

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

Case Number 2568

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FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

#2568

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THE STATE OF TEXAS.

To all Persons Interested in the Estate of B. M. Howard Deceased:

Mrs C. R. Howard has filed, in the County Court of Dallas County, State of Texas, an application for the Probate of the last Will of said B. M. Howard, 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 May A. D. 1903 at which time and place all persons interested in said Estate shall appear and contest said application should they desire to do so.

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

Given under my hand and the seal of said Court, at office in the City of

Dallas, this 6th day of April A. D. 1903.

~~A. S. JACKSON~~
FRANK R. SHANKS, County Clerk, Dallas County, Texas.

By A. R. Rawlins Deputy.

EXECUTOR'S BOND

The State of Texas, } Estate of B. M. Howard, Deceased
COUNTY OF DALLAS.

KNOW ALL MEN BY THESE PRESENTS, That we, _____
as Principal, and _____ and _____
as Sureties, are held and firmly bound unto the County Judge of said County of Dallas, and
his successors in office, in the sum of _____ Dollars;
conditioned that the above bound _____, who has
been appointed _____
shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this _____ day of _____ 189 _____

(SEAL)

(SEAL)

(SEAL)

I DO SOLEMNLY SWEAR that the writing which has been offered for probate is the
last will of B. M. Howard deceased, so far as I know or
believe; and that I will well and truly perform all the duties of Executor of said will.

Caroline R. Howard

Sworn to and subscribed before me this 13 day of May 1893

Sam J. Turner
County Clerk, Dallas County, Texas.
By Dallas Co. Deput

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No. 3403,
COUNTY COURT.

ESTATE OF
B.M. Howard,

Deceased.

Notice of Application for Probate of
Will and Letters.

Issued this 6th day of April 1903

FRANK P. SHANKS
S. JACKSON, County Clerk.

By W.M. Rawlins Deputy.

SHERIFF'S RETURN.

Came to hand the 6 day of April
1903, and executed the 6 day of April
1903 by posting up three copies of this Writ at the
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.

J. Johnson
Sheriff, Dallas County, Texas.

By J. Witt Deputy

JOSE WILLIAMS, PRINTER, DALLAS.

Posting 3 notices \$3.00

3403

No. 3403

COUNTY COURT,
DALLAS COUNTY.

EXECUTOR'S ~~BOND~~ Cath.

ESTATE OF

B.M. Howard,

Deed,

Filed May 13 1903.
FRANK P. SHANKS
S. B. SCOTT, Clerk.

By W.M. Rawlins Deputy.

Approved this _____ day of _____
189 _____

County Judge, Dallas County

RECORDED 3/205

A. D. Aldridge & Co., Stationers, Printers and Binders, Dallas.

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In the matter of the Estate : In the Probate Court of
of B.M.Howard, deceased. : Dallas County, Texas.

Before me, W.A. Mansfield, Notary Public, in and for
the County of Dallas, State of Texas, on this day personally appeared
David R. Fly, who being by me duly sworn on oath deposes and says:

That he is the identical David R. Fly, whose name is signed as
one of the witnesses to the will of B.M.Howard, dated December 30th,
1901, filed in this cause for probate. That he signed said will as a
witness at the request of said B.M.Howard, in the presence of B.M.Howard
and in the presence of the other subscribing witness, M.M.Carrick. That
the said M.M.Carrick signed said will as a subscribing witness in the
presence of this affiant and B.M.Howard, deceased, at the request of the
said B.M.Howard. That the said B.M.Howard stated at said time to this
affiant and to said M.M.Carrick, and to each of us, that the said
instrument was his last will and testament. That the said B.M.Howard
signed said will in the presence of this affiant and said M.M.Carrick.
That at the time of the signing of said will said B.M.Howard was of
sound mind; that he was a married man and was over the age of forty
years. That the said M.M.Carrick, at the time of signing said will, was
an adult, over the age of twenty-one years. That affiant, at the time of
signing said will as a witness was an adult over the age of twenty-one
years. That both affiant and said M.M.Carrick are credible witnesses.

