

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

Case Number 116

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# 116

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The State of Texas  
 County of Dallas  
 To the Sheriff of Dallas County Texas

Ashe Carter, a Citizen of said County has filed his petition in the District Court of said County alleging in substance as follows:

That in the year 1856, Joseph S. Starkey, who resided in Dallas County Texas left said County and State for California. That previous to his leaving he appointed David A. Bagley of Dallas County Texas, his Attorney to transact all his business during his absence from the State, that the name of Bagley is recorded in the County Clerk's office of said County.

That said Bagley under the authority of said Joseph Carter made sale of a Certificate No. 34, issued by John H. Chalkley Governor of Texas on the 5th day of April 1856, for 320 acres of Land, of which Certificate Petitioner claims the purchase and located the same on a tract of Land in Dallas County, Texas on Muddy Creek about 16 miles N 57° E from Dallas.

That on the 24th of May 1856, title was granted by letter Patent from the State of Texas, to Joseph S. Starkey.

That said Starkey died in California, and that the names & residences of his heirs, Executors, and assigns are unknown to him.

Petitioner prays that Citation issue as the Law directs, for title to said tract of land and for all other proper relief.

You are therefore commanded to cite, by publication, as the Law directs, for 8 weeks, said unknown heirs, &c. and appear before the District Court of said Dallas County on the 1st day of the next Term thereof, to be held at the Court House in the Town of Dallas on the 16th Monday after the 1st Monday in March 1857. Then say thou to answer said petition.

Witness the undersigned Clerk of said Court & the Seal thereof this 19th day of May 1857  
 Attest  
 Ed. Dromer (C. D. D. S.)



THE STATE OF TEXAS.

(SHERIFF)

TO THE SHERIFF OF DALLAS COUNTY, - Greeting:

YOU ARE HEREBY COMMANDED TO SUBPENA *Alford Haught*

to be and appear before the Honorable, the District Court of said county, on the 2<sup>nd</sup> day of the next Term thereof, to be held at the Court-house in the town of Dallas, on the 19th Monday after the 3d Monday in *March*, 1859.

Then and there to give evidence for the *Plaintiff* in a cause there pending, in which *A. W. Barker* is

plaintiff, and *The Heirs of Lefo. S. Shurby* are defendant s

GIVEN UNDER MY HAND, this *27<sup>th</sup>* day of *July*, 1859.

*E. C. Brantley*

Clerk District Court Dallas County, Texas.

*By J. M. Henderson, Clerk*


*Received*  
*27<sup>th</sup> July 1859*  
*Shurby & Wain*  
*Alford Haught*  
*David Barker*

*Received same by*  
*Shurby & Wain by*  
*A. W. Barker*  
*14<sup>th</sup> July 1859*  
*M. W. Barker*

*for*

The State of Texas  
 County of Dallas

I know all men by these presents that I, Sepe & Starkey of the State and County aforesaid has this day made nominated and appointed and do by these presents nominate and appoint David A. Bradley of the State and County aforesaid my true and lawful Attorney in fact giving to him my said Attorney full power to do and transact business for me and in my name during my absence to California giving to him my said Attorney full and exclusive power to do and perform any and all things for me and in my name in as full and as ample a manner as I could do myself. Subj ratifying all the acts of my said Attorney in the premises. In testimony whereof I have hereunto set my hand and seal using I swore for seal this 24<sup>th</sup> day of April A.D. 1858.

D. S. Starkey 

The State of Texas  
 County of Dallas

I solemnly appear before the undersigned a Notary Public in and for the State and County aforesaid Sepe & Starkey who is personally known to me to be the person signing the within Power of Attorney and acknowledges the signing the same for the purposes therein containing.

{ Seal } Given under my hand and seal of Office this 24<sup>th</sup> day of April A.D. 1858.

John A. Boyan, N.P.  
 The last foregoing power of Attorney and certificate of acknowledgment thereunto annexed were filed in my Office on the 17<sup>th</sup> day of August 1858.

A. W. Barber

to } Sparger P. H.

