

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

Case Number 1773

Dallas Genealogical Society
Founded 1955

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1773

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NOTICE OF APPLICATION FOR PROBATE OF WILL AND LETTERS.

10886-Dorsey Printing Co., Stationers, Dallas.

THE STATE OF TEXAS,

To all Persons Interested in the Estate of *Sarah Elizabeth Johnston* Deceased :

A. N. Roman,
 has filed, in the County Court
 of Dallas County, State of Texas, an application for the Probate of the last Will of said
Sarah Elizabeth Johnston, 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*7*, 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 *11th* day of *January* A. D. 189*7*

A. S. JACKSON,

County Clerk, Dallas Co., Texas.

By *A. B. Rawlins* Deputy.

190

No.

190

COUNTY COURT.

ESTATE OF

Sarah Elizabeth Johnston,

Deceased.

NOTICE OF APPLICATION FOR PROBATE OF
WILL AND LETTERS.

Issued this *11* day of

January 189*7*

A. S. JACKSON, COUNTY CLERK.

By *A. S. Paulus* Deputy.

SHERIFF'S RETURN.

Came to hand the *11* day of *Jan*
1897, and executed the *11* day of *Jan*

1897, by posting up three copies of the will 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.

BEN E. CABELL, SHERIFF, DALLAS CO.

By *B. E. Cabell* Deputy.

Just 7300
Recorded

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2 State of Texas }
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County of Dallas. }

I, W. H. Homan, do solemnly swear that the writing which has been offered for probate is the last will of Sarah Elizabeth Johnston, so far as I know or believe, and that I will well and truly perform all the duties of executor of said will of the estate of said Sarah Elizabeth Johnston.

W. H. Homan

Sworn to and subscribed before me by W. H. Homan, this 5th day of March A.D. 1897.

Jackson County Clerk Dallas County
By J. H. Baker, Jr.

No. 2270
In the Estate of
Sarah Elizabeth Johnston
Wid. ¹² ¹¹ ¹⁰ ⁹ ⁸ ⁷ ⁶ ⁵ ⁴ ³ ² ¹

Oath of Mr. Adams
as executor

Filed March 5th 1897
A. S. Jackson Co.
Clerk
By W. P. Adams Secy.

<Recorded>

1
2 State of Texas } In County Court
3 } Sitting in Probate
4 County of Dallas } March Term A.D. 1897,
5

6 In re Application of ~~W. H. Roman~~ for
7 probate of last will and testament of
8 Sarah Elizabeth Johnston, deceased, and
9 for letters testamentary.

10 The above matter coming on for
11 trial, ~~W. H. Roman~~, being duly sworn
12 in open court says: that the in-
13 strument of writing now offered for
14 probate and purporting to be the last
15 will and testament of said Sarah Eliza-
16 beth Johnston, deceased, was on the
17 7th day of December A.D. 1896 signed
18 by the said Sarah Elizabeth Johnston
19 in the presence of himself
20 and Mrs. Grace Allen and then
21 and there published and declared
22 by the said Sarah Elizabeth Johnston
23 as her last will and testament, and
24 affiant and said Grace Allen signed
25 the same as subscribing witnesses
26 in the presence of each other and
27 in the presence and at the request
28 of the said Sarah Elizabeth Johnston, deceased.
29 That at the time of making said will the
30 said Sarah Elizabeth Johnston was
31 over the age of 21 years and was of
32 sound mind; that said Sarah

1 Elizabeth Johnston died in Dallas
2 County Texas, on the 5th day of
3 January A.D. 1897, without having
4 made said will so far as affiant
5 is informed or believes, leaving
6 property in this county and
7 subject to the jurisdiction of
8 this court; and that notice
9 of above application has
10 been given as required by law,
11

W. K. Roman

12 Sworn to and subscribed
13 before me in open court this
14 5th day of March A.D. 1897.

15 A. Jackson, Clerk County
16 Court Dallas Co. Texas.

17 by J. H. Taylor Deputy.

