

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

Case Number 1997

Dallas Genealogical Society
Founded 1955

www.dallasgenealogy.org



FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

1997

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

Exhibit "A"

I L. E. Smith Knowing the uncertainty
of life and being sound in mind and
memory do make this my last will and testament
I give and bequeath to my four children
to wit, Ella Minnie Webber Mary Effie McCoy
James Franklin Smith & Jesse Elizabeth Smith
all of my Estate to be equally divided between
them and provided farther farther that
James Franklin Smith and Jesse Elizabeth
Smith have in money the sum ^{Over by him} ~~eighty three~~
Dollars and seventy cents ^{each} that amount
being due them from their Mothers Estate
derived from the Straton Estate
and farther provided that I make Fred
Webber my Executor to take charge and
settle up my Estate without giving Bond
Witness
L. E. Smith
A. W. Graves
D. W. C. Smith
Last Will & Testament
This April the 16th 1898

such instrument and for such other general
and special relief as to the Court may ap-
pear proper -

J. J. Nash Atty for
Applicant

In Probate Court
of L. E. Smith Decd } of Dallas Co. Texas
May Term 1898

To Hon. Kenneth Stone

County Judge

Your Petitioner and

Wishes respectfully represents that L. E. Smith late citizen of said County Texas departed this life in said State and County on the 19th of April 1898 testate

That Decedent left property real personal and mixed of the probable value of Forty Five Hundred Dollars all situated in Dallas County Texas - That the said L. E. Smith left a Last Will and Testament which is attached hereto, marked Exhibit "A" and made a part hereof In said Last Will and Testament

Your Petitioner was named and nominated as Executor thereof without Bond - Your Petitioner is also a resident citizen of Dallas County Texas and is in no wise disqualified from receiving Letters as Executor of the Estate of the said L. E. Smith Decedent -

Wherefore Petitioner prays that citation issue in terms of the Law and that when final hearing hereof the Instrument herewith filed be Probated & ordered of Record as the Last Will and Testament of L. E. Smith Decedent, that Letters be issued to Petitioner as provided for in said Instrument and for such other general and special relief as to the Court may appear proper -

J. J. Nash Atty for
Applicant

K No-2459

In Re Estate of
L. E. Smith Decd

Application to
Probate Will

FILED
April 21 1988
S. S. & J. N.
Attest

Recorded
Issued April 21 '88

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

NOTICE OF APPLICATION FOR PROBATE OF WILL AND LETTERS.

10099-Dorsey Printing Co., Stationers, Dallas.

THE STATE OF TEXAS.

To all Persons Interested in the Estate of J. E. Smith Deceased :

Fred Webber has filed, in the County Court of Dallas County, State of Texas, an application for the Probate of the last Will of said J. E. Smith deceased, and for Letters Testamentary, which

application will be heard and acted upon by said Court, at the next term thereof, to be held at the Court House in the City of Dallas, County of Dallas, State aforesaid, and commencing on the first Monday in May A. D. 1898, at which time and place all persons interested in said Estate shall appear and contest said application, should they desire to do so.

WITNESS: A. S. JACKSON, County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court at office in the City of Dallas, this 21 day of April A. D. 1898

A. S. JACKSON,

County Clerk, Dallas Co., Texas.

By

W. B. Lawler Deputy.

EXECUTOR'S BOND

The State of Texas,

Estate of J. E. Smith Deceased

COUNTY OF DALLAS,

~~KNOW ALL MEN BY THESE PRESENTS,~~ That we,

~~as Principal and~~ and
~~as Sureties, are held and firmly bound unto the County Judge of said County of Dallas, and his successors in office, in the sum of~~ _____ Dollars;
~~conditioned that the above bound~~ _____, who has
~~been appointed~~

~~shall well and truly perform all the duties required of him under said appointment.~~

~~WITNESS our hands and seals, this~~ _____ day of _____ 1898

(SEAL)

(SEAL)

(SEAL)

I DO SOLEMNLY SWEAR that the writing which has been offered for probate, is the last will of J. E. Smith deceased, so far as I know or believe; and that I will well and truly perform all the duties of Executor of said will.

Sworn to and subscribed before me this

Fred Webber
17 day of May 1898
A. S. Jackson
County Clerk, Dallas County, Texas.

By

J. H. Turner Deputy.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

9

No. 2459

COUNTY COURT.

ESTATE OF
L. E. Smith

Deceased.

NOTICE OF APPLICATION FOR PROBATE OF
WILL AND LETTERS.

Issued this *21st* day of
April 189*8*

A. S. JACKSON, COUNTY CLERK.

By *A. B. Pawling* Deputy.

SHERIFF'S RETURN.

