

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

Case Number 2159

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2159

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

Lawson Texas
 Sept 21st 1900
 Dallas County Court of
 Dallas County Tx.
 I present this my annual report
 on the estate of J. R. & Sarah Bailey
 there being nothing but the real
 estate to report on. Will say it
 is in about the same condition
 as when letters of administration
 were granted I have put \$500
 worth of improvements on the
 place. There has been no claims
 presented to me. against said
 estate. Respectfully submitted
 J. F. Bailey
 Admin. & final account from me
 No. 2533 - separation case
 15/1/1900 J. F. Bailey

Paid

NOTICE OF FILING FINAL ACCOUNT.

Est. of *J. R. & Sarah Bailey* DECEASED. The State of Texas,
 No. *2533*
J. F. Bailey Extr.

To all Persons Interested in the Estate of *J. R. & Sarah Bailey*, Deceased:
J. F. Bailey, Executor/Administrator, has filed in the County Court
 of Dallas County his Final Account, showing the condition of said Estate, and
 his application to be finally discharged as such Administrator, and to close the
 administration of said Estate, which will be heard at the next term of said Court,
 commencing on the First Monday in *March* A. D. *1901*, at the Court
 House in the City of Dallas, at which time all persons interested in said Estate shall
 appear and contest said account if they see proper.

WITNESS *A. S. Jackson* Clerk of the County Court of
 Dallas County, Texas. Given under my hand and the Seal of
 said Court, at office in the City of Dallas, this *23* day of
Jan A. D. *1901*

A. S. JACKSON,
 County Clerk of Dallas County, Texas.
 By *A. S. Jackson* Deputy.
 Issued this the *23* day of *Jan*, A. D. *1901*
 By *A. S. Jackson*, County Clerk,
 Deputy.

Notice of Filing Final Account.
 The State of Texas, County of Dallas, do hereby certify that the following named person interested in the estate of *J. R. & Sarah Bailey* deceased, No. *2533*, Administrator, has filed in the County Court of Dallas County his final account, showing the condition of said estate and his application to be finally discharged as such Administrator, and to close the administration of said Estate, which will be heard at the next term of said Court, commencing on the first Monday in *March*, A. D. *1901*, at the Court House in the City of Dallas, at which time all persons interested in said estate shall appear and contest said account if they see proper.
 Witness, *A. S. Jackson*, Clerk of the County Court of Dallas County, Texas, given under my hand and the seal of said Court in office in the City of Dallas this 23rd day of *Jan*, A. D. *1901*.
A. S. JACKSON
 Clerk County Court of Dallas County, Texas.
 By *A. S. Jackson*, Deputy.
 Issued this the 23rd day of *Jan*, A. D. *1901*.
 By *A. S. Jackson*, County Clerk.

Report of
 Executor of
 the estate of
 J. R. + Sarah Bailey

Jan 18 1901
 Received
 of
 M. B. Blackwell
 \$100.00
 for
 copy

FILED the 22 day of
 Sept 1900
 A. K. JACKSON, Clerk Co. Court.
 By A. M. Rawlins
 Deputy.

Annular Book
 2523

THE STATE OF TEXAS,
 COUNTY OF DALLAS.

Before me, A. Jackson Clerk of the
 County Court of Dallas County, Texas, this day personally appeared
M. B. Blackwell
 who, being by me duly sworn, on his oath says that he is the publisher of The Dallas Democrat
 a newspaper published weekly in Dallas County, Texas, and that the within notice of filing Final Account was duly published in
 said newspaper for three successive weeks prior to the first Monday in March A. D. 1901, and
 on the following dates, to-wit: Jan 29, 1901 - Feb 5, 1901 - Feb 12, 1901
M. B. Blackwell

Sworn to and subscribed before me this 20 day of Feb A. D. 1901
 By A. M. Rawlins Deputy.

ESTATE OF
 COUNTY COURT.
J. R. + Sarah Bailey
 Deceased.

NOTICE OF FILING FINAL ACCOUNT.

