

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

Case Number 130

Dallas Genealogical Society
Founded 1955

www.dallasgenealogy.org



FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

130

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

The State of Texas,

County Court Pertaining to Estates.

DALLAS COUNTY.

January TERM, 1870.

To all to Whom these Presents May Come--Greeting:

KNOW YE, That John H Cole as
Principal, and James Mc Cole
Jos B Cole as sureties, are held and firmly bound unto
the County Judge of the county of Dallas, in the sum of Twenty
five limited Dollars, for the payment of which,
well and truly to be made unto the said County Judge, we bind ourselves, our heirs, execu-
tors and administrators, jointly and severally, firmly by these presents. Signed with
our hands, and sealed with our seals, the seals being scrolls, the 31st day of
January A. D. 1870.

The Condition of the above obligation is such, That whereas the above
bound John H Cole has been appointed
Administrator of the Estate of Allen Cole deceased.
Now, if the said John H Cole shall well and truly
perform all the duties required of him under said appointment, then this obliga-
tion shall be null and void, otherwise to remain in full force and effect.

John H Cole SEAL
James Mc Cole SEAL
Jos B Cole SEAL
SEAL
SEAL

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

⁴¹⁵³
John H Cole
Ex³ Ex
Polly Cole Dec 8

Filed Feb 4th
1871 J M Law
CLL

Filed

Recorded
30⁵⁰ 77

Filed Aug 21 1871

John H Cole Executor of the Estate
of Polly Cole Decedent

Dw Amt with said estate
By adv cash Recd =
" " " Disbursed

\$1658 40	\$ 88 67
476 00	23 51
	\$106 43

Exhibit and Final Showing

The State, of Texas
County of Dallas) District Court of said County sitting for Probate
and other like purposes

February Term 1889

To the Honorable Judge of said Court presiding

John W. Cole executor of the estate of Polly Cole late of said County, Respectfully submits to the consideration of your Honor the following Exhibit and final Showing of said estate

Statement of Receipts & Expenses in U.S. Currency

	<u>Dr</u>	<u>Cr</u>
to amount of Sale of Personal Property as per order of Court & Sale Bill Returned	681 40	
to amount Received on Note of J. M. Cole	375 00	
to amount Received of J. L. Cole	50 00	
	\$1106 40	
Cr to amount paid Crowder & Stephenson for Medical opt		85 96
to amount paid J. L. Jones as per Receipt		24 28
to amount paid J. L. Cole as per Receipt		10 00
to amount paid on bond in currency		\$130 24

Statement of Receipts & Expenses in gold & silver coin

	<u>Dr</u>	<u>Cr</u>
to amount spent as per Inventory	\$	
Cr to amount as per Receipt Thos Walker for Burring clothes		3 25
to amount as per Receipt Brother Nimphy		10 76
to amount paid J. L. Cole as per Receipt		8 00
to amount paid John C. Cole as per Receipt		20 00
to amount paid Mr. Morton for Coffin as per Receipt		12 00
		\$54 01
	\$542 97	

to amount brought over	867.29	
to amount paid Editor Dallas Herald as per Receipt		5 25
to amount paid W. L. Vaughan (Attorney fee)		16 00
to amount paid commissions for probate & fees as per Receipt of V. M. Laws, clerk		5 50
to amount of account J. M. Cole		11 60
to amount paid for returning grants as per Receipt		113 00
to amount paid for Palings around grants		19 00
		\$99 00

Balance due same in coin \$443.04

To D. Mitchell's heirs Let apart under
the will of said John Mitchell
the benefit of J. M. Laws

In the State of Texas
County of Dallas I, J. M. Laws, Clerk
of the District Court of Dallas County, Texas, do hereby
certify that John H. Cole, Executor of the will of
said John H. Cole, deceased, of said County, Texas,
and who being duly sworn depose & say that
the foregoing is a full and correct exhibit
showing a full and correct condition of said
estate.

Sworn to & Subscribed }
before me this 4th Feb 1871 }
J. M. Laws }
Clerk

The State of Texas }
County of Dallas } Presently that I Polley Cole
Widow of John Cole deceased
late of the county of Dallas and State of Texas
being rather feeble of health but sound of 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

And as to my worldly estate and all the property
of which I shall die seized and possessed or to which
I shall be entitled at my decease I devise bequest
and dispose of in the manner following

First, I desire that my funeral expenses be paid
and all my just debts that I may owe if any
at my decease.

