

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

Case Number 1617

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1617

1977

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to summon *John used a first*
to M. Garry, L. F. Smith, A. P. Taylor, Mrs Rice
Mrs Harrison, Mrs & Mr Haukey & Elias Miller

to be and personally appear before the Honorable County Court of Dallas County, at
the Court House, in the City of Dallas, County aforesaid, *instantly*, on *Sept*
4 A. D. 188*6*, at the instance of the *Barney Walpole*
then and there to give evidence in a certain case pending, wherein The State of Texas
is Plaintiff, and _____ 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 *7* day of
August A. D. 188*6*

W. M. C. HILL, Clerk.

By *R. H. Hughes* Deputy.

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to summon *John Arnold, Ashton*
Mayor, P. Bruce Walpole, A. P. Taylor to M.
to M. Garry, L. F. Smith, Mrs Rice, Mrs Harrison
Mrs Haukey & Mr Haukey Elias Miller

to be and personally appear before the Honorable County Court of Dallas County, at
the Court House, in the City of Dallas, County aforesaid, *instantly*, on *Sept*
7 A. D. 188*6*, at the instance of the *Barney Walpole*
then and there to give evidence in a certain case pending, wherein The State of Texas
is Plaintiff, and *State of Poot Walpole* 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 *10* day of
Sept A. D. 188*6*

W. M. C. HILL, Clerk.

By *R. H. Hughes* Deputy.

No. 137
COUNTY COURT.
STATE OF TEXAS.
 vs. SUBPENA.
E. W. Wolfe
 vs. *W. M. Hill*
 Sheriff's Return.
 J. D. 1886
 Issued *16 Sept*
 by *W. M. Hill* Co. Clerk.
 Sheriff's Return.
 Came to hand the *16* day of *Sept*
September, 1886, and executed *16*
 day of *September*, 1886, by reading
 the within named subpoena to the within
 named *John Poyor*
 The other witnesses named herein
 are as follows:
W. H. Smith
 Sheriff Dallas Co.
 By *W. M. Hill* Deputy
 A. D. Aldridge & Co., Stationers, Printers & Binders, Dallas, Texas.
Shirley Sue
Banner 1 witness, 50

No. 137
COUNTY COURT.
THE STATE OF TEXAS.
 vs. SUBPENA.
Ed. Wolfe
 vs. *Ed. Wolfe*
 Sheriff's Return.
 J. D. 1886
 Issued *2* day of *Aug*
 A. D. 1886
 by *W. M. Hill*, Co. Clerk.
 Sheriff's Return.
 Came to hand the *2* day of *Aug*
 A. D. 1886, and executed *2*
 day of *Aug*, 1886, by read-
 ing the within named subpoena to the within
 named *John Poyor*
 The other witnesses named herein
 are as follows:
W. H. Smith
 Sheriff Dallas Co.
 By *W. M. Hill* Deputy
 A. D. Aldridge & Co., Stationers, Printers & Binders, Dallas, Texas.
 Sheriff
 Deputy
W. M. Hill
W. M. Hill
W. M. Hill

Came to hand Aug 2 1886 executed same day by
 reading the subpoena in the presence of
 the within named witness J. C. Smith & W. H. Perry
 L. H. Smith A. Pryor Mrs Lawson W. Haskew &
 and the following not found as called
 Mrs Bee Chas Miller
W. H. Smith Sheriff
W. Haskew

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to summon *J. L. Arnold*
A. J. West - *Frazier* and *L. F. Smith*

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 *5*
Aug A. D. 188*6*, at the instance of the *B. W. Wagoner*

then and there to give evidence in a certain case pending, wherein
Wagoner *P. W. Lyman* is *seeking to probate*
Plaintiff, and *Wagoner* 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 *3* day of
August A. D. 188*6*

W. M. C. HILL, Clerk.

By *L. H. Hughes* Deputy.

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to summon *J. L. Arnold* *A. J. West*
L. M. Perry *H. F. Smith*, *Robert Pryor*, *Mr*
Brye *Mr. Rawson*, *Mr. Hawkey* & *Mr. Hawkey*
Edna Miller

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 *August*
14 A. D. 188*6*, at the instance of the *State of Dallas*

then and there to give evidence in a certain case pending, wherein
State of Dallas Plaintiff, and *Edna Miller* 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 *9* day of
August A. D. 188*6*

W. M. C. HILL, Clerk.

By *L. H. Hughes* Deputy.

