

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

Case Number 632

Dallas Genealogical Society
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FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

Guardians Notice
Jo. Stewart has filed in my
office his application for Letters of
Guardianship of the person & Estate of
Sam Stewart, who is alleged to be
insane.

This is therefore to notify all
persons interested to be and appear
at the next term of the County Court
for Probate business to be held at the
Court House in the town of Dallas, on
the last Monday, the 25th day of Nov 1867
and Contest said Application if they
see proper

This the 14th day of Nov 1867
Darius S. Forbes
clerk of the County Court

3.50

Appraisal of Sam Stewart's
Estate

John Anderson
H. Brown
Joseph Phoebe
Wm. R. Harnett
James Bell's

Sam Stewart's Estate

Notice of Final Settlement.
 JOS. H. Stewart, Guardian of the estate of Sam. Stewart, (non compos mentis) has filed in my office his final account current with said estate, together with his petition praying that he be released from all further liabilities as Guardian of said estate. This is, therefore, to notify all persons interested to be and appear before the Honorable County Court of Dallas County, to be holden at the Court in the Town of Dallas, on the last Monday, (the 25th day) of May, A. D. 1868, when and where the same will be acted upon, and contest the same, if they desire proper.

S. K. JONES,
 217 1/2 St. 1868, U. S. D. C. T.
 Dallas, April 25th 1868.

The State of Texas }
 COUNTY OF DALLAS. }

Personally appeared before the undersigned authority, Geo. W. Swinbells
~~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 three successive weeks, commencing on Wednesday, the 25th day of April A. D. 1868. Geo. W. Swinbells
 Sworn to and subscribed before me, this 16th day of July A. D. 1868.

G. S. Jones
 Clerk County Court Dallas County, Texas.

The State of Texas }
 County of Dallas } In probate Court Oct. Term
 } A. D. 1867

To Hon. J. Ellis Leombs Judge of County Court of Said County
 Information is hereby given by the undersigned citizens of Dallas Co. Texas - (to your Honor - that Sam. Stewart a resident citizen of Said County is believed to be insane, and that it is necessary for his own welfare as well as that of others, that he be the Said Sam. Stewart, be placed under restraint, and such other and further action be taken by your Honor in the premises as the law directs

Wm. C. Wolf
 Jas. G. Perry

W. C. Holly & Robert G. Penn } experts
 on the relation of Samuel Stewart }

Information of the
^{Supposed}
 Insanity of
 Sam Stewart

Filed Nov 28th 1867

Filed October 28th 1867
 Jas. P. Thomas clerk

We the jury find, from
 the evidence that the
 within named Samuel
 Stewart is not of sound
 mind - We further find
 from the evidence that
 it is necessary that said
 Sam Stewart should be
 put under restraint

Samuel W. H.
 Foreman of jury
 Sam W. H.

Second Nov 29th 1867

Joseph Stewart, being
 sworn testifies as follows. I knew Samuel Stew
 art for 12 years. I know that he is hard to manage
 He acted like an insane man. He has
 been more or less insane for 20 years and
 is getting worse all the time He has had
 fits for 30 years he is not capable of managin
 g his business. I suppose this to have been
 caused by a lish on his head some 30 year
 ago. He does not recognize persons, not
 even his own children. He does not
 pretend to attend to his own business
 for has he for eight years. I do not
 regard him capable of attending to any
 business. He is boisterous & vicious in
 his conduct, frequently running off from
 home, and resists where an attempt to
 take him. Resisting any means of restraint
 or moral persuasion.

He cannot be safely kept in the county
 without confinement. He has three
 children in family. Two girls & one boy,
 one girl 19 and the other 17 years old & the
 Boy 14 years. They have no mother, and
 they have no way of maintaining themselves
 The value of his estate is 450 Acres of land
 worth \$420. Horses worth 1400 Cattle
 worth 1000 His age is 54 years.

