

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

Case Number 1575

Dallas Genealogical Society
Founded 1955

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1575

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

THE STATE OF TEXAS.

To all Persons Interested in the Administration of the Estate of

Margaret Simoutou deceased.

W. B. Simoutou has filed, in the County Court
of Dallas County, an Application for the Probate of the last Will of Margaret
Simoutou deceased, and for Letters Testamentary,

which will be heard at the next Term of said Court, commencing on the first
Monday in May A. D. 1880, 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 17th day of April
A. D. 1880.

W. M. C. HILL, County Clerk Dallas Co., Texas.
By R. Hughes Deputy.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1977

In the matter of the application of Dallas County
for the probate of the last Will & Testament
of Margaret Simonton sitting in Probate
deceased To May Term 1885

To the Hon^{ble} J. B. Bower, Judge
of the County Court of Dallas County.

The Petitioner W. B. Simonton, a citizen of
Depton County Tennessee would respectfully show
unto your Honor that the last Will and Testament
of Margaret Simonton here presented and brought
into Court was duly probated in Depton County
Tennessee under and in pursuance of the laws
of said State as is fully shown by the certificates
hereto attached - That the testatrix did seized and
possessed of an interest in real estate in Texas
to-wit: 112 acres in the J. F. Porter 640 acre
survey situated in the County of Dallas -
Petitioner shows that he was appointed executor
under said will and it was directed therein that
he should not be required to give any bond or security
for the administration of said estate either in the
State of Tennessee or Texas. Petitioner here presents
the last Will and Testament of Margaret Simonton
duly probated as aforesaid and asks that
the said last Will and Testament of the said
Margaret Simonton be filed and recorded in the
Probate Records of your Honorable Court under
the statute in such cases made and provided
so that he may administer the property under the
terms of said will and in accordance with its provis-
ions

Hendley & Smith
Atty for Pet.

911 Original
1934 10812
COUNTY COURT.

ESTATE OF

Margaret Simonton
Deceased.

Notice of Application for Probate
of Will and Letters

Issued this 17th day of
April 1885

W. M. C. HILL, County Clerk.

By J. H. Beagle Deputy.

SHERIFF'S RETURN.

Came to hand the 17 day of April
1885, and executed the 17 day of April
1885, 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.

By Louis Jacoby Deputy.

A. D. Mendenhall & Co., Stationers and Steam Printers, Dallas, Texas.

Just 300

Be it remembered that at a County Court begun and held at the Court House in the town of Covington in and for the County of Depton and State of Tennessee on Monday the 3rd day of March A. D. 1854. the same being the first Monday of said Month, Present and presiding the Worshipful A. W. Smith J. P. & Chairman with Thos. W. Taylor Sheriff and J. W. Baptist Clerk. when the following proceedings were had and uttered of record to wit:

+ + + +

In Re,
 Probate of Will of
 Margaret Simonton died
 into open Court John Simonton
 a citizen of Depton County Tenn,
 and produced a paper writing
 purporting to be the last will
 and testament of Margaret
 Simonton in which paper the
 said John Simonton is named
 as the executor. And the said
 John Simonton moved the

NO 812

In Re Wm. B. Simonton
 exec of Margaret Simonton
 died
 Application for Probate
 of Will

Handley Smith
 Atty for applicant

Court that said instrument
be admitted to probate.

Thereupon came into open court
Chas. P. Simonton and N. D.
Lucado, whose names are subscri-
-bed as witnesses to said instrument
who being duly sworn deposed
and said that said Margaret
Simonton is dead. That at the
time of her death and prior
thereto she was a citizen and
resident of Tipton County Tennessee
that the instrument exhibited was
signed by them in the presence
of said Margaret Simonton at
her request and as subscribing
witnesses to her last will and
testament. And that said in-
-strument is the true, whole
and last will of the deceased.
And thereupon the said motion
was allowed. And the said
instrument was admitted to
probate as the last will and
testament of Margaret
Simonton dec'd. And it ap-
-pearing that said John Simonton
is in said will appointed

executor thereof. And he was
from making bond as such
executor. And he having appear-

- hearing that said John Simonton
is in said will appointed

Executor thereof. And caused
John to make bond as such
executor, and he having appear-
ed in open Court, executed his
personal bond without security
in the sum of \$2000⁰⁰, and
took the oath prescribed by the
statute, the said John Simonton
was thereupon declared duly
qualified as the executor of the
last will of said Margaret
Simonton. And it was order-
ed that letters testamentary
issue to him upon payment
of the costs herein.

Executors Bond
State of Tennessee
DeKalb County

I, John Simonton
am bound to the State of Tennessee
in the penalty of Two Thousand
Dollars,

Witness my hand and seal this
3rd day of March 1884.

