

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

Case Number 448

Dallas Genealogical Society
Founded 1955

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FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

448

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Guardian's Notice.

WHEREAS, Lewis W. Castor, Guardian of the Estate of the heirs of Oscar Montgomery, deceased, has filed in my office, his petition praying for an order of the County Court of Dallas county, to sell one hundred acres of land, belonging to the estate of said Ward, and situate in the forks of the River, and being a part of the homestead of S. P. Montgomery. These are, therefore, to notify all persons interested to be and appear at the next term of the County Court of Dallas county, (for probate business) to be held at the Court-house in the town of Dallas, on the last Monday in the month of January A. D. 1859, then and there to show cause, if any why such sale shall not be made as applied in said Petition.

W. K. MASTER,
Clerk. C. C. D. C.

**The State of Texas,
COUNTY OF DALLAS.**

Personally appeared before the undersigned authority, *Mr. A. Smidells*

one of the publishers of the "DALLAS HERALD," a newspaper published in the town of Dallas, County and State above named, who makes oath, in due form of law, that the advertisement, of which the annexed

is a copy, was published in said newspaper for *four* successive weeks, commencing on Wednesday, the *15th* day of *December* A. D. 1858. *Mr. A. Smidells.*
Sworn to and subscribed before me, this *1st* day of *February* A. D. 1859.

W. K. Master
Clerk County Court Dallas County, Texas.

Notice.

It hereby given that Lewis Castor has filed in my office his petition to the Am County Court praying for Letters of Guardianship of the estate of *Erville Stephen G. Claudius and Polly S. Montgomery*, ~~estate~~ heirs of *Oscar S. Montgomery* deced which will be granted at the next term of said Court to be holden at the Court House in the town of Dallas on ~~Monday~~ *Monday* the *30th* Inst if no legal objections are made

Dallas Tex
Sept 16th 1856

W. K. Peak Clerk
Dallas County Tex

No. 476
Tax Receipt. \$ 221
100
 RECEIVED OF Polly R. Montgomery by the hands of her husband
 the sum of ~~221~~ ¹⁰⁰ dollars, being the amount of State and
 County Tax for the year 1858, upon the following described property, situated
 in the District of Dallas County of Dallas
 Several Acres of 100 100 St. Montgomery & Adams Park Keller

 Jas. P. Goodright
 Assessor and Collector of Dallas County.
 March 12th 1859.

10.91
 Rec^d of Lewis Caster Guard of the 1st Montgomery
 Guard in full of the Clerk's cost due in said
 cause to date this 12th Aug 1858
 W. H. Masten, etc.

~~10.91~~ 8.20
 Rec^d Dallas Texas Oct 18th 1857 of L. H. Caster
 Guard of the 1st of Baker Montgomery \$8.20
 in full for Clerk's & Printer's fees to date
 W. H. Masten, etc.

Rec^d Dallas Texas Dec 30th 1857 of L. H. Caster
 Guard of the 1st of Baker Montgomery \$6.45
 in full of Clerk's costs to date
 W. H. Masten, etc.

Feb the 18 1858
 L. H. Caster \$4 to J. P. Winkler
 for copying sales of Polly R. Montgomery
 \$6.00

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1858
Stephen C. Montross
Oct 14 To books Chas. H. & H. Gaster
Dallas Dec 30 1858 Received of J. H. Gaster
Two & 69/100 Dollars in full of the above
J. H. Gaster
J. M. Davis

Received of J. H. Gaster
Dollars & fifty cents in full
for the commission & maintenance
of the estate of Polly Ann Montgomery
for the term of six months
Mary H. Montgomery

Feb 5 95 Recd. of J. H. Gaster Guard, Hirs Ad. Montgomery
and 49/100 dollars Mrs. J. H. Gaster
Justin J. Gaster This 8th day of September 1860
Geo. H. Davis, Clerk
of Intestates
Chief Justice

Recd of J. H. Gaster Guard the heirs of
Ascar Montgomery \$5000 Printrs fees for
notices to sell Real Estate
this 12th March 1879 J. H. Gaster Clerk

