

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

Case Number 1762

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1762

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A. T. WATTS.

DEO. H. ALDREDGE



N. W. COR. MAIN AND LAMAR.

Dallas, Texas

188

Community estate of A. B. Combs dec'd } June 17th 1899.
 and Gertrude Combs survivor

The inventory and list of claims of the Community estate of said A. B. Combs dec'd, and Gertrude Combs survivor in Community; their returns, and the bond of said Gertrude Combs, as survivor in Community of said Community estate herein filed ~~is~~ being now examined by the Court, and the same being found in all things regular and in conformity to law, the said the same are all things approved and ordered to be recorded upon the minutes of the Court. It is further ordered that said Gertrude Combs as such survivor in Community; be and she is hereby fully authorized and empowered to control, manage and dispose of such Community property in accordance with Chapter 28, Title 37 of the Revised Statutes of Texas, and the amendments thereto.

Community-estate of A. B. Combs dec'd } June 17th 1889
And Gertrude Combs Survivor }

This day came on to be heard
the application of Gertrude Combs praying for
the appointment of appraisers to appraise the
Community estate of herself and deceased husband
A. B. Combs, and it appearing to this
Court that said A. B. Combs is dead, and that
said Gertrude Combs is his surviving wife, and
that there is a Community estate belonging to
them, and it further appearing that this
Court has jurisdiction over said estate,

It is therefore ordered and adjudged that
C. B. Gillispie, H. H. Smith & J. C. Lewis
be and they are hereby appointed appraisers to
appraise the Community property belonging
to the said estate of A. B. Combs dec'd and
Gertrude Combs Survivor, and are a part
thereof made to this Court.

The State of Texas }
County of Dallas } Ex County Court

To Hon E. G. Bowen County Judge Dallas County -
Your petitioner Gertrude Combs would
respectfully show that her husband A. B. Combs
departed this life at Eureka Springs, State of Arkansas
August 2^d 1888, intestate leaving your petitioner
as his surviving wife and three live children
viz A. B. Combs about thirteen years old, and now
at school in the City of St. Louis, State of Missouri,
and Gertrude Combs about four years old now
at Danison, Texas, -

That at the time of his death said A. B. Combs
resided at and was domiciled in the City of Dallas
County of Dallas, Texas, -

That your petitioner and said A. B. Combs died
own a small community estate consisting
of Money only, and which amount to Five
Thousand Two Hundred Dollars.

Wherefore she prays your Honor to appoint
appraisers to appraise said estate, and
to otherwise accept her qualifications as
Survivor in community estate & for general relief.

A. T. Watts

Atty for Gertrude Combs

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1319

Commons Estate of A. B. Conley, dec'd
vs. Estate of Conley, minors
~~vs. Estate of Conley, minors~~
Application for appointment
of appraisers &c

Filed June 17th 1889
W. J. Scott Clerk
By J. W. Starnes Reg

Recorded X

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Community Estate of A. B. Combs dec'd }
and Gertrude Combs Survivor }

Inventory and appraisement of the Community estate of A. B. Combs deceased and his surviving wife Gertrude Combs, produced before the undersigned appraisers on the day of June 1889 by said Gertrude Combs, survivor in Community of said Estate

Community Property

Money in Bank Five thousand two hundred dollars

Valued at \$5,200⁰⁰

We the undersigned appraisers solemnly swear that the foregoing is a full and fair appraisement of the Community estate of said A. B. Combs dec'd, and said Gertrude Combs Survivor, produced before us by said Gertrude Combs as such Survivor in Community.

H. H. Smith,
J. O. Lewis

Sworn to and subscribed before me this 17th day of June A. D. 1889.

J. B. Scott County Clerk
By J. P. Lewis D^y

I Gertrude Combs do solemnly swear that the foregoing Inventory and list of ~~claims~~ is a full and complete Inventory and list of the property and claims of the Community estate of said A. B. Combs dec'd, and this affidavit, that have come to my knowledge.

Gertrude Combs

Sworn to and subscribed before me this 17th day of June 1889

J. B. Scott County Clerk
By J. P. Lewis D^y

A. T. WATTS

GEO. H. ALDREDGE

Watts & Aldredge,

N. W. COR. MAIN AND LAMAR.

Dallas, Texas

188

Form

The State of Texas Personally appeared before
 County of Tarrant me W. D. Dore a Notary
 Public in and for Tarrant County, Texas, this day
 A. R. Collins & Sarah & Stover who after being by me duly sworn
 on oath say that they ^{each} ~~are~~ ^{are} worth in their own right
 over and above their liabilities and exemptions,
 the sum of Five thousand five hundred dollars
 and that they have property ~~and~~ situated in the
 State of Texas and subject to execution of the
 value of Five thousand five hundred dollars

W. D. Dore

W. D. Dore

Sworn to and subscribed before me this 7th day of June 1888

Given under my hand and official seal

W. D. Dore

Notary Public

The State of Texas,
County of Dallas.

Know all men by these presents That we, Gertrude
and
Combs as principal and
as sureties, are held and firmly bound unto the county
Judge of Dallas County, and his successors in office, in the sum of
Five thousand five hundred dollars, conditioned that the above
bound Gertrude Combs who has applied to the county Judge of Dallas
County to qualify as the survivor in community of the community
estate of herself and her deceased husband, A.B. Combs, now if she
the said Gertrude Combs as such survivor shall faithfully administ
ter such community estate and pay over one half the surplus there-
of after the payment of the debts with which the whole of said
property is properly chargeable to such person or persons as shall
be entitled to receive the same, then this obligation is to be null
and void, otherwise to remain in full force and effect.
Given under our hands this 7th day of June, 1889.

Gertrude Combs.

Sarah H. Stearns

A. B. Combs.

W. J. Stearns

Smith

*Book examined and
approved June 17/89*

*E. G. Barron
C. Prof.*

*Filed June 17, 89
W. Scott & Co.
By J. F. Lewis*

Recorded

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1762 1/2

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No. 1000-WITNESS AFFIDAVIT-CIVIL-Carried in stock and for sale by Dorsey Printing Co., Dallas.

In Re Estate of Michael Conolly THE STATE OF TEXAS,
 County of Dallas
 County Court, Nov Term, 1895

I, the undersigned, do solemnly swear that I was duly Subpoenaed as Witness in the case wherein
 entitled "In Re Estate of Michael Conolly" ~~is Plaintiff~~
~~and~~ deceased - Peter Conolly et al ~~Defendants~~ Complainants ~~is Defendant~~
 on the part of said Complainants and that I have served 1 days, and traveled
80 miles, in obedience to said Subpoena. J. J. Crosby

Subscribed and sworn to before me, this 14 day of Dec 1895
 By L. H. Hughes
 Clerk County Court,
 D. C.

