

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

Case Number 426

Dallas Genealogical Society
Founded 1955

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FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

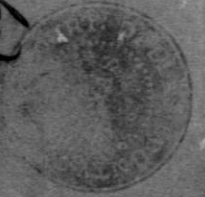
426

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

State of Texas }
 County of Dallas } To the Sheriff of said County
 Greeting-

You are hereby commanded
 to cite David S. M. S. Merrell, to be and appear at
 the next term of this Court to be holden in the
 town of Dallas on the last Monday in June
 1853 to show cause why they have not made an
 annual exhibit of the condition of the Estate of
 W. H. Murrell deceased to said Court as required
 by Law. - Merrell fail not and are return make
 according to Law.

(By order of Court) ~~Subscribed~~ my hand
 and official Seal this 5th June 1853
 A. Howard CLK
 P. O. W. Park Street
 C. C. D. S.



Estate of W. H. Murrell
 In audit with David Merrell D.

1853

Mar 29	Do Friday attending Court	.50	
" "	Recording one transfer	.50	
" "	Paid Taxes	1.75	
Apr 26	" Friday 4 persons Court	.40	
May 29	" " " "	.20	
Aug 27 1853	" " " "	.10	
Feb 27	" Paid Taxes	1.00	
July 4	" " Sawing plank	1.25	
" "	" " Funeral Expenses	3.55	
" "	" " " " " "	1.00	
" "	" " " Paid Medicine last week	2.00	
" "	" " " Assumt to A. Paton	3.10	14.29

I do solemnly swear that the above
 account is true correct to the best
 of my knowledge & belief
 Sworn to before me
 this 1st Feb 1854

D. Merrell
 J. M. Crockett
 Co. Com.

In addition to the Sale Bill there are accounts
Due the above Estate as follows

Thomas Rhodes	\$ 85	
Frederick Rhodes	3.75	
E. Rhodes	82.65	
W. F. King		the amount unknown
C. Conley	6.00	
A. Stratton	3.00	
E. M. Heath	2.00	Rec'd by Note
David Merrill	14.50	
A. J. Heath	5.00	Rec'd by Note
Standifer	6.00	
	73.75	David Merrill

The State of Texas
County of Dallas }
the undersigned } Personally appeared before
executors of the estate of William H. Murrell }
and made oath that the above was a true and
correct list of the accounts due said estate so far as
has come to his knowledge }
subscribed and sworn to before } David Merrill
me this 27th August 1852 }
John Cassin, Deputy Clerk }

County Court
To the Citation
of M & Merrill
Exr W. H. Murrell
(Original)

Came to hand
and returned that
M & Merrill not
found this 27th of
June 1852
R. D. Buzzard
Deputy Clerk

The State of Texas County Court
County of Dallas January Term 1854

Now comes A. J. Heath & R. Merrill
the subscribing witnesses to the last will and
Testament of Mary E. Merrill and make
oath in due form of Law that they saw the
said Mary E. Merrill sign and seal the
instrument filed in this Court on the 9th day
of January 1854 dated the 6th day of September
1853. and purporting to be the last will and
testament of the said Mary E. Merrill and
that at the time of signing & sealing the
same she was upwards of twenty one year
of age and of sound mind and that
the names of the subscribing witnesses were
signed to the same in the presence of the
testatrix to the best of our knowledge & belief

D. John M. Heath

Robert Merrill

I swore to & Subscribed in open Court
this 30th day 1854

W. W. Park, Clerk

Mary Merrill Es.
W. W. Park, Clerk
County of Dallas
July 27 August 1854
Merrill
Heath

The State of Texas) County Court
County of Dallas) Jan'y Term 1854

J. W. Latimer Chief Justice

Your Petitioner David Merrill who
resides in the County of Dallas State of Texas
would respectfully Represent that hitherto
to wit on the — day December 1853 Mary
& Merrill who resided in the same said County
departed this life in said County leaving the
paper herewith filed purporting to be her last
will and testament which he pray may
be probated as the Law directs and as in
duty bound he will so pray &c.

J. W. Latimer
Clerk.

Affidavit of the
witnesses to the last
will & Testament of
Mary & Merrill

Filed 30 January 1854
N. W. Peak Jy

State of Texas
Dallas County
County Court
To the Sheriff of said County

Whereas an Annual Exhibit of the
Condition of the Estate of N. H. Murrell being
due at the May term A. D. 1853 of the Hon County
Court of the County and State aforesaid, and
said Murrell and Mary E. Murrell Executors
thereof having failed to make the same.

