

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

Case Number 2090

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# 2090

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LAW OFFICES OF  
 KEARBY, MUSE & OELAND  
 239 MAIN ST., Opp. ST. GEORGE HOTEL.

J. C. KEARBY.  
 J. C. MUSE.  
 I. R. OELAND.

DALLAS, TEXAS August 31 1899  
 Received of I. R. Oeland Temporary  
 Adm'r Chas Stewart, deceased the sum of  
 \$360.00 as per order of Court in granting  
 letter of Temporary administration  
 in said above estate - as attys fee.

Kearby Muse & Oeland

LAW OFFICES OF  
 KEARBY, MUSE & OELAND  
 239 MAIN ST., Opp. ST. GEORGE HOTEL.

J. C. KEARBY.  
 J. C. MUSE.  
 I. R. OELAND.

DALLAS, TEXAS August 31 99  
 Received of I. R. Oeland Temporary adm'r  
 Chas Stewart estate the sum of  
 \$860.00 in full of all costs of  
 Temporary administration.

A Jackson Clerk



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**FILED**

SEP 12 1899

A. S. JACKSON, Clerk,  
Co. Court Dallas County,

*A. S. Jackson* Deputy

**FILED**

SEP 12 1899

A. S. JACKSON, Clerk,  
Co. Court Dallas County,

*A. S. Jackson* Deputy

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

EXECUTOR'S BOND

The State of Texas,

COUNTY OF DALLAS.

Estate of

*Chas Stewart*  
*J. R. Orland*

KNOW ALL MEN BY THESE PRESENTS, That we, *J. C. Musser* and *J. R. Orland* as Principal, and *J. C. Musser* and *J. R. Orland* as Sureties, are well and firmly bound unto the County Judge of said County of Dallas, and his successors in office, in the sum of *Five Hundred* Dollars; conditioned that the above bound *J. R. Orland* who has been appointed *Temporary administrator of the estate of* shall well and truly perform all the duties required of him under said appointment.

WITNESS our hands and seals, this *18th* day of *July* 189*7*

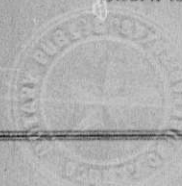
*J. R. Orland* (SEAL)

*J. C. Musser* (SEAL)

*J. G. Davis* (SEAL)

I DO SOLEMNLY SWEAR that the will which has been offered for probate, is the true will of ~~the deceased, so far as I know or believe~~ *deceased, so far as I know or believe* and that I will well and truly perform all the duties of ~~Executor of said will.~~ *Temporary administrator of the estate of Chas Stewart deceased*

*in accordance with law and with the order of the Court appointing me such administrator.* *J. R. Orland*  
Sworn to and subscribed before me this *18th* day of *July* 189*7*



*J. G. Davis*  
Notary public County Clerk, Dallas County, Texas.  
By \_\_\_\_\_ Deputy.

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2646  
No.

COUNTY COURT,  
DALLAS COUNTY.

EXECUTOR'S BOND.

ESTATE OF

*Chas Stewart*  
*Need*

Filed *19 July* 1899

*A. B. Scott*, Clerk.

By *A. M. Rawlins* Deputy.

Approved this *19* day of

*July* 1899

*M. M. Johnson*  
County Judge, Dallas County.

*0-334*

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

*Recorded 3-38*



Estate of Chas. Stewart, deceased : In Probate Court, Dallas County, Texas  
No. 2846.

This day came on to be heard the final report of I. A. Oeland, temporary administrator of Chas. Stewart, deceased, and it appearing to the court that the \$728.82 collected by said temporary administrator has been paid by him to Mrs. Lilla Stewart and to nearby, Muse & Oeland in accordance with the order appointing such temporary administrator, and that the costs in the sum of \$8.60 have been paid;

It is ordered, adjudged and decreed by the court that the said temporary administration be and the same is hereby closed, and said temporary administrator discharged; and the said I. A. Oeland, J. C. Muse and C. P. Chason, sureties upon said bond of said temporary administrator are hereby relieved from all liability thereon, and the same cancelled and annulled.

