

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

Case Number 968

Dallas Genealogical Society
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968

THE STATE OF TEXAS.

To all Persons Interested in the *Administration* of the Estate of
Jesse Brown, Deceased.

J. H. Huggins, Executor has filed, in the County Court
of Dallas County, an application to substitute the last Will
of said decedent probated Sept. 23^d 1876, and the Bond
Inventory & other papers, which have been destroyed by fire
which will be heard at the next term of said Court, commencing on the Third Monday in
May - A. D. 188*2*, at the Court House in the City of Dallas, at which
time all persons interested in *said Estate*
may appear and contest said *Application*, if they see proper.

WITNESS, A. HARWOOD, County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court, at office
in the City of Dallas, this *26th* day of *April*,
A. D. 188*2*.

A. HARWOOD, County Clerk, Dallas Co., Texas.

By *H. H. Shackles* Deputy.

"Exhibit 2"

No 235

Estate of Jesse Brown }
 deceased } September 23rd 1874
 In the matter of the last
 will and testament of
 said decedent,

Upon the hearing of the petition of J. H. Huggins for the probate of a certain instrument in writing purporting and alleged to be the last will and testament of said Jesse Brown deceased and now produced in court and for letters testamentary thereon.

And upon hearing of the testimony of W. H. Witt and A. W. Perry subscribing witnesses to said will. a statement of which is filed with the papers of this cause. due and legal notice of said application to probate will having been given and no objection thereto being made. It is adjudged and decreed by the court that said will of said Jesse Brown deceased is hereby proved and established as the last will of the said decedent and it is ordered that the same be recorded together with the testimony aforesaid. It is further ordered that J. H. Huggins upon taking the oath prescribed by law and filing a bond in the sum of twenty four hundred dollars with two or more sureties within twenty days from this date.

"Exhibit B"

The State of Texas } In the County of Dallas
 County of Dallas } Co In matter of Probate
 September Term AD 1876
 To the Hon. R. West county Judge of Dallas county

Some petitioner J. A. Huggins who resides
 in the county of Dallas, State of Texas
 respectfully represents that Jesse Brown
 late of the county of Dallas and state of
 Texas departed this life in said county
 and state on the day of August, 1876
 leaving a written will whereby he disposed
 of all the estates by him owned and held
 and which said will is herein attached
 and marked "Exhibit A" and that
 your petitioner is the ~~husband~~ ^{widow} of
 Martha M. Huggins one of the principal leg-
 atees in said will and that your petitioner
 is not disqualified from acting as the
 executor of said will.

Wherefore your petitioner prays that due
 notice hereof be given as required by law
 and that said last will and testament
 be admitted to probate and that letters
 testamentary thereon be issued to your
 petitioner and for all such other and fur-
 ther orders and decrees as may be
 necessary and he will ever pray

Robt B. Seay
 Atty for petitioner

"Exhibit A"

The State of Texas } I Jesse Brown of ~~the~~
 Dallas County } said county and state being
 of sound and disposing memory
 and mind and being desirous to settle my
 worldly affairs while I have strength so to do do
 make this my last will and testament.

Item 1st I desire and direct that my body be
 buried in a decent and christianlike manner
 suitable to my circumstances and conditions in
 life.

Item 2nd I desire and direct that my just debts
 be paid without delay by my executor to be here
 after appointed.

Item 3rd I give bequeath and devise to all of my
 brother and sisters namely or their heirs \$10.00
 I give bequeath and devise to my sister Miriam
 Smithson ten dollars. I give bequeath and devise
 to my brother James Brown or his heirs ten
 dollars. I give bequeath and devise to my sister
 Emma Kennedy or her heirs ten dollars. I give
 bequeath and devise to my sister Nancy C.
 Husky ten dollars. I give bequeath and devise
 to my beloved Mother Martha B. Brown all
 of my property both real, personal, and mixed
 together with all and singular the rights members
 and appurtenances to the same in any manner
 belonging to for and during her natural life
 to have and to hold to use and dispose of

as she may wish for her support and after death the remainder if any to equally divided between my two sisters Mary A. Brown and Martha M. Higgins and if she die first to the heirs of her body. This my last will and testament.

