchell

Penny the minors, Willie Mitchell and Annie Mitchell represented by their next friend, Maggie Mitchell, ~~having~~ ^{filed} in this cause a protest,
protesting against the probating of the alleged last will and

testament of Master Coleman deceased, there upon ^{coming} ~~came~~ on to be
heard the evidence in behalf of the proponents and the contestants,
and, after hearing all the evidence and the argument of Counsel
and it appearing to the Court that said last will and testament
was duly subscribed to by E. C. Ayres and E. G. Bower as witness
to said will and their ~~testimony~~ ^{depositions} having been taken in open Court
and the same having been reduced to writing and sworn to before the
Clerk and filed with the papers in this cause. It is therefore
ordered, adjudged and decreed by the Court that the said J. D.

Mitchell

Mitchell

Mitchell

Mitchell contestants take ~~an~~

thing by reason of their contest filed herein; and ~~that~~ upon the
application of said Johnny Gaston and Fanny Moore it is ordered,
adjudged and decreed by the Court that the said ~~will~~ ^{be and same} will of Master
Coleman deceased, is hereby proved and established as the last will
of Master Coleman deceased, ~~and it is therefore ordered, adjudged and~~
~~decreed~~ that same be admitted to probate and the same be recorded

together with the testimony of R. C. Ayres and E. G. Bower and it
is ~~therefore~~^{thereby} ordered, adjudged and decreed that the said J. D.
Mitchell Mitchell Mitchell
Mitchell and their assurities upon their cost bond filed
herein pay all costs occasioned by the filing of their contest, for
which ~~alleged~~^{as} execution issue.

Estates } In County Court
of } Dallas County
for Term, 1900

Now came contestants
John Mitchell, Perry Mit-
chell, Belle Mitchell and
Lula Mitchell and the follow-
ing named minor, who
are by their mother and
next friend Maggie
Mitchell and by leave
of the court first had and
obtained, amended their con-
test filed herein on the 5th
day of November 1900 and hereby
contest and oppose the probate
of the pretended will of Easter
Coleman, which with the applica-
tion for the probate thereof, was
filed in this court on the 6th
day of September 1900 by Bolony
Boston and Fannie Moore,
and for reasons therein re-
sented, set that these contestants are
grandchildren and heirs of the
said Easter Coleman, deceased.
That the said Easter Coleman died
on the - day of August 1900
and left no child and no hus-
band surviving her, but that
these contestants are the chil-
dren of John Mitchell, now de-
ceased, who was the son of said
Easter Coleman.

And that the said pretended
will of the said Easter Coleman

deceased, ought not to be admitted to probate because at the time of executing the alleged will the said Gustie Coleman was not of sound and disposing mind, and did not know or understand the disposition she was making of her property and by reason of old age and of bodily and mental weakness and disease and of unsoundness of mind was incapacitated from making her will.

The said will ought not to be admitted to probate because of undue influence used and exercised upon her it was procured by the use of undue influence upon the said Gustie Coleman by the said Boling, Gaston and Fannie Moore.

Wherefore the contestants pray that said will be not admitted to probate but that the same be declared null and void.

J. C. Patton
 + Dustin
 attys for contestants.

7853 (6)
Estate of
E. C. Coleman

At Amended
Account of Pro-
bate of Will

FILED Nov 30-1900
A. S. JACKSON,
County Clerk, Tarrant County, Tex.
By B. J. Cullum
REPORT.

*Estate of Easter Coleman Deceased of District Court,
No. 2858*

J. D. Mitchell et al //
20156. vs. // November 2nd, 1901.
Boney Gaston et al. //

On this, the 2nd day of November, A.D. 1901, came on regularly for trial the above styled and numbered cause, whereupon came Boney Gaston et al, proponents of the last will and testament of Easter Coleman, by their attorney and announced ready for trial, and at the same time came J.D.Mitchell et al, contestants to the probate of said will, and by their attorney announced ready for trial. Thereupon came a jury of twelve good and lawful men, to-wit: F.A. Campbell and eleven others, who having been duly impaneled and sworn, after hearing the evidence and argument of counsel and receiving the charge of the Court retired to consider of their verdict and thereafter returned into open Court the following verdict, to-wit:

November 2, 1901, we the jury find for the proponents. Signed, F.A. Campbell, foreman.

It is therefore ordered, adjudged and decreed by the court that the instrument of writing alleged to be the last will and testament of Easter Coleman and offered for probate by Boney Gaston and Fannie Moore joined by her husband, A.L.Moore, it is hereby decreed by the Court to be the last will and testament of Easter Coleman.

It further appearing to the Court that the same was duly and legally executed and proven, it is therefore ordered, adjudged and decreed by the court that said will be admitted to probate as the last will and testament of Easter Coleman, deceased.

