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

Case Number 2067

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2067

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No. 2259.

In Re the Estate of)
J. M. Toliver, Dec'd.)

In the Probate Court of
Dallas County, Texas.

To Hon. Kenneth Foree, County Judge:

Now comes T. P. Summers, Administrator of the Estate of J. M. Toliver, Deceased, and submits this his final Exhibit of the condition of said Estate;

This Administrator charges himself as follows:

269 acres of land on Benjamin Beckner survey in Dallas and Kaufman Counties,

150 acres land J. S. Ramsey survey in Dallas and Kaufman Counties

99 acres on S. P. Birt survey in Kaufman County $6000.00

1 1/2 acres on Jno. Gregg survey in Kaufman County (house and lot in Forney) 800.00

(See Inventory and amount of land reduced by failure of title as hereinafter explained).

Cash on hand at beginning of Permanent Administration. See report as Temporary Adm'r. 1187.82

Cash rec'd under Permanent Administration --

July 3d, 1897 from Forney Hdw. Co.	225.00
Sept. 14 " " " " "	181.09
Nov. 2d, " " J. W. Walker	330.00
From rent of farm lands for 1897	253.60
For rent corn sold	48.45
$1.50 $1.50 .65 $8.00	
For Double shovel, Grain cradle, Meat, Cook stove	11.65
May 18, 97- From Wm. Miller on note	36.45
Sept. 20 " Collected on Auld note	32.50
" 29 " " " T. H. Fegan note	23.60

Oct. 11, 97-		Collected on C. F. Isbell note	65.70
Nov. 25,	"	" " J. L. Blansett note	130.00
Mch 19,	"	For corn from A. J. Pulaski	28.00
Aug. 6	"	From T. & P. Ry Co. over-charges on freight against car of corn from Kansas ordered by J. M. Toliver in his lifetime	14.95
Oct. 22	"	Collected on note of W. F. Tribble	41.45
Nov. 3	"	" " " " D. H. Hill	10.70
		" for Plow stock	.75
		For rent of House and Lot in Forney	46.00
Nov. 13	"	For Comb & Blanket .35 Plow gear $1.50	1.85
Feb. 5- 98	"	Corn sold	820
			$9477.76

This Administrator credits himself with cash paid out as follows:

Feb. 17- 97		Attys. fees paid T. F. Nash	100.00
July 28-	"	" " " " " " See Vr. 1	150.00
June 28	"	Paid D. B. Mizell of Kaufman for Abstract	5.00
Sept. 1[illegible]	"	" Forney Hdw. Co (Excess of claim against them paid in Vr. 25)	25.70
Apr. 12	"	" Dr. Garrett Vr. No. 2	10.00
" "	"	" Dr. T. L. Appleby Vr. No. 3	30.00
" 13	"	" M. C. Snyder Vr. No. 4	5.15
" 12	"	" C. H. Touchstone for care of stock Vr. No.5 (Appraisers)	22.00
Mar. 22	"	" J.C.Rugel L.C.Stewart & Gus Lawrence Vr. 7	6.00
Mar 3d	"	" Dr. L. B. Sowell Vr. 6	23.00
Aug. 12-1898	"	for Patent on 99 acres of land to A. J. Baker Land Commissioner vr. 26	5.00
Aug. 13- 97	"	W. H. Barnes sur. Kaufman Co. Vr. 8 $2.50 $1.00	12.00
" 15-	"	" J. W. Parker C.C. W.H.Touchstone C.C. Vr.9 .65 1.00	3.50
Sept. 16	"	" W.H.Touchstone for labor Barney Slakey Vr.10	1.65

Dec. 11- 97	W. H. Barnes sur. Kaufman Co. Vr. 11		11.00
Feb. 7- 98	Advanced to Charles Splawn Vr. 12		30.00
Dec. 1 - 97	L. Sowell for repairing house Vr. 13		20.00
Mar. 2d "	Co. Clerk Court costs Vr. 14		21.85
Sept. 4 "	Mrs. Swan Vr. 15		30.00
Nov. 5 "	State and Co. Taxes in Kaufman Co. Vr. 16		7.90
Jan. 20 98	Paid J. W. Parker for Bd. of surveying party &c.		7.00
Mar. 8 " "	Mrs. Martha Cartwright (advancement) Vr. L7		20.00
" " " "	R. L. Toliver for work Vr. 18		2.00
Dec. 20 97 "	J. P. costs in suit on Fagan note Vr. 19		6.10
Dec. 11 " "	Joe Miller chain carrier Vr. 20		3.00
Jan. 19 98 "	W. H. Toliver " " Vr. 21		3.50
Dec. 15 97 "	State & Co. Taxes in Dallas Co. Vr. 22		37.58
July 5 " "	Sheriff Tarrant Co. costs Vr. 23		12.00
Aug. 12 98 "	L. E. Sowell repairing house Vr. 24		15.50
" "	E. M. Fowler		109.20
" "	C. F. Isbell		5.53
Aug. 10 97	Expense acct. of Temporary Adm'r allowed by the Court to Adm'r.		60.05
	(To T. P. Nash Attorney $50.00 included in items above)		$
			$ 801.61

RECAPITULATION-

Cash recd.	$9477.76		
Less value of land	6800.00	$2677.76	
Total cash paid out		801.61	
Bal. on hand			$1876.15

The following claims against the Estate have been presented allowed ordered paid by the court and paid by the Administrator:

In favor of Dr. L. B. Sowell	$23.00
" " " Dr. M. M. Garrett	10.00
" " " Dr. T. L. Appleby	30.00
" " " M. C. Snyder	5.15
" " " Forney Hardware Co.	299.06
" " " Mrs. Addie Swan	30.00
" " " W. H. Toliver (cr. on note against him)	30.00
" " " R. L. Toliver (cr. on note against him)	30.00
" " " E. M. Fowler	109.20
" " " C. F. Isbell	5.53

There are no unpaid claims and no debts due any person by the Estate so far as the Administrator knows.

The Estate holds notes against the following parties, nearly all of whom are legal heirs of the Estate:

Mary A. West	83.15
Jno. Carver (with sureties)	45.00
Mrs. M. A. West	16.85
W. H. Toliver, Bal. on note	100.70
Mrs. Mary A. West	25.60
J. B. Eaton (barred by limitation)	100.00
W. H. Toliver	52.35
J. R. Davidson & J. R. Tucker (Insolvent)	26.54
W. H. Toliver	62.00
Wm. Kelly	38.75
R. L. Toliver	32.00
W. H. Toliver	155.88
R. L. Toliver	31.15

J. A. Carver	11.70
M. A. West	17.95
J. W. Parker	62.45
R. L. Toliver	8.45
J. B. Eaton	62.00
J. B. Eaton	28.35
J. A. Carver (barred by limitation)	300.00
J. W. Parker	28.90
R. L. Toliver	300.00
G. W. Reynolds (barred and insolvent)	35.00
J. W. Parker	325.00
W. D. Kelly	49.35
	$1627.82

The foregoing amounts represent the principal of the notes and most of them have been drawing interest a long time. All of said parties are heirs or representatives of heirs and interested in the Estate, exc[illegible] R. Davidson, J. R. Tucker and G. W. Reynolds, all of whom are insolvent and owe a principal indebtedness only of $61.54

Amt. owing by the heirs $1566.28

This Administrator would represent that this Estate was inventoried as 569 acres of lands, together with a House and Lot 1 1/2 acres in the town of Forney, but after the filing of the Inventory it was discovered that one tract of 150 acres on the S. P. Birt survey, was only held by a certificate which was attempted to be located more than 20 years ago and Patent had never been issued upon the same. After being required by the Commissioner of the Gen'l Land office to re-survey said lands, and after having it surveyed twice by the County surveyor of Kaufman County, and from

time to time during the last 12 months having corrections made, in the field notes, finally on the 25th day of July, 1898, Patent to 99 acres only was issued to the heirs of S. P. Birt and delivered to this Administrator on the 10th day of August, 1898. There appears to have been no written assignment of the S. P. Birt Land certificate to J. M. Toliver to be found, hence the Patent issued in the name of the heirs of S. P. Birt, but was delivered to this Administrator upon proof that said certificate belonged to the Estate of J. M. Toliver, Deceased. The Estate receiving Patent for only 99 acres instead of 150 as was supposed to belong to it, reduces the amount of lands to 518 acres instead of 569 as shown per Inventory.

Your Administrator further reports that R. L. Toliver purchased 50 acres of said S. P. Birt survey from his father a short time before his death for an agreed price of $400.00. No Deed was executed and delivered, but R. L. Toliver went into possession of said 50 acres and made valuable improvements thereon during his father's lifetime and it was doubtless the intention of both parties to consummate the trade in good faith and it is believed that R. L. Toliver has a right to said 50 acres of land upon payment of the purchase money of $400.00, according to the terms of his contract with his father. If this deduction is made the lands of the Estate to be divided among the heirs will be 468 acres of farm and bottom lands and the house and lot in Forney.

Of said farm lands about 100 acres are in cultivation and all rented to good tenants for the year 1898 for 1/3 of the corn and 1/4 of the cotton to be produced thereon. The house and lot is rented for $7.50 per month.

This Administrator represents that all the debts of the Estate having been paid, there is no reason why the Estate in his hands

should not be partitioned, after reserving enough to cover the expense of closing the Administration which he estimates to be about $275.00, and he therefore asks that citation issue to the legal heirs of J. M. Toliver who are Mrs. M. A. Atwood, Mrs. Francis Parker, W. H. Toliver, R. L. Toliver, Mrs. Mary A. Miller, all of Dallas County; Mrs. Sarah Eaton who resides in Kaufman County, Texas, and Mrs. Martha Kelly, who resides in Scott County, Arkansas. Also Mrs. Mary J. Splawn and Martha E. Cartwright supposed to be in Tarrant County and the minors Jesse Lee, Millie and Gidion Pemberton, who reside in Jack County) and your Administrator understands that Henry Pemberton their father is their duly qualified legal guardian and resides in Jack County, Texas.

Also three minor children of Clarissa M. Carver, deceased who was a daughter of J. M. Toliver, Deceased. Said minors names are Lillie, Mary and Hattie Carver, residing in Dallas County, Texas, with John Carver who also resides in said County as their guardian. Also Mrs. Georgia Brown who resides in the Indian Territory and Mrs. Eva Meeks who resides in Oklahoma Territory, and that they be required to show cause why this Estate should not be partitioned and this Administrator discharged from this trust.

RECAPITULATION.

518 acres land less R. L. Toliver's 50 acres		468 acres
1 1/2 acres (House and lot in Forney)		
Notes held against the heirs uncollected		$1566.28
Cash on hand $1876.75, less Administrator's commissions Attys. fee of $50, and costs of closing Administration by partition proceedings,		
Adm'r Com. 5 per cent. on receipts	$2055.57	$102.77
5 per cent. on amt. paid out	801.61	40.08
Total Com.		$142.85

Br't Fwd. - - - - - - - - - - - Total Com.		142.85
Due T. F. Nash Attys. fees		$50.00
Probable costs of partition		80.00
		$272.85
Cash on hand	$1876.15	
less Com. attys. fees & costs	272.85	
	$1603.30	Bal. cash for distri-

bution.

This administrator will explain that in his expense acct. filed Aug 10th 1897 for the Temporary Administration, he asked for commission of 5 per cent on $622.19 only instead of $1187.82 amt of cash recd during the Temporary Administration. This occurred by reason of the fact that the acct was made out from the first report of the Temporary Administrator which shows collections to the amt of $622.19 whereas it should have been governed by the supplemental report which shows $1187.82

In the statement of commissions herein made the Admr claims commissions on the $565.63 not included in the Expense acct. of the Temporary Administration.

This Admr has performed much labor in superintending the property, renting lands and doing many things in the care and management of the property, for which he will make no additional charge if the commissions above are allowed. If his Estimate of future expenses is too small the amount of cash to be partitioned will be less than the amt mentioned herein.

Aug. 17th 1898

T. H. Summers
Administrator

Sworn to and subscribed before me
this 17th day of August 1898
A S Jackson Clerk Co Court
Dallas Co Texas

No. 2259

In Re Estate
of J. M. Polivered Dec'd

Final Report
of
Administrator

Filed August 17, 1898,
as Jackson, Clerk

Recorded.-56

(1)

In Real Estate of J. M. Toliver Deceased:-

To the Hon., Kenneth Foree,

Judge of the Hon., Court of Dallas County, Texas.

---o---

And now comes James Lyons, C. E. Brown and A. P. Summers, commisioners appointed by your Honor at a previous term of this Hon., Court for partition of said estate, leave of the court first being had and obtained, make this their supplemental Report, as a part of, abd inlieu of the Report of matters herein corrected, filed herein on the 11th. day of March, A. D. 1899.

-1-

Value of Estate.

Land partitioned, 68 acres, community property, valued at-	$9708.oo
House and Lot, Forney, Seperate property, valued at-------	1000.oo
Cash devided $527.75 being rents ----------	1809.oo
Personal property, rent in Corn, ----------	20.oo
Debts due by heirs charged to them as cash ----------	2188.4o
Total Estate devided ----------	$14725.40

---o---

-2-

Debts due by Estate.

To T. F. Nash cash ----------	$ 50.oo
To T. P. Summers cash ----------	50.oo
To Mary A. Atwood ----------	300.oo
To R. L. Toliver ----------	140.oo
To Commisioners of partition ----------	136.5o
Total ----------	$ 676.50

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Joint Heirs.

We find that the six Joint Heirs of J. M. Toliver & Elizabeth Toliver and their Representatives are each on the values above fixed, entitled to the sum in land and money, and debts charged as cash,----- $1732.oo

as follows to wit:- less $ 99 dollars the pro rata part of each in defraying expenses for locating the community interest of the Berk Survey, which said amount is ~~lot. To the heirs of Clarissa Carver, Lillie, Hattie and Mary~~ to be deducted from the cash received by each of said heirs, and in case of a deficit to be a lien upon their said estate to that extent of said heir,

1st To the heirs of Clarence Carver, Lillie Mary and Hattie Mae Lines:

100 acres of land, valued at ----------	$1184.oo
To J. A. Carver his debt as cash to him in the sum----------	350.oo
Cash---$25.oo of same being for guardian ad Litem Julius F. House,	198.oo
Sum total of Carver Estate -----	$1732.oo

----------o----------

2nd. To Mrs. Martha Kelley 1o9 acres of land valued at---- $1484.oo

Cash ----------	189.9o
Corn estimated at ----------	20.oo
Debt by her due as cash ----------	88.1o
Sum total of Kelley estate------	$1732.oo

----------o----------

3rd. To Mrs. Francis Parker we have allotted [illegible] acres of

land of the value of ----------	$1165.oo
Debt charged as cash ----------	567.oo
Total of Parker estate --------	$1732.oo

----------o----------

4th. We have allotted to W. H. Toliver 54½ acres of land

valued at ----------	$1324.oo
Cash in the sum of ----------	4.35
Debt as cash charged to him ----------	403.65
Total ----------	$1732.oo

----------o----------

5th. R. L. Toliver land 38 acres, valued at ---------- $ 353.oo

Land at Forney, House and Lot ----------	1000.oo
Cash ----------	27.4o
Debt due by said R. L Toliver ----------	491.6o
Sum total of R. L Toliver estate	$1872.oo

Including the $140.oo due him for improvements

----------o----------

6th. To the Heirs of Nancy Pemberton we have allotted

63 acres of land valued at ----------	$1452.oo
Cash ----------	230.oo
Debt's due by said interest ----------	50.oo
Total of said Pemberton interest	$1732.oo

Sub-Partition of Pemberton Estate.

We further find that Nancy Pemberton is long since deceased leaving heirs and their assigns and which said Pemberton estate is devided as follows:-

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A. To the minor heirs of Nancy Pemberton to wit:- M. J. Pemberton, J. G. Pemberton and J. L. Pemberton together with the 1/6 life interest of the Husband, Henry Pemberton, contained therein land 42 acres of the

value of ----------	$ 968.oo
Cash to the amount of ----------	177.26
Total interest of said heirs in the said Nancy Pemberton estate	1145.26

----------o----------

B. To Mrs. M. E. Cartwright heir of the said Nancy Pemberton we

have allotted land 10¼ acres, valued at ----------	$ 242.oo
Cash to the said Mrs. Cartwright ----------	31.37
Debts as cash ----------	20.oo
Total interest of Mrs. Cartwright in Pemberton estate -------	$ 293.37

----------o----------

C. To H. F. Scheer assignee of Mrs. Mary J. Splawn, heir of Nancy

Pemberton land 10¼ acres value ----------	$ 242.oo
Cash to said Scheer ----------	21.37
Debt ----------	30.oo
Sum total to H. F. Scheer assignee of M. J. Splawn's interest in said Pemberton estate ----------	$ 293. 37

Making the sum total of the Pemberton interest distributed, $1732.oo with the life estate of the Husband, Henry Pemberton, of 1/6 set apart to the minor heirs of said Nancy Pemberton.

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Separate Heirs of J. M. Toliver.

We find that the three separate heirs of J. M. Toliver are each entitled to $1030.oo, and have made to them the following partition:-

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And in addition thereto each is given the sum of 17 25/100 dollars ~~their pro rata share of the Sol. & charged the Community~~ heirs for locating the Birk Survey, which said ~~sum~~ $17 25/100 dollars is to be added to the 1030 shares hereinafter set out.

7th. To the Heirs of Geo. Toliver Deceased, 22 acres of land

valed at ---------- $ 620.oo

Cash ---------- 410.oo

Total to heirs of Geo. Toliver--- $1030.oo

which said amount we have devided between said heirs as follows:-

----------o----------

a. Mrs. Eva Meeks 10¼ acres, valued at ---------- $ 310.oo

Cash ---------- 205.oo

b. Mrs. Georgia Brown 11¼ acres, valued at ---------- 310.oo

Cash ---------- 205.oo

Total Estate of Geo. Toliver assigned to said heirs--- $1030.oo

----------o----------

8th. We have allotted to Mrs. Sarah Eaton 54 acres of land

valued at ---------- $ 712.5o

Cash in the sum of ---------- 227.15

Debt in the sum of ---------- 90.35

Total interest in said Estate--- $1030.oo

----------o----------

9th. We have allotted to Mrs. Mary Atwood 58 acres of land

valued at the sum of ---------- $ 712.5o

Debt in the sum of ---------- 147.7o

Cash besides debt due her ---------- 169.8o

Total ---------- $1030.oo

Also cash due her in the sum of ---------- $ 300.oo

Making the sum total due Mrs. Atwood from said estate-------- $1330.oo

----------o----------

We find that Mrs. M. A. Miller is the Separate heir of Mrs. Elizabeth Toliver and we have set aside for her 72 acres in land valued at $701.oo

Cash in the sum of ---------- 2.4o

Total ---------- $703.4o

----------o----------

The sum total due this interest is, by separate parts figured, in the sum of $731.oo but we have allotted to it 72 acres instead of 37 acres, under the

under the original allottment of 518 acres, the sum totals only, forbid us placing the land at a higher figure, but it as fully represents her full share of $731.oo as any of the other estates, represent their full share, and is as just and equitable a devision as your Commisioners are able to make it. This interest pays no part of Partition Expenses.

EXPLANATION.

It is further explained that while the different allottments of land with their values set forth in our first report amount to $9708.oo as shown, making an increase of $438.oo over our estimate of $9270.oo as first assumed, the raise on the different lots has not necessarily been uniform, from the fact that it was impossible to cut off parcels of land at first sight to suit all conditions, and on this account some of the lots were raised in value and some were reduced to make them correspond more closely in their relative value, in the minds of your Commisioners, and for this reason the amount of $9708.oo can not be taken for a sure basis to predicate any course of reasoning to show that this one is under-paid or that one over-paid. The money on hand amounting, with the Corn, to $1929.oo, was apporioned between the parties after all their values of land and interests in the estate were fixed.

We could add that it has been the idea of the Commisioners all along to conserve the interests of all parties equally, rather than to split heirs on a mathematical calculation. Expenses for making partition Itemised in original Report and for which no arrangments are made in this partition in the sum of $136.5o

Your Commisioners further show that the estate set aside to each of said heirs, the land is fully marked, platted and set apart by field notes as required by law in the original report herein made, and which said field notes and plat are hereby referred to and made a part of this supplemental report in description of said land. We find in the Birt Survey a deficit of 4½ acres since last being 94½ acres in stead of 99 acres as reported. In the Barker Survey we find surplus of 90 acres being 278 acres instead 9269 as reported. In the Bingett Survey of 160 more or less reported we find 322 acres a surplus of 177 acres. All of which field notes show in the plat made a part of our report.

Your Commisioners therefore pray that their report be received, that they have order on the administrator for their fees and services, and that they be finally discharged.

We further recommend that M. A. Miller's share be charged with no expense ~~of~~ Equal partition, and that the ~~other nine~~ Ten separate shares herein, be charged with sufficient sum for expenses of this partition approximately $16.00 each. to her share expenses.

Jas. Lyons
C. C. Brown
A. R. Summers

Sworn to and subscribed before me by each of the above named commisioners on the 22nd day of March, A. D. 1889.

A. S. Jackson
Clerk of the County Court,
Dallas County, Texas.
by A. M. Smith
Deputy.

2259.

In Re

Estate of J. M. Toliver, Dod.

---o---

Supplemental

Report of Commisioners of

Partition.

---o---

Mch 22" 9

A B Rawlins

C. E. Brown, Comty

Surveyor.

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No. 5858.

In Re the Estate of

J. N. Tolliver, Deceased

: In County Court of Dallas
: County, Sitting in Probate
: Matters.

-ned by her husband Charley Spinn, and Mrs. Martha E. Cartwright, joined by her husband Sam Cartwright, and answering the application of Mrs. Eva Weeks joined by her husband J. [illegible] Weeks, let us for partition and distribution of the estate of J. N. Tolliver deceased, herein filed on the 22nd day of June, 1897, present the following, to-wit:--

1. Said respondents except to said application, and say that the same is insufficient in law. Wherefore etc.

Coombes & Coombes

Attorneys for said Respondents

2. And now come said respondents, and deny all and singular the allegations in said application contained, and on this they put themselves upon the country. Wherefore they pray judgment, etc.

Coombes & Coombes

Attorneys for said Respondents.

10 head of horses of the value of	$ 500.00
100 head of cattle of the value of	$ 100.00
30 Bee stands of the value of	$ 100.00
2 Wagons of the value of	$ 500.00
Household and Kitchen furniture of the value of	
Total value of personal property	$2900.00

Also 209 acres of land, lying and being situate in Dallas

No. 2358.

In Re the Estate of : In County Court of Dallas
-:- County, sitting in Probate
J. M. Tolliver, Deceased : Matters.

[illegible] Mrs. Mary J. Splawn, [illegible]
-ned by her husband Charley Splawn, and Mrs. Martha E. Cartwright, joined by her husband Sam Cartwright, [illegible] answering the application of Mrs. Eva Meeks joined by her husband J. C. Meeks, et als for partition and distribution of the estate of J. M. Tolliver deceased, herein filed on the 22nd. day of June, 1897, present the following, to-wit:--

1. Said respondents except to said application, and say that the same is insufficient in law. Wherefore etc.

Coombes & Coombes
Attorneys for said Respondents

2. And now come said respondents, and deny all and singular the allegations in said application contained; and of this they put themselves upon the Country. Wherefore they pray judgment, etc.

