

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

Case Number 322

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Final Settlement
 Mr. Thomas has filed in my Office his ~~final~~ account, current with said estate together with his petition praying for a final discharge. This is therefore to notify all persons interested to come forward at the next term of the Honorable County Court of Dallas County for Probate business, to be held at the Court House in the town of Dallas, on the last Monday in October A.D. 1863, and contact the same if they think proper.
 Oct. 8th 1863. Geo. W. Law, Clerk of Court,
 Co. Texas

Notice
 Mr. Thomas has filed in my Office his petition praying for Letters of Administration de bono non of the Estate of Mr. Henry Deceant. This is therefore to notify all persons interested to come forward, at the next term of the County Court, to be holden at the Court House in the town of Dallas on the last Monday in January 1863, and contact the same if they think proper.
 Dated January 15th 1863.
 Geo. W. Law, Clerk of Court,
 Co. Texas

Sept 25th 1863
 Mr. William H. Thomas in your will please settle all of my business in Probate Court just as it now stands & I withdraw my account of fifty Dollars which I was going to file against Elizabeth M. ~~Law~~ & Mr. ~~Patton~~ Lehighists all claims against me & you will settle with Mr. Court accordingly in testimony whereof you have hereunto set and names for seal
 Elizabeth M. ~~Law~~

The State of Texas,
COUNTY OF DALLAS.

TO THE SHERIFF OF DALLAS COUNTY—Greeting:
YOU ARE HEREBY COMMANDED TO CITE

Benj. Kirby
Administrator of the Estate of *Wm Kirby* dead,

to be and appear at the next term of the County Court, to be holden at the Court House in the town of Dallas, on the last Monday in *November*, 1860, then and there to show cause, if any, why *You should not be required to return to this Court an annual Exhibit in writing, of the Condition of said Estate, as required by Law,*

And have you then there this writ. Herein fail not, but due return make as required by law.

Given under my hand, and seal of the County Court of Dallas County, this the *9th* day of *November* A. D. 1860.

Geo. W. Laws
Clerk of the County Court of Dallas County, Texas.

To the Hon. J. M. Patterson,
Chief Justice Dallas County,

The undersigned wife of William Kirby deceased, does hereby relinquish her right to Administrator on the Estate of her late husband, *Wm Kirby*, and recommends and request that *Wm H. Thomas* be appointed administrator of said Estate, and as in duty bound will ever prove
Dallas Tex 29 Nov 1862
Louiza Kirby

Administrator a loss estate
Benjamin Kirby has filed in my office his petition for letters of administration on the Estate of Wm Kirby deceased. This is to satisfy all persons interested to be an appeal at the next term of the Honorable County Court of Dallas County to be holden at the Court House in the Town of Dallas on the last Monday in December 1860 and object if they think proper
Wm H. Thomas
Nov 14 1860

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To the Hon of Mr Patterson
 Chief Justice Dallas County

The Undersigned would respectfully
 represent that Benjamin Kirby Administrator
 of the Estate of Wm Kirby deceased, departed
 this life on the _____ day of _____ 1863, that
 in consequence of the death of said Adamt
 the Estate of said Wm Kirby is unrepresented,
 and not administered, your petitioner would
 therefore pray your Honor, to grant him
 Letters of Administration de bonis non upon
 said Estate, at the _____ Term of your
 Court A.D. 1863. And as in duty bound
 will ever pray &c

- B. H. Thomas

Court Court
 To the Citations
 Ben Kirby Adm.
 Wm Kirby decd

Issued 9th Nov 1863
 Geo. H. Jones Clerk

Original

Com. to Ben. & Wm
 11th 1863 on a paper
 by Geo. H. Jones
 a copy of the writ
 with Wm Kirby
 Nov 16th 1863

A. B. Shaw J. J.
 filed Nov 26th 1863
 Geo. H. Jones Clerk

Free fine

Sale Bill

100 Acres of the headright Certificate of ~~the~~
that Payne ~~was to John Kirby~~ Messers Colony
No 118 Issue Nov. 11 1856. for 320 --
sold to John Kirby for \$75.00
on a credit of 4 months --

