

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

Case Number 1018

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1018

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1889

Stillwell H. Russell,
LAWYER,
NO. 731 MAIN STREET.

Dallas, Texas,

Mrs. Catherine Parker
Mrs. Mary Evans
Mrs. Armstrong

RETURNS TO
RUSSELL & PASCO,
LAWYERS,
731 Main Street,
DALLAS, TEXAS

page 271 - Vol 2 Private

Will of Katy Franks
to
Catherine Parker

Dallas Jan. 15. 1889
To all Whom it May
Concern.

This is to certify
that I Katy Franks
died on the 15th day of Jan 89
Will to Mrs Catherine Parker
and children if I should
die the first -

My House my lot and
all other possessions
this given under my hand
on the 15th of Jan 1889

Witness With deed

Katy Franks
Witness

Joe Davis
Florence Davis
Mat Parker
Frank Jones

Recd of D. A. Williams
admin of late Franks Estate
Two dollars same as above

July 17 88

J. M. Spencer

Dr. J. M. Condit
To
Ned Franks -
about 1883 or 1884 or 1885 -

[Handwritten signature]

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to summon *Stethi McDonald Mary McDonald*
John McDonald (brother of 99 Cochran St) (Nat McDonald Barber 121 Main St)
Robert Patton (22 Main St) (Polly Cheek, near Harwood & Marilla St)
(and Joe Griffin Expressman)

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 *Saturday*
9:05 AM Nov 17th A. D. 1887, at the instance of the *Defendant*
then and there to give evidence in a certain case pending, wherein *Administration*
of Estate of Kate Franke is Plaintiff, and *Cherry Franke*
Defendant, and remain from day to day and from 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 *17th* day of
November A. D. 1887

W. M. C. HILL, Clerk.
By *P. Hughes* Deputy.

BOND FOR COSTS

Tom Fuggle et al

W. E. Hughes

SUIT PENDING IN THE DISTRICT COURT
OF DALLAS COUNTY, TEXAS.

**KNOW ALL MEN BY THESE PRESENTS, That we *Tom Fuggle et al*
as principal, and

as sureties.

bind ourselves, jointly and severally, to pay unto the officers of Court all Costs that
have accrued; or may accrue, in the prosecution of a certain suit now pending in the
said Court, wherein *Tom Fuggle et al*

are Plaintiffs, and *W. E. Hughes* are Defendant.

WITNESS our hands, this *5th* day of *March* 1887

Approved, this *5th* day of
March, A. D. 1887

Clerk District Court, Dallas Co.,

Per _____ Deputy.

THE STATE OF TEXAS,

To all Persons Interested in the Administration of the Estate of
Kate Franke Deceased.

D. A. Williams has filed, in the County Court of
Dallas County, an Application for letters of Administration upon the Estate of said
decedent.

Kate Franke ^{first} ~~first~~ Monday in
May A. D. 1887, at the Court House in the City of Dallas at
which time all persons interested in said Estate may appear and contest said applica-
tion if they see proper.

WITNESS, W. M. C. HILL, County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court, at office in
the City of Dallas, this *23* day of *March* 1887

W. M. C. HILL
County Clerk, Dallas County, Texas.

By *J. J. [Signature]* Deputy.

COUNTY COURT.

Administration of
Estate of *Kate Franke* Deceased.
vs. SUBPENA.

Cherry Franke
Intervenor
Issued *17* day of
November A.D. 1887
By *W. M. C. Hill* County Clerk.
L. [Signature] Deputy.

SHERIFF'S RETURN.

Came to hand the *17* day of
Nov 1887 and executed *17*
day of *Nov* 1887 by reading
the within named subpoena to the within
named *Stephen M. Donald* *Senis*
McDonald and *Mc [Signature]*
The other wit Mary McDonald
Patton Polley *Cherry and Jas Sheriff*
not found as Sheriff Dallas County.
By *A. B. [Signature]* Deputy.

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

Sheriff's fees
3 wit - 150
M. S. 50
\$2.00

No.

DISTRICT COURT

Tom Juggel et al

vs. Bond for Cost.

W. E. Hughes

Filed this day of
A. D. 188

By Deputy.