Coombes & Coombes
Attorneys for said Respondents.

And said Mrs. Mary J. Splawn and her husband Charley Splawn, and Martha E. Cartwright and her husband Sam Cartwright, further answering herein, say: that heretofore, to-wit: on or about the 19 day of May, 1854, said J. M. Tolliver and his wife Elizabeth Tolliver were married in the County of -------- and State of Tex-

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[illegible] that said J. M. [illegible] and wife Elizabeth Tolliver, resided for a great many years in the County of Dallas and State of Texas, that said J. M. Tolliver and Elizabeth Tolliver lived together as husband and wife from the date of their said marriage until the death [illegible] which occurred about the 12th. day of June, 1874, and that during said time they so lived together as husband and wife they amassed a large amount of property both personal and real; that on said 12th. day of June, 1874, said Elizabeth Tolliver departed this life upon the homestead in Dallas County, Texas, intestate, leaving her surviving as her sole heirs at law, her said children William H. Tolliver, Nancy Pemberton (formerly Tolliver), Martha E. Tolliver who has since married Wm. Kelly, Clara Tolliver, who has since married John Carver, Francis Tolliver, who has since married J. W. Parker, and Robert Tolliver, and Mary Ann [illegible] (formerly Tru-itt) a child by a former marriage.

That at the date of the death of the said Elizabeth Tolliver, she and her said husband J. M. Tolliver, were seized and possessed of the following described property, personal and real, belonging to the community estate of the said Elizabeth Tolliver and J. M. Tolliver, to-wit:-

80 head of cattle of the value of	$1200.00
10 head of horses of the value of	$ 500.00
100 head of hogs of the value of	$ 100.00
36 Bee stands of the value of	$ 100.00
2 Wagons of the value of	$ 100.00
Household and Kitchen furniture of the value of	$ 100.00
Total value of personal property	$2900.00

Also 369 acres of land, lying and being situate in Dallas

and Kaufman Counties Texas, and described as follows,-

On the waters of the East fork of the Trinity River about 16 1-2 miles S. 82 E. from the City of Dallas and being the land to which he is entitled by virtue of certificate No. 912 issued May, 21 [illegible] Beckner for 640 acres, and 280 acres thereof transferred by said Paul. Beckner to the above named assignee, J. M. Tolliver, July 16th. 1858.

Beginning at a stake at the edge of East fork bottom, 800 vrs N. 48 E. from the East corner of Alb. Moore's 320 acre survey, a Locust 6 in. brs. S. 11 W. 8 vrs and 3 Ash from the same root brs. N. 48 E. 34 vrs; Thence N. 45 E. 1110 vrs to the East line of Dallas County, in all 1600 vrs to a stake in low bottom, a boiled Ash 12 in. brs. S. 84 E. 6 1-2 vrs, an Elm 4 in. brs. S. 70 W. 6 vrs. Thence N. 45 W. 800 vrs to a stake in a thicket an Elm 4 in. brs. N. 40 W. 18 vrs; Thence S. 45 W. passing the E. corner of John Pikes preemption survey at 1360 vrs. in all 1600 vrs. to a stake in said thicket an Elm 6 in. brs. N. 5 W. 7 vrs. a do. brs. N. 1 E. 8 vrs. Thence S. 45 E. 250 vrs to the beginning.

Also 640 acres of land in Dallas and Kaufman Counties Texas, 320 acre thereof located by virtue of a certificate issued in the [illegible] and the other 320 acres thereof located by virtue of a certificate issued in the name of [illegible] said certificates being located or located 20 and 40 in the Dallas and Kaufman Counties. A better description of said 640 acres your respondents are unable to give.

That said all property owned and held by Elizabeth Tolliver or J. M. Tolliver, either or both, at and prior to the date of the death of the said Elizabeth Tolliver, belonged to the community estate of

the said Elizabeth Tolliver and J. M. Tolliver.

That upon the death of the said Elizabeth Tolliver her 1/2 of said community property descended to and vested in her said seven children, to-wit: W. H. Tolliver, Nancy C. Pemberton, Martha Tolliver, Ann Tolliver, [illegible] each being entitled to one-seventh thereof.

That there were no debts due from the estate of the said Elizabeth Tolliver, that there has been no administration upon said estate and that there is no necessity for an administration upon same.

That said community estate of said Elizabeth Tolliver and J. M. Tolliver has never been partitioned between said J. M. Tolliver and the heirs of said Elizabeth Tolliver, and that no partition has been made of said community estate of said Elizabeth Tolliver to divide community estate among the heirs of said Elizabeth Tolliver.

That upon the death of the said Elizabeth Tolliver, the said J.M. Tolliver took possession of all of said community property, both personal and real, and has managed, controlled and disposed of the same in such manner as to him seemed best for the interest of all parties at interest, to-wit: himself and said W. H. Tolliver, Nancy C. Pemberton, Martha Tolliver, Sweet Tolliver, Alsen Tolliver, Robert Tolliver and Mary Ann Miller, and has so handled said property, with the rents, revenues and increase thereof from the said Elizabeth Tolliver's said 12 day of June, 1874, until the death of said J. M. Tolliver, on or about the 8 day of December, 1896, and has rendered no account of the same to these respondents.

That during said time said J. M. Tolliver has enhanced the value of said community estate, said property enhanced greatly in value, and that said cattle and horses increased greatly in number.

Each and all, and Tolliver during his life time made large advancements out of XXXXX the community funds or funds derived from the community estate of himself and his said wife Elizabeth Tolliver, to each of the applicants herein in their said application herein filed [illegible] of said J. L. Tolliver [illegible] the amount of $1000.00 each.

That said J. L. Tolliver never made any advancements to these respondents said Mary J. Splawn wife of Charley Splawn, and Martha E. Cartwright wife of Sam Cartwright, or to the minors Jesse Lee Pemberton, Melvina J. Pemberton and Joseph G. Pemberton or to their said mother said Nancy Pemberton, Deceased.

That on the 9th. day of December, 1896, said J. L. Tolliver departed this life intestate, in Dallas County, Texas, leaving him surviving as his sole heirs at law, said applicants therein Mrs. Eva Meeks, Mrs. Georgia Brown, Mrs. Mary A. West, Mrs. Sarah Paton, Wm. H Tolliver, Mrs. Martha J. Kelley, R. L. Tolliver, Mrs. Francis Parker, and Lillie, Hattie and Mary Carver minors, and our respondents, said Martha E. Cartwright, and Mary J. Splawn, also the minors, said Jesse Lee Pemberton, Melvina J. Pemberton and Joseph G. Pemberton.

That at the death of the said J. L. Tolliver, his one-ninth interest in said community estate of himself and Elizabeth Tolliver [illegible] To Mrs. Eva Meeks and Georgia Brown one-ninth interest thereof, to Mary A. West, Sarah Paton, Wm. H. Tolliver, Martha J. Kelly, Robert L. Tolliver each one-ninth thereof, and one-ninth thereof to Lillie, Hattie and Mary Carver, and one-ninth thereof to Martha E. Cartwright Mary J. Splawn, Jesse Lee Pemberton, Melvina J. Pemberton and Joseph G. Pemberton.

That at the date of the death of the said J. M. Tolliver in addition to the property set out and described in the inventory and appraisement herein filed on the 17 day of Feby 1897, said J. M. Tolliver had on hand belonging to the community estate of himself and wife, [illegible] to-wit; 640 acres of land in Kaufman County, Texas, a complete description of which these respondents are unable to give, the title papers to the same being in the hands of the applicants Meeks et al. Also a large amount of personal property, of which your respondents are unable to give any description, same having been appropriated by all the applicants named in said application herein filed (except Mrs Eva Meeks and Mrs. Georgia Brown) to their own use and benefit, immediately preceding and succeeding the death of said J. M. Tolliver. That the personal property appropriated by said applicants was of the reasonable market value of Five Thousand Dollars.

That all of said property, personal and real, above set out, and described, and all that property not set out and described in said inventory and appraisement herein filed, belonged to the community estate of the said J. M. Tolliver and Elizabeth Tolliver, or was purchased and paid for with moneys and funds belonging to or derived from said community estate.

That on the [illegible] Nancy Pemberton (formerly Tolliver), wife of Henry Pemberton, and daughter of said J. M. Tolliver and Elizabeth Tolliver, departed this life intestate in Tarrant County, Texas, leaving her surviving as her sole heirs at law, her said husband Henry Pemberton, and her children, namely Mary J. Spiesen, Martha E. Cartwright, James Lee Pemberton, Melvina J. Pemberton and Joseph A. Pemberton.

That at the date of the death of the said Nancy Pemberton, or in-

[illegible] said Nancy Pemberton as heir at law of her said mother said Elizabeth Tolliver in and to the one-half interest of said community property belonging to said Elizabeth Tolliver and J. M. Tolliver, descended to and vested in her said husband, and her said children [illegible]

Henry Pemberton, and the other half to Mary J. [illegible] Martha E. Cartwright, Jesse Lee Pemberton, Melvina J. Pemberton and Joseph G. Pemberton, and a life estate and one-third of the real property descended to and vested in said Henry Pemberton, and the balance descended to and vested in her said 5 children subject to the life estate of the said Henry Pemberton.

That at the date of the death of the said J. M. Tolliver, the one-ninth interest of the said Nancy Pemberton, deceased, in and to [illegible] M. Tolliver in and to the community estate of said J. M. Tolliver and Elizabeth Tolliver, descended to and vested in her said 5 children, Mary J. Spivey, Martha E. Cartwright, Jesse Lee Pemberton, Melvina J. Pemberton and Joseph G. Pemberton.

That said Jesse Lee, Melvina J. and Joseph G. Pemberton are minor and that said Henry Pemberton has applied to the Probate Court of Tarrant County, Texas, for Letters of Guardianship for said minors.

Wherefore premises considered, your respondents pray, that said Henry Pemberton be cited to appear and answer herein, and your respondents further pray, that the estate of the said Elizabeth Tolliver be partitioned from the estate of the said J. M. Tolliver. XX that the applicants be charged with the advancements made them by said J. M. Tolliver, and that said applicants be charged with the appropriation made by them of said personal property, and your res-

pondents further pray, that said applicants be required to file in this Court the title papers to said 640 acres of land in Kaufman County and that said 640 acres of land be included and partitioned herein, and for all general and special relief to which they may be entitled either at law or equity.

Coombes & Coombes

Attorneys for said Respondents.

No 2259

In Re Estate of
J. M. Tollison Dec'd

Original Answer
of Respondents
Mary J. Splawn
and Martha E. Partwright

Filed July 5. 1897
C. A. Jackson
Co. Clerk
By H. Dayton D.C.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No. 186—INVENTORY AND APPRAISEMENT OF ESTATE — Dorsey Printing Co., Printers, Stationers and Binders, Dallas, Texas—794500

INVENTORY AND APPRAISEMENT Of the property belonging to the estate of J. M. Tolliver deceased, produced before us, the undersigned appraisers, on the 10 day of Feby A. D. 1897, by T. P. Sumner of the estate of the said J. M. Tolliver deceased:

Real Estate	$
569 acres of Land in Dallas & Kaufman Counties	6600
1 House & Lot in the town of Forney " "	800
	7400

Personal Property and Claims,	$
House hold and Kitchen Furniture	40 50
7 Head of Horses	150
1 Sulkey Plow	20
1 Stalk Cutter	15
3 Double Shovels 1 Scraper &c	7 50
1 Set Wagon Harness & 1 extra Collar	15
100 Bushels Corn	35
Open accounts	
J B Eaton	225
R. L Tolliver	32
Wm Kelley	38 75
J. W Parker	62 95
Wm Tolliver	15 88
	797 83

Over Ford

Bert Ford	$994.83
Notes	
Forney Hdw Co	70.70
D.H. Hill Et als	10
Mrs Miller	35
W.L. Segraves Et als	5
C.F. Dobell	60
J.W. Parker	325
J.B. Eaton	62
J.B. Brooks 2 notes $150.00 Ea	300
R.L. Tolliver	340
A.J. & W.F. Tribble	38.50
J.L. Blaustt Et als	122
L.M. & J.K. Auld	16.50
T.M. & J.A. Swan	78.15
J.D. Feagin et als	14.50
Cash in Bank at Forney (National Bank of Forney)	$115.60
	$1132.78

The State of Texas,
County of Dallas

We, the undersigned, duly appointed and legally qualified Commissioners, appointed to appraise the property belonging to the estate of J. M. Tolliver deceased, do solemnly swear that the foregoing is a full and complete inventory of the property belonging to said estate, both real, personal and claims, that was produced to us for appraisement by T. P. Summers and that the amount set opposite each item is a full and fair appraisement thereof.

L. C. Stewart
L. H. Lawrence
J. C. Ruegel
Commissioners.

Sworn to and subscribed before me this 10th day of February A. D. 1897

W. R. Poynter
Notary Public in Dallas Co Tex

The State of Texas,
County of

Before me W. R. Poynter a Notary Public, in and for said County and State, on this day personally appeared T. P. Summers Temporary Administrator of the estate of J. M. Tolliver deceased, who, being duly sworn, on oath says that the list of property produced by him to the appraisers of said estate for appraisement contains a full and complete list of all the property belonging to said estate, both real, personal and claims, that has come to his knowledge.

T P Summers
Temp. Administrator

Sworn to and subscribed before me this 10th day of February A. D. 1897

W. R. Poynter
Notary Public Dallas Co Texas

No. 2259

Estate of J M Polivindor

INVENTORY AND APPRAISEMENT.

Filed Feby 17 = 1897

R G Jackson Clerk

County Court, Dallas County, Texas,

By A M McKellow Deputy.

Dorsey Printing Co., Dallas, Texas—794500

Fee

1 Day & ach for

L. C. Stewart

Geo Lawrence

J. C. Rugel

Feby 17 - 1897

Examined and

approved

M Mullins Jr

Co. Judge

Recorded

All Land Except Forney property is Community Estate. To be divided according to quantity quality and Value as follows.

Mrs. Miller	37 acres.		1
W H Poliver	65 7/9 + 1/9	Forney P	1
R L. Poliver	65 7/9 + 1/9	" P	1
Heirs Fanny Pinkerton	65 7/9 + 1/9	" P	1
Heirs Clarissa Corner	65 7/9 + 1/9	" P	1
Mrs Parker	65 7/9 1/9	" P	1
Mrs Kelly	65 7/9 1/9	" P	
Mrs West or Atwood	28 4/9 1/9 of	Forney Property	
~~Heirs~~ Mrs. Easton	28 4/9 1/9 of	Forney Property	
Heirs Geo Poliver Dec'd.	28 4/9 1/9 of	"	"
	518 acres.		

0 0

Debts due Estate.

W H Poliver	$370.15	& int if any
Mary A Atwood	130.40	" " " "
John Corner	276.70	" " " "
J.B. Easton	190.35	" " " "
W D Kelly	88.10	" " " "
R.L. Poliver	491.60	" " " "
J W Parker	566.35	" " " "

These figures to be entered by registrar when debt is shown (not claimed) but not considered by figures

0

Estate due Mrs West $310.00
The rents $280 to pay R L. Poliver $ for improvements.
All Cash over debts due by Estate and personally and Forney property considered as separate estate of the Husband J. M. Poliver
All rents to follow the real estate as above divided.

John Corner shall have a life estate
in the 65 7/9 acres & interest 1/9 of Forney
property set apart to his Children.

The life estate of 1/2 of 65 7/9 + 1/9 of Henry Pembertons to be
set a part to his heirs in 65 7/9 and 1/9
of the Forney property

~~See R. L. Tucker $1.40 pr estate~~

All cost accrued shall be paid
from funds on hand the
cost of partition and expenses
hereafter to accrue paid by the
heirs proportionally except Mrs Miller who
pays her share of partition ~~except~~ expenses only
Commissioners agreed upon

Jno Lyons Honely
Chas ~~John H.~~ E. Brown Surveyor O.C.
Chas Woodson, ~~Kelly~~ Smoplin

Memorandum
For
Judgement on
Power estate

Agreed Judgment
for by all the heirs
and attys - Jan -
6th 1898. assembled
for that purpose
and by unanimous
vote of heirs attys
and administrator
T P Summers.

In Re, The Estate of J. M. Toliver, I

Deceased. I

Hon. Kenneth Foree, County Judge, Dallas County, Texas.

We the undersigned Commissioners appointed January 9th, 1899 ~~A.D.~~ A.D. partition of the Estate to act in the matters pertaining to the above named ~~cause~~, met upon the lands in controversy ~~herein, which lands are described as follows:~~ as per your instructions and proceeded to make division of same as follows; we found, the following described tracts of land to wit:

1st A tract of 269 acres, known as the Benj. Beckner survey, situated in Dallas County, Texas.

2nd A tract of 99 acres, patented to heirs of Samuel P. Birt, situated in Kaufman County, Texas.

3rd A tract of land, out of the J. S. Ramsey League, sold by Wm. Burgett to the said J. M. Toliver, containing 150 acres, more or less.

4th A tract of land in the Town of Forney, Kaufman County, Texas, 260x258 feet, with its improvements.

All of which real estate we value at the sum total $10700.00.

We further show that the personal property mentioned in your writ of partition is as follows: Cash and debts $3369.65, Rents cash $527.00 and 100 bushels of Corn valued at $20.00, which said lands and personal property we have partitioned between the part owners thereof as decreed in your said writ and which division of real estate is set forth in accompanying plat, which is made a part of this report.

We have allotted to the minor heirs of J. A. Carver, towit: Lillie Carver, Hattie Carver and Mary Carver, Lot #1, containing 100 acres, valued at $1184.60, and decribed as follows:- Beginning at the South corner of the Benj. Beckner 278 acre survey, a locust 6" bears S. 11° W. 3vrs. a three prong ash bears N. 66° E. 34 vrs.; Thence S. 45° W. with N. W. line of J. S. Ramsey survey 560 vrs. to the West corner of the Wm. Burgett land double locust 8" bears N. 45° W. 4 vrs; Thence South 45° E. 815 vrs. to corner on bank of East Fork of Trinity River. Thence up the said river with its meanders 1456 vrs to the South corner of Block A of Lot #2 a hack berry 9" bears N. 22° E. 2½ vrs a do. 20" bears N. 53° W. 4½ vrs; Thence N. 45° W. 615 vrs to the place of beginning.

We also find that J. A. Carver for his proportional share of the personal property, etc., to be divided according to your decree is entitled to $198.00, less $25.00 deducted in favor of ~~self~~ Julius F. House, leaving a total balance of $173.00 to be paid to the said J. A. Carver.

We have allotted to Mrs. Sarah Eaton, Block A out of Lot #2, containing 54 acres, valued at $712.50, and more fully described as follows: Beginning at the South corner of the Benj. Beckner 278 acre survey a locust 6" bears S. 11° W. 3 vrs. a three prong ash bears N. 66° E. 34 vrs; Thence N. 45° W. 514 vrs to a corner a 14" elm bears S. 56½° e. 3 vrs. a leaning bois d'arc 8" bears N. 38°45" W. 5½ vrs. Thence N. 45° E. 250 vrs. a stake for corner. Thence S. 45° E/ at 514 vrs. across S. E. line of said Beckner survey in all 1292 vrs. to corner on bank of East Fork, a 12" bois d'arc bears N. 10° 15" W. 3 vrs. an 18" ash bears S. 36° 15" W. 6 vrs; Thence down the said river with its meanders 312 vrs. to the East corner of Lot #1 a hackberry 9" bears N. 22° E. 2½vrs. a do. 20" bears N. 53° W. 4½ vrs.; Thence N. 45° W. with the N. E. line of said Lot #1 615 vrs to the place of beginning.

We further find that the said Mrs. Sarah Eaton is entitled to as her proportional share of the personal property, etc., to be divided $272.00.

We have allotted to Mrs. Mary A. Atwood as her share of said real estate Block B, out of Lot #2 as shown by attached map, containing 58 acres, valued at $712.50, and more fully described as follows: Beginning at the West corner of Lot #3 500 vrs. N. 45° E. from the N. W. line of the said Beckner survey a 14" bois d'acr bears N. 56° 30" W. 24 vrs. a 16" elm bears S. 86° 45" W. 32 vrs; Thence S. 45° E. at 514 vrs. across the S. E. line of said Beckner survey in all 1271 vrs. to corner on bank of East ~~For~~ Fork a 12" bois d'arc bears S. 25° E. 1 vr. a 20" hackberry bears N. 19° 30" E. 8 vrs; Thence down the said river with its meanders 256 vrs. to ~~the~~ East corner of Block A a 12" bois d'arc bears N. 10° 15" W. 3 vrs. and 18" ash bears S. 36° 15"W. 6 vrs. Thence N. 45° W. at 778 vrs. across S. E. line of said Beckner survey in all 1292 vrs. to stake for corner; Thence N. 45° E. 250 vrs to the place of beginning.

We find further that the said Mrs. Mary A. Atwood is entitled as her

proportional share of the personal property, etc., hereby divided is $427.00

We have allotted to Mrs. Martha Kelly Lot #3 as shown by the plot hereto attached, containing 109 acres, valued at $1484.00, more particularly described as follows:- Beginning at the North corner of Block B of Lot #2 a point 500 vrs. N. 45° E. of the N. E. line of said Beckner survey a 14" bois d'arc bears N. 56° 30' W. 24 vrs. a 16" elm bears S. 86° 45' W. 32 vrs; Thence S. 45° E. at 14 vrs. cross S. E. line of said Beckner survey in all 1271 vrs. to corner on bank of East Fork a 12" bois d'arc bears S. 25° E. 1 vr. a 20" hackberry bears N. 19° 30' E. 8 vrs; Thence up said river with its meanders 576 vrs to corner on bank of river a 22" pecan bears N. 15° 30' E. 16 vrs. an 8" hackberry bears S. 13° W. 16½ vrs; Thence N. 45° W. at 553 cross S. E. line of Beckner survey in all 1067 vrs to corner a 12" bois d'arc bears N. 53° 45' W. 40 vrs. an 8" bois d'arc bears N. 59° 40' E. 46 vrs. Thence S. 45° W. 500 vrs to the place of beginning.

We further find that the said Mrs. Martha Kelly as her proportional p part of the personal property, etc., to be divided according to your decre is entitled to $160.00 and we further find that Mrs. Martha Kelly shall be paid $140.00 in cash and allowed the 100 bushels of Corn now on premises set aside to her which we have valued at $20.00, making the sum total due her $160.00.