COUNTY COURT.

vs. SUBPOENA.

W. M. C. Hill, Co. Clerk.
By *W. M. C. Hill* Deputy.

Issued *3rd* day of *August*
A. D. 188*6*

Came to hand the *9* day of *Aug*
188*6*, and executed *4* day of *Aug*
188*6*, by reading the within named Subpoena
to the within named
By Smith and Hill
and James and Mary
D. H. Smith

Sheriff *W. M. C. Hill*
Deputy *W. M. C. Hill*

By *W. M. C. Hill*
W. M. C. Hill
1.20

COUNTY COURT.

vs. SUBPOENA.

W. M. C. Hill, Co. Clerk.
By *W. M. C. Hill* Deputy.

Issued *9th* day of *August*
A. D. 188*6*

Came to hand the *9* day of *Aug*
188*6*, and executed *10* day of *Aug*
188*6*, by reading the within named Subpoena
to the within named

Sheriff *W. M. C. Hill*
Deputy *W. M. C. Hill*

By *W. M. C. Hill*
W. M. C. Hill
1.20

Came to hand Aug 9. 1886 executed
Aug 10 By reading the subpoena
in the presence of the within name
within C. M. Jones, L. F. Smith, Ashton Bryan
Mrs Lawson Mr. Hunsley & wife J. C. Arnold
and the following not found *Deer* county
A. J. West & Mrs. Bee Charles Miller
D. H. Smith Sheriff
C. A. Hasker

THE STATE OF TEXAS.

To all Persons Interested in the Administration of the Estate of

Edward Walpole deceased.
P. W. Linskie

has filed, in the County Court
of Dallas County, an Application for the Probate of the last Will of *Edward*
Walpole deceased, and for Letters Testamentary,
which will be heard at the next Term of said Court, commencing on the *first*
Monday in *August* 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 *19* day of *June*
A. D. 188*8*

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

By *L. Hughes* Deputy.

Original
 No. 937
 COUNTY COURT
 ESTATE OF
 Edward Walpole
 Deceased.

Notice of Application for Probate
 of Will and Letters

Issued this 28th day of
 June 1886

W. M. C. HILL, County Clerk.

By J. H. Smith Deputy.

SHERIFF'S RETURN

Came to hand the 28th day of June
 1886, and executed the 28th day of June
 1886, by posting up three copies of this Writ at
 three public places in Dallas County, one of
 which was the Court House Door of said County.

W. H. W. Smith
 Sheriff, Dallas County.

M. C. Kirby Deputy.

A. J. G. & Co., Stationers and Steam Printers, Dallas, Texas.

Fee 3.00

Recorded

In the matter of the Application
 to Probate the last Will and
 Testament of Edward Walpole
 Deceased

Apparued personally before
 the undersigned authority
 R. E. Burke who says on oath
 that he knew Edward Walpole.
 That said Walpole died in
 Dallas County on the 24th day
 of June 1886, that prior to
 his death he executed the
 will now presented to the
 Court for probate. That at
 the time he executed said
 will he was over 21 years
 of age, and that he was at
 the time of said will
 disposing mind & memory.
 That said Walpole in the
 presence of applicant signed
 said will, and called upon
 applicant and the other
 attesting witnesses, to sign
 the same as witnesses, and
 declared in the presence of
 both of said witnesses that
 the same was his last will,
 and further applicant says
 that both of said witnesses
 were over the age of 14 years

When they signed the same
as witnesses. Affiant further
says that he does not believe
said Edward Napole ever
revoked ~~the~~ said will.

R. E. Burke

Sworn to and subscribed before me
this August 7th 1886

W. M. Heeslock
By S. H. Angles

Filed Sep 17 1886
W. M. Heeslock
By S. H. Angles

Recorded Book
Page 218-

INVENTORY AND APPRAISEMENT

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

E. Ed. Malpool Decd

1	Brennan House & Lot,	\$ 500.00
2	1/4 acre with Surt out of City Limits	600.00
3	1 House on G. C. & H. P. R.R.	100.00
4	" " Columbia, St.	40.00
5	3 " " near Branch	30.00
6	4 " " South of "	20.00
7	5 Cows without Calves 10 ⁰⁰ or head	50.00
8	2 " with " 20 ⁰⁰	40.00
9	4 " Heifers 10 ⁰⁰	40.00
10	1 Wagon in Amure Shop	10.00
		<u>1440.00</u>

THE STATE OF TEXAS,
COUNTY OF DALLAS.

