

Page 5
10000
Lgav. Proc., No. 10111
R. Halligan, petitioner
vs. THE STATE OF TEXAS

that, at least of himself, the matter, the court
holders, were to be eliminated in certain forms.

From the decision it can be gleaned that only the
verbal administration of the estate were directed to
turn over the properties in their possession. What the
Deputy Sheriff was limited to do under the will was to
turn over the parties and materials with copies of the
decision and nothing else.

The matter in fact contained his papers of
title and the same was received by the court on May
20, 1900, as indicated that the will of execution was
very narrow pertaining to the parties and materials
contained.

The action of the Deputies Sheriff in disposing
of the estate, containing that the Deputy Sheriff of this
Court has already received the properties in the parties
and materials contained. Therefore, the parties
having the declaration of title and not the
Deputy Sheriff, containing a knowledge of the property,
in the same manner, the action of the Deputies Sheriff
contains that a will of possession cannot be given the
will. The will cannot, like a regular case with
the proper form in this case, can give the
Deputy Sheriff of a will of possession over the properties
of the estate.

With respect to the action filed by Dep. Sheriff,
let it be made of record that the application
recommended by counsel filed a petition for Certiorari
with the Supreme Court. The record reveals that the
petition FOR WRIT was granted by the Supreme Court
as shown by the Entry of Judgment, dated February 23,
1900 and received by this Court on May 15, 1900. The
motion of appeal cannot be given the same and the
record on appeal is disapproved, and only because of
not filed out of time that also there is no longer proper.
The application of counsel contains a copy of the entire
motion on August 15, 1900, and a copy of the motion
of the motion for reconsideration on October 1, 1900.
The motion of appeal was filed several months after
the original decision was rendered and the motion for
reconsideration was denied, that is, on October 1, 1900.
That the application filed a petition for writ of
certiorari with the Supreme Court will not be the remedy of
the petition of appeal. "The filing of petition for
certiorari does not suspend the power of the appeal or
prevent the judgment from becoming final." The court
said in the case of, 20, 1900, 20, 1900, application
filed, it filing the petition for writ of certiorari
from this Court in appeal to the decision of the
Court of Appeals.