

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

Case Number 952

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Founded 1955

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FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

952

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THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to notify E. R. Proper
Survivor & Community Administrator
of the Community Estate of himself & his deceased
wife, Alice E. Proper,
by delivering to him a true copy of this writ, that at the March term of the County Court of said
County an order was made releasing Thos. F. King and J. J. Bieck, the
sureties on his bond as such survivor, from all further
liability thereon, and cancelling all authority conferred
by his appointment as such survivor, unless he—the said
E. R. Proper shall within 30 days from date hereof
file a new bond as such Community Administrator, all
costs of said proceeding being adjudged against said E. R. Proper,
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 30th day of

April A. D. 1900
By A. S. Jackson Deputy. A. S. JACKSON, CLERK.

The State of Texas, } Estate of
COUNTY OF DALLAS.

Know all Men by these Presents, That we,
as Principal, 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 _____ 1887.

I DO SOLEMNLY SWEAR that Alice E. Proper deceased, died
without leaving any lawful will, so far as I know or believe; and that I will well and truly
perform all the duties of Administrator of the Estate of said deceased, & myself

Sworn to and subscribed before me this 25 day of May 1887.
W. W. [Signature]
County Clerk, Dallas Co., Texas.
By [Signature] Deputy.

90

No 1022

ESTATE OF
Alice E Proper
Needs

NOTICE TO *Services*

Issued 30 day April
1900

By *A. S. Jackson* Clerk.
A. S. Jackson Deputy.

Came to hand on the 30 day of
April 1900, and executed on
the 6 day of May 1900
by delivering a true copy of within notice to
A. E. Proper the within
named

L. S. Hughes
Sheriff Dallas County.

By *Mawone* Deputy.

FEES:

Serving Notice.	\$	<u>.70</u>
Mileage.		<u>.10</u>
Total.	\$	<u>.80</u>

73500

Bond Bond ✓

Alice E Proper
County Court, Dallas County.

~~Administrators Bond.~~

ESTATE OF
Alice E Proper
Needs

Filed Feb 28 1887

W. M. C. HILL, Clerk.
By *F. H. Jones* Deputy.

Approved this _____ day of _____ 188____

County Judge, Dallas Co.

Carter & Gibson Printing Co., Printers and Bookbinders, Dallas, Tex.

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Estate of Alice E. Proper, deceased.

April 28th, 1900.

No. 1022

Be it remembered that on this day came on to be heard the petition and application of Thos. F. King to be relieved and discharged as bondsman upon the community administration bond of E. R. Proper, executed by him on the 28th day of Febry., 1887, as community administrator of the estate of himself and his deceased wife Alice E. Proper.

And it appearing to the court that the said E. R. Proper was duly and legally cited by law to appear and answer said suit, and that he came not and made no appearance herein; and that J. J. Brick, co-surety with said Thos. F. King on said administration bond, was duly cited, filed his answer and prayed to be discharged from liability upon said bond aforesaid, and that the said Thos. F. King and J. J. Brick both duly appeared in person and by attorney herein in this proceeding, and that the said E. R. Proper came not, although duly and legally cited as hereinabove shown. The cause came on for trial and said parties announced ready for trial, and thereupon the evidence being heard by the court and the matters and things being fully understood. And it appearing to the court that Alice E. Proper was the deceased wife of E. R. Proper and that on the 28th day of Febry., 1887, an inventory and appraisement of said community estate of Alice E. Proper, deceased, and her husband E. R. Proper, was filed in the Probate Court of Dallas County, Texas, showing that a lot or parcel of land situated in the City of Dallas, State of Texas, was the community estate of said Alice E. Proper, deceased and E. R. Proper, the same being described as follows, to-wit: Beginning at the junction of Emma Street with Pacific Avenue in the City of Dallas, thence North to East side of Emma Street 65 feet stake; thence East with Emma Street 125 feet; thence South 120 feet to Pacific Avenue; thence West 125 feet to the place of beginning, which lot was appraised at \$1500.00, as the sole and as the entire community estate of Alice E. Proper deceased and her said surviving husband E. R. Proper, which said inventory was duly approved by the court.

And it further appearing to the court that on the 28th day of Febry., 1887, that the said E.R.Proper duly qualified as such administrator upon making oath as required by law and filing bond in the sum of \$1500.00 in the probate court, which was duly approved, with himself as principal thereon and said Thos.F.King and J.J.Brick as sureties thereon.