We have allotted to Mrs. Frances Parker, Lot #4 as per attached plat containing 119 acres, valued at $1165.00, and more particularly described as follows:- Beginning in the N. E. line of the Benj. Beckner survey at a point 257 vrs. S. 45° E. from the North corner of same, a 3" bois d'arc bears S. 70° W. 10 vrs. a 4" do. bears S. 27° 45' W. 11½ vrs. Thence S. 45° W. 604 vrs to corner a 6" ash bears N. 82° 30' E. 2 vrs. a 10" ash bears S. 74° 30' W. 7 vrs. Thence S. 45° E. at 187 vrs. past North corner of Lot #3 at 701 vrs cross S. E. line of said Beckner Survey in all 1254 vrs. to corner on bank of East Fork a 22" pecan bears N. 15° 30' E. 16 vrs an 8" hackberry bears S. 13° W. 6½ vrs. Thence up said river with its meanders 693 vrs. to corner an 8" ash bears S. 81° 45' W. 3½ vrs. a 30" Cotton wood bears N. 86° 45' E. 2½ vrs; Thence N. 45° W. at 445 vrs. the East

corner of said Beckner survey in all 1146 vrs. to the place of beginning.

We further find that the value of said Lot #4 exactly off-sets the interest of said Mrs. Frances Parker, and consequently there is no proportion of the personal property, etc., to her credit.

We have allotted to Mrs. Eva Meeks Block A Lot #5, containing 10½ acres valued at $310.00, and said lot is more particularly described as follows: Beginning at the S. W. corner of the Reub Rowe 176 acre tract thence East 790 vrs. to a corner on the bank of East Fork, an ash 16" bears S. 70½ E. 3 vrs. a cottonwood 48" bear N. 68° E. 4 vrs. Thence down said river with its meanders 80 vrs. to corner a 16" spotted oak bear S. 3° 45' E. 14½ vrs. an 18" bois d'arc bears N. 45° 30' W. 16 vrs. Thence West 780 vrs. to corner in lane on old county line. Thence N. 75 vrs/ to the place of beginning.

We further find that the said Mrs. Eva Meeks is entitled as her proportional share of the personal property, etc., to be divided as per your decree $205.00 cash.

We have allotted to Mrs. Georgia Brown Block B, Lot #5 as per attached map or plat, containing 11½ acres, valued at $310.00, and more particularly described as follows:- Beginning in the old county line in the lane at a point 75 vrs. South from the S. W. corner of the Rube Rowe 176 acre tract, Thence South with the South line of Block A 780 vrs to corner on bank on East Fork a 16" spotted oak bears South 3°45' E. 14½ vrs. an 18" bois d'arc bears N. 45° 30' W. 16 vrs. Thence down the said stream with its meanders 113 vrs. to corner, an 18" spotted oak bears S. 10° 30' W. 4½ vrs. a 12" burr oak bears N. 37 ° W. 9½ vrs; Thence W. 1040 to corner on county line in lane, Thence N. 75° W. to place of beginning.

We further find that the proportional share of said Mrs. Georgia Brown in personal property, etc., to be divided amounts to $205.00.

We have allotted to Mrs. Mary A. Miller, Block C out of Lot #5, as per plat hereto attached, containing 72 acres, valued at $701.00, and more particularly described as follows: Beginning at a point in the old county line in lane 150 vrs. South of S. W. corner of Rube Rowe 176 acre tract, Thence East with South line of Block B 1040 vrs. to corner on bank of East Fork and 18" spotted oak bears S. 10° 30' W. 4½ vrs. a 12" burr oak bears

N. 37° W. 9½ vrs.; Thence down said stream with its meanders 1174 vrs. to corner, an 8" ash bears S. 81° 45' W. 3½ vrs. a 30" cottonwood bears N. 86° 45' E. 2½ vrs; Thence N. 45° W. at 445 passing east corner of Beckner survey in all 949 vrs. to corner on said county line in lane, an 18" elm bears S. 85° 30' W. 65½ vrs. a 4" bois d'arc bears N. 87° 15' W. 3 vrs Thence North about 40 vrs. to beginning.

We further find that what small interest the said Mrs. Mary A. Miller was entitled to as her proportional share of the rents on hand is absorbed in the value of the land set aside to her.

We have allotted to W. H. Toliver, Lot #7 as shown by attached plat, containing 54½ acres, valued at $1324.00, which is more particularly described as follows:- Beginning at the North corner of the Benj. Beckner survey a 4" elm bears S. 70° E. 1½ vrs; a double elm 12" bears S. 40° W. 1 15 vrs; Thence S. 45° W. 802 vrs. to corner, a 7" pecan bears N. 86° 30' E 9 vrs. a 8" pecan bears S. 37° W. 13vrs; Thence S. 45° E. 444 vrs. to corner on N. W. line of Lot #3, a 14" hackberry bears S. 75° 30' W. 21 vrs. a 10" do. bears N. 29° W. 29 vrs. Thence N. 45° E. 198 vrs. to corner on S. W. line of Lot #4, a 12" bois d'arc bears N. 53° 45' W. 40 vrs. an 8" bois d'arc bears N. 59° 40' E. 46 vrs. Thence N. 45° W. 187 vrs. to corner a 6" ash bears N. 82° 30' E. 2vrs. a 10" do. bears S. 74° 30' W. 7 vrs Thence N. 45° E. 604 vrs. to corner in N. E. line of said Beckner survey, a 3" bois d'arc bears S. 70° W. 10 vrs. a 4" do. bears S. 27° 45' W. 11½ vrs. Thence S. 45° E. 197 vrs. to corner in old county line in lane, an 18" elm bears S. 85° 30' W. 65½ vrs. a 4" bois d'arc bears N. 87° 15' W. 3 vrs. Thence North to said county line at 190 vrs. passing the S. W. corner of Rube Rowe survey in all 431 vrs. to corner in lane in ravine, a 12" Honey Locust bears S. 79° E. 12 3-4 vrs. an 8" elm bears N. 88° E. 8½ vrs. Thence West 100 vrs. to stake, Thence S. 19° W. to corner on the N. E line on said Beckner survey, a 7" elm bears N. 9° E. 6 vrs. a 7" do. bears S. 84° W. 2½ vrs. Thence N. 45° W. 196 vrs. to place of beginning.

We further find that the said W. H. Toliver is entitled as his proportional share of the personal property, etc., to be divided $4.00 cash.

We have allotted to Mrs. Martha E. Cartwright, Block C out of Lot #8

as shown by the accompanying plat, containing 10½ acres valued at $196.00, more particularly described as follows:- Beginning at a point in the N. W. line of the Benj. Beckner survey 802 vrs. N. 45° E. on the West corner of said survey this being also the West corner of Lot #7, a 7" pecan bears N. 86° 30' E. 9 vrs. an 8" pecan bears S. 37° W. 13 vrs. Thence S. 45° E. 444 vrs. to corner, a 14" hackberry bears S. 75° 30' W. 21 vrs. a 10" do. bears N. 29° W. 29 vrs. Thence S. 45° W. 133 7-10 vrs. to corner, Thence N. 45° W. 444 vrs. to corner in the N. W. line in said Beckner survey, Thence N. 45° E. 133 7-10 vrs to place of beginning.

We find further that the said Mrs. Martha E. Cartwright is entitled a as her proportional share of the personal property, etc. to be divided to $37.00 cash.

We have allotted to H. F. Schwerr, assignee of Mary J. Splawn, Block B, out of Lot #8, as per attached plat, containing 10½ acres, valued at $196.00, being more particularly described as follows:- Beginning at a point in the N. W. line of the Benj. Beckner Survey 535 vrs. N. 45° E. from the West corner of said survey, Thence S. 45° E. 444 vrs. to corner Thence N. 45° E. 133 6-10 vrs. to corner, Thence N. 45° W. 444 vrs. to corner in N. W. line of the said Benj. Beckner survey, Thence S. 45° W. 133 6/10 vrs. to place of beginning.

We further find that the proportional share of the said H. F. Schweer assignee of Mary J. Splawn in personal property, etc., to be divided amounts to $39.00.

We have allotted to the minor heirs of Henry Pemberton, namely: J. L. Pemberton, M. J. Pemberton and J. G. Pemberton, Block A, out of Lot #8, containing 42 acres, valued at $785.00 and more particularly described as follows:- Beginning at the West corner of the Benj. Beckner survey a 6" elm bears N. 5° W. 7 vrs. a do. bears N. 1° E. 8 vrs. Thence S. 45° E. 444 vrs. to corner a 14" elm bears S. 56° 15' E. 3 vrs. a leaning 8" bois d'arc bears N. 38° 45' W. 5 3/4, Thence North 45° E. at 5000 vrs. pass North corner of lot #2, and West corner of Lot #3, a 14" bois d'arc bears N. 56° 30' W. 24 vrs. a 16" elm bears S. 86° 45' W. 32 vrs. in all 535 vrs to corner, Thence N. 45° W. 444 vrs. to corner in N. W. line of said Beckner survey, Thence S. 45° W. 535 vrs. to place of beginning.

We further find that the proportional share of the minor heirs in the personal property, etc., to be divided as set out in your writ of partition amounts to $154.00. It is here explained that the life interest of Henry Pemberton consisting of 1/6 interest in the said Lot #8 as shown by the attached map was also set aside to the said minor heirs of said Henry Pemberton and is included in the said Block A of Lot #8 as shown by the said map.

We have alotted to R. L. Toliver, Lot #6, as per the accompanying plat, containing 38 acres, valued at $353.00, and more particularly described as follows:- Beginning at the N. E. corner of the Rube Rowe 176 acre tract a 15" bois d'arc bears N. 12° E. 3 vrs. a 24" ash bears N. 53° W. 3 vrs. Thence East 71 vrs. to corner a 12" bois d'arc bears N. 33½° E. 12 vrs. a 10" hackberry bears S. 36° W. 7 vrs. Thence S. 45° E. at 410 vr s. to bank of East Fork, in all 576 vrs. to stake in old field, Thenec S. 45° W. at 680 vrs. bank of river in all 698 vrs. to other bank of river to stake for corner, Thence up said stream with its meanders at 10 vrs. pass S. E. corner of Block A. lot #5, a 16" spotted oak bears S. 3° 45' E. 14½ vrs. an 18" bois d'arc bears N. 45° 30' W. 16 vrs. in all 90 vrs. to the S. E. Corner of said Rube Rowe 176 acre tract on bank of said stream, a 16" ash bears S. 70½° E. 3 vrs. a 48" cottonwood bears N. 68° E. 4 vrs. Thence N. 815 vrs. to the place of beginning. As a further portion of his share of real estate, we have allotted to him the house and lot in Fer Ney, valued at $1000.00 and more particularly described as follows: Beginning at the North corner of a tract of land belongs to E. P. Shands, Thence N. 45° E. 260 feet, Thence N. 45° W. 258 feet, The S. 45° W. 26o feet, Thense S. 45° E. 258 feet/ out of the John Geiff Survey, Kaufman Co, Tex.

We further find that the proportional share of said R. L. Toliver in the personal property, etc., to be divided as per your weit of partition, amounts to $28.00.

We find from the instruction of the court that T. P. Summers is entitled to cash $50.00; that T. F. Nash is also entitled to be paid $50.00 ma making a total of $1oo.00, which amount was deducted from the sum of personal property on hand before said division was made and was so set aside

as per your instructions. We find that ~~Jeff~~ Tubert House, guardian ad litem for the Carver children is entitled to $25.00, which we recommend to be paid to him, the same having been deducted from the part set aside as the share of J. A Carver. ~~[illegible]~~

We would further represent that the expenses attached to making this partition is as follows:

For locating Sirt Survey in 1898.		80.00
Expenses of making partition, as below.		136.50
		$216.50

Alfred Summers, Commissioner 7 days @ $2.	14.00
Jas. Lyons, Commissioner 10 days @ $2.00,	20.00
~~C. E. Brown~~	
C. E. Brown, Commissioner 10 days @ $2.00	20.00
C. E. Brown, Surveyor 13days @ $5.00	65.00
W. H. Toliver, ax-man 5 days at $1.00	5.00
R. L. Toliver, ax-man, 5½ days @ $1.00 per day.	5.50
J. W. Parker, ax-man, 5½ days @ $1.00 per day	5.50
A. I. Jones, Stenographer,	1.50

To All of which we subscribe under oath.

James Lyons
C E Brown
A R. Summers

Sworn to and subscribed before me by each of the above named commissioners on this 11th day of March A.D. 1899

A Jackson Clerk County Court Denton County Tex
By H McKelton deputy

✓ 2209.

Estate of
J. M. Tolliver Decd.

Report of Commissioners of Partition

1 May 1899

Report of Commissioners approved and ordered of record

[illegible]
Co Judge

[illegible] 9

[illegible]

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In Re

THE STATE OF TEXAS,

To Jim Lyons, Housely, Texas; Charlie E. Brown, Oak Cliff, Texas, & Charles Woodson, Simonds Tex, GREETING:

YOU ARE HEREBY COMMANDED to proceed forthwith to make partition and distribution of the lands and other property described in the decree hereto attached and belonging to the estate of J. M. Tolivr, Deceased, among the part owners thereof, in accordance with said decree, and make due report of your action hereunder to the Honorable County Court, of Dallas County, Texas, at the present term thereof—you, and each of you, having been heretofore on, to-wit: the 9th day of January, A. D. 1899; duly appointed by said Court, Commissioners to make such partition and distribution.

HEREIN FAIL NOT, under Penalty of the Law.

WITNESS, L. H. HUGHES, Clerk County Court, Dallas County Texas.

A. S. JACKSON.

GIVEN UNDER MY HAND and seal of office, this the 27 day of January 1899

A. S. JACKSON.

~~L. H. HUGHES,~~

Clerk County Court, Dallas County, Texas.

By A. S. Rawlins Deputy.

In Re, The Estate of J. M. Toliver, Deceased. | On this, 9th day of January,

T. P. Summers, Administrator. | 1899, this cause came on to be heard upon the final report and supplementary reports thereto, of the administrator herein, and upon ~~the~~ application for partition of the property shown by said reports to be in the hands of said administrator, came the administrator, T. P. Summers, in person and by attorney, Mary Ann Miller and her husband John Miller, W. H. Toliver, R. L. Toliver, Mrs. Francis Parker and her husband, J. W. Parker, Mrs. Martha Kelly and her husband William Kelly, Mrs. Mary Ann Atwood and her Husband W. T. Atwood, Mrs. Sarah Eaton and her husband J. B. Eaton, Mrs. Eva. Meeks and her husband J. C. Meeks, Mrs. Brown and her husband C. W. Brown Mary J. Splawn and her husband Charlie Splawn, Mrs. Martha E. Cartwright and her husband Sam Cartwright, H. F Schweer, J. A. Carver and Henry Pemberton, each appeared in person and by attorney, except the said Mary J. Splawn, Mrs. Eva Meeks and Mrs. Martha Kelly whose waiver of Citation and notice is on file among the papers of this cause, and the minors, Lillie Carver, Hattie Carver ~~and Mary Carver~~ and Mary Carver, by their guardian ad litem, Julius F. House, and by attorney, and the Minors Jesse Lee Pemberton, Melvina Josephine Pemberton and Joseph Gideon Pemberton, by their legal guardian, the said Henry Pemberton, and by attorney, and each and all of said parties announced them-selves ready for trial, and it appearing to the Court from the record after an inspection thereof, that each of said minors hereinbefore named had been duly served with citation herein as required by law and for the length of time required by law. Thereupon the Court ordered the trial to proceed, and all matters of law and facts being submitted to the Court, and after hearing all the evidence and argument of counsel, and after fully considering and understanding the law applicable thereto, the Court finds as matters of fact from the evidence, that J. M. Tol-

[illegible] and Elizabeth Toliver, both now deceased, were husband and wife, and that Elizabeth Toliver departed this life in Dallas County, June 12, 1874, intestate, and left surviving her as her sole heirs at law her husband, J. M. Toliver, and her daughter Mary Ann Miller, daughter of the said Elizabeth Toliver by a former marriage with Anderson Pruitt, and her children by the said J. M. Toliver, to-wit:-

W. H. Toliver, Nancy Pemberton, wife of said Henry Pemberton, Martha E. Toliver, now the wife of William Kelly, Clara Toliver, who afterwards married J. A. Carver, Francis Toliver, now the wife of J. W. Parker, and R. L. Toliver.

That on the 27th day of March, 1886, the said Nancy Pemberton departed this life intestate, leaving as her sole heirs at law, her husband, the said Henry Pemberton, and her children, Mary Jane Pemberton, now the wife of said Charlie Splawn, Martha E. Pemberton, Now the wife of said Sam Cartwright, and the said Minors, Jesse Lee Pemberton, Melvina Josephine Pemberton, Joseph Gideon Pemberton.

That on the 22nd day of October, 1892, the said Clarissa Carver departed this life intestate, leaving as her sole heirs at law, her husband, the said J. A. Carver, and her children the said minors, Lillie Carver, Hattie Carver and Mary Carver.

That on the 9th day of December, 1896, said J. M. Toliver departed this life, intestate, leaving surviving him as his sole heirs at law, the said Eva. Meeks, wife of J. C. Meeks, Mrs. Georgia Brown, wife of said G. W. Brown, who were the children and sole heirs of Geo. Toliver, deceased, long prior to the death of said J. M. Toliver, and grand- children of the said J. M. Toliver by a former marriage. Mary Ann West, now the wife of W. T. Atwood, and the said Sarah Eaton, wife of said J. B. Eaton, which said heirs were the children by a former marriage, and

prior to the marriage with Elizabeth Toliver, together with the said children of said Elizabeth Toliver, and the grand-children of said Elizabeth Toliver and J. M. Toliver, all of whom have hereinbefore been mentioned as heirs of Elizabeth Toliver, are alike, the heirs of J. M. Toliver, except Mrs. Mary Ann Miller, who is an heir to Mrs. Elizabeth Toliver alone.

The Court further finds that the estate is due Mrs. Mary Ann West, now Mrs. Atwood, the sum of $300.00 for personal services for caring for and waiting on J. M. Toliver during the last two years of his life.

That the estate is also due R. L. Toliver the sum of $140.00 for valuable improvements on said estate, and that the following heirs are due the estate, which said sums shall be added to the cash on hand for partition and division in ~~the~~ sums of money as follows, to-wit:

W. H. Toliver	$ 403. 65
Mary A. Atwood	147.70
Mrs. J. B. Eaton	90.35
Jno. A. Carver	350.00
Mrs. Martha Kelly	88.10
R. L. Toliver	491.60
J. W. Parker	567.00
Mary J. Splawn	30.00
Martha E. Cartwright	20.00
Total amount due estate	$2188.40

The Court further finds as a matter of fact that the real estate as follows, is the Community Estate of J. M. and Elizabeth Toliver deceased, to-wit:-

1st.

Benj. Beckner Survey, situated in Dallas County, Texas, patented to Jos. M. Toliver, assignee of Benj. Beckner, Patent No. 430,

Vol. 38,_____269 acres.

2nd. S. P. Birt Survey, situated in Kaufman County, Texas, patented to the heirs of S. P. Birt by patent No. 560, Vol" 16_____99 acres. which said tract of 99 acres is hereby charged with $80.00 expenses, which said amount was incurred in perfecting title to same 99 acres since the death of J. M. Toliver, Dec'd.

3rd. J. S. Ramsey survey, situated partly in Dallas and Kaufman Counties, each, conveyed to J. M. Toliver by Wm. Burgett and H. H. Hickok, by deed dated 28th day of February, 1881, recorded in Book 51, page 150, deed Records of Dallas County, Texas----------150 acres. making the sum total belonging to said community estate----- 518 acres.

The court further finds that all personal property together with a house and lot in Forney,Kaufman County,Texas,exclusive of rents as shown by the various reports of the administrator herein,is the separate estate of J.M.Toliver,as follows, to wit:

Ist. One house and lot in Forney,Texas,being the property conveyed to J.M.Toliver by T.Z.Butler and wife by deed dated Jan.6,I888,recorded in Book Y ,page 62I,deed records of Kaufman,County,Texas,

2nd. Cash on hand as shown by report of the administrator,$I809... except rents as shown by report of administrator as follows:cash,$527.75 and I00 bushels of corn,and which said rents shall be divided as is shown by the interest of the heirs in the 5I8 acres of real estate hereinafter set out and shown in this judgment,together with the $2I88.40 due by heirs as heretofore shown.

The court futher finds as matters of fact that Henry Pemberton,by deed duly executed and delivered,has conveyed to his said minor children Jessie Lee Pemberton,Malvina Josephene Pemberton and Joseph Cideon Pembeton,all his interest in said estate, and that all of his said interest

in said estate should be set aside and apart to the said minors mentioned.

The court futher finds as matters of fact, that John A.Carver is indebted to said estate,and that he has filed with the papers in this court a deed to a sufficient amount of property to cover said indebtedness in satisfaction of said debt to his said heirs.

Upon the foregoing facts, the court finds as matters of law and of fact,and it is ordered,adjudged and decreed by this court upon said findings of fact and of law,that said real and personal estate be divided as follows,to wit;

(I). That Mary Ann Miller have set apart to her I/I4 in value of all land belonging to said community estate, and I/I4 of all rents now on hand as shown by the reports of the administrator and supplementary reports thereto, in the sum of .....dollars.and I/I4 of the rent corn on hand.

(2).That W.H.Toliver have set apart to him as his interest 8/63 in value of the community estate, and 8/63 of all rents on hand shown by the administratr's reports and supplementary reports thereto now on hand, in the sum of .....dollars,together with I/9 of the value of the Forney property and I/9 of the total value of the money now on hand and debts due by various heirs,after all expenses have been paid,less a charge of $403.65 against his said interest in said estate,which the Court finds the said W. H. Toliver to be due said estate.

(3.) That R. L. Toliver shall have set apart to him as his interest 8/63 in value of all the community estate, together with 8/63 of all rents, shown by the reports and supplementary reports thereto of the administrator, now on hand, together with 1/9 of the value of the Forney property, together with 1/9 of the cash on hand and debts due by the various heirs to the estate, after all expenses have been paid; less a

charge of $491.60 against his interest in said estate, which amount the Court finds the said R. L. Toliver to be due said estate.

(4). That the heirs of Nancy Pemberton, to-wit: Mary J. Splawn, the wife of said Charles Splawn, and Martha E Cartwright, wife of the said Sam Cartwright, and the minors , Josie Lee Pemberton, Joseph Gideon Pemberton and Melvina Josephine Pemberton, have set apart to them each, an equal division of the 8/63 of the community estate which is hereby adjudged to be due as her interest, the said Nancy Pemberton, together with 8/63 of the rents now on hand, shown by the various reports of the administrator, and 1/9 of the value of the Forney property, and 1/9 of the amount of cash on hand and debts due by the heirs to said estate; after the payment of expenses as above set forth which said inheritance of the said Nancy Pemberton shall be equally divided among said heirs, except that the interest of Mary J. Splawn shall be charged with $20.00, and the interest of Martha E. Cartwright shall be charged with $30.00, which said amounts the Court finds they are due said estate. And it is decreed that the interest of the three said Minors be set a part to them jointly, and that the money and personalty due said minors be paid to their legal guardian, the said Henry Pemberton. It is further ordered, adjudged and decreed that the life estate of Henry Pemberton be set aside to the said minor heirs above mentioned, together with 1/3 of all rents due to the heirs of said Nancy Pemberton.

The Court further finds as a matter of fact, that for a valuable consideration and by deed duly executed on the 11th day of December, 1898, Mary J. Splawn, Joined by her husband C. T. Splawn, conveyed to H. F. Schwerr all their interest in and to the estate of J. M. and Elizabeth Toliver, Deceased.