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

42-71-21-2

The State of Texas, } Estate of *Kate Franks*
COUNTY OF DALLAS.

Know all Men by these Presents, That we, *W. A. Williams*
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 *One Thousand* DOLLARS;
conditioned that the above bound *W. A. Williams* who has
been appointed *Permanent Administrator*
shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this *11* day of *May* 1887

W. A. Williams (REAL)
Tom Cole (REAL)
J. H. Williams (REAL)

I DO SOLEMNLY SWEAR that *Kate Franks* 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.

Sworn to and subscribed before me this *12* day of *May* 1887
W. M. Hill
County Clerk, Dallas Co., Texas.
By *L. H. Hughes* Deputy.

Original signed

No. 037

COUNTY COURT

ESTATE OF

Kate Franks

Deceased.

Notice of Application for Letters
of Administration.

Issued this *23* day of *March*
A. D. 1887

W. M. C. HILL, Co. Clerk,
By *J. M. Adams* Deputy.

SHERIFF'S RETURN

Came to hand the *12* day of *May*
1887, and executed the *12* day of *May*
1887, by posting up three copies of
this writ at three public places in Dallas Coun-
ty, one of which was the Court House Door of
said County.

M. M. Adams
Sheriff Dallas County.

By _____ Deputy

A. D. Armstrong & Co., Printers, Dallas, Tex.

J. M. Adams
Recorder

The State of Texas,
COUNTY OF DALLAS.

Estate of *Kate Frank*
Curator
W. A. Williams

Know all Men by these Presents, That we,
as Principal, 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 *One Thousand* Dollars;
conditioned that the above bound *W. A. Williams*, who has
been appointed *Guardian*
shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this *16* day of *March* 188*7*.

W. A. Williams SEAL
Tom Cade SEAL
H. S. [unclear] SEAL

I DO SOLEMNLY SWEAR that I will well and truly perform all the duties of Guardian
of the Estate of *Kate Frank*

W. A. Williams
Sworn to and subscribed before me this *16th* day of *March* 188*7*.

W. M. Hill
County Clerk, Dallas Co., Texas.
By *J. [unclear]* Deputy.

ESTATE OF
County Court, Dallas County
Administrator's Bond.
Kate Frank
Deed
Filed *May 12* 188*7*
W. M. G. HILL, Clerk.
By *[Signature]* Deputy.
Approved this *12th* day of *May* 188*7*
[Signature]
County Judge, Dallas County
A. D. Auldridge & Co. Stationers, Printers & Binders, DALLAS, TEXAS.
See [unclear] [unclear]
Recorded *1/5*

Estate of Kate Frank
1888. To Nathaniel Souaker Dr.
July 6 To Attorney's fee in the Guardianship
case of Kate Frank 10.00

J. P. Souaker

State of Texas &
Dallas County Before the undersigned authority
this day came J. P. Souaker, who
being by me duly sworn deposes and
says that the above account is just
and true, that it is due and that all
lawful offrets, payments and credits
have been allowed.

Sworn to and subscribed before me this
6th day, February, 1888,
H. A. Williams
Notary Public.
Dallas County,
Texas.

Approved
H. A. Williams
adms.

1888

County Court, Dallas County.

GUARDIAN'S BOND.

ESTATE OF
Kate Frank
Guardian

Filed

March 16 1888

W. M. C. HILL, Clerk.

By *[Signature]* Deputy.

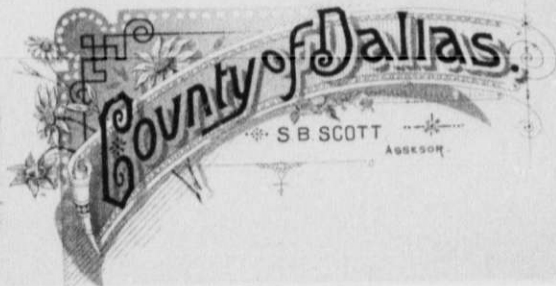
Approved this

March 16 1888 day of

[Signature]
County Judge, Dallas Co.

Carter & Gibson Printing Co., Printers and Bookbinders, Dallas, Tex.