No. 340

No. 1000-WITNESS AFFIDAVIT-CIVIL-Carried in stock and for sale by Dorsey Printing Co., Dallas.

In Re Estate of Michael Conolly THE STATE OF TEXAS,
 County of Dallas
 County Court, Nov Term, 1895

I, the undersigned, do solemnly swear that I was duly Subpoenaed as Witness in the case wherein
 entitled "In Re Estate of Michael Conolly" ~~is Plaintiff~~
~~and~~ deceased - Peter Conolly et al ~~Defendants~~ Complainants ~~is Defendant~~
 on the part of said Complainants and that I have served 1 1/2 days, and traveled
12 miles, in obedience to said Subpoena. Richard Graham Giffen

Subscribed and sworn to before me, this 14 day of Dec 1895
 By L. H. Hughes
 Clerk County Court,
 D. C.

No. 144

No. 1000-WITNESS AFFIDAVIT-CIVIL-Carried in stock and for sale by Dorsey Printing Co., Dallas.

In Re Estate of Michael Conolly THE STATE OF TEXAS,
 County of Dallas
 County Court, Nov Term, 1895

I, the undersigned, do solemnly swear that I was duly Subpoenaed as Witness in the case wherein
 entitled "In Re Estate of Michael" ~~is Plaintiff~~
~~and~~ Conolly deceased, Peter Conolly et al ~~Defendants~~ Complainants ~~is Defendant~~
 on the part of said Complainants and that I have served 1 days, and traveled
56 miles, in obedience to said Subpoena. J. H. Ryan

Subscribed and sworn to before me, this 14 day of Dec 1895
 By L. H. Hughes
 Clerk County Court,
 D. C.

No. 340

No. 1000-WITNESS AFFIDAVIT-CIVIL-Carried in stock and for sale by Horses Printing Co., Dallas.

In Re Estate of Michael Connelly Deed THE STATE OF TEXAS,
 No. 2048 County of Dallas
 County Court, Nov, Term, 1895

I, the undersigned, do solemnly swear that I was duly Subpoenaed as Witness in the case wherein
 entitled, "In Re Estate of Michael Connelly Deed
 Deceased" on the part of said Executors and that I have served 2 days, and traveled
5.2 miles, in obedience to said Subpoena.

Subscribed and sworn to before me, this 9th day of December, 1895
 By: A. Jackson Clerk County Court.
 D. C.

WITNESS AFFIDAVIT.

+ + WITNESS' AFFIDAVIT. + +

In Re Estate of Michael Connelly IN THE COUNTY COURT,
 No. 2048 Plaintiff, DALLAS COUNTY, TEXAS.
 County Court, Sept TERM, 1895

I, the undersigned, do solemnly swear that I was duly subpoenaed as a witness in the above entitled cause, on the
 part of Executors and that I have served 2 days, and in order to reach my home
 will have traveled 7 miles, at said term of said court, in obedience to said Subpoena.

Subscribed and sworn to before me, this 5th day of Sept, 1895
 days, \$ _____
 miles, \$ _____
 Total, \$ _____

No. _____ By: A. Jackson Deputy.

+ + WITNESS' AFFIDAVIT. + +

+ + WITNESS' AFFIDAVIT. + +

In Re Estate of Michael Connelly IN THE COUNTY COURT,
 No. 2048 Plaintiff, DALLAS COUNTY, TEXAS.
 County Court, Sept TERM, 1895

I, the undersigned, do solemnly swear that I was duly subpoenaed as a witness in the above entitled cause, on the
 part of Executors and that I have served 2 days, and in order to reach my home
 will have traveled 24 miles, at said term of said court, in obedience to said Subpoena.

Subscribed and sworn to before me, this 21st day of Sept, 1895
 days, \$ _____
 miles, \$ _____
 Total, \$ _____

No. _____ By: A. Jackson Deputy.

+ + WITNESS' AFFIDAVIT. + +

No. 1000-WITNESS AFFIDAVIT-CIVIL-Carried in stock and for sale by Dorsey Printing Co., Dallas.

WITNESS AFFIDAVIT.

In Re Estate of Michael Conolly THE STATE OF TEXAS.
 No. 2048 County of Dallas
 County Court. Nov Term, 1895

I, the undersigned, do solemnly swear that I was duly Subpœnaed as Witness in the case ~~wherein~~
 entitled, In Re Estate of Michael Conolly deceased
Deceased Conolly, Martin Conolly, Executors, Peter Conolly et al. Defendants
 on the part of said Executors and that I have served 3 days, and traveled
60 miles, in obedience to said Subpœna.

Subscribed and sworn to before me, this 18th day of January 1895
 By J. E. Piff
L. H. Hughes
 Clerk County Court.
 D. C.

No. 1000-WITNESS AFFIDAVIT-CIVIL-Carried in stock and for sale by Dorsey Printing Co., Dallas.

WITNESS AFFIDAVIT.

In Re Estate of Michael Conolly THE STATE OF TEXAS.
 No. 2048 County of Dallas
 County Court. Nov, Term, 1895

I, the undersigned, do solemnly swear that I was duly Subpœnaed as Witness in the case ~~wherein~~
 entitled, In Re Estate of Michael
Conolly, Deed Peter Conolly et al. Defendants
 on the part of said Executors and that I have served 2 days, and traveled
40 miles, in obedience to said Subpœna.

Subscribed and sworn to before me, this 14 day of December 1895
 By Brennon W. ...
L. H. Hughes
 Clerk County Court.
 D. C.

No. 1000-WITNESS AFFIDAVIT-CIVIL-Carried in stock and for sale by Dorsey Printing Co., Dallas.

WITNESS AFFIDAVIT.

In Re Estate of Michael Conolly THE STATE OF TEXAS.
 No. 2048 County of Dallas
 County Court. Nov, Term, 1895

I, the undersigned, do solemnly swear that I was duly Subpœnaed as Witness in the case wherein
 entitled, In Re Estate of Michael Conolly
deceased, Peter Conolly, et al. Defendants
 on the part of said Executors and that I have served 2 days, and traveled
72 miles, in obedience to said Subpœna.

Subscribed and sworn to before me, this 14 day of Dec 1895
 By R. E. Shepard
L. H. Hughes
 Clerk County Court.
 D. C.

J.D. Wright
 H. R. Parks absent
 W.R. Bell
 J. J. Ledbetter
 W. H. Cave
 F. M. Mouser
 J. L. Wood
 J. L. A. Thomas
 Mrs. W. Bowen
 G. A. Welch
 Chas. Walford
 H. C. Jackson

✓ ~~J.D. Wright~~ 1
 ✓ H. R. Parks absent
 W.R. Bell 2
 J. J. Ledbetter 3
~~W. H. Cave~~
 F. M. Mouser 4
 J. L. Wood 5
~~J. L. A. Thomas~~
 Mrs. W. Bowen
~~G. A. Welch~~
 Chas. Walford
 H. C. Jackson

ESTATE OF MICHAEL CONLEY, Deceased.

