

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

Case Number 1234

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1234

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The State of Texas - County Court
County of Dallas - November Term 1855

In Open Court at the present term thereof
After the required application made
and lawful notice thereof given as
appears to the satisfaction of the court
came in due time Magdalene Smith
Surviving widow of Edwin Smith late
of said County of Dallas deceased and
executrix of the last will and testament
of said decedent and produced therein
for probate the said last will and
testament and one of the subscribing
witnesses thereto to wit R D Coughanour
who being duly sworn deposes and
says that he saw Edwin Smith the
testator sign declare and publish
the instrument to him now being
shown bearing date November 27. 1854
as his last will and testament freely
voluntarily and of his own accord
and without any compulsion or
influence whatever that at the
time of executing said will the said
testator was Seventy one years of
age and married and was of sound
and disposing mind and memory
That deponent signed said will as
witness thereto in the presence of the said
testator at his special instance and
request and in the presence of George
George W Berry the other subscribing
witness thereto

R D Coughanour

K *He* estate of
Edwin Smith
deceased

Probate of Will

Filed Nov 20th 1888
At Court Clerk
By J. W. Adams, Dy

Recorded
D 52

Present to and authenticated before me in
open Court this 20th day of November
1888
J. W. Adams, County Clerk
By J. W. Adams, Dy

INVENTORY AND APPRAISEMENT

Of the Property, Real and Personal, Belonging to the Estate of

Edwin Smith deceased

No Separate Estate

The property belonging to the Community Estate between said decedent and his surviving widow Magdalene Smith is as follows

Real Property

The Homestead consisting of a lot 125x240 feet on the West side of Pearl Street in Block No 25-B in the city of Dallas Dallas County Texas together with the improvements thereon situated Valued at \$7000⁰⁰

Personal Property

- | | |
|---|-----------------------|
| 1 Horse Valued at | \$ 1000 ⁰⁰ |
| 1 Old Carriage " | " |
| 1 Old Buggy " | " 175 ⁰⁰ |
| 2 Satt Harness " | " 25 ⁰⁰ |
| 1 Satt Parlor furniture " | " |
| 1 " Sitting Room " " | " 300 ⁰⁰ |
| 1 Old Parlor Carpet + Rug " | " |
| 1 " Dining Room Carpet " | " |
| 1 Satt Dining Room + table furniture " | " 50 ⁰⁰ |
| 1 Satt Kitchen + Pantry furniture " | " 35 ⁰⁰ |
| 2 Satt Bed Room furniture + old Carpets " | " 75 ⁰⁰ |

Notes & Accounts

John H Cochran's note of \$2000⁰⁰ dated March 10th 1882 due March 10th 1888 interest 12 per cent.

A M Cochran's note of \$1000⁰⁰ dated March 22nd 1881 due March 22nd 1887 interest 12 per cent.

Cash on hand \$2000⁰⁰

Filed for record
 in my office this
 10th day of Nov 1888 at
 10 42 A.M.
 J. B. Seay
 Co. Clerk. Texas
 Dallas Co. Texas

Mad 2
 180
 Examined 1/11
 Nov 22/1888
 E. S. Anderson
 Notary Public

The 1212
 Estate of
 Estom Smith
 Decem

THE STATE OF TEXAS,
 COUNTY OF DALLAS.

I, *Madalene Smith Decem*

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.

SWORN TO AND SUBSCRIBED before me, this the 21st day of *November* A. D. 1888
Madalene Smith
F. W. Auger Clerk of Co. Court.
 Notary Public *J. B. Seay* Deputy

THE STATE OF TEXAS,
 COUNTY OF DALLAS.

BEFORE THE UNDERSIGNED AUTHORITY, this day personally appeared

~~*J. C. DeWitt* & *T. F. McEwen*~~
 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 Appraisalment of the property pointed out to them as belonging to said estate.

SWORN TO AND SUBSCRIBED before me, this the 22nd day of *Nov* A. D. 1888
J. B. Seay Clerk, Co. Court.
 By *J. B. Seay* Deputy.

