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

Case Number 2885

Dallas Genealogical Society
Founded 1955

www.dallasgenealogy.org

#2885

FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

ADMINISTRATOR'S BOND.

THE STATE OF TEXAS, } **Estate of** Turner Lyda, deceased
COUNTY OF DALLAS.

Know all Men by these Presents, *That we* M. P. Penn xxxxxxxxxxxxxxxxxx *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* Seven Hundred and Seventy-five *Dollars; conditioned that the above bound* M.P.Penn xxxxxxxxxxxxxxxxxxxxxxxx, *who has been appointed* Administrator of the Estate of Turner Lyda, Deceased *shall well and truly perform all the duties required of him under said appointment.*

WITNESS our hands and seals, this 27th *day of* October, 1905.

M. P. Penn [SEAL]
FIDELITY AND DEPOSIT CO. of MARYLAND [SEAL]
BY A. B. Smith, Attorney in Fact [SEAL]

Attest J. B. Nabors
Con Ogden

I do solemnly swear that Turner Lyda xxxxxxxxxxxxxx *deceased, died without leaving any lawful will, so far as I know or believe; and that I will well and truly perform all the duties of Administrator of the estate of said deceased.*

M. P. Penn

Sworn to and subscribed before me this 27th *day of* October, 1905.

J. L. Turner
xxxxxxxxxxxxxxxxxx
Notary Public, Dallas County, Texas.
By xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

NOTICE OF APPLICATION FOR LETTERS OF ADMINISTRATION.

THE STATE OF TEXAS,

To all Persons Interested in the Estate of

Turner Lyda **Deceased.**

M. P. Penn *has filed in the County Court of Dallas County, State aforesaid, an application for Letters of Administration upon the estate of said decedent.* Turner Lyda *which application will be heard and acted upon by said Court at the next term thereof, to be held at the Courthouse in the City of Dallas, County of Dallas and State of Texas, and commencing on the first Monday in* July *1905, at which time and place all persons interested in said estate shall appear and contest said application should they desire to do so.*

WITNESS: FRANK R. SHANKS, County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court, at office in the City of Dallas, this 22 *day of* May *1905*

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

By R. H. Lee *Deputy.*

78

No. 3782

COUNTY COURT,
DALLAS COUNTY.

ADMINISTRATOR'S BOND.

ESTATE OF

Turner Lyda, deceased

FILED

Filed OCT 31 1905 A. D. ..... Clerk.

By R H Lee Deputy.

Approved this 6th day of Nov. A. D. 1905

Hiram Faulkner
County Judge, Dallas County.

Received 3-31
Bond Rec'd

Original 781

No. 3782

COUNTY COURT.

ESTATE OF

Turner Lyda

Deceased.

Notice of Application for Letters of Administration.

Issued 22 day of May 1905

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

By R H Lee Deputy.

SHERIFF'S RETURN.

Came to hand the 22 day of May 1905 and executed the ..... day of May 1905 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.

A. L. Lockhart
Sheriff Dallas County,

By James Scott Deputy.

Posting 3 copies 1.00

~~3877~~
~~3782~~ 3935

STATEMENT.

JUL 30 1907

Dallas, Texas, _____ 190__

M Est. Turner Lydia Dunning
Martha May
J. L. Turner

To **The Dallas Democrat,** Dr.

THE GINNER & MILLER PUB. CO., Publishers.

416-18 Jackson St. Telephone M. 600

To publication of administration Notice 4.00

This is Court Cost and may be paid, and accounted for in your fiscal report

Paid in full by W. R. Pearson, Adm. Est. of Turner Lydia Dunning, dec'd.
1-13-1908 Paid
Dallas Democrat
OK. Rs J. L. Jones

Duly returned into Court

JACK M. GASTON, County Clerk
By D. O. Whitby, Deputy

$1.00 Dallas, Texas, July 1st 1907

Received of W. R. Pearson, Administrator of the Estate of Turner Lydia Dunning, deceased

One Dollar

In payment of all costs and expenses in said estate.

J. L. Turner

No.

NOTICE GENERAL.—Dorsey Printing Co., Dallas, Texas.

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County—GREETING:

YOU ARE HEREBY COMMANDED to notify

M. P. Penn Administrator

of the Estate of Turner Lyda deceased

by delivering to him a true copy of this writ, that at the Present term of the County Court of said County an order was made directing him to appear before the Hon. County Court of Dallas County on the 10th day of Jany 1906 at 2 o'clock P.M. and file a statement of his acts as such Admr. And to answer the heirs of said estate to have him removed as Admr. - And that he must hold all property belonging to said estate subject to the order of this Court.

HEREIN FAIL NOT, but of this writ make due return, showing how you have executed the same.

Witness my hand and official seal, at my office in the City of Dallas, this 28th day of Dec A. D. 1905

FRANK R. SHANKS, ~~A. S. JACKSON~~, CLERK

By R N Lee Deputy.

SUBPŒNA—CIVIL.

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County—Greeting:

YOU ARE HEREBY COMMANDED to summon

Alice Nettles - 274 Live Oak

to be and personally appear before the Honorable County Court of Dallas County, at the Court House in the City of Dallas, County aforesaid, ~~instanter~~, on Wednesday Jan 10 *190*6 *at* 2 *o'clock,* P *m., at the instance of the* Contestant *then and there to give evidence in ~~a certain cause wherein~~* the Matter of the estate of Turner Lyda *~~is plaintiff, and~~ ~~is Defendant,~~ and remain from day to day and term to term until discharged by the Court.*

Herein Fail Not, but due service and return hereof make, as the law requires.

Witness my hand, at office in Dallas, this 9 *day of* Jan *A. D. 190*6

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

By P Cullum *Deputy.*

(Original) 20

No. 3782

ESTATE OF

Turner Lyda Decd

NOTICE TO M P Penn

Issued 28 day Dec 1905

FRANK R. SHANKS ~~A. S. JACKSON~~, Clerk,

By _____ Deputy.

Came to hand on the 29 day of Dec 1905 and executed on the 30 day of Dec 1905 by delivering a true copy of within notice to M. P. Penn the within named

A. L. Ledbetter Sheriff Dallas County.

By J. J. Ledbetter Deputy.

FEES

Serving Notice,	$ .75
Mileage,	.20
Total,	$ .95

73500

Ledbetter

10. at 2 PM

20

No. 3782

COUNTY COURT.

Est of

vs. SUBPOENA.

Turner Lyda, Decd

ISSUED

This 9 day of Jan 1906

FRANK R. SHANKS,

Clerk County Court, Dallas Co., Texas.

By P J Cullen Deputy

SHERIFF'S FEES:

Summoning ____ Witness	$ ____
Mileage ____ miles	____
Total	$ ____

JOHN CLINGMAN, PRINTER, DALLAS.

50
20
70

Look in Bill Book

James

SHERIFF'S RETURN.

Came to hand this 9 day of Jan A. D. 1906, and executed on this the 9 day of Jan A. D. 1906, by reading the within Subpoena in the presence and hearing of Jno E Lyda, Jno Turner, Lyda Turner, Jno Turner, Lyda Turner, Jno E Lyda the within named witnesses.

Returned on this the 9 day of Jan A. D. 1906

B B Jones Deputy.

Jno E Lyda the within named witnesses.

Sheriff Dallas County, Texas.

SUBPŒNA CIVIL.

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County—Greeting:

YOU ARE HEREBY COMMANDED to summon James Hopkins - Oliver Williams (C) known as Fatty round a Restaurant Father

to be and personally appear before the Honorable County Court of Dallas County, at the Court House in the City of Dallas, County aforesaid, ~~instanter~~, *on* Wednesday Jany 10 1906, *at* 2 *o'clock, P. m., at the instance of the* Proponents —

then and there to give evidence in ~~a certain case wherein~~ *in the Matter of Estate Turner Lyda, Dec'd* ~~is plaintiff and is Defendant~~, *and remain from day to day and term to term until discharged by the Court.*

Herein Fail Not, but due service and return hereof make, as the law requires.

Witness my hand, at office in Dallas, this 9 *day of* Jany *A. D. 190*6

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

By R H Lee *Deputy.*

NOTICE OF FILING ANNUAL ACCOUNT.

THE STATE OF TEXAS,

To all Persons Interested in the Administration of the Estate of Turner Lyda Deceased.

M. P. Penn *Administrator has filed in the County Court of Dallas County,* an *Account, showing the condition of said Estate,*

which will be heard at the next term of said Court, commencing on the First Monday in May *A. D. 190*7, *at the Court House in the City of Dallas, at which time all persons interested in said Estate may appear and contest said Account if they see proper to do so.*

WITNESS, JACK M. GASTON *County Clerk of Dallas County, Texas.*

Given under my hand and the seal of said Court at office in the City of Dallas, this 14 *day of* March *A. D. 190*7.

JACK M. GASTON,
County Clerk, Dallas County, Texas.

By R H Lee *Deputy.*

20

No. 3782

COUNTY COURT.

Est Turner Lyde Decd

vs. SUBPOENA.

ISSUED

This 9 day of Dec 1906

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

By R H Lee Deputy.

SHERIFF'S FEES:

Summoning Witness $ 100

Mileage miles 50

Total $ 150

JESSE WILLIAMSON, PRINTER, DALLAS.

James

SHERIFF'S RETURN.

Came to hand this the 10 day of Jan A. D. 1906, and executed on this the 10 day of Jan A. D. 1906, by reading the within Subpoena in the presence and hearing of Jacob Hopkins and Other

Returned on this the 10 day of Jan A. D. 1906 the within named witnesses

R L Fleschhauer
Sheriff

By L B Davis Deputy. Dallas County, Texas.

Original

No. 3782

COUNTY COURT.

ESTATE OF

Turner Lyde

Deceased.

NOTICE OF FILING ANNUAL ACCOUNT

Issued this 1st day of March 1907

Jack M Gaston
County Clerk.

By R H Lee Deputy.

Jesse Williamson, Printer, Dallas.

Came to hand Mch 1st 1907 and Executed Mch 1st 1907 By posting three copies of the within in the Court house in the County, notice in the same town or city, one of which was at the Court house door

A. L. Fleschhauer
Sheriff Dallas Co

Posting 3 copies $3.00

By James Scott Deputy

NOTICE TO FILE REPORT.

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County—GREETING:

YOU ARE HEREBY COMMANDED to notify M. P. Penn Administrator

of the Estate of Turney Lyda

by delivering to him a true copy of this writ, that at the Present Term of the County Court of said County an order was made directing and requiring to prepare and file in said Court, within 10 days from date of service hereof, ~~Annual Report or Exhibit, showing the condition of said Estate.~~ A Report for final settlement of said estate.

HEREIN FAIL NOT, but of this writ make due return, showing how you have executed the same.

WITNESS MY HAND and Official Seal, at office in the City of Dallas, this 23 day of April A. D. 1907

By R. A. Lee Deputy.

Jacob Gaston
Clerk County Court, Dallas Co., Texas.

Original

No. 3782

ESTATE OF

Turner Lyda

dec'd

NOTICE TO FILE REPORT.

Issued 23 day of Apr

1907 Jas M Gaston

FRANK R. SHANKS, Clerk.

By A H Lee Deputy.

Came to hand on the 23 day of Apr 1907 and executed on the 24 day of Apr 1907, by delivering a true copy of within notice to

M P Rea

the within named A Jenkins

A L Sidbetter

Sheriff Dallas County.

By D. A. Collier Deputy.

FEES:

Serving Notice	1	$ 75
Mileage	4	20
Total		$ 95

[illegible] BLANKS, PRINTER, DALLAS

NOTICE OF FILING FINAL ACCOUNT.

Est. of Turner Lyda DECEASED. No. 3782 M. P. Penn Admr.

No 44

The State of Texas,

To all Persons Interested in the Estate of Turner Lyda **Deceased:**

M P Penn *Administrator, has filed in the County Court of Dallas County* his *Final Account, showing the condition of said Estate, and* his *application to be finally discharged as such Administrator, and to close the administration of said Estate, which will be heard at the next term of said Court, commencing on the First Monday in* July *A. D.* 1907 *, at the Court House in the City of Dallas, at which time all persons interested in said Estate shall appear and contest said Account if they see proper.*

WITNESS, Jack M. Gaston *Clerk of the County Court 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* May *A. D.* 1907.

JACK M. GASTON ~~A. S. JACKSON,~~ Clerk County Court of Dallas County, Texas.

By R H Lee *Deputy.*

Issued this the 6 *day of* May *A. D.* 1907

~~A. S. JACKSON~~ JACK M. GASTON, *County Clerk,*

By R. H. Lee *Deputy.*

NOTICE OF FILING FINAL ACCOUNT.

Est. of Turner Lyda, deceased. No. 3782. M. P. Penn, administrator.

The State of Texas, To all Persons Interested in the estate of Turner Lyda, deceased: M. P. Penn, administrator, has filed in the County Court of Dallas county his final account, showing the condition of said estate, and his application to be finally discharged as such administrator, and to close the administration of said estate, which will be heard at the next term of said Court, commencing on the First Monday in July, A. D. 1907, at the Court House in the City of Dallas, at which time all persons interested in said estate shall appear and contest said account if they see proper. Witness, Jack M. Gaston, Clerk of the County Court of Dallas county, Texas, with the seal of said Court, at office in the city of Dallas, this 6th day of May, A. D. 1907. JACK M. GASTON, Clerk County Court, Dallas County, Texas. By R. H. Lee, Deputy. Issued this the 6th day of May, A. D. 1907. By R. H. LEE.

STATEMENT.

Dallas, Texas, May 23 190

Estate of Turner Lyda Deceased

Dr.

The Dallas Democrat,

THE GINNER & MILLER PUB. CO., Publishers.

Telephone M. 600

416-18 Jackson St.

To publishing Citation & Notice of final sett 4.00

No. 3785

COUNTY COURT.

ESTATE OF

Turner Lydia

Deceased.

NOTICE OF FILING FINAL ACCOUNT.

Issued this 6 day of May

A. D. 1907

~~INO. S. JACKSON~~

Clerk County Court, Dallas Co., Tex.

By R. H. Lee Deputy.

SHERIFF'S RETURN.

Came to hand the 6 day of May

A. D. 1907 and executed by causing the same to be published in Dallas Democrat

a newspaper published weekly in the County of Dallas, Texas, for twenty days prior to the first Monday in June A. D. 1907, and on the following dates, to-wit: M. 7-14-21 1907

A copy of said publication is herein attached and made a part of this return.

A. L. Lebetter

Sheriff Dallas County, Texas.

By H. Grigg Deputy.

THE STATE OF TEXAS.
COUNTY OF DALLAS.

Before me, Jack Guston Clerk of the County Court of Dallas County, Texas, this day personally appeared W. H. Gaulbert Publisher of The Dallas Democrat who, being by me duly sworn, on his oath says that he is the publisher of the within notice of filing Final Account was duly published in a newspaper published weekly in Dallas County, Texas, and that the within notice of filing Final Account was duly published in said newspaper for three successive weeks prior to the first Monday in June A. D. 1907 and on the following dates, to-wit: May 7, 14 and 21 1907

W. H. Gaulbert

Sworn to and subscribed before me this 23 day of May A. D. 1907

Jack M. Guston
Clerk County Court of Dallas Co., Texas.