260
Buechel



Dallas Texas

1888

Receipt of S. W. Williams admr
of Estate Frank deat.
Two Dollars for services as
Appraiser

S. B. Scott

Feb. 17. 1888.

FILED
FEB 8 1888
At a clock
W. H. S. Co. Clk.

1000
Cash
Robt. Brantley
Deceased of
Franklin of Texas

Estate of Kate Franke dec'd, In County Court -
D. A. Williams, Adm'r of Dallas County, Tex.
Sitting in Probate.

To the Hon. E. G. Bower Judge of
said Court:

Now comes D. A. Williams
Adm'r of the Estate of Kate Franke dec'd
and respectfully represents that on the
26th day of November, 1887, in Dallas
County, Texas, he ^{at private sale} sold to Cherry Franke
of Dallas County, Texas, for the sum
of One hundred and ~~thirty~~ ^{thirty} dol-
lars cash in hand paid the following
described property to wit:

A lot tract or parcel of land
lying & being situate in Dallas Co.,
Texas & in the city of Dallas, & known
as Lot No 12 Block No 7. Crowders
& Kard's Addition or Block 180 City
of Dallas. The order authorizing your
petitioner to make said sale issued
out of your honorable Court on the
22nd of November, 1887.

Your petitioner respectfully asks that
he be authorized to execute a deed to the
purchaser, and that the sale be approved.
Wherefore he will ever pray, &c.

D. A. Williams

Sworn to & subscribed before
me this 30th Nov 1887
Wm A Hill Co Clk
By W A Hudson

Estate of Kate Trunks In County Court
Deceased (Dallas County, Texas
Sitting in Probate.

To the Hon. E. G. Power Judge of said
Court.

Now comes O. A. Williams, Administra-
tor of the Estate of Kate Trunks deceased and
respectfully represents that the said estate
is indebted to the County of Dallas for
^{medical} treatment, and supports rendered to the said
Kate Trunks, while she was confined in
the Lunatic asylum at Terrell, Texas,
also for her burial expenses. The amount
of the above indebtedness has not been
ascertained by your petitioner.

Your petitioner further says that in
order to pay off and satisfy said debts,
also the costs of the administration it
will be necessary to sell the following
described Lot, Tract or parcel of land:
Laying and being situate in Dallas County
Texas, in the city of Dallas and known as
Lot No. 12 Block No. 7 Crowder & Akard addition
or Block 180 City of Dallas.

Your petitioner further represents that it will
be to the best interest of the estate to sell the
same. Wherefore he prays that he be
authorized and empowered to sell said
property at private sale for cash, and
that the necessary notices & processes be
issued. And your petitioner will ever pray.
Graham & Touraker
Attys for Administrator

No 1032

Estate of Kate Trunks
O. A. Williams
Admin.

Report of Sale

Filed Nov 26th 1887
W. M. C. Hill Clerk
By W. A. Woodson

Approved and bills in-
closed to be made to the
Chas. C. Taylor Payment
of purchase money
Dec 1/87 E. G. Power
Clerk

Recorded: 44-45
Graham & Touraker
Attys

Estate of ^{No 1032}
 Kate Franks
 Deceased

Application for
 sale of land

Filed June 2nd 1887
 Wm. McKeel Atty
 By Jas. Sims Jcy

Recorded

Grantham & Tomaker
 Atty for Admrs

Estate of Kate Franks } In County Court
 Deceased. } Dallas, County Texas
 Sitting in Probate
 To the Hon. E. G. Bower, Judge of said
 Court.

Your petitioner R. A. Williams, a resident citizen of the County and State aforesaid, respectfully represents, That herebefore to wit; on the 17th day of March 1887, Kate Franks, departed this life intestate, leaving an estate consisting of a lot, tract, or parcel of land, the same lying and being situate in the County of Dallas, and State of Texas, and known and described as Lot 17 Block 7 Crowder & Akard addition to Block 180 city of Dallas, the same being of the probable value of Five Hundred dollars. The said Kate Franks at the time of her decease was an inmate of the insane asylum at Terrell, Texas.