And it further appearing to the court that said community estate has never been disposed of or sold, and that the same is in the possession of E.R.Proper, occupied as his homestead, as it was the homestead of himself and said deceased wife Alice E.Proper; and that the said Thos. F.King and J.J.Brick have filed this application and proceeding to be released and discharged from any and all liability upon said community administration bond, and to be relieved from all liability ^{for} the further acts of said administrator in reference to said estate, and that said community administrator be required to give a new bond in substitution for and in lieu of said administration bond heretofore approved as recited.

It is the opinion of the court that the law is with the said complainants Thos.F.King and J.J.Brick, and that they are entitled to be relieved and discharged from all further liability of the community administration ~~upon~~ bond of the said E.R.Proper.

It is therefore ordered, adjudged and decreed by the court that the said community administration bond of E.R.Proper given in said proceeding as required by law in the community administration of the community estate of said E.R.Proper and his said deceased wife, approved Febry.28th, 1887, be and the same is hereby cancelled and annulled as to any and all further liability thereon, and that the said sureties thereon be and the same are hereby released and discharged from any and all liability by reason of their suretyship upon said community administration bond; and it appears to the court that the property inventoried is as yet in the possession of said surviving husband and community administrator E.R.Proper; and that no further liability shall exist against Thos.F.King and J.J.Brick by reason of their suretyship upon the said bond aforesaid.

And it is further ordered, adjudged and decreed by the court that said community administration proceeding by the said E.R. Proper be and the same is hereby cancelled and annulled and held for naught, unless the said E.R. Proper shall within 20 days from the date hereof file a new bond as such community administrator and the same be approved by the court; and the said E.R. Proper shall be without authority or right to convey said property inventoried as aforesaid or any portion thereof, by reason of said community administration proceedings aforesaid, unless a new bond shall be filed and approved by the court as herein-before decreed.

And it is further ordered, adjudged and decreed by the court that the said E.R. Proper be cited to appear and show the condition of said community property aforesaid and the status of said community estate and to give a new bond as community administrator as hereinbefore adjudged, and upon his failure to give such bond that said community administration is hereby cancelled and annulled, and the said E.R. Proper discharged as such community administrator without authority to dispose of any portion of said community estate.

It is further decreed by the court that all costs in this proceeding be adjudged against E.R. Proper, for which execution may issue.

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*No Action by the
Court -*

NO. 1022

ESTATE OF ALICE R. PROPER, DECEASED.

JUDGMENT FREEING THOMAS F. KING AND
J. J. BRICK FROM FURTHER LIABILITY
AS SURETIES ON BOND OF R. R. PROPER,
COMMUNITY ADMINISTRATOR.

*OK
Incl*

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Estate of Alice E. Propper Deceased }
E. R. Propper surviving husband }
County Texas
July 28th 1889

In said Non Sane:

Now come John Conroy and
P. J. Butler appointed by this Honorable
Court on February 28th 1889 to inventory and appraise
the Community estate of Alice E. Propper deceased and
E. R. Propper her surviving husband, and return into
Court the following the following as a complete and fair
Inventory and appraisements of said estate, to wit:
1- Lots or parcel of land in the City, County of Dallas and
State of Texas, and more particularly described as follows:
Beginning at the junction of Emma street with Pacific Avenue
Thence Northwardly with East side of Emma street
65 feet, a stake. Thence Eastwardly with Emma st
125 feet. Thence Southwardly 120 feet to Pacific Avenue
Thence Westwardly 125 feet to beginning, which lot
we appraised at \$1500.⁰⁰/₁₀₀
We find no other property belonging to said estate
We find no debts due said estate.

John J. Conroy
P. J. Butler

We solemnly swear that the above comprises all the prop-
erty that has come to our knowledge as belonging to said
estate and that the valuation we have placed upon it
is a just and fair valuation

John J. Conroy
P. J. Butler

Subscribed and sworn to before me this the 28th
day of February 1889

W. H. Hayes
Notary public
Dallas Co. Texas

State of Texas } I E. R. Proffer surviving husband of
 hereby of said Alice E. Proffer deceased solemnly swear
 that the foregoing is a free and complete in-
 ventory of the Community Estate of myself and said
 deceased wife that there are no debts due said estate
 and that I will faithfully administer said Community
 Estate to the best of my ability, and faithfully perform
 all duties required of me as surviving husband of said
 Estate
 E. R. Proffer

Subscribed and Sworn to before me this the 18 day of
 February 1887 Wm. Charles Cole
 By F. H. Hughes, J. C.