Came to hand the *21* day of *April*
189*8* and executed the *21* day of *April*

189*8*, by posting up three copies of this Writ at three public places in Dallas County, one of which was at the Court House door of said County, and no two of which were in the same town or city.

BEN E. CABELL, SHERIFF, DALLAS CO.

By *B. E. Carson* Deputy.

Fee \$ 2.25
Recorded

K

No. 2459

COUNTY COURT,
DALLAS COUNTY.

EXECUTOR'S BOND.

ESTATE OF
L. E. Smith

Filed *Mar 2* 189*8*
A. Jackson S. B. SCOTT, Clerk.

By *J. H. Carson* Deputy.
Approved this _____ day of _____ 189_____

County Judge, Dallas County.

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

Recorded

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

NOTICE GENERAL—Dawsey-Printing Co., Dallas, Texas.

THE STATE OF TEXAS,

To the Sheriff or any Constable of Dallas County—GREETING:

YOU ARE HEREBY COMMANDED to notify *Fred Webber,*
Executor
of the Estate of *L. E. Smith, Deceased,*

by delivering to him a true copy of this writ, that at the _____ term of the County Court of said
County an order was made

HEREIN FAIL NOT, but of this writ make due return, showing how you have executed the same.

Witness my hand and official seal, at my office in the City of Dallas, this _____ day of

A. D. 189 _____

A. S. JACKSON, CLERK.

By _____ Deputy.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

James A. Smith
3249 Farm

No. *2459*

ESTATE OF
J. E. Smith
Deed

NOTICE TO *Executor*

Issued *10* day *May*
1890

A. S. JACKSON, Clerk,
 By *A. B. Rawlins* Deputy.

Came to hand on the *10* day of
May *1890* and executed on
 the *11* day of *May* *1890*

by delivering a true copy of within notice to
Frank Webb the within
 named *executor*

Lee H. Hughes
 Sheriff Dallas County.
 By *C. B. James* Deputy.

FEES:
 Serving Notice, \$ *45*
 Mileage, *10*
 Total, \$ *55*

In Re Est of L. E. Smith Decd } In Probate Court
 } Dallas County
 Texas

Hon County Judge

Now comes Fred Webber Executor of the Estate of L. E. Smith deceased and submits thereto his supplemental report as a part of and as supplemental to his Report and Exhibit filed herein on the 15th day of Oct 1898, showing the condition of said Estate and asking that the heirs of said Estate be permitted to withdraw the same from further Administration.

This Executor represents that since he made said Report on the 15th of Oct. 1898 he has collected of the notes and accts then on hand viz: \$956.45 the sum of \$321.⁸⁰

He further represents that the order of the Court appointing Commissioners in Partition on the 18th day of Oct 1898 omitted an item of cash collected viz: \$93.55 - hence these two amounts should be added together which make \$424.³⁵ - in cash now on hand in excess of the amount mentioned in the order of Partition, no other change has been made in said Estate, since the report of Oct 15th 1898.

Fred Webber Executor

Sworn to and subscribed before me
 this 21st day of December 1898

J. P. Nash Notary Pub
 Dallas County
 Texas

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No. 2459

In Re Est of
Lucian E Smith
Deed

Supplemental
Report of Executor

FILED Dec 22 1896
S. S. JACKSON,
Clerk of Court
Dallas, Texas

Dec 22 1896 Supplemental
Report of Executor
is filed
and approved

Recorded
J. 494
509
W. C. Coffey
Clerk

No 2459
 In Re Est. of
 Lucian E. Smith
 Deceased

In Probate Court
 of Dallas County
 Texas

To the Hon Probate Judge
 of Dallas Co. Texas

The undersigned heirs at
 law of Lucian E. Smith - Deceased
 and devisees under his Will
 hereby join the Executor Fred
 Webber in his application herein
 filed for the withdrawal of said
 Estate from further Adminis-
 tration under the provisions
 of Articles 2017 and 2025 in-
 clusive of the Revised Statute
 and pray the Court to appoint
 Commissioners in Partition in
 said Estate - Witness our hands
 this day of October 1898

Elia M. Webber.
 Fred Webber
 Mary E. McRoy
 E. J. McRoy

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No. 2459

In Re Est. of
Lucian C. Smith
Deceased

Application to
withdraw Estate
from Administra-
tion

FILED Oct 15 1894

A. S. JACKSON,

Notary Public,
Dallas, Texas

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

INVENTORY AND APPRAISEMENT, Of the property real and personal belonging to the estate of *Lukian E. Suitts* deceased, together with a full and complete list of Claims due or owing to said estate produced before us, the undersigned appraisers, on the *16* day of *May* A. D. 189*8*, by *Fred Webber* Executor of the estate of the said *Lukian E. Suitts* deceased:

	\$
Real Estate, Common ^{Separate} property:	
<i>18 acres D. McFarland survey</i>	<i>405 00</i>
<i>1 Lot with Store house on it in Lisbon</i>	<i>275 00</i>
<i>1 acre James Ray survey (residence)</i>	<i>550 00</i>
<i>1 Lot in Lisbon (Lumber House)</i>	<i>275 00</i>

Real Estate, Common Property:

Common

Personal, ~~Separate~~ property :

Stock of Merchandise	\$ 1071 03
2 Horses	130 00
1 Two Horse Wagon	65 00
2 Cows and Calves	35 00
4 Hogs	12 00
60 Bushels corn	24 00
2 cords of wood	10 00
Cash on hand	42 35
Cash on Deposit in American Nat Bank	1752 13

Personal, Common property :

\$

List of all Claims Due or Owing to

Deceased.

NATURE OF CLAIM	PARTY OWING SAME	DATE OF CLAIM	DATE DUE	Rate of Interest	Portion Separate Property	Portion Common Property
Outstanding Mercantile Accounts			Over due			973 87
We value the above accts at 75 cents in the dollar or						730 40
Notes						
W H Taylor	W H Taylor		over due			61 20
	R W Graves		" "			100 00
	C. H. Quinn		" "			46 32
	Geo. Smith (Cal)		" "			40 32
	Will Fletcher		" "			109 99
	H P Moore		" "			10 32
	Jim Browder (Cal)		" "			7 00
The above is the principal of said notes all of them bear interest for some time. Said notes are not worth par, but we appraise them at						320 00

THE STATE OF TEXAS,

COUNTY OF Dallas

We, the undersigned, duly appointed and legally qualified Appraisers, heretofore appointed to appraise the property belonging to the Estate of Lucian E. Smith Deceased, do solemnly swear that the foregoing contains a full inventory and appraisement of all the property, both real and personal belonging to said estate, together with a list of claims due or owing to said estate and exhibited to us for appraisement by Fred Webber Executor of the said Estate, and that the amount set opposite each item, is a full and fair appraisement thereof.

C. A. Gracey
F. Crosser

Appraisers.

Subscribed and sworn to before me this 20th day of May 1898

J. B. Nash
Notary Public Dallas Co. Tex.

THE STATE OF TEXAS,

COUNTY OF Dallas

I, Fred Webber Executor of the Estate of Lucian E. Smith deceased do solemnly swear that the foregoing inventory and list, is a full and complete inventory and list of the property and claims belonging to said estate, that have come to my knowledge.

Executor of Fred Webber
Estate of Lucian E. Smith Deceased.

Subscribed and sworn to before me this 20th day of May 1898

J. B. Nash Notary Public
Dallas Co. Tex.

No. 2449
Estate of Lucian E. Smith
Deceased.

INVENTORY APPRAISEMENT AND
CLAIMS OF ESTATES.

Filed May 20 1898
A. Jackson Clerk
County of Dallas Co., Tex.
By A. Pawling Deputy.

Examined this 20 day of May 1898 and approved.
Almuckson
County Judge Dallas Co. Texas.

11-505
Recorded

No. 2459

In Re Estate of } Oct. 15th 1898
 Lucian E. Smith }
 Deceased }

Court in session Oct 15th 1898, the Exhibit of Fred Webber Executor of the Estate of Lucian E. Smith Deed and the application of all the parties having an interest in said Estate, to withdraw the same from further administration in this Court this day coming on to be heard and the same having been carefully considered by the Court, and it being the opinion of the Court that the Executors Report is true and correct and that said Estate may be properly withdrawn from further administration herein, after the same shall have been partitioned among the respective claimants - to wit

Webber wife of Fred Webber
 McCoy wife of McCoy and
 Frank and Jessie Smith, it is therefore ordered adjudged and decreed by the Court that the Executors Report of the Condition of said Estate this day filed herein, be & the same is hereby approved, the application to ~~withdraw the Estate from further ad-~~ ~~ministration~~ to partition said Estate and withdraw it from further administration, is granted, and E. A. Groacy Wm Gill and J. O. Ricketts are appointed Commissioners to partition said Estate according to Law, among the parties before mentioned, allotting one fourth of same in value to each of

the following named persons
viz: Mrs. Webber Mrs. McCoy
Smith and Smith
and due report made of their ac-
tion herein to the present term
of this Court if practicable

Alumet
Co. Judge

In Re Estate of L. E. Smith - dec'd
In Probate Court of Dallas County
Texas May Term 1898