Last Will and Testament

of
Edwin Smith

Know All Men By These Presents that I, Edwin Smith, of the City of Dallas, in the County of Dallas and State of Texas, being in good health, and of sound and disposing mind and memory, do make and publish this my last will and testament, hereby revoking all former wills by me at any time heretofore made.

My family consists of my beloved wife Magdaline Smith and her two children Hugh G. Smith, who has adopted my name and Pauline, now intermarried with A. S. Alston, which said Hugh G. and Pauline I do hereby adopt as my own children, having none born to me who are now living.

First, I direct that all my just debts shall be paid, without delay.

Second, All of my estate of whatever kind of which I shall die seized and possessed, or to which I shall be entitled at the time of my decease, I give, devise and bequeath to my beloved wife, Magdaline, to have and to hold the same to her, her heirs and assigns, to her and their use and behoof forever.

Third, Inasmuch as no provision is herein

made for either the said Hugh G. Smith or the said Eulalie Alston, I desire to say in all kindness for the former, that I am convinced that no provision which I could make would be of any permanent benefit to him, also with due regard and care for the welfare of the latter, I have full confidence that her mother, the said Magdalene will in the end, make ample provision for her.

Fourth, I nominate and appoint my beloved wife the said Magdalene, sole executrix of this my will, and direct that no security be required of her as such.

Fifth, It is my will that, no other action shall be had in the County Court in the administration of my estate than to prove and record this will.

In witness whereof, I have hereunto set my hand this the 21st day of November A. D. 1877 in the presence of R. D. Coughanour and George W. Berry who attest the same at my request. Edwin Smith

The above instrument was now here subscribed by Edwin Smith, the testator in our

In witness whereof, I have hereunto set
my hand this 1st day of November
A. D. 1877 in the presence of R. D. Coughanour
and George W. Berry who attest the same
at my request. Edwin Smith

The above instrument was now here sub-
scribed by Edwin Smith, the testator in our

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presence, and we, at his request, and in
his presence and in the presence of each
other sign our names hereto as attesting
witnesses.

R. D. Coughanour
Geo. W. Berry

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The State of Texas, } Estate of *Edwin Smith deceased*
COUNTY OF DALLAS.

Know all Men by these Presents, That we,
as Principals, 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 _____ Dollars;
conditioned that the above bound _____, who has
been appointed _____
shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this _____ day of _____ 188 _____

SEAL

SEAL

SEAL

I DO SOLEMNLY SWEAR that the writing which has been offered for probate, is
the last will of *Edwin Smith* deceased, so far as I know or
believe; and that I will well and truly perform all the duties of Executor of said Will.

Sworn to and subscribed before me this *21st* day of *November* 188*8*.

Magdalene Smith
F. W. Augel
County Clerk Dallas Co. Texas
Notary Public Dallas Co Texas Deputy.

THE STATE OF TEXAS.

To all Persons Interested in the Administration of the Estate of
Edwin Smith deceased.

Magdalene Smith has filed, in the County Court
of Dallas County, an Application for the Probate of the Last Will of *Edwin*
Smith deceased, and for Letters Testamentary,
which will be heard at the next Term of said Court, commencing on the
Monday in *Nov* A. D. 188*8*, at the Court House, in the City of Dallas,
at which time all persons interested in said Estate may appear and contest said
Application 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 *28* day of *Aug*
A. D. 188*8*.

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

By *W. M. C. Hill* Deputy.

The State of Texas County Court of said
County of Dallas and other like purposes
November term A D 1888

To the Honorable the Judge of said Court -

The petition of Magdalene Smith respectfully shows that on the 23rd day of August instant A D 1888 Ediom Smith late a resident citizen of said county departed this life and that in his lifetime he wit on the 31st day of November A D 1877 the said Ediom Smith deceased executed in writing and due form of law his last will and testament and thereby disposed of all of his estate both real and personal and therein named and appointed your petitioner sole executrix of said will and testament whereupon your petitioner comes and files her application as the law directs and prays that due notice thereof may be given and that at the next regular term of this Honorable Court to be held in and for said County on the first Monday in November next the said will may be admitted to probate and letters testamentary thereof granted to your petitioner and your petitioner will ever pray &c

Magdalene Smith