Second, my Will is that the will made by my deceased
husband in his lifetime and dated the 26th day of
April A.D. 1848 and the codicil thereto attached and
dated the 3rd day of May A.D. 1860 and Recorded in the
Clerks Office of the County of Dallas on the 27th day
June A.D. 1860, shall stand in all its parts and
stands and have full force and effect and I do
declare the same to be my will in all its parts the
as if I had made it myself.

I give devise and bequest unto my crippled
son George W. Cole. Five hundred Dollars

for his support during life out of any money
 or effects that I have acquired since the decease
 of my said husband John Cole.
 This said sum of Five hundred dollars I
 wish to be loaned at strict annualy and the interest
 thereof applied to the support of my said son George
 W. Cole by the one of my children who may
 take the care of my said son George W.
 Stone. It is my will that after my decease that
 if there is any other property that is personal
 which has not been appropriated by the aforesaid
 last will and testament of my deceased husband
 and which shall not be necessary to acquire the
 aforesaid amount for the support of my son
 George W. Cole that it be equally distributed
 among all my children except my said son
 George W. Cole.

In testimony whereof I the said Polly Cole have
 to this my last will and testament contained on
 two sides of this sheet set my name and affixed
 a seal for my seal this the 31st day of ^{August} ~~July~~ 1861

^{her}
 Polly Cole
 mark

Signed in the Presence of Polly Cole and by
 her request as witness for her last will and
 testament } John C. Cole
 Stephen Tilley

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

State of Texas
Dallas County

San District Court
October Term 1884

John H Cole
Execr
Polly Cole dec'd

Now Comes J E Coombes
Auditor to whom was referred the final account
of John H Cole as Executor of the Last
Will of Polly Cole deceased and
reports that he has examined the same
and finds it correct and recommends
the approval of the same

Respectfully Submitted
J E Coombes
Auditor

[Dark rectangular area containing faint, illegible handwritten text, possibly a signature or stamp.]

The state of Texas }
county of Dallas }

In Probate court Dec 2nd 1869

To the Hon A Bledsoe Judge

your petitioner John

Hole a resident citizen of the county of Dallas and
State of Texas. would respectfully represent that
on the 28th day of November A D 1869. Polly Hole
widow of John Hole wedd. a citizen of the county
and State aforesaid, departed this life and having
at the time of her decease Personal property and
effects which she had heretofore made disposition
of by a written will dated the 31st day of August
A D 1861. which last will and testament is herewith
filed. that it may be properly authenticated and
Probated, and an executor appointed by the Court
to carry out the Requirements thereof

For all of which your petitioner in
duty bound will ever pray &c

John Hole

Off 58.

John H Hole

Ex 3 Report of
Auditor

Polly Hole decd

~~certificated~~

Dated Oct 20th / 87

C M Sides Clk

Ry J A Coombs Deputy

The State of Texas I, John H. Case do
 County of Dallas, solemnly swear, that
 the writing which has been
 offered for probate is the last
 will and Testament of Polly Cook
 late of Dallas County deceased
 so far as I know or believe
 and that I will well and truly
 perform all the duties of Executor
 of the said will

John H. Case

Sworn to and subscribed before
 me this 31st day of January A.D. 1870
 J. S. Jones
 clerk

No 53
 Polly Cook
 To Petition to
 Probate last will
 of Polly Cook

Julia Dec 15th 1869
 J. S. Jones
 clerk

The State of Texas.

TO ALL PERSONS interested in the *Estate of Polly Cole Deceased*
John H. Cole Executor of the Estate of Polly Cole
 has filed in the District Court of Dallas County
 an application for *the Approval of his Final Exhibit*
 which will be heard at the *next* Term of said Court,
 commencing on the first Monday in *October* A.D. 1871, at the Court-House thereof,
 in the Town of Dallas, at which time all persons interested in *the Estate*
 of said *Polly Cole*
 may appear and contest said application, if they see proper.

WITNESS: JOHN M. LAWS, Clerk of the District Court of Dallas County.

GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT
 at Office in Dallas, this *21* day of
 A.D. 1871.

John M. Laws

CLERK DISTRICT COURT D. C. T.

By H. Proff Deputy

TO ALL WHOM IT MAY CONCERN.

You are hereby notified, to be and appear before the County Court of Dallas
 county, in the State of Texas, at the next term thereof, to be held for probate and other
 like purposes, at Dallas, in said county, at the Court House thereof, on the last Monday
 in *Dec* instant, (the same being the *27th* day thereof,) then and there to
 show cause, if any you have, why ~~Letters of~~ *The last Will and*

Testament of Polly Cole

late of said county, deceased, should not be ~~granted to~~ *admitted to Probate*
J. H. Cole having who ~~has~~ this day filed with me *his* application
 in terms of law, praying that the same may then and there be done. This *18th* day of

December A. D. 1869.