In the County Court,
Dallas County, Texas.

No. 2048

To Geo. W. Parker, - - - - - Dr.

To taking testimony in the above entitled cause, - - - - - \$11.20.

Approved:

J. J. Nash

County Judge.

MCCORMICK & SPENCE.

DALLAS. Sept 12. 1895.

Dear Mr. Parker,
Please here a subpoena issued for the
following witnesses, to appear and testify
for contestants in matter of estate of
probate of M. Conley will, on 14 Sept
at 9 am.

Mr Tom Lorkins
Harford St

Mr Wm Corbett
Harford St

Please give subpoena to sheriff at once
and very much obliged

Yours truly
McCormick & Spence

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

*L. M. McLeodon. on 6 floor MTR
at Passmore house. Garland*

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 *Sept 21st* A. D. 189*5* at ~~o'clock~~ *Contestants* at the instance of the

In Re Estate of Michael Connelly then and there to give evidence in a certain case wherein ~~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 *21* day of *Sept* A. D. 189*5*

L. H. HUGHES,

Clerk County Court, Dallas County, Texas.

By *Asjaenson* Deputy.

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

*Mrs Tom Larkins } Kerfoot St.
Mr. Mrs Corbett*

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 *September 12* A. D. 189*5* at *9* o'clock a. m., at the instance of the

Contestants then and there to give evidence in a certain case wherein ~~is plaintiff and~~ ~~is defendant~~
settled the Estate of
Martin Connelly Deceased

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 *Sept* A. D. 189*5*

L. H. HUGHES,

Clerk County Court, Dallas County, Texas.

By *Asjaenson* Deputy.

SHERIFF'S RETURN.

Came to hand on this the 21st day of Sept, A. D. 1895 ^{not} and executed on this the _____ day of _____ A. D. 1895, by reading the within subpoena in the hearing of

not found in Dallas county

Returned on this the 25 day of Sept, A. D. 1895, the within named witnesses,

By F. N. Tucker Deputy, Sheriff Ben E. Cabell Dallas County, Texas.

For Return Only, No. 1-1-1

By L. H. HUGHES,
Deputy,
Dallas County Court, Dallas Co., Texas.

Issued 27 day of Sept,
A. D. 1895

Michael Connelly
Debt

In Re Estate
vs. SUBPENA.

COUNTY COURT.

No. 2078

SHERIFF'S RETURN.

Came to hand on this the 12 day of Sept, A. D. 1895, and executed on this the 13 day of Sept, A. D. 1895, by reading the within subpoena in the hearing of

Mr. Wm. Corbett

(Mrs Tom Martin not found)

Returned on this the 13 day of Sept, A. D. 1895, the within named witnesses,

By M. Hall Deputy, Sheriff Ben E. Cabell Dallas County, Texas.

For Return Only, No. 1-1-1

By L. H. HUGHES,
Deputy,
Dallas County Court, Dallas Co., Texas.

Issued 12 day of Sept,
A. D. 1895

Michael Connelly
Debt

In Re Estate of
vs. SUBPENA.

COUNTY COURT.

No. 2078

Hall

151

Ben E. Cabell
Sept 13 1895
\$ 20

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

*John Anderson in City to day*to be and personally appear before the Honorable County Court of Dallas County at the Court House in the City of Dallas, County aforesaid, ~~on~~ *Sept 14th* A. D. 189 *5* at *9* o'clock a. m., at the instance of the *Contendants*then and there to give evidence in a certain case ~~which~~ *THE STATE OF TEXAS* ~~is~~ *deceased* ~~plaintiff~~ *entitled, "The Estate of Michael Connelly"* ~~and~~ *deceased* 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 *Sept* A. D. 189 *5*

L. H. HUGHES,

Clerk County Court, Dallas County, Texas.

By *Asjaerom* Deputy.

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

*Mr. McLeudon Foreman or Supt of Fairland St. Corline*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 *Sept 14* A. D. 189 *5* at *9* o'clock a. m., at the instance of the *Contendants*then and there to give evidence in a certain case ~~which~~ *is* ~~plaintiff~~ *entitled, In Re Estate of* ~~and~~ *Michael Connelly, deceased* ~~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 *Sept* A. D. 189 *5*

L. H. HUGHES,

Clerk County Court, Dallas County, Texas.

By *Asjaerom* Deputy.

SHERIFF'S RETURN.

Came to hand on this the 13th day of Sept A. D. 1890 and executed on this the 13th day of Sept A. D. 1890 by reading the within subpoena in the hearing of

John Anderson

Returned on this the 14 day of Sept with named witnesses. A. D. 1890

By A. Simpson Deputy Sheriff Ben E. Cabell Dally County, Texas.

County COURT,

No. 2048

~~Michael Connelly~~

SUBPENA

Michael Connelly

Issued 13 day of Sept

A. D. 1890

L. H. HUGHES,

By C. J. Jackson Deputy, Clark County Court, Dallas County, Texas.

with 100
mail 20
70

First Publishing Co., St. Louis

SHERIFF'S RETURN.

Came to hand on this the 13th day of Sept A. D. 1890 and executed on this the 14 day of Sept A. D. 1890 by reading the within subpoena in the hearing of

Mr. McLendon

Returned on this the 14 day of Sept with named witnesses. A. D. 1890

By A. Simpson Deputy Sheriff Ben E. Cabell Dally County, Texas.

County COURT,

No. 2048

On Re. Est. of

SUBPENA.

Michael Connelly

Issued 13 day of Sept

A. D. 1890

L. H. HUGHES,

By C. J. Jackson Deputy, Clark County Court, Dallas Co., Texas.

with 100
mail 30
80

First Publishing Co., St. Louis

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

Rev. Scott
Tom Salmons
Joe Cook
Francis Beaver
G. W. Donagay

John McKinney
Jack Jackson
G. Fisher
Mrs. Keiggin
Miss Donagay

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 Sept. 14th A. D. 1895 at 9 o'clock a. m., at the instance of the

Contractors then and there to give evidence in a certain case wherein plaintiff entitled, The Estate of Michael Connelly deceased 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 11 day of Sept. A. D. 1895

*In Michael Connelly - full mile
 till whose witness and give
 money for mil.*

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

By Asjaenson Deputy.

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

R. E. Shepard

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 14th day of Sept A. D. 1895 at the instance of the

Contractors then and there to give evidence in a certain case wherein plaintiff entitled, The Estate Michael Connelly deceased 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 14 day of Sept A. D. 1895

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

By Asjaenson Deputy.

