

No 3370

In County Court  
McLennan County, Texas

Petition of Mrs.  
Laura McClain  
for Probate of  
Will of John McClain,  
Decd.

Estate of John  
McClain, Decd.

338

FILED

AUG 22 1908

THOS. A. CAUFIELD,  
Clerk County Court, McLennan Co., Texas.  
By *Frank A. Mendenhall* DEPUTY.

D. A. Stearns  
S. P. Sadler  
Attys.

THE STATE OF TEXAS,  
County of McLennan.

In the County Court,  
September Term, A.D. 1908.

To the Hon. Jno. W. Baker, Judge of said court:-

Your petitioner, Mrs. Laura McClain, respectfully  
shows unto the court;

1st. That the petitioner resides in McLennan county, Texas, and is  
the surviving wife of John McClain, deceased.

2nd. That John McClain departed this life in McLennan county, Texas  
on the 13th. day of June A.D. 1908 at his home in McGregor, Texas,  
testate.

3rd. That the testator at the time of his demise was possessed of  
an estate situated in McLennan county, Texas of the probable value  
of \$1000.00, consisting of real and personal property.

4th. That said decedent left a written will disposing of his prop-  
erty, duly executed and published with all the formalities of law,  
which said will is filed herewith.

5th. That no necessity exists for administration upon the estate  
of decedent, but that should the court determine that letters are  
necessary, then that this applicant is not disqualified from re-  
ceiving same.

6th. That no executor is named in said will.

7th. Premises considered, petitioner prays for citation in the  
manner and form required by law, and that on final hearing said  
will be admitted to probate as the last will and testament of the  
decedent, and for general orders.

Mrs. Laura McClain  
by D. C. Hall  
A. P. Anderson  
Her attorneys.

No

3370

ESTATE OF

John McClaim

Deceased.

CITATION ON APPLICATION  
FOR PROBATE OF WILL.

Issued 24 day of Aug A.D. 1908

Shas. A. Caulfield  
Clerk County Court, McLennan County, Texas.

By Francis J. Trust Deputy.

SHERIFF'S RETURN

" Came to hand the 24 day of Aug

A.D. 1908 at o'clock, M., and exe-

cuted on the 25 day of Aug A.D.

1908, by posting copies of the within citation

at three of the most public places in McLennan

County, Texas, one of which was at the Court

House door of said County, one at

West and one at M. Wagon,

no two of which places are in the same city or

town.

Sh. T. Tully  
Sheriff McLennan County, Texas.

By J. C. Patton Deputy.

FEES—Posting Citations, - - \$ 1.00

Mileage, - - - miles, 3.50

Total, - - - - \$ 4.50

DAVIS PRINTING CO. WACO



CITATION ON APPLICATION FOR PROBATE OF WILL

THE STATE OF TEXAS

To the Sheriff or any Constable of McLennan County, Greeting:

YOU ARE HEREBY COMMANDED to cause to be posted for ten days, exclusive of the day of posting, before the return day hereof, in three of the most public places in McLennan County, one of which shall be at the Court House door, and no two of which shall be in the same city or town, copies of the following notice:

THE STATE OF TEXAS, to all persons interested in the estate of \_\_\_\_\_

deceased.

has filed in the County Court of McLennan County an application for the probate of the last will and testament of said \_\_\_\_\_ deceased.

filed with said application, and for letters testamentary thereof, which will be heard at the next term of said Court, commencing on the first Monday in \_\_\_\_\_ A. D. 1902, the same being the

\_\_\_\_\_ day of \_\_\_\_\_ A. D. 1902, at the Court House thereof in the City of Waco, at which time all persons interested in said estate may appear and contest said application, should they desire to do so.

HEREIN FAIL NOT, but have you before said Court on the said first day of the next term thereof this writ, with your return thereon, showing how you have executed the same.

WITNESS, THOS. A. CAUFIELD, Clerk of the County Court of McLennan County.

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

this the 24th day of February A. D. 1902

Clerk County Court. McLennan County, Texas.

By \_\_\_\_\_ Deputy.