Issued this 23 day of Jan
 A. D. 1901
 S. JACKSON,
 Clerk County Court, Dallas Co., Tex.
 By A. M. Rawlins Deputy

SHERIFF'S RETURN.

Came to hand the 23 day of Jan
 A. D. 1901, and received by causing the same to
 be published in The Dallas Democrat
 a newspaper published weekly in the County of Dallas,
 Texas, for twenty days prior to the first Monday in
March A. D. 1901, and on
 the following dates, to-wit: Jan 29 - Feb 5 - Feb 12
 A copy of said publication is hereto attached and make
 a part of this return.

J. R. Johnson
 Sheriff Dallas County, Texas.
 By J. G. White Deputy.
Darius Pittman 75
 For paid -

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to notify *J. R. Bailey*
Executor
of the Estate of *J. R. and Sarah Bailey, Deceased,*

by delivering to him a true copy of this writ, that at the *present* term of the County Court of said
on the 10th day of Nov. 1900 County, an order was made *disapproving his Annual Report filed on*
September 22nd 1900, for reason of its insufficiency
and lack of proper forms, and requiring him to prepare
and file forthwith a full report of his management
and the present condition of said estate.

HEREIN FAIL NOT, but of this writ make due return, showing how you have executed the same.

Witness my hand and official seal, at my office in the City of Dallas, this *15th* day of
November A. D. *1900*

A. B. Rawlins Deputy.

A. S. JACKSON, CLERK.

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to notify *J. R. Bailey*
Executor
of the Estate of *J. R. and Sarah Bailey Deed,*

by delivering to him a true copy of this writ, that at the *present* term of the County Court of said
on the 10th day of Nov. 1900 County, an order was made *disapproving his Annual Report filed*
on Sept. 22nd 1900, for reason of its insufficiency and
lack of proper forms, and requiring him to prepare
and file forthwith a full report of his man-
agement and the present condition of said estate.

HEREIN FAIL NOT, but of this writ make due return, showing how you have executed the same.

Witness my hand and official seal, at my office in the City of Dallas, this *15th* day of
November A. D. *1900,*

By *A. B. Rawlins* Deputy.

A. S. JACKSON, CLERK.

No. 2533

ESTATE OF

J. R. and Sarah
Bailey Deced.

NOTICE TO Executor

Issued 15th day Nov.
1899 1900.

A. S. JACKSON, Clerk,
By A. Rawlins Deputy.

Came to hand on the _____ day of _____
189____ and executed on
the _____ day of _____ 189____
by delivering a true copy of within notice to _____
the within
named _____

Sheriff Dallas County.
By _____ Deputy.

FEES:

Serving Notice, . . . \$ _____
Mileage, . . . _____
Total, . . . \$ _____

73500

Lawson Humphrey
Clerk

No. 2533

ESTATE OF

J. R. and Sarah
Bailey Deced.

NOTICE TO Executor

Issued 15th day Nov.
1899 1900.

A. S. JACKSON, Clerk,
By A. Rawlins Deputy.

Came to hand on the 15th day of
Nov 1899 and executed on
the _____ day of _____ 189____
by delivering a true copy of within notice to
not found the within
named _____

L. H. _____
Sheriff Dallas County.
By _____ Deputy.

FEES:

Serving Notice, . . . \$ _____
Mileage, . . . _____
Total, . . . \$ _____

73500

THE STATE OF TEXAS,

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

YOU ARE HEREBY COMMANDED to notify

of the Estate of

by delivering to him a true copy of this writ, that at the

County an order was made

J. F. Bailey, Executor
J. R. & Sarah Bailey, Dec'd
Sept term of the County Court of said
 requiring *him* to file report
 showing condition of Estate, within
 10 days from service hereof

HEREIN FAIL NOT, but of this writ make due return, showing how you have executed the same.

Witness my hand and official seal, at my office in the City of Dallas, this

By

Sept 5th
J. F. Cullum Deputy.

Deputy.

A. S. JACKSON, CLERK.

THE STATE OF TEXAS.