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

*Blewin & West, (with Dallas Electric Co)
Jeff. Cause - (Druggish)
Jeff. R. Ralinson -
Jacob Jackson,*

to be and personally appear before the Honorable County Court of Dallas County, at the Court House in the City of Dallas County, aforesaid. ~~INSTANTLY~~ on *Saturday Sept. 21st* A. D. 189*5* at *9* o'clock a. m., at the instance of the *Cause & Martin,*

then and there to give evidence in a certain case wherein *the Will of Michael Connolly is sought to be* ~~is~~ *plaintiff and* ~~is~~ *probated, - No. 2048* ~~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 *20* day of *Sept* A. D. 189*5*

L. H. HUGHES,

Clerk County Court, Dallas County, Texas.

By *A. B. Lawrence* Deputy.

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

*John Bode Belham
Spaw Jackson, - 2 1/2 mi. N.E. of Coghlan,
Robert Lyle, - 2 1/2 mi. West of Garland,
George Wallace, - Garland,
and the said Geo. Wallace is commanded to produce
a certain letter in his possession written by Jeff or Jefferson
Ralinson of Dallas,*

to be and personally appear before the Honorable County Court of Dallas County, at the Court House in the City of Dallas County, aforesaid. ~~INSTANTLY~~ on *September 14th* A. D. 189*5* at *9* o'clock a. m., at the instance of the *Cause & Martin*

Connolly, Executors, then and there to give evidence in a certain case wherein *Peter Connolly is executing the will* ~~is~~ *plaintiff and* ~~is~~ *of Michael Connolly deceased,* ~~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 *9th* day of *September* A. D. 189*5*

L. H. HUGHES,

Clerk County Court, Dallas County, Texas.

By *A. B. Lawrence* Deputy.

SHERIFF'S RETURN.

Came to hand on this the 20 day of Sept A. D. 1891, and executed on this the 20 day of Sept A. D. 1891, by reading the within subpoena in the hearing of

Jeff Howell and Jack Jackson

Bleimie West (Sick) J. D. Robinson not Found the within named witnesses.

Returned on this the 21 day of Sept A. D. 1891

By H. Hall Deputy Sheriff Ben E. Cabell Dallas County, Texas.

No. 2048

COUNTY COURT.

Michael Connolly vs. SUBPENA.

John Probst

Issued 20 day of Sept A. D. 1891

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

Ben Hise m. 1.00 \$2.00

Printed by the Dallas County Court, Dallas, Texas

SHERIFF'S RETURN.

Came to hand on this the 9th day of Sept A. D. 1891, and executed on this the 13th day of Sept A. D. 1891, by reading the within subpoena in the hearing of

John Body, Sloan Jackson, Rob Lyke & Geo Wallace

Returned on this the 13th day of Sept A. D. 1891

By J. L. Cook Deputy Sheriff Ben E. Cabell Dallas County, Texas.

No. 2048

COUNTY COURT.

Car. Michael Connolly vs. SUBPENA. Prod.

9th day of Sept A. D. 1891

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

Geo. Hise 2.00 m. 2.50 \$4.50

Printed by the Dallas County Court, Dallas, Texas

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

Sauv. C. Hall, J.D. James & J. Jackson, (at Garland) & John Ryan, R. M. James, (Calhoun) J. E. Griffier, J. J. Crosby and G. Crosby (3/4 miles N.E. Calhoun), Peter Koatzembuehler (1/2 miles N.E. Dallas) Philip Koatzembuehler (same place) R. M. Shepard (7 mi E. Calhoun) Green Warrum (1/2 mi. E. Reservoir) J. M. Jackson 3 mi W. Garland

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 *Sept 14th*

A. D. 1895 at 9 o'clock a. m., at the instance of the

Executors then and there to give evidence in a certain case *wherein*
entitled "Estate of Michael Conoly dec'd" *plaintiff*
Marion Conoly & Oliver Conoly *Executors* *vs* *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 *7th* day of *Sept.* A. D. 1895

L. H. HUGHES,

Clerk County Court, Dallas County, Texas.

By *A. Jackson* Deputy.

The State of Texas,

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

YOU ARE HEREBY COMMANDED to summon

Lions Hotel 138 N. Pearl 207 McKinney 414 Elm Marble works

Patrick Connelly, M. A. Walsh, P. E. Dawson J. D. Carter, James & Moroney

905 Elm

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 *Sept. 14th*

A. D. 1895 at 9 o'clock a. m., at the instance of the

Executors then and there to give evidence in a certain case *wherein*
entitled "Estate of Michael Conoly dec'd" *plaintiff*
Oliver Conoly & Marion Conoly *Executors* *vs* *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 *7th* day of *Sept* A. D. 1895

L. H. HUGHES,

Clerk County Court, Dallas County, Texas.

By *A. Jackson* Deputy.

SHERIFF'S RETURN.

Came to hand on this the 13th day of Sept A. D. 1892, and executed on this the 13th day of Sept A. D. 1892, by reading the within subpoena in the hearing of

Sam C. Hall T. Jackson or John Ryan R. M. James J. Griffin J. Crosby J. R. Crosby Kelly Henshaw Peter J. M. Jackson and J. M. Shepherd Green Warden

the within named witnesses.

Returned on this the 14 day of Sept A. D. 1892

By A. Hall Deputy Sheriff Ben E. Cabell Dallas County, Texas.

J. D. James not found

No. 2048

COUNTY COURT.

Col. Michael Conley, Sheriff's Office

James M. Hall, County Clerk

Issued 7th day of Sept A. D. 1892

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

By J. A. Green Deputy

For \$6.00
Miles 25.0
\$85.0

Printed and Published by Geo. W. Lewis, Dallas, Texas

SHERIFF'S RETURN.

Came to hand on this the 17th day of September A. D. 1892, and executed on this the 10th day of September A. D. 1892, by reading the within subpoena in the hearing of

Mr. A. W. Hall & Davoren J. D. Carver and James Maroney
Salvick Connelly not found in Dallas Co

the within named witnesses.

Returned on this the 10th day of Sept A. D. 1892

By F. N. Tucker Deputy Sheriff Ben E. Cabell Dallas County, Texas.

No. 2048

COUNTY COURT.

Col. Michael Conley, Sheriff's Office

James M. Hall, County Clerk

Issued 7th day of Sept A. D. 1892

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

By J. A. Green Deputy

For 4-50-200
Miles 40
\$2140

Printed and Published by Geo. W. Lewis, Dallas, Texas

mlc

IN RE ESTATE OF
MICHAEL CONNOLLY
NO 2048 DEC'D

Entered as of September 23rd 1895

On this day came on to be heard the application of Martin Connolly and Eugene Connolly, Executors, for the probate of a paper offered for probate as the last will and testament of Michael Connolly deceased, and the said Martin Connolly and Eugene Connolly appearing by their counsel and the contestants appearing by their counsel and all parties announced ready for trial, and a jury being demanded thereupon came a jury of good and lawful men viz: J.L.A. Thomas and five others, who being duly elected empaneled and sworn, and having heard the evidence argument of counsel and charge of the Court, retired to consider of their verdict and returned into open court the following verdict, to-wit: We the Jury find that the will offered for probate is not a valid will, J.L.A. Thomas, Foreman."