Your petitioner further represents that there exists a necessity for an administration on said estate, in consequence of the existence of debts against the same. He further represents that he is not disqualified from administering on said estate. Wherefore he prays that letters

103V
Estate of
Kate Franks

Received

Application of P.D.
Williams for Letters
of Administration

Filed March 21st 1887
W. McNeil Clerk
By L. Hughes J

Recorded

Grantham T. Fowler
Clerk

of Administration is granted to him
and that the order of this application
be given.
Grantham T. Fowler
Attorney for Applicant

Estate of Kate Frankle } In County Court
 Deceased } Dallas County Texas.
 D. A. Williams: Admr } Sitting in Probate.

To the Hon. E. G. Bower Judge of said court.

Whereas, on the 11th day of May 1887 there issued out of your Honorable Court an order appointing the undersigned J. G. Stevens, Ber. Scott & D. M. Spence, as appraisers of the estate of Kate Frankle deceased. Now therefore we, J. G. Stevens, D. M. Spence & Ber. Scott, do hereby find that ^{at the date of her death} the said Kate Frankle was seized of a tract, or parcel of land, lying and being situate in the City of Dallas and known as lot 12 Block 7 Crowder & Akard addition or Block 180 City of Dallas. And find its value to be the sum of Three hundred and fifty dollars all of which is respectfully submitted. Witness our hands this 12th day of May 1887.

J. G. Stevens
 D. M. Spence
 B. B. Scott

Sworn to and subscribed before me this May 12th 1887.

W. W. Keith Clerk
 By T. Hughes D.

State of Texas } County Court,
County of Dallas } Sitting in Probate.

To the Hon. E. G. Bowers Judge
of said court.

Your petitioner (C. A. ...)
being a resident of said county
respectfully represents that on the
21st day of July 1887 Kate Frank
a resident of Dallas, County, Tex
was adjudged as being of unsound
mind by a jury in the County Court
of said County: That said Kate Frank
is the owner of property of the following
description: A certain tract of land
lying and being situate in the County
of Dallas, and known as lot 15, Block
7 Grandus & Clark addition to Block
181 city of Dallas. That said property
is of the probable value of five hun-
dred dollars. That said property is
subject to waste for want of care
and attention; and petitioner
further represents, that said Kate
Frank has no relations known
to petitioner entitled by preference
to the guardianship of said ^{property} Kate Frank
and that petitioner is not legally

No. 1032
Estate of Kate Frank
Dec'd

Appraiser's
Report

Filed May 12th
1887

Will Herein be
By [Signature]

A. B. Scott
G. S. [unclear]
R. M. Spence

2 75
2 50
2 50
6 75

Recorded - 129

disqualified from performing the
duties thereof. Wherefore your petition
or prays, that he be appointed guard-
ian of the estate of the said Kate Frank
for which he will ever pray &c.

Grautham T. Fowler

Att'y for Applicant

↓ E. Polk 1920
Estate of Kate Frank

1021
Application for

Guardianship

By H.A. Williams

Filed Feb 26th 1887

MMH:clm

By Grautham T. Fowler

Recorded

Grautham T. Fowler

Att'y for Applicant

PROBATE FEE BILL.

Estate of

Kati Frank Luatic

CLERK'S FEES.		JUDGE'S FEES.	
Filing and Docketing Applications	15	Making Wills <i>Wills</i>	50
Issuing Notices and three extra Copies	75	Approving Bond	50
Entering Order of Appointment	50	Appointing Appraiser	50
Taking, Filing and Docketing Bond, with oath	25	Probating Will	
Entering Order Approving Bond	50	Granting Sale _____ Confirming Sale	
Final Record of above	1 00	Approving Annual Account	
Issuing Letters	50	One-half per cent. com'n on \$ _____	
Entering Order Appointing Appraisers	50		
Final Record of Inventory			
Filing and Docketing Inventory			
Taking _____ Affidavits to Inventory			1 00
Entering Order Approving Inventory			
Taxing Costs and Copy	25	SHERIFF'S FEES.	
Filing and Docketing Application for Sale		Posting Notices	3 00
Entering Order Granting Sale		" "	
Filing and Docketing Report of Sale		" "	
Taking Affidavit of Sale		RECAPITULATION.	
Entering Order Confirming Sale		County Judge's Fees	1 00
Filing and Docketing Annual Account		Clerk's Fees	5 00
Taking Affidavit, 15 cents. Issuing Notice 75 cents		Sheriff's Fees	3 00
Entering Order Approving, 50 cents. Recording		Appraiser's Fees	
	5 40		9 90

