

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

Case Number 2005

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2005

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August 25. 1853

State of Texas

County of Dallas

Know all men by these presents that  
We, J. S. Tompkins and Mary A. Tompkins  
both being of sound mind and memory do  
make and publish this our last will and  
testament in manner and form following  
viz that is to say

- 1<sup>st</sup> We give devise and bequeath to our beloved son  
W. P. Tompkins all that tract or parcel of  
land described as follows beginning  
at the South West corner of W. Lusk's survey  
Thence East 475 varras thence South 534 varras  
to a stake in South line thence West 475 varras  
thence North 534 varras to place of beginning  
containing 45 Acres more or less to have and  
to hold to him his heirs and assigns forever
- 2<sup>nd</sup> we give devise and bequeath to our Daughter  
Agatha Smith all that tract or parcel  
of land described as follows beginning  
at a stake at the North East corner of W. P. Tompkins  
land thence East 475 varras to a stake being  
the South East corner of W. Lusk's land thence  
South 534 varras to stake thence West 475 varras  
to stake thence North 534 varras to place of  
beginning containing 45 Acres more or less  
to have and to hold to her heirs and assigns

4. 1. 11

in my will as my cash was paid by us  
to her in payment on Sixty Two Acres of land  
bought by her and her husband Tom Haley of  
Am. State

4<sup>th</sup> We give devise and bequeath to our two  
Daughters Marle & Warle Tompkins all that  
tract and parcel of land being and described  
as follows viz

Being a part of the lot of land 1680 acre survey  
in Dallas County and on the waters of the creek  
and containing 109 acres and bounded on the north by  
E. St. Slaters Land they to have and to hold  
their heirs executors administrators and assigns  
for ever

We give devise and bequeath to our Son  
Cuba Tompkins 43 Acres <sup>of Part</sup> being and  
being as follows beginning at the South  
East corner of St. Slaters Land thence South  
172 yds to the South East corner of  
Agatha Smith's land thence East far  
enough to contain 43 Acres  
to have and to hold him his heirs and  
assigns forever

6<sup>th</sup> We give devise and bequeath to our Son  
Robert Ting Tompkins all the rest of that  
tract of land from which our Son Cuba  
Tompkins's land taken to have and to hold  
him his heirs and assigns forever

7<sup>th</sup> We give devise and bequeath to our son  
Burton S. Tompkins all that tract or parcel  
of Land lying and described as follows viz  
53 Acres of Land lying on the waters of Bear creek  
and on the edge of Grape Vine Prairie and being  
a part of the Harris Johnson Survey to have  
and to hold him ~~and his heirs~~ and assigns forever

8<sup>th</sup> We give devise and bequeath to the rest  
of our younger children all the rest of our  
Land to have and to hold them their  
heirs and assigns for ever

9<sup>th</sup> We appoint Mary A Tompkins and Burton S  
Tompkins as our executor of this our last will  
and testament revoking and annulling all  
others former wills made by us and ratifying  
and confirming this and no other to be our  
last will and Testament and that the aforesaid  
Mary A. & Burton S. Tompkins is to execute  
and carry out all the requirements of this will  
with out being held responsible in any Court  
by Bond in any amount or form whatever  
in witness where of ~~we~~ here unto fix our hand  
and seal this the 6<sup>th</sup> Day of May 1856

Signed published declared by the J. S. Tompkins  
above named J. S. Tompkins and Mary A. Tompkins M. A. Tompkins  
as their last will and testament in the presence of us who at their request we

[ acted as witnesses of same ( W. P. Tompkins )  
C. Tompkins.

THE STATE OF TEXAS,

County of Dallas

County Court March Term, 1897

In the Estate of J. S. Tompkins Deceased.

On this the 5<sup>th</sup> day of March, A. D. 1897, personally appeared in open court W. P. Tompkins and C. Tompkins who, being duly sworn, deposes and says, that on the 8<sup>th</sup> day of January, A. D. 1897, he was present and saw J. S. Tompkins sign the instrument filed in this court on the 12<sup>th</sup> day of February, A. D. 1897, and now shown to him (them), bearing date on the 6<sup>th</sup> day of May, A. D. 1896, and purporting to be the last will of him the said J. S. Tompkins and heard him publish and declare the same to be his last will and testament; that at the time of signing and publishing the same, the said J. S. Tompkins was over twenty one years of age, and of sound and disposing mind; that this affiant and C. Tompkins whose signature appears on said instrument, on said 5<sup>th</sup> day of January, A. D. 1897, then being credible witnesses above the age of fourteen years, subscribed their names as witnesses to the same, in the presence and at the request of said testator, and in the presence of each other.

That afterwards, on the 12<sup>th</sup> day of January, A. D. 1897, said J. S. Tompkins died in said county of Dallas in which he had his domicile at and before his death, and without revoking said will, so far as known to affiant.