It is therefore ordered, adjudged and decreed by the Court that the

~~interest~~

interests of said Mary J. Splawn and Charlie Splawn as above set forth be set apart and adjudged to the said H. F. Schweer.

(5). That the heirs of Clarissa Carver, to-wit: Lillie Carver, Hattie Carver and Mary Carver, shall have set a part to them 8/63 of the community estate jointly, which said 8/63 shall be divided among them in equal proportion, according to quantity, quality and value, giving to each of said heirs an undivided 1/3 in said 8/63 of said community estate.

It further appearing to the Court that the said heirs of Clarissa Carver are entitled to an 8/63 of all rents due the estate and now on hand, and 1/9 of the value of the Forney Property, and 1/9 of the total amount of personal property due by the various heirs, after paying expenses herein.

And it further appearing to the Court that the said John A. Carver, husband of the said Clarissa Carver, has conveyed to said minor heirs, Lillie Carver, Hattie Carver and Mary Carver, a sufficient amount of property to cover the said interest of said heirs of said Clarissa Carver in the separate estate of the said J. M. Toliver, as well also the rents due to said heirs.

It is therefore ordered, adjudged and decreed by the Court that the said John Carver have set aside to him the said interest of said minors in said separate estate of J. M. Toliver, to-wit:- 1/9 the value of the Forney Property, together with 1/9 of the personal property and debts due by the various heirs, after paying all expenses, and the said 8/63 of the said rents now on hand as shown by the various reports of the administrator herein, less the sum of $350.00 due the estate by the said John. A. Carver, which said amount of $350.00 the Court finds the said John A. Carver to be indebted to said estate.

(6) That Mrs. Francis Parker have set apart to her 8/63 of the Community estate, and 8/63 of the rents now on hand as shown by the various reports of the administrator, and 1/9 of the value of the Forney property, and 1/9 of the money now on hand, together with the debts due the estate by the various heirs after paying all expenses, less the sum of $567.00, which the Court finds the said Francis Parker to be due said estate.

(7) That Mrs. Martha Kelley have set apart to her as her interest 8/63 of said community estate, together with 8/63 of the rents now on hand as shown by the various reports of the administrator, and I/9 of the value of the Forney property, together 1/9 of the money and debts due by various ~~the~~ heirs, after the payment of all expenses herein, less $88.10 which the Court finds as a matter of fact the said Mrs. Martha Kelley is due to said estate.

(8) That Mrs. Mary A. Atwood have set apart to her as her interest in said estate 1/18 of the community estate, together with 1/18 of the rents and 1/9 of the value of the Forney property, together with 1/9 of the value of all personal property, including the debts and money due the estate by the various heirs, after payment of all expenses herein, less $147.70 which the Court finds the said Mary A. Atwood to be due the estate.

(9) That Mrs. Sarah Eaton shall have 1/18 the value of the community estate as her interest therein, together with 1/18 of the rents and 1/9 of the value of the Forney property, and 1/9 of all personal property including cash and debts due the estate by the various heirs, after the payment of all expenses, less the sum of $ 90.35, which said amount the Court finds the said Sarah Eaton to be due said estate.

(10) That the heirs of George Toliver, deceased, to-wit: Eva Meeks, wife of J. C. Meeks, have 1/36 as her interest in the community estate, ~~together with~~

together with 1/36 of the rents shown by the administrator's reports to be now on hand, together with 1/18 of the value of the Forney property, together with 1/18 of the personal property, including the debts due the estate by the various heirs, after the payment of all expenses herein. That Georgia Brown, wife of G. W. Brown, and Joint heir with Eva Meeks of the said Geo. Toliver, have as her interest in said estate 1/36 of the community estate, together with 1/36 of the rents now on hand together with 1/18 of the value of the Forney property, and 1/18 of the money now on hand and the debts due the estate by the various heirs, after the payment of all expenses herein.

It is further ordered, adjudged and decreed by the Court that the estate is due the administrator, T. P. Summers, the sum of $50.00 in addition to the amount due him as shown by his reports for his services in winding up ~~the~~ said estate. That the Estate is due T. F. Nash the sum of $50.00. That it is due R. L. Toliver the sum of $140.00 for improvements on said estate. That it is due Mary Ann Atwood the sum of $300.00 for personal services during the last two years of the life of J. M. Toliver deceased, which said amounts the administrator is ordered to pay, filing receipt for the same herein, out of the money now on hand, exclusive of rents, before any division of said estate.

It is further ordered, adjudged and decreed by the Court that if there be any debt due the estate by any heir and which said debt is not fully paid by the said heir with his interest in the personal property, said excess shall be charged against his interest in the lands in partition, and adjudged against such heir, if any, in the division and partition of said real estate, except they be minor heirs and whose estate cannot be so charged.

It is further ordered and decreed by the Court that John A. Carver's

life estate in the communite real estate be set apart to his children, Lillie Carver, Hattie Carver and Mary Carver.

It is further ordered, adjudged and decreed by the Court that the shares herein assigned as fractions are indicative only of the value and pro rata shares to be received by each of said heirs and that the commissioners in making said partition shall partition same with reference to quantity, quality and value, upon said ratio, making whatever division as in their judgment will give each and all of said heirs such proportional interest in said estate as to value; and that said commissioners shall not be bound in making said partition by the number of acres indicated by the fractions, provided that the interest of each and all heirs shall be proportionally protected according to value.

It is further ordered, adjudged and decreed by the Court that Jim Lyons, Housley, Texas, Charlie E. Brown, Oak Cliff, Texas, and Charles Woodson, Simonds, Texas, be appointed Commissioners for the purpose of making said partition at once and report back to this Court their findings at this term.

That the division of the personal property hereinbefore indicated be divided by the administrator in person, which said moneys and rents are directed to be paid over to said heirs at once, after paying all Court costs, expenses and claims against the estate hereinbefore adjudged, and said use of fractions of division hereinbefore given shall form only the pro rata part of said personal property to be divided among the said heirs, and it shall be necessary only that said heirs receive only their proportional part of said personal property; and the said administrator, T. P. Summers, is commanded to make said partition and make his final report of the amount received by each heir, filing the receipts therefor with the papers of this case, and upon compliance herewith

with that he be discharged from said estate as administrator.

It is further ordered adjudged and decreed by the Court that all costs heretofore accrued shall be paid out of the moneys now on hand, exclusive of rents, belonging to the estate, and that the costs of the partition of the real estate among the heirs be charged to each of said heirs proportionately in accordance with their respective interests in said estate herein. It is further ordered, adjudged and decreed by the Court that Julius F. House, heretofore appointed Guardian ad litem for the minor heirs of Clarissa Carver be allowed the sum of $25.00 which said amount shall be paid out of the amount set apart to John A. Carver. And the said Mary Ann Miller and her husband John Miller are to pay no costs and are to be charged with none except the proportional share of the costs incurred in the partition herein provided for.

The State of Texas }
County of Dallas } I, A. S. Jackson, Clerk of the County Court of Dallas County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the order of said Court appointing the Commissioners of Partition and directing the partition of the Estate of J. M. Toliver, Deceased as the same appears of Record in my office in Book O on page 80 of the Probate Minutes of said Court.

Given under my hand and seal of office this 30th day of January 1899.

A. S. Jackson, Clerk Co. Court.

Dallas County, Texas.

By H M Ellison Deputy.

In Re Estate of
J M Julian Decd

Writ of Partition

IN RE THE ESTATE OF J.M.TOLIVER, DECEASED.

On this, the 9th day of January, 1899, this cause cam e on to be heard upon the final report and supplementary reports thereto of the administrator herein, and upon application for partition of the property shown by said reports to be in the hands of said administrator, came the administrator, T.P.Summers, in person and by attorney, Mary Ann Miller and her husband John Miller, W.H.Toliver, R.L.Toliver, Mrs.Francis Parker and her husband J.W.Parker, Mrs.Martha Kelly and her husband William Kelly, Mrs.Mary Ann Atwood and her husband W.T.Atwood, Mrs.Sarah Eaton and her husband J.B.Eaton, Mrs.Eva Meeks and her husband J.C. Meeks, Mrs. Brown and her husband G.W. Brown, Mary J.Splawn and her husband Charlie Splawn, Mrs.Martha E.Cartwright and her husband Sam Cartwright, H.F. Schweer, J.A.Carver and Henry Pemberton, each appeared in person and by attorney, except the said Mrs. Martha Kelly who appeared in person and by attorney, and the minors, Lillie Carver, Hattie Carver and Mary Carver, by their guardian, ad litem John J. Hous ~~said J.A.Carver~~, and by attorney, and the minors, Jesse Lee Pemberton, Melvina Josephine Pemberton and Joseph Gideon Pemberton, by their legal guardian, the said Henry Pemberton, and by attorney, and each and all of said parties announced themselves ready for trial, and it appearing to the court from the record after an inspection thereof, that each of said minors hereinbefore named had been duly served with citation herein as required by law and for the length of time required by law. Thereupon, the court ordered the trial to proceed, and all matters of law and fact being submitted to the court,and after hearing all the evidence, and argument of counsel, and after fullynconsidering and understanding the law applicable thereto, the court finds as matters of fact from the evidence, that J.M.Toliver and Elizabeth Toliver, both now deceased, were husband and wife, and that Elizabeth Toliver departed this life in Dallas County, June 12, 1874, intestate, and left surviving her as her sole heirs at law, her husband, J.M.Toliver, and her daughter, Mary Ann Miller, daughter of the said Elizabeth Toliver by a former marriage with ~~John Miller~~ Anderson Pruitt, and her children by the said J.M.Toliver, to-wit:--

Martha Kelly whose maiden name was Martha Ann Toliver, daughter of Elizabeth Toliver, is on file amongst the papers in this case

W.H.Toliver, Nancy Pemberton, wife of said Henry Pemberton, Martha E.Toliver, now the wife of said William Kelly, Clara Toliver, who afterwards married J.A.Carver, Francis Toliver, now thw wife of J.W.Parks, and R.L.Toliver.

That on the 27th day of March, 1887, the said Nancy Pemberton departed this life, intestate, leaving as her sole heirs at law, her husband, the said Henry Pemberton, and her children, Mary Jane Pemberton, now the wife of said Charlie Splawn, Marthe E.Pemberton, now the wife of said Sam Cartwright, and the said minors, Jesse Lee Pemberton, Melvina Josephine Pemberton, Joseph Gideon Pemberton.

That on the 22nd day of October, 1892, the said Clarissa Carver departed this life, intestate, leaving as ~~survivors as~~ her sole heirs at law, her husband, the said J.A.Carver, and her children, the said minors, Lillie Carver, Hattie Carver and Mary Carver.

That on the 9th day of December, 1896, said J.M.Toliver departed this life, intestate, leaving surviving him as his sole heirs at law, the said Eva Meeks, wife of J.C. Meeks, Mrs.Georgia Brown, wife of said G.W. Brown, who were the children and sole heirs of Geo.Toliver, deceased, long prior to the death of said J.M.Toliver, and grand-children of the said J.M.Toliver by a former marriage, Mary Ann West, now the wife of W.T.Atwood, and the said Sarah Eaton, wife of said J.B.Eaton, which said heirs were the children by a former marriage, and prior to the marriage with Elizabeth Toliver, together with the said children of said Elizabeth Toliver, and the grand-children of said Elizabeth Toliver and J.M.Toliver, all of whom have hereinbefore been mentioned as heirs of Elizabeth Toliver, are alike, the heirs of J.M.Toliver, except Mrs.Mary Ann Miller, who is an heir to Mrs.Elizabeth Toliver alone.

The court further finds that the estate is due Mrs.Mary Ann West, now Mrs. Atwood, the sum of $300.00 for personal services for caring for and waiting on J.M.Toliver during the last two years of his life.

That the estate is also due R.L.Toliver the sum of $140.00 for valuable improvements on said estate, and that the following heirs are due the estate, which said sums shall be added to the cash on hand for partition and division, in sums of money as follows, to-wit:

W.H.Toliver,	$403.65
Mary A.Atwood,	147.70
Mrs.J.B.Eaton,	90.35
Jno.A.Carver,	350.00
Mrs.Martha Kelly,	88.10
R.L.Toliver,	491.60
J.W.Parker,	567.00
Mary J.Splawn,	30.00
Martha E.Cartwright,	20.00

Total amount due estate, $2,188.40.

The court further finds as a matter of fact that the real estate as follows, is the community estate of J.M.and Elizabeth Toliver, deceased, to-wit:

1st. Benj.Beckner Survey, situated in Dallas County, Texas, patented to Jos.M.Toliver, assignee of Benj.Beckner, Patent No.430, Vol.38, ---------- 269 acres.

2nd. S.P.Birt Survey, situated in Kaufman County, Texas, patented to the heirs of S.P.Birt by patent No.560, Vol.16, ---------- 99 acres. which said tract of 99 acres is hereby charged with $80 Expenses ~~Which said 99 acres is hereby charged with $80.00 paid~~ ~~and ex~~ which some amount was income in perfecting title to said 99 acres. Since ~~pense for surveying, and getting a patent on said land.~~ the ~~death~~ death of J.M.Toliver deed

3rd. J.S.Ramsey Survey, situated partly in Dallas and Kaufman Counties, each, conveyed to J.M.Toliver by Wm.Burgett and H.H.Hickok, by deed dated 28th day of February, 1881, recorded in Book 51, page 150, deed Records of Dallas County, Texas, ---------- 150 acres, making the sum total belonging to said community estate,-- 518 acres.

The court further finds that all personal property together with a house and lot in Forney, Kaufman County, Texas, exclusive of rents as shown by the various reports of the administrator herein, is the separate estate of J.M.Toliver, as follows, to-wit:

1st. One house and lot in Forney, Texas, being the property conveyed to J.M.Toliver by T.Z.Butler and wife by deed dated Jan.6, 1882, recorded in Book Y, page 621, deed records of Kaufman County, Texas.

2nd. Cash on hand as shown by report of the administrator, $1809... except rents as shown by report of administrator as follows; cash, $527.75, and 100 bushels of corn, and which said rents shall be divided as is shown by the interest of the heirs in the 518 acres of real estate hereinafter set out and shown in this judgment, together with the $2188.40 due by him as heretofore shown

The court further finds as matters of fact that Henry Pemberton, by deed duly executed and delivered, has conveyed to his said minor children Jessie Lee Pemberton, Malvina Josephine Pemberton and Joseph Gideon Pemberton, all his interest in said estate, and that all of his said interest in said estate should be set aside and apart to the said minors mentioned.

The court further finds as matters of fact, that John A.Carver is indebted to said estate, and that he has filed with the papers in this court a deed to a sufficient amount of property to cover said indebtedness in satisfaction of said debt to his said heirs.

Upon the foregoing facts, the court finds as matters of law and of fact, and it is ordered, adjudged and decreed by this court upon said findings of fact and of law, that saidreal and personal estate be divided as follows, to-wit:--

(1). that Mary Ann Miller have set apart to her 1/14 in value of all land belonging to said community estate, and 1/14 of all rents now on hand as shown by the reports of the administrator and supplementary reports thereto, in the sum of ..... dollars. and 1/14 of the corn on hand

(2). That W.H.Toliver have set apart to him as his interest 8/63 in value of the community estate, and 8/63 of all rents on hand shown by the administrator's reports and supplementary reports thereto now on hand, in the sum of ....dollars, together with 1/9 of the value of the Forney property and 1/9 of the total value of the money now on hand and debts due by various heirs, after all expenses have been paid, less a charge of $403.65 against his said interest in said estate, which the court finds the said W.H.Toliver to be due said estate.

(3). That R.L.Toliver shall have set apart to him as his interest 8/63 in value of all the community estate, together with 8/63 of all rents, shown by the reports and supplementary reports thereto of the administrator, now on hand, together with 1/9 of the value of the Forney property, together with 1/9 of the cash on hand and debts due by the various heirs to the estate, after all expenses have been paid; lessa charge of $491.60 against his said interest in said estate, which amount the court finds the said R.L.Toliver to be due said estate.

(4). That the heirs of Nancy Pemberton, to-wit: Mary J. Splawn, the wife of said Charlie Splawn, and Martha E.Cartwright, wife of the said Sam Cartwright, and the minors, Josie Lee Pemberton, Joseph Gideon Pemberton and Melvina Josephine Pemberton, have set apart to them each an equal division of the 8/63 of the community estate which is hereby adjudged to be due as her interest, the said Nancy Pemberton, together with 8/63 of the rents now on hand, shown by the various reports of the administrator, and 1/9 of the value of the Forney property, and 1/9 of the amount of cash on hand and debts due by the heirs to said estate; after the payment of expenses as above set forth which said inheritance of the said Nancy Pemberton shall be equally divided among said heirs, except that the interest of Mary J.Splawn shall be charged with $20.00, and the interest of Martha E.Cartwright shall be charged with $30.00, which said amounts the court finds they are due said estate. And it is decreed that the interest of the three said minors be set apart to them jointly and that the money and personalty due said minors be paid to their legal guardian the said Nancy Pemberton

It is further ordered, adjudged and decreed that the life estate of Henry Pemberton ~~of 1/6 of said 8/63 shall~~ be set aside to the said minor heirs above mentioned, together with 1/3 of all rents due to the heirs of said Nancy Pemberton.

The court further finds as a matter of fact, that for valuable consideration and by deed duly executed on the 11th day of December, 1898, Mary J.Splawn, joined by her husband, CLT.Splawn, conveyed to H.F. Schwerr all their interest in and to the estate of J.M. and Elizabeth Toliver, deceased.

It is therefore ordered, adjudged and decreed by the court that the interests of said Mary J.Splawn and Charlie Splawn as above set forth be set apart and adjudged to the said H.F.Schwerr.

(5). That the heirs of Clarissa Carver, to-wit: ~~Sallie~~ Lizzie Carver, Hattie Carver and Mary Carver, shall have set apart to them 8/63 of the community estate jointly, which said 8/63 shall be divided among them in equal proportion, according to quantity, quality and value, giving to each of said heirs an undivided 1/3 in said 8/63 of said community estate.

It further appearing to the court that said hieirs of Clarissa Carver are entitled to an 8/63 of all rents due the estate and now on hand, and 1/9 the value of the Forney property, and 1/9 of the total amount of personal property due by the various heirs, after paying expenses herein.

And it further appearing to the court that the said John A.Carver husband of the said Clarissa Carver, has conveyed to said minor heirs Lizzie ~~Sallie~~ Carver, Hattie Carver and Mary Carver, a sufficient amount of property to cover the said interest of said heirs of Clarissa Carver in the separate estate of ~~their father~~ the said J.M.Toliver, as well also the rents due to said heirs.

It is therefore ordered, adjudged and decreed by the court that the said John Carver have set aside to him the said interest of said minors in said separate estate of J.M. Toliver, deceased — 1/9 the value of the Forney property, together with 1/9 of the personal property and debts due by the

various heirs, after paying all expenses, and the said 8/63 of the said rents ~~due the estate~~ as shown by the various reports of the administrator herein, less the sum of $350.oo due the estate by the said John A.Carver, which said amount of $350.oo the court finds the said John A.Carver to be indebted to said estate.

(6). That Mrs.Francis Parker have set apart to her 8/63 of the community estate, and 8/63 of the rents now on hand as shown by the various reports of the administrator, and 1/9 the value of the Forney property, and 1/9 of the monry now on hand, together with the debts due the estate by the various heirs, after paying all expenses, less the sum of $567.oo, which the court finds the said Francis Parker to be due said estate.

(7). That Mrs.Martha Kelley have set apart to her as her interest 8/63 of said community estate, together with 8/63 of the rents now on hand as shown by the various reports of the administrator, and 1/9 the value of the Forney property, together 1/9 of the money and debts due by various heirs, after payment of all expenses herein, less $88.10, which the court finds as a matter of fact the said Mrs.Martha Kelley is due to said estate.

(8). That Mars.Mary A.Atwood have set apart to her as her interest in said estate 1/18 of the community estate, together with 1/18 of the rents and 1/9 of the value of the Forney property, together with 1/9 of the value of all personal property, including the debts and money due the estate by the various heirs, after payment of all expenses herein, less$147.70 which the court finds the said Mary A.Atwood to be due the estate.

(9). That Mrs.Sarah Eaton shall have 1/18 the value of the community estate as her interest therein, together with 1/18 of the rents and 1/9 of the value of the Forney property, and 1/9 of all personal property, including cash and debts due the estate by the various heirs, after the payment of all expenses, less the sum of $90.35, which said

amount the court finds the said Sarah Eaton to be due said estate.

(10). That the heirs of George Toliver, deceased, to-wit: Eva Meeks, wife of J. C. Meeks, have 1/36, as her interest in the community estate, together with 1/36 of the rents shown by the administrator's reports to be now on hand, together with 1/18 of the value of the Forney property, together with 1/18 of the personal property, including the debts due the estate by the various heirs, after the payment of all expenses herein.

That Georgia Brown, wife of G. W. Brown, and joint heir with Eva Meeks of the said Geo. Toliver, have as her interest in said estate 1/36 of the community estate, together with 1/36 of the rents now on hand, together with 1/18 of the value of the Forney property, and 1/18 of the money now on hand and the debts due the estate by the various heirs, after the payment of all expenses herein.

It is further ordered, adjudged and decreed by the court that the estate is due the administrator, T.P. Summers, the sum of $50.00, in addition to the amount due him as shown by his reports for his services in winding up said estate. That the estate is due T.F. Nash the sum of $50.00. That it is due R.L. Toliver the sum of $140.00 for improvements upon said estate. That it is due Mary Ann Atwood the sum of $300.00 for personal services during the last two years of the life of J.M. Toliver, deceased, which said amounts the administrator is ordered to pay, filing receipt for the same herein, out of the money now on hand, exclusive of rents, before any division of said estate.

It is further ordered, adjudged and decreed by the court that if there be any debt due the estate by any heir and which said debt is not fully paid by the said heir with his interest in the personal property, said excess shall be charged against his interest in the land in partition, and adjudged against such heir, if any, in the division and partition of said real estate ~~by the commissioners~~, except they be minor heirs and whose estate cannot be so charged. -- 8 --

It is further ordered and decreed by the court that John A.Carver's life estate ~~of a 1/6 interest~~ in the community real estate be set apart to his children, Lillie Carver, Hattie Carver and Mary Carver.

It is further ordered, adjudged and decreed by the court that the shares herein assigned in fractions are indicative only of the value and pro rata shares to be received by each of said heirs, and that the commissioners in making said partition shall partition same with referene to quantity, quality and value, upon said ratio, making whatever division as in their judgment will give to each and all of said heirs such proportional interest in said estate as to value; and that said commissioners shall not be bound in making said partition by the number of acres indicated by the fractions, provided that the interest of each and all heirs shall be proportionally protected according to value.

It is further ordered, adjudged and decreed by the court that Jim Lyons, Housely, Texas, Charlie E.Brown, Oak Cliff, Texas, and Charles Woodson, Simonton, Texas, be appointed commissioners for the purpose of making said partition; and who are hereby commanded to make said partition at once and report back to this court their findings at this term.