P. W. Linskie, Executor

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 *17* day of *July* A. D. 188 *6*

P. W. Linskie
W. M. Hill Clerk, Co. Court.

By *W. A. Hudson* Deputy.

THE STATE OF TEXAS,
COUNTY OF DALLAS.

BEFORE THE UNDERSIGNED AUTHORITY, this day personally appeared

C. W. Miller, C. M. Terry & Hugh Carbery
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 *15* day of *July* A. D. 188 *6*

C. W. Miller
C. M. Terry
Hugh Carbery
W. M. Hill Clerk, Co. Court.

By *W. A. Hudson* Deputy.

The State of Texas.
 County of Dallas.

Know all men by these presents that I, Edward Malpole of said State and County, recognizing the uncertainty of life, and the absolute certainty of death. Do, now while I have the strength, and am in the full possession of all my faculties make, ordain and publish this my last will and Testament, hereby revoking all other wills heretofore made by me.

1st It is my will and desire that at my death my body shall receive decent Christian burial, and that all my just debts be paid by my Executor hereinafter named.

2nd It is my will and desire that my sister Mariah Geelard, and her husband John Geelard ~~of~~ whom now reside

Inventory

Filed
 July 17th 1886
 Wm A Hill
 By W A Hedson

$\frac{1}{149}$

Recorded

in County Longford, Ireland
 shall have and receive
 one half of all the property
 I may own at the time of
 my death, both real, personal
 and mixed.

3rd If my further wish and
 desire that my two brothers
 John Walpole and Luke Walpole
 both of whom reside in
 County Longford, Ireland
 shall receive one half
 of all property I may own
 at the time of my death
 both real personal + mixed
 share and share alike.

4th I hereby nominate
 and appoint P. W. Simkie
 of Dallas County Texas Executor
 of this my last will and
 Testament, and having
 full confidence in his
 honor and integrity, I
 desire that no bond be
 required of him as such
 Executor by the Courts of the
 County, and I further
 desire to give my said
 Executor full power
 and authority to sell and

dispose of any or all property
 I may own in order to
 carry out the provisions
 of this will, and settle

governed by the Courts of the
Country, and I further
desire to give my said
~~Executor~~ full power
and authority to sell and

dispose of any or all property
I may own in order to
carry out the provisions
of this will, and settle
up my Estate, and distribute
it as provided for in
this will, and I further
desire that the Courts
of the Country have nothing
to do with the management
of my Estate, save and
except to return an
Inventory and Appraisal
of the same.

Witness my hand this
the 18th day of June 1886.

his
Edward + Walpole
mark

We the undersigned at the
request of said Edward Walpole
and in his presence subscribe
our names as witnesses to this
Will, June 18th 1886.

R. E. Burke
P. W. Dinskey

937
Last Will of
Edward Walpole.

Filed June 28th 1886
Walter
B. Hughes

Exhibit -
"a"

Recorded Book
page 27778

Est of Edward Walpole
Decedent.

In the County Court of Dallas
County, in Probate sitting.

Your Honor the Applicant herein
P. M. Limerick, and under leave of
the Court files this his second
original Application filed in
original Application filed in

Est of Edward Walpole
Deceased.

In the County Court of Dallas
County. In Probate sitting.

Now comes the Applicant herein
P. W. Linskie, and under leave of
the Court files this his amended
original Application to his
original Application filed in
this cause on June 28th 1886.