The State of Texas } J Ben. C. Kiny Adm'r
County of Dallas } of the Estate of W. Kirby
do hereby Certify that the above is
a true and correct Sale Bill of the
Certificate said by order of the County
Court of Dallas County & sold on the
20th day of May 1859.
Subscribed & sworn to J. C. Kiny Adm'r
before me this 8th day of
August AD 1859.
W. H. Masters cllk

J. H. Thomas
4th Edition for
\$3.00 per volume none
of this estate of
John Kirby

Filed January 3rd 1863
Geo. W. Law cllk

Saml E. Leighton
W. B. Nichols
J. M. Williams
John Kirby
John Kirby

Recorded

State of Texas
 Dallas County
 Chief Justice of Dallas County.

To the Hon J M Patterson
 The undersigned Adm^r
 of the Estate of W Kirby ad^m would
 respectfully represent, that there
 has been no change, in the Condition
 of said Estate, since my last annual
 showing - and I respectfully ask -
 that this statement be received, as
 my annual exhibit - of said Estate -
 P. C. Kirby

Subscribed and sworn to before me
 this 17th July 1861

H. H. Thomas
 Jps - CLK

To the Hon Chief Justice of Dallas County
your Petitioner would respectfully
Represent to your Honor that William
Kerby Late of Dallas County is deceased
and that he owed debts, & that there
is other unsettled business, which it
will become necessary to settle by an
administration, I therefore ask that
Letters of administration be granted
to the undersigned Petitioner of the Estate
of said Mr Kerby at the next term of your
Honorable Court & as in duty bound
he will ever pray &c
your Petitioner would further state
that he is a citizen of Dallas County
D. C. Kerby

Benjⁿ Kirby Adm^r of Estate of W^m Kirby De^d
in Annual Account Current with said Estate,

	Dr	Cr
Account of Property as per Summary -	2233, 75	
" " " Sale Bill on file	311, 05	
Balance Property on hand	\$1922, 70	\$1922, 70

The following is a list of the notes
for the Property sold at the sale -

1	Note on W ^m Kirkade	for \$30, 50	
1	" " S ^r Saunders Et al -	24, 50	
1	" " Jesse Kirby & Cagle -	5, 75	
1	" " Calisha Sumner & others -	77, 25	
1	" " N. G. Buttons & others	37, 75	
1	" " J. G. Spellman & others	51, 00	
1	" " G. W. & P. J. Spellers & others	10, 50	
1	" " John Kirby & Kirkade	25, 00	
1	" " Henderson Boyle & others,	13, 80	
1	" " R. Ballard & others -	14, 00	\$290, 05
	amt of Prop & notes		\$2212, 75

The following is a list of the
accounts I have accepted by

1	Ac ^t in favor of W. J. Barnes	for 6, 55	
1	" " " " C. C. Mills	" 2, 75	
1	" " " " Jesse Sidemell	" 4, 50	
1	" " " " Wm. Snoppis	" 5, 75	
1	" " " " Heath & Jones	" 16, 15	
1	" " " " Ulyah Colgan	04, 50	
		\$103, 10	103, 10
			\$2109, 65

The State of Texas,
County of Dallas, } J. B. Kirby Adm^r of the
Estate of W^m Kirby do hereby certify that
the above is a true and correct exhibit
of the condition of said Estate so far
as the same has come to my hands
or knowledge, S. L. Hixson
Subscribed & sworn to _____ Adm^r,
before me this 25th March 1859
J. H. Masten Clk

The State of Texas,
COUNTY OF DALLAS.

Know all men by these presents, THAT *Benjamin Kirby* as principal, and
and _____ as sureties, are held and firmly bound unto the Chief Justice of the county of Dallas, in the sum of *Four Thousand* dollars, for the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, signed and sealed with our seals, the seals being scrawls, this *1st* day of *January*, A. D. 185*7*.

THE CONDITION OF THIS OBLIGATION is such, that, whereas, the above bounden *Benjamin Kirby* has been appointed *administrator* of all and singular the estate of *William Kirby late of Dallas County deceased*

Now, if the said *Benjamin Kirby* shall well and truly perform all the duties required of him by law, under said appointment, then this obligation shall be null and void; otherwise, to be and remain in full force and effect.