By R. H. Lee Deputy.

PHONE 2015

OFFICE HOURS
8 to 1 a.m.
2 to 4 p.m.
7 to 9 p.m.

Dr. M. P. Penn,

PHYSICIAN AND SURGEON.

OFFICE AND RESIDENCE
~~608 MAIN~~ STREET.
158 Commerce

DALLAS, TEXAS, Jan. 1 1907

Received of M. P. Penn administrator of the estate of Turner Lyday deceased #3782 the sum of ($28.50) twenty eight & 50/ dollars, in full on my allowance for account by the court

M. P. Penn, M. D.

Dallas, Texas. Nov 1st 1906

The City National Bank

(DULY STATES DEPOSITORY)

Pay to the order of Frank R. Shawver $28.40

Twenty Eight & 40/100 DOLLARS

No. 3782.

M. P. Penn admr.

Cent. cost in the estate of Turner Lyday

To Order of Bank
By John S. [illegible]

OFFICE OF

J. L. TURNER,

ATTORNEY AND COUNSELLOR-AT-LAW

COMMISSIONER OF PUBLIC MAIN BLDG

NOTARY PUBLIC

Dallas, Texas. Dec. 5th, 1908

$30.00

Received of M.P.Penn administrator of the estate of Turner Lyday deceased the sum of Thirty Dollars in full on my allowed account for that sum, said allowance made by the court on this date.

$382

J. L. Turner

In Re Estate of Turner Lyday deceased, * In the County Court of Dallas
M.P.Penn administrator. * County, Texas.

Received of M.P.Penn administrator of the estate of Turner Lyday deceased the sum of Thirty-seven and 50/100($37.50) Dollars in full of my allowed account.

Witnesses to mark. Dallas Jan. 21st 1907

her
Martha X May
mark

W. M. Lindsey

his
Will X Brown
mark

OFFICE OF

J. L. TURNER,

ATTORNEY AT LAW AND CONVEYANCER

COMMISSIONER OF DEEDS FOR THE STATE OF TEXAS

NOTARY PUBLIC

Dallas, Texas. Feb. 27th, 1906

Received of M.P.Penn administrator of the estate of Turners Lyday deceased No. 3782, as per order of court the sum of $15.00 in full of my allowed account for professional services rendered said estate during the temporary administration thereon.

J. L. Turner

In the County Court of Dallas

County, Texas.

In Re Estate of Turner ~~Lyxxx~~
Lyday deceased,
M.P.Penn administrator.

Receipt from Martha May.

FILED
MAY 13 1907
JACK M. GASTON County Clerk
By _____ Deputy

TEMPORARY ADMINISTRATOR'S BOND.

THE STATE OF TEXAS.
COUNTY OF DALLAS.

Estate of Turner Lyda DECEASED.

Know all Men by these Presents, That we, M. P. Penn as Principal, and FIDELITY AND DEPOSIT CO. OF MARYLAND 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 Five Hundred Dollars; conditioned that the above bound M. P. Penn who has been appointed Temporary Administrator of the Estate of Turner Lyda Deceased, shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this 31st day of May 1905

M. P. Penn [SEAL]

FIDELITY AND DEPOSIT CO. of MARYLAND. [SEAL]

By C. E. Bird Attorney in Fact. [SEAL]

Attest: M. Labox Jr. Agt.

I do solemnly swear that I will well and truly perform all the duties of Temporary Administrator of the Estate of Turner Lyda Deceased, in accordance with law, and with the order of Court appointing me such Administrator.

M. P. Penn

Sworn to and subscribed before me this 31st day of May 1905

J. L. Turner
Notary Public
~~County Clerk, Dallas County, Texas.~~
By Dave County Deputy.

No.

COUNTY COURT,
DALLAS COUNTY.

BOND OF TEMPORARY ADMINISTRATOR.

ESTATE OF

Turner Lydia
DECEASED.

Filed June 1st A. D. 1905

F R Shaw Clerk

By R H Lee Deputy

Examined and Approved this 31st

day of May A. D. 1905

Hiram P. Key
County Judge, Dallas County.

Recorded 3-311

Bond Record

State of Texas "

" In the County Court of Dallas County, Texas.

County of Dallas"

To the Honorable Judge of said court in Probate Sitting:

Your petitioner M.P.Penn a resident and citizen of the aforesaid state and county of Dallas, Texas, respectfully shows unto your honor that one Turner Lyda departed this life on or about the 28th day of March, 1905, intestate and left an estate of the probable value of the sum of $350.00, and that said estate is situated in the aforesaid state and county of Dallas, Texas, and that that the decedent also resided in said state and county at the time of his death. That said estate consisted of personal property. Applicant further shows herein that there is a necessity for the administration upon said estate and that there are some debts due and owing out of said estate and that there are some sums of money due and owing to said estate. That this applicant is entitled to be appointed as administrator of said estate and is in no way disqualified by law to be appointed as such. And that he is one of the creditors of said estate. Applicant further shows that decedent has no relatives here to take charge of said estate and that he is informed and so believes that his only relatives are at some place in the state of Missouri. That there has never been any administration upon said estate. Premises considered applicant prays that notice issue in terms of law and that upon a hearing hereof he be appointed administrator of said estate and that he have all other and further relief herein to which he may be entitled and applicant as in duty bound will ever pray, etc.

J. R. Turner

Atty. for Applicant.

3782

In the County Court of Dallas County, Texas.

In Re Estate of Turner Lyda, Dec'd.
W.P. Penn Applicant for Letters, etc.

Plaintiff's Original Application.

FILED
MAY 22 1905
FRANK W. SPIKES, Co. Clerk
BY [illegible] DEPUTY.

Citation issued 5/23/05

State of Texas #
#
County of Dallas #

#In the District Court Of Dallas County, Texas.
#To the Honorable Judge of said court in Probate sitting:

Your petitioner M.P.Penn a resident and citizen of the aforesaid state and co county of Dallas, Texas, respectfully shows unto your honor that one Turner Lyda departed this life intestate on or about the 28th day of March, 1905, and left an estate of the probable value of $350.00, a fund which consists of money. That decedent was a resident and citizen of said county at the time of his death and that said estate is situated in the aforesaid state and county, and consists of personal property. That the interest of said estate requires the immediate appointment of an administrater. And that applicant is not disqualified to act as such. Premises considered applicant prays that he be appointed to collect and preserve said estate, or permanent administrator by appointment and that he be allowed to pay his attorney herein a reasonable fee for his services rendered herein in case he be appointed and there be an estate to be administered upon. And that he have all other and further relief herein general special in law and in equity to which he may be entitled and your applicant as in duty bound will ever pray, etc.

J. L. Turner
Atty. for Applicant.

3782

In the Countyb Court of Dallas County ,Texas.

In Re Estate of Turner Lyda,Dec'd.

Application of M.P.Penn for Temporary Administration ,etc.

FILED

MAY 29 1900

FRANK [illegible] COUNTY

By [illegible] CLERK.

3782

In Re Estate of Turner Lyday,deceased, *
M.P.Penn administrator. *
* In the County Court of Dallas County,
* Texas.
---------- *

To the Honorable Judge of Said Court In Probate Sitting:

Now comes the above named administrator and in obedience to the order of the court heretofore entered against him to file his statement of his acts as administrator of said estate and files the same to wit: That since his appointment as administrator as aforesaid he has taken charge of all the property belonging to said estate and now has on hand the same. That soon after said appointment he put said notes mentioned in the inventory and appraisement in the vault of the Fidelity and Deposit Company of Maryland for protection and as per the rules of said company ,it being his surety. That he has taken the receipt for the same. And further that he has tried and attempted to collect the interest on the notes that were due when the same came into his hands as administrator as above said,and could not do the same because the makers of said notes to wit: John and Lucy Dixon failed and refused to pay the same. That on account of said failure and refusal he under the terms of said notes declared the same due and payable and put the same into the hands of J.L.Turner an attorney at law for collection.That the above is all the acts that have been done by this administrator under his appointment as such administrator.

J. L. Turner

Atty for M.P.Penn administrator of the Estate of Turner Lyday ,deceased.

State of Texas *
*
County of Dallas * ss
---------- *

Before me the undersigned authority on this day personally appeared M.P.Penn administrator of the Estate of Turner Lyday ,deceased ,who being by me first duly sworn to speak the truth upon oath says that he has read the foregoing statement and knows the contents thereof and that the same is true in substance and in fact.

M. P. Penn Admr
of the Est. of Turner Lyday, deceased

Sworn to and subscribed before me 10-2-1922
J. L. Turner, Clk

Ttoo

In Re Estate of Turner Lydy,deceased. * In the County Court of Dallas County,

W.T.Penn administrator. *

*

Texas.

*

To the Honorable Judge of said County Court in Probate District

Now comes the undersigned administrator and in obedience to the order of the court heretofore entered herein, to file his statement of his acts as administrator of said estate and the same to wit: That he has his appointment as administrator aforesaid by the taken oath of the property being held by said estate now has in his hands the same. That soon after said appointment he made notes and entries in the inventory and appraisement in the vault of the Dallas Trust Company of Dallas for protection and as per the rules of said company. In being his duty. That he has taken the receipt for the same. And further that he has tried and attempted to collect the interest on the notes that were due when the same came into his hands as administrator as above said.and could not do the same because the makers of said notes to wit: John and Lucy Dixon failed and refused to pay the same. That on account of said failure and refusal be under the terms of said notes declared the same due and payable and xxx put the same into the hands of W.T.Turner as attorney at law for collection.That above is all the acts that have been done by this administrator under his oop instant as such administrator.

Affy for W.T.Penn administrator of the Estate of Turner Lydy ,deceased.

State of Texas *

*

County of Dallas *

Before me the undersigned authority on this day personally appeared W.T.Penn admin strator of the Estate of Turner Lydy ,deceased ,who being by me first duly sworn to speak the truth upon oath says that he has read the foregoing statement and know the contents thereof and that the same is true in substance and in fact.

3782

In Re Estate of Turner Lyday, deceased. * In the County Court of Dallas County,
M.P.Penn administrator. * Texas.

To the Honorable Judge of Said Court In Probate Sitting:

Now comes M.P.Penn, administrator of the above styled and numbered estate and files this his first amended original list of claims and amends and supplements his original list of claims herein filed on the 8 day of ~~November~~ Oct, 1905, so as to read as follows: Administrator adopts all and singular the matters and things alleged in his original list of claims and in addition thereto says that, there is due and owing the decedent by one Lucy Dixon and John Dixon the sum of about $61.00 balance due on one of the series of vendor's lien notes that have been heretofore mentioned in the Inventory and Appraisement of said estate. That said sum bears interest from the 5th day of May, 1905, at the rate of ten per cent per annum till paid., and has the usual attorney fee clause for collection. That said sum was due on the 5th day of May, 1905. That said note for said balance was not in the hands of this administrator at the time of the filing of his original list of claims and is not now in his possession, but upon the contrary is in the hands of the said makers thereof. And that the same is so held by them with the understanding that it is due and to be paid. That the entire claim is the separate property of the intestate. That the failure on the part of this administrator to mention this claim in his original list was an oversight on his part. Wherefore he prays that this supplemental and amended claim be examined and in all things approved, etc.

J. L. Turner
Atty. for M.P.Penn, Administrator of the Estate of Turner Lyday, Deceased.

State of Texas *
County of Dallas * ss

Before me the undersigned authority on this day personally appeared M.P.Penn, administrator of the estate of Turner Lyday, deceased and upon oath says that he has read the foregoing supplemental and amended list of claims and knows its contents, and that the same contains a full and complete supplemental list of claims due and owing the intestate that has come to his knowledge

M. P. Penn
Administrator of the Estate of Turner Lyday, Dec.

Sworn to and subscribed before me by said administrator on this the day of May 1905.

J. L. Turner
Notary Public, Dallas County, Texas.

1978

9782

In the County Court of Dallas County, Texas.

In Re Estate of Turner Lyday, Deceased.
M.P. Penn, Admr.

Supplemental List of Claims, etc.

FILED
NOV 21 1905
FRANK H. SHANES, Co. Clerk.
By J. J. Stewart Deputy.

FILED
NOV 23 1905
FRANK H. SHANES, Co. Clerk.
By ..... Deputy.

Dec. 5. 05.
Examined and approved.
H. F. Kimbrough
Judge

In Re Estate of Turner Lyda, Deceased; In the County Court of Dallas County, Tx
M.P.Penn Temporary Administrator. Texas.

To the Honorable Judge of said Court on Probate Sitting:

Now comes M. P. Penn temporary administrator as above said and submits to the court for examination and approval this his account of said estate, the same showing all the property that has come into his hands as such administrator and all his actions in regard to said estate as such administrator to wit- That there has come into his hands as administrator as above said three vendor's lien notes each being for the principal sum of $110.00 and that neither of said notes has matured. And further that there has also come into his hands the sum of $40.00 in money, and some household furniture and tools, all of which he now has on hand. That said tools and furniture are of very small value and have been used for some time. Administrator further shows herein that he has necessarily had to have the assistance and advice of J.L.Turner an attorney at law in the management of this estate. And that said Turner has prepared and presented for approval his application for the appointment as temporary administrator heretofore filed by him. And that he also rendered his services in procuring a bond for this guardian and having the same approved. That this account is prepared by said Turner and this administrator now and here asks that the court allow said Turner whatever feeis fair and just compensation for said services rendered as above said. Premises considered administrator prays that this his account be examined and in all things approved, and that he, having fully administered said estate as per terms of said appointment, be discharged and his bondsmen be released and that said administration be closed, and that he have all other and furthery relief herein general special in law and in equity to whoch he may be entitled and he will ever pray, etc.

J. L. Turner
Atty. for Administrator.

State of Texas
County of Dallas

Before me the undersigned authority on this day personally appeared M.P.Penn Temporary administrator of the esate of Turner Lyda deceased who by me being first duly sworn to speak the truth upon oath says that he has read the foregoing account and knows the contents thereof and that the matters and things therein set forth are true in substance and in fact.

M. P. Penn
Temporay Administrator of the estate of Turner Lyda, Decd

Sworn to and subscribed before me this the 10th day of August, 1905.

J. L. Turner
Notary Public, Dallas County, Texas.

3782

In the County Court of Dallas County, Texas.

In Re Estate of Turner Lyda Deceased,
M.P. Penn Temporary Admr.

Administrator's Account etc.

FILED
AUG 11 1908
FRANK E. SHARRN, Co. Clerk,
By J. J. Stephens
Deputy

Nov. 6 08 —
Examined and approved
W. Hiram Stark
Co. Judge

Dallas, Texas, March 26th, 1907.

To M.P. Penn, administrator of the estate of Turner Lyday deceased,

There is now due me the sum of $7.06 out of the above named estate for storage of the tools belonging to the same from the 25th day of January, 1906 to the 25th day of March, 1907, at the rate of 50¢ per month.