These are therefore to command and
you to cite the said N. H. & M. E. Murrell Exrs
as aforesaid to be and appear at the
next term of said Court to show cause
why such Exhibit has not been made
as required by Law. Herein fail, not
and due return make of this writ

By order of the Court given under

my hand and official

Seal this 33rd day of August 1853

A. J. Woodson

David Murrell

Petition to probate

Last will of

Mary E. Murrell

Filed 9th Jan'y 1854

W. W. Pratt off. clk

The State of Texas Know all men by these presents
County of Dallas that we David Merrill & Mary E Merrill as
principal and Adolphus Merrill Esq & Thomas Curtis
are held & firmly bound unto the chief Justice of
the County of Dallas in the sum of 1000000
dollars, for the payment of which we & truly to be
made we bind ourselves our heirs Executors and
administrators Jointly and severally firmly by
these presents, Signed and Sealed, using seals
for seals this 26th day of April 1852.

The conditions of this obligation are such that
whenever the above bound Merrill & Merrill have
been appointed Executor of the last will and
testament of William M. Merrill

Now if the said David Merrill & Mary E Merrill shall well
and truly perform all the duties required of
them under said appointment then this
obligation shall be null & void, otherwise to
remain in full force and effect.

David Merrill
Mary E Merrill
Adolphus N. Merrill
Esq, Thomas Curtis

Shall solemnly swear that we will well & truly
perform all the duties of Executors of the
Estate of Wm M. Merrill deceased.

Sworn to & subscribed before me
this 26th day of April 1852
John Davis J.P.

David Merrill
Mary E Merrill

County of Dallas
J. B. Alvin Attorney
D. M. E. Merrill Esq
W. M. Merrill Esq

2nd report
Issued ~~20th~~ 1853
A. H. Anderson

Executed by Leon
a copy with
M. E. Merrill on
the 23rd August
1853

J. H. Anderson
Filed at Sept 1853
W. M. Peate

State of Texas }
 Dallas Co } July 30th 1852

Sale Bill

Sale commenced at 10 Minutes after 11 o'clock A.M.

B. P. Merrill to one Rifle gun	7 00
A. M. G. Merrill by the and bridle &c	4 00
B. P. Merrill one axe	1 50
A. M. G. Merrill one hand axe	75
W. F. King one saddle	1 25
B. P. Merrill one saddle	6 50
A. M. G. Merrill Bridle &c	75
B. P. Elements one Sarriette	1 10
W. F. King one Sarriette	50
A. M. G. Merrill one Hammer	75
A. M. G. ^{James} one Bushel	80
Sam. Harrison one water Barrel	1 55
A. Powers one Steer	8 25
J. Boyd one Hooper	9 80
W. F. King one Steer	9 25
W. F. King one Cow & calf	13 00
B. P. Elements one Cow & calf	14 25
A. Powers one Cat	25 35
Ed. Rhodes to Plank	3 30
A. M. G. Merrill Hogs	5 00

A. M. G. Merrill Train of a Horse & Shingles &c	57 00
B. P. Merrill one Prayer &c	1 00
B. P. Merrill one Cats. Stack on the day above with	11 75
The Sale closed at one o'clock P.M.	84 30

Isaac W. Law Auctioneer
 of this Sale and
 William F. King Clerk

W. F. King Clerk
 Esq. W. F. King
 To J. P. Bond
 Chief Justice.

Approved April
 26th 1852
 J. W. Salomon
 Chief Justice
 2

of David W. Davis
William F. King

On the above sale we have rec^d Notes Corresponding
with the accounts set forth above this 30th July 1852
Mary E. Merrill

The State of Texas,
County of Dallas, David Merrill one of the executors
of William F. King personally appears
before the undersigned and made oath that the
above was a true and correct sale of the
property belonging to said estate as sold by him -

subscribed and sworn to before
me this 27th August 1852.