Now comes D. W. C. Smith one of the subscribing witnesses of an Instrument purporting to be the last Will and Testament of L. E. Smith - dec'd and in open Court after having been duly sworn, deposes that he saw L. E. Smith dec'd subscribe the Instrument now shown and says that he subscribed his name to the Instrument now shown him in Court as the last Will and Testament of L. E. Smith deceased at the request of the said L. E. Smith and in his presence and that the other subscribing witness to said Instrument R. W. Graves signed said Will as a witness thereto also at the request and in the presence of said testator, and that both said witnesses signed the same in the presence of each other & the testator and at his request, that at the time said Will was executed by the said L. E. Smith as stated, the testator was more than 21 years of age and of sound mind and memory - that said L. E. Smith is now dead having died in Dallas County Texas on the 15th of April 1898 and that the Instrument now produced in Court as his last Will and Testament has never been revoked and that applicant and the other subscribing witness R. W. Graves were both over the age of 14 years old when they subscribed their names as witnesses to said Will.

D. W. C. Smith
Subscribed & sworn to before me in open Court
this May 2, 1898
J. Jackson Co. Clerk
J. B. Bunker Jr

No. 2459

In the Matter of the
Estate of
L. E. Smith
Deceased

Proof of Will

FILED *May 21 1898*

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

[Signature]

Recorded

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

1978

The state of Texas } No. 2459 In Re Estate of
County of Dallas } Lucian E. Smith Dec'd

Whereas the lawful heirs and devisees of Lucian
E. Smith Dec'd have been authorized by an order of
the Probate Court of Dallas County Texas of date
October 15 1898 to withdraw said Estate from
further Administration in said Court— Now
Therefore, know all men by these presents
that we Ella M. Webber joined by her husband
Fred Webber Mary E. McCoy joined by her
husband E. J. McCoy and Fred Webber
in the capacity of Guardians of the Estates
of J. F. Smith and Jessie E. Smith Minors
— as Principals and E. A. Gracey and
J. O. Ricketts as sureties acknowledge ourselves
bound to pay Kenneth Force County Judge of
Dallas County Texas and his successors
in office \$13910.³² (Thirteen Thousand Nine
hundred and Ten Dollars and Thirty Two
cents) Conditioned that the Principals herein
will pay all the debts against the Estate
of Lucian E. Smith Dec'd not paid, that
have been allowed by the Executor and
approved by the County Judge, or that
have been established by suit, or that
may be established by suit against
said Estate. Witness our hands this
day of December A D 1898.

Ella M. Webber
Fred Webber Es. Husband of—
Ella M. Webber & as Guardian of James F. & Jessie E. Smith
Mary E. McCoy
E. J. McCoy
E. A. Gracey
J. O. Ricketts

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No. 2459

In Re Estate of
Lucian E. Smith
Decd

Withdrawal Bond

Dless
& unused used
approved.

M. J. Jones
O-34 Copy

Recorded 2-369.

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No. 2459
In Re Estate of
Lucian E. Smith
Deceased

3
3
3
3

Court in session Dec. 22nd 1898
The report of the Commissioners appointed
by order of this Court on the 15th day of Oct.
1898 coming on to be heard - which said
report is in words and figures as follows:
(Clerk will here insert the report in-
cluding plat of the lands - but leave
off Exhibit "A" attached to report)

And it being made to appear to the Court
that there are no exceptions or objections
to said report and that the division of the
property of the Estate, has been fairly made
according to law, it is therefore
ordered adjudged and decreed by the
Court that said report be and the same
is hereby in all things approved and
ordered of record.

It is further ordered adjudged and
decreed by the Court that all title in and
to the two horses two cows four hogs one
wagon six cords of wood stock of Mer-
chantize, 60 bu of corn, Twelve Hundred
and fifty five Dollars and fifty-five
cents ^{in cash} and one lot of land with store
house on it situated in Lisbon Dallas County,
Texas out of the James Ray survey and for
particular description of which reference
is here made to Decd dated 15th day of Dec,
1893 from J B Randle and wife to L E Smith

recorded in Book 177 page 241 Dallas County Deed Records; also one acre of land out of the James Ray survey in Dallas County Texas: Beginning 326 ⁷/₁₀ feet N. 30° W from the E. cor of a tract of 148 acres Deeded by Samuel Sloan to E. A. Gracey a stake in the Dallas and Lancaster road as located the 9th day of ~~Feb~~ ^{June} 1889 Thence South 60° W 205 ⁷/₁₀ feet to a stake ^{June} N. 16° 10' W 358 ⁷/₁₀ feet to a stake - Thence N. 60° E 117 feet to a stake in said road - Thence South 30° E 335 ⁷/₁₀ feet to the beginning; allotted by said Commissioners in partition to J. P. Smith and Mrs Ella M Moberbe and the same is hereby divested out of Mrs Mary E. McCoy and Jessie E. Smith and vested in fee simple in ~~J. P. Smith and Mrs Ella M Moberbe~~ their heirs, executors administrators and assigns and vested in fee simple in J. P. Smith and Mrs Ella M Moberbe jointly, ^{their heirs and assigns} each being vested with an undivided interest in the same as fully and effectually as the Deeds of the first named parties could vest the same and having the same force and effect as a full warranty deed from such parties and each of them could have