Will Sanders

State of Texas *
*
County of Dallas *

Before me the undersigned authority on this day personally appeared Will Sanders who being by me duly sworn to speak the truth upon his oath says: That the attached claim in favor of Will Sanders and against the estate of Turner Lyday deceased is true, just and unpaid, and that all legal off-sets payments and credits, known to affiant have been allowed, and that he is the owner and holder of said claim and account.

Will Sanders

Sworn to and subscribed before me this the 4 day of Apr 1907.

J. F. Thomas

Notary Public, Dallas County, Texas.

Presented to me on this the 4 day of April, 1907, and allowed on that date.

M. P. Penn

Administrator of the estate of Turner Lyday deceasd

Amt. $7.00

3782

FILED

The State of Mc

Mooresville. Being informed that I have a small interest in the estate of Turner Lyda, deceased, as being administered in Dallas Texas, I hereby authorize Geo. A. Titterington to collect my interest, give proper receipts for same and send same to me at this place. giving him 1% for so doing.

Witness my hand this the 16 day of ~~February~~ March 1908

Lizzie Emma Grant,

Two Witnesses.

A. T. Miller

Maude M. Lilly.

The State of Mo

Moorresville.Being informed that I have a small interest in the estate of Turner Lyda,deceased,as being administered in Dallas Texas,I hereby authorize Geo.A.Titterington to collect my interest, give proper receipts for same and send same to me at this place.

Witness my hand this the _____ day of February 1908

Two Witnesses

Power of Attorney to Turner Lyda. Deed

3782.

In Re Estate of Turner Lyda,Deceased.* * In the County Court of Dallas County,Tex
M.P.Penn Administrator. *

To the Honorable Judge of said Court in Probate Sitting:

Now comes M.P.Penn administrator in the above styled and numberd cause and respectfully shows unto the court that he has heretofore filed all the papers in the above styled and numbered cause as the estate of Turner Lyda instead of filing the same in the name of Turner Lyday,which is the true and correct way of spelling the sir name of the deceased as spelled by him in his life time. That the spelling of the sir name as above to wit: Lyda was and is a mistake on the part of the administrator and his attorney herein. That he knows that the decedent spelled his sir name Lyday instead of Lyda and that Turner Lyda and Turner Lyday is one and the same person. And further that the decedent told J.L.Turner the attorney herein ,in a certain business transaction that his sir name was spelled by him Lyday and not Lyda. That he is informed by said J.L.Turner ,and believes,that said J.L. Turner had his attention called to the manner of spelling the decedent's name when said J.L. Turner prepared certain Vender's Lien notes ,deed and other papers in the sale of a certain tract of land by the decedent to one John Dixon and his wife Lucy Dixon at the city of Paris,Texas. And that said J.L.Turner had forgotten the way in which the decedent spelled his sir name until he looked at the notes ,which have been and are made a part of the Appraisement and Inventory of the Appraisers of the above styled and numberd cause. And that this was not called to his attention till after said estate had been styled as above. Premises considered the administrator moves that the above estate be hereafter styled the Estate of Turner Lyday,and the he have all other and further relief herein general speciel inl law and in equity to which he may be entitled and this administrator as in duty bound will ever pray,etc.

J.L.Turner
Atty. for Administrator M.P.Penn.

1978

3762.

In the County Court of Dallas County, Texas.

In Re Estate of Turner Lyda, Dec'd

M.P. Penn, Administrator.

Motion of Administratrix to Correct Sir name of Decedent.

FILED

NOV 4 1985

FRANK R. SHARES, Co. Clerk.

By J. [illegible] Deputy

No. 188—POWER OF ATTORNEY. A. D. Aldridge & Co., Stationers, Printers Blank Book Manufacturers, Dallas, Texas.

The State of ~~Texas~~ Missouri,
County of Livingston

KNOW ALL MEN BY THESE PRESENTS:

That we, Hannah McDonald and Kate Arnold of Livingston County, ~~Texas~~ Missouri, have appointed, and by these presents do constitute and appoint W. M. Holland of Dallas County, Texas our ~~my~~ true and lawful agent and attorney in fact for us ~~me~~, and in our ~~my~~ name, place and stead to represent us in the estate of Turney Lyday, deceased #3782 pending in the County Court of Dallas County Texas, hereby authorizing said W. M. Holland to file any and all suits necessary to protect our interests in said Estate and to compromise or otherwise settle said Estate as to him shall seem to our best interests, and in consideration of one dollar paid and of legal services rendered and to be rendered by said W. M. Holland we agree to pay and hereby assign unto said Holland (40) forty per cent of the net amount recovered by him for us out of said estate

hereby granting to our ~~my~~ said attorney full power and authority to do and perform all things in the premises requisite and necessary to the full performance of the powers aforesaid; hereby ratifying and confirming any and all things which our ~~my~~ said attorney shall lawfully do in the premises by virtue hereof.

WITNESS our ~~my~~ hand, this 9th day of October A. D. ~~189~~ 1906

Executed and delivered in the presence of

Sef Crawfordsh
J R Williams

her
Hannah X McDonald
mark
Kate Arnold

After signing acknowledge before a notary public

The State of ~~Texas~~ Missouri,
County of Livingston

BEFORE ME, L. P. Page, a notary public of Livingston County, ~~Texas~~ Missouri, on this day personally appeared Hannah McDonald and Kate Arnold both known to me (~~or proved to me on the oath of~~) to be the persons whose names are subscribed to the foregoing instrument, and acknowledged that they executed and delivered the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office, this 9th day of October A.D. ~~189~~ 1906.

My term expires May 18 1908 L. P. Page
Notary public Livingston Co. Mo.

The State of Texas,
County of

THIS CERTIFIES that the foregoing Power of Attorney was duly recorded in volume ..... page ..... of the Record of Deeds, &c., of ..... County, Texas, on the ..... day of ..... A.D. 189..

WITNESS my official seal and signature, this ..... day of ..... A.D. 189..

..... County Clerk ..... County, Texas.

No. 3782

POWER OF ATTORNEY.
(Link No. 180.)

Hannah McDonald et al
TO
W. M. Harris

Filed for Record this 16 day of Nov 1906 ~~189~~, at 10 80 o'clock
A. M.
F. R. Shannon Clerk
By W. B. Walden Deputy.

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

In re estate of

Turner Lyday Dec'd In the Probate Court of Dallas Co Texas.

Now come Hannah McDonald et al, by attorneys and move the court to strike out from the final account of the administrator, and to disallow, the following items, to wit;

From his credit claimed by reason of paying bill of cost in Co Court, which bill of cost was issued on 6th Feb 1907 for $7.40, the following items

Filing and docketing petition to probate will		.15
Filing and docketing will	05	.05
Issuing notices		.75
Comp and seal on transcript		1.30
Entering order refusing to probate		.50
Order over-ruling motion for n.t		25
Taxing cost		.25
County Judges fee		
Order refusing to probate		.50
Ord r over-ruling motion N.T.		.50
Sheriff's fees posting notices		3.00
		7.25

From his credit claimed by reason of his payment of district court cost, as shown by bill issued 17th April 1907, all of said amount ~~[illegible]~~

For the reason that all such cost was incurred in opposition to said estate in an effort made by one Martha Mays to probate a pretended will; the probate of which was refused wherever and when ever acted upon by the courts.

Pillington & Davis

Attorneys for Hannah McDonald et al

In re estate of

Turner Ivey Dec'd. In the Probate Court of Dallas Co Texas.

Now come Hannah McDonald et al, by attorneys and move the court to strike out from the final account of the administrator, and to disallow, the following items, to wit:

From his credit claimed by reason of paying bill of cost in Co Court, which bill of cost was issued on 6th Feb 1907 for $7.40, the following items

Filing and docketing petition to probate will	.15
Filing and docketing will	.50
Issuing notices	.75
Comp and mail co transcript	1.50
Filing order relating to probate	.50
Filing over-rule motion for n.t.	.25
Email cost	.25
County business fee	
Filing motion for probate	.50
Over-rule motion N.T.	.50
	$5.00
Clerk's fees issuing notices	1.25
Dallas county costs claimed	

By reason of the payment of district court costs, which bill issued 17th April 1907, all of said amount should be disallowed.

For the reason that all such cost was incurred in opposition to said contest in an effort made by one Martin Ivey to probate a pretended will, the probate of which was refused wherever and when ever acted upon by the courts.

FILED
1908
Feb 28

Attorneys for Hannah McDonald et al

A S S I G N M E N T.

For value received I hereby assign to Mrs. Annie James, my sister, all my right, title and interest in the estate of Turner Lyda, deceased, said estate now being in the probate court of Dallas, Texas---and I hereby authorize her and her attorneys and agents to proceed and collect the same.

James Hudgins

State of Missouri,)
County of Grundy,) SS.

On this 24th day of December A. D. 1907, personally appeared before me James Hudgins and being duly sworn upon his oath states that the above and foregoing assignment is his free act and deed.

Ora Smith
Notary Public for Grundy county, Missouri.

My commission as Notary Public expires April 26th, 1911.

Anna Jones
Pam
James Rodgers

FILED
APR 26 1909

IN THE PROBATE COURT OF DALLAS COUNTY, TEXAS.

In re the estate of Turner Lyda, Deceased.

I, Mrs. Annie James, properly joined herein, being one of the heirs of William Hudgins, deceased, hereby appoint Robert T. Meador of Dallas Texas, my true and lawful attorney in fact for me and in my name to receive and receipt for what may be coming to me in the final disposition of the estate of Turner Lyda deceased, and to send me my interest in the same at once, upon the collection of the same.

And, in consideration of the services to be performed hereunder, I hereby transfer and assign to said Robert T. Meador one-third of what he receives for me through said estate.

Witness my hand this the 9th day of November A.D. 1907.

Mrs Annie James

On this 9th day of November A.D. 1907, personally appeared before me, Mrs. Annie James and acknowledges the above and foregoing instrument to be her free act and deed.

Ora Smith.
Notary Publuc within and for
Grundy county, Missouri.

My commission as Notary
Public expires Apr. 26, 1911.

In re the estate of Turner
Lyda, Deceased.

In re estate of Turner Lyda deceased.
Probate Court of Dallas County Texas;

I, Mrs Lulu P. Underwood, properly joined herein, being one of the heirs of Wm Hudgins deceased, hereby appoint Geo A Tetterington of Dallas Texas, my true and lawful attorney in fact, for me and in my name, place, and stead, to receive and receipt for whatever I may be entitled to in the final distribution of the estate of Turner Lyda deceased, and to send me my interest.
And in consideration of the services to be performed hereunder I hereby transfer and assign to said attorney one 1/3 of what he may receive for me through said estate.

Witness my hand this 22d day of August 1907.

Lulu P Underwood,
William Underwood Husband,
By Lulu P Underwood,

Executed at Kansas City Mo

1978

Estate Frances Lydia Deed

Lula P. Underwood.
to -
Geo A Fullerington -

Power of attorney &
contract

In Re Estate of Turner Lyday.deceased.*
* In the County Court of Dallas County
3782, *
M.P.Penn administrator. * Texas.
==========*

Now comes the administrator in the above styled and numberd cause and moves that the court require ~~the~~ the parties claiming to be the heirs and assignees of the estate of Turner Lyday deceased,and who have filed their motion herein on the 17th day of April,1907,asking for final account and partition of said estate,to give good and ample security for cost herein and adminsitrator as in duty bound will ever pray,etc.

J. L. Turner
Atty. for Administrator.

3782

In the County Court of Dallas

County, Texas.

In re Estate of Turner Lyday, deceased.

M.P.Penn administrator.

Administrator's motion for costs.

FILED

In re estate of

Turner Lyda dec'd; In the Probate Court of Dallas County Texas; Now come Hannah McDonald and Kate Arnold, who reside in Chillicothe Mo, W.S. Moore, A.P. Park and H.B. Birmingham who reside in Lamar County Texas, and would represent to the court that M.P. Penn has heretofore been appointed administrator of the estate of Turner Lyda deceased and that he has completely administered the same; that there are now no debts due from the estate except possibly some expenses of administration and court cost; that the administrator has in his hands some money and other things which are subject to partition between the heirs and their assigns.

Applicants would represent that they are entitled to receive the remaining part of said estate on final account and distribution and that there is no reason now why the estate should not be divided between them; that Hannah McDonald and Kate Arnold are entitled each to one fourth part of what remains in the hands of said administrator and that said Moore, Birmingham and Park are entitled to one half of said estate by assignment from the said Hannah McDonald and Kate Arnold, who were the only heirs of said Turner Lyda; that all of applicants are over the age of twenty one years.

Therefore your applicants pray that that the court enter an order directing the adm to file final account and proper notices be given to all and that said administrator be required to pay over to these applicants what they are entitled to receive on final distribution as above stated. And they pray for such other and further orders as the facts may show them entitled to upon the hearing.

Geo A. Pillsbury
attorney for Applicants;

3782.

In re the Estate of
Turney Lyday Decd.
M. O Parrin, adr

Motion for final account
ing for partition

~~FILED~~
~~OCT 6 1906~~
~~FRANK D. CHANEY, Clerk~~
~~By [illegible] Deputy~~

Filed April 17, 1907
Jack M Garton
Clerk.
By R H Lee Deputy

A

Chillicothe Mo

County of Livingston-

Before me, the undersigned authority, on this day personally appeared Hannah McDonald who, being by me duly sworn, deposes and says-that she was the Mother of Emily Grant; that Emily Grant is dead-that her only surviving daughter was named Luemma-that Luemma Grant is now living at Mooresville Mo.

Hannah McDonald

Sworn to and subscribed before me on this the 16 day of March 1908 by said affiant.

Witness
Maude M. Kelly
Kate Berry

S. L. Umphenbaugh

A notary public, Livingston Co Mo.

My Commission Expires Dec. 19, 1910

Before me, the undersigned authority, on this day personally appeared Anna James who, being by me duly sworn deposes and says; that she resides in Trenton Missouri; that she is a daughter of Wm Hudgins and a sister of Lula P. Underwood and James Hudgins who, with others was a party to contest over the estate of Turner Lyda, which contest was pending in Dallas County Texas; that she has never parted with her interest in the estate of Turner Lyda.

Anna James

Sworn to and subscribed before me on this the 22nd day of April 1909

Lelia Smith

a notary public in and for Grundy County Mo.