*I. A. Oeland*  
*Munit Form*  
*C. P. Chason*

No. 2646  
Estate of Chas.  
Stewart, Deceased.

Judgment  
discharging  
J. P. Deane  
Temporary  
Administrator  
tax

Deed

C-413



Estate of Chas. Stewart, deceased:

In Probate Court, Dallas County, Texas

No. 2646.

To the Honorable Kenneth Forse, Judge of said Court:

Now comes I. R. Oeland, temporary administrator of the estate of Chas. Stewart, deceased, and shows to the court that he has collected the \$728.82 for which he was appointed as temporary administrator; that he has paid out said money in accordance with the order of the court; one-half to Mrs. Ella Stewart, the wife of Chas. Stewart, deceased, and one-half to Kearby, Muse & Oeland; and has paid the costs in the sum of \$8.60, which includes the costs of closing this administration; and he hereto attaches as exhibits to this petition the receipt of Mrs. Ella Stewart for the sum of \$360.11 and the receipt of Kearby, Muse & Oeland for the sum of \$360.11, and the receipt of the clerk for \$8.60, making a total of \$728.82, the total sum of money received; and he prays that he be discharged as such temporary administrator, and relieved from all liability together with his sureties on his bond, given as such administrator and will ever pray.

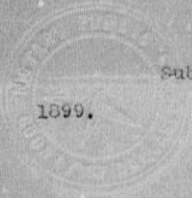
-----  
 Kearby, Muse & Oeland, Attys for I. R. Oeland temporary administrator.

State of Texas,  
 County of Dallas.

I, I. R. Oeland, temporary administrator, being duly sworn on oath do state that the facts set forth in the foregoing petition are true as therein alleged.

*I. R. Oeland*  
 -----

Subscribed and sworn to before me this 11th day of September, 1899.



*J. E. Davis*  
 -----

Notary Public in and for Dallas County, Texas.

Estate of Chas.  
 Stewart, deceased.  
 No. 2646  
 Final Report of  
 Temporary  
 Administrator  
 J. R. Albend

FILED Apr 12 1889  
 A. S. JACKSON,  
 County Clerk, Dallas County, Tex.  
 By J. H. [Signature]

Recorded J-1 50 ct.

State of Texas,           :           In County Court, Dallas County, Texas.  
County of Dallas.       :             
-99-

To the Honorable Probate Court of Dallas County, Texas:

Your petitioner, I.R. Oeland, respectfully makes application for letters of temporary administration on the estate of Chas. Stewart, deceased, and as grounds for his said applications shows:

1. That the deceased Chas. Stewart died in Dallas County, Texas, intestate on or about 19th day of June, 1896, and at the time of his death was a resident citizen of said Dallas County, Texas.

2. That the only estate or property owned by said Chas. Stewart, deceased, at the time of his death, so far as is known to your <sup>affiant</sup> Applicant, was a claim against the Texas Trunk Rail-way Company for \$1010.80, with 6 per cent interest from January 1st, 1892, and that judgment was rendered on said claim in favor of said Chas. Stewart on the 4th day of March, 1895, by decree of the Circuit Court of the United States at Dallas, Texas, upon an intervention in cause No. 193 upon the equity docket of the Circuit Court of the United States in and for the Northern District of Texas at Dallas, entitled the Central Trust Company of New York, complainant vs. The Texas Trunk Rail-road Company, and John H. Gaston, Receiver. *That said estate owes no debts.*

That on or about June 16th, 1896, there was paid the sum of \$231.36 on said judgment, being the pro rata distributive share of the said Chas. Stewart of said judgment distributed to the 4th class creditors in said intervention proceeding aforesaid. That at the date of said payment, allowing due credit therefor, there remained due to said Chas. Stewart, by virtue of said decree the sum of \$1049.84. That said receivership proceedings over the Texas Trunk Rail-road Company were closed and the property sold, leaving said amount of said 4th class claim along with the other 4th class claims unpaid.