To all Persons Interested in the Estate of

of Dallas County, State of Texas, an application for the Probate of the last Will of said

application will be heard and acted upon by said Court, at the next term thereof, to be held at the

Court House in the City of Dallas, County of Dallas, State aforesaid, and commencing on the

first Monday in

in said Estate shall appear and contest said application, should they desire to do so.

WITNESS: A. S. JACKSON, County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court at office in the City

of Dallas, this

A. S. JACKSON,

County Clerk, Dallas Co., Texas.

By

13 day of *Oct* A. D. 189*8*
A. B. Paulinus Deputy.

Lawson N1

No. 2533

ESTATE OF

J. A. & Sarah Bailey
Decd

NOTICE TO J. F. Bailey, Exor

Issued 5 day Sep 1900

A. S. JACKSON, Clerk,
By J. F. Callow Deputy.

Came to hand on the 5 day of
Sept 1900 and executed on
the 10 day of Sep 1900
by delivering a true copy of within notice to J. F. Bailey
named Executor the within

J. F. Bailey
By J. C. Humphrey Deputy.

FEES	
Serving Notice.	\$ 75
Fileage.	36 1.80
Total.	\$ 2.55

73500

N1

No. 2533

COUNTY COURT.

ESTATE OF

J. A. & Sarah Bailey
Deceased.

NOTICE OF APPLICATION FOR PROBATE OF
WILL AND LETTERS

Issued this 13 day of
October 1900

A. S. JACKSON, COUNTY CLERK.
By W. B. Callow Deputy.

SHERIFF'S RETURN
Came to hand the 13 day of Oct
1898 and executed the 13 day of Oct
1898 by posting up three copies of this Writ at
three public places in Dallas County, one of which
was at the Court House door of said County, and
no two of which were in the same town or city.

BEN E. CABELL, SHERIFF, DALLAS CO.
By J. H. Anderson Deputy.

7225
Recorded

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1973

Notice of Issuance of Letters

No. 2533 Estate of J.R. & Sarah Bailey, Whereas on the 12 day of November 1898 in the county court of Dallas County Texas letters testamentary on the Estates of the said J.R. and Sarah Bailey, decd. were granted to J.F. Bailey whose residence and post office address is Lawson, Dallas County, Texas: Now therefore all persons having claims against the Estates of the said J.R. & Sarah Bailey are hereby required to present the same within the time required by law to the said J.F. Bailey, witness my hand this 25th day of February 1899.

J.F. Bailey, executor of said estate.

Notice of Issuance of Letters.
No. 2533 Estate of J.R. and Sarah Bailey. Whereas on the 12th day of November, 1898 in the county court of Dallas County, Texas letters testamentary on the Estates of the said J.R. and Sarah Bailey, decd. were granted to J.F. Bailey, whose residence and post office address is Lawson, Dallas County, Texas. Now therefore all persons having claims against the Estates of the said J.R. and Sarah Bailey are hereby required to present the same within the time required by law to the said J.F. Bailey. Witness my hand this 25th day of February, 1899.
J.F. BAILEY,
Executor of said Estate.

EXECUTOR'S BOND

The State of Texas, } Estate of J. R. and Sarah Bailey

COUNTY OF DALLAS.

KNOW ALL MEN BY THESE PRESENTS, That we, J. F. Bailey,

as Principal, and _____ and _____ as Sureties, are held and firmly bound unto the County Judge of said County of Dallas, and his successors in office, in the sum of Twenty two hundred Dollars; conditioned that the above bound J. F. Bailey who has been appointed executor of the estate of J. R. and Sarah Bailey shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this 25 day of November 1898.

J. F. Bailey (SEAL)
J. W. Galt (SEAL)
M. H. Gove (SEAL)

I DO SOLEMNLY SWEAR that the writing which has been offered for probate, is the last will of J. R. and Sarah Bailey deceased, so far as I know or believe; and that I will well and truly perform all the duties of Executor of said will.

