

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

Case Number 1913

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#1913

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Do not use this space—for

Cashier

~~OLYNN BYRD~~ *Tom E. Eccles*

County Clerk

Dallas County, Texas

REQUEST FOR CERTIFIED COPIES

Date *4/24/64*

Please prepare _____ Certified copies of *1 plain copy of Will*

Styled: *Estate of John Henry Brown, deceased*

Ordered by: *Mrs. Albert A. Jagger*

Return to: _____

Address: _____ (Street) _____ (City) _____ (State)

Remarks: _____

By: *Luella A. Maines*, Deputy

Location of Instrument AND DETERMINATION OF FEE:

Type of Instrument _____ Fee \$ *3.00*

Vol. No. _____ Page No. _____

Cause No. *2581*

Film No. _____

	Sent to	Dept.	Copy Prepared	Returned to	Del'd to Cust.	Mailed
				C/C Section		
Date	<i>4/24/64</i>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Initial	<i>Law</i>		<i>EP</i>	<i>EP</i>	<i>Law</i>	

Auditor's Copy

102418

Nº 5576

State of Texas, }
City & County of Dallas. }

Being well advanced and
though of sound ^{mind} and in good health,
yet, realizing the uncertainty of life,
I, John Henry Brown, of the city and county
of Dallas, Texas, do make and publish
this my last will and testament:

1. I will and bequeath to my
faithful and loving wife, since July
9th, 1848, and the mother of all my
children, all of my estate, real, personal
and mixed, of which I may die pos-
sessed, subject to the exceptions and
conditions hereinafter named,
to wit: Mrs. Mary Mitchel Brown.

1. Overhomestead, on which we
have lived since March, A. D., 1873,
110 feet square, in block 60, front-
ing 110 feet each on Pearl and Live
Oak streets, in Dallas, together with all
household and kitchen furniture per-
taining to the same, for and during
her natural life, but at her death
to descend to and become the property of
our two daughters, Lizzie Chambers Brown
and Marion Taylor Brown, they to
pay all debts & taxes for which the home-
stead may be liable and the expenses of
my last sickness and burial.

2. I will and bequeath to my
daughter, Mrs. Clara ^{Brown} Mitchel, 225 acres of
land, more or less, being parts of blocks
95 and 103, of the Matagorda county school
lands, on Rush and Garrett's creeks,
in Wise county, or whatever interest I
may hold in said lands or debt due
me for them; provided, however, ~~that~~

said lands shall not be sold after my
after death by my wife, should she survive
me.

3. To my said daughter, Clara Brown
Mitchel I give and bequeath all lands
that may be awarded me, or through litigation
now pending, on the A. G. Peyton third
of a league of land on the Neeces river
in Zavala county, in regard to which
T. L. Wrenn of Austin represents me for
half the land recovered, without cost to me.

4. I will and bequeath to my
said daughter, Clara Brown Mitchel,
all of my interest in and to the lot 50 by
100 feet on Live Oak street, in block
260 of record, on which the house is No.
234, said lot being the separate pro-
perty of my wife.

5. I will and bequeath to my
said wife all my copy rights, and
books on hand in the "Life and
Times of Henry Smith, the first Ameri-
can Governor of Texas," my "History
of Texas from 1685 to 1893," in two
volumes, and my unpublished volume
entitled "Indian Wars and Pioneers
of Texas," but at her death these rights
shall descend one half to my daughter
Clara B. and one quarter each to my
other daughters, Lizzie G. and Marion
T. Brown.

6. I give to my grandson, Pierre
Brown Mitchel, the golden headed cone
presented me at the close of my service as
Mayor of Dallas, my silver watch and all
my law books and books pertaining to law
titles.

7. I give to my grand child Colby C. Mitchell the Index Atlas of the World, "Mexico and the United States" by Abbott, Dabney's Life of Gen. Robert E. Lee and my cane cut on the battle field of Gettysburg.

8. I give to my son-in-law Thomas B. Mitchell the golden headed cane presented to me on the fiftieth anniversary of my marriage, July 6th, 1843, and my golden framed spectacles.