John Davis Deputy

David Merrill
Exec

The following is an inventory of the
 separate property of W. H. W. Merrell d.c.e. so far as
 has come to our knowledge to wit

	\$	cts
320 acres of Land	640	
340 Acre Certificate @ 25 cts per acre	85	
one gun	5	
one Mare and Colt x	65	
Saddle and Saddle	4	
2 Saddles Bridle Martingale & Curxy Combs	5	
one Ox	25	
one Cow and Calf Pink x	12	
one Black Pied heifer 2 yrs old	8	
one Cow & calf	12	
one Cow & calf 2 yrs old	10	
one Cow & calf speck x	12	
one Cow Black x	10	
one Mule saw x	10	
one yearling red and white	3	50
one yearling Black and white	3	50
one Dun yearling	4	50
one yearling Dun Pied	3	50
Razor and Shaving instruments	1	25
	9	25

The following is an inventory of the common property of
 W. J. Merrill dated so far as has come to our knowledge

3 Axes	2	25
2 Tarriets & 2 Ropes		50
One Male Hammer	1	
Sillet & Lead X		4 75
5 Water Buckets Wash Tub Sealab & Churn X		6 50
Pruss Turnature X		75
Coffinmill X		1 50
Water Barrel & Slide	8	
1 Oals Stack		3 50
1 oven and Pales X		1 25
Tea Kettle & small sieve X		3 50
one chest X	6	
6 chairs X		3 75
1 Lard Stand X		1 50
1 Pork Stand X		50
1 Half Bushel		50
1 Smoothing Iron X	4	
Spinning wheel X		1 50
cotton X		1 25
2 small sacks X		50
cotton bras X		25
one boiler X		75
One Train of a house Shingles and lumber		22
Hogs		

The following is an Inventory of the ~~estate~~
 property of a Mary E. Merrill widow of W. H. W. Merrill
 dec'd; so far as has come to our knowledge to wit:
 One Bible and other books X
 Braid & Reading - - X

60
75
25

State of Texas }
 Dallas County } Personally appeared before
 the undersigned W. H. Horn, J.P. in
 and for said County James Anderson, F. L. Boards
 appraisers for the Estate of W. H. W. Merrill, dec'd
 and made oath in due form of law that the
 foregoing list contains a true and impartial
 appraisement of the property of said Estate
 as shown them by the Executors thereof

Sworn to & subscribed before J. L. Whodrey
 me this 28 day of May 1852 James Anderson
 W. H. Horn, J.P.

~~State of Tex~~
 State of Texas }
 Dallas County } Personally appeared before the
 undersigned W. H. Horn, J.P. in and for
 said County David & Mary E. Merrill
 Executors of the Estate of W. H. W. Merrill
 dec'd and made oath in due form of law
 that the foregoing is a true and correct
 inventory of all the property of said estate
 that has come to their knowledge David Merrill
 sworn to & subscribed before me this 28 day of May 1852 Mary E. Merrill
 W. H. Horn, J.P.

State of Texas Dallas Co

An Appraisement Bill and Inventory
of the Property of Mary C. Merrill Decast
taken at the house of David Merrill on the
24th Day of March A.D. 1854

to wit one Bay Mare (Molly) - - - - -	62 57
one Gray Filly 2 yrs old - - - - -	32 50
one Newley Cow and calf - - - - -	14 00
One Cow and calf (calf) - - - - -	14 00
One Do - - - - - (calf)	12 00
One Do - - - - - (calf)	14 00
one Black milk steer 3 yrs old - - - - -	10 00
one Red neck steer 3 yrs old - - - - -	11 00
4 yearlings - - - - -	20 00
one Dun sided Heifer 3 yrs old - - - - -	12 00
Cow and Lamb - - - - -	14 00
Water Barrel - - - - -	1 25
Boarded Head and Boarding - - - - -	25 00
Chest - - - - -	2 00
Prup - - - - -	2 50
Smoothing Iron - - - - -	2 50
born sold \$23.60 - - - - -	23 60
	59 35

John Milne
Junal Harrison

David Merrill
Executor

Appraisers

Inventory & Appraisement
of the Property of
W. H. W. Merrill Estate

Filed 29 June 1882
J. H. W. Merrill

Approved 28th
June 1882
J. W. Galvin
Chf Jus
Dist.