David R. Fly

Sworn to and subscribed by the said David R. Fly, before me, on
this the 3rd day of April, 1903.

W.A. Mansfield
Notary Public Dallas
County Texas

No. 3403

In the matter of the Estate
of B.M.Howard, deceased, Mrs C.R.Howard, Executrix.

Now comes Mrs C.R.Howard, Executrix herein, and presents her inventory and appraisement of the estate of B.M.Howard, deceased, and a list of the claims against said estate, in accordance with the order of the court herein made, and in accordance with law; and prays that the same may be approved, and for general relief.

Mrs C.R. Howard
Executrix.

3. Cash on deposit in the Stross National Bank of Dallas, Texas, belonging conditionally to the estate, the conditions being as follows:

- 1. One horse and buggy.
- 2. Cash on deposit in the National Bank of Dallas, Texas, \$100.00.
- 3. Thirty shares of common stock, Texas Southern Railway Company.
- 4. Twenty shares of common stock, and of which are carried on the books of the company.

No. 3483

In the matter of the Estate
of B.M.Howard, deceased, Mrs C.R.Howard, Executrix.

Now comes Mrs C.R.Howard, Executrix herein, and says that the
estate of B.M.Howard, deceased, so far as the same has come to her know-
ledge or information, is as follows:

1. Residence situated in the City of Dallas, Block 302, on the
North side of Bryan Street, known as No. 503.
2. Household and kitchen furniture, beds and bedding, situated
in said house.
3. Cash on deposit in the Sturges National Bank of Hillborno Tex
belonging conditionally to the estate, the condition being as follows:
 4. One horse and buggy.
 5. Cash on deposit in the National Exchange Bank of Dallas, Texas,
403.83.
 6. Thirty shares of stock in the Texas Mortgage & Banking Company.
 7. Sundry small claims and notes, most of which are barred by
limitation.

No. 3463

In the matter of the Estate
of B.M.Howard, deceased, Mrs C.R.Howard, Executrix.

Now comes Mrs C.R.Howard, Executrix herein, and says that the
estate of B.M.Howard, deceased, so far as the same has come to her know-
ledge or information, is as follows:

1. Residence situated in the City of Dallas, Block 502, on the
North side of Bryan Street, known as No. 503.
2. Household and kitchen furniture, beds and bedding, situated
in said house.
3. Cash on deposit in the Sturges National Bank of Hillbom, Tex
belonging conditionally to the estate, the condition being as follows:

inventory and appraisement of said estate, and a list of the claims
against the same.

4. One horse and buggy.
5. Cash on deposit in the National Exchange Bank of Dallas, Texas,
403.83.
6. Thirty shares of stock in the Texas Mortgage & Banking Company.
7. Sundry small claims and notes, most of which are barred by
limitation.

That said estate was the community property of B.M.Howard,
deceased and of affiant, who was his wife; and said B.M.Howard, so
affiant is informed and believes and alleges, owned a half interest in
said property and assets.

That the claims owing by said estate and liabilities against said estate are as follows:

Due to minors in guardianship cause No.2236, Fannie B.Howard and others, of which B.M.Howard was guardian, the sum of about \$1800. *Equal amount of money.*

Due on note to the Texas Mortgage & Banking Company, which was secured by the deposit of the stock, \$1309.15.

Due on the note of Edward D.Barker, \$1530.00

Expenses of the last illness of decedent \$500.00.

Funeral expenses of decedent, \$300.00.

Due to Sanger Bros of Dallas, Texas, \$200.00.

Due to Titcher-Goettinger Co, of Dallas, Texas, \$30.00.

And affiant states that the above and foregoing is a true and correct list of the property belonging to said estate, so far as the same has come to the knowledge of affiant, which she presents as an inventory and appraisalment of said estate, and a list of the claims against the same.

Mrs C. R. Howard
Executrix.

The above and foregoing was sworn to and subscribed before me by the said Mrs C.R.Howard, on this the 2th day of June 1903.