Invent. & Appointment
 Community Estate of Alice
 E. Proffer Deceased
 E. R. Proffer Surviving
 husband
 Community & Appointment

Examined & approved
 July 2 1887
 E. H. [unclear]
 J. C. [unclear]

Pat. [unclear]
 John [unclear]
 Recorded Page 192

¹⁸⁸⁷
Bond Read. v
Estate of Mrs E

Propre Second
E. R. Propre sur-
viving husband

Bond of surviving
husband

Examined and ap-
proved this 28th of
February A.D. 1887.

E. G. Horner
Cof. Judge Dallas Co

Recorded

This the 28th day of February 1887

E. G. Horner
C. J. King
J. P. Smith

No—

The State of Texas } In County Court
 County of Dallas } Dallas County Texas
 July 25th 1869

To the Hon. C. G. Bower Judge of said Court

Your Petitioner

Erastus R. Proffer a resident citizen of said State and County, represents that he is the surviving husband of his wife Alice C. Proffer who departed this life in said State and County on or about the 29th day of November 1863 leaving as the issue of their marriage two children viz: Flora H. Proffer and Pearl Proffer, ^{now} aged respectively 19 and 8 years, and both of whom ^{now} reside with your petitioner in Dallas County Texas.

Your petitioner further represents that there is a community estate between his said deceased wife Alice and himself, which estate consists of one house and lot on Pacific Avenue in Dallas Texas, and of the probable value of 1200\$.

Wherefore he respectfully prays the Court to appoint appraisers to appraise such estate

W. H. Johnson
 Atty for Petitioner

THE STATE OF TEXAS.

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

YOU ARE HEREBY COMMANDED to summon *E. K. Propper*
and *J. J. Brick*

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 *March 1900*, then and there to answer
the petition of *Thomas I. King*

filed in said Court on the *24* day of *July 1900*, 189, against the said
E. K. Propper and *J. J. Brick*.

for suit; said suit being numbered *1022* *Probate Docket of said Co Court*
the nature of which demand is as
follows, to-wit: *Petitioner alleges in his said petition that on the 22nd day of July 1899*
the said E. K. Propper and J. J. Brick, as administrators of the community estate of James I. King, did
deceive and defraud the said Thomas I. King, as follows: to-wit: by taking and receiving
from the said King the sum of \$1,500.00 with interest as per legal and reasonable
charges, being as of said Brick as executor of said King's estate, and as such, the said
only property of said King, and that the said E. K. Propper and J. J. Brick, the
said King, at the time of said death, and that the said E. K. Propper, the
said King, and the said E. K. Propper and J. J. Brick, at the time of said death, and
that the said E. K. Propper and J. J. Brick, at the time of said death, and that the said
has been disposed of and that said E. K. Propper and J. J. Brick, at the time of said
liability has not been paid and that the said E. K. Propper and J. J. Brick, at the time of said
administration, that said E. K. Propper and J. J. Brick, at the time of said
liability on said E. K. Propper and J. J. Brick, and that the said E. K. Propper and J. J. Brick, at the time of said
you in writing, advising that the said E. K. Propper and J. J. Brick, at the time of said
petitioner prays that E. K. Propper and J. J. Brick, at the time of said
report and condition of said community estate, and that said E. K. Propper and J. J. Brick, at the time of said
administrator be required to give new bond and that said E. K. Propper and J. J. Brick, at the time of said
be discharged from all liability or claims alleged for costs, fees and
and equitable relief
and you will deliver to the said *E. K. Propper* and *J. J. Brick*
each in person

a true copy of this Citation.

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

Attest: *S. B. Scott*, Clerk of the County Court of Dallas County.

GIVEN UNDER MY HAND and seal of office, at Dallas
this *24* day of *July 1900*, 189
S. B. Scott
Clerk County Court, Dallas County, Texas.

By *J. J. Brick* Deputy.

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90/

CITATION.

No. 1072
COUNTY COURT,
Dallas County, Texas.

In Re Ed Alice Craft
vs. Alced

Issued 10th day of July 1900
By J. H. Scott Deputy.

SHERIFF'S RETURN.