J. S. Jones
 Clerk of the County Court of Dallas County, Texas.

Herald Print, Dallas, Texas.

John H. Cole
 notice of
 Ex. Tr. 3rd Annual Exhbt.
 Polly Cole Dec.
 filed August 27th 1871
 J. M. Laws Clk
 By H. Bell Notary

Come to hand the same day
 issued and executed August
 28th AD 1871 by Publicly the
 within Application published
 in the Dallas Herald a paper
 printed in the County of
 Dallas, and Posting one copy
 the Court house for an
 Dallas one on the post office
 door in Lancaster and one on
 the post office door in
 Seymour being three of the
 most public places in
 the County
 of M. Brown Sheriff
 (Dallas Co)
 by C. P. Brown Deputy
 Sheriff fee
 \$3.00

Notice
 of H. Cole
 so Probate
 last will
 Polly Cole Dec
 filed Dec 27th 1871
 J. M. Laws
 Clk

The State of Texas, In Probate Court
 County of Dallas, 3 March Term 1870

To the Honorable Chief Justice of
 said County

The petition of John W. Cole executor
 of the last will and testament of the estate
 of Polly Cole late of said County, unassisted
 respectfully shows that there is in the
 possession of your petitioner a considerable
 amount of perishable property, belong-
 ing to the estate aforesaid, to wit,

- 2 Yoke of Oxen
- 40 Head of Stock Cattle
- 41 Head of Hogs
- 1 Wagon
- 1 pair of Old Breeding
- 3 pair Hens
- 1 pair Iron Chains
- 1 Dash Sheep Oats
- 1 Chain & Pig Stake
- 1 Shovel Plow & Curbs
- 1 Hand Saw
- 1 Iron Spur

And your petitioner further shows
 that said property was with the
 best care & attention of your petitioner
 liable to waste Wherefore your

petitioner prays your Honor to grant
him an order to sell said property
at the late residence of said
decedent in said county and
your petitioner will ever pray

John H. Cole &
By Coughlan
Atty

1853

John H. Cole & Co. Executors
Jolley Cole

Applicant to
sell Personal
Property

Examina Ora
Applicant
Property owned
to be sold on the
15th day of April
next on a credit of
Six Months

From March 28th 1870

J. J. Jones
215 1871
Approved and
J. C. Hester
J. C. Phelps

The ~~State~~ of Texas In Open Court of
 County of Dallas, the present term thereof
 After the required Application and lawful
 notice thereof given as appears to the
 satisfaction of the Court. Came in due
 time John A. Cole Executor of the
 last will and testament of Polly Cole
 deceased and produced therein for probate
 the said last will and testament of
 and one of the subscribing witnesses
 thereto, to wit, John C. Cole who
 being duly sworn deposes and says
 that he saw Polly Cole the testatrix
 sign and seal and publish the in-
 strument to him now being shown
 bearing date August 31st AD 1861
 as her last will and testament
 freely voluntarily and of her own
 accord and without any compul-
 sion or influence whatever, that
 at the time of executing said will
 the testatrix was of sound disposing
 mind and memory, that respondent
 signed said will as one of the witnesses
 thereto the other being Stephen Tilley
 in the presence of said testatrix at
 her special instance and request
 and that they the subscribing wit-
 nesses signed said will in the

present of each other
Jno. C. Cole
Sworn to and Subscribed before me
this 31st day of January A.D. 1870
J. Jones
Clerk of the Court

Printed

Approved and sworn to
J. M. Hatcher
J. C. Hatcher
Commissioners

Inventory and Appraisalment of the Estate
of Talley Cole late of Dallas county dead

Two yacks oxen valued at	70.00
40 head stock cattle valued @ 5 per head	200.00
111 head hogs - - - - -	52.00
one Wagon - - - - -	40.00
one pr old Bocking - - - - -	3.50
2 pr harness 1.25 one pr Trace chains 1.25	2.50
one stack Sheep cuts - - - - -	20.00
one peack of Chain and Smigletree	1.00
one Shovel Plow and blince	2.50
one hand saw - - - - -	50
one Square	50
	<u>594.50</u>

The following household property in
the possession of S L Cole

Two Feather Beds valued at	\$ 25.00
7 pillows 4.00 5 quilts 12.50	16.50
one counterpin & Sturgeon Bar	2.50
one clock 5.00 one trunk 3.00	8.00
one Book Shelf - - - - -	1.00
3 pictures & Frames - - - - -	1.50
one Bedstead 1.00 one Table 1.00	2.00
one prop - 3.00 set plates .55	3.55
one set knives & forks - - - - -	1.00
	<u>61.25</u>