My commission expires April 26 1912

Estate of
Turner Lydia Beard

Pending in Dallas Co Texas

Affidavit of identity of
Anna Turner

FILED

In Re Estate of Turner Lyday ,deceased, #
#
M.P.PEnn Administrator. # In the County Court of Dallas Coun-
ty,Texas.
#

To the Honorable Judge of Said Court In Psebate Sitting:

Now comes the above named administrator and submits to the court for examinations and approval this his claim against said estate for medical and other services rendered the decedent during his life time to wit:

Apr. 10th,1904,	To consultation and examination,		$4.00
: 15th,	:	one prescription,	1.00
: 15th,	:	one night visit,	3.00
: 16th,	:	one ~~night~~ visit,	2.00
:	:	one bottle of medicine,	.75
: 18th	:	one consultation,	1.00
: 20th	:	one examination,	5.00
: 26th	:	treatment for loss manhood,	25.00
May 11th,	:	consultation,	1.00
:	:	one prescription,	1.00
June 20th,	:	one prescription,	1.00
June 5th,	:	consultation,	1.00
: 16th,	:	one bottle of medicine,	1.25
July 1st,	:	one prescription,	1.00
: 20th,	:	examination,	2.50
Aug. 3rd,	:	three ~~xxx~~ prescription,	1.00
Aug. 15th,	:	one prescription,	1.00
			5.75
			10.00
Total amount due			$69.65

Presises considered administrator prays that said claim be entered upon the claim docket and that at the next term of this court the same be examined and in all things approved and allowed,and that he have all other and further relief herein general special in law and in equity to which he may be entitled and he as in duty bound will ever pray,etc.

M. P. Penn

Administrator of the Estate of Turner Lyday
Deceased.

Administrator of the Estate of [illegible]

Deceased.

THE STATE OF TEXAS,
COUNTY OF DALLAS.

AFFIDAVIT TO ACCOUNT IN PROBATE.

BEFORE ME, the undersigned authority, on this day personally appeared M. P. Penn, Adm. Estate of Lyday Deceased who being by me duly sworn, upon his oath deposes and says: That the attached claim in favor of M. P. Penn, Adm. Estate of Lyday Dec. and against the estate of Turner Lyday Deceased, is just, true and unpaid, and that all legal off-sets, payments and credits, known to affiant have been allowed and that he is the owner and holder of said claim and account

M. P. Penn

Sworn and subscribed to before me this 20th day December 1908

J. L. Turner
Notary Public
Dallas County
Tex.

County Court
Dallas County, Ark

In Re Estate of
Turner Lyday
deceased
M. P. Penn Adm'r

M. P. Penn's Claim
against Estate

FILED
DEC 20 1906
FRANK [illegible]
W. [illegible]

Jan 12-06 -
Examined and
approved for
$250 as all the
due on claim
H. F. Kirby
as Judge

Jan 19 1906 M. P. Penn Adm'r

3782

In Re Estate of Turner Lyday, deceased, M.P. Penn administrator. xxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxx

In the County Court of Dallas County, Texas.

Now comes J.L. Turner of the aforesaid state and county of Dallas, Texas, and presents this his claim and account against said estate for professional services rendered the same as follows:

1st: Application for appointment as administrator on the 22nd day of May, 1905. and presenting same Aug. 14th, 1905; reappointment on the 13th day of October, 1905; supplemental list of claims Nov. 11th, 1905, and inventory and appraisement Oct. 31st, 1905, all in the sum of $15.00

2nd: Statement of administrator as per orders of court Jan. 11th, 1906, and resisting motion to remove administrator Jan. 11th, 1906, $15.00

Total amount due, - $30.00

J. L. Turner

STATE OF TEXAS }
COUNTY OF DALLAS } ss
xxxxxxxxxxxxxxx

Before me the undersigned authority on this day personally appeared J.L. Turner who being by me duly sworn upon his oath deposes and says: That the attached claim in favor of J.L. Turner and against the estate of Turner Lyday deceased is true, just and unpaid, and that all legal off-sets payments and credits, known to affiant have been allowed, and that he is the owner and holder of said claim and account.

J. L. Turner

Sworn to and Subscribed before me this the 7th day of March, 1906.

Jeff Nod

Notary Public, Dallas County, Texas

Presented to me on the 7th day of March, 1906, and allowed on the 7th day of March, 1906.

M. P. Penn

Administrator of the Estate of Turner Lyday, deceased.

978

3782

In the County Court of Dallas
County, Texas.
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
In Re Estate of Turner Lyday,
deceased,
M.P. Penn administrator.
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
~~Sixxix~~ Claim of J.L. Turner, etc.

FILED
MAR 8
R.H. Lee

Dec 4-06
Examined and
allowed for $80.00
as a preferred
claim
Hiram P. Lindsey
County Judge

576

In Re Estate of Turner Lyday deceased, * In the County Court of
* Dallas County, Texas.
3782 M.P.Penn administrator. *

Now comes J.L.Turner and shows unto the court that he has rendered the following professional services for said estate for which he has not been paid to wit:

Jan. 5th, 1907, Application to sell personal property and presenting the same to the court for action thereon, $10.00

March 13th, 1907, Preparing administrator's First Annual Report, $10.00

Total amount due $20.00

J. L. Turner

State of Texas *
County of Dallas *

Before me the undersigned authority on this day personally appeared J.L.Turner who being by me duly sworn to speak the truth upon his oath deposes and says: That the above claim in favor of J.L.Turner and against the estate of Turner Lyday deceased, is just, true and unpaid and that all legal off-sets, payments and credits, known to affiant have been allowed, and that he is the owner and holder of said claim and account.

J. L. Turner

Sworn to and subscribed before me this the 25 day of March, 1907.

Jeff Wade

Notary Public, Dallas County, Texas.

Presented and allowed on this the 25 day of March, 1907.

M. P. Penn

Administrator of the Estate of Turner Lyday, deceased.

3782

In the County Court of Dallas County, Texas.

In Re Estate of Turner Lyday, deceased,

As

N.P. Penn administrator.

Claim of J.L. Turner for professional services.

FILED

MAR 26 1907

JACK [illegible] Clerk

By [illegible]

July 11-07
Examined and allowed for $20 and the 4th day of July
Hiram P. Lindsley
Co Judge

ART. 1423 reads: It shall be lawful for Clerks of the District and County Courts, and Justices of the Peace, to demand payment of all costs due in each and every case pending in their respective Courts up to the adjournment of each term of said Court.

BILL OF COSTS

ART. 1423 provides: 10 days after such demand the Clerk or Justice may place certified copy of Bill of Costs then due in the hands of the Sheriff or Constable for collection, which shall have force and effect of an execution. Taking an appeal does not interfere or suspend the right.

Estate of Turner Lyday, Dec'd, by Martha May, Appellant. *Plaintiff*

No. 1569. *vs.*

Kate Arnold, et al. *Defendant*

To OFFICERS OF COURT, Dr.

For Costs accrued in above entitled cause to adjournment of _____ *Term, 190*

Y. L. Turner, *Attorney*

Judgment rendered _____ *190*

vs. _____, *For - - $* _____

Rate of Int. _____ *per cent.*

Judgment entered in Book _____, *page* _____

SECURITIES FOR COST:

Filing and dock Appeal from County Court.	70
Stenographer's fee.	3,00
Filing appellant's exception to contest.	15
Swearing 2 witnesses.	20
Entering judgment.	1,00
Filing and dock motion for new trial.	20
Entering order overruling motion for new trial.	.75
Taxing cost.	.25
	$ 6,35

THE STATE OF TEXAS, COUNTY OF DALLAS. } H.H.Williams,

I, ~~A. B. RAWLINS~~, Clerk of the District Courts in and for said County and State, hereby certify the above to be a true and correct statement of the costs due in the above entitled and numbered cause up to date, chargeable to the Plaintiff,

Given under my hand and seal of office at Dallas, Texas, this 17th, *day of* April, *A. D. 190* 7.

By _____ *Deputy.*

H.H.Williams
~~A. B. RAWLINS~~,
Clerk District Courts, Dallas County, Texas.

$ _____ DALLAS, TEXAS, _____ 190

RECEIVED OF _____

_____ DOLLARS, in full of above Bill of Costs.

By _____ *Deputy.*

H.H.Williams,
~~A. B. RAWLINS~~, Clerk.

(Original)

J.L.Turner, Att'y.

No. 1569.

BILL OF COSTS

District Court, Dallas County, Texas

Estate of Turner Lyday, Dec'd.

vs.

Kate Arnold, et al.

Judgment 190

For Jury Tax

Stenographer's Fees

Clerk's cost

Clerk's

Sheriff's cost

Sheriff's cost

FILED

MAY 4 1907

JACK

By

Total costs

Issued this 17 day of Apr, 1907.

A. B. RAWLINS
Clerk of District Court

H.H.Williams,

By Deputy.

Fee Book Page

A. D. Aldredge & Co., Stationers, Printers and Bank Blankers, Dallas, Texas

Estate of Turner Lyda Dec'd. } { Martha May J. L. Turner } Attorneys.

No. 3935

CLERK'S FEES		COUNTY JUDGE'S FEES	
Fil. & Dock. Pet. to Prob. Will	15	Ord. refusing to Prob.	50
Will	05	" order, Mo. N. T.	50
Iss. Notices	75		
Fil. & Dock. Contest	15		
Comp't Clerk on Transcript	1 00		
Ent. Ord. Refusing to Prob.	50		
" " Overruling Mo. N. T.	25		
Taxing Costs	25		
		TOTAL JUDGE'S FEES	1 00
		SHERIFF'S FEES	
		Posting Notices	3 00
		TOTAL SHERIFF'S FEES	3 00
		RECAPITULATION	
		County Judge's Fees	1 00
		County Clerk's Fees	3 40
		Sheriff's Fees	3 00
		Printer's Fees	
		Appraiser's Fees	
TOTAL CLERK'S FEES	3 40	TOTAL	7 40

OK J. L. Turner Atty. for Pet.

15 & Commission OK

THE STATE OF TEXAS, COUNTY OF DALLAS. } I, Jack M. Gaston County Clerk of said County, hereby certify that the above is a true and correct statement of the costs due in the above entitled cause. Witness my hand and official seal, at office in Dallas, this 6 day of Feb. 1907

Per J. E. Ord Deputy. Jack M. Gaston COUNTY CLERK.

7 40 DALLAS, TEXAS, March 22 1907

RECEIVED of Dora Lyda of estate of Lyda Turner 40/100 Dollars, in full of above Bill of Costs.

Per J. Barnett Deputy. J. M. Gaston CLERK.

No. 3935

PROBATE FEE BILL

COUNTY COURT, DALLAS CO., TEXAS

ESTATE OF

Turner Lyda

Decd

Judge's Fees,	1 00
Clerk's Fees,	3 40
Sheriff's Fees,	3 00
Total,	7 40

FILED

MAY 4 1907

ISSUED

day of Feb. 1907

Geo. W. Gaston

Clerk County Court.

By J. E. Ard Deputy.

Paid $1.50

J. L. Turner

In Re Estate of Turner Lyda ,Dec'd.
M.P.Penn Temporary Administrator.

Entered as of May 29th,1905.

On this day came ~~[illegible]~~ on for hearing the application of M.P.Penn to be appointed temporary administrator of the estate of said Turner Lyda ,and it appearing to the court from said application and the evidence thereto that said Turner Lyda departed this life intestate on or about the 28th day of Mar 1905, and left an estate of the value alleged in said application. And that said estate is situated in the state and county of Dallas,Texas,wherein the decedent resided at the time of his death,and consists of personal property a part of which is money. And it further appearing to the court that the interest of said estate requires the immediate appointment of an administrator, and that the applicant M.P.Penn is a suitable person to be appointed as such temporary administrator. It is therefore ordered,adjudged and decreed that said applicant be and he is hereby appointed temporary administrator of said estate to take charge of,collect and preserve the same until a permanent administrator is appointed of said estate, ~~and further that said administrator be and he is allowed to pay L.L.Turner a reasonable fee for representing said estate~~ upon his giving bond in the sum of $500.00 and taking oath as required by law.

Hiram P. Leidy
Co Judge

The State of Texas,
County of Dallas.

I, Frank R. Shanks, Clerk of the County Court, in and for the County of Dallas, State of Texas, do hereby certify that the above and foregoing order appointing M. P. Penn, Temporary administrator of the estate of Turner Lyda, Deceased, has been duly recorded in the Probate Minutes of said Court, I further certify that M. P. Penn has filed a Bond as such temporary administrator in the sum of $500.00,which has been duly approved by the Judge of said Court, and that he has taken and subscribed the oath as required by law.

Witness my hand and seal of office this the 31st day of May A. D. 1905.

Frank R. Shanks, County Clerk,
By R. H. Lee Deputy.

In the County Court of Dallas County
Texas.

In Re Estate of Turner Lyda, Dec'd.
W.P. Penn Temporary Administrator.

Order of Appointment, etc.

In re, estate of Turner Lyda

deceased. In the Probate Court of Dallas County

Texas.

To the Hon Judge of said Court.

Now come Kate Arnold and Hannah McDonal, who reside in Chillicothe Mo, and who are more than 21 years of age, complaining of M.P. Perry and Martha Mays, who has been heretofore by this court appointed administrator of the estate of Turner Lyda deceased and of Martha Mays; and would represent unto your Honor that ~~applicants~~ Complainants are the sole surviving heirs of said Turner Lyda and are entitled to all the residue of his property, which consists solely of personal property, after costs of administration and all just debts are paid.

Said complainants would further represent that, on the 20th day of Dec 1905, a claim was filed against said estate by one Martha Mays for the sum of $250.00; that said claim has been approved by the administrator and the same is about to be presented to this Honorable Court for approval; that said claim has no foundation in fact and is unjust; that the deceased did not owe any part thereof and said administrator knew, at the time he allowed said claim, that the same was unjust and without foundation, and that said deceased did not owe the same.

Wherefore complainants pray that your Honor consider this contest; hear evidence on a day certain; and disallow said claim.

Geo A Littlington
attorney for complainants;

In re Estate of
Turner Lydia Dead

Contest of Martha
Mays' claim, by
the heirs

FILED

R. H. Lee

Geo. A. Stevenson
Atty.

In re, estate of

Turner Lyda, deceased. In the Probate Court of Dallas County Texas.

To the Hon Judge of said Court.

Now come Kate Arnold and Hannah McDonal, who reside in Chillicothe Mo. and who are more than 21 years of age, complaining of M.P. Penn who has been heretofore by this court appointed administrator of the estate of Turner Lyda deceased, and of J. L. Turner — and would represent unto your Honor that contestants are the sole surviving heirs of said Turner Lyda and are entitled to all the residue of his property, which consists solely of personal property, after costs of administration and all. just debts are paid.

Contestants would further represent that J.L. Turner, who is an attorney at law, is assuming to represent said estate, and is claiming herein an allowance out of said estate, of attorneys fees for his services.

Contestants further allege that said Turner is not representing the interest of said estate; but has in fact been employed to collect claims against said estate as follows;

the claim of the administrator, M.P. Penn, for. $69.65; the claim of Martha Mays for $250.00, each of said claims filed herein on the 20th of Dec 1905, and are being contested as unfounded and unjust.

Wherefore contestants pray that the claim of said Turner for attorneys fees be disallowed.

Geo A Fillerington

attorney for Contestants.

In re Estate of
Turner Lyda dec'd

Contest of attorneys
fee claimed by
J. L. Turner

FILED
DEC 29 1913
[illegible] Clerk
By [illegible]

Geo A Fitzsimmons
atty

In Re Estate of Turner Lyday deceased, * In the County Court of Dallas
3782 M.P.Penn administrator. * County,Texas.