THE STATE OF TEXAS, }
 COUNTY OF DALLAS. } I, W. C. HILL, County
 Clerk of said County, hereby Certify that the above is true and correct
 statement of the Costs due in the above entitled cause.

WITNESS my hand and official seal, at office in Dallas, this
 day of *Dec* 188*8*
W. C. Hill Clerk.
 Per *L. A. Hughes* Deputy.

\$ *990* Dallas, Tex. *Dec 1 1888*
 Received of *D. A. Williams Cash*
 of estate of *Kati Frank Luatic*
Five & 90/100 Dollars;
 in full of above Bill of Costs.
W. M. McKee Clerk.
 Per *L. A. Hughes* Deputy.

No. 7041
PROBATE FEE BILL.

COUNTY COURT,
 Dallas County Texas.

ESTATE OF
Kate Franko
Lunatic

Judge's Fees 1 50
 Clerk's Fees 5 40
 Sheriff's Fees 3 00
 Appraiser's Fees

TOTAL 9 90

Carter & Gilson Printing Co., Printers, Dallas.

PROBATE FEE BILL.

Estate of *Kate Franko dec'd*

CLERK'S FEES.		JUDGE'S FEES.	
Filing and Docketing Applications	15	Making affid. <i>affid.</i>	50
Issuing Notices and three extra Copies	75	Approving Bond	50
Entering Order of Appointment	50	Appointing Appraiser	50
Taking, Filing and Docketing Bond, with oath	25	Recording <i>app. Surv.</i>	50
Entering Order Approving Bond	50	Granting Sale Confirming Sale	1 00
Final Record of above	1 50	Approving Final <i>Final</i> Account	50
Issuing Letters	50	One-half per cent. com'n on \$100	50
Entering Order Appointing Appraisers	50		
Final Record of Inventory	75		
Filing and Docketing Inventory	15		
Taking 3 Affidavits to Inventory	45		4 00
Entering Order Approving Inventory	50		
Taxing Costs and Copy	25	SHERIFF'S FEES.	
Filing and Docketing Application for Sale	15	Posting Notices	3 00
Entering Order Granting Sale	50	" "	
Filing and Docketing Report of Sale	15	" "	
Taking Affidavit of Sale <i>Recording</i>	1 00		
Entering Order Confirming Sale	50	RECAPITULATION.	
Filing and Docketing Final <i>Final</i> Account	15	County Judge's Fees	4 00
Taking Affidavit, 15 cents. Issuing Notice 75 cents	90	Clerk's Fees	14 35
Entering Order Approving, 50 cents. Recording	1 25	Sheriff's Fees	3 00
		Appraiser's Fees	
			19 35
	12 35		

THE STATE OF TEXAS, }
 COUNTY OF DALLAS. } I. W. M. C. HILL, 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

1 day of *Dec* 1887
W. M. C. Hill Clerk
 Per *F. H. Hughes* Deputy.

\$ 19 35 Dallas, Tex. *Dec 24* 1887
 Received of *D. A. Williams adm*
 of estate of *Kate Franko dec'd*
Hinton & Co Dollars.

in full of above Bill of Costs.
W. M. C. Hill Clerk.
 Per *F. H. Hughes* Deputy.

The State of Texas } In County Court
 County of Dallas } Dallas County Texas
 } Sitting in Probate
 To the Hon. O. F. Bowers Judge
 of the County Court Presiding:

The petition of Cherry Frank, a resident of said County respectfully represents: That she "the said Cherry Frank" holds title in fee simple to the lot tract or parcel of land now sought to be administered upon and sold as the estate & property of one Kate Simpson that Kate Frank deceased, and being more particularly described as Lot No. 12 "Block 7" of Crowder & Akards Addition to Dallas ^{Block 50.} and decided by J. W. Crowder to Ned Frank the husband of your petitioner now deceased. said transfer being recorded in Vol. 57 Page 284 Dallas County Record of Deeds. Your petitioner further shows that the said property is the homestead of your petitioner which she has in her sole possession & upon which she now resides.

