

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

Case Number 1982

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1982

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THE STATE OF TEXAS.

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

YOU ARE HEREBY COMMANDED to summon *W. L. King and Mrs. J. Whitaker and Mary E. Whitaker and J. L. Pallard*

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 *June 3rd* A. D. 189*0*, at *9 1/2* o'clock a. m., at the instance of the

then and there to give evidence in a certain case *wherein* *In the matter of the Probate of the Will of W. P. Pallard deceased* is plaintiff, and *is defendant*, and remain from day to day and 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 *29* day of *May* A. D. 189*0*

S. B. SCOTT,

Clerk County Court, Dallas Co., Texas.

By *A. Jackson* Deputy.

THE STATE OF TEXAS.

To all Persons Interested in the Administration of the Estate of

W. P. Pallard deceased.

M. D. Gracy has filed, in the County Court of Dallas County, an Application for the Probate of the last Will of *W. P. Pallard* 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. 189*0*, 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 *S. B. Scott* *W. M. G. 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 *February* A. D. 189*0*.

S. B. Scott
W. M. G. HILL, County Clerk Dallas Co., Texas.

By *J. F. Lewis* Deputy.

9
No. 1409
COUNTY COURT.

ESTATE OF
N. P. Pollard

Deceased.

Notice of Application for Probate
of Will and Letters.

Issued this 19 day of
February 1890.
W. M. O'HILL, County Clerk.
By J. G. Lewis, Deputy.

SHERIFF'S RETURN.

Came to hand the 21st day of Feb
1890, and executed the 21st day of Feb
1890, 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. Lewis
Sheriff, Dallas County.
By J. T. Moore Deputy.
A. D. Aldridge & Co., Stationers, Printers, etc., Dallas, Tex.
This Printing 3 Copies \$ 3.00

(Recorded)
Hensler

SHERIFF'S RETURN.

Came to hand on this the 29 day of May
executed on this the 30 day of May
within Subpoena in the hearing of W. G. King, J. M. S. Whitaker
and Mary G. Whitaker
A. D. 1892, and
Dillard not present in Dallas Co.

Returned on this the

day of

the within named witness.

By C. B. Quace

Deputy.

W. H. Lewis

Sheriff Dallas
Co., Texas.

9
No. 1409

COUNTY COURT.

Estate of
vs. { SUBPCENA.
N. P. Pollard

Issued 29 day of May
A. D. 1890

S. B. SCOTT,
Clerk Co. Court, Dallas Co., Tex.
By G. S. Jackson Deputy.

See 3 wit-150
M-S 50
200

THE STATE OF TEXAS,

TO ALL PERSONS INTERESTED IN THE ADMINISTRATION OF THE ESTATE OF

W. P. Pallard DECEASED.

W. S. Fleming has filed in the County Court of

Dallas County, an Application for letters of Administration upon the Estate of said decedent

W. P. Pallard

which will be heard at the next term of said Court, commencing the *First* Monday in

September

A. D. 18*93*, 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.

S. H. Hughes

WITNESS, S. B. SCOTT, County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court at office in the

City of Dallas, this *8th* day of *August* 18*93*

S. H. Hughes

S. B. SCOTT,

County Clerk, Dallas County, Texas.

By

A. B. Paulius

Deputy.

NOTICE TO FILE EXHIBIT. - A. D. Aldridge & Co., Stationers, Printers and Book Binders, Dallas, Texas.

The State of Texas,

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

YOU ARE HEREBY COMMANDED, To notify

U. S. Fleming who has been appointed
Administrator of the Estate of *W. P. Pallard Deed*

by reading to *him* this writ, that at the *present* of the County Court of said County an order was made requiring him forthwith to file his *bond as* ~~such Administrator~~ *of said Estate*, and to show cause, if any he have, why a fine should not be adjudged against him for his failure to return the same at the proper time, as by law directed.

HEREIN FAIL NOT, but of this writ make due return, showing how you have executed the same.

Witness my hand and official seal at my office, in the City of Dallas,

this *25* day of *August* A. D. 18*93*

L. H. Hughes, Clerk,

By

A. B. Paulius

Deputy.

(No. 1409)

COUNTY COURT.

ESTATE OF
M. P. Pollard.

Deceased.

NOTICE OF APPLICATION FOR LETTERS
OF ADMINISTRATION.

Issued this *8th* day of *August*
A. D. 18*93* by *L. H. Scott*
S. B. SCOTT, Co. Clerk,
By *A. B. Paulius* Deputy.

SHERIFF'S RETURN

Came to hand the *8* day of *August*
18*93*, and executed the *8* day of *August*
18*93*, 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.