That the division of personaly property hereinbefore indicated be divided by the administrator in person, which said moneys and rents are directed to be paid over to said heirs at once, after paying allm court costs, expenses and claims against the estate hereinbefore adjudged, and said use of fractions of division hereinbefore given shall form only the pro rata part of said personal property to be divided among the said heirs, and it shall be necessary only that said heirs receive only their proportional part of said personal property; and the said administrator, T.P.Summers, is commanded to make said partition and make his final report of the amount received by each heir, filing the receipts therefor with the papers in this case, and upon compliance herewith that he be discharged from said estate as administrator.

It is further ordered, adjudged and decreed by the court that

all costs heretofore accrued shall be paid out of the moneys now on hand, exclusive of rents, belonging to the estate, and that the costs of the partition of the real estate among the heirs be charged to each of said heirs proportionately in accordance with their respective interests in said estate herein. It is further ordered adjudged and decreed by the Court that the fees of the ~~ad litem~~ guardian ad litem for the heirs of Clarissa Carver be allowed the sum of $ 5.00 which said amount shall be paid out of the amounts set apart to John A. Carver. And the said Mary Ann Miller and her husband John Miller are to pay no costs and are to be charged with none except the proportionate share of the costs incurred in the partition herein provided for

OK

C. J. Coleman

W. J. Cowsert

Floyd Pendleton for

Jefferson Bailey for

Mary Ann Miller

J. F. Kemp Atty for Defendants

~~Jeff Stroud~~

Guardian ad Litem

J. Lillie Hatch and wife

Carver

~~2285~~
2259

In Re Estate of
J.M. Tolliver Dec'd

Jan 11 9
J.H. Jones
Judgment

Examined and approved as the findings of fact and law in this case and ordered filed and recorded as the judgment in said cause.

W. H. Stone
Judge of
County Court Dallas
County Texas
Jan 11th 1899.

No. 2259.

In Re of the Estate # In Probate Court of Dallas
of J. M. Toliver Deceased # County, Texas.

To the Hon. Kenneth Foree,
County Judge.

Your Petitioners represent that they are informed and believe that the Estate of J. M. Toliver Deceased is practically out of debt, there being no claims against said Estate within their knowledge except a few small claims already allowed by the Administrator.

The Administrator has in his hands as shown by his report as Temporary Administrator filed herein on the 17 day of February 1897, much more than enough cash to liquidate all of said claims. We respectfully suggest that it will be to the interest of the Estate, reduce materially the expenses of the Administration, and subserve the individual interests of all the heirs of said Estate to have the same partitioned at once among said heirs.

We further represent that we have agreed that said Estate may be partitioned among the heirs hereinafter mentioned in equal portions share and share alike (except as hereinafter qualified) according to value, to-wit:

To the surviving Daughters of George Toliver Deceased--said Daughters being grand daughters of J. M. Toliver Deceased--whose names are Mrs. Eva Meeks and Mrs. Georgia Brown, femes covert the former residing in Oklahoma and the latter in the Indian Territory.

One share, or each one half share.

To Mrs. Mary A. West, Feme sole, residence Dallas Co. Texas, One share,

To Mrs. Sarah Eaton feme covert, residence Dallas Co. Texas, One share,

To Mrs. Ann Miller, feme covert, " " " " One ~~share,~~ half share,

To Mr. W. H. Toliver residence Dallas Co. Texas, One share

" Mrs. Martha E. Kelly feme covert residence Dallas Co. Texas, One Share

To Mr. ~~L. R.~~ R. L. Toliver residence Dallas Co. Texas, One Share

To Mrs. Francis Parker Feme covert residence Dallas Co. Texas, One Share

To the children of Mrs. Clarissa M. Carver Deceased, daughter of J. M. Toliver Deceased whose names are Lillie, Mary, and Hallie Carver, John Carver~~s~~, Esq., being their Guardian--and their residence being Dallas County, Texas. One share

To the children of Mrs. Nancy C. Pemberton Deceased, who was the daughter of J. M. Toliver Deceased--One share. All of whose residences are in Tarrant County, Texas, and whose names are as follows: Mrs. Mary J. Splawn, Mrs. Martha E. Cartwright, femes covert, Jessie Lee, Millie, and Gideon Pemberton, minors.

Petitioners represent that J. M. Toliver deceased was married twice, and that all of your petitioners are not the children of the same mother, but that both of his said wives died very many years ago--one in the year 1853 and the other in the year 1874. and in view of the difficulty of ascertaining our respective legal rights, we have agreed that said ~~petition~~ Partition be made as above set out. We therefore ask that the Administrator be cited to appear at the next regular term of this Court on the 1st Monday in May-1897, ~~and~~ to render an Exhibit under oath of the condition of said Estate and that commissioners be appointed as the law directs to partition said Estate as herein prayed for, and as in duty bound we will ever pray.

Mrs. Mary A. West
~~R. L. Toliver~~
~~R. L. Toliver~~
~~R. L. Toliver~~
W H Toliver
Georgie Brown
John A Carver Guardian
J. M. Brown

J. C. Meeks, Eva Meeks
Mrs. Sarah A. Eaton,
J. B. Eaton,
R. L. Toliver
Jno. Kelly
J. N. Parker
J. N. Miller

Mrs. R. L. Toliver
M. E. Kelly
F. J. Parker
M. A. Miller

No.2259.

-:-:-:-:-:-

IN RE. OF THE ESTATE OF

J. M. TOLIVER, DECEASED.

-:-:-:-:-:-

Agreement for Partition

FILED Dec 14 1898

A. S. JACKSON,
County Clerk, Dallas County, Tex.

By J. Jones DEPUTY.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No 2257

In re Estate of J M Polizer Dec'd
J P Summers Adm.

} Administration pending in County Court Dallas Co Texas

Now comes Henry Pemberton and Jesse Lee Pemberton Malvina Josephine Pemberton and Joseph Gideon Pemberton minors who appear herein by their Guardian said Henry Pemberton and show to the Court that said Henry Pemberton has been duly appointed guardian of the Estates of said Minors by the County Court of Tarrant County Texas and is now the duly qualified guardian of said Estates of said Minors and is acting under the orders of said Tarrant County Court and for answer herein presents to the Court the following to wit

They object to the final report filed herein on the 17th day of October 1897 and for objection thereto say that said Report is insufficient in law

1st Because the Administrator does not account therein for the debts shown to be in his hands due said Estate by his report as temporary Adm. filed herein Jan 5th 1897

Because said Administrator fails to account therein for Claims due Estate shown by his report as said temporary Adm filed herein July 17th 1897

Because said Administrator does not show in said report what he has done with Claims due said Estate as shown by inventory herein

Because said Adm. does not account therein for proceeds of personal property belong to said Estate sold by him as per

his report of sale filed herein Oct 30th 1891
Because said Administrator fails to account therein for the seeds of the lands in cultivation belonging to said estate and fails to account same
Therefore they pray that said Admr be required to restate said final account and by said restatement show the true condition of said Estate

J. F. Cocanhes
Atty for said Henry Pemberton and the minors Pemberton

And said parties for further answer herein show to the Court that heretofore on the 12th day of June A.D. 1874 J.M. Folliver whose estate is under administration herein and his wife Elizabeth Folliver were seized and possessed of the lands mentioned in the inventory and said report as the Benjamin Beckham survey and 99 acres S.P. Bert survey and the following personal property to wit 80 head of cattle of the market value of $1200.00
10 head of horses " " " " " $250.00
100 head of hogs " " " " " $250.00
36 bee stands " " " " " $100.00
2 wagons " " " " " $500.00
Total value $2100.00
being community Estate of said J.M. Folliver and his said wife Elizabeth Folliver and that on said 12th day of June A.D. 1874 said Elizabeth Folliver departed this life intestate in said Dallas County Texas and left her surviving as her sole heirs at law her

intestate in Dallas Co Tex left her surviving as her

children to wit Rosa Miller wife of John Miller, J. W. Folliver; Nancy Pendleton wife of said Henry Pendleton, Martha Folliver now the wife of Kelley, Clara Folliver who afterwards married J. R. Carver, Francis Folliver who afterwards J. W. Parker and R. L. Folliver

That there was no administration had upon the Estate of said Elizabeth Folliver nor was there a necessity therefor and that there has been no partition of said Estate between said part owners.

That upon the death of the said Elizabeth Folliver the said J. W. Folliver took possession of said community property both personal and real and has managed and controlled and disposed of the same in such manner as to him seemed best for the interest of all parties concerned to wit himself and the said children Elizabeth Folliver DECD and has so handled said property with the rents revenues and interest thereof from the death of said Elizabeth Folliver until the 9th day of December 1896 on which date the said J. W. Folliver departed this life in said Dallas County and left as his sole heirs at law the said parties shown in the application for partition herein That said J. W. Folliver deceased never rendered any account of his management of said property to said Nancy Pendleton or to these respondents who are heirs at law

That on the 27th day of March A.D. 1887 the said Nancy Pendleton departed this life in Tarrant County Texas intestate and left her surviving as her sole heirs at law her said husband Henry Pendleton and her children

Mary Jane Pemberton now the wife Charles Sloan
Martha E Pemberton now the wife of Sam
Cartwright Jesse Lee Pemberton, Malvania
Josephine Pemberton and Joseph Gideon
That the residue of the property shown
in the inventory and appraisement were
purchased by said J M Folsin together with
property and money the proceeds of said
Community Estate
That the said J M Folsin in his life time
made no advancements what ever to these
respondents or to the said Nancy Pemberton
but that said J M Folsin made large advance
ments to each of the other children of the
said Elizabeth Folsin Dec'd and to the heirs
of said J M Folsin to wit the advancement
to each of them of the sum of two thousand
dollars.
That said Administrator should have
collected from the rents of said lands
the sum of seven hundred and fifty dollars
per annum and by the use of reasonable
diligence could and should have collected
said amount per annum aggregating
a total of fifteen hundred and that said
Administrator could by the use of reasonable
diligence and should have collected on
the claims due said estate the sum of
Four thousand dollars
Wherefore they pray that said Administrator be charged with said sums
for judgement of partition charging said
Estate with the amounts shown in said
reports to have been appropriated by
the said J M Folsin and charging

charging
said Administrator
that

Wherefore they pray that said Adams
Trator be charged with said sums
for judgement of partition charging said
Estate with the amounts shown in said
reports to have been appropriated by
the said J M Polin and charging

charging said administrator and
said Administrator with said amounts
that commissioners be appointed and that
said commissioners be directed to set apart
to the respondents jointly, such part of said
Estates as may be deemed by them
and for general and special relief

W W Crawford
Atty for said parties

FILED Dec 14 1898

A. S. JACKSON,
County Clerk, Dallas County, Tex.

By H Taylor DEPUTY.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No 2269

In Re Estate of J W Jolin dec'd

Administration
Pending in the County
Court Dallas County Texas

Now comes Henry Pemberton and Jesse Lee Pemberton Malvina Josephine Pemberton and Joseph Gideon Pemberton Minors who appear herein by their legal guardian said Henry Pemberton and by leave of the Court first had and obtained amend their original answer filed herein on the 14th day of December A.D. 1898 and in lieu thereof present this their 1st amended original answer to wit

1st They object to the final report filed herein on the 17th day of October 1897 and for objection thereto say that said report is insufficient in law for the following reasons to wit.

1st Because the said Administrator does not account therein for the notes shown to be in his hands due said estate by his report as temporary Administrator filed herein Jan 5th 1897.

2nd Because said Administrator fails to account therein for claims due said said estate as shown by his supplemental report as said temporary Administrator filed herein Feby 17th 1897

3rd Because said Administrator because said Administrator does account therein for claims due said estate as shown by inventory therein

4th Because said Administrator does account therein for proceeds of personal property belonging to said estate sold by him as shown by his report of sale thereof filed herein Oct 30 1897.

5th Because said Administrator fails to account therein for the rents of the lands in cultivation belonging to said Estate and fails to state same

Therefore they pray that said Administrator be required to restate said final account and in such restatement show the true condition of said estate

W. V. Coombes Attorney for said Pembertons

2nd Said Defts specially except to the section of said final report of said Administrator setting forth the claim of R. Folsom to 60 acres of land part of the B.P. Butt survey of 99 acres of land that same is insufficient in law and that said Administrator has no right in law to ~~have same~~ include such a claim in said report

Therefore they pray that said section be struck out and for naught held

W A Coombes Atty for said parties

3rd Said Henry Pendleton and Jesse de Pendleton Malvina Josephine Pendleton and Joseph Gideon Pendleton by their guardian said Henry Pendleton for further answer herein show to the court that heretofore to wit on the 12th day of June A.D. 1874 J.M. Folsom and his wife Elizabeth Folsom were seized and possessed of the lands mentioned in said report as the Benjamin Beckner survey of 269 acres of land and the B.P. Butt 99 acres survey and the following personal property to wit

160 head of cattle of the value of	$2000.00
10 " " horses " " " "	$1000.00
100 " " hogs " " " "	$500.00
2 wagons " of the value of	$100.00
1128 bushels of wheat of the value of 65¢ per bu. total value	$1410.00
2556 bushels of oats of the value of 30¢ per bu total	765.80
Total value	$6775.80

And also had on hands one thousand dollars in money and that on said 12th day of June A.D. 1874 while seized and possessed of said Estate the said Elizabeth Folsom departed this life in said Dallas County Texas intestate and left her surviving as her sole heirs at law her children to wit ~~to-wit~~ Mary Ann Miller wife of John Miller

W. H. Folliver Nancy Pemberton wife of said Henry Pemberton Martha ~~Kelly~~ Folliver now the wife of Wm Kelly Clarissa Folliver who afterwards Married Jd Carver Francis Folliver who afterwards Married J. W. Parker and R. L. Folliver

That there was no administration had upon the estate of said Elizabeth Folliver nor was there a necessity therefor and that there has been no partition of said Estates

That upon the death of the said Elizabeth Folliver the said J. M. Folliver continued to manage and control all ~~of~~ said property as he had done prior thereto and ~~had~~ together with the fattening and increase thereof continued to manage and control same from said time until his death to wit on the 9th day of December 1896 as to him seemed best for the interest of all parties interested therein

That on said 9th day of December 1896 the said J. M. Folliver departed this life in said Dallas County Texas intestate and left him surviving him as his sole heirs at law the said parties as shown in the application for partition herein

That on the 27th day of March A.D. 1887 the said Nancy Pemberton departed this life in Tarrant County Texas and left her surviving as her sole heirs at law her husband said Henry Pemberton and her children to wit Mary Jane Pemberton now the wife of Charles Shannon Martha E. Pemberton now the wife of Ben Cartwright and said Jesse Lee Pemberton Malvina Josephine Pemberton and Joseph Gideon Pemberton

That the said J. M. Folliver never rendered any account whatever of his management of said Estates to the said Nancy Pemberton or these respondents or either of them

That all the ~~property~~ other said heirs of Elizabeth Folliver except said Mary Ann Miller have received their

interest in said community estate and that all the heirs of said J.M. Folsom Except respondents have received their interest in the estate of said J M Folsom Deceased

That all the property being administered in this proceeding was and is the community property of of said J M Folsom and Elizabeth Folsom Deceased

That the said Henry Pembelton has conveyed all his interest in said estates to his wards the said Jesse Lee Pembelton Malvina Josephine Pembelton and Joseph Gideon Pembelton

That said administrator by the use of ordinary diligence could and should have collected the claims shown in his report to be due said estate amounting in the aggregate to the sum of Five thousand dollars

Wherefore they pray that said administrator be charged with the amount of said claims for judgement fixing and determining the amounts owned by said heirs respectively for judgement determining the proportional part of each and for commissioners of partition and for writ of partition and for general and special relief

Wm Crosnoe Atty for
Henry Pembelton guardian of
the person and estates of said
Minors and for said Henry Pembelton

No 2259
Estate of J M Folsom
Dec

1st Amended
original Answer
of Henry Pembelton
Guardian of
Minors & Petitioner

Filed this 5 day of
June 1899
A. Bainbridge, Clerk Co. Court,
By C. W. Caldwell Deputy.

No. 2259. §
§
Estate of J.M.Toliver. § In County Court
§
Deceased. § Dallas County ,Texas.

Now comes the minors; J.L.Pemberton, M.J.Pemberton, and J.G.Pemberton, by their legal guardian, Henry Pemberton, and present the following exceptions and objections, to the report of the Commissioners of partition~~s~~, filed herein on the 11th, day of March, 1899. and the supplemental report of said Commissioners, filed herein on the 22nd, day of March, 1899. To Wit.

(1). They object, except to said report of said Commissioners, because it appears there-from that the said Commissioners of partition~~s~~, did not partition the land mentioned in said report, in accordance with the judgement of this Court and the law, in this that the said Commissioners took into consideration in making said partition, the Debts, moneys, and personal property mentioned in said judgement, and which said moneys, debts, personal property, the administrator of said Estate is by the terms of said judgement directed to pay over to the parties entitled thereto in the manner therein set forth.

(2). They object, except to said report and say that the partition therein made by said commissioners ~~the lots~~ not made according to law in this that it appears from said report that the total value of property divided was $14185.40 of which the distributive portion of said minors was three fifths, ($1047.03) of eight sixty-thirds thereof To wit ($1737.67 and in addition were entitled to the life estate of said Henry Pemberton, in the other two fifths of said eight sixty-thirds, as set forth in said judgement , and said report only allots to said minors. ($839.00 in value thereof, including said ~~life estate of said Henry Pemberton~~, and that said report only 1732.8 in value as the value of the 8/60.

(3). They object and except to said report of said Commissioners of partition~~s~~, and say that the partition therein and thereby made was not made according to law and the judgement of this Court in this that

the land set apart to objectors is not of the value set forth in said report, but that said land is not worth more than $4.00 per acre and that the land set apart to W.H.Toliver, is of the value of $1635.00 instaed of $1324.00 as is set fort in said report that the land set apart to Francis Parker, is of the value of $1640.00 instead of $1166.00 as is set forth in said report that the land set apart to Martha kelly is of the value of $3600.00 instead of $1165 as is set forth in said report that the tract of land set apart to Mary E.Atwood, is of the value of $1460 instead of $717.60 as is set forth in said report that the value of the tract of land set apart to Sarah Eaton, is of the value of $1460 instead of $712.50 as is set forth in said report that the tract of land set apart to the minors Lily.Hatty, and Mary, Carver is of the value of $2500 instead of $1184.00 as is set forth in said report that the tracts of land allotted to Mary Ann Miller, Eva Shucks, Georgia Brown, and R.L.Toliver, are of the values charged in said report.

(4). They object to said report of Commissioners of partition for this that said Commissioners, there-in attempt to adjudicate the rights of the parties entitled to the estates therein mentioned and attempt to fix lien upon the several portions allotted ~~of others~~ and also attempt to apportion the cost.

Wherefore they pray that said report of Commissioners of partition be disapproved and for naught hled; that other Commissioners of partition be appointed and directed to partition the said land as is set forth in said judgement and for such orders as may be necessary.

W N Coombes

Attorney for said Pembertons.

No 2259

In Re Estate of J M Tolivir
Decd

Objections & Exceptions
To Pensbelon M J
Pensbelon & J G Pensbelon
& Henry Pensbelon

Filed the 31 day of
March 1899
A. S. Jackson, Clerk Co. Court,
By M Mawlins Deputy

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

Estate of J. M. Toliver, /
No. 2259 Dec'd. / Extract from Decree of partition.

We have alloted to W. H. Toliver Lot. No. 7 as shown by attached plat, containing 54 1/2 acres, valued at $1324.00, which is more particularly described as follows:

Beginning at the North corner of the Benj. Beckner Survey, a 4" Elm bears S. 70 degrees E. 1 1/2 vrs., a double Elm 12" brs. S. 40 degrees W. 115 vrs.; Thence S. 45 degrees W. 802 vrs. to corner, a 7" pecan bears N.85 degrees 30' E. 9 vrs., a 8 " pecan bears S. 37 degrees W. 13 vrs.; Thence S. 45 degrees E. 444 vrs. to the corner on N. W. line of Lot No. 3, a 14 " hackberry bears S. 75 degrees 30' W. 21 vrs. a do do bears N. 29 degrees W. 29 vrs. Thence N. 45 degrees E. 198 vrs. to the corner on S. W. line of Lot.No. 4, a 12 " bois D'arc bears N. 53 degrees 45 ' W 40 vrs, an 8" bois d'arc bears N/ 59 degrees 40' E. 46 vrs. Thence N. 45 degrees W. 187 vrs. to corner a 6" Ash bears N. 82 degrees 30' E. 2vrs. a 10 do bears S. 74 degrees 30' W. 7 vrs; Thence N. 45 Degrees E 604 vrs. to corner in N. E. Line of said Beckner Survey a 3" boisd'arc bears S. 70 degrees W. 10 vrs. a 4" do bears S. 27 degrees 45' W. 11 1/2 vrs. Thence S. 45 degrees E. 197 vrs. to corner in old County line in lane, an 18" elm bears S. 85 degrees 30' W. 65 1/2 vrs. a 4" bois d'arc bears N. 87 degrees 15' W. 3 vrs.; Thence North to said County line at 190 vrs passing the S. W. corner of Rube Rowe Survey in all 431 vrs. to corner in lane in ravine, a 12" Honey Locust bears S. 79 degrees E. 12 3/4 vrs. an 8" elm bears N. 88 degrees E. 8 1/2 vrs.; Thence West 100 vrs. to stake; Thence S. 19 degrees West to corner on the N. E. line on said Beckner survey , a 7" elm bears N. 9 degrees E. 6 vrs., a 7 do bears S. 34 degrees W. 2 1/2 vrs.; Thence N. 45 degrees W. 196 vrs. to the place of beginning.

The State of Texas

County of Dallas:-----

I, A. S. Jackson, County Clerk of Dallas County, Texas do hereby certify that the above and foregoing is a true and correct copy of the Field Notes of that certain piece of land set apart by said Court to W. H. Toliver, in the decree of said Court partitioning the estate No. 2259, J. M. Toliver, Deceased, as the same appear of record in my office in Book O on Page 244 of the Probate Minutes of said County Court of Dallas County, Texas.

Given under my hand and seal of office this 30th day of Sept. 1901

A. S. Jackson, County Clerk,

Dallas County, Texas.

By A B Rawlins Deputy.

Est.
J. M. Soliver
Decd.