It is also ordered adjudged and decreed that all title in and to Thirteen hundred and Thirty Three Dollars and Seventy Nine Cents in cash (\$1333.79) and 18 acres of land out of the McFarland survey in Dallas County Texas situated

near the town of Lisbon, for particular description see Deed from J. C. Winters and

and Security of Land and Survey in Dallas County Texas

near the town of Lisbon, for particular description see Deed from J. C. Winters and wife to L. E. Smith of date Feby 25th 1898 recorded in volume 205 page 241 Deed Records of Dallas County Texas and being the same land ~~deeded by~~ decreed to J. C. Winters by the 14th Judicial District Court in cause No. 9979 in suit of J. E. Shippen vs Milton Pollard in Partition of the Estate of J. J. Pollard Deceased, said decree being found in Book No. 3 page 369 records of the 14th Judicial Dist. Court of Texas, allotted to Mrs. Mary E. McCoy by said Commissioner be and the same is hereby divested out of J. F. Smith Mrs. Ella M. Mebbler and Jessie E. Smith their heirs executors, administrators and assigns and the title in fee simple is vested hereby in Mrs. Mary E. McCoy, as ^{her heirs and assigns} fully and effectually, and shall have the same force and effect as a full warranty Deed of conveyance from said first named parties and each of them could have.

It is also ordered adjudged and decreed that all ~~title~~ in and to Fourteen hundred and Sixty Three Dollars and Seventy Nine cents (\$1463⁷⁹) in cash and one lot of land with tenant house on it described as follows: Lying and being situated in the County of Dallas State of Texas, on the waters of Five Mile Creek and being a part of the Felix Saddle 320 acre Survey, for more

particular description see Deed from
W.D. Gass and wife to L.C. Smith
of date Apr. 11th 1894 recorded in Vol.
179 page 454 of the Deed records
of Dallas Co. Texas = allotted to
Jessie E. Smith by said Commission-
ers in partition be and the same is
hereby divested out of J.P. Smith
Mrs. Ella M. Webber and Mr. Mary
E. McCoy their heirs executors ad-
ministrators and assigns and
the title to the same is hereby vested
in fee simple in the said Jessie E.
Smith her heirs and assigns as
fully and effectually as the Deeds of
such parties could vest the same,
and this decree shall have the same
force and effect as a full warranty
Deed from said parties and each
of them could have

It is further ordered and decreed by the
Court, that when the parties among whom
this estate has been partitioned shall
have given Bond as required by the
statute, the Executor and Webber shall
deliver to the distributees their respec-
tive shares of the Estate on demand
the Guardian of J.P. Smith and
Jessie E. Smith, minors being the
Executor, of this Estate will hold
and control their respective shares
as Guardians only from and
after the approval of the Bond
herein mentioned, & the withdrawal
of this Estate from further Admin-
istration

Alfred Horn
De JUDGE

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No. 2459

In Re Estate of
L. E. Smithe Deed

Judgment
Approving Report
of Commissioners
and vesting title
severally in the
Distributes

O. 28-33

Antique copy
of this case

FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No. 2459

In Probate Court of

In Re Estate of

Dallas Co. Texas.

Lucian E. Smith

Decd.

Now comes Fred Webber Executor of the Estate of Lucian E. Smith Deceased and shows to the court that said Estate is in the following condition viz:

On the 20th day of May 1898 the inventory and app^{ri}sement of said estate was filed and the following property then on hand, is still on hand with the exceptions hereinafter mentioned.

	Value
18 acres of land ^{on} are D. McFarland survey	\$405.00
1 Lot with store house in Lisbon	275.00
1 acre James Ray survey (residence)	550.00
1 Lot in Lisbon (Tenant house)	275.00
Stock of Merchandise in Lisbon	1091.05
2 Horses	130.00
1 Two-Horse wagon	65.00
2 cows and calves	35.00
4 Hogs	12.00
60 Bushels Corn	24.00
6 Cords of Wood	10.00
Cash on Hand	42.35
Cash on Deposit in Amer. Nat. Bank	1752.13
Notes and Accts.	1050.00

Since said Inventory was filed this executor has collected for the estate from the New York Life Insurance Co.....150.00
 From the Security Mutual Ins. Co.....2000.00
7866.51

IN THE COUNTY OF ... STATE OF ...
 DECEASED ...
 EXECUTOR ...

Out of the accts. above mentioned the Executor has collected \$93.55

This Executor has paid the following indebtedness of the estate.