M. H. Mansfield
Notary Public, Dallas County, Texas.

STATE OF TEXAS
COUNTY OF DALLAS

We, E. A. DeWitt and A. H. Colman and R. M. Carver

appointed by the Probate Court of Dallas County, Texas, as appraisers of the estate of B. M. Howard, deceased, in cause No. _____ pending on the docket of said court, have appraised the estate above mentioned, listed to us by Mrs. C. R. Howard, Executrix, and do appraise said property so listed as the property of said estate at the following as reasonable values thereof, to wit:

- | | |
|---|-----------|
| 1. Residence Bryan Street, Block 502, City of Dallas, | \$4500.00 |
| 2. Household and kitchen furniture therein | \$ 675.00 |
| 3. Horse and buggy | \$ 75.00 |
| 4. Money in Sturges National Bank, | \$ 200.00 |
| 6. Money in National Exchange Bank of Dallas | \$ 403.83 |
| 7. 30 shares of stock, Texas Mort & Banking Co | \$3000.00 |
| 8. Notes and sundries, above mentioned | \$ 75.00 |

Making a total value of the property \$8928.83

Value of one-half of the same \$4464.41 1/2

Which appraisement we submit to the court in accordance with the order of the court appointing us as appraisers, and ask that our action in the premises may be approved.

E. A. DeWitt
A. H. Colman
R. M. Carver
Appraisers.

The above and foregoing was sworn to and subscribed before me by E. A. DeWitt, A. H. Colman and R. M. Carver on this the 23rd day of June 1903.

W. H. Mansfield
Notary Public, Dallas County, Texas.

In the matter of the Estate of F.M.Howard, deceased. : In the Probate Court of Dallas County, Texas. : Term, 1903.

Reference, F.R. Hawks County Clerk in Dallas County Texas, on this day personally appeared M.M. Carrick, who being by me in open court duly sworn, on oath, stated: That he is the identical M.M. Carrick whose name is signed as one of the witnesses to the will of F.M. Howard dated December 31, 1901, filed in this cause for probate. That he signed said will as a witness at the request of F.M. Howard, in the presence of F.M. Howard and in the presence of the other subscribing witness, David R. Fly. That the said David R. Fly signed said will as a subscribing witness in the presence of this affiant and F.M. Howard, deceased, at the request of the said F.M. Howard. That the said F.M. Howard stated at said time to this affiant and to said David R. Fly, and to each of us, that said instrument was his last will and testament. That the said F.M. Howard signed said will in the presence of said David R. Fly and affiant. That at the time of signing said will said F.M. Howard was of sound mind; that he was a married man, and was over the age of forty years. That the said David R. Fly, at the time of signing said will as a witness was an adult over the age of twenty-one years. That affiant, at the time of signing said will as a witness was over the age of twenty-one years. That both affiant and said David R. Fly are credible witnesses.

M.M. Carrick

Sworn to and subscribed in open court by the said M.M. Carrick, on the trial of the above cause, on this the 12 day of April 1903.

F.R. Hawks, Clem Co. Clerk
Ray B. Cullum, Jr

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3603

Est
M Howard
Secd

Proof of will

FILED

MAY 12 1903

FRANK R. SHANKS,
CLERK COUNTY COURT.

By *R. H. Lucas*
DEPUTY.

Recorded 7/407

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The State of Texas : In the Probate Court of
County of Dallas. : Dallas County, Texas.

petitioner had no children. That petitioner is not disqualified from

To the Honorable Ed. S. Lauderdale, Judge of said Court:

Mrs C.R. Howard, a resident citizen of the County of Dallas and State of Texas, presents this her application for the probate of the last will and testament of B.M. Howard, deceased, and represents:

1. That one B.M. Howard, husband of petitioner, died in the City of San Antonio, County of Bexar, State of Texas, on the 29th day of March 1905. That at the time of his death his permanent residence was in the City of Dallas, County of Dallas and State of Texas. That his principal estate was situated in said Dallas County, Texas. That the nature of the estate left by him is largely an interest in the family home situated on Bryan Street in Dallas, Texas, the household furniture therein situated some moneys in bank, and an interest in some bank or mortgage company stock, together with an interest in some notes due and owing to him. That he has a community interest in each and all of said properties of the probable value of \$4500.00, against which they are certain debts.