That by act of the 26th Legislature of the State of Texas, approved May 22nd, 1899, which among other things authorized The Texas & New Orleans Rail-road Company to purchase, own and operate the rail-road known as the Texas Trunk Rail-road, ~~which~~ was specified and enacted by the legislature, that said corporate franchise granted by the terms of said bill to the Texas and New Orleans rail-road should be conditioned upon the payment of \$10000.00 by said rail-road company into the American National Bank at Dallas, Texas, to be pro rated and distributed among the 4th class claims unpaid in said Texas Trunk Receivership case aforesaid. That by virtue of said decree aforesaid and said act of the legislature said Chas. Stewart became entitled to his pro rata distributive share of said \$10000.00 upon his said judgment aforesaid against the Texas Trunk Rail-road Company.

That on July 3rd, 1899, the unpaid balance of said judgment together with 6 per cent to said date amounted to the sum of \$1241.61; that the amount of the 4th class claims entitled to a pro rata share in and to said \$10000.00 herein-above specified amounted to \$17034.91; that the distributive share and per centage of said 4th class claims was 58.7 per cent, which per centage entitled the judgment of said Chas. Stewart to a payment of \$728.82, his distributive share of said \$10000.00 aforesaid.

That the above and foregoing is the only estate of said Chas. Stewart known to your <sup>office</sup> ~~office~~ and is of the value of \$728.82.

3. That Kearny & Muse, a law firm composed of J.C. Kearny and J.C. Muse, were the attorneys of record for the said Chas. Stewart in procuring said judgment aforesaid in the Federal Court, and collected out of the proceeds of said receivership said 18 per cent aforesaid in the sum of \$231.36. That nothing further could be realized out of said proceedings in said receivership.

That after the death of said Chas. Stewart Wm. M. Stewart, his brother, and as agent for the surviving widow of said Chas. Stewart,

employed the firm of Kearby, Muse & Oeland, on a contingent fee of one-half of whatever sum might be recovered upon said judgment to force and require the said Texas & New Orleans Rail-road Company or C.P. Huntington who was seeking to procure a charter that would absorb the Texas Trunk Rail-road, to pay said judgment; that said attorneys rendered their services in said matter resulting in the act of the Legislature aforesaid, whereby said \$10000.00 was to be distributed and paid upon said 4th class claims left unpaid in said Texas Trunk Receivership, and that the reasonable value of their services, contingent as aforesaid, was reasonably worth one-half of the recovery, and they are entitled to the same; and are creditors of the said estate of Chas. Stewart in said sum in the collection of said judgment.

That said money <sup>can</sup> now be collected as your petitioner believes, only through an administration, by reason of the fact that no person is authorized to receipt said judgment, there being a widow, namely: Ella Stewart and one surviving child, as your petitioner is informed, and there exists a necessity for temporary administration upon the estate of said Chas. Stewart to collect said money aforesaid.

Wherefore your petitioner prays that he be appointed temporary administrator of said estate with authority and power to collect and receipt or to execute transfer and acquittance of said judgment aforesaid upon the payment of said sum of \$728.82, and surrender all claim of the said Chas. Stewart to said judgment aforesaid in consideration of said pro rata payment in said sum aforesaid to your petitioner as temporary administrator.

And further, that as said temporary administrator, he be directed to pay to Kearby, Muse & Oeland, attorneys, one-half of said sum in the amount of \$ 364.41; and further that he be directed to pay to the surviving widow Ella Stewart the remaining one-half in lieu of exemptions and support in full settlement of said sum.

4. Your petitioner shows that he is not disqualified by law



from acting as such temporary administrator. Wherefore he prays that he  
be appointed temporary administrator with the powers prayed for, together  
with such other order and decree as to the court may seem just and proper  
in the premises.

Wm. H. Oelund, Atty. for the  
Applicant I. R. Oelund.