To A.S.Hayter Tombstone	\$55.00
* * * * * For funeral expenses	1.50
E. C. Smith for casket	47.00
Dr. A. C. Graham	25.00
Dr. R.W.Allen	30.00
J.D.Cooper Drugs	3.50
L. Wagner (whiskey)	1.00
Frank Smith (wages) \$15. per month	52.70
T.T.Nash Attys fee for Probating Will	10.00
Commanchee Medicine Co.	3.50
Eagle Refining Co.	4.30
J. N. Thorpe	1.40
Certified Copy of Will	.75
Costs of Co. Court	9.85
D.M.Ferry & Co. for seeds	9.80
Mosley Bros. Medicine Co.	.30
Harter Medicine Co.	17.05
Two certificates of Co. Clk.	1.00
Letters from Co. Clk.	.50
M. L. Robinson Notarial fee	2.50
J. D. Paschall Notarial fee	2.00
To Presbyterian Church (Clerks receipts)	4.25
	<u>\$282.70</u>

This Executor debits himself with amt. on hand
 brought forward.....\$7566.51
 And credits himself with amt. paid as above shown..... 282.70
 Bal. of the estate..... \$7583.81

✓ This executor represents that he knows of no other claims
 against the Estate except an indebtedness due and owing to . . .

Dr. B. W. Graves of Lisbon of \$85.00. But this Executor also holds a note against said Graves for \$100, hence said Graves has presented no claim because he owes the Estate when settlement is made. *with him*

This Executor represents that he is the husband of Ella M. Webber who is a daughter ^{and} of one of the heirs of Lucian E. Smith and a devisee under his will, and is entitled to a one fourth interest of this Estate. He is also Guardian of James F. Smith and Jessie E. Smith minor children of the Testator Lucian E. Smith, each of whom is also entitled to a one fourth interest in said Estate. Mrs. Mary E. McCoy wife of Jeff McCoy is also an heir of said estate being a daughter of said testator and entitled to a one fourth interest in same. The foregoing parties are the only heirs of said Decedent and each is entitled to one fourth of the Estate under the provisions of the will of said Testator. This Executor represents that all of these heirs and devisees desire to withdraw said Estate from future Administration under the provisions of Articles 2017 and 2025 inclusive of the Revised statutes and he now joins the other devisees in such application as the Guardian of James F. Smith and Jessie E. Smith Minors, and pro-forma as the husband of Ella M. Webber one of said heirs and devisees. Wherefore as Executor of said Estate he hereby waives the citation, its issuance and service mentioned in Article 2017 of the Revised Statutes and prays the Court to appoint Commissioners to partition said Estate and make an order authorizing and requiring him to turn over to each of said heirs and devisees his or her proportion of said Estate, except that he retain as Guardian that portion of said Estate which belongs to the aforesaid Minors upon said parties, executing to the County Judge the Bond provided for in Article 2018 of the Rev. Civil Statutes. And as in duty bound he will even pray.

Shown to before Justice Oct 15th 1909
at Jackson Co. Court House
134 S. 1st St. Dallas
Fred Webber
Executor of Estate of
Lucian E. Smith Decd.

No. 2459
In Re Estate of
Lucian Smith
deceased

Exhibit and
application to
withdraw Estate
from Administration.

FILED OCT 10 1898
A. S. JACKSON
County Clerk, Dallas County, Tex.
J. H. Doster
Deputy

Recorded

Oct 15 98

venter report
approved, applic-
ation to withdraw
this estate from
Administration
granted, used E & C
Gray, William
Yell and J. D.
Picketts were appoint-
ed commissioners
to partition this
estate

171 Mutual Iron
567 Co. Inds.

No. 2459

In Re Estate of

L. E. Smith, Decd.

)

)

In Probate Court

of Dallas County, Texas.

To the Hon. Kenneth Force,

County Judge:

The undersigned Commissioners in partition appointed by your Honor on the 16th day of Oct. 1898, to partition the Estate of L. E. Smith, Deceased, among the lawful heirs of the said L. E. Smith under the Commission to us directed of the above date which said Commission is attached hereto and marked Exhibit "A." submit that we have performed that duty as follows:

We found the following property which we allotted to the heirs as hereinafter indicated-

18 acres of land McFarland survey in Dallas county	\$405.00
which we valued at	
1 Lot with store house in Lisbon	275.00
1 acre James Ray survey	850.00
Stock of Merchandise in Lisbon	1,091.03
Cash on hand	4083.13
2 Horses	130.00
2 Cows and calves	35.00
4 Hogs	12.00
1 Wagon	65.00
60 Bu. Corn	24.00
6 cords wood	10.00

We allotted to J. F. Smith and Mrs. Ella Webber jointly each to have a one-half undivided interest in the same, the following property, viz.,

