

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

Case Number 2583

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#2583

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NOTICE OF APPLICATION FOR PROBATE OF WILL AND LETTERS

THE STATE OF TEXAS.

To all Persons Interested in the Estate of James M. Harry, Deceased:
Mrs. J. E. Harry has filed, in the County Court

of Dallas County, State of Texas, an application for the Probate of the last Will of said James M. Harry 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 Nov 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 20 day of Oct A. D. 1903

FRANK R. SHANKS, County Clerk, Dallas County, Texas.

By A. S. Rawlins Deputy.

	Personal property
Buck	3,000-
Share stock	1,000-
✓	4,000-
✓	50-
✓	25-
Sum's & M. H. H. H. H.	400-
Cash	57.35
	<u>\$ 8,532.35</u>
Claim	5,944.45
	<u>\$ 14,476.80</u>
Grand total	
90 Shares	

763

No. 3482,

COUNTY COURT.

ESTATE OF

James M. Karry

Deceased.

Notice of Application for Probate of Will and Letters.

Issued this 20 day of Oct 1903

FRANCIS JACKSON, County Clerk,

By *W. M. Perkins* Deputy.

SHERIFF'S RETURN.

Came to hand the 20 day of Oct 1903 and executed the 21 day of Oct 1903 by posting up three copies of this Will in 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.

J. J. Johnson
Sheriff, Dallas County, Texas.

By *J. W. Wito* Deputy

JOHN HILLMAN, PRINTER, DALLAS.

*Acting 3 notices \$3.00
Recorded - 4 - 255*

INVENTORY AND APPRAISEMENT
OF THE PROPERTY, REAL AND PERSONAL, BELONGING TO THE
ESTATE OF
JAMES M. HARRY,

Deceased,

MADE BY THE INDEPENDANT EXECUTOR, MRS. F. E. HARRY, WITH THE
 ASSISTANCE OF TWO OF THE APPRAISERS HERETOFORE APPOINTED
 BY THE COURT, VIZ: CHARLES WILSON and T. W. GRIFFITH.

One lot or parcel of ground, 71 x 100 feet in City Block 77, City of Dallas, County of Dallas, Texas (An undivided one-half of this property is the separate property of deceased, and the other undivided half community property), appraised at \$35500.00

One lot or parcel of ground, being 250 x 104 feet, City Block 522 Dallas, Texas, ~~being the homestead of deceased~~ (This is community property) appraised at 5000.00

One lot or parcel of ground, 49-1/2 x 200 feet in Block 6-3-200 in the City of Dallas (This is community property) ~~being the homestead of deceased~~ appraised at 3500.00

One lot or parcel of ground, 145 x 200 feet in City Block 954, City of Dallas, Texas (This is community property) ~~being homestead of deceased~~ appraised at 8000.00

One lot or parcel of ground 50 x _____ feet, Block "A" College Park Addition to West Dallas, (separate property) appraised at 25.00

The brick-yard plant of J. W. Harry & Co., of which James M. Harry, deceased, was the sole owner, is comprised of 46 acres, more or less, in the W. B. McLoughlin survey in Dallas County, Texas, with the following improvements: Buildings, switch, artesian well, machinery, implements, tools, live stock, furniture and fixtures. The land is not inventoried separately because probably of but little value apart from its use in connection with the machinery and other appurtenances of the brick-yard. (An undivided one-half of this is the separate property of deceased, and the remainder community property) 30000.00

One farm, comprising 84 acres out of Hamilton McDowell survey, 180 acres out of same survey, and 120 acres out of the Benjamin Abbott survey in Dallas County, Texas, with lot of implements and tools on the same, being community property, appraised at 2000.00

ON THE 24th DAY OF NOVEMBER 1903

Burned and unburned (being community property), approximated at \$3000.00

Ten shares of the capital stock of the National Bank of Commerce, Dallas, Texas (community property) 1000.00

Forty shares of the capital stock of the National Bank of Commerce, Dallas, Texas (community property) 4000.00

One-half share capital stock Patton Seminary (community property) 50.00

One share capital stock Dallas Club, Dallas, Texas (separate property), valued at 25.00

Household and kitchen furniture and personal effects (community property), valued at 400.00

Cash 57.56

Sum due to me by J. E. Hargy, dated July 28/03, the 30 days with 4% int. from January 1st 1903, (inclosed) 50.72

THE STATE OF TEXAS }
COUNTY OF DALLAS. }

I, Mrs. F. E. Hargy, independent executrix of the above named estate, do solemnly swear that the foregoing is a true, full and complete inventory of all the property, real and personal, belonging to said estate, that has come to my knowledge.

