

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

Case Number 434

Dallas Genealogical Society
Founded 1955

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FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

434

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THE STATE OF TEXAS.

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

YOU ARE HEREBY COMMANDED TO SUMMON Eli F. Merrill

to be and appear before the County Court of Dallas County, on the first day of the next term thereof, to be held at the Court House in the town of Dallas, on the ~~first~~ last Monday, the 29 day of March 1869; then and there to answer the Plaintiff's petition, now filed, in a cause pending in said Court, in which Shaw Cause if any he has copy the Estate of Samuel S. Merrill should not be partitioned among Plaintiff, and the heirs thereof, and due returns make as the law requires.

Defendant, a certified copy of which petition accompanies this writ.

Witness, S. S. JONES, Clerk of the County Court of Dallas County, and the impress of the Seal thereof hereon made, this 5 day of March 1869.

S. S. Jones
Clerk of the County Court of Dallas County, Texas.

["HERALD" PRINT, DALLAS, TEXAS.]

To all whom it may concern
You are hereby notified to be and appear before the County Court of Dallas County, in the State of Texas at the next term thereof, at Dallas at the Courthouse thereof on the last Monday in July (the 29th day) then and there to show cause, if any you have, why Letters of Administration upon the Estate of Samuel S. Merrill, late of the State of Missouri, deceased should not be granted to R. B. Merrill of Dallas County, Texas, who has this day filed with me his application in terms of the law praying that the same may then and there be done, this 19th day of July 1867
Gas. P. Thomas
Clerk Co. Ct. Dallas Co. Tex.

In County Court Oct Term 1864

Robert B. Merrill Administrator of the Estate
of Samuel B. Merrill deceased, would much
respectfully represent that there are some debts
which are due from said Estate, that should
be paid, the amount of which he does not now
know, he further represents that there is in his
possession a lot of Corn, about thirty bushels,
which is of a considerable nature, and liable to
rotten, he therefore ask for an order to sell
said Corn at private sale for Cash, believing
that the same would bring a better price at
private, than public sale. — R. B. Merrill

Adorn to & Subscribed
before me this 2nd Nov 1864

J. L. Combs
C. J. D.

Probate Court
No. 3
Eli. F. Merrill
Deceased

Carriage
came to hand the
12 day of march
and returned day
delivered to the said
Eli. F. Merrill
a true copy of said
writ was the 16 day
of March
W. R. Thompson Clerk
By J. J. Connor Deputy

Charge for return 50
Fees 10 \$ 200

See Bill of Property belonging to the Estate of
 Samuel G. Merrill and
 his heirs (Ball)
 his heirs (Mony)
 108 h. Co. Co.
 Total

\$27.75
 "49.00
 "27.00
 \$103.75

I do hereby R. B. Merrill Adm'r of the
 Estate of Samuel G. Merrill and
 present the above and foregoing as
 a true and correct sale bill of prop-
 erty sold by him as such Adm'r of the
~~estate~~ an order of the County Judge
 of Dallas County dated Sept 29th 1867
 R. B. Merrill

Sworn to and subscribed before me this
 day of Aug¹⁸⁶⁷
 J. P. Jones clk

R. B. Merrill Adm'r
 S. G. Merrill
 To 3 Petition To Sell

County Judge

Filed Nov 2nd 1867

Jas. P. Shuman
 Clerk

Approved & ordered
 to Sell at Private Sale
 Nov 2nd 1867

J. Bellis, Coombe
 County Judge
 D. C. T.

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The State of Texas }
County of Dallas }
In Probate Court }
Sept 2nd 1868 }

To the Hon A. B. Blosser
Judge of the County Court
Robert B Merrill
Administrator of the Estate of Samuel
B Merrill would most respectfully
represent that he has accepted,
and the County Judge has approved
Claims against the said Estate
amounting to the sum of One
hundred and thirty nine dollars
and fifty cents, that in order
to enable him to wind up and
finally settle the administration
he prays your Honor to make
an order authorizing him to
sell for cash at private sale
the growing crop of Corn and
Oats now on hand together with
the 'supplement' of the other personal
property as will realize the amount
of the accepted claims, attorney
fees & cost of Administration. Petitioner
believes that he can sell the
Corn, Oats and other personal
property for a better price, at private
than at Public sale