The following household property in
possession of M V Cole and valued at

Sixty one dollars and twenty five cents
Dues

4 old old head steds-
2 Small Feather Beds
2 old Bed ticks 3 Bed quilts
2 Sheets 2 Counterpane
5 pillows 4 pillow slips
one Table cloth one Shovel 2 chairs
one pitcher 4 Tea cups one quart cup
one large Tin cup one small Tin Bucket
one water Bucket one washing Tub
one pot one Tea Kettle one small oven
one oil Can one Chamber pot
2 Framing pictures one Box

The foregoing articles were valued
all together at sixty one dollars and twenty
five cents

Total amount

\$ 61 25-
\$ 517 00

The State of Texas }
County of Dallas } we the under signed commis-
sioners duly appointed by the probate court of
Dallas county at its February Term A.D. 1870
do hereby certify that as far as was produced to us
by the ~~deponent~~ the above and foregoing
is a full and correct inventory and appraisement
of the estate of Pally Cole deceased to the
best of our judgment and understanding this the
day of March A.D. 1870

J. B. Cole
J. P. Williams

Sworn to and subscribed before me
this 26th March 1870

J. S. Jones
clerk

best of our judgment and understanding This 5th
day of March 1870 J. S. Cole
J. P. Williams

sworn to and subscribed before me
this 26th March 1870

J. S. Cole
clerk

Inventory and schedule of the claims due and
owing to the estate of Polly Cole deceased
late of Dallas county and also amount of
Money and hand-

deceasant had in the hands of John H Cole
at the time of her death the amount of
fifty two dollars & fifty cents in specie coin

\$ 52.50

also in the hands of J. L Cole
in gold & silver coin

544.50
\$ 597.00

The Executor has paid out
of the above amount for Burial Expenses and
procuring witnesses to probate will &c
the amount of fifty four dollars & sixty
cents bonds for which will be filed.

leaving the amount now in Executors hands \$ 542.40

also one promissory note on James H Cole
for two hundred dollars with 10 percent in
trust of date Jan 22nd 1868

200.00

also one promissory note on James H Cole
for one hundred & eighty two dollars

of date Jan 22nd 1868 and with out interest 118.00

The above comprises the Money & claims \$ 860.40

of said Estate except a claim against J. L Cole

of an uncertain amount

Total amount of said estate as per
above exhibit ----- \$ 1377.40

The State of Texas }
County of Dallas } before me the undersigned
authority personally came John H
Cole executor of the estate of Polly Cole
deceased. late of Dallas county who being
duly sworn deposes and says that the above
and foregoing is a full and complete inventory
of the property and list of claims of said
estate that has come to my knowledge

John H Cole et al

Inwitness and subscribed before me this
26th day of March A.D. 1870

J. J. Jones
clerk

1873

Inventory of the
estate of
Polly Cole

Given March 28th 1870

J. J. Jones
clerk

Recorded on page 17-172
170-1174, Book 10
of abstracts in 1871

Approved Master

J. H. Malott

J. H. Malott

Commissioner

1871
 John H. Cole executor of the last will and testament of Polly Cole
 In acc with said estate on account of George W. Cole
 Sept 25 By Cash paid for Clothing \$6 10
 " " " " " Board 50 05
 " " " " " Amusing 90 00
 " " " " " Annual exp 34 26
 " " " " " Contingency 16 00
 Total \$196 61

Dr 53
 Geo. H. Cole
 Exr of the estate of
 Polly Cole
 Section
 Orinda Sept 28 1871
 P. H. Jones etc
 Aug 26 November 1871

The State of Texas of District Court
County of Dallas of October Term 1871

To the District Court of
Said County

The petition of John H. Cole
Executor of the Last Will & Testam-
ent of Polly Cole late of Said
County deceased, respectfully
represents that by the terms of the
Last Will & Testament of John Cole
late of Said County deceased and
the subsequent said Last Will
& Testament of the said Polly Cole
the wife & widow of the said John
Cole, both of which said Last
wills & Testaments are of record in
the Office of this Court, provisions
were made for the care and maintain-
ance of George W. Cole and Infant
and Child or heir of the said John
& Polly Cole, by directing that a
certain amount of money be
raised ^{out of} said estate and paid over
to the said George W. Cole or his Gu-
ardian, and further that a sum
of fifty dollars to continue during
the natural life of the said George
W. Cole, to be a charge upon &

raised out of the rents of the Homestead farm of the said John & Polley Cole, he paid over to the said George W Cole or his Guardian.