Description of
Lands set apart
to
W. H. Soliver

W H Sollivan
Sq 11 Cont
400 00/100 Acres
Aug Due 16 1907

J.L.Pemberton et al, appellants, /
18294. vs. /
Est. of J.M.Toliver, deceased, / July 12th, 1899.
T.P.Summers, Admr., Appellee. /

Now on this the 12th day of July, 1899, this cause came on to be heard on appeal from the County Court of Dallas County, Texas, in the administration of said estate; and all parties appear and announce ready for trial. And the Court having heard all of the evidence adduced and also the proof with reference to the settlement and agreement of the parties as to the adjustment of the controversy herein between the parties, which settlement and agreement is as follows, viz: the other distributees have paid over to the minors J.L., M.J. & J.G.Pemberton, through their guardian Henry Pemberton the sum of $250.00 in addition to the cash and other property which was set aside to them by the County Court of Dallas County, and which sum it appears to the Court equalizes their portion and is acceptable to said guardian and which is considered by him as equalizing the portion of said minors. It is ordered, adjudged and decreed by the Court that said settlement and agreement so made by the parties be and the same is hereby approved, satisfied and confirmed. It is further ordered, adjudged and decreed by the court that the original and supplemental reports made by the Commissioners of Partition to the Hon. County Court of Dallas County, in said estate, copies of which are in the Transcript herein filed, be and the same are in all things approved and confirmed and this Court does also approve the decree of confirmation rendered by said County Court on said reports and which decree is of record in Minute Book O, pages 237 to 250, inclusive, of the probate Minutes of said Court, and this Court does hereby adopt said decree and which is hereby referred to and said reports are here by ordered to be recorded in the County Court of Dallas County. It is further ordered that the title to the following described tract of land, viz: In Dallas County, Texas, part of J.S.Ramsey survey, Beginning at the South corner of the Benj. Beckham 278 acre survey a locust 6 in. brs. S.11° W. 3 vrs. a 3 pronged ash brs. N. 66 E. 34 vrs. Thence S. 45 W. with N.W. line of the J.S.Ramsey survey 560 vrs. to West Cor. of the Wm. Burgett land; a double locust 8 in. brs. N. 45 W. 4 vrs. Thence S. 45 E. 815 vrs. to corner on bank of East Fork of Trinity River. Thence up said river with its meanders 1456

vrs. to the S. corner of Block A. of lot No. 2, a hackberry 9 in. brs. N/ 22 E. 2 1/3 vrs. Thence N. 45 W. 615 vrs. to the beginning, containing 100 acres, be vested in the minor heirs of J.A.Carver, to-wit: Lille Carver, Hattie Carver and Mary carver, and divested out of all the other distributees.

Further ordered that the title to the follwing tract, to-wit: In Dallas and Kaufman Counties. Texas, and being lot No. 3 according to the plat of partition made by said Commissioners, and containing 109 acres and beginning at the North corner of Block B of lot No. 2 of said partition, a point 500 vrs. N. 45 E. of the N.E. line of said Beckner survey, a 14 in. Bois d'arc bears N. 56° 30' W. 24 vrs., a 16 in. Elm bears S. 86° 45' W. 32 vrs. Thence S. 45 E. at 514 vrs. cross S.E. line of said Beckner survey in all 1271 vrs. to corner on bank of East Fork, a 12 in. Bois d'arc brs. S. 25 E. 1 vr., a 20 in. hackberry brs. N. 19° 30' E. 8 vrs. Thence up said river with its meanders 576 vrs. to corner on bank of river, a 22 in. pecan bears N. 45° 30' E. 16 vrs., a hackberry bears S. 13 W. 16 1/2 vrs. Thence N. 45 W. at 553 vrs. cross S.E. line of Beckner survey in all 1067 vrs. to corner, a 12 in bois d'arc brs N. 53° 45' W. 40 vrs and 8 in Bois d'arc brs N. 59° 40° E 46 vrs. Thence S. 45 W. 500 vrs. to beginning, be vsted in Mrs. Martha Pelley and divested out of all the other distributees.

Further ordered that the title to the follwing tract, to-wit: In Dallas and Kaufman Cos., Texas, and being lot No. 4 as per plat of partition, and containing 119 acres, and beginning in the N.E. line of the Benj Beckner survey at a point 257 vrs. S. 45 E. from the N. corner of the same a 3 in. Bois d'arc brs. S. 70 W. 10 vrs., a 4 in ditto brs. S. 27° 45' W. 11 1/2 vrs. Thence S. 45 W. 604 vrs. to corner, a 6 in. ash brs. N. 82° 30' E. 2 vrs. a 10 in. ash brs. S. 74° 30' W. 7 vrs. Thence S. 45 E. at 187 vrs. past N. corner of Lot No.3 at 701 vrs. cross S.E. line of said Beckner survey in all 1354 vrs. to corner on bank of East Fork, a 22 in. pecan brs. N. 15° 30' E. 16 vrs., an 8 in. hackberry brs. S. 13 W. 6 1/2 vrs. Thence up said river with its meanders 693 vrs. to corner, an 8 in. ash brs. S. 81° 45' E. 2 1/4 vrs. Thence N. 45 W. at 445 vrs. the E. corner of said Beckner survey, in all 1146 vrs. to the beginning, be vested in Mrs. Francis Parker and divested out of all the other distributees.

Further ordered that the title to the follwing tract of land, to-wit: In Dallas County, Texas, and being Lot No. 7 as per plat of said partition, and containing 54 1/2 acres, and beginning at the North corner of the Benj. Beckner survey, a 4 in. Elm brs. S. 70 E. 1 1/2 vrs., a double elm 12 in. brs. S. 40 W. 115 vrs. Thence S. 45 W. 802 vrs. to corner, a 7 in. pecan brs. N. 86° 30' E. 9 vrs., a 8 in. pecan brs. S. 37 W. 13 vrs. Thence S. 45 E. 444 vrs. to the corner on N.W. line of lot No. 3, a 14 in. hackberry brs. S. 75° 30' W. 21 vrs., a do do brs. N. 29 W. 29 vrs. Thence N. 45 E. 198 vrs. to the corner on S.W. line of lot No. 4, a 12 in. bois d'arc brs. N. 53° 45' W. 40 vrs., an 8 in. bois d'arc brs. N. 59° 40' E. 46 vrs. Thence N. 45 W. 187 vrs. to corner, a 6 in. ash brs. N. 82° 30' E. 2 vrs., a 10 do brs. S. 74° 30' W. 7 vrs. Thence N. 45 E. 604 vrs. to corner in N.E. line of said Beckner survey, a 3 in. bois d'arc brs. S. 70 W. 10 vrs., a 4 do brs. S. 27° 45' W. 11 1/2 vrs. Thence S. 45 E. 197 vrs. to corner in old county line in lane, an Elm 18 in. brs. S. 85° 30' W. W. 65 1/2 vrs. a 4 in. Bois d'arc brs. N. 87° 15' W. 3 vrs. Thence North to said County at 190 vrs. passing the S.W. corner of Ruben Rowe survey in all 431 vrs. to corner in lane in ravine, a 12 in. Honey locust brs. S. 79 E. 12 3/4 vrs., an 8 in. Elm brs. N. 88 E. 8 1/2 vrs. Thence West 100 vrs. to stake. Thence S. 19 W. to corner on the N.E. line on said Beckner survey, a 7 in. Elm brs. N. 9 E. 6 vrs., a 7 in. do brs. S. 84 W. 2 1/2 vrs. Thence N. 45 W. 196 vrs. to the beginning, be vested in W.H.Toliver and divested out of the other ditributees.

Further ordered that the title to the follwing tract, viz: in Kaufman County, Texas, and being lot No.6 according to the said plat of partition and containing 38 acres, and beginning at the N.E. corner of the Ruben Rowe 176 acre tract, a 15 in. Bois d'arc brs. N. 12 E. 3 vrs., a 24 in. Ash brs. N. 3 W. 3 vrs. Thence East 71 vrs. to corner, a 12 in. Bois d'arc brs. N. 33 1/2 W. 7 vrs. Thence S. 45 E. 410 vrs. to bank of East Fork in all 576 vrs to stake in old field. Thence S. 45 W. at 680 vrs., bank of river, in all 698 vrs., to other bank of river to stake for corner. Thence up said stream with its meanders at 10 vrs. pass S.E. corner of Block A/ Lot No. 5, a 16 in. spotted Oak brs. S. 30° 45' E. 14 1/2 vrs., an 18 in. Bpis d'arc brs. N. 45° 30' W. 16 vrs., in all 90 vrs. to the S.E. corner of said Ruben Rowe 176 acre tract on the bank of said stream, a 16 in. Ash brs. S. 70 1/2 E. 3 vrs., a 48 in. Cottonwood brs. N. 68 E. 4 vrs.

Thence N. 815 vrs. to the place of beginning. Also the following house and lot in Forney, Kaufman County, Texas, viz: Beginning at the N. corner of a tract of land belonging to E.P.Shands. Thence N. 45 E. 260 feet. Thence N. 45 W. 258 feet. Thence S. 45 W. 260 feet. Thence S. 45 E. 258 feet, out of the John Grigg survey, be vested in R.L.Toliver ad divested out of the other distributees.

Further ordered that the title to the follwing tract, viz: in Dallas Co., Texas, and being Block A out of Lot No. 8 according to the plat of said partition and containing 42 acres and beginning at the West corner of the Benj. Beckner survey, a 6 in. Elm brs. N. 5 W. 7 vrs., a do. brs. N. 1 E. 8 vrs. Thence S. 45 E. 444 vrs. to corner, a 14 in. Elm brs. S. 56° 15' E. 3 vrs., a leaning 8 in. Bois d'arc brs. N. 38° 45' W. 5 3/4 vrs. Thence N. 45 E. at 500 vrs. pass the N. corner of lot No. 2 and West corner of lot No.3, a 14 in. Bpis d'arc brs. N. 56° 30' W. 24 vrs., a 16 in. Elm brs. S. 86° 45' W. 32 vrs., in all 535 vrs. to corner. Thence N 45 W. 444 vrs. to corner in N.W. line of said Beckner survey. Thence S. 45 W. 535 vrs. to the beginning, be vested in the minor heirs of Nancy Pemberton, viz: J.L.Pemberton, M.J?Pemberton and J.G.Pemberton and divested out of the other distributees.

Further ordered that the title to the follwing tract, viz: in Dallas Co., Texas and being Block B, out of Lot No. 8, according to the plat of said partition and containing 10 1/2 acres, and beginning at a point in the N.W. line of the Benj. Beckner survey 535 vrs. N. 45 E. from the West corner of said survey. Thence S. 45 E. 444 vrs. to corner. Thence N. 45 E. 133 6/10 vrs. to corner. Thence N. 45 W. 444 vrs. to corner in N.W line of said Benj. Beckner survey. Thence S. 45 W. 133 6/10 vrs. to the beginning, be vested in H.F.Schwerr, assignee of Mary J.Splawn, and divested out of the other distributees.

Further ordered that the title to the follwing tract, viz: in Dallas Co., Texas, and being Block C, out of Lot No. 8, according to the plat of said partition, and containing 10 1/2 acres, and beginning at a point in the N.W. line of the Benj. Beckner survey 802 vrs. N. 45 E. of the West corner of said survey, this being also the West corner of lot No.7, a 7 in. Pecan brs. N. 86° 30' E. 9 vrs., an 8 in. Pecan brs. S. 37 W. 13 vrs. Thence S. 45 E. 444 vrs. to corner, a [illegible] ckberry brs. S. 75° 30' W. 21 vrs., a 10 in. do brs. N. 29 W. 2[illegible] nce S. 45 W. 133 7/10

vrs. to corner. Thence N. 45 W. 444 vrs. to corner in the N.W. line in the said Beckner survey. Thence N. 45 E. 133 7/10 vrs. to the beginning, be vested in Mrs. Martha E.Cartwright, and divested out of the other distributees.

Further ordered that the title to the follwing tract, viz: in Kaufman Co., Texas, and being Block C, out of Lot No. 5, according to the plat of said partition, and containing 72 acres and beginning at a point in the old county line in a lane 150 vrs. South of the S.W. corner of Rube Rowe's 176 acre ~~xxxxxx~~ tract. Thence East with the South line of Block B 1040 vrs. to corner on bank of East Fork, an 18 in. Spotted Oak brs. S. 10° 30' W. 4 1/2 vrs., a 12 in. Burr Oak brs. N. 37 W. 9 1/2 vrs. Thence down said stream with its meanders 1174 vrs. to corner an 8 in. Ash brs. S. 81° 45' W. 3 1/2 vrs., a 30 in. Cottowood brs. N. 86° 45' E.2 1/2 vrs. Thence N. 45 W. at 445 vrs. passing past corner of the Beckner survey in all 949 vrs. to corner on said county line in lane, an 18 in. Elm brs. S. 85° 30' W. 65 1/2 vrs., a 4 in. Bois d'arc brs. N. 87° 15' W. 3 vrs. Thence North about 40 vrs. to the beginning, be vested in Mrs. Mary A.Miller and divested out of the other distributees.

Further ordered that the title to the follwing tract, viz: In Kaufman Co., Texas, and being Block B, Lot No. 5 according to the plat of said partition, and containing 11 1/2 acres, and beginning in the old county line in the lane at a point 75 vrs. South from the S.W. corner of the Rube Rowe 176 acre tract. Thence South with the South line of Block A 780 vrs. to corner on bank of East Fork, a 16 in. Spotted Oak brs. S. 3° 45' E. 14 1/2 vrs, an 18 in. Bois d'arc brs. N. 45° 30' W. 16 vrs. Thence down said stream with its meanders 113 vrs. to corner, an 18 in. Spotted Oak brs. S. 10° 30' W. 4 1/2 vrs., a 12 in. Burr Oak brs. N. 37 W. 9 1/2 vrs. Thence W. 1040 vrs. to corner on County line in lane. Thence N. 75 vrs. to place of beginning, be vested in Mrs. Georgia Brown and divested out of the other distributees.

Further ordered that the title to the follwong tract, viz: In Kaufman Co., Texas, and being Block A, Lot No. 5, according to plat of said partition, and containing10 1/2 acres, and beginning at the S.W. corner of the Rube Rowe 176 acre tract. Thence East 790 vrs. to corner on bank of East Fork, an Ash 16 in. brs. S. 70 1/2 E. 3 vrs. Thence down said river with its meanders 80 vrs. to corner, a 16 in. Spotted Oak brs. S. 3° 45'

E. 14 1/2 vrs., an 18 in. Bois d'arc brs. N. 45° 30' W. 16 vrs. Thence West 780 vrs. to corner in lane on old County line. Thence N. 75 vrs. to the beginning, be vested in Mrs. Eva Meeks and divested out of the other distributees.

Further ordered that the title to the following tract, viz: In Dallas Co., Texas, and being Block A, out of Lot No. 2, according to the plat of said partition and containing 54 acres, and beginning at the South corner of the Benj. Beckner 278 acre survey, a locust 6 in. brs. S. 11 W. 3 vrs., a three pronged Ash brs. N. 66 E. 34 vrs. Thence N. 45 W. 514 vrs. to corner, a 14 in. Elm brs. S. 56 1/4 E., 3 vrs., a leaning Bois d'arc 8 in. brs. N. 38° 45' W. 5 1/2 vrs. Thence N. 45 E. 250 vrs .a stake for corner. Thence S. 45 E. at 514 vrs. cross S.E. line of said Beckner survey, in all 1292 vrs. to corner on bank of East Fork, a 12 in. Bois d'arc brs. N. 10° 15' W. 3 vrs., an 8 in. Ash brs. S. 36° 15' W. 6 vrs. Thence down said river with its meanders 312 vrs. to the East corner of Lot No. 1, a Hackberry 9 in. brs. N. 22 E. 2 1/3 vrs., a do 20 in. brs. N. 53 W. 4 1/2 vrs. Thence N. 45 W. with the N.E. line of said lot No. 1, 615 vrs. to the beginning, be vested in Mrs. Sarah Eaton and divested out of the other distributees.

Further ordered that the title to the follwing tract, viz: In Dallas Co., Texas, and being Block B of Lot No. 2, according to the plat of said partition, and containing 58 acres and beginning at the West corner of Lot No. 3, 500 vrs. N. 45 E. from the S.W. line of the said Beckner survey, a 14 in. Bois d'arc brs. N. 56° 30' W. 24 vrs., a 16 in. Elm brs. S. 56° 45' W. 32 vrs. Thence S. 45 E. at 514 vrs. cross the S.E. line of said Beckner survey, in all 1271 vrs. to corner on bank of East Fork, a 12 in. Bois d'arc brs. S. 25 E. 1 vr., a 20 in. Hackberry brs. N. 19° 30' E. 8 vrs. Thence down said river with its meanders 256 vrs. to East corner of Block A, a 12 in. Bois d'arc brs. N. 10° 15' W. 6 vrs. Thence N 45 W. at 778 vrs. cross S.E. line of said Beckner survey, in all 1292 vrs. to stake for corner. Thence N. 45 E. 250 vrs. to the beginning, be vested in Mrs. Mary A. Atwood and divested out of the other distributees.

It is further ordered, adjudged and decreed that the following amounts out of the cash on hand in the sum of $1809.00 be paid out at once as follows, by the Admr., T.P.Summers, viz: To T.F.Nash $50.00, to T.P. Summers admr $1500 To John Carver, Guardian of the minors Hattie, Lillie and Mary Carver $133.90; to

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their guardian ad litem, Julius F.House, $25.00. To Martha Kelley $110.30 to R.L.Toliver $2.60, to Henry Pemberton, guardian of J.L., M.J. and J.G. Pemberton, minors, $159.10; to M.E.Cartwright $26.10; to H.F.Schwerr $16.10; to Eva Meeks $208.30; to Georgia Brown $208.30; to M.A.Atwood $475.80; to Sarah Eaton $233.20; to costs incurred in County Court proceedings $99.85, making the total cash to be paid by him $1798.55, leaving $10.45 in his hands to pay costs in closing said administration.

It is further ordered, adjudged and decreed that the unpaid costs in said County Court in this whole matter of every kind is the sum of $154.70 of which amount said Admr., T.P.Summers, has been herein above directed to pay the sum of $99.85, leaving a balance due of $54.85, of which said balance it is decreed by the Court to be due by heirs as follows: By Francis Parker $28.50, by W.H.Toliver $20.25, by Mrs. Mary A.Miller $6.10. It is further adjudged and decreed that alien exists on each tract of land, respectively hereinbefore set out and described asset apart to each of said distributees, Francis Parker, W.H. Toliver and Mrs. Mary A.Miller, for the amount of said costs due by each distributee respectively, and that an order of sale may issue herein against each one of said distributees respectively for the amount of costs due by each respectively as above stated. It is further ordered, adjudged and decreed that all costs of this court, together with the costs of the transcript on this appeal from the County Court is adjudged against Henry Pemberton, Guardian and the sureties on his appeal bond, W.N.Coombes and A.Pamberton, for all of which let execution issue, and that this decree be certified to the County Court of Dallas County for observance. The names of the parties in this partition proceedings are T.P.Summers, Administrator of the estate of J.M.Toliver, deceased, John Q.Carver, guardian of Lillie, Hattie and Mary Carver, minors, Martha Kelley, Francis Parker and husband, J.W.Parker, W. H.Tolliver, R.L.Tolliver, Henry Pemberton, guardian of J.L., M.J. and J.G. Pemberton, minors, M.E.Cartwright and husband, Sam Cartwright, W.F.Schwerr, Eva Meeks and husband, J.C.Meeks, Georgia Brown and husband, G.W.Brown, Mary A.Atwood, Sarah Eaton and husband, J.B.Eaton, Mary A.Miller and husband J.W.Miller.

The State of Texas, /
County of Dallas. /

I, H.W.Jones, Clerk, District Courts, Dallas County, Texas, hereby certify that the foregoing is a true and correct copy of the judgment and decree of the court rendered and entered in said numbered and entitled cause, as the same now appears of record in my office, in Book No. 13, pages 93, 94, 95, 96, 97, 98, 99, 100 and 101, Minutes of the District Court of the 14th Judicial District of Texas, Dallas County.

Given under my hand and seal of office, at Dallas, this, the 20th day of July, A.D. 1899.

H.W.Jones, Clerk, District Courts, Dallas County, Texas.

By Edward Trimble,
Deputy.

2209

J.L.Pemberton et al,
Appellants,

No. 18294. vs.

Est. of J.M.Tolliver, deceased,
T.P.Summers, Adm'r.,
Appellee.

Certified copy of judgment.

Filed July 20th 1899.
A. Jackson Clerk

Recorded July 20 99
Vol. Q-343 et seq.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

In the matter of the Estate of J. M. Toliver, Deceased, No. 2259.

On this the first day of May, A. D. 1899 the above cause came on to be heard, upon the report and suplemental report of the Commissioners of Partition, named at a previous term of this Court. The said report and supplemental thereto was made at a prior term of this Court, and having laid over one term of this Court, on this the first day of May, A. D. 1899 at a regular term of this Court for probate business, said report came on to be heard for approval or rejection upon said reports of Commissioners; and it appearing to the Court that ~~Wm.~~ Henry Pemberton as legal guardian ~~for~~ of the minors ~~heirs of Nancy Pemberton deceased~~ J. L. Pemberton M. J. Pemberton and J. G. Pemberton has filed exceptions to said report and suplemental thereto, all parties interested being present in person and by attorney announced ready for trial, and said cause came on to be heard upon said reports and exceptions thereto. Neither party demanding a jury, all matters of law and of fact were submitted to the Court, and after hearing the evidence, the arguments of counsel, and after considering and understanding the law, it is the opinion of the Court that said exceptions be overrulled, and that the report of the Commissioners should be in all things sustained and received by this Court.

It is therefore ordered, adjudged and decreed by the Court that said report be approved as the judgment of this Court, as corrected by the suplemental report of Commissioners filed herein upon the 22nd day of March A. D. 1899, and the Court herenow orders said report entered of record as a decree of this Court. Which said report as corrected is substantially in letters and figures as follows, to wit:

-1st.-

Value of Estate.

Land partitioned, 689¾ acres, community property, valued at	$ 9708.00
House and Lot, Forney, Separate property, valued at------ -	1000.00
Cash devided ($ 527.75 being rents) - - - - - - - - -	1809.00

Personal property, rent in Corn - - - - - - - - - - - - - - $ 20.00

Debts due by heirs charged to them as cash- - - - - - - - 2188.40

Total Estate devided- - $14725 .40

We find in the Birt Survey a deficit of 41 acres said Survey having 94½ acres instead of 99 acres as reported. In the ~~Becker~~ Beckner Survey we find a surplus of 9 acres being 278 acres instead of 269 as reported. In the Burgett Survey of 150 more or less reported we find 322 acres a surplus of 172 acres. All of which appears by allotments ~~full rates show~~ in the plat ~~part~~ made a part of our report.

Debts due by Estate.

To T. F. Nash	~~cash~~ -	$ 50.00
To T. P. Summers	~~cash~~ - - - - - - - - - - - - - - - - - - -	50.00
To Mary A. Atwood	- - - - - - - - - - - - - - - - - - - -	300.00
To R. L. Toliver	- - - - - - - - - - - - - - - - - - - -	140.00
To Commissioners of partitution-	- - - - - - - - - - - - - -	136.50
Total	- - - - - - - -	$ 676.50

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Joint Heirs.

We find that the six Joint Heirs of J. M. Toliver & Elizabeth Toliver and their representatives are each on the values above fixed, entitled to the sum in land and money, and debts charged as cash - - - - - $1732.00 as follows, to wit:- less 8 and ninty onehundredths dollars the pro rata part of each for the expenses for locating the community interests of the Birt Survey, which said amount is to be deducted from the cash received by each of the said heirs, and in the case of a deficit to be a lien upon their said Estate to that extent of said heir:

First , To the Heirs of Clarissa Carver, Lillie, Mary and Hattie we give:

100 acres of land, valued at - - - - - - - - - - - - - - - $1184.00

To J. A. Carver ~~his~~ debt as cash ~~to him~~ in the sum- - - 350.00

Cash - - -($25.00 of the same being for gaurdian ad Litem Julius F.