Two horses of the value of	\$130.00
Two Cows and calves "	35.00
Four Hogs "	12.00
One Wagon "	65.00
Six cords of wood "	10.00
Cash	1,283.55
Stock of merchandise "	1,091.00
60 Bu. of corn "	24.00

One Lot of land with store house on it situated in Lisbon, Dallas county, Texas, described as follows:

One acre of land part of the James Ray survey, and for description of which reference is here made to Deed dated 15th day of Dec. 1893, from J. B. Randle and wife to L. E. Smith, recorded in Book 177, page 241, Dallas Co. Deed Records. One acre of land out of the James Ray survey in Dallas county, Texas: Beginning 326 2/10 feet N. 30° W. from the E. corner of a tract of 148 acres Deeded by Sam'l Sloan to E. A. Gracey a stake in the Dallas & Lancaster Wagon road as located the 9th of Feb'y, 1889. Thence S. 60° W. 205 7/10 feet to a stake ^{Thence} N. 16° 10' W. 358 8/10 feet to a stake. Thence N. 60° E. 117 feet to a stake in said road; thence S. 30° E. 335 8/10 feet to the beginning.

We allotted to ^{Mary} Mrs. E. McCoy -
Cash

\$1333.79

and 18 acres of land out of the McFarland survey in Dallas county, Texas, described as follows:

For particular description see Deed from J. C. Winters and wife to L. E. Smith of date Feb'y 25, 1898, recorded in Volume 205 page 541, Deed Records of Dallas county, Texas, and being the same land decreed to J. C. Winters by the 14th Judicial District Court in cause No. 9972 in suit of J. E. Thigpen vs. Milton Pollard in partition of the Estate of T. J. Pollard, deceased, said decree being found in Book No. 3, page 369, Records of 14th Judicial Dist. Court of Texas.

We allotted to Jessie E. Smith

#1463.79

In cash

and one lot of land with tenant house on it described as follows: Lying and being situated in the County of Dallas, State of Texas on the waters of Five Mile creek, and being a part of the Felix Sadler 320 acre survey. For more particular description see Deed from W. D. Gass and wife to L. E. Smith of date Apr. 11, 1894, recorded in Vol. 179, page 454 of the Deed Records of Dallas County, Texas.

Your reporters would respectfully suggest that this partition has not been in strict compliance with the order of the Court recited in the Commission to us directed in this--that we have not allotted the property to Mrs. Ella Webster and J. F. Smith to each in severalty for the reason that a successful business has been conducted by the Administrator at Lisbon which is but a continuation of the business of L. E. Smith, Deceased, in his lifetime. To have divided the property in four equal shares would necessarily impair if not terminate said business and as J. F. Smith has nearly reached his majority and desires to continue the business established by his father in connection with his sister, Mrs. Webster,

Jessie E. Smith

we have considered it decidedly to their mutual interest to allot
the property to them jointly, and now ask the Court to approve our
work as herein reported.

Witness our hands this 22nd day of Dec. 1898.