It is therefore considered by the Court ~~that the will offered for probate is not the last will and testament of Michael Connolly deceased, and probate thereof is refused.~~ and so ordered adjudged and decreed that the will offered for probate is not the last will and testament of Michael Connolly deceased, and probate thereof is refused. It is further ordered that the contestants Peter Connolly, Annie Mellicare and Jennie Schultz, recover of and from Martin Connolly and Eugene Connolly all costs by them in this behalf incurred.

Entered in vol I, page 39, Probate Minutes. Dallas County, Texas.

NO. 183.—NOTICE OF APPLICATION FOR PROBATE OF WILL AND LETTERS. Dorsey Printing Co., Stationers, Printers and Binders, Dallas, Texas.—14209

THE STATE OF TEXAS.

To all Persons Interested in the Estate of *Michael Connolly* deceased:

Martin Connolly and Owen Connolly have filed, in the County Court of Dallas County, State of Texas, an application for the Probate of the last Will of said *Michael Connolly* 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 *September* A. D. 189*5*, 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 *1st* day of *July* A. D. 189*5*

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

By *A. Jackson* Deputy.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

151
No. 2048

COUNTY COURT.

ESTATE OF

Michael Cowaly

Deceased.

Notice of Application for Probate of
Will and Letters.

Issued this *1st* day of

July 189*5*

L. H. HUGHES, COUNTY CLERK.

By *A. Jackson* Deputy.

SHERIFF'S RETURN.

Came to hand the *1st* day of *July*
189*5* and executed the *1st* day of *July*

189*5*, 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.

Bru E Carson
Sheriff, Dallas County.

By *B. Carson* Deputy.

Dorsey Printing Co., Dallas, Texas. 14500.

For 30c
(Recorded)

mlc

Estate of Michael Connelly I In the County Court of Dallas County, Texas
 no 2048 Dec'd Sitting in probate

On this the 14th day of December 1895, came on to be heard in the above entitled and numbered cause, the application of Owen Connelly and Martin Connelly to probate as the last will and testament of Michael Connelly, Deceased, the instrument purporting to be the last will and testament of said Michael Connelly Deceased filed herein June 24th 1895 as well as the contest of Peter Connelly, Annie Mulcaire joined by her husband Martin Mulcaire and Jennie Schultz joined by her husband William Schultz, filed herein August 26th 1895, and all parties having announced ready for trial; then came a jury of good and lawful men, to-wit: A E Bouche and five others, who being duly sworn and empaneled, and having heard the evidence and charge of the Court, returned into open court the following verdict: "We the jury find the will offered for probate of Michael Connelly, Deceased, to be a valid will, and entitled to probate, A E Bauche, Foreman." which verdict being received and approved by the Court,

It is therefore ordered, adjudged and decreed by the Court, that said instrument of writing purporting to be the last will and testament of said Michael Connelly, now deceased, filed herein on June 24th 1895 is adjudged to be the last will and testament of said Michael Connelly deceased and the same is hereby admitted to probate and same together with the application for the probate thereof and all the evidence in this case is ordered to be recorded by the clerk of this court as required by law.

It is further ordered by the Court that Owen Connelly and Martin Connelly be and they are hereby appointed executors of said will without bond as is by the terms of said will provided, and that upon filing herein of the oath prescribed by law, letters testamentary shall issue to Owen Connelly and Martin Connelly, executors, named in said will; and that Jno T Jones, J.M. James and C Spillman, are hereby appointed appraisers of said estate, and said executors, with said appraisers, or two of them are hereby directed to file forthwith an inventory and appraisal of said estate and list of claims. It is further ordered by the Court that said executors, Owen Connelly and Martin Connelly do have and recover of said contestants Peter Connelly Annie Mulcaire and her husband Martin Mulcaire and Jennie Schultz and her husband William Schultz and of the sureties on Peter Connelly's cost bond herein filed E M Beckwith and W H Abrams all costs incurred and expended herein by reason of the contest filed by such parties for which let execution issue.

Then came on to be heard the motion for a new trial of said contestants above named, which motion being heard and duly considered by the Court it is further ordered that same be and it is hereby overruled, to which ruling of the court said contestants except, and in open court give notice of appeal to the District Court of Dallas County, Texas.

Entered in vol L page 158, Minutes of Probate Court, Dallas County, Texas.

ct says: no appeal perfected

Law Offices
OF
Dickson & Moroney,
NORTH TEXAS NATIONAL BANK BUILDING,
217-223 TEXAS STREET.

JOSEPH M. DICKSON,
WILLIAM J. MORONEY.

Dallas, Texas, Sept'r 9th, '95.

L.H. Hughes, Co. Clerk,
Dallas;

Dear Sir :--

In cause No. 2048, Estate of Michael Connelly, Dec'd, pending on the Probate Docket, please issue subpoena for Sloan Jackson, 3 1/2 miles N.E. of Calhoun; Robert Lyle, 2 1/2 miles west of Garland, and George Wallace, Garland, to appear and testify for the Executors, in said court, at 9 o'clock A.M., Saturday, Sept'r 14, 1895.

The subpoena will further command the said George Wallace to produce a certain letter in his possession written by Jeff or Jefferson Robinson, of Dallas.

Dickson & Moroney

Attorneys for Owen & Martin Connelly
Executors.

Issued, ABR



County of Dallas

A. S. JACKSON, County Clerk.

no. 704 *Dallas, Texas, Sept 30 1897*
In Re Estate Michael Coody dec'd.

We the undersigned witnesses in re Estate
of Michael Coody deceased hereby remit
the amount due us as witness fees in
the County Court in said cause,

- P. L. Hatzenbuehler
- Peter Hatzenbuehler
- Harry W. M.D.
- L. J. Griffin
- Green Madison
- L. J. Jackson

2.42

5.14

Elizabeth Jackson

20.
7
26.60
11.70
11.12
70.92
70.80
70.12
68.39
1.83

1897
11 15

46.95
1.35
48.30
20.09
68.39

In the Matter of the Estate of Michael Connoly, deceased.

No. 2048. Martin Connoly, & Owen Connoly, Executors.

Now come Martin Connoly and Owen Connoly, Executors, and move the court to require Peter Connoly et al. the contestants in the above styled and numbered cause, to give security for the costs of such contest.

..... *Lickson & Morong*

Attorneys for Executors.