Recd of J. H. Gaster
dollars in full of all claimant
against the estate of Polly R.
Montgomery deceased this
Jan the 20 1879 W. H. Gaster

J. Gaster
1890
Received in full of
the estate of the 17th Nov 1850
Montross
Court

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Received of G. H. Caster fifty Dollars
Atty fee for getting deed & paying
Court expenses for the same - for a
Ascertain tract or parcel of land
Known as a part of the S. P. Montgomery
had right being a part of the estate
of the heirs of - Susker - Montgomery

L. W. Monkman
Atty

This 8th Day of September A. D. 1860

To the Hon J. M. Patterson Chief Justice of
 The undersigned Guardian of the estate of the
 heirs of Oscar Montgomery decd, would represent
 to your Honor that said heirs are destitute of
 any thing upon which to support, and that
 there is some personal property, consisting
 of one man & a few head of cattle & hogs,
 and some household furniture. They have
 also 100 acres of land in Dallas County,
 your Petitioner would, represent, that one
 Red was given to the little girl, and
 your Petitioner would ask that the same
 be set aside to her, as it is in the list
 of the property inventoried, your petitioner
 prays for an order of Court, to sell said
 100 acres of land & the Personalty, at the
 Residence of the undersigned, or at the
 most convenient place where the property
 can be got together, on a credit of 6
 months, except 4 Cows & Calves, which he
 asks may be sold for cash in hand as the
 children are in need of some things, and
 the cost of Court has not been paid
 for some time, your Petitioner asks as
 above, & as in duty bound he will ever
 pray &c
 L. H. Coaster Guard,

B. M. McIlaster

Dallas February 27th 1860

J. A. Easter Guardian of the Heirs of Oscar
 Holly Montgomery - In Annual account,
 current with said Estate -

By 80 acres of Land in the State of Illinois \$950.00
 " 6 " " " " State of Illinois 50.00
 \$1000.00

" Amt of Inventory of the Property
 in the State of Texas \$427.60

By 86 acres of Land in the State of
 Illinois \$1000.00

By Sale Bill of 100 acres of Land, \$99.25
 " " " Personal Property 269.25
 " Amt Sale Bill Dep Inventory 57.00
 \$427.60

By Amt Note on West Monan \$99.25
 " " " " Huntucker 4.50
 " " " " Weatherlen 10.00
 " Amt Cash - on hand 61.00
 174.75
 " Amt Note & Cash on hand 704.65

By Amt Paid W. M. Deane 8.90
 By Amt Paid W. M. Deane for crying Sale \$6.00
 " " " W. K. Masten C.M. 16.85
 " " " J. W. Elliott 5.75
 " " " " " 2.65
 " " " " Printers fees 6.00
 " " " " W. K. Masten 8.20
 " " " " W. Stults 6.00
 " " " " Holly Montgomery 13.50
 " " " " Lake 2.25
 78.10

J. A. Easter
 Guardian Heirs
 Oscar Montgomery

Filed Dec 2nd 1858
 W. K. Masten C.M.

Recorded

All of which is Respectfully Submitted
under oath - This 24th day of July
1860 -

J. H. Easter
Master

J. H. Easter
Guard
Also Party accompanying
General Taylor's 1860

Filed July 27th 1860
Geo. W. Davis of 1860

Approved this 27th
day of July 1860
J. Williams
Army Master

Recorded

Dallas, May 25th 1861

Lewis W. Carter Guardian, of the Heirs of Oscar
 & Polly Montgomery
 In Annual of with said Estate
 To Balance Note & Cash on hand as per
 Annual in this February 1861 \$ 110.65
 By and paid Workman & Coys Attys
 fees as per the receipt 50.00
 Balance on hand \$ 60.65
 Which is respectfully submitted this 25th
 day of May 1861
 J. H. Astor
 Clerk

The State of Texas }
 County of Dallas }
 Hon. J. M. Patterson Clerk of the
 Court }
 The undersigned Guardian of the Heirs
 of Oscar & Polly Montgomery respectfully represents to your
 Honor, that said estate is very near all expended and
 thinks it expedient to close the same, and asks that notice
 be given for final settlement, and the above be received
 as his final exhibit & that he be discharged from all
 further liabilities, and as in duty bound
 will ever pray &c,
 L. W. Carter Guard
 Heirs of
 Oscar & Polly Montgomery

Workman

Inventary and Appraisement List of the Property of
 Oscar F. Montgomery, Croitt Montgomery S. C. Montgomery
 Claudius Montgomery and Polly S. Montgomery Minor heirs
 of Oscar F. Montgomery deceased as follows.