The Heirs of Starkey

Spencer July 27<sup>th</sup> 1857

Peter Haught & Alfred Haught

came to my house  
 asked & granted by  
 Hedding to Peter  
 Haught & Alfred  
 Haught

A. Beard  
 Dept. of H. H.

Filed July 27<sup>th</sup> 1857.

D. G. Recorder, etc.  
 by J. H. Henderson  
 Secy, etc.

at 10:15 P.M. and by me duly received same day  
and hour

A. HAMMOND Clerk Co. Ct. D. C. Tex.

The State of Texas vs N. H. Peak clerk of the  
County of Dallas vs County Court in vs for the County  
& State Archives do hereby certify that the within  
foregoing contains a true copy of a Power of  
Attorney from Depe & Starkey to David W. Bagley  
as found of Record in the County Clerk's Office  
of Dallas County

Given under my hand & official Seal  
at Dallas this 3<sup>rd</sup> day of April 1886

N. H. Peak, clk. Co. Ct. D. C. Tex.

Transcript

Depe & Starkey

Power of Atty

Do

David W. Bagley

Exhibit (A)

1886  
I do hereby certify  
that the within  
contains a true copy  
of the original  
of the above  
power of attorney  
as found of record  
in the County Clerk's  
Office of Dallas  
County

Filed by me

Depe & Starkey  
1886  
David W. Bagley

216 1/2

Jesse S. Starkey  
 To Power Attorney  
 David A. Badgley

The State of Texas  
 County of Dallas

Know all men by these presents that I Jesse S. Starkey of the State and County aforesaid has this day made nominated and appointed and do by these presents nominate & appoint David A. Badgley of the State & County aforesaid my true and Lawful Attorney in fact giving to him my said Attorney full power to do and transact business for me and in my name during my absence to California, giving to him my said Attorney full and exclusive power to do and perform any and all things for me and in my name in as full and as ample a manner as I could do myself hereby ratifying all the acts of my said Attorney in the premises. In testimony whereof I have hereunto set my hand and seal using sprawl for seal, this 24<sup>th</sup> day of April A.D. 1850.

J. S. Starkey

The State of Texas Personally appeared before County of Dallas the undersigned a Notary Public in & for the State & County aforesaid Jesse S. Starkey, who is personally known to me to be the person signing the within Power of Attorney, and acknowledged the signing the same for the purposes therein containing; Given under my hand & seal of office this 24<sup>th</sup> day of April 1850.

(Seal)

John N. Bryan N.P.



State of Texas } J. N. K. Master clerk  
 County of Dallas } of the County Court in  
 do hereby certify that the within is a true  
 copy from the Records in my office  
 Record in Book (13) page 338 of  
 The Dallas County Records of deas  
 Bonds &c, on the 17<sup>th</sup> day of August  
 1856, as appears from said Records,  
 Given under my hand & official  
 seal at Dallas this the 23<sup>d</sup>  
 day of October 1886

J. N. K. Master c.c.c.l.c.

State of Texas }  
 County of Dallas } In district court  
 July term 1857

Asher M. Carter  
 against } Petition for title  
 The Unknown heirs of Jesse S. Turkey, decd.  
 To the Hon. Jas. M. Burford  
 Judge &

Your Petitioner Asher M. Carter  
 who resides in Dallas county Texas would  
 respectfully represent that heretofore to wit  
 in the year 1855 Jesse S. Turkey who  
 resided in Dallas county Texas left said  
 county and state for California. That  
 previous to his leaving he the said  
 Turkey by a power of Attorney in writing  
 nominated and appointed David A. Bagley  
 of Dallas County Texas his true & lawful  
 attorney in fact to do and transact  
 all or any business for him during  
 his absence from the county and state  
 aforesaid - which said power of attorney is  
 recorded in the county clerk's office of  
 Dallas county, a certified copy of which  
 marked exhibit (A) is herewith referred  
 to as proof in this cause. That afterwards  
 the said Bagley under the authority  
 of said power of attorney made sale of  
 a certificate No 20 issued by John M. Bowler  
 Commissioner of Movers colony on the 5th day of  
 April 1855 for 320 acres <sup>of land</sup> ~~of land~~ <sup>of land</sup>  
 in ~~the~~ <sup>the</sup> ~~county~~ <sup>county</sup> ~~of~~ <sup>of</sup> ~~the~~ <sup>the</sup> ~~state~~ <sup>state</sup> ~~of~~ <sup>of</sup> ~~Texas~~ <sup>Texas</sup>, of which certificate  
 your petitioner became the purchaser and  
 which petitioner had located on a certain  
 tract or piece of land in Dallas county Texas