House) - - - - - - - - - - - - - - $ 126.00

Sum total of Carver Estate $1732.00

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2nd. To Mrs. Martha Kelley 109 acres of land valued at $1484.00

Cash - 139.90

Corn estimated at - - - - - - - - - - - - - - - - 20.00

Debt by her due as cash- - - - - - - - - - - - - - 88.10

Sum total of Kelley Estate- - - $ 1732.00

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3rd. To Mrs. Francis Parker we have alloted 119 acres of

land of the value of - - - - - - - - - - - - - - - - $ 1165.00

Debts charged as cash- - - - - - - - - - - - - - 567.00

Total of Parker Estate- - - - - - - $ 1732.00

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4th. We have alloted to W. H. Toliver 54½ acres of land

valued at - $1324.00

Cash in the sum of- - - - - - - - - - - - - - - - - 4.35

Debt as cash charged to him - - - - - - - - - - - - 403.65

Total - - - - - - - - $1732.00

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5th. R. L. Toliver land 38 acres, valued at- - - - - $ 353.00

Land at Forney, House and lot.- - - - - - - - - - 1000.00

Cash - 27.40

Debt due by said R. L. Toliver- - - - - - - - - - 491.60

Sum total of the R. L. Toliver estate- $1872.00

Including the $140.00 due him for improvements.

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6th. To the Heirs of Nancy Pemberton we have alloted

63 acres of land valued at- - - - - - - - - - - -	$1452.00
Cash -	230.00
Debts due by said interest- - - - - - - - - - - -	50.00
Total of said Pemberton interest	$1732.00

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Sub-Partition of Pemberton Estate.

We further find that Nancy Pemberton is long since deceased leaving heirs and their assigns and which said Pemberton Estate is devided as follows:-

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A. To the minor heirs of Nancy Pemberton to wit:- M. J. Pemberton, J. G. Pemberton and J. L. Pemberton together with the 1/6 life interest of the husband, Henry Pemberton, contained herein land 42 acres of the

value of- -	$ 968.00
Cash to the amount of - - - - - - - - - - - - - - - - - -	177.26
Total interest of said heirs in the said Nancy Pemberton estate	$1145.26

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B. To Mrs. M. E. Cartwright heir of said Nancy Pemberton we

have alloted land 10⅔ acres, valued at- - - - - - - - -	$ 242.00
Cash to the said Mrs Cartwright - - - - - - - - - - - - - -	31.37
Debts as cash- -	20.00
Total interest of Mrs Cartwright in the Pemberton estate- -	$ 293.37

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C. To H. F. Scheer assignee of Mrs. Mary J. Splawn, heir of Nancy

Pemberton land 10⅔ acres- - - - - - - - - - - - - - - - - -	$ 242.00
Cash to said Scheer- - - - - - - - - - - - - - - - - - - -	21.37
Debt- -	30.00
Sum total to H. F. Scheer assignee of M. J. Splawn's interest in the Pemberton estate -	$ 293.37
Making the sum total of the Pemberton interest distributed,	$1732.00

With the life estate of the husband, Henry Pemberton. of 1/6 set apart to the minor heirs of said Nancy Pemberton.

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Separate Heirs of J. M. Toliver.

We find that the three separate heirs of J. M. Toliver are each entitled to $1030.00, and we have made to them the following partition; and in addition unto each is given the sum of $17.75 their separate share of the $80.00 charged the community heirs for locating the Birt Survey, which said $17.75 is to be added to the $103o shares hereinafter set out.

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7th. To the heirs of Geo. Toliver Deceased, 22 acres of land

valued at- -	$ 620.00
Cash -	410.00
Total to the Heirs of Geo. Toliver	$ 1030.00

Which said amount we have devided between said heirs as follows:-

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a. Mrs. Eva Meeks 10½ acres, valued at- - - - - - - - - -	$ 310.00
b.Mrs Georgia Brown 11½ acres, valued at	310.00
a. Cash- -	205.00
b. Cash- -	205.00
Total estate of Geo. Toliver assigned to said heirs	$1030.00

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8th. We have alloted to Mrs Sarah Eaton 54 acres of land

valued at- -	$ 712.50
Cash in the sum of- - - - - - - - - - - - - - - - - - - -	227.15
Debt in the sum of -	90.35
Total interest in said estate- - - -	$1630.00

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9th We have alloted to Mrs. Mary Atwood 58 acres of land

valued at the sum of -	$ 712.50
Debt in the sum of- - - - - - - - - - - - - - - - - - - -	147.70
Cash besides debt due her- - - - - - - - - - - - - - - - -	169.80
Total- - - - - - - - - -	$1030.00

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Also cash due her in the sum of - - - - - - - - - - - - $ 300.00

Making the sum total due Mrs. Atwood from said estate- - - $1330.00

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We find that Mrs. M. A. Miller is the separate heir of Mrs. Elizabeth Toliver, and we have set aside for her 72 acres in land valued at $701.00

Cash in the sum of - 2.40

Total - - - - - - - $703.40

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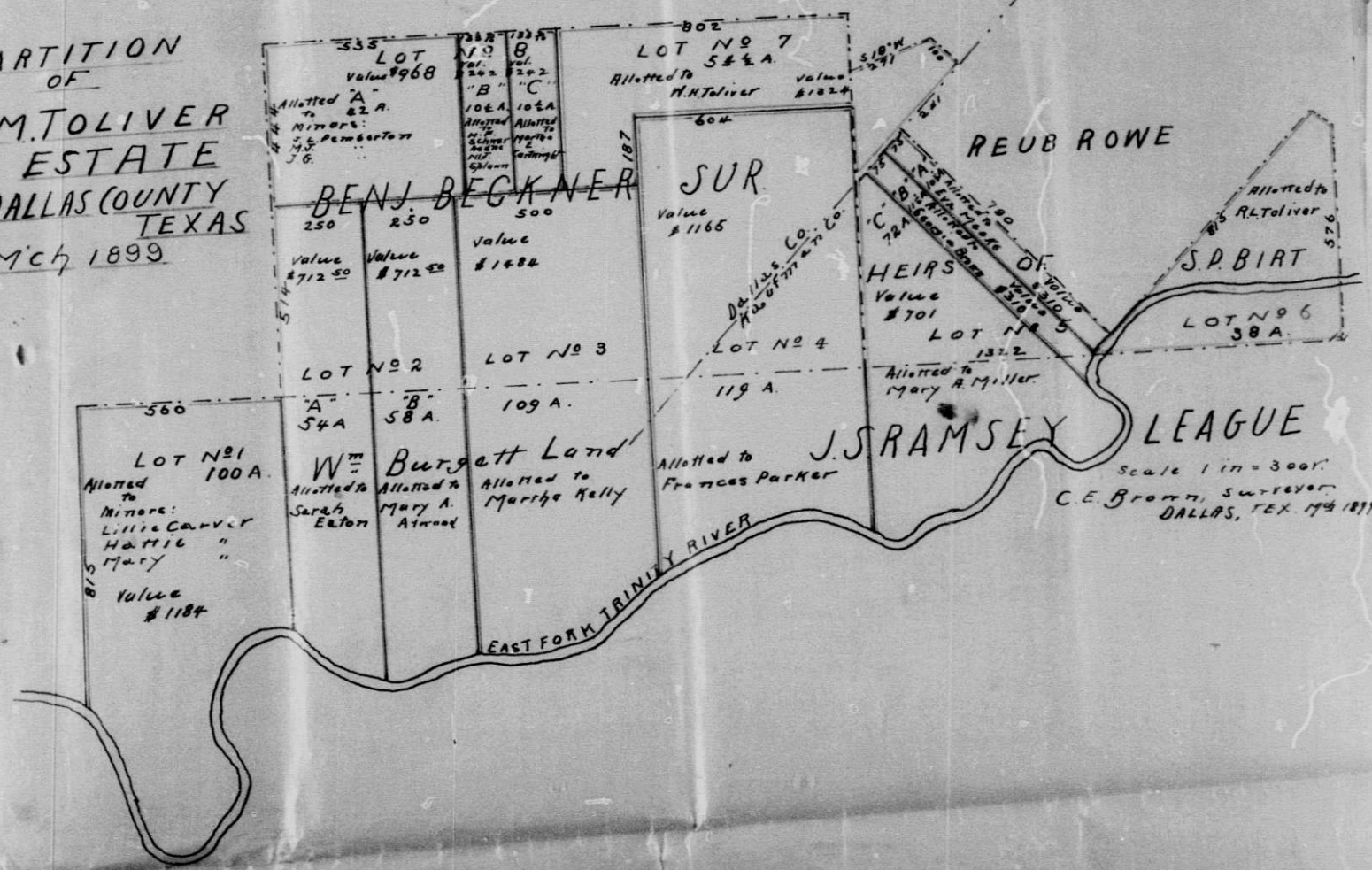
Which said land is marked by Field Notes and Plat showing separately the parts herein assigned, and which said plat with field notes is as follows, to wit:

5!



FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

1st. To the Heirs of J. A. Carver

We have alloted to the minor heirs of J. A. Carver, to wit: Lillie, Carver, Hattie Carver and Mary Carver, Lot No. one containing 100 acres, valued at $1184.00 and described as follows:- Begining at the South corner of the Benj. Beckner 278 acre survey, a locust 8'' bears S. 11 degrees W. 3vrs. a three pronged ash bears N. 66 degrees E. 34vrs.; Thence S. 45 degrees W. with N. W. line of the J. S. Ramsey survey 560 vrs to the west corner of the Wm. Burgett land, a double locust 8 bears N. 45 degrees W. 4 vrs; Thence South 45 degrees E. 815 vrs. to corner on bank of the East Folk of the Trinity River. Thence up the said river with its meanders 1456 vrs to the South corner of Block A. of Lot No.2 a hackberry 9"bears N. 22 degrees E. 2 and 1/3 vers a do, 20 bears N. 53 degrees W. 4 and 1/2 vrs; Thence N. 45 degrees W. 615 vrs to the place of beginning.

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2nd. To Mrs Martha Kelley.

We have alloted to Mrs. Martha Kelley Lot No. 3 as shown by the plot hereto attached, containing 109 acres, valued at $ 1484.00 more particularly described as follows:- Beginning at the North corner of Block B. of Lot No.2 a point ~~of~~ 500 vrs N. 45 degrees E of the N. E. line of said Beckner survey a 14" bois d'arc bears N. 56 degrees and 30' W. 24 vrs. a 16 Elm bear S. 86 degrees 45' W. 32vrs; Thence S 45 degrees E at 514 vrs. cross S. E. line of said Beckner survey in all ~~[illegible]~~ 1271 vrs. to corner on bank of East Fork a 12" boid d'arc bears S 25 degrees E. 1 vr. a 20" hackberry bears N. 19 degrees 30' E. 8 vrs; Thence up said river with its meanders 576 vrs to corner on bank of river a 22" Pecan bears N. 15 degrees 30' E. 16 vrs. an 8" hackberry bears S. 13 degrees W. 16½ vrs; Thence N. 45 W. at 553 cross S. E. line of Beckner survey in all 1067 vrs to corner a 12" bois d'arc bears N. 53 degrees 45' W. 40 vrs. an 8" bois d'arc bears N 59 degrees 40' E. 46 vrs. Thence S. 45 degrees W. 500 vrs. to the place of beginning.

3rd. Mrs. Francis Parker.

We have alloted to Mrs Francis Parker, Lot No. 4 as per attached plat containing 119 acres, valued at $1165.00, and more particularly described as follows:- Beginning in the N. E. line of the Benj Beckner survey at a point 257 vrs S. 45 degrees E. from the North corner of same a 3" bois d'arc bears S 70 degrees W. 10 vrs. a 4" do. bears S. 27 degrees 45' W. 11½ vrs. Thence S. 45 degrees W. 604 vrs. to ~~the~~ corner ~~of~~ a 6" ash bears N. 82 degrees 30' E. 2 vrs. a 10" ash bears S. 74 degrees 30' W. 7vrs. Thence S. 45 degrees E. at 187 vrs past North corner of Lot NO.3 at 701 vrs. cross ~~to~~ S. E. line of said Beckner survey in all 1254 vrs. to corner on bank of East Fork a 22" pecan bears N. 15 degrees 30' E. 16 vrs. an 8" hackberry bears S. 13 degrees W. 6½ vrs. Thence up said river with its meanders 693 vrs. to corner an 8" ash bears S. 81 degrees 45' W. 3½ vrs. a 30" cotton wood bears N. 86 degrees 45' E. 2¼ vrs; Thence N. 45 degrees W. at 445 vrs. the East corner of said Beckner survey in all 1146 vrs. to the place of beginning.

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4th. W. H. Toliver.

We have alloted to W. H. Toliver Lot No. 7 as shown by attached plat, containing 54½ acres , valued at $ 1324.00, which is more particularly described as follows:- Beginning at the North corner of the Benj. Beckner survey a 4" elm bears S. 70 degrees E 1½ vrs a double elm 12" bears S. 40 degrees W. 115 vrs; Thence S. 45 degrees W. 802 vrs. to corner, a 7"pecan bears N. 86 degrees 30'E. 9 vrs. a 8" pecan bears S. 37 degrees W. 13 vrs.; Thence S. 45 degrees E. 444 vrs, to the corner on N. W. line of Lot No. 3, a 14" hackberry bears S. 75 degrees 30' W. 21 vrs. a 1o" do. bears N. 29 degrees W. 29 vrs. Thence N. 45 degrees E. 198 vrs. to the corner on S. W. line of Lot No. 4, a 12" bois d'arc bears N. 53 degrees 45' W. 40vrs an 8" bois d' arc bears N. 59 degrees 40' E. 46 vrs.Thence N. 45 degrees W. 187 vrs. to corner a 6" ash bears N. 82 degrees 30' E. 2 vrs. a 10" do. bears S. 74 degrees 30' W. 7 vrs. Thence N. 45 degrees E. 6o4vrs to corner in N. E. line of said Beckner survey, a 3" bois d'arc bears S.

70 degrees W. 10 vrs. a 4" do. bears S. 27 degrees 45' W. 11½ vrs. Thence S. 45 degrees E. 197 vrs. to corner in old county line in lane, an 18" elm bears S. 85 degrees 30' W. 65½ vrs. a 4" bois d'arc bears N. 87 degrees 15' W. 3 vrs. Thence North to said county line at 190 vrs. passing the S. W. corner of Rube Rowe survey in all 431 vrs, to corner in lane in ravine, a 12" Honey Locust bears S. 79 degrees E. 12½ vrs. an 8" elm bears N. 88 degrees E. 8½ vrs. Thence West 100 vrs. to stake, Thence S. 19 degrees West to corner on the N. E. line on said Beckner survey, a 7" elm bears N 9 degrees E. 6 vrs. a 7" do. bears S. 84 degrees W. 2½ vrs. Thence N. 45 degrees W. 196 vrs. to place of beginning.

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5th. R. L. Toliver.

We have alloted to R. L. Toliver, Lot No. 6 as per the accompanying plat, containing 38 acres, valued at $ 353.00, and more particularly described as follows:_ Beginning at the N. E. corner of the Rube Rowe 176 acre tract a 15" bois d'arc bears N. 12 degrees E. 3 vrs. a 24" ash bears N. 3 degrees W. 3 vrs. Thence East 71 vrs to corner a 12" bois d'arc bears N. 33½ degrees E. 12 vrs. a 10" hackberry bears S. 36 degrees W. 7 vrs. Thence S. 45 degrees E. at 410 vrs to ~~the~~ bank of East Fork, in all 576vrs to stake in old field, Thence S. 45 degrees W. at 680 vrs. bank of river in all ~~686~~ 698 vrs. to other bank of river to stake for corner, Thence up said stream with its meandres at 10 vrs. pass S. E. corner of Block A. Lot No.5, a 16" spotted oak bears S. 3 degrees 45' E. 14½ vrs. an 18" bois d'arc bears N. 45 degrees 30' W. 16 vrs. in all 90 vrs. to the S. E. corner of said Rube Rowe 176 acre tract on the bank of said stream, a 16" ash bears S. 70½ E. 3 vrs. a 48" cottonwood bears N. 68 degrees E. 4 vrs. Thence N. 815 vrs. to the place of beginning. As a further portion of his share of real estate, we have alloted to him the house and lot in Forney, valued at $1000.00, and more particularly described as follows:-

Beginning at the North corner of a tract of land belonging to E. P. Shands, Thence N. 45 degrees E. 260 feet, Thence N. 45 degrees W. 258 feet, The S. 45 degrees W. 260 feet, Thence S. 45 degrees E. 258 feet.

Book of the Forney Group Survey Kaufman County Texas.

6th. To minor heirs of Henry Pemberton, namely:

J. L. Pemberton, M. J. Pemberton and J. G. Pemberton

We have alloted to the minor heirs of [redacted] Nancy Pemberton, namely: J. L. Pemberton, M. J. Pemberton and J. G. Pemberton, Block A. out of Lot No.8 containing 42 acres, valued at $ 785.00 and more particularly described as follows:- Beginning at the West corner of the Benj. Beckner survey a 6" elm bears N. 5 degrees W. 7vrs. a do. bears N. 1 degree E. 8 vrs. Thence S. 45 degrees E. 444 vrs. to corner a 14" elm bears S. 56 degrees 15' E. 3 vrs a leaning 8" bois d'arc bears N. 38 degrees 45' W. 5¾ vrs. Thence North 45 degrees E. at 500 vrs. pass the North corner of Lot No. 2, and West corner of Lot No. 3, a 14" bois d'arc bears N. 56 degrees 30' W. 24 vrs. a 16" elm bears S. 86 degrees 45' W. 32 vrs. in all 535 vrs to corner, Thence N. 45 degrees W. 444 vrs. to corner in N. W. line of said Beckner survey, Thence S. 45 degrees W. 535 vrs. to the place of beginning.

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7th. H. F. Schwerr, assignee of Mary J. Splawn.

We have alloted to H. F. Schwerr, assignee of Mary J. Splawn, Block B. out of Lot No. 8, as per attached plat, containing 10½ acres, valued at $196.00, being more particularly described as follows:- Beginning at a point in the N. W. line of the Benj. Beckner survey 535 vrs. N. 45 degrees E. from the West corner of said survey, Thence S. 45 degrees E. 444 vrs to corner, Thence N. 45 degrees E. 133 and 6/10 vrs. to corner, Thence N. 45 degrees W. 444 vrs to corner in N. W. line of the said Benj. Beckner survey, Thence S. 45 degrees W. 133 6/10 vrs. to place of beginning. - - - - - - - - - - - o - - - - - - - - - - - -

8th. Mrs. Martha E. Cartwright.

We have alloted to Mrs. Martha E. Cartwright, Block C. out of Lot No. 8 as shown by the accompanying plat, containing 10½ acres, valued at $196.00 and more particularly described as follows:- Beginning at a

point in the N. W. line of the Benj. Beckner survey 802 vrs. N. 45 degrees E. on the West corner of said survey this being also the West corner of Lot No. 7, a 7" pecan bears N. 86 degrees 30' E. 9 vrs. an 8" pecan bears S. 37 degrees W. 13 vrs. Thence S. 45 degrees E. 44 vrs. to corner, a 14" hackberry bears S. 75 degrees 30' W. 21 vrs. a 10"do.bears N. 29 degrees W. 29 vrs. Thence S. 45 degrees W. 133 7/10 vrs. to corner, Thence N. 45 degrees W. 444 vrs. to corner in the N. W. line in said Benj. Beckner survey, Thence N. 45 degrees E. 133 7/10 vrs to place of beginning.

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9th To Mrs. Mary A. Miller.

We have alloted to Mrs. Mary A. Miller, Block C. out of Lot No.5 as per plat hereto attached, containing 72 acres, valued at $701.00, and more particularly described as follows:- Beginning at a point in the old county line in lane 150 vrs. South of S. W. corner of Rube Rowe 176 acre tract, Thence East with South line of Block B. 1040 vrs. to corner on bank of East Fork, an 18" spotted oak bears S. 10 degrees 30' W. 4½ vrs a 12" burr oak bears N. 37 degrees W. 9½ vrs.; Thence down said stream with its meanders 1174 vrs. to corner, an 8" ash bears S. 81 degrees 45' W. 3½ vrs. a 30" cottonwood bears N. 86 degrees 45' E. 2¼ vrs; thence N. 45 W. at 445 passing east corner of Beckners survey in all 949 vrs. to corner of said county line in lane, an 18" elm bears S. 85 degrees 30' W. 65½ vrs. a 4" bois d'arc bears N. 87 degrees 15' W. 3 vrs. Thence North about 40 vrs.to beginning.

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10th. To Mrs. Georgia Brown.

We have alloted to Mrs Georgia Brown, Block B. lot No. 5 as per attached map or plat, containing 11½ acres, valued at $310.00, and more particularly described as follows:- Beginning in the old county line in the lane at a point 75 vrs. South from the S. W. corner of the Rube Rowe 176 acre tract, Thence South with the South line of Block A. 780 vrs. to cor-

ner on bank of East Fork, a 16" spotted oak bears South 3 degrees 45' E. 14½ vrs. an 18" bois d'arc bears N. 45 degrees 30' W. 16 vrs. Thence down the said stream with its meanders 113 vrs. to corner, an 18" spotted oak bears S. 10 degrees 30' W. 4½ vrs. a 12" burr oak bears N. 37 degrees W. 9½ vrs; Thence W. 1040 vrs. to corner on county line in lane, Thence N. 75 degrees W. to place of beginning.

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11th. To Mrs. Eva Meeks.

We have alloted to Mrs. Eva Meeks Block A. Lot No. 5, containing 10½ acres, valued at $310.00 and said Lot is more particularly described as follows:- Beginning at the S. W. corner of the Rube Rowe 176 acre tract thence East 790 vrs to a corner on the bank of East Fork, an ash 16" bears S. 70½ E. 3 vrs. a cottonwood 48" bears N. 68 degrees E. 4 vrs. Thence down said river with its meanders 80 vrs. to corner a 16" spotted oak bear S. 3 degrees 45' E. 14½ vrs. an 18" bois d'arc, N. 45 degrees 30' W. 16 vrs. Thence West 780 vrs. to corner in lane on old county line. Thence N. 75 vrs. to the place of beginning.

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12th. To Mrs. Sarah Eaton.

We have alloted to Mrs. Sarah Eaton, Block A out of Lot No. 2, containing 54 acres, valued at $712.50, and more fully described as follows:-

Beginning at the South corner of the Benj. Beckner 278 acre survey a locust 6" bears S. 11 degrees W. 3 vrs. a three pronged ash bear N. 66 degrees E. 34 vrs.; Thence N. 45 degrees W. 514 vrs. to a corner a 14" elm bears S. 58½ degrees E. 2 vrs. a leaning bois d'arc 8" bears N. 22 de-

by H. S. Skelton

Deputy.