The condition of the above
obligation is such that
whereas the above bound John
Simonton has been appointed

Executor of the estate of Margaret
Simonton deceased.

Now if the Said John Simonton
shall well and truly do such
Executor perform all the duties
which are or may be required
by law this obligation shall
be void, otherwise to remain
in full force and effect.

John Simonton

Acknowledged and approved
in open Court - this 3rd day
of March 1884
Alv Smith Chairman

In the name of God. Amen
I Margaret Simonton
of the County of DePue in the State
of Tennessee, being of sound
mind and memory, but of
advanced age, and mindful
of the great uncertainties of life
do make and declare this my
last will and testament
revoking all other wills heretofore

1st made by me at any time.
I direct that all my just debts
be paid.

of the great and
do make and declare this my
last will and testament
revoking all other wills heretofore

1st Made by me at any time.
I direct that all my just debts
be paid.

2nd I have given to my daughter
Margaret Lueado, Two Hundred
dollars which I confirm to
her, and in addition I bequeath
to her one Secretary.

3rd I give and bequeath to my
daughter Martha Eliza, Three
Hundred dollars in money,
One Cow and calf, one pair of
blankets and thirty dollars
in money instead of a bureau.

4th I give and bequeath my bed
and bed clothing, also my table
and kitchen furniture to my
daughters Martha Eliza and
Margaret, the same to be divided
equally between them.

5th I give and bequeath to W. L.
Thompson of Forest City
Ark, the son of my deceased
daughter Jane, the sum of
Five dollars in full of all interest
or benefit in my will and
estate,

FILMED BY THE DALLAS GENERAL RECORDS DEPARTMENT

• 10th. I direct that all the net and residue of my property, personal and real be sold, and the proceeds thereof, together with any monies that I may die possessed of, which are not otherwise herein disposed of, be divided into equal shares and distributed as follows: one of such shares to Margaret Wilson, daughter of my son Archibald Simbutor, One of such shares to the heirs of my deceased son Christopher, A One of such shares to the heirs of my deceased son Robert Romaine, and one of such share to each of my sons, John, William B. and Charles, J. or if either of my said sons be dead, then to the heirs of such deceased son.

Provided That if the share provided for in this item (6) shall exceed two hundred dollars each, then my daughter Margaret shall share and take with each of my children and heirs of my children, in this item provided for ⁱⁿ the 400 or two hundred

dollars, it being my intention if the shares provided for in this item shall exceed two

the two hundred dollars given

two hundred dollars
my daughter Margaret shall
share and take with each of my
children and heirs of my
children in this item provided
for ⁱⁿ the years one two hundred

dollars, it being my intention
if the shares provided for in
this item shall exceed two
hundred dollars, she shall
be made equal to them, counting
the two hundred dollars given
heretofore and confirmed to
her.

7th I appoint my son John Simonton
to be the executor of this my last
will and testament, and
clothe and invest him with
full power to sell and dispose
of all my real as well as per-
sonal estate, wherever situated,
especially that located in the
State of Texas, and to execute con-
veyance therefor, this authority
and power of sale, I design to be
as full and ample as I my-
self possess, such sale to be
made without the intervention of
any court, and either public
or private, as he my said
executor may deem best,
I furthermore excuse the said
John Simonton from making
bond, as the executor of this
my last will in any court

both in the State of Tennessee
 and Texas,
 8th I furthermore appoint my son
 Wm D Simonton Co-Executor
 with the said John Simonton
 of this my last will and testament
 with like powers, duties and
 privileges in all respects, but
 I do not enjoin upon him the
 duty of acting as such executor
 except in case of the death or
 inability of my said son
 John Simonton.

In testimony of all which I
 sign hereto my name on
 this 19th day of March, 1883
 Margaret ^{her} _{maid} Simonton

The above and foregoing written
 instrument was signed by the
 said Margaret Simonton in our
 presence, and she declared the
 same to be her last will and
 Testament, and we at her request
 and in her presence sign our names
 hereto as subscribing witnesses
 on this 19th day of March 1883
 Chas. P. Simonton
 N. D. Lucado

State of Tennessee

same to be her last will and
Testament. and me at her request
and in her presence sign our names
hunts as subscribing witnesses
On this 19th day of March 1883
Chas. J. Simonton
J. D. Lucado

State of Tennessee }
Dipton County }

I A. W. Baptist
Clerk of the Circuit Court of Dipton County
in the State of Tennessee do certify that the
above and foregoing is a full, true and
perfect ^{copy} of the Record in the matter
of the probate of the last will and testa-
ment of Margaret Simonton as the same
purports to be and as all the same
remains in this office; and that the
foregoing copy is a full, true and perfect
copy of the will of Margaret Simonton
admitted to probate in said Court, and that
the said original will so admitted to
probate remains on file in said Court
and I further certify that the worshipful
A. W. Smith whose genuine signature appears
to the hunt attached Certificate, made & signed
before the making of this Certificate is the
acting and lawfully presiding magistrate
of said County Court and was such at the
time when said proceedings of probate
were had and when said certificate was made
by him. In testimony of all of which witness
my hand and seal of office at office in the
Court house in Brington, in Dipton County and
State of Tennessee. This 28th day of July 1884.
A. W. Baptist Clerk