To the Honorable Judge of said court in Probate Sitting:

Now comes M.P.Penn administrator of the above named estate and presents to the court this his report,the same showing the income and disbursements on behalf of said estate during his administration thereon and also the present condition of said estate to wit:

There came into his hands from the temporary administrator ,$40.00

January 25th,1906,collected in full from Vender's lien notes,$451.60

J.L. $491.60

Feb. 27th,1906, J.L.Turner on his services rendered temporary administration as per order of court, $15.00

Nov. 11 st.1906,Paid court cost, $28.40

Dec. 5th, 1906, J.L.Turner for services rendered permanent administration as per order of court, $30.00

Jan. 1st,1907, Martha May on her account allowed by the court, $37.50

Jan. 1st,1907, Dr. M.P.Penn on his account allowed by the court, $28.50

Com. Administrator for cash received in course of Administration, $22.58

Com. on sums paid away in course of administration, 6.97

J.L. $168.35

That there now remains on hands the sum of $322.65 belonging to said estate,and that this administrator has all the other personal property to wit: the tools belonging to said estate that were turned over to him by the temporary administrator.. Premises considered administrator prays that citation issue in terms of law and that upon a hearing hereof this his report be examined and in all things approved .and that he have all other and further relief herein general especial in law and in equity to which he may be entitled and administrator as in duty bound will ever pray,etc.

J. L. Turner
Atty. for Administrator.

State of Texas *
*
County of Dallas* *Before me the undersigned authority on this day personally

Atty. for Administrator.

State of Texas *
*
*
County of Dallas*
========== *Before me the undersigned authority on this day personally appeared M.P.Penn administrator of the estate of Turner Lyday deceased,and upon oath says that he has read the foregoing report and knows the contents thereof ,and that xxthe same is true in substance and in fact to the matters and things to wx which it relates.

M. P. Penn
Administrator of the estate of Turner Lyday Deceased.

Sworn to and subscribed before me this the xx 13thady of March,1907.

J. L. Turner
Notary Public,Dallas County,Texas.

3782.

In the County Court of Dallas

County, Texas.

In Re Estate of Turner Lyday, deceased,

M.P. Penn administrator.

Administrator's First report, etc.

FILED

MAR 13 [illegible]

JACK W. GARDNER County Clerk

By [illegible] Deputy

3782

In Re Estate of Turner Lyday,deceased, *
*
M.P.Penn administrator. * In the County Court of Dallas County,
----------* Texas.

Now comes the above named administrator and excepts to the contest of his claim herein filed by the heirs of deceased and says that the same is not sufficient in law and of this he prays judgment of the court.

Subject to the foregoing exception and in the event only that the same are overruled he denies all and singular the matters and things in said contest contained and demands strict proof of the same. For special answer herein administrator says that it is true that he collected $60.00 prior to his appointment and qualification as administrator in said estate and that the same was collected before he filed any application for such appointment. That the collection of the same was in obedience to his being appointed as agent to collect the same by the decedent during his life time . And that when he collected the same he did not know that the deceased was dead. That after he collected the part of said note as aforesaid he turned the same over to one Martha Mays under the instructions of the deceased as per a statement in writing by the deceased and under the further statement of the deceased that he wanted the same so turned over to said Mays and that she would pay him out of the same. That he does not know just what was done with a part of the money so turned over to said Mays . That the only sum turned over to him as administrator was the $40.00 as stated in his inventory and appraisement.That he did not collect all of said note at the time he tried and collected said $60.00 because the makers refused to pay the same and that they would not pay said $60.00 until he marked the note paid ,but that they promised him to pay the balance should the same ever be called for. That ever since he has been connected with the collection of said notes and at the time the same were in the hands of the deceased for collection there has always been trouble with the makers thereof to collect the same. That they have always been able to pay the same but always tried to evade the payment of the full value of the note. That respondent has had to write letter for the decedent in order to give the said makers to know that they must pay the note as it stood and that no rebate would be allowed them thereon. And further that he has reason to believe and does believe that all the contention

herein about the acts of this administrator are the product of the said John and Lucy Dixon and not the acts and of the heirs herein mentioned. That he believes and has reason to believe that the same is so done by them in order to delay and evade the payment of the notes in question. That he so believes the foregoing because said John and Lucy Dixon have always made great objection when they were requested to pay all the note and interest as it stood.

That at one time said Lucy and deceased were husband and wife and for that reason said Lucy Dixon always contended that great consideration should be allowed them notwithstanding the fact the said property was the separate estate of deceased and deceased and said Lucy were divorced and she again married the said John Dixon.- All of which administrator is ready to verify and puts himself upon the country and demands strict proof of all the matters and things in said contest contained.

J. R. Turner

Administrator of the Estate of Turner Lyday, deceased.

TY - 197

3782

County Court

Davies County, Ky

In Re Estate of James

Ky Day, Dec'd

M. M. P. Penn Adm'r

Petition

M. M. Penn

Contest

Affidavit

FILED

JAN 11

[illegible]

[illegible]

INVENTORY AND APPRAISEMENT

OF THE PROPERTY, REAL AND PERSONAL, BELONGING TO THE ESTATE OF

Turner Lyda, Deceased.

Real Estate, none,

Three vendor's lien notes each for the principal sum of $110.00, due and payable to the order of the decedent one each on May 8th, 1906, May 8th, 1907 and May 8th, 1908. Interest thereon at the rate of ten per cent per annum. Which said notes we value at the sum of $330.00

one spirit level valued at the sum of ---------- .25

one square---------- .25

three hand saws ---------- $1.00

five jack planes ---------- $1.00

one saw clamp ---------- .50

one broad axe ---------- .10

one hand hatchet ---------- .15

one tri-square ---------- .15

one saw set ---------- .25

one pair snips ---------- .50

one key saw ---------- .25

one tri-square guage ---------- .10

two wood chisels ---------- .25

one rim lock ---------- .10

one drawing knife ---------- .15

one tin can of sundries ---------- .25

one tool chist ---------- $1.00

cash $40.00 valued at ---------- $40.00

Total value ---------- $375.20

No.

COUNTY COURT.

ESTATE OF

Turner Lyda, Deceased

Inventory and Appraisement.

FILED

190.

OCT 31 1906

FRANK ... Co. Clerk.

By ..... County Clerk. Deputy.

EXAMINED AND APPROVED

This ..... day of ..... 190.

County Judge.

Jesse Williamson, Printer, Dallas.

THE STATE OF TEXAS, COUNTY OF DALLAS. } I, M.P. Penn, administrator xxxxxxxxxxxxxxxxxxxxx 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.

M. P. Penn

Sworn to and subscribed before me, this the 27th day of October, A. D. 190 5.

J. L. Turner xxxxxxxxxxxx

Notary Public, Dallas County, Texas.

xxx ..... Deputy. xxxxx

THE STATE OF TEXAS, COUNTY OF DALLAS. } Before the undersigned authority, this day personally appeared

J. Reson, W. C. Roberts and M. S. Jordan xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

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 Appraisement of the property pointed out to them as belonging to said Estate.

W C Roberts

M. S. Jordan

J Reson

Sworn to and subscribed before me, this the 27th day of October, A. D. 190 5.

M.P. Penn, Guardian. " in the " Texas.

Sworn to and subscribed before me, this the 27th day of October, A. D. 190 5

M.P.Penn,Guardian. * in the [redacted] Court of Dallas County, Texas.

Now comes M.P.Penn and submits to the court this his statement of all the claims due and owing to the testator in the above styled and ~~xxxxxxxxx~~ numbered cause to wit: That the only claims that are due and owing said testator is the interest on the notes described in the Inventory and Appraisement of said Estate here to attached. That the amount due is the interest on the aforesaid notes at the rate of ten per cent per annum from the 5th day of May, 1905, to this date. And that the same is due and owing by John and Lucy Dixon, and that the entire sum is the separate property of the deceased, he being a single and unmarried man at the time of his death.

J. L. Turner
Atty for Estate

State of Texas *
County of Dallas * ss

I, M.P.Penn administrator of the above named ~~xxxxxx~~ estate do solemnly swear that the foregoing is a true, full and complete ~~inventory~~ List of all the claims due and owing to the testator, that has come to my knowledge.

M.P.Penn

Sworn to and subscribed before me this the 28th day of October, 1905.

J. L. Turner
Notary Public, Dallas County, Texas.

3782

In the County Court of Dallas County, Texas.

In Re Estate of Turner Lyda, Deceased.
M.P. Penn Administrator

List Of Claims, Etc.

FILED
OCT 31 1906
R. H. Lee
Deputy.

RECORDED
9-109

3782

In Re Estate of Turner Lyday ,deceased,* In the County Court of Dallas County,
M.P.Penn administrator. * Texas.

Now comes J.L.Turner respondent in the above styled and numbered cause and excepts to the contest herein filed by the so called heirs of the above named decedent on the 28th day of January,1906,against his claim and says the same is not sufficient in law and of this he prays judgment of the court,

J. L. Turner

For special exception herein respondent says that it is shown from said contest that the same comes too late ,because it was not filed until the claim of this respondent had been acted upon by the court and that the same was at the time of said filing of contest a judgment against the estate,and as such the only remedy for the contestants was to appeal from said allowed claim and of this he prays judgment of the court.

J. L. Turner

Further excepting to said contest respondent says that it can not be maintained and comes too late because the claim sought to be set aside by said contest was acted upon during the temporary administration upon said estate and that said administration has been closed and the administrator discharged and the estate turned over to the permanent administrator,wherefore respondent prays judgment of the court and asks that said contest be stricken out.

J. L. Turner

Subject to the foregoing exceptions and in the event only that the same are overruled the respondent denies all and singular the matters and things in said contest contained and demands strict proof of the same. For special answer herein respondent says that he has represented said estate up until the counsel for the so called heirs told and informed him that he represented the heirs of said estate and that he desired the same closed without any expense to the estate. That at the time of said information respondent as attorney was and had been rendering professional services to said estate. That on the 22nd day of May, 1906,he filed application for the appointment of a permanent administrator for said estate and thereafterwards had said administrator appointed under said application. That the appraisers appointed by the court failed to act in due time and as result thereof said administrator did not qualify and he again had said administrator appointed.

That the inventory ,list of claims,bond and suplemental list of claims were all prepared by this respondent and presented to the court for action thereon. And that after said services the notes mentioned in the inventory and appraisement were put into his hands by the administrator for collection .That he proceeded to collect said notes and continued his efforts thereon till a few days after the 12th day of Dec. 1905,at which time the counsel for the heirs saw this respondent and informed him that he represented the heirs and then asked and agreed with respondent that no further steps be taken in the action of the collection of said notes. That he desired this so that the estate and the collection of the said notes could all be done without much expense to the makers of said notes and the estate. And further told this respondent that he was acting on behalf of the makers of said notes. And further stated that he would advise that the makers of said notes pay the same. That at said time this respondent had prepared to file suit against the makers of said notes and so informed the said counsel ,and held up the said action of suit to save the said John and Lucy Dixon court cost at the request of said counsel.And further that at said time said counsel asked that respondenyt file all claims against said estate and told him that they might possibly contest the same. That then and for the firstv time this respondent filed claims against said estate and that the claims filed were the claims of the said administrator and Martha Mays That said claims were at once prepared because respondent thought it the best interest of all parties concerned in that it would operate to close the estate soon and without expense of collecting the said notes throughr court.That he has never presented any claim for any of his above services and has defered the same because he thought that other services might be necessary to be rendered said estate by him.All of which he is ready to verify and puts himself upon the country.

J. L. Turner

That the inventory ,list of claims,bond and supplemental list of claims - as all prepared by ~~xxxx~~ this respondent and presented to the court for action thereon and ~~xxxx~~ so that after said services the notes mentioned in the inventory and assessment were put into hands by the administrator for collection .That he proceeded to collect said notes and continued his efforts thereon till a few days after the 10th day of Dec. 1898.at which time the counsel for the heirs of this respondent and complainant told him that he presented the heirs and also said administrator that no further claims be made in the matt. of the collection of said notes.That by mutual aid and the collection of the said notes should be done without proceeding to the sale of said notes by the notice. And further this respondent that he was notified on behalf of the heirs of said notes. And further stated that he would advise the administrator of said estate pay the same. That at said time this respondent had proceeded to file suit against the makers of said notes and so informed the said counsel .And did up the said action of suit to save the said John and Judy Dixon court cost at the request of said counsel.And further that at said time said counsel asked that respondent file all else against said estate and told him that they might possibly contest the same. That and for the first time this respondent filed claims against said estate and that the claims filed were the claims of the said administrator and further that said claims were at once prepared because respondent thought it the best interest of all parties concerned in that it would operate to close the estate soon and without expense of collecting the said notes through court.That he has never presented any claim for any of his above services and has referred the same because he thought that other services might be necessary to be rendered said estate by him.All of which he is ready to verify and puts himself upon the country.

In Re eEstate of Turner 'yday deceased, * In the County Court of

M.P.Penn administrater. * Dallas County,Texas.

Now comes M.P.Penn administrater as above said and asks that the court permit him to sell all the personal property belonging to said estate for the following reasons: That said property is liable to perish and waste and is a useless expense and that he here with attaches his list of t e same and makes it a part of this his application

Wherefore administrater prays that he be allowed to sell said property at private sale for Cash and that he have all other and further relief herein general special in law and in equity to which he may be entitled and administrater as in duty bound will ever pray,etc.

J. L. Turner

Atty. for Administrater.

978

In Re Estate of Turner Lyday deceased, ¤ In the County Court of Dallas County,
H.F.Penn administrator. ¤ Texas.

List of Property Sought to Be Sold In The Application Hereto Attached.

One spirit level, one square, three hand saws, five jack planes, one saw clamp, one bread ax, one hand hatchet, one tri-square, one saw clamp, one pair snips, one key saw, one tri-square guage, two wood chisels, one drawing knife, one tin can of sundries and one tool chest. All appraised at $[illegible]

3782

In the County Court of Dallas
~~IxxRxxKxtxxinxxfx~~

County, Texas.

In Re Estate of Turner Lyday ,

Deceased.

W.F. Penn Administrator.

Application of Administrator to

Sell personal property of the

Above estate.

FILED

JAN 5 1967

JACK M. GARTON, County Clerk.

By L. W. Walden
Deputy.

In Re Estate of Turner Lyday, Deceased,

M. P. Penn, Admr.

In the Probate Court of Dallas County, Texas.

Answers and deposition of Lula P. Underwood to the interrogatories hereto attached, given before me, Theoph. L. Carns, a Notary Public within and for Jackson County, Missouri, this 17th day of January, 1908.

1 - To the first interrogatory said witness answers:

My name is Lula P. Underwood; My age is forty-four years; and my place of residence is No. 2528, Highland Avenue, Kansas City, Jackson County, Missouri.

2 - To the second interrogatory said witness answers:

My father's name was William Hudgins and my mother's name was Harriet Hudgins. Her name before her marriage was Harriet Finley. My father died on or about the 15th day of May, 1907; and my mother died in August 1893.