And your petitioner further shows that on the 8th day of July 1874 she, Cherry Jackson then a single woman and Lea Frank that Ned Frank were married in due form of Law, in Dallas County Texas. That there was born to them one son the only issue of said marriage which has since died at the age of 5 years in Dallas County Texas.

No. 1034
 PROBATE FEE BILL.

COUNTY COURT,
 Dallas County Texas.

ESTATE OF
 Kate Frank
 Deed

Judge's Fees	4.00
Clerk's Fees	12.35
Sheriff's Fees	3.00
Appraiser's Fees	

TOTAL \$ 19.35

Carter & Gibson Printing Co., Printers, Dallas

That on or about the _____ day of _____
 Ned Frank the husband of your petitioner
 desired your petitioner to move with him
 to Hot Springs Arkansas on account
 of the dull times & scarcity of work in
 Dallas. accordingly he began preparations
 for the moving of his family. ~~and~~^{and}
 a part of their property & effects were
 sold and your petitioner and her children
~~were~~ sent for and by her husband to
 Hot Springs Arkansas, he promising
 to follow himself when he could make
 sale of the remainder of the property
 all of which belonged to your petitioner
 as her own personal property at the
 time of her marriage to the said
 Ned Frank.

But he with the intent to abandon
 your petitioner failed & refused to follow
 his wife & family, whether he had
 sent them and on the contrary remained
 in Dallas. & when your petitioner
 was able to return to Dallas she
 did so and found on her arrival
 that her said husband Ned Frank
 was living in concubinage with
 another woman namely Kate Simpson
 alias Kate Frank.

And your petitioner further avers
 that no decree of Divorce has at
 anytime or out of any Court been
 issued dissolving the marriage
 relationship existing between your
 petitioner and her said husband.
 and that the said marriage relation

continued to exist and did exist between them until the day of the death of the said Ned Frankson or about the day of Aug 1887.

And your petitioner further avers that the said property above set out & described was the community property of your petitioner and her said husband & acquired during their said marriage and which he during his lifetime held and occupied and which your petitioner now holds & occupies as her homestead.

And your petitioner further avers that at the time of ^{the} death of the said Ned Frankson they were lawful man and wife and that the claims of all others either to the marital relationship with him or to the title of said property are fraudulent & unlawful and without foundation, and that the above named Kate Simpson ^{alias} Kate Frankson was not a lawful wife of said Ned Frankson and had no right or interest in the estate of the said Ned Frankson deceased.

- Wherefore your petitioner prays
- 1st That the above described property be stricken from the inventory made by the Administrator of the Estate of the said Kate Simpson, ^{alias} Kate Frankson deceased, ~~and that she~~
 - 2nd That the application to sell the above described property made by the Administrator of the said Estate be not allowed.

9th That the said property so above
set out and described be allowed
and adjudged to your petitioner as her homestead
part of the Community property of herself
and her said husband. ^{Her} Franka Deceased
7th And your petitioner further prays
judgment for all costs &c.
And your petitioner will ever
pray &c.

Cherry ^{her} Franka
Subscribed and sworn to before
me this 22 day of Sept 1887.
— CORNELIUS C. C. K.
By W. H. Hudson

No 1032
Estate of Kate
Franka Deceased.
Petitioner Plaintiff
Cherry Franka
vs
Johnston &
Sale of Property.

Filed Sept 16 " 1887
W. H. Hudson Clerk
By W. H. Hudson 1887

J. C. Wiley
Plaintiff's Atty.

Estate of Kate Franks } In County Court
 Legumaria } Dallas County, Tex.
 D. A. Williams, Guardian } Sitting in Probate

To the Hon. C. G. Bower, Judge of said Court.