Eighty acres of Land in the State of Illinois 7950.00
 Six acres of Land in the State of Illinois 50.00
 \$ 7000.00

The State of Texas Personally appeared before the undersigned
 Dallas County Deputy County Clerk Lewis Caster and
 made oath that the foregoing contains a true & correct
 inventory of the estate of his said ward for as the same has
 come to his hands or knowledge.

Lewis Caster
 Clerk

Sworn to & subscribed before me
 this 13th August 1856 John J. Eakins
 Deputy Clerk

The State of Texas Personally appeared before the undersigned
 Dallas County Deputy County Clerk A. W. Caster and Jacob Caster to appraise
 to appraise the estate of Oscar F. Montgomery deceased and
 make oath that the above contains a true and correct
 appraisement list of the property of said estate as shown
 them by the Swarman thereof.

Sworn to & subscribed
 before me this 13th day
 of August 1856

John J. Eakins
 Deputy Clerk

A. W. Caster &
 Jacob Caster

L. H. Caster &
 J. P. Sh...
 Caster Montgomery
 Filed 33rd May 186
 W. H. Thomas & J...

Recorded
 Admitted

An Inventory of The Property of
 Polly R Montgomery Deceased Late
 of Dallas County Texas
 one hundred acres of Land lying
 in the fork of the Trinity it being a
 part of the Colony headright of S P
 Montgomery valued at \$150 per acre
 also one Sorrel mare six years old \$80

four Cows & Calves
 one Cow without calf ~~one yearling~~
 one yearling heifer
 one yearling Steer
 one yearling mall valued at \$7 1/2 each
 one yoke of three year old oxen \$35
 two yearling Steers missing

also hogs appraised at \$30

also house hold & kitchen Furniture
 appraised at \$475.00

\$427.50

Appraised By E. J. Robinson
 and C. H. Hunsaker ~~at Dallas Texas~~
 this the 27th of September A. D. 1858

8
 4
 12
 72
 84
 6
 90

Inventory & appra
 Est Polly R Mont
 Montgomery dec

Approved this 26th
 day of August 1856
 J. M. Pittman
 Sheriff Justice
 D. C. J.

Filed Aug 26th
 1856 W. K. Master
 Clerk

Recorded on pag
 163 this the 27th
 day of August 1856
 W. K. Master
 Clerk

Recorded

The State of Texas } The E J Robinson and
County of Dallas } C M Hansacker hereby
Certify that the foregoing is a true and
Correct Inventory and appraisement
List of the property shown as
belonging to the Minor heirs of Pally Maw
- (name) dec'd by J H Caster Guardian
of said Minor Estates. C M Hansacker
Subscribed & sworn to C M Hansacker
before me this 27th day of
Sept 1858.

McMaster clk

J H Caster
Guardian
Heirs. Pally Maw
Inventory

Filed Sept 27th 1858
McMaster clk

Approved the 28th day
of Sept 1858
J M Robinson
clerk

Recorded

Sale Bill of the property of the heirs of Oscar
 Montgomery, Dec^d sold under an order of
 the County Court of Dallas County on 18th Jan^y 1857