J. H. Stewart

The State of Texas } In Probate Court
County of Dallas } May Term 1868
 } Co. Hen County Judge of Dallas County
Texas

Re Petition Jo-H Stewart Guardian of Estate of
Sam Stewart would respectfully represent
that there are no funds in his hands belonging
to said estate - and that your Honorable
Court grant him an order to See, sell
Beef Steers at his residence on the 30th day
of June, to pay costs of court, and ex-
penses incurred in the management of said
estate including Attorney fee &c. He over-
sees that the sale of said Beef Steers would be more
to the interest of said estate than any other
property belonging to said estate.

and as a duty bound will ever pay &c

Jo H. Stewart Guardian
of Estate of Sam Stewart

Wolff Atty for
Petitioner

M. C. Wolff & R. D. Penn
on the relation of
Sam Stewart

Evidence of
Joe H. Stewart
Filed for 25th 1867
Sam J. Jones
Att

The State of Texas, } County Court Pertaining to Estates,
 Dallas County. } November 16th 1867

To all to whom these Presents may come--Greeting:

Know Ye, That Joseph H Stewart as
 principal, and C. Brown & J. D. Collins
 as surties, are held and firmly bound unto
 the Chief Justice of the county of Dallas in the sum of
fifteen hundred dollars
 for the payment of which, well and truly to be made unto the said Chief
 Justice, we bind ourselves, our heirs, executors and administrators, jointly and sever-
 ally, firmly by these presents. Signed with our hands, and sealed with our seals,
 the seals being scrolls, the 16th day of December
 A. D. 1867.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH That whereas the above
 bound Joseph H Stewart has been appointed
 Guardian of The Estate of Sam Stewart who has
 been legally declared of unsound mind
 Now, if the said Joseph H Stewart shall well and truly
 perform all the duties required of him under said appointment, then this obligation
 shall be null and void, otherwise to remain in full force and effect.

J. H. Stewart SEAL
C. Brown & J. D. Collins SEAL
J. D. Collins SEAL
 SEAL
 SEAL

THE STATE OF TEXAS, } ss.
 Dallas County. }

I, Joseph H Stewart do solemnly swear that
 I will well and truly perform all the duties devolving upon
 as guardian of The Estate of Samuel Stewart who has
 been declared a person of unsound mind.

Sworn to and subscribed before me, J. H. Stewart
S. D. Jones Clerk of the
 County Court of said county, this Sixteenth day of
December A. D. 1867 S. D. Jones Clerk

Joseph H Stewart
Guardian
of the Estate of
Samuel Stewart
County Judge
Filed Nov 25th 1868
J. D. Jones
Printed
at Benton County
J. B. Kell

Joseph Stewart
to Bond

Filed Dec 16th 1867
S & Jones clk

Approved
Dec 16 1867
A. Bledsoe
County
Judge

Recorded page 279

Dr. C. C. Gillespie a practicing
Physician called and sworn states
that. I have know Mr Stewart between
3 & 4 years, and during that time he
was regarded as insane, and required
the attention of some able bodied person
to control him. he would frequently
get away from his keepers and lay out
in the woods. During the three years that
I knew him I practiced in his brother's
family where he stayed. and witness
his acts and conduct. I regard him in
a much worse condition now than
when I first knew him. I regard him
beyond all doubt. to be in a state of
insanity and wholly unsafe to be
kept anywhere unless confined.

C. C. Gillespie

W.C. Wolff & R.G. Penn
 on the relation of
 Sam Stewart

Evidence of
 Dr C. C. Gillespie

Filed for 28th 1867
 Sam S. Jones
 ckr

The State of Texas.

To the Sheriff of Dallas County. Greeting:
 Whereas, it appears to the County Judge of said
 County, by the written information of W.C.
 Wolff and Robert G. Penn, that Sam Stewart of
 said County is a Lunatic, and that the said
 W.C. Wolff & R.G. Penn has prayed that an inquiry
 therein to may be had, You are, therefore, hereby
 commanded, that if you have the said Sam Stewart
 if to be found in your County, before our
 County Court, at the next regular term thereof
 to be held, for Probate and other like purposes
 in and for said County at the Court House
 thereof at Dallas, on the last Monday, in
 November Instant (the same being the 25th
 day thereof) then and there to be examined
 concerning the Lunacy alleged as aforesaid,
 He is to be gail not but make due return of this
 writ, with your return thereon, as the
 Law directs, Witness, Jas. P. Thomas Clerk of the
 County Court Dallas County and the seal
 of said Court hereto affixed, at office
 in said County this November 9th 1867.

Jas. P. Thomas, Clerk, Co. Ct. D. Co.

Whereas Sam Stewart of Dallas County, an Insane person, has been admitted as a patient into the Texas State Locomatic Asylum.