I hereby join in the above motion and ask the court to grant the same.

L. H. HUGHES, Clerk County Court,

By..... *W. J. Gaerem*Deputy.

Blade
W. J. Gaerem
W. J. Gaerem
W. J. Gaerem

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1977

2048

In Re Estate of
Michael Conolly
Weed

motion for Ser-
vitude for costs

FILED

DEC 4 1985

L. H. HUNTER, County Clerk,
By *W. Jackson*
DEPUTY

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1977

200

In re Est of
Michael Connelly, dec'd

Interim of the Jury

if you find and believe from the evidence before you that Michael Connelly at the time the Will offered for probate was executed was of sound and disposing ^{mind &} memory that is, that he knew and understood the business in which he was then engaged - that he he had sufficient mind and memory to know and remember - all the members of his family - the property he had and the distribution he was then making of it and was not unduly influenced by the leg-
ates mentioned, you will say by your verdict - "We the Jury find the Will offered for Probate of Michael Connelly deceased to be a valid Will."

By the expression "undue influence" is meant that, such an influence must have been brought to bear upon the said Michael Connelly, that a man under like circumstances and condition could not well resist.



If you find and believe from the evidence, that the Will was not properly made as indicated above you will say by your verdict "We the Jury find that the Will offered for Probate ~~was~~ is not a valid Will."

The burden of proof is on the legates to show by a preponderance of the testimony that the Decedent was of sound & disposing mind and memory and if they have not done so you will find against them.

You are the exclusive judges of the weight of the testimony & the credibility of the witnesses.

J. F. Nash Co Judge

8702

Charge of the Court

~~Dec 14 1885~~
FILED
BY ~~W. J. Jackson~~

Dec 14 1885
L. F. ELLIOTT, Clerk County Court
BY ~~W. J. Jackson~~

Mr. the Jury, find the will offered for probate of Michael Connally checked to be a valid will and order to probate
A. E. Houdy
For man

In Re Estate of } October 5th 1895,
Michael Connolly } On this day came
No. 2048. Deceased } on to be heard the
motion of Queen Connolly and Martin
Connolly executors under the last will
and testament of Michael Connolly, deceased
to set aside the verdict and judgment
rendered herein on heretofore to wit
and entered in Judge's Minutes Book 2 page and to grant them a new trial
the 23rd day of September 1895, and the
Court having heard said motion and the argument of
Counsel thereon, is of opinion that
same is well taken, and ought to
be sustained. It is therefore ordered
adjudged and decreed by the Court
that said ~~motion~~ motion be and
the same is hereby sustained and
that said verdict and judgment be
and the same is hereby set aside
and vacated and for naught held
and that a new trial hereof be
and the same is hereby granted.



THE STATE OF TEXAS | IN THE COUNTY COURT OF SAID COUNTY.
COUNTY OF DALLAS. | Sitting in Probate.

To the Honorable Court aforesaid :--

Now come Martin Connolly and Owen Connolly, executors of the last will and testament of Michael Connolly, deceased, and file herewith for probate the last will and testament of the said Michael Connolly, bearing date the 15th day of March, 1893, and respectfully show to the court:

(1) That the name of said testator is Michael Connolly; that he is dead; that he died on his homestead in Dallas County, Texas, on the 22nd day of June, 1895.

(2) That all of the property owned by said Michael Connolly at the time of his death is situated in Dallas County, Texas, and that at the time of his death, and for many years prior thereto, he, the said Michael Connolly, was a resident citizen of Dallas County, Texas, and that the court has jurisdiction of the said estate.

(3) That the estate of said Michael Connolly, deceased, consists of a community interest in 120 acres of land off the east side of the Harrison Hustead original 640 acre-survey, in Dallas County, Texas, conveyed to the said Michael Connolly and wife, Barbara Connolly, by R.R. Stewart, by deed dated February 20th, 1877, and recorded in Vol. 34, pages 192-3, Records of Deeds, etc., of Dallas County, Texas, said 120 acres of land being reasonably worth \$30 an acre; also 7 acres of land, a part of the Joseph Prigmore Survey, in Dallas County, Texas, conveyed by T.J. Jackson and wife to said Michael Connolly, by deed dated May 13th, 1887, and recorded in Vol. 87, page 278, Records of Deeds, etc., of Dallas County, Texas, said 7-acre tract being reasonably worth \$40 an acre, the above

being the probable value of said property; also an indebtedness by Owen Connoly to the said Michael Connoly of \$125.00, being balance due for price on a pair of mules. Petitioners show that Barbara Connoly, wife of said Michael Connoly, died on December 23rd, 1881, and that said 120-acre tract of land is the community property of said Michael Connoly, ^{and Barbara Connoly} but that said 7-acre tract is the separate property of said Michael Connoly, having been purchased after the death of his said wife. Petitioners show that the children and only heirs of said Michael Connoly and Barbara Connoly are as follows: Peter Connoly; Jennie Schultz, wife of William Schultz; ^{Annie} ~~Anna~~ Mulcare, wife of Martin Mulcare, and your petitioners, Martin Connoly and Owen Connoly, all said heirs being residents of Dallas County, Texas.

(4) Your petitioners Martin Connoly and Owen Connoly are the executors named in said will, and they reside in Dallas County, Texas.

(5) That your petitioners are not disqualified by law from accepting letters testamentary.

Wherefore your petitioners pray that citation issue for the time and in the terms of the law; That said will be filed and admitted to probate as the last will and testament of said Michael Connoly, and that your petitioners have such other relief, both general and special, as they may in law or equity be entitled to.

*Martin Connoly,
Owen, Eugene Connoly,
Lisbon Moroney
Attorneys for Petitioners.*

No. 2048

In the Estate of Michael
Connoly, Deceased.

APPLICATION OF OWEN AND MARTIN
CONNOLY FOR LETTERS TESTAMENTARY,
*and to probate will of
Michael Connoly Deceased*

*Filed June 27th 1895,
L. H. Hughes, Co. Clk.
By J. D. Cochran & Co.*

*Recorded in Minutes
2-154-5*

DICKSON & MORONEY,

Attorneys for petitioners.

*Recorded in Petition
Records*

Estate of Michael Connelly, Deceased.

No. 2098.

Owen & Martin Connelly, Executors.

IN COUNTY COURT OF
DALLAS COUNTY, TEXAS.

Clerk of Dallas County, Texas.