That the said B.M. Howard made and executed a will on the 30th day of December 1901, when he was in sound mind, and a married man; that said will was witnessed by M.M. Carriek and David R. Fly, and being in all things in accordance with the laws of Texas; which said will is herewith filed, ^{under Ex. Lib. A.} here referred to and made a part hereof, under and by which, after providing the payment of his debts and a monthly payment to his mother by petitioner, petitioner was named as legatee, for her own use and benefit. That said will further provided that it was the will of the testator that no action be taken in the probate court in connection with the estate, other than the probating of the will and the return of an inventory and appraisement. That in said will your petitioner was appointed as executrix, with direction that no bond or other security be required of her. That petitioner named as executrix resides in the City and County of Dallas, State of Texas and was the wife of

COMMISSIONER OF PROBATE
LIVE BIRTH OF DECEASED

DECEASED
IN THE PROBATE COURT OF

-2-

decedent and has been his wife for many years. That decedent and petitioner had no children. That petitioner is not disqualified from receiving and accepting letters, or from acting as executrix of said will.

Wherefore petitioner prays that process may be issued herein and served as required by law, and that on a hearing hereof said will may be admitted to probate as the last will and testament of said B.M. Howard, deceased; that his said estate under the terms of said will be vested in petitioner, subject to the terms of said will; that petitioner be appointed executrix without bond, and that no action be taken with reference to said estate other than the return of an inventory and appraisal; and for general relief.

Alexander Thompson
Attorney for Petitioner.

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No 3403

Estate of
B M Howard Deed

Application to probate
Lost will and
Testament of
B M Howard Deed

R. J. ...

FILED

APR 6 - 1903

FRANK R. ... Co. Clerk
BY *A. J. ...* DEPUTY

ALEXANDER & THOMPSON,
ATTORNEYS AT LAW,
DALLAS, TEXAS.

NEW MEXICO
State of Texas
County of Potter.

KNOW ALL MEN BY THESE PRESENTS:

That I, B.M.Howard, being of sound mind, do hereby make and declare this to be my last will and testament, hereby revoking all wills by me heretofore made, viz:

First. I desire that any sums of money due by me to my neices and nephew, for whom I have been acting as guardian, shall be paid to them, and that their affairs intrusted to me shall be properly settled.

Second. I desire that my honest and just debts shall be paid.

Third. I will and bequeath to my mother the sum of six Dollars (\$6.00) per month, to be paid to her during her natural life by my wife, Mrs C.R.Howard.

Fourth. I will and bequeath, subject to the above terms, all of my property, ~~money, and estate and interest~~ to my wife Cammie R.Howard, for her own separate use and benefit.

Fifth. It is my wish and desire, and I so will, that no action be taken in the probate court, or any other court, with reference to my estate, other than the probate of this my last will and testament and the return of an inventory and appraisalment.

Sixth. I hereby appoint my wife, Cammie R.Howard, as executrix of this my last will and testament, and direct that no bond or other security shall be required of her for the administration or in connection with the administration, of my estate.

Witness my signature on this the 30th day of Dec 1901.

B. M. Howard

The foregoing last will and testament of B.M.Howard, testator, was signed by the said B.M.Howard in our presence, and he declared the same to be his last will and testament, and we have signed our names hereto as subscribed at his request and in his presence, we each being over the age of fourteen years.

M. M. Jamieson
David R. Hy

Witnesses

"Exhibit A."
No 3403

Wife of
B. M. Howard

FILED

APR 6. 1913

FRANK W. BROWN'S Co. Clerk
By *W. M. Alexander* DEPUTY.

Recorded 7/405

ALEXANDER & THOMPSON,
ATTORNEYS AT LAW.
DALLAS, TEXAS.