3 - To the third interrogatory said witness answers:

My information from my father and my understanding have always been that he was never married until he married my mother. But that he lived with a woman named Hannah McDonald, and had two children by her. One of said children was Turner Lyday the above named deceased, and the other was a daughter named Emily, who afterwards married a man named John Grant, and had four of five children. That said Emily and all her children are dead, and that my information and understanding are that none of said children left any children or other descendants. My father always spoke of said Turner and said Emily as his children, and always treated them as such, and they were always so recognized by my mother and the entire family. And, when said Emily died, my father helped to bury her. My father never lived with said Hannah McDonald after he married my mother.

4 - To the fourth interrogatory said witness answers:

My father, at his death, left five children surviving him, and their names are as follows: Charlie Hudgins; William Hudgins; James Hudgins; myself--Lula P. Underwood-- and Anna James.

5 - To the fifth interrogatory said witness answers:

As I have already stated, my father was never married before he married my mother, but lived with said Hannah McDonald. And this was my information from both my father and my mother. But My father always recognized said Turner Lyday and said Emily as his children and they were always so treated. Said Turner was called Turner Lyday because the man who owned said Hannah McDonald when Turner was born, and afterwards owned said Turner, was named Lyday, and they took his name in the usual way.

I am also acquainted with said Hannah McDonald, and have frequently heard her say that said Turner Lyday and said Emily were my father's children.

Lula P. Underwood.

State of Missouri)
(ss
County of Jackson)

I, Theoph. L. Carns, a Notary Public within and for said County and State, hereby certify that the above and foregoing answers of Lula P. Underwood, the witness before named, were made, reduced to writing, and read over to the witness in due order of such interrogatories and were then signed and sworn to before me by the aforesaid witness; all on this 17th day of January, 1908.

Given under my official seal this 17th day of January, 1908.

My commission as Notary Public will expire on the 22nd day of September, 1909.

Theoph. L. Carns
NOTARY PUBLIC.

My fee is $3.00 paid by Lula P. Underwood.

In re estate of Turner Lyday deceased
M.P.Penn Adr; In the Probate Court of Dallas County Texas;

To M.P.Penn,or his attorney of record,J.L.Turner.

You will take notice that ten days after service hereof we will apply to the clerk of the county court of Dallas County Texas for a commission to take the deposition of Lula P.Underwood who resides in Kansas City Mo,in answer to the interrogatories hereto attached,to be used in behalf of the heirs and distributees of the estate of said Turner Lyday,upon the trial of the matter of partition and final distribution.

Geo A Tillerington
Meador & Davis
attorneys for Hannah McDonald et al

1st;
State your name,age and place of residence.

2nd;
State the name of your father and mother.Are they dead or living?If dead, state about the date of their death.

3rd;
State how often your father had been married and to whom each time.Please explain this.

4th;
State how many children your father left at his death,if you say he is dead,and give the names of each.

5th;
State whether or not your father had been married before he married your mother.If so to whom and how was his first marriage terminated?

Geo A Tillerington
Meador Davis
Attorneys for Hannah McDonald et al

We hereby accept service of the above interrogatories,waive copy and agree that deposition may be taken on original direct and cross interrogatories without further notice.

J. L. Turner
attorney for M.P.Penn adm of Estate of Turner Lyday, dec'd

In Re Estate of Turner Lyday Dead. M.P. Cam adr.

In Probate Court of Dallas Co. Texas.

Answers of witness Lula P. Underwood witness for Hannah McDonald et al

Received this package from hands of officer before whom taken

P. Master as Kansas City Mo.
By _____ Deputy

This package received from the postmaster at Dallas Tex on this 20 day of Jany. 1908. and filed same on the 20 th day of Jany 1908.

Jacob McGaston Clerk
By R. H. Lee Dy

This package is opened on this the 22 day of Jany 1908. at the request of ~~[illegible]~~ attorney for defendants

Jacob McGaston Clerk
By R. H. Lee Dy

[illegible] 23

To County Clerk Dallas County Texas

3267 Dallas

Texas

12523

KANSAS CITY, MO.
JAN 17 1908
REGISTERED

My fee is $3.00

~~Stockton & Lemmon~~
~~Attorneys & Public~~
~~Romeo Lib. & A. Ass.~~
~~(Corp.) 7. & A. Ass.~~

In Re Estate of Turner Lyday deceased,
M.P.Penn administrator.

\# In the Probate
\# Court of Dallas
\# County,Texas.

Now comes the above named administrator and files this his supplement ~~xxxxxx~~ to his account for final settlement filed in this cause on the 4th day of May,1907,and in addition to the matters and things alleged therein says that since the filing of said account he has made the following disbursements to wit:

Paid J.L.Turner for professional services rendered said estate as per order of court July 11th,1907. $20.00

Paid the Dallas Democrat for publication as part of court cost $4.00

January 1st,1908, Com. Adm. under last act 1.20

Tot. paid out, ~~$24.00~~ $25.20

That there now remains on hand the sum of $289.68.

That the personal property consisting of tools,etc asx reported in the inventory and appraisement have been turnedc over to one Will Sanders to satisfy his claim for storage against said estate And that the same were so turned over at the suggestion of the court ,since the claim of said Willm Sanders amounted to more than the value of said tools,etc as per appraisers report.

Premises considered administrator asks for the same relief prayed for in his account for final settlement filed herein on the 4th day of May,1907,as above said.

J. L. Turner
Atty. for Estate.

State of Texas \#
County of Dallas \#

Before me the undersigned authority on this day personally appeared M.P.Penn administrator of the estate of Turner Lyday deceased who being by me first duly sworn to speak the truth upon oath says that he has read the foregoing supplement account for final settlement and knowns the contents thereof, and that the same contains a true and correct statement of the matters and ~~xxxxx~~ things to which it relates.

M. P. Penn
Administrator of the Estate of
Turner Lyday deceased.

Sworn to and subscribed before me this the 22nd day of January, 1908. J. L. Turner N.P. Dallas Co. Tex

3782

In the Probate Court of Dallas

County, Texas.

In Re Estate of Turner Lyday decease
W.P.Penn administrator.

Administrator's First Supplemental
Account for Final Settlement.

FILED

JAN 24 1908

JACK R. GUSTON, County Clerk,
By _____ Deputy

#3782.

IN THE MATTER OF THE ESTATE OF

TURNER LYDA DECEASED.

January 30th, 1907.

The annual and final Report of Administrator & Ind. Rights thereto and claims examined and approved in exact items of Court costs of $21 which is disallowed but charged to the administrator. Court also comes on for hearing

Now on this day this cause came on for hearing upon the petition of Hannah McDonald et al to require the administrator to make final report and to partition the Estate of Turner Lyda deceased and upon the final account of the administrator as filed.

And the Court, after hearing the evidence and argument of counsel and being fully advised, in the premises, finds said estate should be closed and as facts with reference thereto finds the following:

1st. That all the debts of the Estate have been paid except a balance of cost due the Officers of court amounting to $14.55/100

2nd. That the following persons are entitled to part of the estate remaining in the hands of the administrator in proportion mentioned following the name of each to-wit:

Hannah McDonald, Thilliecothe, Mo. one-half.

Emma Grant, Moberlie, Mo. one-twelfth.

Charles Hudgins, residence not known, one-twelfth.

William Hudgins, residence not known, one-twelfth.

James Hudgins, residence not know, one-twelfth.

Lula V. Underwood, Kansas City, Mo. one-twelfth.

Anna Jones, Kansas City, Mo. one-twelfth.

3rd. That the father of Turner Lyda is dead and that the six children last mentioned are the only children except Lessenia Grant who is a grand daughter of Lessenia Hudgins, Decd and heir of Turner Lyda, Decd.

4th. That there now remains in the hands of the administrator E. W. Penn, the following money to-wit $296.93 out of which is to be paid the balance of the cost of court remaining unpaid amounting to $14.55/100 and $50.00 atty's fee.

5th. And Geo. A. Fitterington, W. H. Keene, A. F. Park and M. S. Birmingham held a transfer from Hannah McDonald for one-half of her interest in the estate and from Lula V. Underwood for one-third of her interest in the estate and that Robert P. Meadon holds a transfer from Anna Jones for one-third of her interest in the estate and are entitled to collect the

6th. That the amount remaining in the hands of the administrator, after deducting all costs aforesaid, attorneys fee below mentioned is the sum of $277.01 which shall be paid to the various parties abovementioned or to their duly authorized Attorneys in the following amounts to-wit. Hannah McDonald $69.35, Luemma Grant $23.12, Geo. A. Litterington, W. S. Moore, A. B. Park and H. . Birmingham, ~~$12~~ $77.01 Robert T. Hudgins ~~$23~~ $9.70 Chas. Hudgins $23.12, William Hudgins $23.12, James Hudgins $23.12, Lula F. Waterwood ~~$23~~ $15.42 and Anna James ~~$23~~ $15.42. And the administrator is ordered to pay to such parties, or to their duly authorized attorneys, whose residences are below as stated above, the amounts due them and take receipts in duplicate for the same; and the balance on hand he shall pay to the Clerk of this Court who shall pay to the parties entitled thereto as above mentioned, when they shall present to said Clerk proper receipts with affidavit as to identity.

7th. It is ordered adjudged and decreed by the Court that said estate be closed and that the Attorney for the administrator to-wit: T. T. Turner, be allowed, as above shown in addition to what he has already been allowed, a part for his services the sum of $5.00 which the administrator is hereby authorized to pay to him and when said administrator has fully complied with the requirements of this order then he and his bondsmen shall be considered as discharged.

In re Estate of
J. Lyday Decd
No — 3782

Form of Judgt.

287.68
7.25
296.93

O. K.
H. P. Lindly
Co Judge

(W-604)

D 83.

In Re Estate of Turner Lyday,Decd., * In the County Court of Dallas County
M.P.Penn Administrator. * Texas.

To the Honorable Judge of said Court In Probate Sitting:

Now comes Martha Mays and submits to the court for examination and approval this her claim against said estate for services ,room rent,board bill,laundry bill and money spent on behalf of decedent during his life time at the request of decedent to wit:

Forty three weeks room and board from the 1st day of January,1904,to the 28th day of Oct.,1904,inclusive,at $4.00 per week,$172.00

Laundry bill for Forty-three weeks.

from Jan 1st,1904,to Oct. 28th,1904.Inc.

at $.50 per week, 21.60

Twenty-three months storage of tools at $1.50 per		34.50
Jan. 10th,1904,one bottle of medicine,		1.00
Jan. 24th, : :	:	1.00
Feb. 2nd, : :	:	1.00
Feb. 13th, : :	:	1.00
Feb. 20th : :	:	1.00
Feb.29th, :	:	1.00
Mar. 15th, :	:	1.00
Mar. 26th, :	:	1.00
Apr. 4th, :	:	1.00
Apr. 18th, :	prescription,	.75
May 11th, :	:	1.25
June 20th, :	:	1.00
July 1st, :	:	.75
July 16th, :	: two prescriptions,	1.75
Aug. 3rd. :	three prescriptions,	2.25
Aug. 15th, :	one prescription,	1.00
Aug. 28th, :	one bottle medicine,	1.00
Sept. 10th, :	: :	1.00
Sept. 23rd, :	: :	1.00
Oct. 10th, :	medicine,	1.50
Total amount due		$250.26

Premises considered claimant prays that said claim be entered upon the claim docket and that at the next term of this court the same be examined and in all things allowed and approved by the xx court and that she have all other and further relief herein general special in law and in equity to which she may be entitled and claimant as in duty bound will ever pray, etc.

Martha E. Mays
mark

Claimant

THE STATE OF TEXAS,
COUNTY OF DALLAS.

AFFIDAVIT TO ACCOUNT IN PROBATE.

BEFORE ME, the undersigned authority, on this day personally appeared Martha Mays who being by me duly sworn, upon ~~his~~ oath deposes and says: That the attached claim in favor of Martha Mays, and against the estate of Turner Lyday, deceased is just, true and unpaid, and that all legal offsets, payments and credits, known to affiant have been allowed, and that she is the owner and holder of said claim and account

Martha Mays
mark

Sworn and subscribed to before me this 18th day Dec 1905

J. L. Turner
Notary Public
Dallas County Tx

and accounted on the 18th day December 1905:

M. P. Perry
Admr. Est. of Turner Lyday, dec'd

Examined and approved this day Dec. 1905

Premises considered claimant prays that said claim be entered upon the claim docket and that at the next term of this court the same be examined and in all things allowed and approved by the ~~ex~~ court and that she have all other and further relief herein gensral special in law and in equity to which she may be entitled and claimant as in duty bound will ever pray, etc.

Martha E. Mays
mark

THE STATE OF TEXAS,
COUNTY OF DALLAS.

AFFIDAVIT TO ACCOUNT IN PROBATE.

BEFORE ME, the undersigned authority, on this day personally appeared Martha Mays who being by me duly sworn, upon ~~his~~ oath deposes and says: That the attached claim in favor of Martha Mays, and against the estate of Irum Lyday, deceased is just, true and unpaid, and that all legal offsets, payments and credits, known to affiant have

Presented to me on this the 18 day of December and allowed on the 18 day December 1905:

M. P. Perry
Admr. Est. of Irum Lyday, ds

Examined and approved this day Dec. 1905

In the County Court of Dallas County, Texas.

In Re Estate of Turner Lyday Deceased,
M.P. Penn Administrater.

Claim of Martha Mays.

FILED

R M Lee

Examined and after [illegible] found as in the above [illegible] amount [illegible] and [illegible] said claimant.

Hiram G. Lindsey
Co Judge

12
1

Volume 175

OFFICE OF
J. L. TURNER.
ATTORNEY AND COUNSELLOR-AT-LAW
18 COMMERCE ST. PHONE MAIN 2846
NOTARY PUBLIC

Dallas, Texas, Feb. 17th, 1908

$5.00

Received of M.P.Penn administrator of the estate of Turner Lyday deceased the sum of Five Dollars, fee allowed me by the court for services rendered said estate in the closing and distribution of the said estate.

J. L. Turner

Dallas, Texas, April 14th, 1908.

$83.32

Received of M.P.Penn administrator of the estate of Turner Lyday deceased the sum of Eighty-three and 32/100 Dollars to be paid to Lula Grant, Chas. Huggins, Wm Huggins and James Huggins in the distibution and settlement of the estate of Turner Lyday deceased.

Jack M Gaston
County Clerk of Dallas County, Texas.
By R H Lee

OFFICE OF
J. L. TURNER.
ATTORNEY AND COUNSELLOR-AT-LAW
[illegible] COMMERCE ST PHONE MAIN [illegible]
NOTARY PUBLIC

Dallas, Texas, Feb. 17th, 190 8

$22.83

Received of M.P.Penn administrator of the estate of Turner Lyday deceased the sum of Twenty-two and 83/100 dollars Anna James part in the distribution of the estate of said deceased. This includes the part also allowed to Robert T.Meador as per order of court.

Meador & Davis,
Attorneys for
Anna James.