B. Kirby LS

H. K. Masten LS

I *Benjamin Kirby* do solemnly swear, that the ~~_____~~
~~*William Kirby*~~ *decedent* without leaving
which has been offered for probate is the last will and testament of
~~any written will~~ so far as I know or believe, and that I will well and truly

perform all the duties of *administrator* of _____
of the estate of the said *William Kirby* *decedent* to the best
of my skill and ability so help me God

Sworn to and subscribed
before me, this *1st* day of
Jan A. D. 185*7*.

B. Kirby

H. K. Masten Clerk Co. Cl., D. C., Texas.

The following is a list of the property sold
 by the undersigned Administrator of the estate
 of William Kirby dec'd on the day, the 16th day
 of April 1858 - Benjamin Kirby Adm^r

Blake Dyer	#	One Wagon	\$75.00
J. L. Saunders	#	One Prairie Horse	\$24.50
Samuel Crompton	#	One Sack Chain	\$2.50
Wm. Kirby	#	One Sack Chain	\$2.10
Wm. Kirby	#	One Sack Chain	\$1.40
do do do	#	One Old Wagon	\$15.00
Richard Coil	#	One Cat Saddle	\$1.30
J. H. Spillers	#	One do do	.50
E. Turner	#	One do do	.50
E. Turner	#	One do do	\$2.25
E. Turner	#	One do do	.50
E. Turner	#	One Double Tree	.50
E. Turner	#	One or Single Tree	\$3.00
John Spillers	#	1 Huddle Tree	\$1.00
John Kirby	#	1 Rifle Gun & Powder	\$5.75
Not sold		1 Clock	
John J. Spillman	#	1 Yoke Oxen	\$57.00
Wm. H. Hinkle	#	1 Steer	\$30.50
John Kirby	#	1 Bull Yearling	4.00
Richard Coil	#	1 Small Yoke Oxen	12.50
John Kirby	#	1 do do do	12.25
T. G. Button	#	1 Two Year Old Steer	8.50
John Kirby	#	1 do do do Heifer	8.75
Reuben Ballard	#	1 Cal & calf	\$14.00
John H. Thomas	#	1 cow	18.50
E. C. Spilling	#	1 do	10.50
N. E. Button	#	1 do	10.75
			<u>312.05</u>

The State of Texas Reasonably appears
 County of Dallas before the undersigned
 Benjamin Kirby Administrator of the
 Estate of Jth Kirby deceased & being duly
 sworn in due form of Law, says that
 the foregoing is a true & correct sale
 bill of the property sold under an
 order of the County Court 1868,
 Subscribed & sworn to before
 me this 27th April 1868, Robt. Henry
 Jth W. Hester c^l }

Benjth Kirby
 Adm^r of Sale Bill
 Estate of Jth Kirby

Subscribed
 Jth W. Hester c^l

Approved this 31st day
 of May 1868

Jth W. Hester
 c^l

Recorded
 4/27/68

Recorded

State of Texas Dallas City Jan. 16th 1858

Bill of Appraisalment of the Real & personal property of Wm Kirby dec.

	\$	cts
Land	1675	00
1 Running of Wagon	20	00
Gearing Wheat &c	14	25
1 Prairie Plow	15	00
1 Boarded Wagon	85	00
3 Logs Chain & 1 Ox yoke	6	50
Corn & Hodder	30	00
2 hoes, 1 Br drawing Chain 1 Ax & 1 Colter	3	00
Household & Kitchen Furniture	100	00
Hogs	5	00
1 Pony	40	00
5 Work Steer	100	00
20 head Stock Cattle & col. per head	140	00

Sworn to & subscribed
before me this 16th day
of January 1858

James Loving
Henderson Coyle
Lexy Coyle

B. L. Kirby, J. P. Appraiser

The State of Texas } Personally appeared before
County of Dallas } the undersigned Authority
B. L. Kirby } of the Estate of Wm Kirby
do & make oath in due form of law
that the above is a true list of all the
property of said Estate that has come to
his hands or knowledge. Except a few
Dogs & 1 or 2 notes which will be given
in here after. Sworn to } B. L. Kirby
Subscribed before me this 11th
day of March 1858
W. H. Masten, cl. p.