F. E. Hargy

Sworn to and subscribed before me this the 24th day of November, A. D. 1903.

Elle J. Freeman

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS }
COUNTY OF DALLAS. }

Before the undersigned authority on this day personally appeared Charles Wilmoth and T. W. Griffiths, two of the appraisers of the above named estate, heretofore appointed by the Court, and each being duly sworn, says that the above and foregoing is a just and true appraisal of the property pointed out to them as belonging to said estate.

Charles Wilmoth *T. W. Griffiths*

Sworn to and subscribed before me this the 24th day of November, A. D. 1903,

Elle J. Freeman
Notary Public in and for Dallas County, Texas.

LIST OF CLAIMS

DUE AND OWING TO THE ESTATE OF

JAMES M. HARRY.

Deceased,

MADE BY THE INTERDANT EXECUTRIX, MRS. F. F. HARRY.

-----000-----

One note made by Lewis Sweet, dated March 14, 1902, due in 90 days, with interest 6% from January 1st, '02, (of doubtful value) for \$124.00

One note made by St. James A. M. E. church, by R. S. Jenkins, chairman of the Board of Trustees, and endorsed by J. W. Ray, Jas., B. K. Blunt, Treasurer, S. W. J. Lowery, trustee, P. Lowery, trustee, B. F. Ford, trustee, Wm. Terrill, W. A. Younger, H. E. Everett, dated Aug. 25/1902, due in 120 days, with 6% interest from date, interest paid to 25th Dec., 1902, and has a further credit of (75.00, (of doubtful value) 459.75

One note made by J. N. Haney, dated July 28/02, due 30 days with 6% int. from January 1st 1902, (worthless) 52.75

One note made by Sonnerfield & Remins, dated January 13/03, due ninety days, with interest from date at 8% (worthless) 561.11

One note made by C. H. Beach, dated April 2/03, due in 6 mos., with interest at 10% from date (doubtful) 75.90

One note made by J. Y. Newbit, dated March 21st, 1903, due 60 days, with interest at 10% from date (doubtful) 100.00

One note made by W. F. Hunter in favor Nat. Exch. Bank, endorsed by J. M. Harry, dated Oct. 23/02, due July 1st, 1903, with interest from date at 8%, taken up and held by J. M. Harry, \$500.00, less credit July 31/03, \$300.00, (secured by horses) 200.00

Six notes made by R. W. Mackay and D. F. Cline, dated July 18/03, due 3, 4, 5, 6, 7 and 8 months from date, with interest from date at 10%, for \$5.00 each (good) 30.00

100 AND OTHER LA. 100

List of Accounts taken from the books November 1st,
1908, now due and maturing within thirty days.

	\$26.00
J. R. Adams,	34.15
C. H. Rench,	30.00
Frank Hauer,	24.45
A. J. Beasley,	55.65
Ruth & Demoth,	755.22
J. W. Slaughter,	3.20
Smith & Mathews,	702.15
G. W. Figh,	42.10
G. W. Gams,	50.60
W. J. Simpson,	40.95
McMurray & Stone,	9.75
Perry & Carter,	34.25
G. W. Henson,	14.95
Skinner & Mitchell,	55.50
Knight & Kenyon,	457.90
Marshall Oil Co.,	167.86
Buchanan & Gilder,	100.00
J. W. Slaughter, Church job,	635.53
H. V. McGregor,	21.45
A. P. Conley,	16.00
F. H. Jinks, (worthless)	118.30
W. H. Knott (worthless)	34.18
G. H. Boyce,	33.50
G. W. Baxter, (doubtful)	56.50
Chas. Harris, (worthless)	6.50
R. C. Stubbs,	16.00
J. L. Lewspn, (doubtful)	51.00
E. Baker, (doubtful)	25.00
J. A. Nesbit	24.25

FROM THE ...