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20 No. Records of
21 In re Estate of
22 Sarah Elizabeth Johnston
23 Clerk

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Filed March 5, 1897
A. Jackson Clerk
By W. K. Roman

Recorded

INVENTORY AND APPRAISEMENT Of the property belonging to the estate of Sarah Elizabeth Johnston, deceased, produced before us, the undersigned appraisers, on the day of March A. D. 1897, by W. H. Homan, executor of the estate of the said Sarah Elizabeth Johnston, deceased:

Real Estate	\$
(1) Lot 110 x 125 feet Bex. 380, Murphy + Belamy Official map of Dallas, on north side Cochran street 50 ft. West of Wesley alley with 2 cottages	3000 00
(2) Lot 50 x 120 feet Bex. 745 n. + B. of map of Dallas on S.E. side of Live Oak street	400 00
Personal Property and Claims.	\$
(1) One promissory note of Chas. Carroll dated July 8th 1896 payable July 8th 1899 for \$500 with int. at 10% per annum from date secured by 1st mortgage on Dallas Property	500 00
(2) One promissory note of Rudolph Liedman dated Dec. 18-1896 payable June 18-1901 for \$1800 int at 8% per annum from date + secured by 1st mortgage on Dallas property.	1800 00
(3) One promissory note of Sidney Reinhardt dated Dec. 18-1896 payable June 18-1901 for \$1800, int at 8% per annum from date + secured by first mortgage on Dallas property	1800 00

Ant forward,
(4) account in bank, (cash)

\$7500 00
400 00

The State of Texas,
County of Dallas,

We, the undersigned, duly appointed and legally

qualified Commissioners, appointed to appraise the property belonging to the estate of

Sarah Elizabeth Johnston, deceased,
do solemnly swear that the foregoing is a full and complete inventory of the property belonging

to said estate, both real, personal and claims, that was produced to us for appraisement by

W. K. Homan, executor,

and that the amount set opposite each item is a full and fair appraisement thereof.

S. Y. Dice
Chas. F. Bolaw

Commissioners.

Sworn to and subscribed before me this 18th day of March A. D. 1897,

A. C. Abrams

Notary Public Dallas County Texas

The State of Texas,
County of Dallas,

Before me the undersigned

a notary public

in and for said County and State,

on this day personally appeared W. K. Homan, executor

of the estate of Sarah Elizabeth Johnston deceased,

who, being duly sworn, on oath says that the list of property produced by him to the appraisers of

said estate for appraisement contains a full and complete list of all the property belonging to said

estate, both real, personal and claims, that has come to his knowledge.

W. K. Homan

Sworn to and subscribed before me this

15th day of March A. D. 1897

Bert S. Simpson

Not. Pub. Dallas, Texas

No. 2770

Estate of Sarah Elizabeth Johnston, deceased.

INVENTORY AND APPRAISEMENT.

Filed March 26 1897

A. S. JACKSON Clerk

County Court, Dallas County, Texas,

By W. B. [unclear] Deputy.

Dorsey & [unclear] Co., Dallas, Texas—79450

Rec'd / Mch 29-97 Examined and approved -

W. B. [unclear] Co. Jud.

FILED

MAR 27 1897

(M 27)

A. S. JACKSON, Dallas County Clerk, Texas. W. B. [unclear] Deputy.

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

In Re Estate of
Sarah Elizabeth Johnston
Deceased.

In Ct,
Dallas Co
Texas

March 29th, 1897.

On this day coming on to be heard
the inventory and appraisement
of the estate of Sarah Elizabeth
Johnston, deceased, and it appear-
ing to the satisfaction of the
Court that said inventory and
appraisement is in all things
true and correct and contains
a full inventory and fair
appraisement of all the prop-
erty of said estate so far as
at present known to the execu-
tor thereof;

It is accordingly ordered
by this Court that said inven-
tory and appraisement be and
the same is hereby affirmed and
approved and the appraisers her-
etofore appointed by this Court
herein for the purpose of making
said appraisement are hereby discharged.

No.
Estate of
Sarah Elizabeth Johnston
Deceased.

Order Approving
Inventory and
Appraisement.

1
2 In the Estate of. } In County
3 no. } Court Dallas Co.
4 Sarah Elizabeth Johnston dec'd. } Sitting in Probate

5
6 March 4th 1897 a.d.