on Muddy creek about 16 miles ~~or~~ 1706 from  
 Dallas - The particular description and bounda-  
 ries of which were set forth in app. exhibit made  
 at (B) referred to as proof in this case.  
 Your Petitioner would further state that  
 afterwards to wit on the 24th day of May  
 1856 title was granted by letters patent from  
 the state of Texas ~~to~~ Jesse T. Starkey al-  
 though your petitioner was the true and  
 legal owner of said certificate by virtue  
 of which said patent was granted.  
 Petitioner would state that the said Starkey  
 was while in California and that  
 the names and residence of his heirs  
<sup>Wm. and others</sup> were unknown to him - wherefore he  
 prays that they be summoned for the  
 better dispute to be and appear at the  
 July term of the Dallas district court  
 1857 and finally that your honor  
 decree title to your petitioner for said  
 tract of land and for all other proper  
 relief and as in duty bound he will ever  
 pray & Atman aty for Pet.

This day personally appeared before the undersigned authority, Henry  
 Green aty for Plaintiff  
 and makes oath in due form of law that the names and residences  
 of the defendants are unknown to him. My rider

Inwitness whereof Subscribed before me this 29<sup>th</sup> day of May 1857  
 J. C. Brown Clerk of Court

Asher W. Coates Summer Term  
 No. 120 v August 2<sup>nd</sup> 1857  
 The Heirs of Starkey

The following is a statement of the facts  
 proved in the trial of the above cause.

1. Plaintiff introduced in evidence the Certified  
 copy of the Certificate of Jesse S. Starkey for certain  
 town and straggling acres of land from the Gen-  
 eral Land Office of the State of Texas.

2. A power of Atty given said Starkey to be-  
 wile A. Bragley to act as his attorney in  
 fact to do & transact any & all busi-  
 ness in the state of Texas for the said Star-  
 key. This power of Atty was dated 24<sup>th</sup> day  
 of April 1850.

3. A transfer from the said Bragley to  
 Asher W. Coates for the Certificate of 320  
 acres by virtue of which the land described  
 in Plff's petition was located. This transfer is  
 dated 17<sup>th</sup> August 1850 & conveys the Certificate <sup>in evidence</sup> of said land.

4. A patent to the land described in Plff's  
 petition issued to Jesse S. Starkey by the  
 State of <sup>Texas</sup> in the year 1856, for 320 acres of  
 land by virtue of the Certificate of said land.

5. Plff. proved that Jesse S. Starkey was  
 killed in the state of California in the year  
 1853.

The above is a full & complete statement  
 of the facts proved in the trial of this cause & is  
 here signed by the presiding judge & witnessed  
 with the words of this case.

August 2<sup>nd</sup> 1857 -

A. W. Coates  
 Det. Prof.

Carter

sons of Stacie

How come the  
kins of said Stacie by their guardian  
Edison & they all recognize the  
arrangement & charges in Duff's position  
& care for said Duff