J. B. Morris,	6.50
New Century Cotton Mills,	45.50
T. C. Rendell,	52.00
W. J. Nichols,	58.70
Fakes & Co.,	6.50
R. W. Baxley,	7.20
Armstrong Peaking Co.,	15.00
Doelittle, Simpson & Co.,	6.50
W. H. Baker,	6.40
Tholl Bros.,	5.60
W. A. Gary,	46.50
Morris & Sink, (doubtful)	66.60
M. H. Thomas,	18.00
New Hope Col. Baptist Church,	30.00
J. N. Weldon,	.75
S. J. Baxley,	4.50
W. J. Rodgers,	6.50
Central Ice & Cold Storage Co.,	7.15
G. W. Smith,	82.45
Willet & Haney, (worthless)	6.00
Mrs. M. E. C. Foster,	2.55
Dr. W. S. Davis,	8.00
Frank Heem,	32.50
Alex Brown,	4.25
D. Rosen,	6.50
I. J. Willingham,	6.50
John H. Knott, (doubtful)	6.50
J. P. Jackson,	3.25
Southern Mantel Co.,	6.15
Jac. T. Porter, (worthless)	3.75
A. Jenger,	42.50
Thos. Hurley,	8.75
Miller & Stemons,	14.65

All the foregoing notes and accounts are community property.

1. B. HOLLYS

THE STATE OF TEXAS }
COUNTY OF DALLAS. }

I, Mrs. F. E. Harry, independent executrix of the above named estate, do solemnly swear that the foregoing is a full and complete list of all claims owing to the said estate, within my knowledge.

Mrs. F. E. Harry

Sworn to and subscribed before me this the 26th day of November, A. D. 1903.

Ella Freeman

Notary Public in and for Dallas County, Texas.

THE STATE OF TEXAS
COUNTY OF DALLAS

I, Mrs. W. R. Harty, independent executrix of the above named
estate, do solemnly swear that the foregoing is a full and complete
list of all claims owing to the said estate, within my knowledge.

[Signature]

Given to and subscribed before me this 15 day of
November, A. D. 1908.

[Signature]

Notary Public in and for
Dallas County, Texas.

No. ———
County Court
Estate of
James M. Harty
President of
Harty and
Harty -
Dallas

L. SOCIETY-1978

A 3483

County Court

ESTATE OF

JAMES M. HARRY

INVENTORY, APPRAISEMENT AND
LIST OF CLAIMS.

FILED

NOV 25 1903

Recorded - 6-557

rec 8th 1903

Examined and approved

(S-614) E. M. ...
C. Judge

No. 3483

PROOF OF WILL.

THE STATE OF TEXAS,) ESTATE OF
 County of Dallas) J. M. Harry Deceased.
 Proof of Last Will and Testament of James M. Harry Deceased.

This day personally appeared in open Court J. E. Brewer and Geo. A. Trumbull

who, being duly sworn as a witness in the above entitled matter, and examined on behalf of the applicant to

prove said Will, says: I was well acquainted with James M. Harry

deceased, during his lifetime; I knew the above decedent for ~~about~~ several years

before his death; the signature of the said deceased to the instrument now shown to me, and offered for probate

as his last Will and Testament, filed in this Court on the 20 day of Oct A. D. 1903

and bearing date on the 18 day of Nov A. D. 1899, was made by the deceased

on said last named date at Dallas Tex and N. P. Dazey in presence of myself

and W. T. Hancock and N. P. Dazey

the other subscribing witness; all of said witnesses being over the age of fourteen years. At the time of the

making of said Will the testator was of sound and disposing mind and memory, and he declared the said

Will so made by him to be his Last Will and Testament, and we thereupon signed our names as witnesses

together with W. T. Hancock and N. P. Dazey at the request of the said testator,

his presence and in the presence of each other. The said deceased at the time of the execution of said

instrument was more than 21 years of age; the said James M.

Harry departed this life on the 28 day of Aug A. D. 1903

about fourteen years after making said Will, in the County of

Dallas in the State of Texas, where and at which time his residence and

principal estate was situated.

J. E. Brewer

Geo. A. Trumbull

Sworn to and subscribed before me, this 6th day of Nov A. D. 1903, in open Court.

J. R. Shanks Clerk

County Court Dallas County, Texas.

By J. F. Cullen Deputy.

A 178

No. 3483

PROOF OF WILL.

THE STATE OF TEXAS,

County of

Dallas

Term, 1903

ESTATE OF

James M. Harry

deceased

Filed the 6 day of

Nov

A. D. 1903

and recorded the day

of A. D. 189, in the

Probate Minutes of

County, in Volume Page

J. H. Shanks

County Clerk.

J. F. Curran

Deputy.