BE IT REMEMBERED That, on the application to probate the will of the said Michael Connelly, the following testimony was given in open court by W.J. Moroney and C.C. Bumpas, the subscribing witnesses to said will on the hearing of the application to probate the same, on December 14th, 1895:

W.J. MORONEY, being duly sworn, testified, that he is now thirty-six years of age; that he was acquainted with Michael Connelly, the testator, in his life-time. That the said Michael Connelly signed said will on file herein and offered for probate, by making his mark thereto, his name being written at his request by the said W.J. Moroney. That the said Michael Connelly was then an old man, apparently between seventy and eighty years of age; that he was then of sound mind. That he is dead. That he died at his home in Dallas County, on the date set forth in the application to probate the will, and that affiant attended his funeral the next day and saw his remains. That the said Michael Connelly was a resident citizen of Dallas County, Texas, at the time of the execution of said will, and at the time of his death, and that his property consisted in the main of lands lying in Dallas County. That the said will was signed as aforesaid by the said Michael Connelly by making his mark, his name being written by affiant as aforesaid, in his presence, and by his direction. That said will was attested by affiant and C.C. Bumpas, both of whom at the time were above the age of fourteen years, same being attested by said witnesses in the presence of said Michael Connelly, and at his request. That said will has not been revoked by the said Michael Connelly within the knowledge or information of affiant; that said will was read over by affiant to said Michael Connelly before he executed it, and that he, said Michael Connelly, fully understood the terms of the same when he executed it.

W.J. Moroney
Sworn to and subscribed before me this 14th day of December,
1895.

L.C. Hughes
County Clerk of Dallas County, Texas.

By *A. Jackson* Deputy.

C.C. BUMPAS, being duly sworn, deposed and stated: that he signed the will offered for probate, as a subscribing witness on the day of its date, at the request of Michael Connelly, and in his presence, and in the presence of W.J. Moroney, the other subscribing witness. That affiant is now twenty-three years of age. That said Michael Connelly was an old man when said will was executed. That at the time of the execution of said will, he was of

ORIGIN & HISTORY OF THE COUNTY OF DALLAS
IN THE COUNTY OF DALLAS, TEXAS

DIVISION OF COUNTY CLERK'S OFFICE
IN COUNTY OF DALLAS, TEXAS

sound mind, so far as affiant could judge.

J. C. Simpson

Sworn to and subscribed before me this 14th day of December,
A.D. 1895.

L. H. Keightley

County Clerk of Dallas County, Texas.

BY *A. Jackson*, Deputy.



No. 2046.

Estate of Michael Connelly,
Dec'd,

Owen & Martin Connelly, Extrs.

Testimony of Subscribing
witnesses to will

FILED Dec 14 1895

L. N. HUGHES, Clerk County Court

By

L. N. Hughes
DEPUTY

Recorded in
Minutes

L-156-7-8
Recorded, Will Book,
Q. 497

THE STATE OF TEXAS #
COUNTY OF DALLAS. #
#####

Michael Connolly

In the name of God. Amen: I, Michael Connolly, of the County of Dallas, and State of Texas, being in good bodily health and 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 heretofore made.

Item 1st: It is my will and desire that I shall be decently buried, and that my funeral expenses and the expenses of my last illness shall first be paid.

Item 2nd: It is my will and desire that all my other just debts shall then be paid.

Item 3rd: After the payment of all just debts, I give, devise and bequeath to my son Martin Connolly one-half of my property, real, personal or mixed, separate or community, in possession or in action, that I may own or be entitled to at the time of my death; the other half to be divided equally between my son Owen Connolly and his wife, Annie Connolly, share and share alike.

Item 4th: It is my will and desire that none of my other children or heirs at law shall receive any part of my estate.

Item 5th: I hereby nominate and appoint my said sons Martin Connolly and Owen Connolly executors of this will, and direct that no security shall be required of them as executors.

It is my will that no other action shall be had in court in the administration of my estate than to prove and record this will and return an inventory and appraisement of my estate and list of claims.

In Testimony Whereof, I have hereunto set my hand, this 15th

day of March, A.D. 1893.

Witness:

W. J. Morong
E. C. Kumpfer

Michael Connors^{his}_{mark}

Michael Conway
Last Will and
Testament

Filed June 24th 1895,

L. H. Hanger,
County Clerk,

By J. B. Cochran
Deputy

Recorded in Minutes
9-15-95
Registered in
495

The State of Texas
County of Dallas

In the name of God, Amen; I Michael Connolly of the County of Dallas and State of Texas, being in good bodily health and 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 heretofore made.

Item 1st; It is my will and desire that I shoud be decently buried, and that my funeral expenses and the expenses of my last illness shall first be paid.

Item 2nd; It is my will and desire that all my other just debts shall then be paid.

Item 3rd; After the payment of all just debts, I give, devise and bequeath to my son Martin Connolly one-half of my property, real, personal or mixed, separate or community, in possession or in action, that I may own or be entitled to, at the time of my death; the other half to be divided equally between my son Owen Connolly and his wife, Annie Connolly, share and

DORR-VINCENT COMPANY
DALLAS

share alike.

Item 4th; It is my will and desire that none of my other children or heirs at law shall receive any part of my estate,

Item 5th I hereby nominate and appoint my said Sons Martin Connolly and Owen Connolly executors of this will and direct that no security shall be required of them as Executors.

It is my will that no other action shall be had in Court in the Administration of my estate than to prove and record this will and return an inventory and appraisement of my estate and list of claims,

In Testimony whereof I have hereunto set my hand, this 15th day of March A. D. 1893

Michael Connolly ^{his} _{mark}

Witness;

W. J. Moroney

C. C. Kempner

Filed June 24th 1895,

L. H. Hughes County Clerk

By J. D. Cochran Deputy

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1977

Michael Conolly
Last Will and
Testament

CAL SOCIETY-1977



In the Matter of Estate of * In the County Court of Dallas County
Michael Connolly, Deceased * sitting in Probate, September Term,
(No. 2049). * 1895.

Now at this time come Peter Connolly, Annie Mulcare joined by her husband Martin Mulcare, Jennie Schultz joined by her husband William Schultz, and present this their resistance to the probate of the alleged will of Michael Connolly, deceased, now on file in this Court, and contest the validity of said purported will, and show to the Court:

1. That the said Peter Connolly, Annie Mulcare and Jennie Schultz are children and heirs-at-law of Michael Connolly, Deceased.

2. That Martin Connolly and Owen Connolly are also children and heirs-at-law of the said Michael Connolly, Deceased, and together with these contestants, constitute all of the children and heirs-at-law of said Michael Connolly, Deceased, who survived him. And the said Michael Connolly left surviving him no wife, or other descendants, save his said children, hereinbefore mentioned, and their children.