9. Request my wife, or in case of her death, then my daughters, Lizzie and Marion, to give from my library to my grand daughters Mary Leard Mitchell and Cora Louise such books as will equalize them in books with their brothers.

My library of books, Reviews, newspapers files, scrap books, detached articles of mine, works on Mexico & all kindred works, shall descend to my daughters Lizzie and Marion T. Brown.

I appoint my wife executrix of my estate. In case of her death then my three daughters or the survivor or survivors of them - in either case without bond or other judicial proceedings excepting the probate of this will and filing an inventory.

I commend my soul to God who is our God.

Witness my hand in the presence of two attesting witnesses this 11th day of December, A.D. 1893

Wm Belsterling.
Nellie L. Belsterling.

John Henry Brown

2081

Will of
John Henry Brown,
Signed & Witnessed
December 1st, 1893.

Filed February 21st 1894.

A. Jackson
Clerk County Court.

Remuneration
\$4.00

NOTICE OF APPLICATION FOR PROBATE OF WILL AND LETTERS.

1009-Dorsey Printing Co., Stationers, Dallas.

THE STATE OF TEXAS.

To all Persons Interested in the Estate of *John Henry Brown*, Deceased:
Mrs Mary M. Brown, has filed, in the County Court
of Dallas County, State of Texas, an application for the Probate of the last Will of said
John Henry Brown 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*9*, 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 *21st* day of *July* A. D. 189*9*

A. S. JACKSON,

County Clerk, Dallas Co., Texas.

By *A. B. Rowland* Deputy.

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No. *2581*

COUNTY COURT.

ESTATE OF

John Henry Brown

Deceased.

NOTICE OF APPLICATION FOR PROBATE OF
WILL AND LETTERS.

Issued this *25th* day of

Feb 189*9*

A. S. JACKSON, COUNTY CLERK.

By *A. S. Jackson* Deputy.

SHERIFF'S RETURN.

Came to hand the *25th* day of *Feb*
189*9*, and executed the *25th* day of *Feb*

189*9*, 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.

BEN E. OABELL, SHERIFF, DALLAS CO.

By *B. E. Oabell* Deputy.

fee \$*2.25*

No. _____

Estate of John Henry Brown, ()
 Deceased. () 6th. day of March A.D. 1899

This day came on to be heard the application of Mary M. Brown for the probate of the last will and testament of John Henry Brown, deceased, and the said will being produced in court and proved upon evidence ~~deemed~~ *to be within attorney* ~~sufficient by the court, it is hereby ordered, adjudged and decreed that~~ *of Melville H. Bulsterling one of the deponents being sworn for* the said will be hereby admitted to probate and that such will, together with the application for the probate thereof and all of the testimony in the case be recorded in the minutes of this court. That Mary M. Brown be and is hereby appointed administratrix of the estate of the said John Henry Brown and that W. C. Holland, T. F. Laughlin and Thos. B. Trotman be and the same are hereby appointed appraisers, together with the administratrix, to make a full and complete inventory and appraisement of all the property of the said estate and return the same to this court within ~~20~~ *20* days.

Melville H. Bulsterling
Attorney

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*Will of John Henry
Dunn
Amended
D-134*

*John Henry
Dunn*

County Court, Dallas County, Texas
 March Term, A. D. 1899

The application for the probate of the last will and testament of John Henry Brown coming on to be heard, Nellie L. Belsterling one of the subscribing witnesses to said will, personally appeared in court, and being duly sworn, upon oath testified and subscribed to the following:-

I, Nellie L. Belsterling, knew the said John Henry Brown, whose will is filed and sought to be probated herein, that he was at the time he executed said will, over 21 years of age and married and that he was of sound mind.

That he the said John Henry Brown died in the City of Dallas, County of Dallas, State of Texas on the 31st. day of May A. D. 1895. That part of his estate consists of real estate situated in the County of Dallas, State of Texas.

That in the presence of me, the said Nellie L. Belsterling, he the said John Henry Brown signed the said will and declared it to be his last will and testament, and that I, the said Nellie L. Belsterling at the request of the said John Henry Brown signed and witnessed the said will herein filed and sought to be probated.