And for amendment says
That the Hon. E. S. Bauer Comptroller
your Applicant P. W. Linskie
a citizen of Dallas County would
respectfully show that Edward
Walpole late a citizen of said
County departed this life in
Dallas County on the 24th
day of June 1886. That before
his death "to wit" on the 18th
day of June 1886 said Edward
Walpole made and executed
his last will and Testament
in due form of Law, naming
and appointing your Applicant
P. W. Linskie as sole Executor
thereof. Said will is filed
herewith marked Exhibit "A".
Applicant further shows
that at the time of his death

Said Edward Malpale was seized and possessed of property real, personal, and mixed in Dallas County of the probable value of Two Thousand Dollars, a more accurate description of the kind, character, or value of said property. This applicant is unable to give at the present, your applicant would further state that he is in no way disqualified from being appointed Executor. Wherefore he asks that notice of this application be given as the Law directs and that an hearing thereof, said Will now presented be admitted to probate, and that your applicant be appointed Executor as provided by said Will, and for such further orders as may be necessary, and as in duty bound &c.

P. W. Linskin
By R. E. Burke Atty.

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No 937
Est of Edward Weepala
beccand

P. W. Luistiv, Executor,
Amended original
Application to
Probate the Will.

Filed Sept 2nd 1886
Will Here
By F. H. Hughes

Recorded

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FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

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

In the matter of the applica-
tion of P. W. Linkie to Probate an
alleged Will of Edward Walpole
Deceased.

Now at this time comes Barney Wal-
pole a nephew of the said Edward
Walpole and

Verduns to the application in the
case filed on the 25 day of June 1958
and for cause of Verduns says that
the same is insufficient to admit said
will to probate and of this he prays the
Judgment of the Court

Edward Miller

Atty for E. Walpole

And for answer to said application
the said Barney Walpole says that he
denies that the paper attached to said
application is signed and witnessed by P.
W. Linkie and R. E. Dumble in the
last will and testament of Edward
Walpole Deed.

That he is interested and entitled to
a share of the property and estate of the
said Edward Walpole Deed, and that he
consent the application to Probate said
paper as the last will and testament
of said Deed

He says that the said Edward
Walpole was not in his right mind
and was he was incapable of making

a will at the time said paper purports
to have been made - and that he the said
Edward Wolpole did not sign the
same as his will

Further answering he says that
for a long time prior to the date of the alleged
will and the date of his death that he said
was and has been very much addicted to the
use of intoxicating liquors to such an ex-
tent and excess as to seriously impair and
affect his mind and render him in-
capable of executing a last will and testa-
ment and that upon the day the alleged
will purports to have been made the
said Edward Wolpole was recovering
and coming over the effects of a
long protracted spree and was not con-
scious of what he was doing

That for these reasons he
avows that the said Edward Wolpole
was not of sound and disposing mind
on the 15 day of June 1804 when it is
alleged that he made the pretended will
now offered for probate - and he asks that
he be permitted by evidence to contest the
execution of said pretended will and
upon a final hearing the same be
declared null void and of no effect and
the estate of said Edward Wolpole be
administered on as if no such paper
had been offered for probate

Edward Miller
attys for
Ed Wolpole

The State of Texas, } In the County Court
 County of Dallas, } of Dallas County,
 } In Probate sitting.

To the Hon E. S. Bauer Judge of
 said Court.
 Your Applicant P. W. Linskie a citizen
 of Dallas County, would respectfully
 show that Edward Napole Lake
 a citizen of said County departed
 this life in Dallas County on the
 24th day of June 1886. That before
 his death "to wit" on the 18th day
 of June 1886 said Edward Napole
 made and executed his last
 will and Testament in due
 form of Law, naming and
 appointing your Applicant
 P. W. Linskie as sole Executor
 thereof. said Will is filed
 herewith marked Exhibit
 "A" Your Applicant would
 state that he is in no way
 disqualified from being appointed
 Executor, when for he asks that
~~admission~~ of this Application be
 given as the Law directs, and that
 on a hearing hereof said Will now
 presented be admitted to Probate
 and that your applicant be
 appointed Executor as provided by
 said will, and for such further

County Court
 Estate of
 Edward Napole

executor and content of
 the papers of the
 executors will

Filed Aug 2nd 1886
 W. M. Newell
 C. F. Hughes

no 937

Est- of Edmund Walpole
Heel and

P. W. Linskie, Executor.

Application to
Probate the will.

Filed June 28, 1886
Will probated
By J. H. [unclear]

Order given by the necessary
and also sent forward to
P. W. Linskie,
By R. E. Burke, atty.