3. The said contestants aver and charge that the purported will of the said Michael Connolly, deceased, offered for probate by the said Martin Connolly and Owen Connolly, as executors thereof, is not, in fact, the last will and testament of Michael Connolly, deceased, and is not his will and testament at all, because, said contestants aver that, before the execution of said purported will, the said Michael Connolly had for sometime resided and made his home with Martin Connolly and Owen Connolly and Owen Connolly's wife, one of the legatees in said purported will, who were all living on the home place of said Michael Connolly. That the said Michael Connolly, at the time, said purported will was executed, was a man of great age, being 90 years of age, and had, for a long time prior to the 15th. day of March, 1893, the date of said purported will, been in feeble health and of unsound and impaired mind and memory, and on the said 15th. of March, 1893, the said Michael Connolly did not have the capacity to make a will, and was on that date, and ^{for} a long time prior thereto had been, mentally incapacitated to transact business and understand the nature of a contract and the binding force and effect thereof: and was at that time childish, imbecile and silly and, by reason of his great age and feeble mind, did not, at the time he signed said will by his mark, understand the effect thereof, or will or desire that the terms and provisions of said instrument should be carried out and effectuated as the disposition of his property.

4. The said contestants further aver that long before the 15th. day of March, 1893, the said Michael Connolly, deceased, on account of his great age and feeble body, had become bereft of will, power and capacity for understanding the nature and character of contracts, and the nature and effect of a last will and testament, and being weak in mind and feeble in body, the said Michael Connolly had fallen under the dominion and control of his said sons Martin Connolly and Owen Connolly, and Owen Connolly's wife, Annie Connolly. The said Martin Connolly and Owen Connolly and Annie Connolly, with whom the said Michael

(2)

Connoly lived the later years of his life, had established over the said Michael Connoly a dominion and control by reason of threats to leave him alone in his old age, and by reason of such threats, kept the said Michael Connoly in a constant state of terrorism and alarm. The contestants aver that the said Martin Connoly, Owen Connoly and Annie Connoly by the coercion of said threats, induced the said Michael Connoly to make the said instrument offered for probate in this proceeding, and unduly, improperly, unlawfully and fraudulently influenced and induced said Michael Connoly, against his real judgment and real will, so far as he had any judgment and will, to leave the whole of his estate to the said Martin Connoly and Owen Connoly and Annie Connoly cutting off from participation therein the said Peter Connoly, Jennie Schultz and Annie Mulcare.

5. That the said contestants Peter Connoly, Annie Mulcare and Jennie Schultz had always conducted themselves toward their said father Michael Connoly, as dutiful, loving children in discharge of their duty toward him as such children, but they aver that said Martin Connoly, Owen Connoly and Annie Connoly, by reason of misrepresentations and false statements to the said Michael Connoly with respect to said contestants, engendered in his mind a feeling of dislike toward his said children, the contestants herein, for the purpose of unduly influencing their father to leave the property which he had, to them, the said Martin Connoly, and Owen Connoly and Annie Connoly.

6. The foregoing allegations the said contestants are ready to verify, and put themselves upon the country.

Wherefore, the said contestants pray that the issues herein raised by them, be submitted to a jury which they call for, and pray that said will be not probated, but the probate thereof be refused, and they pray for such other and further relief in the premises as they may be entitled to, together with their costs in this behalf expended.

McCombie Spence
Attorneys for Contestants.

No. 2048

In Re Estate of Michael Connoly,
Deceased.

v.

Contest of Peter Connoly et al.
of the Probate of Will.

FILED

AUG 28 1895

L. H. HUGHES, County Clerk,

By *C. Paulus*
DEPUTY.

MCCORMICK & SPENCE,
ATTORNEYS,
DALLAS, - - - TEXAS.

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1977

Estate of Michael Connelly,
Deceased.

No. 2048.

Owen & Martin Connelly, Executors:

IN COUNTY COURT OF DALLAS

COUNTY, TEXAS.

of

John T. Moroney
Now come Owen Connelly and Martin Connelly, proponents here-
in, and executors under the last will and testament of Michael Con-
nelly, Deceased, on file herein, and replying to the contest of Pe-
ter Connelly herein, filed herein August 26th, 1895, demur to the
same, and say that the same is insufficient in law, of which they
pray the judgment of the court:

(1) And further and specially demurring, these proponents ex-
cept to so much of said contest wherein it is alleged in substance
that Michael Connelly, deceased, was, at the time of the making of
said will, mentally incapacitated to transact business and under-
stand the nature of a contract and the binding force and effect
thereof, because said allegation is immaterial, in that said will
is not a contract, and it is not necessary that a testator should
have the capacity to make a contract in order to have the capacity
to make a will.

(2) These proponents specially demur to so much of said con-
test wherein it is averred that Martin Connelly, Owen Connelly and
Annie Connelly, by reason of misrepresentations and false state-
ments to the said Michael Connelly with respect to said contestants,
engendered in his mind a n ill-feeling towards his said children,
the contestants herein, because said allegation is altogether
vague, indefinite and uncertain, and does not specifically set
forth any mis-statement or misrepresentation, nor the time, place
or circumstance of any alleged misrepresentation or false state-

ment.

(3) And further replying, these proponents deny all and singular the allegations in said contest, and demand strict proof thereof.

Jackson Moroney
Attorneys for Owen Connelly & Martin
Connelly, Executors.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

No.2048.

Estate of Michael Connelly,
Deceased.

Owen & Martin Connelly,
Executors.

*Answer to Contest
of will*

FILED

SEP 9 1895

L. J. SUGER, County Clerk.

L. J. Suger
REPUTY.

DICKSON & MORONEY,

Attorneys for Owen & Martin
Connelly, Executors.

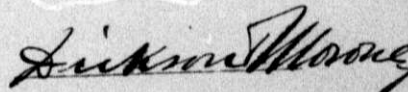
Estate of Michael Connelly, Dec'd,
No. 2098. ---
Owen & Michael Connelly, Executors.

IN COUNTY COURT OF DALLAS
COUNTY, TEXAS.

Now come Owen Connelly and Martin Connelly, executors under the last will and testament of Michael Connelly, Deceased, on file herein, and respectfully move the court to set aside the verdict of the jury rendered in said cause, and to grant them a new trial, for the following reasons:

(1) Because the verdict of the jury is contrary to the law and the charge of the court.

(2) Because the verdict of the jury is contrary to the evidence, in this: that the overwhelming weight of evidence showed that said will was executed without any undue influence whatever; that it was the free and deliberate act of the testator, and that he was at the time of a sound and disposing mind and memory, and the evidence to the contrary is of such a frivolous and vague character as not to be sufficient to support the verdict as rendered by the jury.



Attorneys for Owen & Martin Connelly
Executors.

No. 2098.

Estate of Michael Connelly,
Deceased.

Owen & Michael Connelly, Exrs.

MOTION OF EXECUTORS TO SET
ASIDE VERDICT OF JURY AND TO
GRANT THEM A NEW TRIAL.

FILED

Sept 24 1977
L. H. HUGHES, Clerk County Court.

By

ad Jackson
REGISTRY

DICKSON & MORONEY,

Attorneys for Owen & Martin
Connelly, Exrs.