Petitioner further represents that no Guardian either of the person or Estate of said Diest has ever been appointed by the Court and that as a matter of necessity he after the death of the said Polley Cole to charge of said Diest and incurred for him necessary expenses to the amount of (\$202.⁶⁰/₁₀₀) two hundred and two dollars and sixty cents in specie as is evidenced by account herewith filed. Marked exhibit "X" which account he asks the Court to allow with Security five dollars in specie (\$75.⁰⁰/₁₀₀) which amount petitioner has collected on said rental annuity and yet has on hand.

Petitioner further represents that about nine and a half years (9½) years after the death of the said Polley Cole, the said George W Cole departed his life leaving no heirs save and except the heirs of

The said John & Polley Cole mentioned
in his will & Testament.

Cole departed this life leaving no
heirs save and except the heirs of

the said John & Polley Cole mentioned
in this said last will & Testament.

Petitioner further represents that
Soniza E Cole ^{now} of the children & heirs
of the said John & Polley Cole, inter-
married with one A. J. Walker that she
has since and leaving minor children
to wit, John Elisabeth & Walter Walker
who have no legal guardian of
their estate.

The premises considered petitioner
prays that a guardian ad litem be
appointed for said minors, and that
said estate be partitioned according
to the terms of said wills, except
that no further notice be taken of
the said George W Cole's share in said
than to deduct from the same or the
aggregate of said estate the amount
of the aforesaid account here with
filed marked exhibit "X" as aforesaid

John W Cole
By
R. D. Laughman
Atty

The State of Texas, I John H. Wade Executor
 County of Dallas of the last will & testament
 of Selby Cole, do solemnly swear that this claim
 is just that nothing has been paid or advanced
 toward the satisfaction of Bank's Claim, that
 there are no counter claims known to applicant
 and that the sum claimed is justly due
 Subscribed this 27th day of John H. Wade
October 1854
J. M. Swartzell
Notary & Commissioner

The State of Texas } County Court of said County
 Dallas County } for probate & other like purposes
 April Term 1870

Do the Honorable chief Justice of said County
 Presiding

John H Cole executor of the estate of
 Polly Cole deceased respectfully shows that at the
 late residence of said Polly Cole in said county on
 the 15th day of April instant by virtue of an order of
 said court & the said John H Cole after due
 and legal notice as the law directs sold upon
 a credit of six months to the highest bidder
 certain property of said estate a full and correct
 account whereof is herein submitted to the consider-
 ation of the Court (to wit)

8 head of Hogs to J L Cole	16.35
6 head stock cattle to J L Cole	53.75
one Wagon to J L Cole	55.00
one hand saw & square to J L Cole	5.00
one shackle plow to J L Cole	1.90
one set of old Harrow and haws to J L Cole	4.50
10 head hogs to M V Cole	12.00
13 head stock cattle to M V Cole	50.00
10 head Hogs to Milieum	7.00
one large Hog to J Green	3.00
14 head Hogs to John May	13.25
2 two year old steers to John May	19.00
8 head stock cattle to Sheeline	37.50
	<u>\$274.65</u>

Brought from first page	\$274.65
5 head cattle to Barnhart	31 25-
cons and calf to Teate Wright	9 00
one cow and calf to J M Cochran	11 50
2 cows & calves to Rowe	28 50
2 cows & calves to John Faus	24 25-
2 cows & yearlings to Jim Cook Friedman	25 00
one yoke oxen to Jim Cook Friedman	40 00
one yoke oxen J B Gornie	18 00
2 four year old steers W H Bales	28 50
10 head stock cattle to W R Smith	68 25-
one cow Gile Wright	12 25-
one cow Friedman Horse	9 25-
one gun to J M Cole	1 25-
two traps to J M Cole	21.75-
	<u>\$631.40</u>

The state of Texas }
 County of Dallas } Before me the undersigned
 authority in and for said County
 came John H Cole Executor of the Estate of
 Polly Cole deceased who being sworn
 deposes and says that the foregoing Report
 is a true and correct account of the sale made
 by him of Property of the aforesaid Estate
 of Polly Cole deceased

John H Cole

Sworn to and subscribed before
 me this 25th day of April A.D. 1870
 J. J. Jones
 Notary

¹⁸⁵³
John H. Cole
To $\frac{3}{8}$ Sale Bill
Patty Cole

Filed April 25th 1870
J. J. Jones
clerk

Approved April
the 26th 1870
J. M. Hawley
County Judge

Recorded