1 yoke of oxen	J H Custer	\$ 35.00	
1 brown cow & calf	J H Williams	\$ 16.50	
2 brown cows & calf	J H Williams	\$ 15.25	
1 red cow & calf	J H Williams	\$ 9.25	
2 red cows & calf	J H Williams	\$ 14.50	
1 saw horn cow	G F Peeler	\$ 8.25	X
1 yearling heffer	J H Custer	\$ 5.25	X
2 yearling heffer	J Story	\$ 7.50	X
3 heffer	J Story	\$ 6.00	
1 Steer	E J Robinson	\$ 5.50	X
2 Steer	J W Keedy	\$ 5.25	X
4 heffer	J Story	\$ 6.00	X
1 Bull	J H Custer	\$ 3.00	X
1 mare	J H Custer	\$ 75.00	X
13 hogs	J Chasier	\$ 25.00	X
1 seed	J Story	\$ 2.00	X
2 Lot	J H Custer	\$ 9.50	X
1 Bucket	J H Custer	50	X
1 Lot of Dishes	O Montgomery	25	X
2 Lot of	O Montgomery	15	X
1 salt Dish	O Montgomery	5	X
2 pans	J Soby	1.50	X
1 Lot Crock	J W Keedy	1.50	X 25
2 Crock	O Montgomery	50	X
Sandries	O Montgomery	50	X
1 Churn	O Montgomery	\$ 1.25	X
1 Lot Pots	O Montgomery	\$ 1.00	X
1 table	Port farrow	25	X
1 yoke	J H Custer	75	X
1 Shovel	G F Peeler	1.35	X
1 pot	C M Hunsdick	1.00	X
1 Wheel	mis farrow	5.00	X
1 Chier	O Montgomery	70	
2 Chier	O Montgomery	60	
		265.85	over

3	Chairs	D Montgomery	265.85
1	Spred	D Story	\$ 100.00
1	tub	D Montgomery	50
1	carpet	D Montgomery	15
			<u>\$ 269.25</u>

The State of Texas } Personally appeared
 County of Dallas } before the undersigned
 Clerk of the County Court in & for said
 County, I H. Caster Guardian of the
 Heirs of Oscar Montgomery de, and
 being sworn in due form of law
 says upon his oath that the above
 foregoing is a true and correct
 Sale Bill of the Property of said Heirs
 Estate sold under an order of Court,
 on the 18th day of January 1889,
 subscribed & sworn to by I H. Caster Guard
 before me this 3rd day of Feb
 1889, W. H. Masten clk.

I H. Caster Guard
 Heirs of Oscar
 Montgomery de
 Sale Bill

Filed Feb 3rd 1889
 W. H. Masten clk

Approved this 27th
 day of February
 1889
 J. W. Masten
 Sheriff

Records

The State of Texas } In County Court.
 Dallas County } June Term 1866.

Hon. J. W. Patterson, Chief Justice & Judge
 of the County Court in said County

Your petitioner Lewis Coster a
 resident citizen of said County would most
 respectfully represent that Emile Montgomery
 Stephen C. Montgomery, Melandius Montgomery
 & Rolland Montgomery are minor heirs of Oscar
 P. Montgomery deced. that they reside in the
 County of Dallas & State of Texas without
 any legal Guardian that they have in
 the State of Illinois an estate coming to
 them to the portable value of \$4000. The
 premises considered your petitioner pray
 for Letters of Guardianship of the estate of
 said heirs and as in duty bound he will
 ever pray &c

Lewis Coster

To the Hon Chief Justice of Dallas County
 March term 1859 —

The following is a Sale Bill of the
 one hundred acres of land belonging to
 the heirs of Oscar Montgomery, sold under
 an order of Court (heretofore made), on
 the 1st Tuesday in March, being the 1st day
 of said Month 1859 viz

100 acres of land part of G. P. Montgomery's Colony
 hereafter located in the forks of the River
 in Dallas County, sold to Samuel
 Workman for the sum of \$99.25
 on a credit of 12 months —

all of which is respectfully submitted
 under oath
 Subscribed & sworn to L. H. Leicester, Guard
 before me this 12th 1859
 W. K. Masten Clerk

Lewis Leicester
 J. P. Gentry Jr
 J. J. Gentry
 3

Court Clerk

Filed 14th May 1859
 J. H. Peak Clerk
 3

Recorded

The State of Texas,
COUNTY OF DALLAS.