J. S. Tompkins

Sworn to and subscribed in open Court before me this 5 day of March, A. D. 1897

W. P. Jackson  
County Clerk Dallas County, Texas.  
Wm. J. Taylor

THE STATE OF TEXAS,

County of Dallas

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That afterwards, on the 12<sup>th</sup> day of January, A. D. 1897, said J. S. Tompkins died in said county of Dallas in which he had his domicile at and before his death, and without revoking said will, so far as known to affiant.

W. P. Tompkins

Sworn to and subscribed in open Court before me this 5 day of March, A. D. 1897

W. P. Jackson  
County Clerk Dallas County, Texas.  
Wm. J. Taylor

No. 2783

ESTATE OF

Isaac S. Tompkins  
Deceased.

PROOF OF EXECUTION

OF LAST WILL OF DECEDENT.

Filed in open Court on the 5 day

of March A. D. 1897

W. Jackson  
County Clerk, Tarrant Co.

W. J. Hunter

Recorded in Probate Minute Book

on page

Recorded

Dorsey Printing Co., Stationers, and Printers, Dallas, Tex.

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on page

Recorded

Dorsey Printing Co., Stationers, and Printers, Dallas, Tex.

The State of Texas  
County of Dallas

In re estate of J. S. Tompkins dec'd  
On this the 5<sup>th</sup> day of March 1897  
Mary A. Tompkins, being duly sworn  
deposes and says, that she is the widow  
of J. S. Tompkins dec'd - that she is not  
a devisee or legatee under the will  
of J. S. Tompkins dec'd, that she was  
present when said J. S. Tompkins executed  
his last will and testament, that her  
said husband requested her son  
W. P. Tompkins to write her name to his  
said will - and that the said son  
signed his, the father's name, to said  
will - and that the said W. P. Tompkins  
& C. Tompkins - afterwards in the presence  
of said J. S. Tompkins - and in the  
presence of each other signed said  
will as witnesses - that said J. S.  
Tompkins was then of sound mind  
and memory and over the age of  
twenty one years and that the  
statements in regard to the execution  
of said will - made by the attesting  
witnesses W. P. Tompkins and C.

Tompkins are true <sup>in</sup> Mary A. Tompkins  
I swear to and subscribed <sup>at</sup> before me this 5<sup>th</sup>  
5 day of March 1897 Jackson Clerk  
County of Dallas & Tex  
Rory J. S. Coulter, etc.



State of Texas  
In County Court of  
Dallas County

To the Hon. Kenneth H. Ford, Judge  
of said County, in ~~Order~~ ~~Calling~~  
Your petitioner M. A.  
Tompkins, who resides in the County  
of Dallas, State of Texas, reads as  
follows: Spectfully represents that she is the  
widow of Isaac S. Tompkins, who  
died in the County and State, on or  
about the 12<sup>th</sup> day of January, 1897.  
That in said County, was where the  
said I. S. Tompkins resided up to  
the time of his death.

That prior to his  
the said Tompkins' death, he read  
executed and published his last  
will and testament, which accom-  
panies this petition and is her  
exhibited to the Court - that at  
the time of making said will  
and testament the said I. S.  
Tompkins was over the age of  
twenty one years, and was of  
sound mind and disposing  
The probable value of the estate is ~~Three thousand dollars~~  
more or less.

Your petitioner avers that  
the attesting witnesses to said

will, and desires the under, and in  
order that their rights under the  
said will may not be rendered  
void, as to the particular devise  
therein made to them and each  
of them - your petitioner would  
ask, that she be permitted to  
prove that the testimony, of the  
subscribing witnesses to said will  
are substantially true, by disin-  
terested and credible persons.

Your petitioner would state  
that she in conjunction with Arthur  
S. Davenport a minor, are appointed  
executors of said will - which by  
its terms withdraws the estate from  
the jurisdiction of the probate  
court, there are no debts against  
the estate, the will by its terms  
disposes of his whole estate - there  
is now no necessity for adminis-  
tration of said estate, your petitioner  
is in no way disqualified from  
acting as executor of said estate  
and if a necessity, should there  
- after arise - she will ask to be  
appointed executor under said  
will - she asks that due and

proper notice by citation be given  
of this application to probate  
said will and that upon proof  
of its execution that it may be  
admitted to probate like any  
other will.

A. N. Hunt  
Atty for Petitioner

2293

Ex Rd

Estate of Isaac L.  
Josephine Dec

1/587

Application for  
Pollard of Will

By  
DORRIS CLARK, Deput. Clerk, 7th

A. S. JACKSON

FEB 12 1897

FILED

FILED

FEB 12 1897

A. S. JACKSON,  
County Clerk, DeKalb County, Ga.

*J. H. [Signature]*

<Recorded>

INVENTORY AND APPRAISEMENT Of the property belonging to the estate of  
*J. J. Tompkins* deceased, produced before us, the undersigned appraisers,  
 on the 5<sup>th</sup> day of *March* A. D. 1897, by *M. R. Tompkins*  
 of the estate of the said *J. J. Tompkins* deceased:

## Real Estate

$\frac{1}{2}$ interest in 300 Acres of C. Reed Survey valued at \$5 per acre	750 00
$\frac{1}{2}$ 110 acres Homestead in Smith Survey -	
Valued at 10 per acre	550 00
$\frac{1}{2}$ of 60 acres - in Harris Johnson Survey -	
valued at \$10 per acre	300 00

## Personal Property and Claims,

10 head of horses & colts at \$10 each	100 00
5 head of Cattle - at 8 each	40 00
10 head of Hogs & Swine	10 00
Wagon & plow	10 00
Buggy	5 00
Household & Kitchen furniture	25 00
Notes on O. Grant for \$300 <sup>00</sup> due this fall	

The State of Texas, }  
County of \_\_\_\_\_ }

We, the undersigned, duly appointed and legally

qualified Commissioners, appointed to appraise the property belonging to the estate of \_\_\_\_\_

*J. S. Tompkins*

deceased,

do solemnly swear that the foregoing is a full and complete inventory of the property belonging to said estate, both real, personal and claims, that was produced to us for appraisement by

*M. A. Tompkins*

and that the amount set opposite each item is a full and fair appraisement thereof.

*N. B. Wheeler*  
*J. H. Beagle*

Commissioners.

Sworn to and subscribed before me this *5<sup>th</sup>* day of *March* A. D. 189*7*

*A. Jackson* Clerk of the County  
*County of Dallas, Texas*  
*By J. H. Beagle*

The State of Texas, }  
County of *Dallas* }

Before me

*M. A. Tompkins*

*Clerk of the County Court*

in and for said County and State,

on this day personally appeared

*M. A. Tompkins*

of the estate of

*J. S. Tompkins*

deceased,

who, being duly sworn, on oath says that the list of property produced by *me* to the appraisers of said estate for appraisement contains a full and complete list of all the property belonging to said estate, both real, personal and claims, that has come to his knowledge.

*Mary A. Tompkins*  
mark

Sworn to and subscribed before me this *5<sup>th</sup>* day of *March* A. D. 189*7*

*A. Jackson* Clerk of the County  
*County of Dallas, Texas*  
*By J. H. Beagle*

3/4/97

No. 7983

Estate of *James A. Tompkins*  
*Dec 5*

INVENTORY AND APPRAISEMENT.

Filed *March 5* 1897

*A. S. Jackson* Clerk

County Court, *Dallas* County, Texas.

By *J. H. Gault* Deputy.

Dodge Printing Co., Dallas, Texas - 26400

*March 5 97*

*Examined and  
approved*

*W. W. [unclear]  
Co. Judge*

*M  
236*

*(Recorded)*

In. Re

Estate of J. J. Tompkins

On application to Probate the  
last will and testament of said  
J. J. Tompkins -

On this the 5<sup>th</sup> day of March  
1897- came on to be heard the applica-  
-tion to probate the last will and  
testaments of J. J. Tompkins dec'd. and  
due notice having been given and  
that citation has been served as  
required by law - and the execution  
of said will having been proven  
by the two attesting witnesses should  
in the manner and form required  
by law. and that J. J. Tompkins executed  
said will and declared in the presence  
of said witnesses that the same was  
his last will and testament - It is  
ordered by the Court that said will  
be admitted to probate as the last  
will and testament of said J. J.  
Tompkins.

And it appearing to the Court  
that the attesting witnesses to said  
will were legatees and devisees  
under said will - and the execution  
proven by said legatees - and the pro-  
pounders of said will sworn in  
Court by the oaths of two Credible  
persons - not interested in said estate  
that the testimony of said subscribing



1 witness is substantially true, and  
2 by reason thereof it is adjudged by  
3 the Court, that the said dissenting  
4 witness do not forfeit their rights  
5 to the devises and legacies bequeathed  
6 them under the said will - but  
7 that the said will be enforced  
8 in all its provisions

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Wm. J. Mc  
Ch. Judge

Order Probating  
Will

Entered - 1 - 19 -  
of Probate Case 17  
the County Court 1907.

1 State of Texas  
2 County of Dallas

3 In re estate of J. S. Tompkins Dec'd

4  
5  
6 William Haley - being duly sworn  
7 deposes and says - that he was  
8 acquainted with J. S. Tompkins dec'd  
9 and was present - when his will  
10 was written - the paper offered as  
11 his will, was written by affiant's son  
12 John Haley - at the request and  
13 dictation of said J. S. Tompkins  
14 and is the will written at said  
15 Tompkins request - and affiant is  
16 not a legatee or devisee under  
17 the will of said J. S. Tompkins

18  
19 <sup>Wm Haley</sup>  
20 I solemnly swear to and subscribed before me this  
the 5 day of March 1847

21 As Justice of the Peace  
22 Dallas County Texas  
23 By J. B. [Signature]

Proof of will



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FILED

MAR 5 1897

W. P. PERSON  
By W. H. Mauldin Attorney

<Recorded>