Sam Cabell
Sheriff Dallas County.
By *H. Conner* Deputy

PLOWMAN JOB PRINT 711 ELM ST., DALLAS, TEXAS.

Fees \$3.00

(Recorded)

Ok Jeff

9

No. 1409

ESTATE OF
M. P. Pollard
Deed

NOTICE TO FILE EXHIBIT.

Issued *25* day of *August*
189*4*
L. H. ISLES, Clerk,
By *A. L. Ledbetter* Deputy.

Came to hand on the *25* day of
Aug 189*4*, and executed on
the *25* day of *Aug* 189*4*,
by reading the within notice to
Flemming the within named

Ben & Cabell
Sheriff Dallas County.
By *A. L. Ledbetter* Deputy.

FEES:

Serving Notice.	-	-	\$ 1.00
Mileage.	-	-	.60
Total.	-	-	\$ 1.60

A. D. Aldridge & Co., Printers and Stationers, Dallas. A502

The State of Texas
County of Dallas

I, W. D. Pollard
of the County and State aforesaid
being of Sound and disposing mind
and being desirous of settling my
worldly affairs while I have health
and strength to do so, do make this
my last will and testimony hereby
revoking all former wills hereto-
fore made by me

It is my desire and I now make and pub-
lish this my last Will and Testament
Item 1st

I will and bequeath all my real
Estate and personal property of whatever
kind and quality to my beloved wife
Bettie Pollard and my beloved Children
James W. Pollard, Gertrude Pollard
Melton D. Pollard under the pro-
visions herein after stated

Item 2nd

I desire and will that all my honest
debts at the date of my death be paid
as soon as may be, without sacrifice
of property

Item 3rd

I desire and will that my family

Should remain on my farm and that they have the use and benefit of the profits, rents and revenue from all my estate both real and personal so long as my beloved wife continues my widow and remains on said property or any portion thereof
Item 4th

I request and will that the above items be carried into effect until my youngest son Milton P. Ballard becomes at the age of Twenty one years, and that all my children have and share the rents, revenues and profits equally with my wife until the said Milton is of lawful age
Item 5th

I request and will that no partition be made of any of my estate real or personal until the happening of the event in fourth item, unless Milton should die in which event the Real Estate and personal property except the one hundred acre farm on which we now live as our homestead, and sufficient stock and implements to cultivate the same

may be partitioned in the discretion of my Executor herein appointed or

may be partitioned in the discretion
of my Executor herein appointed or
his Successor may be divided
Equally between the Children
living. My beloved wife retaining
the one hundred acre Homestead ^{and}
Sufficient Animals & Tool to Cultivate
the Same -

Item 6th

I request ^{and} will that if the
Children or any of them are living
^{and} Melton arriving at his Majority
then My beloved wife take the
Homestead as mentioned in Item Sixth
^{and} the necessary stock & implements
to Cultivate Same ^{and} the Remainder
of all my Estate Real Personal ^{and}
Mixed be Equally divided between
all my Children living

Item 4th

In the event my beloved wife
Should marry again, Before my
youngest Child arrives at his Maj-
ority then, it is my will ^{and} desire
that she shall have no further benefits
or interest in my Estate either Real
or personal, ^{and} at any time after
my death if she Should marry

then my entire Estate Real & Personal shall become the property of my children as named in this my last will and Testament and shall be taken possession of by my Executor or his Successor, and if all of age be equally divided between them and if not of age then to be held in Trust by him or his Successor for them, the rents, Revenues & profits to be divided equally between them and upon the happening of the event in Item four to be equally divided between them as living

Item 8th

It is my will and request that my beloved wife take none of my Estate should she marry again and should she remain my widow then she is to share equally with my said children until Melton P. arrives at majority then she takes the said one hundred acres & stock & tools as if on her sole and solely provided she remains my widow otherwise at her marriage the said Homestead & Stock, tools &c. shall descend to my said children

Item 9th

I hereby appoint & constitute *W. D. Gracey* my Executor of this my last will and Testament

Witness my hand this the 17th day of October of 1884
W. P. Ballard

I hereby attest this will at the request of *W. P. Ballard* and he being of sound and disposing mind at the time of signing & he signed the same in our presence