*Subscribed and sworn to by Nellie L. Belsterling
 before me in open Court on this the 6th
 day of March 1899*

Nellie L. Belsterling
*As Jackson Clerk County
 Court Dallas, Tex*
Wm. J. Jackson

No 2581

Estate of John Henry
Brown Deceased

FILED *mch 6 1889*
J. S. JACKSON,
Notary Public, Dallas County, Tex.
J. S. Jackson

Received June 10/89
E-402

State of Texas. :
County of Dallas.: : County Court, Dallas County, Texas.
Probate Matter.

Hon. Kenneth Force, County Judge.

Your petitioner Mary M. Brown, represents that she resides in the City and County of Dallas, State of Texas. That she is the widow of John Henry Brown. That the said John Henry Brown died in the City and County of Dallas, state aforesaid, on the 31st. day of May, A. D. 1895.

That the property of the said John Henry Brown, at the time of his death consisted principally of real estate situated in the County of Dallas, state aforesaid, and that said property, both real and personal was of the probable value of \$3500.00 That he left a last will and testament herewith set forth, whereby your petitioner is named as executrix, without bond. That there are no debts against the estate of the said John Henry Brown and that no administration is necessary.

Wherefore upon the premises considered, petitioner prays that due and proper citation issue upon this application to probate said will, and that upon final hearing said will be admitted to probate, and that three appraisers be appointed to make an inventory and appraisal of the property of said estate, and for such other and further orders as may be necessary and proper, for which your petitioner will ever pray.

Mary M. Brown

2581

Application for Probate of
the Will of
John Henry Brown

Filed February 21st 1899.

W. J. Adams
Clerk County Court.

Recorded 6-497.

Belcher & Holland
Attys for Estate of Deceased

INVENTORY AND APPRAISEMENT, of the Property, real and personal belonging to the estate of John Henry Brown deceased produced before us the undersigned appraisers, on the 25th day of March A. D. 1899 by Mary M. Brown, Administratrix of the Estate of the said John Henry Brown, Deceased.

Real Estate, (Community Property)

1. A certain lot, tract or parcel of land lying and being situated in the City and County of Dallas, State of Texas and being described as follows to wit: said lot being in the form of a square, fronting 110 feet on the south east side of Live Oak St and 110 feet on the north east side of Pearl St., said lot having been in part conveyed to Mary M. Brown by Miranda S. and Pierre M Brown by deed dated the 29th. day of December 1874 and recorded in Book Z. page 185 of the Records of Deeds of Dallas County, and in part to J. H. Brown by John M. Stommons by deed dated the 16th. day of September A. D. 1872 and recorded in Book R. on Page 369 and in part conveyed to John Henry Brown by Samuel Scott by deed dated August 19th. A. D. 1872 and recorded in book R. page 308 of the Records of Deeds of Dallas County. Reference is hereby made to the above noted records of Dallas county for a more perfect description of said tracts of land.

3500 00

2. Parts of the Survey and Subdivision of the Matagorda County School Land situated in the County of Wise in the State of Texas. Said survey having been made by the said John Henry Brown in the Month of August 1877 the blocks of land being more particularly described as follows:-

Block 92. 160 acres. Beginning at a st. com. cor of 91, 92, 99 and 100 from which a post oak 10 in. brs N. 54 W. 14 3/4 vrs. a p. o. 6 in. brs. S. 71 1/2 W. 8 1/2 vrs. Thence N. 89 1/2 vrs. to the com. cor. 92, 93, 100, 101 a pet'd stone set in ground, from which a p. o. 12 in. centre line Tree brs. due S. 36 3/4 vrs. a p. o. 8 in. brs. S. 2 W. 39 Vrs. Thence 1010 vrs. to a S. com Cor. 92 and 93. 56 1/2 vrs. S. of S. E. Cor of 85 and N. E. Cor. of 85. Thence S. 89 1/2 vrs. to a stake the S. E. cor. of 85. from which a p. o. 8 in. brs. N. 2 1/2 W. 9 1/2 vrs. a forked p. o. brs. N. 28 1/2 W. 7 3/4 vrs. the town of Decatur brs. N. 34 1/2 E. distant 15 1/2 miles. Thence E. 1010 to the beginning.