List and Appraisement of the Estate of William Kirby,
 dec: made July 12th 1863, by Thomas W Williams, John
 Kirby, and W^m Nelson Court appointed at the July
 Term of the Probate Court Dallas County AD 1863

100 Acres Thomas Paynes tract in Dallas Co.	\$300 00
100 " Land Home place	1100 00
87 1/2 Timber Land	4100 00
	<u>\$1800 00</u>

We the undersigned appraisers do hereby certify that
 the foregoing is a true list & appraisement of the property
 belonging to the Estate of W^m Kirby dec: as shown
 to us by the Administrator Submission

Subscribed & Sworn to before me
 on this 22nd day of February 1863
 Geo. W. Laws Clerk - }
 J. H. Williams }
 W. Nelson }

I do hereby certify that the above inventory contains
 a full list of the property of said Estate, which has
 come into my hands as Admin^r Submission

Subscribed & Sworn to before me
 on this 22nd day of February 1863.
 Geo. W. Laws Clerk - }
 De P. Smith, Adm^r of W^m Kirby, dec: }

The following is a list
 of notes belonging to the Estate of W^m Kirby
 dec: which have come in the hands of
 W. H. Thomas Admin^r Submission

1 Note on W. A. Gold, dated 3 April 1860	\$185 00
and due months from date	
1 Note on Henderson Coal due	
May 11 th 58, due in 12 months -	<u>\$13 80</u>
	<u>\$198 80</u>

State of Texas } Personally appeared W. H.
 Dallas County } Thomas Admin^r Submission
 of the Estate of W. Kirby and makes oath
 that the above is a true list of all
 the claims which have come into his
 hands and said decedent.

W. H. Thomas
 Admin^r & 22nd day

Subscribed & Sworn to before
 me this 22nd day of February 1863
 Geo. W. Laws Clerk

Wm Kirby decd
To E Kirby & app
July 12th 1863

W H Thomas
To E List of claim
W Kirby's Estate.

Filed Feb 22nd 1863
Geo W. Laws CLK

Approved this 24th
day of February 1865
J. M. Peterson
chief justice

Recorded March 16th 63
Geo W. Laws CLK

Recorded

334

The following is a list of the
 Property sold by the undersigned
 Administrator of the estate of William
 Kerby deceased this 10th day of April
 1858 Benjamin Kerby Administrator

	one Horse	
Blake Dabon	one Waggon	70.00
T S Sanders	one Pie flow	34 50
Samuel Compton	one Log chain	2 50
Mrs Kerby	do do	2 10
do do	do do	1 50
Wider do	one old Waggon	45.00
Hendrix Coil	one lot sundries	1 50
J M Spillers	one par harness	50
E Turner	one par of bucker	42
do do	one sundries	2 25
do do	one do	50
do do	one saddle tree	40
do do Spillers	one do or sing ches	3 00
J M Spillers	one saddle tree	1 10
Leary Kerby	one gear	5 75
not sold	one clock	
Thomas J Spilman	one yoke oxen	51 00
W A Kinglad	one ad ox	30 50
John Kerby	one Bull yearling	24.00
Richard Core	2 yearlings	12.50
John Kerby	do do	12 25
G Button	1 2 year old	8 50
John Kerby	1 heifer 2 do do	8 75
A Ballard	1 cow & calf	14 00
John A Thomas	1 cow	18 50
G W Spillers	1 cow	10 50
G Button	1 cow	10 75
		512.75