J. L. Ballard
W. L. King

Codicil

The State of Texas }
 Dallas County } Whereas *W. P. Ballard* of said County of Dallas on the 17th day of October 1884 made, signed, and published my last ^{will} and Testament in presence of *J. L. Ballard* and *W. L. King*, who signed the same as witnesses, and whereas I am desirous of altering and changing a bequest and devise in said will, I therefore make and publish this day my Codicil to same. *W. P. Ballard* hereby makes, and annexes them 3rd in said will so far as it relates to my family

remaining on my farm and having the use and
 benefit of the profits, rents and revenues from all my
 Estate both real and personal so long as my beloved
 wife continues my widow and remains on said property
 or any part thereof. And I hereby declare it to be
 my last will and testament that my beloved wife
 should have the farm upon which we now live
 and all the benefit of the profits, rents and re-
 venues of the same as long as she remains my
 widow, and as the premises are now in litigation
 in the county, ^{Shelby} I, or she after my death ~~should~~
 have the possession of it - It is my ^{last} will and
 testament that she have the farm near Honey
 Springs in said County and all the profit rents
 or revenues accruing on the same as long
 as she remains my widow - and it is further
 my desire & will that all the property I may
^{real & personal} own at my death remain in the possession
 of my wife, but that she pay off my indebtedness as
 soon as practicable - All which returns over to my
 children the Honey Spring farm to be ~~cultivated~~
 cultivated until Milton P. Pollard my son is twenty
 one year old and then sold and divided equally
 between my children

Handwritten: "Handed"

Handwritten: "1469"

In testimony whereof I have hereunto set my
 hand and thus the 10th day of Jan'y 1890 W. P. Pollard
 Signed, declared and published by the said W. P. Pollard
 as his Codicil to his last will and testament of the 7th Oct 1887, in
 the presence of us the attesting witnesses who have subscribed our
 names hereunto, in the presence of the said W. P. Pollard at his special
 request this 10th day of Jan'y 1890

Handwritten: "1469"

Dec 19, 1890
 McCall Co. Clerk
 By J. H. ...

M. S. Whitaker
 Mary E. Whitaker

Recorded Scott CLK

Est. of W.P. Pollard, }
 Decid. } I Jno. J. Whitaker,
 being duly sworn say that I knew
 W.P. Pollard in his lifetime, he
 departed this life on or about the
 6th day of February, 1890, at his
 residence in Dallas County, Tex.
 that he died leaving his last will
 and testament which instrument
 in writing is here presented to
 me and I recognize the same
 and the Codicil thereto, as being his
 last will and testament dated on the 17
~~day~~ day of October, 1884, and the Codicil
 dated on the 10 day of Jan. 1890, the
 said Codicil having been signed by
 him in my presence, and in the
 presence of Mrs. M. B. Whitaker, and
 we at the special instance and
 request of the said W.P. Pollard, decid
 signed ^{at said} will in his presence
 and in the presence of each other
 as attesting witnesses to the said
 last will and testament.
 That the said W.P. Pollard at the time
 of executing the Codicil to the said last
 will and testament was of sound
 and disposing mind and memory
 and was over the age of 21 years,
 and we the attesting witnesses thereto
 were over the age of fourteen
 years.

Sworn to and subscribed before me in open Court
 this 3 June A.D. 1890

S.D. Scott Co. Clerk
 By A. S. Jackson Dy

In Re Estate

of
W. P. Pallard
Deed

Proof of Will +
possession

Recorded
(Sect 411)

Est. W.P. Pollard, decd.

Ms. 1409,

J. W. L. King being duly sworn say: that I knew W.P. Pollard in his lifetime, he is now dead, he departed this life on or about the 6th day of February, 1890, at his residence in Dallas County, Texas that he died leaving his last will and testament, which instrument in writing is here presented to me, and I recognize the same as being his last will and testament, dated on the 17th day of October, 1884, the same having been signed by him in my presence and in the presence of J. L. Pollard, and we were at the special instance and request of the said W.P. Pollard deceased, signed said will in his presence, and in the presence of each other, as attesting witnesses to said last will and testament, that the said W.P. Pollard at the time of executing the said last will and testament was of sound and disposing mind and memory, and was over the age of twenty-one years, and I, and J. L. Pollard, the attesting witnesses to said will were over the age of fourteen years.

J. W. L. King

Sworn to and subscribed before me in open Court
this 3 day of June A.D. 1890

A. B. Scott Co. Clerk
By A. S. Jackson Dy

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

In Re Estate
of
W. P. Gallard
decd
Proof of will

Recorded
(Scott CLK)

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

LAW OFFICE OF
BRISSETT, SERV & MUSE,
320 MAIN STREET,
DALLAS, TEXAS

B. H. BRISSETT
J. B. SERV
J. C. MUSE

Estate of
W. P. Pollard } Sept 9, 1893

This day coming on to be heard the application of Eulus J Fleming to be appointed administrator of the estate of W. P. Pollard deceased with the will annexed, and the same being fully heard and understood, and it being shown to the Court that Mad L Grady named executor by the terms of the said will of the said decedent and heretofore appointed as such by the Court has now qualified as required by law, it is adjudged by the Court that said order appointing him as such executor be and the same is hereby revoked and annulled and the said Eulus J Fleming is hereby appointed executor of said estate with the will annexed upon his giving the bond hereafter to be fixed. And J. H. Jackson, W. Record and R. J. Gray are hereby appointed appraisers of said estate.

