

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

Case Number 391

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Dallas Genealogical Society  
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FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

# 391

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I Thomas J. Montgomery of the County of Dallas and State of Texas, being sound in mind & body and being sensible of the uncertainty of life & the certainty of death, and being desirous of directing the manner in which my property shall be disposed of after my death, do make and publish and declare this my last will and Testament. First It is my will that my first debts be paid out of any moneys that I may have on hand at the time of my death or out of ~~the~~ my property in the hands of my Executor, or out of the first moneys that may come into his hands belonging to my estate. Second It is my will that my wife Sarilda, shall take possession of, and have the whole and entire management and control of all my property, of every description whatever, both real and personal, and use and occupy the same for the benefit of herself and my three children, during her natural life, and at her death said property to be equally divided between my said three children John R., Virginia & James M. Montgomery -

It is further my will that my wife have the control and management of the raising and education of my said children

It is my will that my wife act as the Executor of this my last will and testament and that the County Court shall take and exercise no other control of my estate than what may be necessary to entitle this will to probate and records and to take bond

THE STATE OF TEXAS.

Be all persons interested in the Estate of Thomas J. Montgomery &

Sarilda J. Montgomery has filed in the District Court of Dallas County an application for the Probate of the Last Will & Testaments upon the estate of Thomas J. Montgomery dec'd which will be heard at the Term of said Court, commencing on the first Monday in October, A. D. 1871 at the Court House thereof, in the Town of Dallas, at which time all persons interested in the Estate of said Thomas J. Montgomery dec'd may appear and contest said application if they see proper.

WITNESS: JOHN M. LAWE, Clerk of the District Court of Dallas County.

Given under my hand and the Seal of said Court, at office in Dallas, this 1st day of September

A. D. 1871  
 By John McLaw  
 Clerk of the District Court of Dallas County, Texas.  
 Deputy.

Last Receiver and Administrator of the property  
belonging to the same  
The testimony whereof I am directed to set out  
has and shall serve for seal, (using a mark for  
my signature) this 16th day of April 1877  
Removal of the Montgomery  
County

J. C. McCoy

Wm. H. Brown

Filed for recording  
23rd 1871  
Wm. H. Brown  
J. C. McCoy  
Wm. H. Brown

070145  
Sarilda Montgomery  
3 Notice of filing  
3 Petition for the  
3 Probate

District Court

Issued Sept 17 1877

Copy to Sheriff's office issued  
and executed this 21 day Sept 1877  
By pasting copies of the within return  
around the Court House door in the town  
of Dallas and on the Post office door  
in Severe & on the Post office  
door in Lancaster J. M. Brown Sheriff  
Public Place in Dallas  
By O. P. Bowser Depy  
Sheriff fee  
\$3 00

Post

THE STATE OF TEXAS,  
COUNTY OF DALLAS.

ESTATE OF *Thomas Montgomery Deed*

KNOW ALL MEN BY THESE PRESENTS, That we, *Zuleta Montgomery*

as Principal, and

as sureties, are held and firmly bound unto

*John M Laws*

Clerk of the Dis-

trict Court of the county of Dallas, and his successors in office, in the sum of *Eighteen*

dollars, conditioned that the said

*Hundred*

shall well and truly perform all the duties incumbent

upon ~~him~~ as *Executor*

of the *last will and testament*

of *Thomas Montgomery Deed*.

WITNESS our hands and seals, using scriwls as such, this *17<sup>th</sup>* day of *October*

A. D. 187 *1*.

*Gerald Montgomery* SEAL  
*J. A. Rylie* SEAL  
*A. B. Larice* SEAL

Approved in open Court, this *17<sup>th</sup>* day of *October* A. D. 187 *1*.

*John M Laws*  
Clerk of the District Court of Dallas County, Texas.

By \_\_\_\_\_ Deputy.

I do solemnly swear that I will well and truly perform all the duties of *Executor*  
of the ~~Estate~~ of *Last Will of Thomas Montgomery*  
*Zuleta Montgomery*

Sworn to and subscribed before me, this *17<sup>th</sup>* day of *October*, A. D. 187 *1*.

*J. M. Laws*  
Clerk of the District Court of *Dallas County, Texas*.

By \_\_\_\_\_ Deputy.

Herold, Print., Dallas, Texas

Appraisement.

Inventory of the Property belonging to  
the Estate of S. Montgomery deceased.