State of Tennessee,
Tipton County }
}

I A. W. Smith, being a Justice of the Peace and Chairman of the County Court of Sevier County and the presiding Magistrate over said court and the said Court being under the laws of said State the prothonotary thereof do certify that the attestation of the will of Margaret Simenton, a true copy of which appears in the foregoing certified transcript from the records of said Court, is in due and proper form, and that the ^{said will} ~~document~~ was duly and properly attested in said Court as shown by the said certified transcript; and I further certify that W. B. Boylston is now and was at the date of said proceedings of prothonotary the lawful and acting clerk of said County Court of Tipton County in the State of Tennessee and his official acts as such clerk are entitled to full faith & credit.

Witness my hand, ^(then being of legal age) H. Campbell in said County & State this 28 day of July 1884

A. W. Smith
Chairman

executor perform all the duties
 which are or may be required
 by law this obligation shall be
 void, otherwise to remain in full
 force and virtue

D. B. Simonton

Acknowledge and ap- }
 proved in open court }
 this 13th day of Feb }
 1885-0 }

A. W. Smith Chairman.

State of Tennessee
 Tipton County

I W. B. Baptist
 Clerk of the County Court of said
 County do certify that the above
 and foregoing is a full, true and
 perfect copy of the Caption of the
 Court, qualification of Wm. B. Simonton
 as executor of the will of M. Simonton,
 deceased, and personal bond of
 said Wm. B. Simonton as such
 executor as the same appears of
 record in my office.

In witness my hand and seal of said
 Court at office in Covington
 Tennessee this 13th day of Feb. 1885

W. B. Baptist Clerk
 By J. C. Stephens

Simonton by the of his appointment
is excused from making bond and
giving security but he having

entered into a personal bond in the
Sum of \$ 2000.00 conditions according
to law and having taken the oath
prescribed by the Statute it is
ordered by the court that the said
W. B. Simonton ^{be & he is hereby} ^{invested} with all
the powers and privileges and
charged with all the duties as
such executor, and that better
testimony ~~testamentary~~ ^{be} issued to him.

Executor's Bond

State of Tennessee }
Diplom County } W. B.
Simonton am bound to the
State of Tennessee in the pen-
alty of Two Thousand Dollars
Witness our hands ^{and} seals, this
11th day of Feb 1885
The condition of this obligation
is such that whereas the above
bound W. B. Simonton has been
appointed executor of the last will
of Margaret Simonton deceased
Now if the said W. B. Simonton
shall well and truly as such

Open the Court W. B. Simonton
 and moved to be allowed to
 qualify as the executor of the
 will of W. Simonton dec'd
 and it appearing to the court
 that heretofore to wit on the
 3rd day of March 1887 the
 will of the said W. Simonton
 was by this worshipping court
 duly admitted to probate; that
 John Simonton and said W. B.
 Simonton were named as the
 executors in said will that said
 John Simonton duly qualified
 as the executor of said will
 that said will provides that the
 duty of qualifying is not enjoined
 upon said W. B. Simonton except
 in case of the inability or death
 of said John Simonton and it
 further appearing that the execution
 of said will has not yet been fully
 accomplished and that said
 John Simonton is dead and it
 further appearing that said W. B.
 Simonton by this ^{court} of his appointment
 is excused from making bond and
 giving security but he having

entered into a personal bond in the
 sum of \$ 2000.00 conditions according

Be it remembered that at a
County Court began and held
at the Court house in the
town of Covington, ^{Mo} and for the
County of Jefferson and State
of Tennessee on Monday the 2nd
day of February 1885 the same
being the 1st Monday in said month
Present and presiding the worship-
ful A. W. Smith, J. P. and
Chairman with Thos. J. Taylor
Sheriff and N. W. Baptist clerk
when the following proceedings
were had and entered of record
to-wit

X X X X ^ X

And upon a subsequent day
of said term to-wit Thursday
the 10th the following proceedings
were had and entered of record
to-wit

In Re
Qualification of N. B.
Simonton as the executor
of N. Simonton decd }
Come in

3405-812

W. B. Simmon

2/20/83 } Copy of
} Bond &c
}

Margaret Simmon

Pls ex (S.)

Filed Feb 21 1883

W. B. Simmon at
Post to court & record
By J. H. Stewart & S. J. P.

Chas. J. P. \$1.00
Paid By P. H. S.