It is further ordered, adjudged and decreed by the court that the contestants, J.D.Mitchell, Denny Mitchell, Belle Mitchell, Lula Mitchell and the two minors, Willis Mitchell and Ester Mitchell, who sue by their next friend, Maggie Mitchell, take nothing by reason of their contest herein and it is further ordered, adjudged and decreed by the court that judgment be rendered in favor of the officers of the court for all costs incurred by reason of this contest against the contestants and that judgment be rendered in favor of the officers of the courts incurred by reason of this contest against the sureties on the cost bond of the contestants, for fifty dollars, to-wit:

2

Maggie Mitchell, S.A.M. Hamilton, Jeff Calhoun, Ellis Willis, E.C. England, William McKee, James E. Dunn & Company and E.L. Bauman, for which let execution issue.

It is further ordered that execution issue in favor of the officers of the court for the costs incurred respectively by proponents and contestants, for which let execution issue.

It is further ordered that a certified copy of this judgment be forthwith transmitted by the clerk of this court to the clerk of the County Court of Dallas County, Texas, for observance by said Court.

The State of Texas, /
County of Dallas. /

I, H.W. Jones, Clerk, District Courts, Dallas County, Texas, hereby certify that the above and foregoing is a true and correct copy of the Judgment and Decree of the Court rendered and entered in Cause No. 20156, ~~between~~ J.D. Mitchell et al vs. Bohny Gaston et al, as the same now appears of record in my office, in Book 15, pages 447, 448 and 449, Minutes of the District Court of the 14th Judicial District of Texas.

Given under my hand and seal of office, at Dallas, this, the 9th day of December, A.D. 1901.

H. W. JONES,

Clerk, District Courts, Dallas County, Texas.

By Chas Dumble
Deputy.

2853

No. 20158.
J. D. Mitchell et al
vs.
Bohney Gaston et al.

Certified copy of
JUDGMENT.

Eck Easter

Seal

gt

FILED

Dec. 1901

A. M. Rawlins

Q-613

Recorded Q-613

In the matter of the estate of :
 Easter Coleman, : In the County Court of Dallas County,
 Deceased. : Texas.

To the Honorable Judge of said Court:-

Now at this time comes Bohney Gaston and Fannie Moore joined by her husband A. L. Moore, all resident citizens of Dallas County, Texas, and make this their application to have the last will and testament of Easter Coleman admitted to probate, and in support of their application would show to the Court as follows:-

That Easter Coleman was at and for a long time prior to her death a resident citizen of Dallas County, Texas. That she departed this life in Dallas, Dallas County, Texas, on the 28th day of August, 1900. That the said Easter Coleman did on the 17th day of February, 1897, make and execute her last will and testament wherein and whereby she devised and disposed of all her property both real and personal, which said will was duly signed and witnessed. That by the terms of said will your petitioners together with Willis Mitchell and Easter Mitchell were the devisees of all the estate both real and personal of which the said Easter Coleman was seized and possessed. That said Willis Mitchell and Easter Mitchell are both resident citizens of Dallas County, Texas. That at the time of the death of Easter Coleman she was seized and possessed of certain real estate with the improvements thereon which said property is described in her will, and all of which is locate in Dallas County, Texas, and certain personal property consisting of household and kitchen furniture and one judgment which is recorded in the District Court Records of Dallas County, Texas, in favor of Easter Coleman and against G. H. McBride and W. J. Jordan. That all of said property is of the probable value of \$2500. That by the terms of said will J. F. Warren, who was a resident citizen of Dallas County, Texas, was named as executor. Your petitioners would show that said J. F. Warren has departed this life

having died long prior to the death of the testator herein mentioned.

Wherefore your petitioners in their behalf and in the behalf of the other heirs mentioned herein do now present to this honorable court the last will and testament of said Master Coleman, which said will is attached to this petition and made a part thereof, and respectfully pray that after due notice according to law that said will be admitted to probate.

Respectfully submitted,

Robney Gaston
Laurie Moon & Her Husband
A. S. Moon - Attorney
By their Attorney *M. Gump*

2853. (1)

In the matter of
the estate of
- Easter Coleman -

In Probate Court
of
Dallas County, Texas

Application for pro-
bate of Last Will &
Testament of Easter
Coleman, Deceased.

6th

Sept 1900

A. S. JACKSON, Clerk Co. Court.

A. S. Jackson
(written receipt)
17/985

Recorded

Sub Sept 6th 1900.

The State of Texas
County of Dallas:-----: Estate of Easter Coleman, Deceased

The undersigned contestants, after being duly sworn depose and say That:

Whereas, in a certain proceeding in the County Court of Dallas County, in the estate of *Easter* Coleman Deceased, at the January Term A. D. 1901, the following judgment was rendered:

Wednesday February 13/ 1901.