Geo. M. Kemp  
Guard. of Edison

No. 100

Arthur W. Carter

vs

The Sons of Stacie

Statement of facts  
present in the trial

Filed August 22 1889

D. C. Brewer, clk

J. M. Henderson, depy  
clk

Asher W. Carter  
No. 120 v

August 1<sup>st</sup>  
1859

The heirs of Jose S. Starkey

Now comes the Plaintiff by his Attorney  
& the minor heirs by their Guardian ad  
Litem appointed at the last term of this  
Court & the parties examine themselves  
ready for trial; whereupon came a jury to  
wit: Am C. McKamy & eleven others, twelve  
good & lawful men, who being duly sworn,  
tried the case, after hearing the evidence ad-  
duced & the arguments of Counsel, retired un-  
der the charge of the Court to consider of  
their verdict, & after an deliberation had  
come & return into Court the follow-  
ing: "We the Jury find the allegations in  
Plaintiff's petition to be true" Wm C.  
McKamy, Foreman. Whereupon it is con-  
sidered by the Court that the Plaintiff  
Asher W. Carter have a recovery of the un-  
known heirs of Jose S. Starkey the land  
described in Plaintiff's petition, to wit:  
Three hundred & twenty seven acres of land sit-  
uate & situated in the County of Tarrant in the dis-  
cription & full notes of the plat of ---  
& that the full interest still in and  
to the above described land be removed out  
of the said unknown heirs of Jose S. Star-  
key & vested fully & completely in the said  
Asher W. Carter. It is further ordered ad-  
judged & decreed by the Court that the  
heirs have a recovery of the full and true  
costs in this behalf expended for which let  
execution issue -

120  
Carter  
v  
Starkey  
Answer  
Filed July  
Filed August 2<sup>nd</sup> 1859  
Ed. L. Brooker clk  
By Ed. Henderson  
Spt. clk

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*[Faded, illegible text from a newspaper clipping or document fragment]*

The State of Texas,  
COUNTY OF DALLAS.

Personally appeared before the undersigned authority, Geo. W. Swindells

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

per for eight successive weeks, commencing on Aug 25 day of August A. D. 1857.

Geo. W. Swindells A. D. 1859.

E. W. Browder

Not Clerk County Court Dallas County, Texas.

W. J. Hill Vol. 12  
John S. Stork  
g. W. Hill Successor

Exhibit (B)

1859  
E. W. Browder

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Ap<sup>l</sup> 30<sup>th</sup> 320 Acres.  
 The State of Texas, <sup>3</sup> Be it known That, This  
 County of Dallas <sup>3</sup> Certificate entitled Jesse S.  
 Starkey to three hundred and twenty acres of land,  
 to be located, on any vacant land, within the limits  
 of the Colony of Charles Fonton Moore and his  
 associates, not otherwise appropriated, he having  
 taken the oath and made the proof required by law,  
 of his citizenship. And the said Jesse S. Starkey  
 may locate, transfer or donate this Certificate and  
 exercise all rights of ownership over it. - In  
 testimony whereof, I hereunto set my hand, at the town  
 of Dallas this 5<sup>th</sup> day of April A D 1850.  
 John M. Crockett  
 Commissioner of Moore's Colony

The State of Texas, <sup>3</sup> For value received I hereby  
 County of Dallas <sup>3</sup> transfer all my right, title, claim,  
 and interest of in and to the within Certificate for  
 three hundred and twenty acres of land unto Asher W  
 Carter, his heirs and assigns forever. Witness my hand  
 and seal (using a blank for a seal) this 17<sup>th</sup> day of  
 August A D 1850. Jesse S. Starkey <sup>Seal</sup>  
 By his Agent David A. Ogley

The State of Texas, <sup>3</sup> Upon this 17<sup>th</sup> day of August 1850  
 County of Dallas <sup>3</sup> I personally appeared before the  
 undersigned Clerk of the County Court, for the County and State  
 of said David A. Ogley who is well known to me to be  
 the individual whose signature is subscribed to the foregoing  
 transfer as agent for Jesse S. Starkey and acknowledged the signing  
 and sealing thereof to be his own true act and deed as  
 said agent and for the purposes therein specified  
 To testify which I hereunto



Seal

Set my hand and affix my official  
Seal this 14<sup>th</sup> day of August 1858  
At Hamwood bel  
County let & Co Texas.

General Land Office  
Austin October 21. 1858.