Now therefore I the undersigned, in consideration thereof bind The County of Dallas to John F. Allen, Treasurer of the State of Texas and also of this Institution, to pay to him and his successors in office, the sum of two (2) dollars, specie, per week, for the care and board of said Insane person, so long as he shall continue in said Asylum, with such extra charges as may be occasioned, and also to provide him with suitable clothing, and pay for all such necessary articles of clothing as shall be furnished him by the State, and also to pay for all damage done to furniture and other property of said Asylum, and for all reasonable charges in case of elopement, and funeral charges in case of death; such payments for board and clothing to be made Quarterly in advance, and also to remove or pay for his removal from the Asylum whenever the room occupied by him shall be required for a class of patient having preference by law, or when, for any other cause, it may be deemed expedient by the Superintendent or Board of Managers of said Asylum.

In witness whereof I hereunto subscribe my name, this day 27th of Jan 1867

Witness: A. Bledsoe
County Judge Dallas Co.

County Court
vs S. Wait
Sam Stewart
Issued Nov 29/67

Came to hand Nov 25th 1867

Executed the within
Writ by arresting
Samuel Stewart and
placing the said Stewart
in the custody of
J. H. Stewart who
will deliver the said
Stewart at the next
Term of the County Court
this Nov 28th 1867
N. P. Winiford Clk
By J. H. Chapman Deputy

Filed Nov 23rd 1867
J. H. Jones
Clk
Sherriff Fees \$100

The State of Texas

To the Sheriff of Dallas County: Greeting:

You are hereby commanded, that you summon twelve competent Jurors, good and lawful men of your County, to be and appear before our County Court, at the next regular term thereof to be held, for Probate, and other like purposes in or for said County, at the Court House then at Dallas, on the last Monday in November instant, (the same being the 25th day thereof) then and there to be sworn and impanelled as Jurors, to inquire into the alleged larceny of Sam Stewart of said County.

herein fail not, but make due return of writ, with your return thereon as the law directs

Witness Jas & Thomas Clerk of the County Court of said County of Dallas and the seal of said Court hereto affixed, at Office in said County this 9th day of November A D 1867.

Jas. P. Thomas, Clerk, Co., Ct., &c.

Filed Nov 23rd 1867
Sams. b. Jones
clks

Wm H. Coaman
A R Murray
for the Court

County Court
of E. Virginia
Sam Stewart

Issued Nov 9th 67

Came to hand Nov 11th 67

Executed by summoning
the following named
persons as jury men
to wit

- John Henderson
- James Davy
- Lefford Gray
- Wm. H. Hense
- P. G. Penn
- John Wilson
- W. P. Hooper
- G. H. Thornbury
- A. J. Heston
- H. A. Daniel
- Henry B. Hunter
- Samuel Muhl

Witness my hand
this 11th day of Nov 1867
A R Murray
By J. C. Chapman
Clerk

Sherriff Fees 2.00

The State of Texas } In County Court of Said County
 County of Dallas } sitting for Probate and other like
 } purposes - November Term - 1867

To the Hon. A Bledsoe Judge of the County Court
 of Said County - presiding

The petition of Jo Stewart a resident cit-
 izen of Dallas County Texas - respectfully shews
~~that, whereas~~ ^{whereas} ~~the information~~ ^{hearing by the Supreme}
 insanity of Sam Stewart - is on file in your
 Honorable Court, and that a legal investigation
 be had of his insanity &c &c - Now if Said
 Sam - Stewart be legally declared ~~insane~~
 a lunatic or non compos mentis in the
 forms of the Statute in such cases made
 and provided - Then your petition would
 further represent that Said Sam Stewart
 owns and possesses within this State prop-
 erty both real and personal to the probable
 value of one thousand dollars - Wherefore your
 petition comes and files his application in terms
 of the law, and prays that due notice thereof
 may be given - that a guardian be appointed
 by your Honorable Court for the person and
 estate of Said Sam Stewart, and that
 upon a proper hearing, that your
 petition may be appointed as such
 guardian - and is in duty bound
 write ever yours

Jo Stewart
 per his Atty Geo L Wolff

The State of Texas }
 County of Dallas } I, G. C. Gillespie a prac-
 tising physician of the town of Dallas and county
 of Dallas do hereby certify under oath that I
 have examined into the state of health and men-
 tal condition of Samuel Stewart of Dallas county
 a citizen of the State of Texas, and that he is
 in my opinion insane and a fit subject
 for the State Lunatic Asylum
 Jan 27th 1868
 G. C. Gillespie M. D.

