

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

Case Number 1431

Dallas Genealogical Society
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FILED BY THE DALLAS GENEALOGICAL SOCIETY-1977

1431

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THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Mat Derritt a citizen of Dallas County Texas

to appear before the Honorable County Court of Dallas County, to be held at the Court House thereof, in the City of Dallas, on the 13th Monday in April 1885, then and there to answer the petition of Cal. Derritt for the probate of a nuncupative will made by Perry Derritt, decd.

filed in said Court on the 13 day of April 1885.

Writ; said writ being numbered 809 the nature of which demand is as follows to wit: For the appointment of Cal Derritt Executor of the estate of Perry Derritt, decd, and Guardian of the person and estate of Mat Derritt, minor child of said Perry Derritt decd. said will to be probated giving the property of said Perry Derritt decd to his son, Mat Derritt, and in case of his death to be equally divided between Cal. Derritt and Sarah Patten.

and you will deliver to the said Mat Derritt

a true copy of this Citation.

HEREIN FAIL NOT, but have you then and there this writ, showing how you have executed the same.

WITNESS, W. M. C. HILL, Clerk of the County Court of Dallas Co.

Given under my Hand and Seal of office, at Dallas, this 18th day of April A. D. 1885

W. M. C. HILL,

Clerk County Court, Dallas Co., Texas.

By [Signature] Deputy.

Original

1951 No. 809

COUNTY COURT,
DALLAS, CO., TEXAS.

Estate of Berry, Deceased
vs. CITATION Deeds
Mat Derritt

Issued this 15 day of April
A. D. 1887

By M.C. Hill, Clerk.
L. A. Wagner, Deputy

SHERIFF'S RETURN
Came to hand the 18 day of April
1887, and executed the 27 day of April
1887, by delivering

Mat Derritt
the within named defendant, in person, a
true copy of this writ.
W. H. W. Smith
Sheriff, Dallas Co.
By M. W. Kirby, Deputy

FEES
Serving Copy, \$1.50
Mileage, \$1.00
Total, \$2.50

A. D. Aldridge & Co., Printers, Dallas, Texas.

W. H. Skiles

The State of Texas }
County of Dallas }
County of Dallas } of Dallas County

To The Hon County Court
of Dallas County

Your Applicant - Cal
seems a resident-citizen of
the County of Dallas State of Texas
respectfully makes this application
to have probated the last will
testament of Berry Deceased
and to be appointed as according to
said will the executor thereof and
shows that the said testator Berry
Deceased is dead that he died in the
city & county of Dallas at his home
on the 6th day of February 1885 that all
of said testator's estate is situated in
said city & county that its probable
value is one thousand dollars the
the executor named in said will is also
a resident-citizen of said city & county
that your applicant is not disqualified
by law from becoming the executor of
said will - that said will was not
written by said Berry Deceased but that
he the said testator during his last
illness at his home in said city & county

to his bed side your applicant and
 called the following witnesses ^{to}
 witnesses his words: to wit: Sarah
 Cross Famine Sparks and ^{Judith} ~~John~~ Butts
 and in their presence & the presence
 of your applicant spoke the following words
 reduced & written within six days
 after said word were spoken: to wit:
 speaking to your applicant he said - "Cal
 I want you to be guardian to my son
 Mat dead guardian of the property
 and I want you to take Mat to your
 home and take care of him and see
 after him. I want my son Mat to
 have my property when he becomes
 of age and I want you to take care of
 it until he becomes of age and how it
 should be and if my son Mat
 should die before he becomes of age
 then I want my property divided
 equally between you and Sarah
 Botice - I want you to take charge of
 and manage and control my
 property until my son Mat becomes
 of age. If he should live till the time"
 Your applicant shows that Sarah
 Cross Famine Sparks ^{Judith} ~~John~~ Butts were
 witnesses to these words of the said testator

Cross examine speaks ~~against~~ but to make
interiors to these words of the said testator

and that they are all resident citizens of
said city & county of Dallas and
that Mat Bennett is the son & heir of
the said ^{son} Bennett ^{deceased} & that he is a resident
citizen of said city & county

whereupon you applicant prays
the notice be given of this application
and that after said notice the said
foregoing will be probated and that
your applicant be appointed as executor
of and will without bond if the court
thinks such to be the intention of said
testator in his will

Respectfully submitted
Cal ^{this} Bennett
Mills

Sworn to and subscribed before me
this the 13 day of April AD 1888
W. McKill Clerk
D.C.

The State of Texas
County of Dallas

The last will and
testament of Perry Bennett
made at his home in the city
of Dallas & State of Texas on the
24th day of February 1885 in the
presence of the undersigned
witnesses, ^{with whom said Perry called to his last} and during his
said Bennett's last illness and
on the last day of his natural
life - He the said Perry Bennett
calling to his bed side Cal
Bennett his nephew said to him
the words as follows to wit

"Cal I want you to be
guardian ^{of} to my son Mat and
guardian of the property and I
want you to take Mat to your home
and take care of him and see after
him I want my son Mat to have
my property when he becomes of
age and I want you Cal to take
care of it until he becomes of age
and have it deeded to him
and if my son Mat should
die before he becomes of age
then I want my property divided

No

In Re Estate of
Perry Bennett deceased

Application to
probate will &
appoint executor

Filed April 13/1885
W. McNeill
Clerk

2144 Mills

equally cool between you and
 Sarah Batisse - I want you
 to take charge of and manage and
 control my property and
 until my son Matt becomes
 of age if he should live till
 the time"

Attesting witnesses who
 read the foregoing will as last
 will of Betsy Bennett reduced
 to writing by J. H. Stiles on

The 9th day of February A.D. 1845

Witnesses } Sarah ^{her} Cross
 mark

} Fannie ^{her} Spake
 mark

I hereby certify that I
 reduced the above words
 to writing this the 9th day of
 February 1845 as the words
 constituting the last will of
 Betsy Bennett as represented
 by the foregoing witnesses to
 me in my office on the 9th
 day of February 1845 J. H. Stiles

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Last wife of
Berry Bennett

Filed April 13th 1883
McKee
Clerk

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