Block No. 95. Containing 170 acres.

Beginning at a S. com. cor. of 94,95 102 and 103 Thence N. 956 vrs. to a Stake in the N. line of the M--- lands. Being also the N. W cor of No. 103 from which a post oak 2 in. brs. S. 7 1/4 vrs. a post oak 5 in brs. S. 10 1/2 vrs.. Thence W. at 614 vrs. cross'd Rush Creek 1010 vrs to a stake in Pararie Vallay N. and W. of a timbered bottom the N. E. cor. of 87 from which an elm 3 in. brs. S. 21 1/2 E. 3/4 vrs. a hack-berry 5 in. brs N. 52 1/2 W. 3/4 vrs. thence S. 956 vrs. to a stake in E. Line of Block 87. thence E. 1010 brs to the Beginning

Block 103 containing 170 acres.

Beginning at a stake the Com. cor. of 102,103,110 and 111 Thence N. 956 Vrs. to a stake in the original N. line being also the N. W. Cor of 111. from which a post oak 8in. brs. N.74 E. 4 1/2 vrs. a black jack 6 in. brs S. 4 W. 2 1/4 vrs. thence W. at 344 vrs cross Decatur and Weatherford Road. at 470 vrs. cross a ravine at 1010 vrs a stake the N. E. cor. of 95 from which a post oak 2 in. brs. due S. 1 1/4 vrs. a Post oak 5 in. brs due S. 16 1/2 vrs. Thence S. 956 vrs to a stake the Com. cor. of 94,95,102 and 103 Thence E. 1010 vrs. to the beginning.

The title to the above three tracts of land is in controvercy and the possession thereof in not in the representatives of the estate,

The chose in action therefor is of the probable value of -----
3. An unknown and controverted interest in the A. G. Peyton 1/3 of a league of land in Zavala County, State of Texas. and on the Nueces River. The possession of the same is not in the representatives of the estate. The chose in action for the same is of the probable value of -----

\$10 00

\$10 00

Personal Property (In which the deceased owned a community interest.)

Copyrights in the United States of the following books,

- 1. "Life and Times of Henry Smith, The First American Governor of Texas. -----

\$100 00

"History of Texas from 1685 to 1895 " by John Henry Brown.	1000 00
	50 00
"Indian Wars and Pioneers of Texas." <i>Library of Texas Books, Reviews, newspapers files, scrapbooks, etc</i>	500 00
Personal, Separate Property.	25 00
Two gold headed canes.	10 00
One Silver Watch.	

State of Texas :

County of Dallas : We the undersigned, duly appointed and legally qualified Appraisers, heretofore appointed to appraise the property belonging to the Estate of John Henry Brown, deceased, do solemnly swear that the foregoing statement contains a full inventory and appraisement of all the property, both real and personal, belonging to the said estate and exhibited to us for appraisement by Mary M. Brown, Administratrix of the said estate and that the amount set opposite each item is a full and fair appraisement thereof.

W. C. Holland
J. T. Laughlin
Appraisers.

Subscribed to and sworn to before me this 25th day of March A.D. 1899
Geo. A. Little, notary public Dallas Co, Texas

State of Texas :

County of Dallas : I, Mary M. Brown, Administratrix of the Estate of John Henry Brown, Deceased, do solemnly swear that the foregoing inventory; there being no list of claims due by or to the said Estate; is a full and complete inventory and list of the property belonging to said Estate, that has come to my knowledge.

Mary M. Brown
Administratrix of the estate of John Henry Brown.

Subscribed and sworn to before me this 25th day of March A.D. 1899

Geo. A. Little, notary public Dallas Co, Texas

2551

In the Matter of the Estate of
John Henry Brown, Deceased.

Inventory and Appraisement of
the Property Belonging to the
said Estate.

FILED *Mar 25 1899*

A. S. JACKSON

Clerk of Dallas County, Tex.

J. H. Baker

Apr 6 99
Examined and
approved
O-184 *Wm. W. Brown*
C. J. Judge

Recorded
6-106