W^m H Thomas Administrator Admⁿ of Estate of W^m Kirby dec^d

Dr

In Final Account Current with said Estate,

Cr

Debits		Credits	
July 22 nd 1863	To amt of Inventory & app ^{rs} Bill of 1855.00	By	Lands on hand and Inventories at \$1855.00
"	" " " Note on W.A. Gold 185.00	"	amt paid Taxes for 1862 3.15
"	" " " " " H. Coyle 13.80	"	" " " For getting Land Patents 10.00
August	" " " Interest Collected on W.A. Gold note, 55.00	"	" " " Clerk's Costs & W. Laws (Aug) 30.75
		"	" " " Chas. Smith's paid M. Patterson (Aug) 21.45
		"	" " " State & County Tax for 1864 7.69
		"	" " " Adm ⁿ of said Estate for services 58.12
		"	" " " C. S. Wax Tax for 1864 80.60
		"	" " " Court fees
		"	" " " H. Coyle note not collected 13.80
		"	" " " Cash on hand, Confederate money 37.56
			<u>\$ 2068.50</u>

To Balance Cash Port Green (Confederate money) 37.56
 Value of Lands on hand and left same \$1855.00
Total Estate in hand, \$1892.56

To the Hon^{ble} M. Patterson, Chief Justice of the said County

The State of Texas & Personally appeared in Open Court W^m H Thomas Administrator of the County of Dallas of the Estate of W^m Kirby dec^d and made oath that the contains a full and correct exhibit of the condition of the estate of said decedent so far as the same has come to his hands, that he has fully administered said estate, and paid off all claims known to him against the same, He therefore asks that the above be taken as his final exhibit and he be discharged from further liability, as such Admⁿ of said in due course of Law
 W. H. Thomas Admⁿ
 Administrator of W. Kirby

Sworn to & Subscribed before me
 this 1st day of October A.D. 1863
 Geo. M. Laws Clerk

The State of Texas, } County Court Pertaining to Estates,
Dallas County. } Jan'y Term, 1863

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

Know Ye, That W. H. Thomas as
principal W. L. Spring and G. N. Laws

as sureties, are held and firmly bound unto
the Chief Justice of the county of Dallas in the sum of
Ten thousand

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 Twenty Sixth day of January
A. D. 1863.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH That whereas the above
bound W. H. Thomas has been appointed
Administrator of the Estate of William Kirby deceased;
Now, if the said W. H. Thomas 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.

W. H. Thomas SEAL
W. L. Spring SEAL
G. N. Laws SEAL
SEAL
SEAL

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

I, W. H. Thomas do solemnly swear that
Wm Kirby deceased, died without leaving any lawful
Will, so far as I know or believe, and that I will well and truly perform all the
duties of Administrator of the Estate of said Wm Kirby

W. H. Thomas
Sworn to and subscribed before me, G. N. Laws Clerk of the
County Court of said county, this 27th day of
January A. D. 1863
G. N. Laws Clerk

I know all men to whom this may concern
 that I have this day for and in consideration
 of the sum of two hundred dollars ^{paid in cash} the receipt
 of which is here by acknowledged sold to
 Eliza S. Macy the following tract of land
 lying and being in the County of Dallas and
 State of Texas beginning at a stake in the
 bed of Carter's branch at the place where
 stripes line crosses said branch, thence ^{down the upper} with
 the meandering of the branch to Carter's west
 line, thence with Carter's line to Carter's well
 thence in ^{the} same direction to stripes line
 thence ^{westward} to the beginning
 containing ^{or thereabouts} five acres
 more or less. The tract of land includes all
 the land that I bought of James Loving that
 is north of Carter's branch, and I do here
 by bind myself as Executor, Administrator
 &c to make good said Eliza S. Macy is warranted
 to have good and lawful title to the
 land and seal this October 14th 1854

William H. H. H.
 William H. H.

State of Texas For and in consideration of the
 & County of Dallas. sum of two hundred and seventy
 five Dollars to me in hand the receipt where
 of is here by acknowledged. I have this day sold
 sold to W. B. Nelson the rights and privileges
 of the within bond which I hold on William Kirby
 And I do here by these presents authorize and
 direct William Kirby to make to the said W. B. Nelson
 or his heirs a good and sufficient title to the land
 described in said bond. Given under my hand
 and seal mying scroll for seal. This the 27th day
 of August 1855
 Olyar Macy Seal

(A)

The State of Texas, County of Tarrant, I, James M. Apperson, being
 a Justice of the Peace in and for the County of Tarrant, State of Texas,
 do hereby certify that John H. Kelly, Clerk of the County of Tarrant,
 is well known and after being by me
 duly sworn, say upon their oaths, that they are
 acquainted with William Kelly's hand writing
 and believe the signature to the foregoing and
 attached instrument, dated the 14th October 1854
 to be his genuine signature, and say that they
 have heard him say that he had signed such
 a bond.