Recorded

4

90

David Merrill
Executor

The State of Texas, Personally appeared before the
Dallas County ^{Independent} ~~County~~ ^{Wm. Home of P} in and
for said ^{County} John Wilson & Samuel
Harrison appraisers of the Estate of Mary E. Merrill
decd and made oath in due form of law that
the foregoing list contains a true and impartial app-
raisalment of the property of said Estate as shown
them by the Executor thereof
Sworn to & Subscribed before
on this 24th of March 1854 &

John Wilson
Samuel Harrison

The State of Texas, Personally appeared before the undersigned
Dallas County, ^{Wm. Home of P} in and for said County
David Merrill Executor of the Estate of
Mary E. Merrill decd and made oath in due form of law the fore-
going is a true and correct inventory of all the property of said Estate
Sworn to & Subscribed ^{that has come to their knowledge}
Before me March 24, 1854

David Merrill

Wm. Home of P

The State of Texas County Court
County of Dallas Apr Term 1852

Hon J. W. Latimer Chief Justice
of Dallas County

Your Petitioner David Merrill
who resides in the County of Dallas &
State of Texas would represent that
heretofore to wit on the day of
1852 William W. H. Merrill departed
this life in said County & State leaving
his last will and Testament for the
disposal of his property & effects -

And your petitioner would further rep-
resent that by the terms of said last
will and Testament your petitioner and
Mary E. Merrill widow of the testator was
appointed executor of said will, which
said will is herewith filed, and your
petitioner prays that at the next term
of the County Court said will may
be probated and that notice issue as
the Law directs and that the said
executors be permitted to enter upon
their duty by complying with the legal
requisites and as in duty bound your
petitioner will ever pray &c

Crockett for
Petitioner

Inventory of the Estate
of Mary E. Merrill decd
to
County Court
Filed 27th March 1854
J. W. Peak J. P. Ck

Subscribed 27th
March 1854

J. W. Latimer
Chf Justice
ad. J.

Remana

(7)

The State of Texas In Probate Court
 County of Dallas 3 July Term 1853
 Now Comy David Merrill and Mary
 C. Merrill Executors of the Estate of Mrs
 H. W. Merrill and makes this General
 Exhibit as follows -

Must property set apart to Mary C. Merrill
 Legatee by the will for Appraisement

1 Man Sloop		65.00
1 Cow Steep	12.00	1 Stee Stee 12.00
1 Stee Stee	10.00	1 Stee Stee 10.00
1 Berling	3.50	1 Stee - 3.50
1 White Ox	1.00	1 Base of feet 6.50
5 Water Buckets	Wash Tub	Sea Tub
1 Coffee Mill	75	Corn 88 Bails 3.85
1 Tea Suet	Shive 1.25	Iron Chest 3.50
6 Chairs	6.00	1 Cast Stand 8 1/2
1 post Stand	1.50	1 Smoking box 50
1 Spinning Wheel	4.00	Cotton 1.50
2 Iron Sacks	1.25	1 Cooler 25
1 Bible & other Books	75	Part of amt 25.00
1 for Cards		25.75
		<u>174.12</u>

Application
 of
 David Merrill
 To probate the will
 of H. W. Merrill

Filed for probate
 David Merrill

James

R

(3) (Recapitulation)

David Merrill

Mary E Merrill Exrs

1853 In acct with Estate W. H. W. Merrill

July 25th

For 320 acres Land on hand	\$640.00
" 340 " Certificate, (Republic)	85.00
" Cont Notes Sales	178.85
" " " in hands credit	88.40-
" " " Cash Sales	22.16-
" " " Collected Acc's Credit	18.07
	<u>\$1032.42</u>

Contraw

By 320 Acres Land still on hand	\$640.00
" 340 " Certificate	85.00
" Notes Sales	178.85
" " " in hands credit	88.40-
" Cash paid Sawing lumber	4.54
" " " Ball on hand	25.68
	<u>\$1032.42</u>

A. B. The house that was sold to A. M. G. Merrill for \$7.00 was afterwards resold to A. B. Palmer hence the Cash Sales 13.00 & a Lot of Cedar Logs now inventoried was sold in place to said Palmer hence the Cash Sales \$7.80 and the Cash Credit "Sawing lumber" 4.54

(2)

The balance of the property as per Snow Tory has all been sold except the Land & Land Certificate for which the following notes &c were received