In testimony whereof I have hereunto set my hand this the _____ day of August AD 1876

Jesse Brown
mark

Witness:
M. Mitt
A. Berg

"Exhibitor C"

The State of Texas } In the county court Dallas county,
County of Dallas } Sept. September Term. AD 1876
In the matters of the estate of Jesse Brown deceased.
In open court at the present September term AD 1876
the honorable county court sitting in matters of probate
personally came W. David and A. Berg. who being
duly sworn say that they were personally acquainted
with Jesse Brown that said Jesse Brown is dead that
they have been acquainted with said Jesse Brown
for more than fifteen years that on or about the
day of August AD 1876 affiants signed the instru-
ment in writing to them produced here in open court
as the last will and testament of said Jesse Brown
and hearing date the _____ day of August AD 1876
as witnesses thereto at the request and in the pres-
ence of said Jesse Brown and in the presence
of each other, that said Jesse Brown declared to
affiants that said instrument was his last

will and testament, that at the date of the signing
of said instrument as witnesses as of said
affiants were more than forty four years of
age and that said Jesse Brown was more
than thirty years of age and that said Jesse
Brown was of sound and disposing mind
and memory

known to and subscribed
in open court on this

23rd day of Sept 1876

A Harwood clkly
M H Phacker dpt

M H Witt
A W Perry

Nov 23 5-

Estate of Jesse Brown

Substituted will and affidavit
of witnesses and petition
for probate of same

Filed March 17th 1882.

A. Harwood, Clerk.

By M. H. Phacker, dpt.

Recorded
23 5

"Exhibit" 6

The State of Texas }
County of Dallas } That we, J. H. Huggins as pres-
ents and

assurances are held and
firmly bound unto the county judge of the county of
Dallas State of Texas or his successors in office in
the sum of twenty four hundred dollars for
payment of which well and truly to be made un-
to the said county judge. We bind ourselves
our heirs executors and administrators jointly
and severally, firmly by these presents, signed
with our hands the day of AD 1876. The
condition of this obligation is such, that whereas
the above bound J. H. Huggins has been appoint-
ed executor of the last will and testament of Jesse
Brown with the will annexed by the county
Court of the said J. H. Huggins shall and truly
perform all the duties required of him under
said appointment. Then this obligation shall be
null and void, otherwise to remain in full
force and effect.

J. H. Huggins

Wm. Furness

George Jackson

G. A. Witt

This bond approved Oct 23^d AD 1876

Attest county Judge Dallas County Tex
The State of Texas }
County of Dallas } In witness whereof
do solemnly swear that the writing which

has been offered for probate is the last
will and testament of Jesse Brown
in force as I know or believe and
that I will well and truly perform all the
duties of executor of said will or of
administrator with the will annexed
of the estate of said Jesse Brown

J. H. Higgins

sworn to and subscribed
before me this the

day of 1916
Attest J. C. T.
by J. H. Higgins

The State of Texas } County Court Dallas
 County of Dallas } cause of law sitting
 November Term 1882
 sitting in matters of probate

At the Hon R. C. Burke county Judge of Dallas
 cause sitting in matters of probate
 your petitioner J. H. Huggins, would most
 respectfully represent that heretofore to
 wit on the 23rd day of September A.D. 1876
 the last will and testament of Jesse Brown
 was proved and legally admitted to probate
 in your honor court upon the petition
 of your petitioner ^{with said will attached} and the evidence of
 the subscribing witnesses to said will
 being produced in court and returned
 to writing and filed in said court
 and that your petitioner filed the neces-
 sary bond and oath and said court
 within the time prescribed by law
 and that said bond was approved by the county
 judge of said court and that letters issued
 to your petitioner as executor of said
 will, as per order of his appointment by
 your Honor court, your petitioner
 further states that said will petition affidavits
 of subscribing witnesses decree of court oath
 and bond have been destroyed by fire
 and that he can not procure certified
 copies of the same and that hereto

and marked exhibits "A" "B" "C" "D" "E"
and "F," are substituted copies of
said papers wherefore he prays that
all parties interested in said estates
be he properly and legally notified
of the contents of this petition and ac-
companying exhibits and that upon
hearing your honor allow the same
to be filed in your Honor's court
as substitutes for the said originals

J. H. Higgins

J. H. Higgins Atty for J. M. Higgins
Sworn to and subscribed before me by *J. H. Higgins*
March 11th 1882.
A. Harwood, Clerk. By *H. H. Shackelford*

No 235

Estate of Jesse Brown

*Petition for substitution
of papers*

Filed March 11th 1882.

A. Harwood, Clerk.

*By H. H. Shackelford
clerk*

*Received
235*