R B Merrill
by his atty
Benjamin Lee

R B Merrill ad
To the County Judge
Dale Bill
Filed Jan 4th 1869
S. J. Jones
cty

(Approved for the
25th)
P. M. Rawlin
St. Phillips

Recorded

The State of ^{TX} Texas } In County Court
 County of Dallas } July Term AD 1867

Hon & Ellis Combes County Judge Dallas
 County Texas

Your Petitioner R A Merrill who
 resides in the County of Dallas and State of
 Texas would respectfully represent to your
 honor that heretofore viz on the 10 day
 of February 1867 Samuel B Merrill departed
 this life in the State of Missouri intestate
 so far as your petitioners knows leaving
 an estate of the value of One thousand
 Four hundred and Ninety Five Dollars
 in the County of Dallas & State of Texas
 Your Petitioner would further represent that
 he is the brother of said Saml B Merrill and
 premises considered your Petitioner prays
 prays your honor that due notice hereof
 be given and that at the final hearing
 hereof he may be appointed Administrator
 of the estate of the said Samuel B
 Merrill decd. as in duty bound he will
 ever pray &c =

R A Merrill
 Petitioner

R A Merrill
Adm'r

Application to
 Sell personal
 property

(Granted Sept 29th
 1868
 A Blease
 county judge
 J Co

Robert B Merrill Administrator of the Estate of Samuel B Merrill deceased.
In Annual Account Current with said Estate.

Cr.

DE
1868.

To 80 Acres Prairie Land appraised at	800.00
To 80 Acres Timbered Land appraised "	400.00
To 1 Mare (Doll) 1 Horse (John) appraised "	120.00
To 1 Mare (Mary) 1 Year old Colt "	115.00
To 1 B/W Cow & Calf "	12.00
To 1 Cow & Calf (Patsy) "	10.00
To 1/2 of Feather Bed "	7.50
To 1 Gun 1 Kettle "	9.00
To 1 White Counterpane "	8.00
To 2 Suits. 1 Shirt "	4.50
To Cash for one Cow & Calf sold	10.00
To Amt Rent Corn on hand amt unknown	
To Amt Rent Oats on hand amt unknown	
	<u>\$1496.00</u>

By 1 Cow ^{and Calf} & Calf appraised	00	\$12.00
" 1 Cow & Calf sold "	"	10.00
" Cash paid to Sp. Leg. Administrator		7.00
" Real Estate on hand appraised at		1200.00
" balance personal property on hand "		264.00
" Cash on hand to balance "		5.00
		<u>\$1496.00</u>

A List of Claims presented and accepted within
12 months from Appointment to wit:

One account in favor of B. Smail M.D. for	84.00
One account in favor of M. M. Gregory "	14.00
One note in favor of S. B. Williams "	25.00
One note in favor of Susan Cox Adams "	11.50
One account in favor of Martha Ellison "	5.00
	<u>\$139.50</u>

No claims rejected, & none in arrear.

The administrator herein states that the Corn sold by him for two Dollars was sold without any order of Court hence some persons had changed her marks, and he believed that she would be lost to the Estate unless sold. He further represents that no sale was made, under the order heretofore made for that purpose, hence, on the partition of the Estate of Ben Merrill deceased, no Corn was turned over to him or Admin-
-istrators, from the fact that his intestate had died before making partition of the Corn crop, and the entire crop was divided to the surviving brother and sisters of the said Samuel B Merrill deceased.

All of which is respectfully
Submitted

R. B. Merrill

Sworn to and subscribed this 29th Sept 1868 P. J. Jones clk

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R B Merrill
Admr of
S B Merrill

Annual
Exhibit

Approved Sep
29th A D 1868
A. Palestine
County Judge
D Co

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R B Merrill Pa
of S G Merrill and
To
County Judge

Final Showing and
Petition for Deposition

Jury
Filed Jury 4th 1869
S. G. Merrill
et al

Issued March 5th 1869.

Approved
April 1st 1869

A B Casar
County Judge
D Co

Received by S. G. Merrill

The State of Texas } In the Probate Court of Dallas County
 County of Dallas } February Term 1864

To the Honorable Alexander County Judge of Dallas County

Your petitioner Sarah A. Merrill, who resides
 in the County of Dallas and State of Texas
 and is Guardian of the Persons & Estates of
 Nancy C. Lucy & and Ella Merrill. Minor
 duly appointed at a regular term of the Honorable
 County Court of Dallas County, on the
 day of Feb 1864 respectfully
 represents that Robt B. Merrill, Administrator
 of the Estate of S. G. Merrill deceased,
 having fully administered the Estate
 of said decedent, has filed his final account
 of said administration together with his
 petition praying for partition of the
 Estate of said decedent. Petitioner further
 represents that the said S. G. Merrill
 deceased left as his heirs at law, the
 said Robt B. Merrill, Josephine Lilly
 wife of Lilly who resides in the County
 of Tarrant, and Chas Merrill ward
 of F. B. Ball who resides in the County
 of ~~Dallas~~ Dallas, who are the full brother
 and sister of the said S. G. Merrill dead
 and your petitioner wards the said
 Nancy C. Lucy & and Ella Merrill
 who reside in the County of Dallas and
 are the half sisters of the said
 S. G. Merrill deceased.