OFFICE OF
J. L. TURNER.
ATTORNEY AND COUNSELLOR-AT-LAW
[illegible] COMMERCE ST PHONE MAIN [illegible]
NOTARY PUBLIC

Dallas, Texas, Feb. 19th, 190 8

$158.38

Received of M.P.Penn the sum of One Hundred and Fifty-eight and 38/100 Dollars, in full of the shares of Hannah Mc Donald and Lula P.Underwood and their attorneys in the distribution of the estate of Turner Lyday deceased among the heirs and representatives of the deceased.

N. S. Moore, A. A. Parks, H. B. Birmingham
Geo. A. Gillenwater
Attys. for Hannah Mc Donald and Lula P.Underwood
and for themselves.

Estate of Turner Lyde

No. 3782

J L Turner — Attorneys.

CLERK'S FEES	
Fil'd Pet for Letters	15
Issu Notices	75
Fil'd Ord appr Bond	25
Record Bond	25
Fil'd Adm oath	15
Fil'd Ord appt'g adm	50
" "	50
Fil'd Mo to Cor Names	15
Issu Letters T.R.D. & Claims	50
Fil'd Mo to Remove Adm	15
Fil'd Ord of Court of Claims	30
Issu Notice	50
Fil'd 3 Papers Ord Sup & Mo	45
Fil'd Ord appr Sup Supp Bond	50
Record Bond & Oat	75
Fil'd Ord appr F.R.P.	50
Record "	50
Fil'd Ord to Cor. Name	25
" " " adm	25
" " appr 3 Claim	75
Fil'd " Ordering Mo	25
Fil'd Claim & Mo to file Rept	40
Journal (Fil'd)	3 20
Fil'd Ord appr Claim	25
Fil'd appr to sell Per Prop.	15
Fil'd Ord to sell " "	50
Record Petn.	25
Fil'd Claim	15
" Amp. Ex	15
Fil'd 5 Vouchers	25
Iss Notices	75
" " to file Rept	50
Fil'd Claim & Final Rept	70
Fil'd 3 Vouchers & Iss Nod	60
" 2 Ord & 2 V Ord	50
Iss 2 Subp	1 00
Fil'd Ord appr Claim	25
Fil'd Sup. Rept	15
Iss Citation	25
Fil'd Ord appr Sup Rept	1 50
Record " "	2 00
Tax Cost	25
TOTAL CLERK'S FEES	21 50

COUNTY JUDGE'S FEES	
Ord appr Bond	50
" apply adm	50
" " appr	50
" " adm	50
" appr Bond	50
" " 2 Ord	50
" " 7 Rept	50
" Correct Name	50
" Cont adm	50
" appr 3 Claims	1 50
" Remov adm	50
" appr Claim	50
" to sell Per Prop	50
" " file Rept	50
" appr Claim	50
" " Rept	50
1/3 of Com 1191.00	2 45
TOTAL JUDGE'S FEES	11 45

SHERIFF'S FEES	
Posting Notices	3 00
Serv Notice	95
" Subp	70
Posting Notices	1 50
Serv Nod	3 00
	95
Total Costs 47.55	
Credit 11/1/06 $19.15	
Amt Due	
TOTAL SHERIFF'S FEES	10 10

RECAPITULATION

County Judge's Fees	11 45
County Clerk's Fees	21 50
Sheriff's Fees	10 10
Printer's Fees	
Appraiser's Fees	4 50
TOTAL	47 55

Paid Apr 11, 08
J M Gorton clerk
By R H Lewis

THE STATE OF TEXAS.
COUNTY OF DALLAS.

I, Jack McCurdy County Clerk of said County, hereby certify that the above is a true and correct statement of the costs due in the above entitled cause.

Witness my hand and official seal, at office in Dallas, this 13 day of Feb 1905

Per D C Whitley Deputy. Jack McCurdy COUNTY CLERK.

$ DALLAS, TEXAS, 190

RECEIVED OF of estate of

Dollars, in full of above Bill of Costs.

Per Deputy. CLERK.

No. 3782

PROBATE FEE BILL

COUNTY COURT, DALLAS CO., TEXAS

ESTATE OF

Turner Linda

Judge's Fees,	11 45
Clerk's Fees,	21 50
Sheriff's Fees,	10 10
Appr fee	4 50
Total,	47 55

ISSUED

This 13 day of Feb 1908

Jno R Mylander
Clerk County Court.

By D C Whitely Deputy.

Fee book 10 Page 513

J L Turner
Executor

296.53
18.12
2) 277.78
138.89
2) 277.78
136.89

13.45
1
2.45
5
120.78

15.45
2.61
2.00 Com
23.31

296.53
23.31
2) 271.22
135.79 Admr
17.89 Ad. clerk

In re, estate of
Turner Lyda, deceased. In the Probate Court of Dallas County Texas.

To the Honorable Judge of said Court.

Now come Kate Arnold and Hannah McDonal, who reside in Chillicothe Mo, and who are more than 21 years of age, complaining of M.P.Penn, who has been heretofore by this court appointed administrator of the estate of Turner Lyda deceased; and would represent unto your Honor that Hannah McDonal is the Mother of said deceased and that Kate Arnold is his sister; that his Father is dead; that deceased had no other sister than Kate Arnold, and no brother;

that said applicants herein are the sole surviving heirs of said deceased and are entitled to all the residue of his property, which consists solely of personal property, after cost of administration and all just debts are paid.

Applicants would further represent and allege the facts to be that there was never any necessity for administration on the estate of said Turner Lyda and that there is no necessity now for the continuance of said administration; that there were no debts against said estate when administration was herein granted, and no debts now exist against the same, except some few dollars cost.

Applicants would further represent that the said M.P.Penn is not representing, or attempting to represent, the interest of said estate as the law requires; that said administrator has been guilty of gross neglect and mismanagement in the performance of his duties as such administrator, and is about to misapply the funds and property of said estate, in this;

1st;

said administrator has manufactured and filed, and is about to present herein for approval by this Honorable Court, a false and unfounded claim against said estate, in his own behalf, in the sum of $69.65, which said account was filed herein on the 20th of Dec 1905; and applicants allege that the same is not due to said administrator in whole or in part:

2nd;

Said administrator has procured to be presented to himself as such administrator, an account in favor of one Martha Mays, in the sum of $250.00, which said account has in fact no foundation; was filed herein on the 20th of Dec 1905 and on said day allowed by the administrator; and said account so filed and allowed is about to be presented to this Honorable Court for approval.

Applicants allege the facts to be that said claim is without foundation, and is unjust; that the deceased did not owe any part thereof and said administrator knew, at the time he allowed said claim, that the same was unjust and without foundation, and that said deceased did not owe the same.

Applicants allege further that the main estate consists of certain vendors lien notes that are fully secured on real estate in the City of Paris Texas; that said administrator is threating to sue for the collection of said notes, which would add much cost against the estate; that a suit is unnecessary, and under the facts above stated should not be allowed by this administrator, without further order of this court; that, after the death of deceased, and before his appointment and qualification herein, the said administrator, M.P. Penn, collected on said vendors lien notes the sum of $60.00; which he

has failed to report in his inventory.

Wherefore said applicants pray that a day be set for hearing hereof; that notice issue to said administrator to appear and answer hereto;that said claims be by your Honor disallowed;that said M.P.Penn be removed as such administrator and that some suitable person be appointed in his stead to administer and close said estate.

Applicants further pray that a temporary order be made herein, directing said administrator not to proceed further in the collection of said notes,or in the management of said estate,without further order of the court.

Applicants further pray for such orders as may be right and proper, under the facts shown.

Geo A Tillemington

attorney for applicants

In re Estate of
Thomas Lyda, Dead

Motion to remove
Administrator &
to disallow Claim

FILED
DEC 28 1907
R. M. Lee

Geo A Fillmington
Atty

In re Est of Turner Lyda

Dec'd. M.P. J.E.Penn Adr.

In the Probate Court of Dallas County

Texas.

To M.P. Penn or his attorney of record.

You will take notice that, five days after service hereof, we will apply to the clerk of the county Court for a commission to take the deposition of Hannah McDonald and Kate Arnold, who reside in Livingston County Mo. in answer to the interrogatories hereto attached, to be used by Hannah McDonald et al on the trial of their application for final distribution heretofore filed herein.

Geo A Billingsley
attorney for applicants.

1st;

State your name, age, and place of residence.

2nd;

State whether or not you knew Turner Lyda. If yea state whether or not he was in any way related to you. If you say he was related, state in what way.

3rd;

What was the name of the Father and Mother of Turner Lyda? Are they dead or living? If you say either is dead state when and where such one died.

4th;

How many children did the Father and Mother of Turner Lyda have? Give their names. Are any of said children dead? If so which are dead and state whether or not such dead child or children left children surviving.

5th;

If you have said that some of the brothers and sisters of Turner Lyda died leaving children, give the names of such surviving children and their place of residence.

6th;

When did you last see Turner Lyda? Where was he born? What was his occupation or calling?

7th;

If you have said that you knew Turner Lyda and that he is related to you, state when he was born or about how old he was.

8th;

State whether or not Turner Lyda was ever married. If so, when and where? To whom was he married? Is his wife living or dead?

9th;

If you have said that Turner Lyda was married state whether or not he had any children. If yea, give their names

and ages;also their present place of residence

10th;

Did you,or either of you,ever reside in the State of Texas?If so at what point.

11th-

If you have said that Turner Lyda was ever married, state whether or not he was living with his wife at the time he was reported dead.If not why not?Where is such wife now?

Geo. A. Pettebaugh,
attorney for Hannah McDonald et al.

I acknowledge service of notice of filing the above interrogatories and a copy thereof and agree that a commission may issue to any officer authorized under the laws of the State of Texas to take depositions, said interrogatories having been answered by me and herewith filed to be used and considered when the above interrogatories are propounded by said officer. I do not agree that commission may issue to any particular individual as an officer, and all other rights that may be had in taking depositions under laws of State of Texas, of course are not waived or especially waived.

J. T. Turner
atty for Estate of Turner Lyda deceased

3781

In the County Court of Dallas County, Texas.

In Re Estate of Turner Lyday, deceased,

M.P. Henn, administrator.

Direct Interrogatories to be propounded to the witnesses Kate Arnold and Hannah Mc Donald.

FILED

JUN 18 1907

In the Estate of Turner Lyday deceased, In the Probate Court of

In Re Estate of Turner Lyday deceased, # In the Probate Court of
3782 M.P.Penn administrator. # Dallas Coun , Texas.

Cross Interrogatories to be propounded to the witnesses Kate Arnold and Hannah Mc Donald respectively, [illegible]

1st.

When and where did you last see Turner Lyday deceased?

2nd.

How long have you lived at your present home? Were you ever out of your state?

3rd.

Give a full, complete and accurate description of said Turner Lyday

4th.

Give the respective ages of the brothers and sisters of said Turner Lyday.

5th.

Give a full, complete and accurate description of yourself.

6th.

How and when did you first learn of the death of said Turner Lyday? Who first told you that said Turner Lyday had an estate at Dallas, Dallas County, Texas? Give the names of all persons that have written or talked with you about said estate or property, attach all letters to your answer that were written you by any person about said property.

7th.

How many and what persons have you transfered a part of your claim to in said estate ? And why have you made such transfers?

8th.

Did you know said Turner Lyday was sick just before his death? What writings or memoranda have you used or refered to in answering the direct and cross interrogatories ? Attach all writings or memoranda that you have used or refered to in answering the direct and cross interrogatories and return the same with said answers.

J. L. Turner
Attorney for Estate.

3782.

In the County Court of Dallas County, Texas.

In Re Estate of Turner Lyday, deceased,

M.P. Penn administrator.

Cross Interrogatories to be propounded to the respective witnesses

Kate Arnold and Hannah Mc Donald.

FILED

JUN 18 1902

JACK M. [illegible] Clerk

By [illegible] Deputy

No. 3782

Estate of Turner Lyday deceased

In the Probate Court

SUIT PENDING

In Re Estate of
Turner Lyda Deceased
No. 3782 vs.

SUIT PENDING
In the Probate Court
of Dallas County.

THE STATE OF TEXAS

To any Clerk of a Court of Record having a Seal, any Notary Public or any Commissioner of Deeds, duly appointed under the laws of this State, in and for the County of Livingston State of Missouri GREETING:

You are hereby commanded that you summon

Hannah McDonald and Kate Arnold

resident of your County, to be and appear before you at such time and place as you may name, giving the day and hour that the taking of testimony will begin, and that upon the appearance of said witness, you execute this Commission and return it to the Clerk of this Court as herein provided.

1st. That upon receipt of this commission you give the parties to the above entitled cause or their attorneys of record five days notice of the time and place when and where the deposition of said witness are to be taken, giving the particular address and day and hour when the taking of such testimony will begin.

2nd. That you execute this commission by propounding to the witness the interrogatories accompanying the commission in numerical order beginning with the first interrogatory and continuing until all the direct and cross-interrogatories have been propounded and answered.

3rd. The answers of the witness to each interrogatory and cross-interrogatory shall be reduced to writing and then read over to the witness at the time it is made and before the next succeeding interrogatory shall be propounded to them; and the witness shall not be advised of the contents of said interrogatories or cross-interrogatories until the same are severally propounded to them by you.

4th. When the answers of the witness have been so made and reduced to writing in this due order they shall be signed and sworn to by the witness; and you shall certify over your signature and seal of office that such answers are made; reduced to writing, and read over to the witness in the due order of such interrogatories and cross-interrogatories.

5th. And when the same have been signed and sworn to before you, you shall seal them up in an envelope, together with the commission and interrogatories and the cross-interrogatories, if any, and write your name across the seal and endorse on the envelope the names of the parties to the suit and of the witness, and direct the package to "The Clerk of the County Court of Dallas County, Dallas Texas."

6th. You are instructed that it is lawful for either party, his agent or attorney, to be present and make such notes of the proceedings as he or they may desire, but it shall be unlawful for either party, his agent or attorney, to make any suggestion to the witness or yourself in regard to such deposition while said depositions are being taken.

7th. It is not lawful for the witness, while answering direct or cross-interrogatories, to use or refer to any memorandum or writing, except such as under the rules of evidence he would be permitted to use and refer to if testifying as a witness in open court; and in case of the use of any such, the same or a certified copy thereof, properly marked by you for identification, shall be attached to and returned with said answers.

8th. If said package so sealed and endorsed by you as aforesaid be sent by mail, the postmaster or his deputy shall endorse thereon that he received the same from your hands and signed the same officially; or if you entrust it to private conveyance, you will apprise the persons receiving it that it must be delivered to the Clerk of this Court by himself in person; which evidence so taken as above is to be used on the trial of the above entitled cause.

HEREIN FAIL NOT, but make due return of this Writ as the law directs.

Given under my hand and seal of office at Dallas Texas, this 18th day of June A. D. 1907

Jack M. Gaston
Clerk of the County Court
of Dallas Co., Texas.

By J. J. Stuffer Deputy.

No. 3782

In the Probate Court of Dallas County,

Term, A. D. 19

COMMISSION TO TAKE DEPOSITION

OF NON-RESIDENT WITNESS
ON WRITTEN INTERROGATORIES.

Hannah McDonald
Kate Arnold

Issued 15 day June A. D. 1907

Jack M. Garter
Clerk.