CITATION ON APPLICATION FOR PROBATE OF WILL

THE STATE OF TEXAS

To the Sheriff or any Constable of McLennan County, Greeting

YOU ARE HEREBY COMMANDED to cause to be posted for ten days, exclusive of the day of posting, before the return day hereof, in three of the most public places in McLennan County, one of which shall be at the Court House door, and no two of which shall be in the same city or town, copies of the following notice:

THE STATE OF TEXAS, to all persons interested in the estate of

deceased.

has filed in the County Court of McLennan County an application for the probate of the last will and testament of said

deceased.

filed with said application, and for letters testamentary thereof, which will be heard at the next term of said

Court, commencing on the first Monday in September A. D. 1908, the same being the

7th day of September A. D. 1908, at the Court House thereof in

the City of Waco, at which time all persons interested in said estate may appear and contest said application, should they desire to do so.

HEREIN FAIL NOT, but have you before said Court on the said first day of the next term thereof this writ, with your return thereon, showing how you have executed the same.

WITNESS, THOS. A. CAUFIELD, Clerk of the County Court of McLennan County.

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

this the 24th day of August A. D. 1908

Thos. A. Caufield  
Clerk County Court, McLennan County, Texas.

By Frank L. West Deputy.



3370

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338

FILED

SEP 1 1900

THOS. A. O'NEILL, D.  
Clerk County Court, Tarrant Co., Texas  
Frank M. M.

No. \_\_\_\_\_

# Proof of Will

THE STATE OF TEXAS }  
County of McLennan. }

Estate of John McLain Deceased.

PROOF OF LAST WILL AND TESTAMENT OF John McLain DECEASED  
J. W. Kirkland, who

This day personally appeared in open Court  
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 John McLain, deceased, during his  
lifetime; I knew the above decedent for about twenty five <sup>years</sup> before his death; the signa-  
ture of 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 22 day of August, A. D. 1908  
and bearing date on the 20 day of September, A. D. 1887, was made by  
the deceased on said last named date at Gatesville, Tex.  
in the presence of myself, J. W. Kirkland, and  
G. S. Jenkins, the other subscribing witnesses, 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 dis-  
posing mind and memory and he declared the said will so made by him to be his last will and testament  
and I thereupon signed my name as witness together with G. S. Jenkins  
at the request of the said testator in his presence and in the presence of each other. The said deceased at  
the time of the execution of said instrument was about sixty years of age; the said  
John McLain departed this life on the 13 day of  
June, A. D. 1908, about 21 years after making said  
will in the County of McLennan in the State of Texas where and at which time his residence  
and principal estate was situated, and without having revoked said will so far as known to affiant.

J. W. Kirkland

Sworn to and subscribed before me this 8 day of September  
A. D. 1908 in open court.

Thos. A. Canfield

Clerk County Court McLennan County.

By Dr. J. W. Kirkland

Deputy.

(County Court Seal)

IN THE MATTER OF THE ESTATE OF

*John McElain*

DECEASED

No. *3370*

On this *8* day of *September* 19*08*, came on to be heard the application for the probate of the last will and testament of said deceased and for letters thereon filed herein on the *22* day of *August* 19*08*

And it appearing to the Court that legal notices of the filing of said application has been issued and posted in the manner and for the length of time required by law and no one came to contest the same; and it further appearing from the testimony of the subscribing witness *J. W. Kirkland* to said will sworn to and subscribed in open Court and filed herein that said *John McElain* deceased died in the County of *M. Linn* in the State of Texas where his residence and principal estate was situated on the *18* day of *June* 19*08*; that said deceased at the time of executing said will was over twenty-one years of age and of sound mind; that the said will was executed with the formalities and solemnities and under the circumstances required by law to make it a valid will and that such will has not been revoked by said testator.

It is therefore ordered and decreed by the Court that said will is hereby proven and established as the last will and testament of said *John McElain* deceased and that ~~named in said will be and is appointed~~ ~~of said will and estate~~ and that ~~are appointed appraisers of said estate.~~

*J. W. Baker*

COUNTY JUDGE