Prayers considered sufficient proof for all
 necessary legal process that upon a
 final hearing hereof Two thirds of all the
 Estate of the said B. G. Merrill may be
 partitioned and allotted to the said Robert
 B. Merrill Josephine Lilly wife of the
 said Lilly & E. Merrill & that
 the remaining one third of all said estate
 of the said decedent be partitioned &
 allotted to her said wards the said Nancy
 E. Lucy L and Cella Merrill that
 Commissioners be appointed to partition
 said Estate & for general relief

And as in duty bound she will
 ever pray &c Sarah A Merrill Guard
 By G. C. Coombes
 her atty

Sarah A. Mumell
Guardian of
Lucy L. Nancy &
Celia Mumell
as } Petition for Partition
Robert B. Mumell ad

Filed for Record
Feb 22nd 1869
J. S. Jones
clerk

Inventory and Appraisement
of the Estate of Samuel G. Merrill dec'd late of Dallas
County in the State of Texas, as follows to wit

80 Acre Prairie Land out of
J. Monyhan's Headright in Dallas Co \$ 800.00
80 Acre Timber Land out of Eli
Merrill's Headright in Dallas Co. \$ 400.00
Total - Realty \$ 1200.00

1 Mare (Doll.)	sold	60.00
1 Horse John	sold	60.00
1 Mare - Mary	sold	70.00
1 2yr old calf.		45.00
1 Bk Cow & calf	sold	12.00
1 Cow & calf (Patsy)	sold	10.00
1 pair of Leather Bed		7.50
1 Sew		6.00
1 Kettle		3.00
1 White counter pin		8.00
2 Quills		21.00
1 Trunk		.50
Total Personalty		\$ 226.00

Recapitulation
Total Value of Realty, \$ 1200.00
Total Value of Personalty, \$ 226.00
\$ 1426.00

This State of Texas & the undersigned duly
County of Dallas appointed Commissioners
do certify that as far as was produced to us by
the Administrator the above and foregoing is a full and
correct inventory and appraisement of the estate
both real and personal, of Samuel G. Merrill

deceased to the best of our judgment and understanding this 30th day of September A.D. 1867.

Geo. W. Baird } Comrs
 W. H. Thomas }

Sworn to before me this 30th day of September A.D. 1867
 Jas. P. Thomas clerk

The State of Texas }
 Dallas County } Before me Jas P
 Thomas, clerk of the County Court in and for Dallas
 County, Texas, personally came ~~and~~ ~~with~~ ~~me~~
 Administrator of the Estate of Lamb G. Merrell
 late of Dallas County deceased, who being duly
 sworn, deposes and says that the above &
 foregoing is a full and complete inventory of
 the Property, of the Estate aforesaid, which
 have come to my knowledge.
 R. B. Merrell

Sworn and Subscribed before me
 this September 30th A.D. 1867,
 Jas. P. Thomas clerk

Robert B Merrill
Administrator
Saul & Merrill and
Inventory & Appraisement

Filed Sept 30th 1867
Jas. B. Thomas Clerk

Approved Oct 1st /67
J. Ellis Combes
County Judge
Dallas County
Tex

Number pages
35 + 36

In County Court Pending
 to Estate of Deceased person
 May, June 1867

The State of Tex
 County of Dallas

To the Hon. J. E. Leonard Judge
 of the County Court of Dallas County

The Petition of Robert B. Merrell who
 resides in Tarrant County, Texas, most
 respectfully represents that his brother Saul
 B. Merrell, a minor under the age of
 Twenty years, on the tenth day of March
 last departed this life intestate, that at
 the time of his decease was temporarily
 absent from Tex; that he died seised
 of the following real and personal
 property now in the custody of Thomas
 C. Williams, Executor of Saul Merrell
 deceased: Viz Eighty acres of land part of
 the headright of J. & Humphreys ~~and~~
~~known~~ also Eighty acres part of the head-
 right of Eli Merrell situated in Dallas
 County and known and designated as lots
 5 & 12, in the Partition of the Estate of
 Saul Merrell deceased; also the following
 personal property: One mare (Doll) one
 Horse (John) Young George Mare, Lilly's
 Stear Colt, Blandly Cow & Colt, Patsy Cow &
 Colt, 1 Heater Pan, 1 Kiver, 1 Ben Gunn, 1 Kilt
 2 Tin Bins, 1 Pan, 1 Barril, 1 small Table
 1 white Counter pan, 2 galls, 2 Blandets, 2 Shirts
 1 Trunk, all of this property is fully described in