Estate of

W. P. Ballard

deceased

Judgment

A-5-390

INVENTORY AND APPRAISEMENT - A. D. Aldridge & Co., Stationers, Printers and Book Binders, Dallas. 156

INVENTORY AND APPRAISEMENT

Of the property, real and personal, belonging to the estate of *W. P. Pollard*
 1st tract. 74 acres of land in Dallas County, Tex as about
 two miles east of Lisbon conveyed by J. J. Pollard to said
 W. P. Pollard by deed recorded in Book 12 page 552
 of the deed records of Dallas County. Said land valued
 at \$ 20⁰⁰ per acre. = \$ 1480⁰⁰
 2nd tract. Undivided one half interest in 96 acres of land
 in Dallas County, Tex in the J. W. Wright Survey.
 The remaining undivided one half interest in said 96 acres
 of land belonging to the children of said W. P. Pollard
 as heirs of his deceased mother. Said 96 acres is
 involved in the suit of *W. Williams et al vs W. P.*
Pollard now pending on appeal. The 48 acres of
 said land belonging to the estate of W. P. Pollard is
 valued at \$ 25⁰⁰ per acre. = \$ 1200⁰⁰

J. W. Record
 Geo Jackson

The State of Texas,

County of Dallas.

U. M. Fleming

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.

U. M. Fleming

Sworn to and Subscribed before me, this the 23 day of Sept A. D. 1893

W. Hughes Clerk Co. Court,

By *A. Elliott* Deputy.

The State of Texas,

County of Dallas.

Before the undersigned authority, this day personally appeared *J. W. Record and Geo Jackson*

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 appraisement of the property pointed out to them as belonging to said Estate.

J. W. Record
 Geo Jackson

Sworn to and Subscribed before me, this 22 day of September A. D. 1893

W. H. Lewis Notary Public, Co. Court,

Dallas County, Tex Deputy.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

< Recorded >

No. 1409

COUNTY COURT.

ESTATE OF

W. P. Ballard

INVENTORY AND APPRAISEMENT

Filed 23 day of Sept
A. D. 1893

L. H. Hughes
COUNTY CLERK.

By A. E. Elliott Deputy.

Examined and approved this 14th
day of Oct 1893

J. F. Sash
COUNTY JUDGE.

K-5-420
A. D. Aldridge & Co., Stationers and Printers. 186.

Bond of Admin paid
at \$5860⁰⁰

CITATION

THE STATE OF TEXAS.

To the Sheriff or any Constable of *Palo Pinto* County--GREETING:

YOU ARE HEREBY COMMANDED to ~~summon~~ ^{appear}

M. D. Gracey, Executor of the Estate of W. P. Ballard Deceased,

to appear before the Honorable County Court of Dallas County, at the next regular term thereof, to be held at the Court House thereof, in the City of Dallas, on the *First* Monday in *September* 189*3*, then and there to answer the ^{Application} ~~petition~~ of *W. S. Fleming*

filed in said Court on the *7th* day of *August* 189*3*, ~~against the said~~

~~for suit, said suit being numbered~~ ^{Application} ~~demand~~ is as follows, to-wit:

For the removal of the Executor M. D. Gracey, and the appointment of W. S. Fleming as Administrator of said estate.

A certified copy of Plaintiff's ^{Application} ~~petition~~ accompanies this writ.

HEREIN FAIL NOT, but due service and return hereof make, showing how you have executed the same

Attest: *L. W. Hughes* S. B. SCOTT, Clerk of the County Court of Dallas County.

GIVEN UNDER MY HAND and seal of office, at Dallas

this *8th* day of *August* 189*3*.

L. W. Hughes S. B. SCOTT, Clerk County Court, Dallas County, Texas.

By *W. P. Lawrence* Deputy.

I hereby accept service of
an interdict citation this
Aug 8 - 1893 - Mrs. L. Gracy

Right here & return to me
L.H.H.

Original

No. 1409.

CITATION.

County Court, Dallas County, Texas.

Est. M. P. Pullard, decd.

vs.

M. D. Gracy, Exr.

Issued this 8th day of Aug 1893

L. H. H. T. Clerk,

By W. P. Rawlins Deputy.