Came to hand 24 day of
July 1900, and executed the
2 day of March 1901
by delivering same to J. P. Brock
& R. P. Fair

the within named defendant 90ct in person a true copy of this writ.

Burr Cabell
Sheriff Dallas County, Texas.
By Wawon Deputy.

FEES.	
Serving Copy	\$ 1.50
Mileage	30
Total	\$ 1.80

A. D. Aldridge & Co., Stationers and Printers, Dallas. AS206

Community Estate of Alice E. Proper, Deceased: In Probate Court, Dallas
County, Texas.

Your petitioner, Thos. F. King, complaining of E. R. Proper and J. J. Brick as defendants would respectfully show that your complainant Thos. F. King and said defendants reside in Dallas County, Texas.

1. That prior to the 28th day of February, 1887, Alice E. Proper died, leaving surviving her E. R. Proper, as her surviving husband with minor children or child, the fruits of said marriage. That on or prior to said date and after the death of said Alice E. Proper said E. R. Proper made application to the Probate Court of Dallas County, Texas, for letters of community administration of the community estate of himself and wife; that on the 28th day of February, 1887, an inventory and appraisal of said community estate was had, showing the following property belonging to said community estate, situated in the City of Dallas, State of Texas, to-wit: A lot or parcel of land in the City of Dallas, State of Texas, beginning at the junction of Emma Street with Pacific Avenue; thence North with East side of Emma Street 65 feet a stake; thence East with Emma Street 125 feet. Thence South 120 ft. to Pacific Avenue; thence west 125 feet to beginning, which lot we appraise at \$1500.00, and said appraisal duly approved by the court as the entire community estate of A. E. Proper, deceased, and her husband surviving, E. R. Proper.

That on the 28th day of February, 1887, the said E. R. Proper duly qualified as such community administrator by giving the oath required by law and filing bond in the sum of \$1500.00, with himself as principal thereon, and this complainant, Thomas F. King and J. J. Brick as sureties.

That none of said community estate has ever been disposed of or sold, and the same is intact, held by the said E. R. Proper, and that no liability has accrued upon said bond by reason of said community administration; said property was then and is now the homestead of said E. R. Proper and was such homestead at the time of the death of Alice E. Proper.

2. Your co complainant Thos.F.King shows to the court that he desires to be released and discharged from any and all liability upon said bond, and from all liability from the further acts of said community administrator thereon and with reference to said estate, and that said E.R.Proper, community administrator be required to give a new bond in substitution of and in lieu of the bond aforesaid, upon which this complainant is surety.

3. Premises considered complainant prays that the said E.R. Proper and J.J.Brick be cited as required by law to appear and answer ^{and make report as to the condition of said Community Estate} this petition, and upon final hearing hereof that such administrator be required to give such new bond, and that he be discharged from all liability as herein-before alleged, and for his costs and for general and equitable relief and will ever pray.

Charles E. King
Attor. for Thos.F.King.

In the matter of : In the Probate Court of Dallas
 Alice E. Proper, :
 Deceased. : County, Texas.

40. 10 10 10

Now at this time comes J. J. Brick in compliance with citation served upon him in this cause citing him to appear herein on the 5th day of March, 1900 and makes his appearance, and for answer says that he is a co-surety with the petitioner Thos. F. King upon the community bond of E. R. Proper and now here adopts all the allegations contained in the plaintiff's petition and prays the Court that upon the hearing of the said administrators E. R. Proper be required to give a new bond and that he be discharged from all liability as surety upon the aforesaid bond.

T. L. Couch

Attorney for J. J. Brick.

1022

IN THE MATTER OF THE ESTATE OF ALICE E. PROPER DECEASED.

DISCHARGED FROM FURTHER LIABILITY OF BOND OF ADMINISTRATOR.

FILED

FEB 24 1900

A. S. JACKSON, Clerk
 Of Court, Dallas County, Texas.

By *J. H. Schild* Deputy

Get on 2/24/1900

No. 10 22

In the matter of the Estate of Alice B. Proffer deceased

Applicant

vs

Robert B. Proffer

Defendant

Now at this time comes the report in compliance with citation

FILED in the County of Tarrant, Texas, this 10th day of March, 1900.

A. S. JACKSON, Clerk of Court.

By *[Signature]* Deputy.

L. Campbell
att

No 1c22

Estate Alice E. Preper : In County Court Dallas County, Texas
Deceased :

Entered as of May 2nd.