J. F. Bailey

Sworn to and subscribed before me this 18 day of Nov 1898

A. Jackson
County Clerk, Dallas County, Texas.

By J. H. Austin Deputy.

2533,

Filed the 29 day of
March 1899

A. S. Jackson, Clerk Co. Court,
By J. M. Rawlins Deputy.

Recorded in Minutes

No 8533

Estate of J. R.
& Sarah Bailey

Notice to present
Claims

State of Texas, County of Tarrant. Before me the undersigned
Judge of said County, personally appeared N. B. Rawlins, who, on being
July sworn, says on oath that he
is the publisher of the Dallas Democrat
a newspaper published once a week
in said state county, aforesaid, and
that the notice on the reverse
side hereof was published in said
newspaper five times of Feb 28
March 7 & 14 & 21, 1899 -

Sworn to and subscribed before me this
29th day of March 1899.
As Jackson Co. Clerk
By J. M. Rawlins Deputy

No. 2533

COUNTY COURT,
DALLAS COUNTY.

EXECUTOR'S BOND.

ESTATE OF

J. R. and Sarah Bailey
Heirs

Filed Nov 28 1898
A. S. Jackson, Clerk,
By J. M. Rawlins Deputy.

Approved this 28 day of
March 1899

J. M. Rawlins
County Judge, Dallas County.

47
630

A. D. Aldridge & Co., Stationers, Printers and Binders, Dallas

Recorded

J. W. Cates, M. H. Love and W. M. Humphreys
appointed appraisers to appraise
estate of J. R. and Sarah Bailey decd.

In writing the decree probating will
and appointing J. F. Bailey executor
the customary decree will be
sufficient except that it should
contain a clause substantially
as follows: "It further appearing
to the court that said will of said
J. R. and Sarah Bailey was not in
the custody nor under the control
of said applicant J. F. Bailey from
the time of the death of said J. R.
Bailey on the 16th day of October
1884 to the death of said Sarah
Bailey on the 30th day of August 1888
but was all that time in the ex-
clusive custody, possession and con-
trol of said Sarah Bailey who declined
and refused to permit said will
to be probated as the will of her said
husband till after her death and
it appearing to the court that it is necessary
to probate said will as the will of said
J. R. Bailey as well as that of said Sarah
Bailey for the purpose of maintaining the
rights of said applicants who is in pos-
session of and derives title through
said will to the property therein de-
vised and bequeathed to him, and
for the purpose of establishing the va-
lidity thereof as a muniment of said
applicant's title, wherefore it is
ordered adjudged and decreed &c."

No. 2533
Estate of J. R.
+ Sarah Bailey

Clause to be
inserted in
Decree of Probate

Names also of
Appraisers.

Estate of J. R. and Sarah Bailey decd (Pending in County Court
No. 2533. ——— of Dallas County Texas.

Now comes J. F. Bailey executor of said estate and presents to the court his account for final settlement of said estate as follows: & First said executor represents that the only property of said estate that has come into his hands is that mentioned in the inventory filed ~~here~~ in said estate on the 3rd day of December, 1878 viz; one-hundred and twenty ^{two}/₈ acres of land part of the R. Hobbey survey in Dallas County Texas. That your executor has paid all the legacies given in the said will of said J. R. and Sarah Bailey, to wit, to S. E. Jones one-hundred dollars, to Rose Cunnly one-hundred dollars, and to Martha E. Cooper one hundred dollars. 2 That all the debts and expenses known to exist against said estate have been paid, to wit, the expenses or court costs of administration as will appear by reference to the fee books and court docket of this court, That the said S. E. Jones, Rose Cunnly and Martha E. Cooper and your executor were the only distributees of said estate and entitled to receive said estate and that all of said distributees are adults and married women and all reside in Dallas County Texas. That ~~the~~ all of said distributees to wit the said S. E. ^{Jones}, Rose Cunnly and Martha E. Cooper joined by their respective husbands, have conveyed all their titles and interest in said land and estate to the said J. F. Bailey and that said J. F. Bailey is entitled, as the sole distributee of said estate under said will and said conveyances, to receive all of said land, all