SHERIFF'S RETURN.

Came to hand _____ day of _____

189 . . . and executed the

_____ day of _____ 189

by delivering same to _____

the within named defendant in person a true copy of this writ, together with the accompanying certified copy of plaintiff's petition.

Sheriff _____ County.

By _____ Deputy.

FEEES.

Serving Copy, - - - - \$ _____

Mileage, - - - - \$ _____

Total, - - - - \$ _____

Recorded

ESTATE OF W.P.POLLARD,
#1409 Deceased

IN COUNTY COURT
DALLAS COUNTY.

TO THE HON. COUNTY COURT OF DALLAS COUNTY:-

U.S.Fleming makes this application for the removal of M.D.L. Gracey as executor of the estate of W.P.Pollard, deceased, and for the appointment of your petitioner as administrator of said estate with the will attached - and as grounds therefor shows:-

1. That W.P.Pollard died testate in Dallas County on Feb'y 6" 1890. That his will in which M.D.L.Gracey was named as executor was probated in the County Court of Dallas County on June 3", 1890, and said Gracey was the appointed executor of said estate.

2. That said Gracey has never qualified as such executor of said estate; that no inventory and appraisement and list of claims of the said estate has been filed. That under the terms of said will the executor named was not excused from giving bond as required by law.

4. That by the will of said Pollard, deceased, his estate was devised to his children Gertrude, James and Milton Pollard, and his widow Sallie Pollard, the said widow to take no part or interest in said estate in the event of her marriage. That said widow intermarried with one L.E.Smith on the day of 1892, and removed from the late home of the deceased. That all of the realty of said estate was the community property of the deceased and his first wife long since deceased. That none of the beneficiaries named in said will have received any benefit from said estate save said widow Sallie Pollard. That said estate now consists as your petitioner believes only of land in Dallas County of the probable value of \$3000.00 .

That a necessity exists for an administration upon said estate in order that the will of, said deceased may be administered, and said estate preserved for the heirs thereof .

That your petitioner is the husband of the said Gertrude Pollard now Fleming, one of the heirs of said estate, and is not disqualified by law from acting as the administrator of said estate.

Wherefore your petitioner prays that citation be issued as

required by law and that said Gracey be removed as such executor
and that the order of the Court appointing him be cancelled and annul-
ed : and that your petitioner be appointed administrator of said
estate with the will annexed, and that such other and further orders
be made as to the Court may seem proper.

U.S. Fleming
By His Attorneys
Nearby & Case

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

1409
Recorded

ESTATE OF W.P. POLLARD,

DECEASED.

===
#1409.

APPLICATION FOR REMOVAL OF
EXECUTOR AND APPOINTMENT OF
U.S. FLEMING AS ADMINISTRATOR.

FILED

AUG 7 1893

L. H. MUMFORD, City Clerk
By *W.B. Rawlins*

*Citation to W.P. Pollard
Purchasers Co. - Case Copy
Application 7-8-93*

Recorded

Notes 8-8-93

KEARBY & MUSE.

ATTYS. FOR U.S. FLEMING.

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No.

In the Matter of the Estate of *W. P. Pollard, dec'd.*
M. D. L. Gracy Ex'r } In Probate Court of Dallas
 County, Texas.

To the Hon. Judge of said Court.

Comes now M. D. L. Gracy and shows to the court said W. P. Pollard on the 6th day of February A. D. 1890, on his farm, in Dallas County, Texas, died testate; That said W. P. Pollard owed in said county a few debts amounting to about \$300; That said deceased's estate consisted of personal and real property and is situated in Dallas County, Texas, and is of the probable value of about \$4000.00; That said M. D. L. Gracy is nominated Executor of the Last Will and Testament of said W. P. Pollard, dec'd. and lives in said state and county; That said M. D. L. Gracy is not disqualified by law from accepting letters of Administration under said Will which is herewith filed & referred to.

Therefore your applicant prays that citation be issued to all persons interested in said estate; That said Will of said W. P. Pollard be admitted to probate in this court; and that your applicant be permitted to qualify as such Executor, and upon such qualification receive Letters Testamentary &c

Williams & Turney
 Attys for Applicant herein

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No 1409
In the Matter of the Estate
of W. P. Pollard
Dec'd

M. D. L. Gracey & Co

Application to probate Last
Will & Testament, for Letters
etc.

Filed Feb 19, 1890
J. B. Scott, Clerk
By J. B. Lewis, Dy

Dec. 2/19, 90.

Recorded 2-158
(Scott, Clerk)

Williams & Turney

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978