On this day came on to be heard the motion of Pearl Preper to vacate and annul the order of this court heretofore at this term made, releasing Thos. F. King and J. J. Brick, from further liability, as sureties on the bond of E. R. Preper, community administrator and survivor, of the estate of Alice E. Preper and E. R. Preper and came all parties by their attorneys, except E. R. Preper, who came not though duly notified, and the court having heard the evidence and argument of counsel is of the opinion that the ~~same~~ order complained of is erroneous and void and that same ought to be vacated and a new order made in lieu thereof. It is accordingly ordered, adjudged and decreed by the court, that said order and judgment as same appears in Volume ___ pages ___ of the Minutes of the Probate Court of Dallas County, Texas be and the same is hereby vacated and in lieu thereof and as substitute therefor the following judgment be entered.

No. 1094
Estate Alice E. Preper, Deceased *In County Court Dallas*
County, Texas
Be it remembered that on this day came on to be heard the application of Thos F. King to be relieved from further liability as bondsman on the bond of E. R. Preper, executed by him Feby. 28th. 1887, as community administrator of the estate of himself and his deceased wife Alice E. Preper. And E. R. Preper though duly cited came not and filed no answer herein and Thos F. King duly appeared by attorney, and J. J. Brick, joint surety, with applicant on said bond also appeared and filed an answer praying to be released from said bond, and the parties announcing ready for trial, and it appearing to the court that Alice E. Preper now deceased, *within 4 years from her death* was wife of E. R. Preper and that on Feby. 28th. 1887, E. R. Preper, filed his inventory and appraisal of the community estate of himself and his said wife and on the said date filed his application praying that he be allowed to administer said community estate as survivor, under the statute in such case made and provided, and accompanying same he filed his bond as survivor, with Thos. F. King and J. J. Brick as sureties thereon ①

and it appearing to the court that the property described in said inventory and appraisal has been heretofore attempted to be sold by the said E. R. Preper and that he has received the proceeds thereof, and it appearing to the court, that the sureties on his bond as aforesaid have heretofore filed application to be released herein and due notice has been given as required by law to the said E. R. Preper, and it appearing that a new bond should be filed by the said E. R. Preper; It is accordingly ordered adjudged and decreed by the court that said E. R. Preper should be and he is hereby ordered to file a new bond in the sum of Ten Thousand Dollars, with two or more good and sufficient sureties thereon, within fifteen days from this date viz: May 2nd, 1900; and that, until he file said bond and same be approved by this court, all powers heretofore at any time conferred upon him by virtue of any proceeding in or order of this court shall be and they hereby suspended and the said E. R. Preper, shall not hereafter pay out any money of said estate or do any other ~~and~~ official act except to preserve the property of the estate.

It is further ordered, adjudged and decreed by the court that upon the filing of the new bond aforesaid by the said E. R. Preper and upon its approval by this court, the aforesaid sureties on the old bond, viz: Theo F. King and J. J. Brick, shall be thereby discharged from the future acts of said E. R. Preper, as survivor, and upon these facts being shown to this court an order may be entered so discharging said sureties from liability for said future acts. ~~To which order~~

Wm. H. Stone
Co. Clerk

Estate of Mrs. Alice Proper } In Probate Court
Dec'd } Dallas Co., Texas.

Now comes Pearl Proper and shows the Court that she is a daughter of and heir at law of Mrs. Alice Proper, and she moves the Court to vacate and set aside its order of date April 2nd 1900 releasing surties on the bond of E. R. Proper, survivor, and for cause thereof shows to the Court

1. That no authority is conferred upon this Court, by law, to release the surties upon the bond of a survivor who has qualified him self under the law to administer as survivor, community property or himself & a decedent.

2. That this Court has no power to release any executor, or admin^{or}istrator of any kind, without first requiring the filing of a new bond by said survivor & without first approving said new bond.

3. Said order was not entered at the time and in the manner provided by law & of all this petitioner prays the judgment of the Court & prays that above order be vacated

Carroll Hear Crawford
Petitioner attys -

No. 1022

Estate of Mrs. Alice
Proper, Deceased

Motion to vacate
order releasing Sure-
ty bond of A. Proper.

FILED the 30 day of

April 1906

A. S. JACKSON, Clerk Co. Court.

By A. H. Lawrence Deputy.