F/458

IN RE ESTATE OF
J. M. HARRY DECEASED

)
(IN THE COUNTY COURT OF DALLAS COUNTY, TEXAS
)
(SITTING FOR PROBATE PURPOSES.
)

TO THE HON. ED. E. LAUDERDALE, JUDGE OF SAID COURT:)-

NOW COMES YOUR PETITIONER SAM TITTERINGTON, and for cause of action would respectfully show to this Court that on July the 15th, 1903 that J. M. Harry deceased who was at the time of his death a citizen of Dallas County, Texas, and he was at the time of his death, the exact date of his death is not known to your petitioner, your petitioner alleges and avers that the date of death of J. M. Harry was subsequent to July 15th, 1903, and that upon and prior to July 15th, 1903 the said J. M. Harry was justly, legally, liable to your petitioner in an indebtedness for the sum of Twenty Thousand (\$20,000.00) Dollars.

Your petitioner would respectfully show to your honor that on July 15, 1903, he filed a certain suit in the District Court of Texas for Dallas County, Texas, styled and numbered 22613, Sam Titterington Vs. J. M. Harry & Company.

Plaintiff alleges and avers that J. M. Harry at the time of the institution of the said cause of suit and prior thereto, and at the time that said indebtedness accrued to your petitioner J. M. Harry was the sole owner and proprietor of the firm manufacturing brick under the name of J. M. Harry & Company.

Your petitioner would further show to this Court that upon the filing of the said cause of action in the District Court, as hereinbefore stated; that the said J. M. Harry by his attorneys, Crane, Greer, and Merton, came into Court for the said J. M. Harry and filed an answer in the said cause of action; that since said cause of action and answer by Crane, Greer, & Merton, the said J. M. Harry has departed this life.

Your petitioner alleges and avers that the said J. M. Harry was and his estate is liable and indebted to your petitioner justly and legally in the sum of Twenty Thousand Dollars. Your petitioner alleges and avers that he is informed and believes that the said J. M. Harry prior to his death

prior to his death executed ~~xxx~~ an instrument styled his Last Will and Testament, bequeathing all his worldly goods to persons unknown to your petitioner.

Your petitioner alleges and avers that said will as heretofore mentioned, executed by J. M. Harry during his life time is now in the possession and keeping of one, J. B. Adoue, who is president of the Nat. Bank of Commerce of Dallas County, Texas.

Your petitioner alleges and avers that since the death of J. M. Harry, deceased, he has by and through his attorney W. P. Martin, repeatedly requested of the said J. B. Adoue, Mrs. J. M. Harry, and their Attorneys Crane, Greer, & Whorton, to offer said will of J. M. Harry, deceased to the Probate Court of Dallas County, Texas for the purpose of having the same probated; that the said J. B. Adoue, and Crane, Greer, & Whorton, who acknowledge that they are the attorneys for the estate of J. M. Harry, deceased and who are the attorneys of record in a certain suit, styled and numbered 22613, Sam Titterington Vs. J. M. Harry & Co.; that they would not of ~~xxx~~ their own voluntary act offer the last will and testament of J. M. Harry, deceased to the Probate Court of Dallas County, Texas for the purpose of having same probated and that if any persons who are interested in said estate desire that said will be offered for probate ~~at~~ the Courts of the Country were opened to said person or persons who wish said will probated.

Your petitioner alleges and avers that the estate of J. M. Harry deceased is justly and ^{legally} liable indebted to your petitioner in the sum of Twenty Thousand Dollars. Your petitioner alleges and avers that he verily believes that the said J. B. Adoue, Mrs. J. M. Harry and Crane, Greer, & Whorton are purposely refusing to offer the will for probate of J. M. Harry, deceased for the sole purpose of defeating this defendant in securing a legal judgment against the estate of J. M. Harry, deceased.

Your petitioner alleges and avers that the estate of J. M. Harry deceased is justly and legally liable to your petitioner in the sum of Twenty Thousand Dollars; that if the will of J. M. Harry, deceased is not offered for probate instantly, your petitioner alleges and avers that he verily believes that he will be unable to collect said indebtedness.

from the estate of J. M. Harry deceased, unless this Court by a proper order compel J. B. Adoue, Mrs. J. M. Harry, and Crane, Greer, & Whorton, whom your petitioner alleges and avers are jointly the custodians of the last will and testament of J. M. Harry, deceased, to offer same to the Probate Court of Dallas County, Texas, for probate.