Now comes D. A. Williams, Guardian of the estate of Kate Franks, and respectfully represents; that on the 21st day of February, 1887, the said Kate Franks was adjudged insane, and was confined in the Asylum at Ferrell; that said confinement is attended with great expense, and that the said Kate Franks has no property beside that hereinafter described; that in order to enable the said D. A. Williams to pay the expenses incident to the confinement and maintenance of the said Kate Franks, he moves your Honorable Court that he be ordered to sell the following described property: A certain tract or parcel of land lying and being situate in the County of Dallas and State of Texas and known as Lot 12, Block 7, Crowder & Akard addition or Block 180, City of Dallas, the said land being of the probable value of five hundred dollars.

He further represents that the said
Kate Franks has no other means
of paying the aforesaid expenses.
Wherefore he prays that an order
issue out of your honorable Court
authorizing him to sell said land,
either at Public or private sale, and that appraisers be appointed
O.A. Williams
by Gantnam & Fouraker
Attys.

No. 1021. ✓

Petition Recd.

Estate Kate Franks

Female.

D. Williams
Guardian

Filed March 16 1887

W.M. Chew Testes

By Stephen D.

Recorded page 761

Gantnam & Fouraker
Attys for Guardian

State of Texas In County Court
 County of Dallas & Dallas County, Texas.

Sitting in Probate.

To the Hon. E. G. Bower Judge of
 said Court.

Your petitioner, D. H. Williams, Administrator of the estate of Kate Frank's deceased, late of said County, respectfully represents that all the debts of every kind, known to your petitioner, against said estate, have been paid. Wherefore your petitioner herein presents his final account for the settlement of said estate, as follows, to wit:

	Dr.	Cr.
To Cash received for sale of Real Estate mentioned in Inventory	\$ 30 00	
By costs of Guardianship, p. d. to W. M. C. M. C.		9 90
" " " Administration " " " "		19 35
Advertising final settlement of		10 00
By atty fees in said guardianship		5 00
By atty fees in Dallas Times		6 00
By cash paid appraisers		53 00
By commissions of Adm. and Attorneys fees in Administration		50 00
By expenses of Adm. in taking charge and keeping said estate and property of fees		16 75
Amount Cash on hand	130 00	130 00

And your petitioner further represents that said estate has been fully administered

by your petitioner, as fully appears
 by this his final account. And there are
 no ^{heirs to said estate so far as known by the adult}
 Wherefore your petitioner prays, that
 citation issue, and that your petitioner
 be discharged from further liability
 as Administrator of said estate,
 and your petitioner will ever pray &c.
 H. A. Williams
 Admin

State of Texas
 County of Dallas

Before the undersigned
 authority this day personally appeared
 H. A. Williams, Admin of the estate of Kate
 Franks, deceased, who being duly sworn
 deposes and says, that the facts as stated
 in the foregoing Final Account are
 true.

Given under my hand and official seal
 this 1st day of December, 1884
 W. M. McKee Clerk
 By L. S. Hughes Dy

No. 1032.
 Estate of Kate Franks
 deceased

H. A. Williams Admin
 Final Account
 of Admin

Filed Dec. 1-1884
 W. M. McKee Clerk
 By L. S. Hughes Dy

Examined & approved
 I do hereby certify that there are
 no heirs to said estate to whom
 notice shall be given of said
 payment of the same under
 state to the County Clerk
 John H. & Fournier
 Recorded. Allie's
 Book of Record p. 139-140

The State of Texas } In County Court
 County of Dallas } Dallas County Texas

In Probate Sitting
 To the Hon. C. G. Bowers Judge }
 of the County Court Residing }

The Petition
 of Cherry Franke a resident of said County
 respectfully represents:

That she the said
 Cherry Franke "holds title in fee simple
 to the lot tract or parcel of land now
 sought to be administered upon and
 sold as the estate and property of one
 Kate Simpson alias Kate Franke deceased,
 and being more particularly set out
 and described as Lot 12 Block 7 of
 Crowder & Akard's Addition to Dallas or
 Block 80 of the City of Dallas and deeded
 by J. W. Crowder to Ned Franke ~~deceased~~
 the husband of your petitioner - "now deceased"
 during their coverture said transfer
 being recorded in Vol 57 Page 84 Dallas
 County record of Deeds.