Position of the Estate of Ben Merrill as shown
 on 5 - Your Petitioner herein further represent
 that all the above described property real
 and personal, was inherited by the said
 Samuel G. Merrill from his father Ben Merrill
 late decedent of realty; That the said Ben
 Merrill provided in his last will and testament
 that in the event that the said Samuel
 G. Merrill die during his minority, then
 his interest in all the property inherited from
 the testator to Shimeon decedent and half
 in equal portions to Pettener, and
 to his sister Josephine and Eli Merrill,
 both of whom are minors living in Tarrant
 County, and that H. A. Ball has been
 appointed and qualified as guardian of
 the person & property of the said Eli and
 Josephine Merrill;

The premises considered Petitioner prays
 that the Court adjudge and decree that all
 the above described property real & personal
 be equally divided, between Pettener and
 the said Eli & Josephine Merrill, that
 Commissioners be appointed to make partition
 thereof, that Citation issue to the said

H. A. Ball guardian ad litem to appear &
 and that all the cost of this proceeding
 be adjudged to be paid in equal portions by
 Pettener and defendant; for general relief &
 and

B. Merrill & Josephine
 Petition for B. Merrill

No 67

D B Merrill

vs

F A Ball

Petition for Partition

Filed May 13th 1867
Geo. C. Thomas Clerk

I accept service
of the writ, & waive
the process of

Alabam
May 19th 1867

D B Merrill

Quadrant of
Eli + Joseph Merrill
Benjamin + Andrew

Report

Of Division of the Estate of Samuel
 G. Merrill dec'd among the Heirs, made in
 Compliance with an order of the County Court
 of Dallas Co at its Term 1869.

To R. B. Merrill

1/2 of Feather Bed	7.50
1 Gun & 1 Kettle & 3/4	9.00
1 Wht Counterpane, 8/4 2 Quilts, 11/4 1 Trunk, 50¢	12.50
	<u>\$ 29.00</u>
80 Acres Timber Land valued	480.00
	<u>\$ 509.00</u>

To Josephine & Lilly

1/2 of Sorrell Horses	\$ 29.00
40 Acres the West half of 80 Acres Prairie	<u>400.00</u>
	429.00

To Eli G. Merrill

1/2 of Sorrell Horses	\$ 29.00
40 Acres the East half of 80 Acres Prairie	<u>400.00</u>
	\$ 429.00

The Commissioners respectfully state that in the above
 division they find the Total value of Estate to be
 \$1367.00. They have endeavored to divide the same
 so as to accommodate the interest of the Heirs -
 and as will be seen Robert gets Property to the
 value of \$53³⁵ over his actual interest which
 we recommend that he pay over to them -

in specie that is the sum of \$26.⁶⁶/₁₀₀ to each of
the other two heirs, all of which is respectfully
submitted -

Wm. J. Webb } Comrs
S. C. Williams }
W. H. Thomas }

Sworn to before me this 26th of April 1869
J. Jones
Clerk

B. B. Merrill Admin
To Report of Partition
Estate of S. G. Merrill

Filed April 26th 1869
J. D. Jones
Clerk

Approved
May 31st A. D.
1869

A. B. Casar
County Judge
D. Co

Credit Brought Forward	\$11444.00
Amount paid J B Smail (cpt)	84.00
Amount paid M de Kegan (cpt)	14.00
Amount paid Taxes	7.00
Amount paid County (cpt)	4.00
" Paid attorney fees Receipt & dividend	40.00
By difference in appraisement & sale of the more heavy	21.00
Do Do More Sale	3225-
Services as Atty, Commissions & etc	<u>50.00</u>
	169325-

Reconciliation

Total Debits	\$1675.00
Total Credits	<u>169325-</u>
Balance due Administration	1675.00
	\$20

The said Administration under further reports unto the Court that all the debts against said Estate, of which he has any knowledge has been fully paid off and discharged, and by an order of the Court heretofore made said Estate, has been partitioned and distributed to the heirs, all of whom have received their respective shares, that there will yet be order Court of Court to be paid, which will reimburse the amount of due from said Estate to the Administration, for two thirds of which amount he prays for judgment against the heirs Joseph Lilly and

against the heirs Joseph Lilly and

Eli & Merrill, being an heir
to the Administration, only ask that the
other two heirs account for each
one third of the stock paid by him
he says that relations appear
to regard by law and that
he be in all things fully discharged
from said Estate finally settled
file of which is respectfully
submitted = R. B. Merrill

Sworn to and subscribed before me
this 19th day of January A.D. 1870

J. J. Jones

Notary Public

R. B. Murrell. ^{2d} ~~and~~
To 3 Final Exhibit

J. G. Murrell

Given Jan'y 19th 1870

J. G. Murrell
att

Appended in full
to copy of the
prosecution
against Joseph
Daly & Eli Murrell
& Administration
closed

J. M. Hatcher
S. C. Phelps
Commissary