7
8 Coming on to be heard the application
9 for the probate of the last will
10 and testament of Sarah Elizabeth
11 Johnston and it appearing to
12 the Court that said will
13 has been produced in open
14 court by W. H. Homan executor
15 named therein, no objection
16 having been made to the
17 introduction of same and
18 the same having been proven
19 according to law by W. H. Homan,
20 one of the witnesses thereto;
21 and it appearing to the satis-
22 faction of the Court that
23 said will is in due and legal
24 form and that said W. H. Homan
25 executor as aforesaid has
26 made application for letters
27 testamentary as required by
28 law and that citation has
29 been given; and it further
30 appearing that said W. H. Homan
31 is named as executor in
32 said will and that he is

1 not disqualified therefor.
2 It is therefore ordered by
3 the Court that the said last
4 will and testament of the
5 said Sarah Elizabeth Johnston
6 deceased, be and the same is
7 hereby admitted to record
8 and that letters testamentary
9 thereon be granted to the
10 said ~~W. H. Homan~~ man on his
11 taking the required oath
12 without giving bond, according
13 to direction in said will.
14 And it is further ordered
15 by the Court that C. J. Bolanz
16 J. J. Rice + L. S. Garrison
17 be and they are hereby appointed
18 as appraisers, any two of
19 whom may act of the estate
20 of Sarah Elizabeth Johnston,
21 deceased.
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No. _____

In Re Estate of
 Sarah Elizabeth Johnston dec.

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Order of Court
 admitting will
 to probate and
 appointing W. H. H.
 as executor
 without bond
 and appointing
Appraisers

1
2 The State of Texas } In the County Court of said
3 Dallas County } County, sitting for probate
4 purposes.

5 To the Hon. Kenneth Force, Judge of said
6 Court:

7 W. H. Norman, who resides in said
8 County of Dallas, respectfully represents that
9 Sarah Elizabeth Johnston, a married woman,
10 died in Dallas County Texas on the 5th day
11 of January A.D. 1897, leaving a written will
12 which is herewith filed, that said Sarah
13 Elizabeth Johnston at the time of her death
14 was possessed of real and personal prop-
15 erty situated in Dallas County, of the
16 probable value of six thousand dollars.

17 Your petitioner is named in said will as
18 executor thereof, and is not disqualified by
19 law from accepting said appointment.
20 Wherefore he asks that citation be issued
21 according to law, that said will be ad-
22 mitted to probate, and that petitioner be
23 appointed executor in accordance with
24 the terms thereof - and that such other or-
25 der and decree be made in the premises
26 as will carry out the wish of the testator
27 as expressed in said will.

28 W. H. Norman
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No. 2270

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Estate of
Sarah Elizabeth
Johnston Neely

Application for
Probate of Will.

FILED

JAN 11 1897

A. S. JACKSON,
County Clerk, Dallas County, Tex.
A. S. Jackson Deputy.

{Recorded}

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

The State of Texas }
 County of Dallas }
 Elizabeth Johnston, of the County of Dallas and State of Texas, do make
 publish and declare this my last will and testament, hereby revoking all
 wills by me at any time heretofore made.

Item first. I desire and direct that all my just debts and funeral
 expenses be paid by my executor hereinafter named, as soon after my
 death as convenient. I here request that my funeral be as simple and
 inexpensive as possible, or as is consistent with quiet taste.

Item second. I will and bequeath to my husband, Dr. H. H. Johnston for
 the term of his natural life, the use, occupancy and control of all my
 property on Cochran St, consisting of two houses and lots, and I give
 and bequeath to my said husband the rents, revenues and interest
 arising from said property during his life.

Item third. I will that my husband said Dr. H. H. Johnston, with
 the aid of my executor, to be hereinafter named, shall sell my
 home place, on Bryan and Pavilion Sts. as soon as convenient
 and from the proceeds pay first, my funeral expenses and
 whatever debts I may owe, also that from the proceeds of
 this sale he pay to James H. Rosecrans, who for years has been
 an intimate friend and member of the household of my husband
 and myself, the sum of five hundred dollars (\$500.00), which
 sum I borrowed from him several years ago. The fact that
 he has destroyed the note, and has nothing to show for the debt
 does not invalidate the claim, and I desire him paid in
 full the principal which is five hundred dollars. The
 remainder of money left from sale of my home, after my
 funeral expenses and all debts are paid, I give to my husband
 unconditionally to use as he may desire.