In the Matter of the estate of *Ester* Coleman, Deceased.

No. 2853

Wednesday February 13th, 1901. On this the 13th day of February 1901, came on for hearing the petition of Bohney Gaston and Fannie Moore joined by her husband A. L. Moore, to Probate a certain instrument in writing purporting and alleged to be the last will and testament of *Easter* Coleman, Deceased, which instrument having heretofore been filed is now produced in open Court, and it appearing to the Court that due and legal notice of said application, to probate said will has been given, and it further appearing to the Court that J. D. Mitchell, Dennie Mitchell, Bell Mitchell and *Lula* Mitchell, and the Minors Willie Mitchell, represented by their next friend Maggie Mitchell, have filed in this cause a protest protesting against the probating of the alleged last will and testament of *Easter* Coleman, Deceased; Thereupon coming on to be heard the evidence in behalf of the proponents and the contestants, and after hearing all the evidence and the argument of counsel, and it appearing to the Court that the last will and testament was duly subscribed by R. C. Ayres and E. G. Bower, as witnesses to said will, and their testimony having been taken in open Court and the same having been reduced to writing and sworn to before the clerk and filed with the papers in this cause, and it further appearing to the Court that the said *Easter* Coleman is dead; that she departed this life in Dallas County, Texas on the 28th day of August 1900 and at the time of her death aforesaid, had her domicile and fixed place

of residence in the City and County of Dallas, State aforesaid; That she executed said instrument now produced in open Court in the presence of said subscribing witnesses on the 17th day of February 1897 and declared the same to be her last will and testament: that at the time of the execution of said will as aforesaid, said testatrix was over the age of twenty one years, and of sound mind, and that each of said witnesses were at the time over the age of 14 years and that said will was never revoked by said testatrix; that said witnesses subscribed said will in the presence of and at the request of said testatrix, and in the presence of each other.

It is considered by the Court that said instrument be and the same is now here adjudged to be the last will and testament of said Easter Coleman, deceased, and that said will and the application for the probate thereof ^{and} ~~together~~ with all the testimony in this case be recorded in the Minutes of this Court.

It is further ordered, adjudged and decreed by the Court that ~~the~~ contestants herein take nothing by reason of their said contest, and they, the said J. D. Mitchell, Dennie Mitchell, Bell Mitchell ~~and~~ , and Mattie Mitchell as the next ^{friend} of the minors Willie Mitchell and Annie Mitchell, as contestants, and the sureties on their bond filed in the proceeding, viz: S. A. N. Hamilton, Jeff Calhoun, Ellis Willis, E. C. England, William McKee, Jas. E. Dunn & Co. and E. L. Bauman pay all costs herein incurred by reason of said contest.

To which judgment of this Court the contestants aforesaid excepted in open Court and gave due notice of appeal to the District Court of Dallas County, Texas"

From which judgment the said contestants J. D. Mitchell, Dennie Mitchell Bell Mitchell, and Lula Mitchell, and the minors Willie Mitchell and Annie Mitchell, represented by their next friend Mattie Mitchell have appealed to the District Court of Dallas County, Texas, and given notice of said appeal, an entry whereof has been entered of record in said County Court and the amount of the bond has been duly

fixed therein at the sum of Two Hundred Dollars (\$200.) and the said contestants and each of them after being duly sworn depose and say, that they and each of them have made diligent efforts to give such bond and are unable to do so by reason of their poverty; and that they and each of them have made diligent efforts to give an appeal bond in this cause but they have been unable to do so by reason of their poverty.

J. D. Mitchell.
D. Mitchell
Bell Mitchell
Lula Mitchell
Willie Mitchell and
Amie Mitchell by their
next friend Maggie
Mitchell
X
mark

Sworn to and subscribed before me this the 27th day of February 1901.

Marcus Plowman, Notary Public,
Dallas County, Texas.

(. L. SS.)

Filed Feb'y 27, 1901 . A. S. Jackson Co. Clerk,
By H. M. Skelton, Dy.

THE STATE OF TEXAS, } I, A. S. JACKSON, Clerk of the County Court of
County of Dallas. } Dallas County, Texas, do hereby certify that the fore-

going is a true and correct copy of the Affidavit of J. D. Mitchell et al

contestants in the above Estate of J. D. Mitchell et al to give an appeal bond on file as the same appears of record in my office in book No. _____ page _____ among the papers in said cause.

Witness my hand and seal of office this 8th day of March 1901
A. S. JACKSON, County Clerk,
By H. M. Skelton, Deputy.

No 2853

In the Matter of
the Estate of
Caster Coleman,

Certified Copy of
Affidavit of Insolvency
to give appeal Bond.