of which will more fully appear by reference to said deeds of conveyances from said other distributees to said J. F. Bailey hereto attached and marked respectively of books H and K. That the claim of said ~~estate~~ J. F. Bailey against said estate for six hundred and ninety seven ⁸⁷/₁₀₀ dollars allowed and approved by the probate Court of Dallas County Texas, on the 15th day of February 1899 has been settled by the conveyance to said J. F. Bailey by said distributees of said land as aforesaid. Wherefore said executor prays that the above and foregoing account be approved and that said court enter a decree vesting title to said land in said ~~estate~~ distributee and said property ~~delivered~~ be delivered to said J. F. Bailey and that said executor be finally discharged from his said trust and said estate be closed, and that citations hereof be duly issued and served as the law directs and for all other relief general and special.

Gillespie v. Dye.

Atty for said executor.

The State of Texas.

County of Dallas. } J. F. Bailey, the said executor of said estate, being by me duly sworn says that the facts alleged in the above and foregoing account and application for final discharge are true and correct.

----- J. F. Bailey
Sworn to and subscribed before me this 23rd day of January A.D. 1901.

As Jackson Clerk Co.
County of Dallas Co. Texas.
By A. M. Cantrell Deputy.

✓
No. 2533.
Estate of J. R. and
Sarah Bailey dead.

Account for Final
Settlement.

FILED the 23 day of
January 1901
A. S. JACKSON, Clerk Co. Court,
by W. H. Rawlins
Deputy.

Recorded J/602

April 25th 1901
Examined and Approved
Ed. Handroan
C. Judge
22
Filed Jan'y 28-1901
Chas. H. [unclear]
Atty for said [unclear]

No. 2533	State of J. R. and Sarah Bailey	Dr.	
	To J. F. Bailey		
Oct. 20, 1884	To amount paid undertaker Ed. C. Smith for box and case or coffin for J. R. Bailey		30.00
" 25, 1885	To amount paid Dr. ^{S.W.} Rutherford for medical attention to said J. R. Bailey in his last illness		54.00
June 24, 1885	To amount paid J. M. Gross for lumber		51.39
Dec. 18, 1887	To amount paid Rugle Bros. for box & case or coffin for M. J. Bailey		18.00
Nov. 15, 1887	To amount paid Rugle Bros. for wine		47.50
March 5, 1890	To amount paid Dr. D. A. Paschal for medical attention to said M. J. Bailey in her last illness		70.00
1892	To amount paid Cumby & Ebrite for doors, sash and lumber		100.00
Oct 17, 1891	To amount paid W. W. Messon for wine		25.00
1875 or 1876	To " " S. H. Cumby for lumber		20.00
1897	" " " " " " Bois d'arc posts		50.00
Sept. 27, 1892	To " " Davenport & McKee for Tomb stones for said J. R. and M. J. Bailey		52.00
1890	To amount paid L. C. Ebrite for lumber & shingles		25.00
1887	" " " Dallas Brick yard for 1000 bricks at ten dollars per thousand for chimney		10.00
"	To amount paid C. P. Ellenwood for building chimney		20.00
1890	To amount paid and work done, for building dwelling house and out fence		125.00
			\$ 677.89

The State of Texas
County of Dallas } Before me the undersigned authority on

this day personally appeared J. F. Bailey, who after being by me duly sworn ^{and claim} says that the above and foregoing account, against the estate of the said J. R. and Sarah Bailey is just and that all legal effects, payments and credits known to affiants have been allowed. J. F. Bailey sworn to and subscribed before me by the said J. F. Bailey this February 15th A. D. 1899.