In testimony whereof I have hereunto
 set my hand and official seal at
 my office in Dallas, this May 21st 1859,
 1839

J. M. Apperson, C. C. J. P.
 By Geo. H. Law, J. P., Clerk.

The State of Texas & Before me J. H. Foster
 Sheriff of Harrison County & Clerk of the County
 Court of said County this day personally appearing
 Prof. May and Rev. May both to me well
 known who after being by me duly sworn
 depose that they are brothers of Elgar May
 whose name appears to the above
 are well acquainted with his hand writing and
 that the above is his genuine signature
 In witness whereof I hereunto
 set my hand and seal of office
 at Richardson Texas 21st 1857
 J. H. Foster
 Clerk

This Bond is this day canceled by B. G. Herby
 Adm^r of W. May's Est^t executing his duty for
 the same this 5th day of April 1860
 W. B. Nelson
 Attest
 Geo. W. Laws Jy Clerk

The State of Texas In County Court
County of Dallas, March Term 1858.

To the Hon. J. M. Patterson Chief Justice
of Dallas County.

The undersigned Administrator
of the Estate of William Kirby did would
Respectfully represent to your Honor
it will be necessary in order to pay
the debts of said Estate to sell the personal
property belonging to said Estate,
He therefore prays for an order of
sale to be granted to sell said prop-
erty on a credit of 12 months, at
the late residence of said decedent, on
Saturday the 10th day of April next
& as in duty bound he will ever pray
v. e., B. C. Kirby Adm^r

There is 8 children,

Benj Kirby Admr of Estate of Wm Kirby Decd
in annual account current with said Estate

To wit of property as per last annual showing \$2109.65

	Co
By and paid out, One receipt of Wm Happs.	88.75
" " " " " of W. McClaster.	23.80
" " " " " E. Elgan.	26.00
" " " " " G. Wells.	35.00
" " " " " Jesse Sidwell.	4.50
" " " " " W. C. Barnes & Co.	6.20
" " " " " J. M. Dutton.	10.00
" " " " " Heath & Jones.	17.75
" " " " " Abraham Little	5.00
" " " " " J. N. Haffington	1.25
One note in favor of L. H. Harts.	50
	1917.65

The State of Texas }
County of Dallas }

I B. C. Kirby Admr of the
estate of Wm Kirby do hereby
certify that the above is a true and correct
Exhibit of the condition of said estate so far
as the same has come to my hands or
knowledge.

sworn to & subscribed before
me this 23rd of Decem-
ber 1917
Notary Public

B. C. Kirby

The State of Texas In County Court
County of Dallas 3 Sept Term AD 1858.

To J. M. Patterson Chief Justice of Dallas County,
your Petitioner, William B. Nelson of said
County & State aforesaid would most respectfully
represent to your Honor, that on the 14th day of
October AD 1854, William Kirby, late of said County
& State deceased, executed his Bond to an Eliza D
Mapy for the following described tract of land to wit,
In Dallas County & State aforesaid, Beginning at a Stake
in the bed of Carter's branch, at the place, where Criss's
line crosses said branch, thence down said branch
with the meanders thereof, to Carter's Meit line, thence
with said Carter line to his N.W. Corner thence in
the same direction to Criss's line, thence with said
Criss's line to the beginning, containing one hundred
and twenty five acres of land more or less, your
Petitioner would further state, that on the 27th
day of August said Mapy transferred said Bond to
your Petitioner, which said Bond & transfer is made
a part of this petition & marked (A) your Petition-
er Prays an order of Court requesting, Benjⁿ C
Kirby Administrator of said William Kirby deceased
to make title to your Petitioner, according to the
tenor of said Bond & transfer as aforesaid, & for
such other & further relief as may seem right &
proper in the Premises, & as in duty bound he will
ever pray, &c

W B Nelson