State of Texas }
 County of Dallas } I hereby certify that
 Doctor G. C. Gillespie, a respectable practicing
 physician of the aforesaid County, swore to,
 and subscribed before me this day, the above
 certificate
 Jan 27th 1868
 A. B. Deane
 County Judge
 Dallas Tex

To Stewart
 { Petition for
 { Lectures Emancipation

Sam Stewart

Filed Nov 14th 1867

James S. Jones
 Clerk of the Court

\$717

25

Prayer of petition
 granted, upon giving
 bond in 1500
 A. B. Deane
 County Judge

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Physicians Certificates
&
County Judge Certificates

Sam. Stewart
non compos mentis

Filed Jan'y 27th 1868
S. S. Jones
clerk

FILMED BY THE DALLAS GEOLOGICAL SOCIETY - 1977

In front of Special Accounting
 by J. M. ...
 J. M. ...

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Inventory &
 Appraisal
 of
 Estate of Saml. Stewart
 list of claims
 30 N. Street
 Council
 of estate

Filed January 24th
 1868 S. S. Jones clk.

Approved
 A. Blessae
 County Judge

exclusive "A"

Inventory and appraisement of the property,
both Real and Personal, belonging to
Sam Stewart - a resident citizen of Dallas
County, Texas, who has been legally declared
to be of unsound mind -

About 400 acres of land lying
on "Ten Mile" Creek in Dallas Co

Real - Appraised at - - - - -	9511.00
4 head of horses - - - - -	120.00
9 Steers - - - - -	135.00
18 head Stock cattle - - - - -	52.00
1 Hired hand - - - - -	5.00
	<hr/>
	10823.00

118
228
1111

State of Texas
County of Dallas
I, Robert M. [unclear]
a Notary Public in and for said County
of Dallas; Personally appeared John
Rosenman and [unclear] who
being duly sworn by me, made oath
and say that the above and foregoing
is a full and complete Inventory
of the property of Sam Stewart, and
a correct Appraisement of the Same
- as far as has come to their knowledge -

Final account of G. H. Stewart Guardian of the Estate of Sam. Stewart, a person
 of unsound mind
 Do Hen A. Blesse Judge of Court Court Sitting for Probate & other like pur-
 poses - March Term AD 1868
 G. H. Stewart Guardian Dr

To Amount of Inventory	\$1111.00	By Amt. of Inventory on hand	\$1111.00
To Amount of Claims Attached to Inventory	\$104.75	By amt. of Claims on hand	\$104.75
	<u>1215.75</u>		<u>\$1215.75</u>

The State of Texas }
 County of Dallas } Before me Mon. L. Wolff a Notary Public in and for
 said County of Dallas: Personally appeared G. H. Stewart Guardian of
 said Estate of Sam. Stewart, and being by me duly sworn, deposes and
 says that the facts set forth in the foregoing account are true to the best
 of his knowledge
 Sworn to and subscribed before me this 28th day of
 March AD 1868
 G. H. Stewart
 Mon. L. Wolff Notary Public
 Dallas Co Texas

State of Texas } Probate Court
County of Dallas } March Term 1868

To Hon. A. Bledsoe Judge of the
County Court of Dallas County Texas
Your Petitioner Jo. H. Stewart Guardian of the Estate
of Sam. Stewart (min. compas. ments), would
represent that said Sam. Stewart died on
the 30th of January 1868 - Petitioner submits the
within final account, and prays that after
due notice given, that the same be ap-
proved by the Court and that your pe-
titioner as Guardian be discharged from
his said Guardianship - and petitioner further
prays that the sum of seventy five dollars
be allowed him for expenses incurred in
the management of said Estate - including
Attys fees &c

Wm. Le Wolff
Atty for
Petitioner

Jo. H. Stewart
Guardian of
Estate of
Sam. Stewart
Petitioner
min. compas.

Filed for record 30th 1868
G. S. Jones
clerk

Approved June 20th
1868
John A. Graves
Clerk
J. P. Hill
Com.