State of Texas,  
County of Dallas.

I, W.M. Stewart, being duly sworn on oath do state that I am  
the brother of Chas. Stewart, deceased; that Ella Stewart is his surviv-  
ing widow, and that the facts set forth in the foregoing petition are true  
as therein alleged, and join in the application for the appointment of  
said I. R. Oelund as temporary administrator, the said Ella Stewart being  
a non-resident of Texas.

*W.M. Stewart*

Subscribed and sworn to before me this *15th* day of July, 1909.



*J. C. Davis*  
Notary Public in and for Dallas County, Texas.



Estate of Chas. Stewart,  
Deceased

Application for letters of  
Temporary Administration

July 18-99

Application granted  
as prayed; J. N. Allee and  
J. A. Parsons Temporary  
Admin of this estate  
upon filing bond  
in the sum of \$500  
with power to collect  
or transfer property  
and pay money as  
alleged in the  
application

Q. 334 *Must form  
appear*

Filed the 18 day of

July 1899  
J. N. Allee, Clerk of Court,  
By *J. A. Parsons* Deputy.

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

\$ 360<sup>1</sup>/<sub>100</sub>      New Orleans, Aug 10 1899  
 At Sight      Pay to  
 the order of Herman ~~Mc~~ ~~W~~ ~~...~~ Dollars  
 Three Hundred and sixty <sup>1</sup>/<sub>100</sub>  
 as per receipt attached  
 Value received and charge the same to account of  
 To J. R. Oeland, Temporary Administrator  
 No. 239 Main St., Dallas, Texas.      Mrs Ella Stewart



and,  
11,  
see  
8



No. 2646.

Estate of Chas. Stewart, Deceased.: In Probate Court, Dallas County, Texas.

Whereas, on the 18th day of July, 1899, I.R. Oeland was appointed temporary administrator of the estate of Chas. Stewart, deceased, and on said date duly qualified as such in the order of the Probate Judge of Dallas County, directing him as such temporary administrator to collect the sum of \$728.82, the pro rata distributive share of \$10000.00, to which the estate of Chas. Stewart, deceased, was entitled under an act of the 26th Legislature of the State of Texas, approved July 22nd, 1899, by virtue of a judgment rendered in the Circuit Court of the United States for the Northern District of Texas at Dallas, No. 193 on the equity docket of the Circuit Court at Dallas, in a certain cause entitled the Central Trust Company of New York, complainant, vs. Texas Trunk Railroad, and John H. Gaston, receiver.

And whereas, the said I.R. Oeland, temporary administrator, under the powers of his appointment was directed to collect said money and to pay to the law firm of Kearby, Muse & Oeland, the sum of \$364.41 out of the sum, under their contingent fee contract for the collection of said money, and to pay the remainder of said money to Ella Stewart in lieu of exemptions and support, after deducting the costs of administration therefrom.

And, whereas, the costs in said administration proceedings is in the sum of \$8.60, one-half is agreed to be paid by Kearby, Muse & Oeland.

Now, therefore, by virtue of the premises, I, Ella Stewart, for and in consideration of the sum of \$360.11, paid to me by I.R. Oeland, temporary administrator of said estate, being the full amount of \$364.41, less one-half of the cost above mentioned, receipt whereof is hereby acknowledged, have in consideration of the premises and do hereby release and discharge the said I.R. Oeland, temporary administrator, from any and



all liability as such administrator, and all liability upon his official bonds, and ratify and confirm his acts, and that of said Kearby, Muse & Oelant in the collection of said money.

Witness my hand this the 40<sup>th</sup> day of August, 1899.

Witnesses:

*William Adell*  
*W. Michel*

*Mrs Etta Stewart*  
*Surviving wife of Chas Stewart deceased*

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FILED

SEP 19 1890

A. D. JACKSON, Clerk,  
Co. Court Dallas County.

*J. H. Fowler* Deputy

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SOCIETY-1978