WHEREFORE, premises considered, your petitioner prays that your honor, by a proper order of this Court call, to be brought before your honor J. B. Adoue, Mrs. J. M. Harry, Crane, Greer, & Whorton, Attys, and to show cause if any why ~~that~~ ^{they have} the said will of J. M. Harry deceased, be not offered and filed in this Court for probate; that if your petitioner's prayer is not granted he will be defeated from collecting his just claim of indebtedness in the sum of Twenty Thousand Dollars against the estate of J. M. Harry, deceased, for ~~which~~ ^{which} he is ever bound and in duty to pray for.

W. H. Martin
Atty. for Plaintiff.

THE STATE OF TEXAS,
COUNTY OF DALLAS.

This day personally appeared before me, the undersigned authority, _____, Sam Titterington, who being duly sworn, upon his oath deposes and says that he is the petitioner in the above and foregoing petition; that he is familiar with the matters and facts therein contained and the same is true according to the best of his knowledge and belief.

Sam Titterington
Mak

*Sworn & subscribed to before me
this Oct 12 1903*

Frank R. Shanks
Co. Clk Dallas Co.
By *C. E. Gossey*

Mark will cite J. B. Abow, Wm. W. Harry and firm
 of Texas firm Richardson to appear before C. D. Kumbroski
 County Judge Kellar County Texas on October 12, 1903
 1903 at 10. a. m. to show cause why they should not allow
 said will of J. B. Abow, Wm. W. Harry decessed per find of
 C. D. Kumbroski
 County Judge Kellar County
 Texas.

Oct-12-1903

3482
 In re Estate
 of J. M. Harry
 Will.

Original Petition
 of
 James Nottingham
 for Mandamus
 against Mrs. J. M.
 Harry, Mrs. Abow,
 Grace, Queen &
 Thornton Attys, of
 record for opening
 probators last
 will and testament
 of J. M. Harry
 M. D. Martin
 atty, probators

FILED

OCT 19 1903

FRANK J. HAYES, Co. Clerk
 County Judge Kellar County Texas

The State of Texas }
County of Dallas } Know all men by these presents that
J. James M. Harry of the County of Dallas, and State
of Texas, do hereby make, publish and declare this my
last Will and Testament, hereby revoking all other wills
by me heretofore made.

First: I will and bequeath to my beloved wife F. E. Harry
all the property of every kind and description both real
and personal, which I now own or of which I may die
seized and possessed.

Second: I hereby nominate constitute and appoint my said
wife F. E. Harry Executrix of this my last will and testament
and direct that she shall not be required to give any
bond or security for the faithful performance of the trusts
herein conferred upon her.

Third: It is my will and request that no further action
be taken with my Estate than the Probate of this my
last will and testament and the recording of the same.
In witness whereof I hereto subscribe my name this
the 18th day of Nov A D 1889.

J. M. Harry

We subscribe our names as witnesses to the above
instrument at the request, and in the presence of James
M. Harry the maker thereof.

Witness our hands this 18th day of Nov A D 1889.

Geo. A. Trumbull

W. T. Hancock

N. P. Doye

J. L. Brewer

5 3183

LAST WILL AND TESTAMENT of
JAMES M. HARRY.

FILED

OCT 20 1903

FRANK W. BRYAN'S Co. *Chas. M. Macmillan*

7-457

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

THE STATE OF TEXAS }
COUNTY OF DALLAS. }

TO THE HONORABLE ED. S. LAUDERDALE, COUNTY JUDGE OF SAID COUNTY:

Now at this time comes Mrs. F. E. Harry, surviving wife of James M. Harry, deceased, and makes application for the probate of the written will of said James M. Harry, deceased, now produced in Court, and shows:

I. That the said James M. Harry died at his residence in the City of Dallas, Dallas County, Texas, on the 28th day of August, 1905.

II. That at the time of his death, he was a resident of the City of Dallas, Dallas County, Texas, and owned real and personal property therein.

III. That the estate of said James M. Harry, deceased, comprised real estate situated in the City of Dallas; a farm, situated in the County of Dallas, besides personal property, consisting largely of bank stock; and is of the probable value of \$40,000.

IV. That applicant, whose name is F. E. Harry, and who resides in the City of Dallas, County of Dallas and State of Texas, is named as executor in said will.

And applicant prays that citation be issued, as required by law, and that said will be admitted to probate.

MRS. F. E. HARRY

By Crawford Green Wharton.

Her Attorneys.

JW 3483
APPLICATION FOR PROBATE of the
LAST WILL AND TESTAMENT of
JAMES M. HARRY.

FILED
OCT 20 1903

FRANK J. ...
Frank J. ...

87324