I Francis M. White Commissioner of the  
General Land Office of the State of Texas do hereby  
certify that the above and foregoing is a true and  
correct copy of the originals now on file in this office

In testimony whereof I hereunto  
Set my hand and affix the seal  
of said office date last above written

Francis M. White

1854

7.12

# IN THE NAME OF THE STATE OF TEXAS



To all to whom these Presents shall come, know ye

I, E. M. Boud GOVERNOR of the STATE aforesaid, by virtue of the power vested in me by LAW and

in accordance with the LAWS of SAID STATE in such case made and provided, do hereby present GRANT to John S. Burley

his heirs or assigns FOREVER one square of LAND, situated and described as follows: In Dallas County on Madley Creek, about 15 miles S 79° E from Dallas, a part of Section N 36, quadr by John the Crockett Survey of Mexico Colony on the 5<sup>th</sup> day of April 1854, said Survey is known as N 316.

Beginning at the South Corner of Jas M Hawkins Survey, a stake is placed in the old corner, a lot is run west 100 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas.

Then with the S. E Boundary of said Survey North 10 ° E at 750 varas to the South Corner of the lot is run South 12 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas.

Then South 800 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas, and an other Elm tree is run due East 18 ° E 35 varas.

Then East 216 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas, and an other Elm tree is run due East 18 ° E 35 varas.

Then South 1000 varas to a stake, in the North Line of Henry H Halls Survey, and 700 varas West of the S. E Corner of the lot is run South 1100 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas.

Then East 1100 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas, and an other Elm tree is run due East 18 ° E 35 varas.

Then South 1000 varas to a stake, in the North Line of Henry H Halls Survey, and 700 varas West of the S. E Corner of the lot is run South 1100 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas.

Then East 1100 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas, and an other Elm tree is run due East 18 ° E 35 varas.

Then South 1000 varas to a stake, in the North Line of Henry H Halls Survey, and 700 varas West of the S. E Corner of the lot is run South 1100 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas.

Then East 1100 varas to a stake, and an Elm tree is run due East 18 ° E 35 varas, and an other Elm tree is run due East 18 ° E 35 varas.

Hereby relinquishing to him the said John S. Burley and his heirs or assigns FOREVER all the right and title in and to said LAND, heretofore held and possessed by the said STATE, and I do hereby issue this Letter Patent for the same.

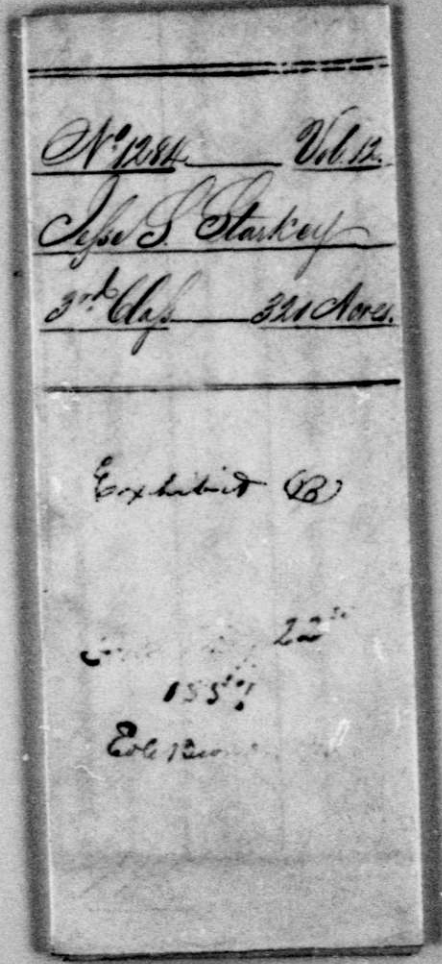
IN TESTIMONY WHEREOF, I have caused the SEAL of the STATE to be affixed, as well as the SEAL of the GENERAL LAND OFFICE.

*J. Crosby*

DONE, at the City of Austin, on the twenty fifth day of May, In the Year of our Lord One thousand eight hundred and fifty six

*E. M. Boud* GOVERNOR

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