14.

ner on bank of East Fork, a 16" spotted oak bears South 3 degrees 45' E. 14½ vrs. an 18" bois d'arc bears N. 45 degrees 30' W. 16 vrs. Thence down the said stream with its meanders 113 vrs. to corner, an 18" spotted oak bears S. 10 degrees 30' W. 4½ vrs. a 12" burr oak bears N. 37 degrees W. 9½ vrs; Thence W. 1040 vrs. to corner on county line in lane, Thence N. 75 degrees W. to place of beginning.

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11th. To Mrs. Eva Meeks.

We have alloted to Mrs. Eva Meeks Block A. Lot No. 5, containing 10½ acres, valued at $310.00 and said Lot is more particularly described as follows:- Beginning at the S. W. corner of the Rube Rowe 176 acre tract thence East 790 vrs to a corner on the bank of East Fork, an ash 16" bears S. 70½ E. 3 vrs. a cottonwood 48" bears N. 68 degrees E. 4 vrs. Thence down said river with its meanders 80 vrs. to corner a 16" spotted oak bear S. 3 degrees 45' E. 14½ vrs. an 18" bois d'arc bears N. 45 degrees 30' W. 16 vrs. Thence West 780 vrs. to corner in lane on old county line. Thence N. 75 vrs. to the place of beginning.

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12th. To Mrs. Sarah Eaton.

We have alloted to Mrs. Sarah Eaton, Block A out of Lot No. 2, containing 54 acres, valued at $712.50, and more fully described as follows:-

Beginning at the South corner of the Benj. Beckner 278 acre survey a locust 6" bears S. 11 degrees W. 3 vrs. a three pronged ash bear N. 66 degrees E. 34 vrs.; Thence N. 45 degrees W. 514 vrs. to a corner a 14" elm bears S. 58½ degrees E. 3 vrs. a leaning bois d'arc 8" bears N. 38 degrees 45' W. 5½ vrs. Thence N. 45 degrees E. 250 vrs. a stake for corner. Thence S. 45 degrees E. at 514 vrs. cross S. E. line of said Beckner survey in all 1292 vrs. to corner on bank of East Fork, a 12" bois d'arc bears N. 10 degrees 15'" W. 3 vrs. an 18" ash bears S. 36 degrees 15" W. 6 vrs; Thence down said river with its meanders 312 vrs to the East corner of Lot No.1 a hackberry 9" bears N. 22 degrees E. 2½ vrs. a do. 20" bears N. 53 degrees W. 4½ vrs; Thence N. 45 degrees W. with the N. E. line of 12 of said Sec No. 1 615 vrs to the place of beginning.

~~of said Lot No. 1 615 vrs. to the place of beginning.~~

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13. 14th. Mrs, Mary A. Atwood.

We have alloted to Mrs. Mary A. Atwood as her share of said real estate Block B. out of Lot No. 2 as shown by attached map, containing 58 acres, valued at $712. 50, and more fully described as follows:-

Beginning at the West corner of Lot No. 3, 500 vrs. N. 45 degrees E. from the N. W. line of the said Beckner survey a 14" bois d'arc bears N. 56 degrees 30" W. 24 vrs. a 16" elm bears S. 86 degrees 45" W. 32 vrs; Thence S. 45 degrees E. at 514 vrs. cross the S. E. line of said Beckner survey in all 1271 vrs. to corner on bank of East Fork a 12" bois d'arc bears S. 25 degrees E. 1 vr. a 20" hackberry bears N. 19 degrees 30" E. 8 vrs; Thence down the said river with its meanders 256 vrs. to East corner of Block A. a 12" bois d'arc bears N. 10 degrees 15" W. 3 vrs. and 18" ash bears S. 36 degrees 15" W. 6 vrs.. Thence N. 45 degrees W. at 778 vrs. cross S. E. line of said Beckner survey in all 1292 vrs. to stake for corner; Thence N. 45 degrees E. 250 vrs. to place of beginning.

Expense for making partitution as here and before set out - - $136.50

James Lyons

C. E. Brown

A. P. Summers

Sworn to and subscribed before me by each of the above named commissioners on the 22 day of March, A. D. 1889. A. S. Jackson
Clerk of the County Court,
Dallas County Texas
by H. S. Skelton
Deputy.

14.

Which said report of the Commissioners is herenow entered of record and made a decree of this Court. It is further ordered, adjudged and decreed by the Court that the land herein designated and set apart for the various heirs be and the same is set apart to said heirs as shown by said report, and in accordance therewith together with the various sums of money set apart to said heirs, together with debts charged as being due to said various heirs and the same is hereby canceled as indebitness to said estate.

It is further ordered, adjudged and decreed by the Court that the administ

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It is further ordered adjudged and decreed, by the Court, that the life interest of J. A. Carver, in the land hereinbefore described and set a part to said minor heirs of Clarrissa Carver, of a one sixth life estate, be and the same is, hereby set apart to said minor heirs, to-wit;- Lillie, Mary and Hattie Carver,

It Is further ordered adjudged and decreed by the Court that the sum of One Hundred and Seventy three ($173.00) Dollars, due said Carver estate, be paid to the said J. A. Carver, as the legal guardin, and for the use and benefit, of said minor heirs. and that the title to each tract of land, set apart to each of the distributees respectively, be and the same is, hereby vested in such distributees, and divested out of all the other distributees.

session of the

together with execution issue herein for the parties to carry in to force and effect this decree.

It is further ordered that the expense and costs of Court incurred by the filing of the exceptions of Henry Pemberton Guardian (Opinion dissent) & the report of the Commission herein be taxed against H. J. Pemberton as administrator of the estate of the minor heirs J. L. Pemberton, N. J. Pemberton and J. G. Pemberton for be credited to heirs, least the most be paid in due course of Guardianship, which execution may issue.

To which judgement of the Court the said minors J. L. Pemberton N. J. Pemberton and J. G. Pemberton by their legal Guardian Henry Pemberton in open Court excepted and gave notice of appeal which said exception and notice are duly entered on the Docket B.

Allred Grice
Co Judge

Which said report of the Commissioners is herenow entered of record and ~~made a decree of this~~ Court. It is further ordered, adjudged and decreed by the Court that the land herein designated and set apart for the various heirs be and the same ~~as~~ is set apart to said heirs as shown by said report, and in accordance therewith together with the various sums of money set apart to said heirs, together with debts charged as being due to said various heirs and the same is hereby canceled as indebitness ~~as~~ to said estate.

It is further ordered, adjudged and decreed by the Court that the administrator pay the sum of One Hundred and thirty six dollars and fifty cents ($136.50 to said Commissioners as expenses for making said partition.

It is further ordered and decreed that said partitioners be finally discharged, and that the administrator herein, T. P. Summers pay to each of said heirs the sum of money due them as set out in this judgment as shown by the report of said Commissioners less the expense of making said partition and any other unpaid Court Costs which shall be charged to each of the said heirs in proportion to their various interests; Except the heir Mary a Fletcher who shall be charged with partition expenses; and upon the final payment by said administrator, T. P. Summers of said various sums of money, ~~and take~~ taking a proper receipt therefor ~~and~~ shall file the same with the papers of this cause ~~that~~ the said administrator shall be finally discharged.

It is further ordered that each of the said heirs be placed in possession of the various lots of land assigned, and that all proper writs together with execution issue herein for the parties to carry in to force and effect this decree.

It is further ordered that the expense and costs of Court ~~incurred~~ incurred by the filing of the exceptions of Henry Pemberton Guardian (Pltf's Petition) & the report of the Commission herein be taxed against ~~H. H.~~ Pemberton as ~~administrator~~ of the estate of the minor heirs J. L. Pemberton, N. J. Pemberton and J. G. Pemberton for to be certified to Court, but not to be paid in due course of Guardianship ~~which execution may issue~~.

To which judgement of the Court the said minors J. L. Pemberton N. J. Pemberton and J. G. Pemberton by their legal Guardian Henry Pemberton in open Court excepted and gave notice of appeal which said exception and notice are duly filed on the docket.

Allen & Fence
Co Pltfs

$20837

Dallas, Texas. ~~July 20~~ September 11th 1899

Received of T. P. Summers, Administrator of the Estate of J. M. Toliver, Deceased, the sum of $20 37/100 Dollars in cash, this day paid to me, which is received by me in full settlement of all claims due me f or held by me against the ~~personal Estate of J. M. Toliver~~ deceased and his wife Elizabeth Toliver, also deceased.

The real Estate due me as an heir of either J. M. Toliver deceased, or Elizabeth Toliver deceased or of both of said decedents having been set aside and allotted to me by a doree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgment of the District Court of Dallas County Texas, this receipt is given by me a s a full complete and final settlement of all claims whatsoever against the Administrator, T. P. Summers, or the Estate of J. M. Toliver and Elizabeth Toliver Deceased for all property, both real ~~personal and mixed~~.

Georgia Brown

Witness to mark
W R Bleadmore

George his x mark Brown

Indian Territory,
Chickasaw Nation.

Personally appeared before me on this 11th day of September, 1899, Mrs. georgia Brown and George Brown her husband and acknowledged that they had signed the above receipt for the uses and considerations therein mentioned and set forth and I do hereby so certify.

W. R. Bleadmore
Notary Public.

Dallas, Texas,

Proceeds of E. P. Tumbers, Administrator of the Estate of E. M. Tolliver, deceased, the sum of [illegible] Dollars in cash, [illegible] cash to be received by me in full settlement of all claims [illegible] against the estate of

and Mrs. Elizabeth Tolliver, also deceased.

The real estate the [illegible] of either E. M. Tolliver, [illegible] or Elizabeth Tolliver deceased or of both of said deceased, [illegible] and allotted to me by a [illegible] of the Probate Court of Dallas County, Texas, and will [illegible] the Probate Court of the District Court of Dallas County, Texas, [illegible] given by me [illegible] a full complete and final settlement of all claims [illegible] whatsoever against the Administrator, E. P. Tumbers, [illegible] E. M. Tolliver and Elizabeth Tolliver, [illegible] as [illegible] proceeds and [illegible].

Witness my hand [illegible]

[illegible]

T. F. Nash.
Attorney-at-Law,
205 MAIN, COR. LAMAR STREET.

Dallas, Texas, Sept 1st 189

$26.10

Received of T. P. Summers Administrator of the Estate of J. M. Tolivar Deceased Twenty Six Dollars & Ten cents in cash, this day paid to me, which is received in full settlement of all claims due me from, or held by me against the personal Estate of J. M. Tolivar decd and his wife Elizabeth Tolivar also deceased. The real Estate due me as an heir of J. M. Tolivar and Elizabeth Tolivar both deceased having been set aside and allotted to me by a decree of the Probate Court of Dallas County Texas and said decree having been confirmed and affirmed by a judgement of the District Court of Dallas County Texas this receipt is given by me as a full complete and final settlement of all claims whatsoever against the Admr T. P. Summers or the Estate of J. M. Tolivar and Elizabeth Tolivar deceased for all property real personal and mixed.

Sam Cartwright
Martha Cartwright

$159 10/100 Dallas, Texas. July 20th 1899.

Received of T. P. Summers, Administrator of the Estate of J. M. Toliver, Deceased, the sum of $159 10/100 Dollars in cash, this day paid to me, which is received by me in full settlement of all claims due me from or held by me against the personal Estate of J. M. Toliver deceased and his wife Elizabeth Toliver, also deceased.

The real Estate due me as an heir of either J. M. Toliver deceased, or Elizabeth Toliver deceased, or of both of said decedents, having been set aside and allotted to me by a decree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgment of the District Court of Dallas County Texas, this receipt is given by me as a full complete and final settlement of all claims whatsoever, against the Administrator, T. P. Summers, or the Estate of J. M. Toliver and Elizabeth Toliver deceased, for all property, both real, personal and mixed.

Henry Pimberton

Guardian of the Estates of J. L. - M. G. and J. G. Pemberton Minors

Dallas, Texas. July 20" 1899.

Received of T. P. Summers, Administrator of the Estate of J. M. Toliver, Deceased, the sum of ———————— Dollars in cash, this day paid to me, which is received by me in full settlement of all claims due me or held by me against the Estate of J. M. Toliver deceased, and his wife Elizabeth Toliver, also deceased.

The real Estate due me as an heir of either J. M. Toliver deceased, or Elizabeth Toliver deceased, or of both of said decedents, having been set aside and allotted to me by a decree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgment of the District Court of Dallas County Texas, this receipt is given by me as a full complete and final settlement of all claims whatsoever, against the Administrator, T. P. Summers, or the Estate of J. M. Toliver and Elizabeth Toliver deceased, for all property, both real, personal and mixed.

J. K. Parker
Mrs. Francis J. Parker

Filed this 10 day of
Nov 1899
A. S. [illegible], Clerk Co. Court,
[illegible]

1899

$20.30 Mesquite Tex July 22

Received of T. P. Summers administrator of the Estate of J. M. Tolliver deceased the sum of $20.30 Dollars in cash this day paid to me which is received by me in full settlement of all claims due me from or held by me against the personal Estate of J. M. Tolliver deceased and his wife Elizabeth Tolliver also deceased the real Estate due me as heir of either of J. M. Tolliver deceased or Elizabeth Tolliver deceased or of both of said decedents having been set aside and allotted to me by a decree of the probate court [illegible] and affirmed by a judgment of the district court of Dallas County Tex this Receipt is given by me as a full complete and final settlement of all claims whatsoever against the administrator T. P. Summers on the Estate of J. M. Tolliver and Elizabeth Tolliver deceased for all property both Real personal and mixed

J. C. Meeks
Ira. Hicks.

$110.30

Received of T. P. Summers Admr of the Estate of J. M. Tolver Deceased One Hundred and Ten Dollars and 30/100 Dollars in cash, this day paid to me, which is received by me in full settlement of all claims due me from or held by me against the personal Estate of J. M. Tolver deceased and his wife Elizabeth Tolver also deceased

The real Estate due me as an heir of either J M Tolver deceased or his wife Elizabeth Tolver deceased or of both of said decedents having been set aside to me and allotted to me by a decree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgement of the District Court of said Dallas County Texas

This receipt is given by me as a full complete and final settlement of all claims whatsoever against the Administrator T. P. Summers & the Estates of J. M. Tolver and Elizabeth Tolver Deceased, for all property real personal and mixed

Witness my hand this the day of 1899

Mansfield Sebastian
County Arkansas

W. D. Kelley
M. E. Kelley

Mansfield Ark
July the 24
1882

Mr J P Simmons
plegs after
Grandmar Estate as due
from my Fathers Estate
and other
Martha Hill

I suppose my Dead so
my land is, also read
for me I haven't heard
anything a bout our Dead
yet

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

Received of T. P. Summers admr of the Estate of J. M. Tolliver decd per T. F. Nash the sum of two dollars and forty cents the amt of the cash to be paid to Mrs M. A. Miller as per decree of the court in the partition of said estate July 24/99

Mrs Mary A. Miller
per Jeff Ford atty for her

COCKRELL & NASH,
ATTORNEYS AT LAW.
ROOMS 205, 206, 207 AND 208
COCKRELL BUILDING.

JOS. E. COCKRELL.
T. F. NASH.

Dallas, Texas, Oct 5 1899

$2 80

Recd of T. P. Summers Admr of the Estate of J M Tolliver Deceased Two dollars & Eighty cents — $2 40 which was cash paid by me to Mrs. M. A. Miller being cash due her from the Est. on final settlement and 40 cents expenses incurred by me ~~and~~ in preparing settlement papers

T F Nash

Filed the 10 day of
Nov 1894
L. S. J. [illegible], Clerk, Co. Court.
By W H Jacobus

Atty. — one co. sue forwarded on
Ack

ESTATE OF J. M. Falliner dec'd } { J. P. Summers admr
No. 2259 ATTORNEYS

CLERK'S FEES			COUNTY JUDGE'S FEES		
Filing & docketing Report Part		15	Order approving partition	2	00
Affidavits & Commrs		75			
Filing 4 deeds		20			
Filing Supplemental Report		15			
3 affidavits of Commrs		25			
Filing & docketing objection		15			
Subpoena 16 witnesses		160			
Filing papers		05			
Filing & docketing agmt		15			
Ent order approving Report approx		800			
Filing & approving appraisement		105			
Recording admrs final & Supp Reports		520			
" Report commrs Part & " "		850			
Recording decree of dist court		450			
Taxing costs		75			
			TOTAL JUDGE'S FEES,	2	00
			SHERIFF'S FEES		
			TOTAL SHERIFF'S FEES,		
			RECAPITULATION		
			County Judge's Fees	2	00
			County Clerk's Fees,	31	45
			Sheriff's Fees,		
			Printer's Fees,		
			Appraiser's Fees,		
			Partitioners fees	136	50
TOTAL CLERK'S FEES,	31	45	TOTAL	$169	95

THE STATE OF TEXAS. }
COUNTY OF DALLAS. } I, A. S. JACKSON, County Clerk of said County, hereby certify that the above is a true and correct statement of the Costs due in the above entitled cause.

WITNESS my hand and official seal, at office in Dallas, this 20 day of July 189 9

Per A M Skelton Deputy. A. S. JACKSON, COUNTY CLERK.

$ 99 85

RECEIVED of J P Summers admr DALLAS, TEXAS, July 20 189 9
Ninety Nine & 85/100 Dollars, in full of ~~above bill~~ bill of Costs of estate of J M Falliner dec'd
Rec'd and owing by admr

Per A M Skelton Deputy. A. S. JACKSON, CLERK.

Give me receipt in full for all costs due from the Estate & he will pay you $169 95

J Frost
City Sec
Admr

No. 2759

PROBATE FEE BILL.

COUNTY COURT.

DALLAS COUNTY, TEXAS.

ESTATE OF

J M Falvey dec'd

Judge's Fees.....	
Clerk's Fees.....	
Sheriff's Fees.....	
Total,.....	169 95

Filed the 10 day of Nov 1899
A. S. Johnson, Clerk Co. Court.
By A M Rawlins Deputy.

Dallas, Texas. July 28" 1899.

$16.14

Received of T. P. Summers, Administrator of the Estate of J. M. Toliver, Deceased, the sum of $16 14/100 —— Dollars in cash, this day paid to me, which is received by me in full settlement of all claims due me from or held by me against the personal Estate of J. M. Toliver deceased and his wife Elizabeth Toliver, also deceased.

The real Estate due me as assignee of Mrs. M. J. Splann an heir of either J. M. Toliver deceased, or Elizabeth Toliver deceased, or of both of said decedents, having been set aside and allotted to me by a decree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgment of the District Court of Dallas County Texas, this receipt is given by me as a full complete and final settlement of all claims whatsoever, against the Administrator, T. P. Summers, or the Estate of J. M. Toliver and Elizabeth Toliver deceased, for all property, both real, personal and mixed.

H. P. Lancer.

Cohron & Spellman,
Attorneys at Law,
263 Main St.

C. F. COHRON.
JOHN M. SPELLMAN.

Dallas, Texas, July 8th 1899.

T. P. Summers,

Dear Sir, Pay to the Order of C. F. Cohron amount due me $25.00 for Guardian Ad Litem in Tolver Estate and oblige

Julius F. House

July 29th 1899. Received of T. P. Summers administrator of J. M. Tolver deceased estate the sum of $25.00 for due Julius F. House as Guardian Ad Litem of Carrie heirs Lillie Hattie and Mary Carrie

C. F. Cohron

$143.20 Dallas, Texas. July 20" 1899

Received of T. P. Summers, Administrator of the Estate of J. M. Toliver, Deceased, the sum of $143.20 Dollars in cash, this day paid to me, which is received by me in full settlement of all claims due me from or held by me against the personal Estate of J. M. Toliver deceased and his wife Elizabeth Toliver, also deceased.

The real Estate due me as an heir of either J. M. Toliver deceased, or Elizabeth Toliver deceased or of both of said decedents having been set aside and allotted to me by a decree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgment of the District Court of Dallas County Texas, this receipt is given by me as a full complete and final settlement of all claims whatsoever against the Administrator, T. P. Summers, or the Estate of J. M. Toliver and Elizabeth Toliver Deceased for all property, both real personal and mixed.

J A Carver
Guardian of the Estate of Lillie Mary & Hallie Carver, Minors

$233.20 Dallas, Texas. July 1899.

Received of T. P. Summers, Administrator of the Estate of J. M. Toliver Deceased, the sum of $233.20/100 Dollars in cash, this day paid to me which is received by me in full settlement of all claims due me or held by me against the Estates of J. M. Toliver deceased, and his wife Elizabeth Toliver, also deceased.

The real Estate due me as an heir of either J. M. Toliver deceased, or Elizabeth Toliver deceased, or of both of said decedents, having been set aside and allotted to me by a decree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgment of the District Court of Dallas County Texas, this receipt is given by me as a full complete and final settlement of all claims whatsoever, against the Administrator, T. P. Summers, or the Estates of J. M. Toliver and Elizabeth Toliver deceased, for all property, both real, personal and mixed.

Sarah Eaton
J. B. Eaton

$475.80 Dallas, Texas. July 20" 1899.

Received of T. P. Summers, Administrator of the Estate of J. M. Toliver Deceased, the sum of $475 80/100 Dollars in cash, this day paid to me which is received by me in full settlement of all claims due me or held by me against the Estate of J. M. Toliver deceased, and his wife Elizabeth Toliver, also deceased.

The real Estate due me as an heir of either J. M. Toliver deceased, or Elizabeth Toliver deceased, or of both of said decedents, having been set aside and allotted to me by a decree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgment of the District Court of Dallas County Texas, this receipt is given by me as a full complete and final settlement of all claims whatsoever, against the Administrator, T. P. Summers, or the Estate of J. M. Toliver and Elizabeth Toliver deceased, for all property, both real, personal and mixed. M C Atwood

$2.60 Dallas, Texas. July 20" 1899.

Received of T. P. Summers, Administrator of the Estate of J. M. Toliver Deceased, the sum of $2 60/100 Dollars in cash, this day paid to me which is received by me in full settlement of all claims due me or held by me against the Estate of J. M. Toliver deceased, and his wife Elizabeth Toliver, also deceased.

The real Estate due me as an heir of either J. M. Toliver deceased, or Elizabeth Toliver deceased, or of both of said decedents, having been set aside and allotted to me by a decree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgment of the District Court of Dallas County Texas, this receipt is given by me as a full complete and final settlement of all claims whatsoever, against the Administrator, T. P. Summers, or the Estate of J. M. Toliver and Elizabeth Toliver deceased, for all property, both real, personal and mixed. R L Toliver

Dallas, Texas. July 20" 1899.

Received of T. P. Summers, Administrator of the Estate of J. M. Toliver, Deceased, the sum of ———————— Dollars in cash, this day paid to me, which is received by me in full settlement of all ~~claims due me~~ from or held by me against the personal Estate of J. M. Toliver deceased and his wife Elizabeth Toliver, also deceased.

The real Estate due me as an heir of either J. M. Toliver deceased, or Elizabeth Toliver deceased, or of both of said decedents, having been set aside and allotted to me by a decree of the Probate Court of Dallas County Texas, and said decree confirmed and affirmed by a Judgment of the District Court of Dallas County Texas, this receipt is given by me as a full complete and final settlement of all claims whatsoever, against the Administrator, T. P. Summers, or the Estate of J. M. Toliver and Elizabeth Toliver deceased, for all property, both real, personal and mixed.

W H Toliver