W. P. Merrill Note	\$15.00
A. M. G. Merrill "	18.25
W. C. Clements "	15.35
H. C. Jones "	
Sam Harrison "	1.55
A. Powers "	33.60
E. S. Rhodes "	3.30
W. C. Hart "	9.25
J. Boyd "	9.80-
W. F. V. Merrill "	1.00
W. Hurst "	11.75
	<u>\$178.85</u>
Amos Palmer Cash	13.00
A. M. Jones "	.80
H. C. Jones "	.50
A. B. Palmer "	7.80-
	<u>\$200.95</u>

Notes & Cash Collected in hands of Resident	
Fred Rhodes Note \$75	Thos Rhodes Cash .35
E. S. Rhodes "	32.65
C. M. Meath "	2.00
David Merrill 14.50	W. J. Ming " 2.72
A. S. Meath 5.00	C. Conley " 6.00
J. M. Standifer .50	N. J. Stratten " 3.00
	J. M. Standifer "
	<u>\$18.07</u>
	<u>\$88.40</u>

I David Merrill do solemnly swear that
the within showing is correct to the best
of my knowledge & belief this 20th July 1853
Attest
J. M. Crockett

David Merrill

David Merrill

Mary E. Merrill

Eyes

Showing

Filed 25th July
1853.

Wm. P. Crockett
J. M. Crockett

David Merrill Esq of The
Estate of Wm H W Merrill Decd.
In of Court with said Estate &c

1854

Feb 1	To Amt property app ^d ?	1077 22
"	" " Claims & acts	<u>73 75</u>
	Total Debit	\$1150 97

		Cr
By	Property sold at its app ^d value	\$180 00
"	" 5 ^o Paid by widow	172 22
"	" 5 ^o Still on hand	725 00
"	" Claims & acts collected	<u>73 75</u>
		\$1150 97

		Debit
To	Amt property on hand	725 00
"	" " " Sold	184 40
"	" " Claims & acts	<u>73 75</u>
		\$983 15

		Cr
By	property on hand	725 00
"	Amt collected in Cash for property sold & claims	<u>258 15</u>
		\$983 15

		Debit
To	Amt property still on hand	725 00
"	Cash	<u>258 15</u>
		\$983 15

		Cr
By	property on hand	725 00
"	Exec Exp Filed	14 29
"	Court Costs	38 25
"	Att ^o Fee	50 00
"	Balance Cash	<u>155 61</u>
		\$983 15

I do solemnly swear that the above
account is true & correct to the best
of my knowledge & belief

David Merrill

for property sold / claimant 258 15
1983 15

Debit
To Amt property sold on hand 725 00
" Cash 258 15
1983 15

By
By property on hand 725 00
" Acct Exp Filed 14 29
" Court Costs 38 25
" Attor Fee 50 00
" Balance Cash 155 61 1983. 15

I do solemnly swear that the above
account is true & correct to the best
of my knowledge & belief

Sworn to before me
this 1st Feb. 1854

J. M. Crockett
Co Com.

David Merrill
Exp

David Merrill -
- Rep of the Estate
of
W. H. Merrill decd

- Final Exhibit -

Filed 1st Feby 1854
W. W. Peck Rfy Clk

Approved Month
27th 1854
J. W. Salmen
Chief Justice

The State of Texas County Court
 County of Dallas February Term 1854

J. W. Salomon Chief Justice of S. County

David Murrell one of the Executors
 of the Estate of W. H. Murrell deceased would
 Represent that on the — day of — 1853 Mary
 E. Murrell his Co Executor departed this life
 That she was one of the principal legates of
 said Estate and left a will bequeathing
 all her interest to William A. Murrell the
 other legate of the said W. H. Murrell and
 that thereby the said William A. becomes
 the sole heir to the whole of said Estate
 He would farther represent that there has
 been no claims presented against the Estate
 of his testator and that the only claim upon
 said Estate beside the Court Costs and atto
 Fee is an acct of your petitioner for his
 own means &c expended on acct of decedent
 and his estate which he prays may be allowed
 him. and he would represent that he has
 fully discharged the trusts under said will
 and he prays leave to pay over the balance
 of said Estate to the guardian of the
 Legates, that his showing be approved,
 and that he be discharged upon pay-
 ment of Costs & he will now pray &c.

Crossett atts

FILED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

David Murdock

— Ex Estate of —

W. H. H. Merrill dead

Petition for Final

Settlement

Filed 1st Feby 1854
W. W. Peake copy ck

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FILED BY THE DALLAS GENEALOGICAL SOCIETY - 1977