By J. J. Strieffer
Deputy.

Filed day of 19

Clerk.

FRONT OF ENVELOPE.

File No.

Court,
County, Texas.

vs.

Deposition of

Witness

Received this package on the day of 19, from the hands of

the officer before whom they were taken, and forwarded same the day of 19, by due course of mail as directed.

Postmaster at

By

Deputy Postmaster at

BACK OF ENVELOPE.

Officer before whom the enclosed Depositions were taken.

Officer before whom the enclosed Questions were taken.

To the Clerk of the Court of County, Texas.

Fees

(1)

In Re Estate of
Turner Lyda. Deceased

In the Probate Court of Dallas County, Texas.

Answers and deposition of Hannah McDonald & Kate Arnold, taken before me in answer to the questions hereto attached, & in accordance with the accompanying commission.

Answers of witness Hannah McDonald

To the first direct interrogatory said witness answers:

My name is Hannah McDonald, I don't know my age as I never heard but think I am about seventy years old. I live and reside in Chillicothe Missouri & have lived here forty years.

To the second direct interrogatory said witness answers:

I knew Turner Lyda. He was related to me He was my own child.

To the third direct interrogatory said witness answers.

William Hudgins was his father & Hannah McDonald was his mother, I am Hannah McDonald. Both parents are now living. William Hudgins lives at Mooresville, Missouri

To the fourth direct interrogatory said witness answers:

They had three children, Turner Lyda, Billie Hudgins, and Emily Grant. Emily was married. Turner Lyda always went by the name of the white folks names that he belonged to. All these children are dead. Turner Lyda has no children surviving him. Billie Hudgins left no children surviving him. Emily Grant has one child surviving her, whose name is Luemma Grant and who lives at Mooresville, Missouri.

To the fifth direct interrogatory said witness answers:

Emily Grant left only Luemma Grant surviving her as she lives in Mooresville, Missouri.

To the sixth direct interrogatory said witness answers:

The last time I saw him he was five years old. Wash Lyda bought him and took him to Denton, Missouri, & that is the last time I saw him. He was born in Mooresville, Missouri. He was in the grocery business in Paris, Texas the last I knew. His wife was here on a visit about 15 years ago & told me that.

To the seventh direct interrogatory said witness answers:

He was born about two years

He was born about two years before the war broke out - about the year 1859

To the eighth direct interrogatory said witness answers:

Yes he was married in Paris, Texas. Don't know his wife's name - her first name is Lucy. She was living about a year ago. She married to another man whose name is John Dixon.

To the ninth direct interrogatory said witness answers:

She had one child named Aulivia who died about 17 years ago. She was his only child and was about 7 years old when she died.

To the tenth direct interrogatory said witness answers:

Never held in Texas

To the eleventh direct interrogatory said witness answers:

I don't know whether he was living with his wife at time of his death. Don't know where wife is - was in Paris, Texas last I heard.

To the first cross interrogatory said witness answers:

The last year of the war at Loredo Missouri.

To the second cross interrogatory said witness answers:

I have lived in Bullitsville Missouri about 40 years and was never out of this state.

To the third cross interrogatory said witness answers:

I cannot do that. I have not seen him since he was five years old.

To the fourth cross interrogatory said witness answers:

Emily Grant was about 30 years old when she died. She was older than Turner Lydia. Billy Hughes was younger than Turner as he was about 8 or 9 years old when he died.

To the fifth cross interrogatory said witness answers:

I am about 70 years old weigh 86 pounds very black. Have no white blood in me.

To the sixth cross interrogatory said witness answers:

The wife of Turner Lydia wrote to Kate Arnold and told about his being drowned. Kate told me. I never got a letter from any body. I heard all

about it from the colored people at Mooresville, Missouri. It was told me by them that some white man by the name of James Lyda wrote to some of the colored people of Mooresville telling them that Turner had some property in Texas and asking about his kinfolks. I never saw any letters. To the seventh cross interrogatory said witness answers

Judge Murphaebaugh who lives here give me something to sign for one lawyer in Dallas and three lawyers in Paris, Texas, to pay them part of the property if I get anything. I do not know the names of the lawyers. I am to give them lawyers half I get out of that estate to get it for me.

To the eighth cross interrogatory said witness answers:

I never knew he was sick. I have had no writings to refer to during my direct or cross interrogatories. I never had the letters referred to.

Witness to mark Hannah her + mark McDonald
Oscar L. Dimick
Mattie Ostrander

Subscribed and sworn to before me at my office at No. 514½ Washington St. Chillicothe Missouri this 29th day of June, 1907. Oscar L. Dimick
My term Expires Sept. 3rd 1905 Notary Public

Answers of witness Kate Arnold.

To the first direct interrogatory said witness answers.

My name is Kate Arnold I am forty five years of age and reside in Chillicothe Missouri.

To the second direct interrogatory said witness answers.

I never knew Turner Lydia. He was my half brother.

To the third direct interrogatory said witness answers:

Wm Hudgins was the father and Hannah McDonald the mother of Turner Lydia. Both are living. I have heard these family relations talked about all my life.

To the fourth direct interrogatory said witness answers.

All I know about the children of my mother and Wm Hudgins is just what I have heard. I never knew any of them but Emily Grant and she died about 27 years ago.

To the fifth direct interrogatory said witness answers.

Emily Grant who was a sister to Turner Lydia left one child Luemma who is still living at Moberly, Missouri.

To the sixth direct interrogatory said witness answers:

Never knew Turney Lyon.

To the seventh direct interrogatory said witness answers:

Do not know except from general family talk.

To the eighth direct interrogatory said witness answers:

Turney Lyon was married & living in Paris Texas. His wife's name was Lucy. She visited me here in Chillicothe about the year 1890 & told me all about my half brother. His wife is living. I had a letter from at Paris, Texas, about a year ago, since Turney died. She wrote me she was married again - he had left her second husband.

To the ninth direct interrogatory said witness answers:

No children that I know of.

To the tenth direct interrogatory said witness answers:

Never resided in state of Texas.

To the eleventh direct interrogatory said witness answers:

I know from letters from his wife that they were not living together at time of his death but I never kept the letters & they are destroyed

but I never kept the letters they are destroyed

His wife was in Paris, Tex. about a year ago. I get a letter from him from that place.

To the first cross interrogatory said witness answers:

Never saw him.

To the second cross interrogatory said witness answers:

Lived in Chelsea all my life. Was never out of the state of Missouri.

To the third cross interrogatory said witness answers:

Never saw him.

To the fourth cross interrogatory said witness answers:

I cannot say that.

To the fifth cross interrogatory said witness answers:

45 years old, weight 160, color black. Have an white blood.

To the sixth cross interrogatory said witness answers:

I think in Oct 1905 by letter from his wife and also from Mr. Dixon who was the second husband of Drew Sydes widow. I have one letter only that I am producing. (Letter and envelope was here handed to Judge and marked exhibit A and B. and made a part of this deposition. Oscar L. Smith Notary Public)

To the seventh cross interrogatory said witness answers:

None. Mother has employed attorneys in Texas to look to our interest in this claim but cant remember their names. Judge Sol. Mugshebaugh who lives here did all that for us.

To the eighth cross interrogatory said witness answers:

Did not know he was sick. One letter from John Dixon, which I have handed to the Notary.

Kate Arnold

Subscribed and sworn to before me at my office at 514½ Washington Street, Chillicothe Missouri, this 29th day of June, 1907.

My term Expires Sept. 3, 1908.

Oscar L. P. Dorsch
Notary Public

PARIS, - - - TEXAS

Exhibit A

Owen L. Dorsch
St. P.

Grand Prairie
A.P.

Paris Tex
12/3 1905

Miss Katie Arnold
Chickasha Mo

Dear sister
your letter to Hand
Contents noted - I would
have you to understand that
your brother died and left
$10.00 in money notes and
Property, and as him and
I has been divorced, and
Kendall was property before
his Death

So I thought I would
write you concerning
the matters that you
would look it in to it at
once, your

Truly Johnson

State of Missouri }
County of Livingston }

I, Oscar L. Smith, Notary Public within & for said county & state hereby certify that the above & foregoing answers of Hannah McDonald & Lola Arnold, the witnesses before named, were reduced to writing & read over to the witnesses in the due course of such interrogatories and cross interrogatories, and were then signed & sworn to before me by the aforesaid witnesses.

Given under my official signature and seal this the 29th day of June, 1907.

My term expires Sept 3rd 1908

Oscar L. Smith
Notary Public

Notary fee bill.

2304 words & figures @ 15¢ per hundred	3.45
Swearing 2 Witnesses	.50
3 Certificates & seal	1.50
Postage	.10
	$5.55

I certify the foregoing fee bill is correct & has not been paid.

Oscar L. Smith
Notary Public

In re Estate of Turner Lydday
Decd M & Pauls adv.

Depositions of Hannah
McDonald & Kate Arnold
Witnesses

Received this package on the
29th day of June 1907 from
the hands of Oscar L. Schmidt
before whom they were taken
and forwarded same on the
29th day of June 1907 by
due course of mail as directed

John L. Schmitz
Post Master at
Chillicothe Mo

Received this package from the Post
Office at Dallas Texas July 1st 1907 and
filed same this July 1st 1907
J. H. Kastner
Clerk Probate Court
Hay Gatenstiffer Defty

This package filed July 1st 1907
at request of Mr. Lillering atty
for Defendants
J. H. Kastner
Clerk Probate Court
Hay Gatenstiffer Defty

Record & return after signing & acknowledgment

JUN 6

Crowd

To the Clerk of the County Co
of Dallas County
Dallas Texa

In Re Estate of Turner Lyday deceased, * In the County Court of Dallas
3782 * County, Texas.
M.P.Penn administrator. *

Now comes the administrator in the above styled and numbered cause and excepts to the motion of the said Hannah Mc Donald, Kate Arnold, W.S.Moore, A.P.Park and H.B.Birmingham filed herein on the 17th day of April, 1907, for administrator to file his final account and for the partition of said estate among themselves and says that the same is not sufficient in law and of this they pray judgment of the court.

Atty for Estate.

Subject to the foregoing exception administrator denies all and singular the matters and things in said motion contained and demands strict proof of the same. And further answering herein administrator expressly denies that the said Kate Arnold and Hannah Mc Donald respectively are related to the deceased Turner Lyday as alleged in said motion or in any way whatever, and demands strict proof that they are so related and that they are entitled to said estate or any part thereof. And further answering said motion administrator expressly denies that the said W.S.Moore, A.P.Park and H.B.Birmingham are assignees as alleged in said motion or are in any way an assignee of the so called Kate Arnold and Hannah Mc Donald or are in any way entitled to any part of said estate and demands strict proof that they are assignees and are entitled to any part of the same. And further answering herein this administrator says that he believes and has reason to believe that if there are such persons as the said Kate Arnold and the said Hannah Mc Donald, all of which he denies, that they are entirely ignorant of what is being done in regard to said estate or even that they are or have an interest in such estate. And further that what is being done and has been done is only the acts of one John Dixon and Lucy Dixon to have this administrator removed from this estate as has been heretofore done by them. And he further states that in so carrying out said actions they are and have been misleading their counsel herein as to the truth of the facts in and connected with this estate. And further that in obedience to the order of this honorable court heretofore entered he now and here files his final account for partition of said estate among Hannah Mc Donald and Kate Arnold, A.P.Park, W.S.Moore and H.B.Birmingham alleged relatives and assignees of said, all of which he does not admit but expressly denies, and whose residences are not known to this administrator to wit:

the Sums
~~xkhmyxakaxx xkxbxxkxaxpxaxxkyxdaxkaxxkxxwkkk~~

There came into his hands as temporary administrator and permanent administrator three vendor's lien notes and carpenter's tools as per inventory and appraisement heretofore filed herein ,which he makes a part of this his account.

There also came into his hands as such administrators, ~~$40x00~~	$40.00
January 25th,1906,collected in full from vendor's lein notes,	$451.60
Tot.	$491.60

Feb. 27th,1906,J.L.Turner on his services rendered temporary administration as per order of court,	$15.00
Nov. 1st,1906,paid court cost,	$28.40
Dec. 5th,1906,J.L.Turner for services rendered permanent administration as per order of court,	$30.00
Jan. 1st,1907,Martha May on her account allowed by court,	$37.50
Jan. 1st,1907,Dr. W.P.Penn on his account allowed by court,	$28.50
Com. administrator for cash received in course of administration,	$22.58
Com. administrator on sums paid away in course of administration,	$ 6.97
March 22nd,1907,court cost,	$7.40
March 22nd,1907, Com. on amount paid on court cost~~xxx~~ on March 22nd,1907,	.37
Tot.	$176.72

That there now remains in the hands of this administrator the sum of $314.88 and all the other personal property that came into his hands as above said. That there is due and owing the ~~Dixtrkts~~ District court cost in the sum of $6.36 as per bill herewith filed.There is also due J.L.Turner the sum of $20.00 for professional services heretofore rendered said estate as per his account heretofore allowed by me and filed herein on the 26th day of March,1907. Administrator further shows that he has necessarily ~~akkmmd~~ employed J.L.Turner to prepare this his account and represent said estate in contesting the claim of heirship by the aforesaid applicants~~fmx~~ for which services administrator asks that the court allow said Turner a reasonable fee to be paid out of said estate

And that such fee be for the services already rendered and to be rendered in representing this estate in the matter of resisting said motion and ~~claxig~~ closing up said estate .Premises considered administrator prays that said motion be in all things overruled,and that he be allowed to continue the administration of said estate till his term expires under the law.And that ~~im~~ said applicants pay all costs herein incurred. And that in case the court is of the opinion that the so called parties are entitled to have said estate closed,then and in that event he prays that his foregoing final account be examined and in all things approved,and that he be ordered ~~ix~~ ~~etc~~ turn over the same to them after paying all court cost and other expenses including the fee to his said attorney for his services as above said.And that said estate be closed,his bondsmen be ~~dixxxxxxxxx~~ released and that he be discharged from the administration of said estate and that he have all other and further relief herein general special in law and in equity to which he may ~~n~~ be entitled and administrator as in duty bound will ever pray,etc.

J. L. Turner

Atty. for Estate of Turner Lyday,~~D~~ deceased

State of Texas *
*
County of Dallas
~~xxxxxxxxxxxxxx~~ * Before me the undersigned authority on this day personally appeared M.P.Penn administrator of the estate of Turner Lyday deceased and upon oath says that he has read the account herewith filed and attached for final settlement and distribution and knows the contents thereof,and that the same is true in substance and in fact to the matters and things to which it relates.

M. P. Penn

Administrator of the estate of Turner Lyday .dsced

Sworn to and subscribed before me this the 4th day of May,1907.

J. L. Turner

Notary Public,Dallas County,Texas.

In the County Court of Dallas
County, Texas

In Re Estate of Turner Lyday, Dec
Deceased.
M.P.Penn Administrator.

9782

Administrator's Account for Final
Settlement and Distribution, etc.

FILED

EXAMINED AND APPROVED
ACCORDING TO LAW AND ORDERED
THIS 12 DAY OF JUNE