Your Petitioner further shews
 that the said property is the homestead
 of your petitioner which she has in her
 sole possession & upon which she now
 resides.

And we further aver that on the
 8th day of July 1877 your petitioner the Cherry
 Jackson a single woman and Le Franke

alias Ned Franks were married in
due form of law in Dallas County Texas
That there was born to them one son
the only issue of said marriage
which has since died at the age
of 5 years in Dallas County Texas
That on or about the day of July 1878
Ned Franks the husband of your petitioner
desired her to move with him to Hot Springs
Ark. on account of the dull times and
scarcity of work in Dallas ^{to which she consented} accordingly
he began preparations for moving of his
family. A part of their property & effects
were sold and your petitioner and her
children were sent forward by her
husband to Hot Springs Ark. he taking
them to the depot & purchasing their tickets
and promising to follow him self when
he could make sale of the remainder of
the property. All of which belonged to
your petitioner as her own separate personal
property at the time of her marriage to
the said Ned Franks.

But with the intent to abandon your
petitioner he wholly failed & refused to
follow his wife & family which he had
sent them and on the contrary remained
in Dallas, and when your petitioner
was able to return to Dallas she did
so and found on her arrival that
her said husband Ned Franks was living
in concubinage with another woman

namely Kate Simpson alias Kate Franks
D. C. 1878
her name - over

namely Kate Simpson alias Kate Franks.
And your Petitioner further avers
that no decree of Divorce has at
any time or out of any Court been
issued dissolving the marriage
relationship existing between
your petitioner and her said husband
and that the said marriage
relation continued to exist and
did exist between them until
the day of the death of the said Ned
Franks or about the day of Jan'y.
1887. And your petitioner
further avers that the property
above set out and described was
the community property of your
petitioner and her said husband
acquired during their said marriage
and ~~which~~ ~~is~~ ~~being~~ ~~paid~~ ~~out~~ ~~of~~
the purchase money being paid out of
the proceeds from the sale of your petitioner's
own separate property." And which
she now holds and occupies as her
homestead:

And your petitioner further avers
that at the time of the death of the
said Ned Franks they were lawful man
and wife and that the claims of all
others either to the marital relation
with him or to the title of said property
are fraudulent and unlawful and
without any foundation, and that

The above named Kate Simpson alias Kate Frank, was not a lawful wife of the said Ned Frank but lived and cohabited with the said Ned Frank and permitted a marriage ceremony to be performed between them knowing at the time that the said Ned Frank had a lawful wife namely Cherry Frank and knowing that no decree of Divorce had ever been rendered dissolving said marriage relation between them.

And your petitioner charges that the so called marriage between Ned Frank and Kate Simpson was illegal & wholly null and void ab initio and ~~the~~ further charges that the relation of partners did not and could not exist between them she having full knowledge of his previous marriage at the time of her so-called marriage and unlawful cohabiting with the said Ned Frank.

Wherefore your petitioner prays that the above described property be stricken from the inventory made by the Administrator of the Estate of the said Kate Simpson alias Kate Frank deceased;

2nd That the application to sell the above described property be not allowed;

3rd That the said property as above set out
and described be adjudged to be
the community property of your Petitioner
and her said husband Ned Franke deceased
and that the same be set apart
and allowed to her as her personal

But if the Court holds that the
said property is the partnership property
of the said Ned Franke deceased and
the said Kate Simpson alias Kate Franke
deceased, then your petitioner prays
that a partition of the same be made
and that her portion of the said
property be not subject to the sale
ordered by this court by the Administrator

4th And your Petitioner further prays
judgment for all costs &c.

And your petition will ^{be} prayed.
Cherry X Franke
Jank

Subscribed and sworn to before me
this 22 day of Nov 1887.

Wm. H. Steel CLK
By Roa Hudson

J. B. Wiley
Atty for Plaintiff

No. 1032

Estate of
Kate Franks
Deceased

Petition of Claimant
Cherry Franks
to inventory & sale
of Property:
1st Amended:

Filed Nov 29/88
Wm C. Hill
By W. A. Hudson

J. C. Wiley
Claimant's atty.