KNOW ALL MEN BY THESE PRESENTS, THAT *L. Lewis*

A. Caster as principal, and *Emathen Stoy* and *Harvey*




as sureties are held and firmly bound unto the Chief Justice of the County of Dallas,
in the sum of *Two thousand* dollars; for the payment of which, well and

truly to be made, we hereby bind ourselves, our heirs, executors and administrators, jointly and severally, singly by
these presents; signed and sealed with our seals the seals being scravels; this *30th* day of *June*

A. D. 185 *6*.

The condition of the above obligation is such, that whereas the above bounden *Lewis A*
Caster, has been appointed by the *Chief Justice* of
Dallas County Guardian of the Estate of the heirs
of *Oscar & Montgomery deceased*

Now if the said *Lewis A Caster* shall well and truly per-
form all the duties required of *him* by law under said appointment, then this obligation shall be null and void
otherwise to be, and remain in full force and effect.

Lewis A Caster 
Emathen Stoy 
Harvey Stoy 

L. Lewis A Caster do solemnly swear that I will well and
truly perform all the duties of Guardian of the Estate of the *Minor Heirs*
of *Oscar & Montgomery deceased*

Lewis A Caster
mark

Subscribed and sworn to before
me this *30th* day of *June*
A. D. 185 *6*

W. W. Seal Clk. Co. Ct. D. Co., Tex.

L. A. Caster
Guaracain
Heirs Oscar Montgo-
mer,
Sale Bill

Filed March 12
1859
W. W. Mastenell
approved Moselle
28th 1859

J. A. Winn
S. S. Fisher

Record Page 234
Recorded Page 244

Lewis W. Carter Guardian of the Wives of Oscar & Polly Montgomery - Balance aspt.

By 80 acres of Land in Illinois	950.00
" 6 " " " " "	50.00
	<u>\$ 1000.00</u>

By 80 acres of Land in Illinois in the Hands of the Guardian of SD Wives in State of Illinois	950.00
" 60 acres of Land in Illinois in the Hands of Oscar, in Illinois	50.00
	<u>\$ 1000.00</u>

To Amt of Inventory of Property in State of Texas, 427.50

By Amt Sale Bill Land & Personal Property -	508.50
" " " " Sep Inventory	59.00
	<u>427.50</u>

To Cash Recd on Northmans Note, & Ints	\$ 102.00
" " " " Huntman's Note & "	4.75
" " " " Northman's " " "	11.00
" " on hand Land Exhibit -	61.00
	<u>\$ 178.75</u>

By Amt Paid out — — —

By Amt Paid N W Deal	3.90
" " " Northman Equity Sale	6.00
" " " N Huntman's Note & Ints -	16.85
" " " J. M. Elliott	5.75
" " " J. M. Elliott	2.05
" " " J. M. Elliott	8.20
" " " N Huntman's Note & Ints	8.20
" " " N Huntman's Note & Ints	6.00
" " " N Huntman's Note & Ints	6.50
" " " Northman's Note & Ints - atty. fee -	15.25
" " " Court. Costs	52.00
" " " Attorney's fees for his services -	

Lewis Carter Esq
Bene
Chief Justice

Filed 30th June 1856
W H Peak clk.
I approve this 30th
day of June 1856
J. M. Peterson
shuff Justice
Jed

Recorded
35

The State of Texas
 County of Dallas J. L. H. Carter Guard, Heirs of
 Oscar Holt, Montgomery Texas respectfully represents
 to your Hon. that the within Related Account of
 the Conditions of said Estate, is a fair and correct
 Exhibit of the Condition of the same.

All of which is respectfully submitted under
 Oath, this 27th day of June 1861.

J. L. H. Carter Guard
 (Mark)

Sworn to & Subscribed before
 me this 27th day of June 1861
 Geo. W. Laws Clerk,

FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

D. H. Caster Guard
Hires Montgomery
Co. 3rd Mounted Regt
1861

Filed June 27th 1861
G. W. Laws Clerk

Approved this 28th day
of June 1861
of Mitchell
Chief Justice

Recorded

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