200 Acres of Land Valued at.	\$ 1000. 00
8 Head of Horses at 7 40.	320. 00
30 Head of Cattle " 5 "	150. 00
30 Head of Hogs " 1 "	30. 00
1 Wagon 7.100 & 1 Buggy 120.	220. 00
2 Guns " 10. .	20. 00
Lot of Mechanic Tools	15. 00
House & Kitchen furniture.	50. 00
Farming Utensils	15. 00
	<hr/>
	1815. 00

Jacob Montgomery  
 & Thomas Montgomery  
 De } Andas Etc  
 Rest Clerk

Filed Oct 17<sup>th</sup> 1871  
 J. M. Laws Clerk  
 P. G. E. Coombs Deputy

The State of Texas }  
 Dallas County }  
 Personally appeared before the undersigned  
 authority Jacob Davidson and J. A. Rylie  
 who upon oath say that the above is a full  
 and fair valuation of the community property of  
 Thomas Montgomery deceased and Sarah Mont-  
 gomery his surviving widow as shown as by said Sarah  
 Montgomery & that we are disinterested parties

Jacob Davidson  
 J. A. Rylie

Given under our hands before me this  
 5<sup>th</sup> day of October A.D. 1871  
 John M. Laws  
 Clerk

Recorded

The State of Texas } Personally appeared before  
 Dallas County } the undersigned authority  
 Saulda Montgomery widow and Exor.  
 of Thomas Montgomery Deceased, who upon oath says  
 that the within is a full and complete inventory  
 of the property of said Thomas Montgomery Deed.  
 Same is subscribed before me } <sup>by</sup> Saulda <sup>his</sup> Montgomery  
 this 4<sup>th</sup> day of October 1871 } <sub>mark</sub>

J. M. Larus  
 Clerk

Recorded

(6)

Saulda Montgomery  
 Secy  
 J. M. Larus  
 Clerk

The State of Texas } In District Court  
 Dallas County } October Term AD 1871

To the Honorable Hardin Hart Judge of the 11<sup>th</sup> Judicial Dis-  
 trict of Texas in and for Dallas County, holding session  
 Your petitioner Sarah Montgomery who resides in the  
 County of Dallas and State of Texas respectfully represents  
 unto your Honor that herebefore, to-wit, on the 30<sup>th</sup>  
 day of March AD 1871 Thomas J. Montgomery, the  
 husband of petitioner departed this life in the County  
 of Dallas; that prior to his death, to-wit, on the 16<sup>th</sup>  
 day of ~~April~~ <sup>April</sup> AD 1864 the said Thomas J. Mont-  
 gomery made and executed his last will and  
 Testament, and therein named, constituted  
 and appointed your petitioner as the executor of  
 said last will and testament - which is  
 herewith filed, marked "A" ~~and~~  
 Wherefore your petitioner files this petition and prays  
 that due notice hereof may be given as required by  
 law and that at the October Term of your Honor's  
 Court the said will may be admitted to probate  
 and letters testamentary issue to her - and  
 she will ever pray &c

Sarah Montgomery  
 By Good & Barber, attys.

if true



FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

10/14/5  
↓  
Carilda Montgomery

Ex. 3 Petition to

Thomas J. Montgomery, Adm.

Filed September 1<sup>st</sup>  
A221871

Wm Saws Att'y  
By J. E. Combes Att'y

Notice Issued  
Sept-14-1871

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

The State of Texas } In District Court Dallas County  
Dallas County } 3 October Term 1871

vs In the matter of Sarah's Montgomery  
Estate of the Montgomery & Co

De it remembers  
that on this 7 day of October 1871 personally appeared in  
open Court G. W. Laws who being duly sworn accor-  
ding to law deposes and says that he was one of the sub-  
scribing witnesses to the last will and Testament of  
Thomas J. Montgomery dated April 11th 1864 and  
herein filed, marked A that his signature to said will  
is genuine and that he signed the same as a witness in  
the presence of said decedent that the signature of John C.  
Mc Coy to said will is also genuine and that they signed the  
same as witnesses in the presence of said decedent and that  
said Thomas J. Montgomery signed <sup>by making his will</sup> said instrument in the  
presence of said affiant and John C. McCoy; that said  
Montgomery was on twenty one years of age and of sound mind  
when he signed said will and that affiant and said McCoy  
witnesses to said will were each over fourteen years of age when  
they witnessed said will

G. W. Laws

Subscribed and sworn to  
this 7th day of October 1871  
J. M. Edwards  
By G. E. Corcoran depy