Item fourth. I will and bequeath to said James H. Rosecrans
 a lot, improved, on Live Oak St. and owned by me. This I
 do in consideration of many acts of kindness extended to my
 husband and myself, by said James H. Rosecrans, and also
 in payment of interest on the above mentioned sum of five-

hundred dollars.

Item fifth. Upon the death of my said husband, & in the event that he does not survive me, I desire and direct that ~~the~~ my executor shall convert my property into cash as soon as in his judgment the same may be practicable and to the interest of said estate, and that the proceeds ^{type of proceeds} be disposed of as follows: 1. I give and bequeath to the ^{Christian} Foreign Missionary Society, of which Charles Louis Loos of Kentucky is now President, and A. McLean of Cincinnati Ohio is Corresponding Secretary, one half of the proceeds arising from the sale of my said estate. 2. I give and bequeath to the Christian Women's Board of Missions, of which Mrs. C. A. Burgess is now President, and Miss Louis A. White is Secretary, all of Indianapolis Indiana, one fourth of the proceeds arising from the sale of my said estate. 3. I give and bequeath to the Board of Church Extension of the General Christian Missionary Society, or as it is now known The American Christian Missionary Society, of which Board of Church Extension, I think David C. Smart is now President and Geo. Muckley is Corresponding Secretary, (all of Kansas City Mo.) the remaining one fourth of the proceeds arising from sale of my said estate.

It is my desire that none of the bequests made in the ~~fifth~~ item of this will shall lapse or become ineffectual by reason of any change in name or form of the organizations therein named, and if any of such organizations should cease to exist by name, I desire and direct that the bequest herein made shall nevertheless be paid to such organization or organizations of the religious ^{in the United States} body known as Disciples of Christ of which I am a member, as shall correspond to or have the same general purposes and objects as those named.

Item Sixth. I appoint W. R. Homan Executor of this my last will and testament and I desire and direct that the probate Court shall have nothing to do with my estate beyond probating this will and receiving and approving

an inventory and appraisal of my property, and that my said executor shall not be required to give bond or other security for the performance of his duties as such executor.

In witness my hand this the 11th day of April, A.D. 1896.
 Sarah Elizabeth Johnston

In the event that W. K. Hornum, my executor named above should not survive me, I respectfully request the Court to appoint such person, to fill the place, as may be named by the elders of the Central Christian Church of Dallas of which Church I am now a member.

In witness my hand this the 11th day of April
 A.D. 1896
 Sarah Elizabeth Johnston

Codicil to the foregoing will made this 7th day of December A.D. 1896 in the presence of Grace Allen and W. K. Hornum: Since the foregoing will was executed, my homestead property in Dallas has been sold, and of the proceeds, the sum of five hundred dollars has been loaned by my agents Murphy & Bolanz to some person whose name is not remembered, secured by note and trust deed on real estate in the city of Dallas. Now I desire and direct that this note for \$500⁰⁰ and the security abovementioned be transferred and delivered to James H. Rosecrans in lieu of the receipt of \$500⁰⁰ made to him in the foregoing will. And I desire that in all other respects my will shall stand as above written. Witness that I direct that the remainder of the proceeds of my homestead amounting to \$3600, now loaned out, shall be held in trust and the interest thereon paid to my husband D. A.

A. Johnston, for his own use so long as he
may live and at his death said sum of
\$36.00 shall be paid to the several mission
ary organizations as directed in the foregoing
will
Sarah Elizabeth Johnston

Witness
Luace Allen
W. K. Homan

No.:-

Law, Mill & Postmark
Sarah Elizabeth Johnston

FILED

JAN 11 1897

A. S. J. ASSON
JAMES GOSSET, TRS.
of *Albuquerque*

(Recorded)