A. B. Jackson
County Clerk, Dallas County, Texas.

By A. B. Rawlins Deputy

No. 2533
Estate of J. R. and Sarah Bailey decd.
claim of J. F. Bailey

Filed Feb 15 1899
A. B. Jackson
Co. Clerk
By A. B. Rawlins, Dy.
Apr 19 1900
Examined & approved as a 1st class claim and ordered paid in due course of distribution
P. McCreath
70
copy

INVENTORY AND APPRAISEMENT

OF THE PROPERTY, REAL AND PERSONAL, BELONGING TO THE ESTATE OF

J. R. Bailey and Sarah Bailey

We the undersigned appraisers of the above named estates, heretofore appointed by the court, and ~~J. R.~~ J. R. Bailey the executor of said said estate, beg leave to report that the following is a full inventory and appraisement of all the estate of said testator and testatrix, both real and personal, to wit; one hundred and twenty ~~two~~ acres of land situated in Dallas County Texas and being a part of the R. H. survey and being the homestead of said testator and testatrix at the time of their respective deaths and being community property of said testator and testatrix, which said $\frac{1}{2}$ acres of land we have appraised at the sum of eleven hundred dollars. There is no separate belonging to the estate of said testator or testatrix.

Said executor J. F. Bailey also reports that there are no claims due or owing to said testator and testatrix.

No. 1033
 COUNTY COURT.
 ESTATE OF
 J. R. and Sarah Bailey
 Inventory and Appraisement.
 Filed 3 day of Dec 1898
 By J. F. Bailey County Clerk Deputy
 Examined and Approved this 5 day of Dec 1898
 M. L. [Signature] County Judge
 10633
 Recorded 56

THE STATE OF TEXAS,
 COUNTY OF DALLAS.

I, J. F. Bailey, executor

of the above named Estate do solemnly swear that the foregoing is a true, full and complete Inventory and list of all the property, real and personal, and claims belonging to said Estate, that has come to my knowledge.

Sworn to and Subscribed before me, this the 29 day of Nov A. D. 1898
 A. B. Lanier Notary Public
 Clerk County Court.
 By Dallas Co. Tex. Deputy

THE STATE OF TEXAS,
 COUNTY OF DALLAS.

Before the Undersigned Authority, this day personally appeared

J. W. Cates, M. H. Love and W. M. Humphreys

Appraisers of the above named Estate, heretofore appointed by the Court, and each being duly sworn, says that the above and foregoing is a just and true Appraisement of the property pointed out to them as belonging to said estate.

Sworn to and Subscribed before me, this the 1 day of Dec A. D. 1898
 A. B. Lanier Notary Public
 Clerk County Court.
 Dallas Co. Tex. Deputy

No. 2533, Estate of J. R. and Sarah Bailey - Pending in County
Court Dallas County Texas. Before me the
undersigned authority on this day personally appeared O. F.
Lamier one of the subscribing witnesses to the will
of said J. R. and Sarah Bailey and after being by me duly
sworn says that he the said O. F. Lamier is one of the sub-
scribing witnesses to the said will of J. R. and Sarah
Bailey referred to in the application for the probate
thereof filed herewith and referred to in said
application as ^{exhibits A} and that said will was signed by the said
J. R. and Sarah Bailey, as their last will and testament
in the presence of the said O. F. Lamier and D. F. Fret-
trel the subscribing witnesses thereto, and was, at
the request of said J. R. and Sarah Bailey, signed, sub-
scribed and attested by the said O. F. Lamier and
D. F. Fretrell as witnesses thereto, and that said witnesses
were and are credible witnesses and subscribed their names
to said will in the presence of the said J. R. and Sarah
Bailey and in the presence of each other. That
affiant is familiar with the handwriting of the said
J. R. and Sarah Bailey and of the said subscribing witnesses, and
that said signatures to said will are the true and genuine
signatures of the said testator and testatrix and of said
subscribing witnesses ^{respectively} that the said J. R. and Sarah Bailey died
on the 10 day of Oct. 1884 and on the 30 day of Aug. 1875, respectively in
Dallas County Texas; that they were husband and wife and
were by ^{and were each of sound mind} each over twenty one years of age, that said
testator and testatrix resided and had their domicile and fixed
place of residence in Dallas County Texas and that their
principal property ^{and estate} were at the time of their death situated
in said Dallas County Texas and that their nearest of
kin resided and still reside in said County of Dallas Texas
that the estate of said testator and testatrix is principally
real estate of the probate value of ^{two} hundred dollars.
That the name of the executor mentioned in said will is
J. F. Bailey and that he resides in Dallas County Texas and
that he is the son and principal devisee ^{name} of the said
testator and testatrix, and that said will has not been

revoked by said testator and testatrix or by either
of them. That the said executor named in
said will is over 21 years of age and is of
sound mind.

C. J. Lanier

Sworn to and subscribed before me by the said
C. J. Lanier in open court ^{and} ~~where~~ ^{and} testimony was taken
in open court upon the hearing of said application to probate
said will ^{with} ~~and~~ ^{them} and was then committed to writing at the time
said will was taken and was then and there sworn to and subscribed
in open court by said witness on this the 19th day of November
A.D. 1898.

A. Jackson Clerk of the County
Court of Dallas County
By J. H. Sawyer

FILED Nov 19 1898

A. JACKSON,
CLERK OF THE COUNTY, TEX.

By J. H. Sawyer

Recorded

Estate of J.R. and Sarah Bailey decd - Pending in
No 2533, County Court of Dallas County Texas
Before me the undersigned authority on this
personally appeared J.F. Bailey who after being
by me duly sworn says that said will of
J.R. and Sarah Bailey referred to in the
application to probate the same as exhibit
"A" was not in affiant's possession ~~or control~~
nor under his control ^{on the 16th day of Oct 1898} from the time of the death
of his said father ^{in 1884} to the time of his
said mother's death ^{on the 30th day of August} in 1898, but that said will
had all that time been in the exclusive
custody, possession and control of his
said Mother who declined and refused
to permit said will to be probated as the
will of her said husband till after her
death, that it is necessary to probate
said will as the will of said J.R. Bailey as
well as that of said Sarah for the purpose
of maintaining the rights of affiant who
is and has been in possession ^{and demise} of said
title through said will to the property therein
devised and bequeathed to him and
for the purpose of establishing the validity thereof
as a muniment of said applicants title.

J. F. Bailey
I swore to and subscribed before me in
open Court by J.F. Bailey on this the 19
day of Nov 1898 A. Jackson Clerk of
the County Court of
Dallas County
By J.H. G. [Signature]

The State of Texas
 County of Dallas

In view of the uncertainty of live and the certainty of death and being desirous to settle our worldly affairs while we have strength and ability so to do with sound and disposing mind and memory we J. R. Bailey and Sarah Bailey wife of J. R. Bailey of the county of Dallas State of Texas do make publish and declare this our last will and testament it is our will that our funeral expenses and all our just debts, ~~defrayed~~ by our executor herein named after our decease it is expressly understood that at the death of either of us the survivor is to have possession and controll of all of our property both real and personal during their live and at the death of the last survivor we give and bequeath to our son J. F. Bailey and our daughter M. J. Bailey our farm on which we now reside being Block No 3 of the ~~Robert~~ ^{Robert} ~~Legal~~ ^{Legal} containing 122 7/8 acres of land and all the personal property ~~that~~ that we may own to our son J. F. Bailey except one black mare that we now own which is given to M. J. Bailey and if our grand child J. S. Jones remains with us until our death he is to have an average horse saddle and bridle also one cow and calf it is further desired that our daughters S. E. Jones Rose Gumbly & Martha E. Cooper is to be paid one hundred dollars each in 3 years after the death of the last survivor by our

+ interlined before signing

Son of F. Bailey we hereby nominate and
 appoint our Son of F. Bailey our Executor
 revoking all former wills executed by us

signed and acknowledged
 by the above parties to
 be their last will and
 testament in our presence
 and me at his request and
 in his presence subscribe
 our names as witnesses

J. R. Bailey
 Sarah ^{his} Bailey
 mark

D. Tuttle
 C. J. Lanier

This day of October 1884

1111111111 THE BUREAU OF GEOLOGICAL SURVEY

✓
Exhibit "A"

Filed Oct. 13, 1898.

A. S. Jackson att.

By J. D. Cochran

Recorded

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1973

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

Will of
J. R. P. Sarah Bailey

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

nd
for
ms

Bailey

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The State of Texas, } In County Court November Term 1888.
 County of Dallas, } To the County Court of said County.
 Your applicant, J. H. Bailey, respectfully represents
 that your applicant resides in the city and county
 of Dallas, State of Texas. That herebefore, to wit, on
 the day of - A.D. 1884 and on the 30th day of August
 1898 respectively J. R. Bailey and Sarah Bailey
 his wife died testate in said Dallas
 County, Texas, that said testator and testatrix
 made a joint will and are both dead. That
 the deceased resided and had their domicile and
 fixed place of residence at and prior to their death
 in Dallas County Texas, and their principal prop-
 erty and estate at the time of their death was
 and is now situated in said County of Dallas
 and their next of kin resided and still
 reside in said Dallas County Texas. That
 the estate of said J. R. Bailey and Sarah
 Bailey consists mainly of real estate of about
 122 ¹⁰/₁₀ acres of land in said Dallas County
 of the probable value of about two hun-
 -dred dollars and constituted the homestead
 of said J. R. Bailey and Sarah Bailey.
 That your applicant is named and
 appointed executor in the will of said
 J. R. and Sarah Bailey deceased, and is not
 disqualified by law from accepting letters
 testamentary. That he is the principal devisee
 and legatee of said estate named in said will.

and is the son and next of kin of said J.R. and Sarah Bailey. That said J.R. and Sarah Bailey were each at the time of executing said will, over the age of twenty one years, were married, were husband and wife, were of sound mind, and executed said will with the formalities and under the circumstances required by law to make it a valid will. That said will has not been revoked by said testator and testatrix nor by either of them, that said will was in writing and is here referred to and marked exhibit "A" and filed herewith and made a part of this application. That your applicant was not and is not in default in failing to present said will as the will of J.R. Bailey for probate within four years from his said death in the year 1884. That said will was the joint will of said J.R. Bailey and his wife Sarah Bailey and in one of the clauses thereof it is provided as follows among other things; "It is expressly understood that at the death of either of us the survivor is to have possession and control of all our property both real and personal during their ^{or her} life and at the death of the last survivor we give and bequeath to our son J. G. Bailey and our daughter M. J. Bailey our farm on which we now reside &c &c." That said will was not in your applicant's possession nor was

his ^{his} control from the time of the death of his said mother in 1884 to the death of his said Mother

^{his} ~~her~~ control from the time of the death of his said
Father in 1884 to the death of his said Mother
in 1898, but had all that time been in the
exclusive custody, possession and control of
his said Mother who declined and refused
to permit said will to be probated as the will
of her husband till after her death. That
it is necessary to probate said will as the
will ~~as the will~~ of said J. R. Bailey as well
as that of said Sarah Bailey, for the purpose
^{maintaining} of ~~maintaining~~ the rights of your applicants,
who is in possession of said and derives
title, through said will, to the property therein
devised and bequeathed to him, and for
the purpose of establishing the validity thereof
as a muniment of your applicants' title.

Wherefore your applicant prays that citation
be duly issued to all persons interested in
said estate to appear at the time therein
named and contest this application, should
they desire to do so; that said will be duly
probated and that your applicant be
appointed executor, and that letters testa-
mentary be granted to him, and that
three or more disinterested persons, citi-
zens of said Dallas county, Texas, be appointed
to appraise the estate of said J. R. and Sarah Bailey,
deceased. Gillespie & Dye,

Attys. for said Applicants.

No. 2533 ✓
Estate of J. R. and
Sarah Bailey, decd.

Application to
Probate Will &
for Letters testa-
mentary, &c.

Filed Oct. 13, 1898.

A. S. Jackson, clk.
By J. D. Cochran, sq.

Recorded 74

Filed Oct. 13, 1898

Gillespie Dye
Atty for Applicant