E. J. Grady

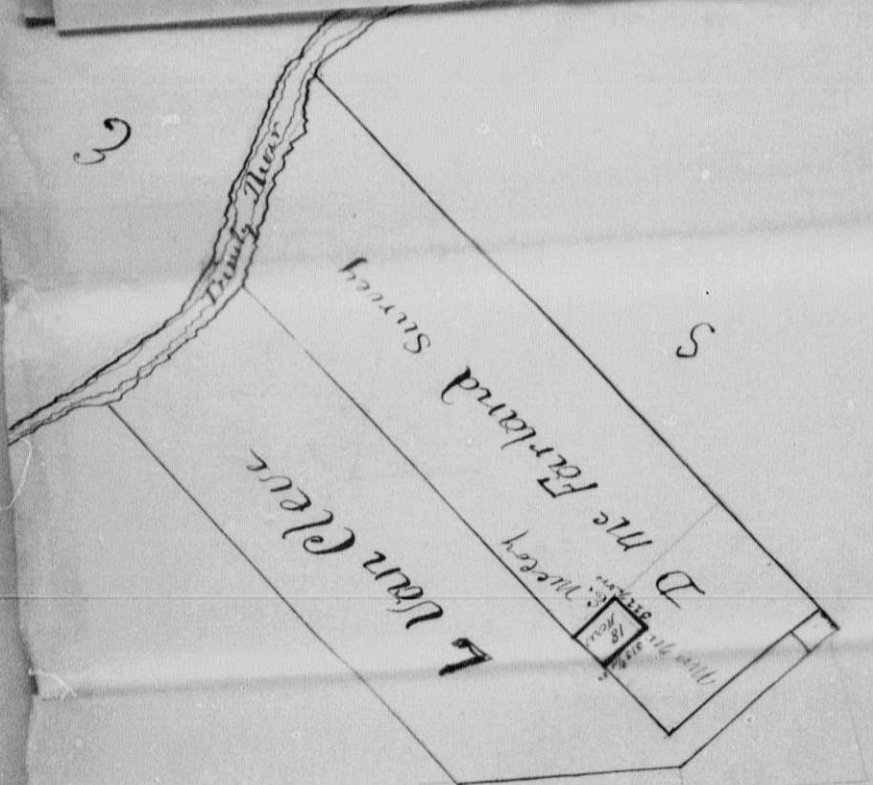
J. O. Ricketts

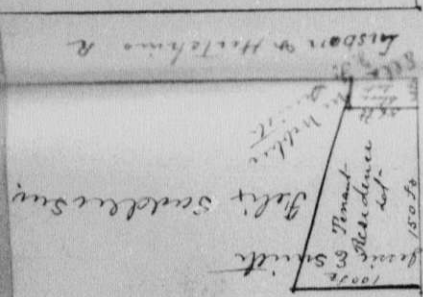
J. W. Hill

Sworn to and subscribed before
me this 22nd day of December 1898

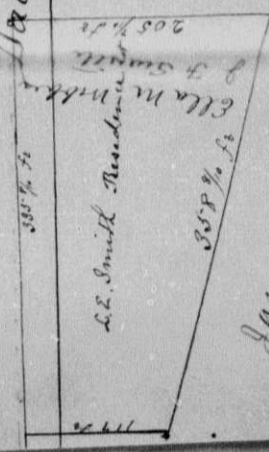
*J. P. Nash Notary
Public Dallas
County Texas*

Jesse C. ...





Dallas & Lancaster Road



James Ray Sr

13910.32

No. 2459
In Re Estate of
Lucian E. Daulton
Deceased

Report of the
Commissioners
in Partition

FILED Dec 22 1898

J. H. Daulton
Dec 22 1898
Report of commis-
sioners of partition
by and used
approved and
filed with the
several heirs of
deceased with
said report
by Wm. H. Jones
Recorded, Copied

"Exhibit A"
Settled
Oct 15 1898

No 2459
In Re Estate of
Lucian E. Daulton
Deceased
Oct 15 1898
The Exhibit
is a copy of the
report of the
commissioners
in partition
of the estate
of Lucian E.
Daulton
deceased
and is
filed with
the
several
heirs of
deceased
with
said
report
by
Wm. H. Jones
Recorded,
Copied

137
"Exhibit A"

No 2459
In Re Estate of
Lucian E. Smith dec'd
and Heirs, Extr.

Saturday
Oct 15th 1898

Court in session Oct. 15th 1898. The Exhibit
and Report of Fred Webber Executor of the
Estate of Lucian E. Smith deceased and the
application of all the heirs and devisees
of the Estate to partition and withdraw the
Estate from further Administration, coming
on to be heard and the same having been
carefully considered by the Court, the Court
is of the opinion that the Executor's Report
is true and correct and that said Estate
may be properly and legally withdrawn
from further administration herein
after the same shall have been
partitioned among the several heirs
at Law and devisees of the Estate,
viz. Mrs. Ella M. Webber, Mrs. Mary C.
McCoy, James F. Smith and Jesse C. Smith,
each of whom is entitled to and by the
value of one fourth of said Estate
and deemed by the Court, that the Executor
Exhibit this day filed herein, be and
the same is hereby approved, the
application to partition and withdraw
the Estate from further Administration
is granted, and S. H. Grady, Wm. G. L. and
J. C. Reddick are appointed Commissioners
to partition the same according to
Law and set apart and allot to each
of the following named owners of
said Estate one fourth of the same
in value, viz. Mrs. Ella M. Webber, Mrs.
Mary C. McCoy, James F. Smith and
Jesse C. Smith - Said Estate to be so

partitioned as shown by the Executors
Exhibit herein approved is as follows:
18 acres of land on D. McFarland survey in
Dallas County Texas

1 Lot with store house in Lisbon Dallas
County Texas

1 acre land James Ray survey in Lisbon
Dallas County Texas

1 Lot with house in Lisbon Dallas
County Texas

Stock of Merchandise in Lisbon
Dallas County Texas

2 Horses 1 Two Horse wagon 2 Cows and
calves 4 hogs 60 bushels of corn

6 cords of wood

Notes and accounts

Cash

\$956.45

3661.81

This further ordered
that said commissioners make due
Report of their said work to this Court
during its present term if practi-
cable, but otherwise to make their
report at the next succeeding term
of this Court.

The State of Texas,
County of Dallas, J. A. Jackson, Clerk of the County
Court of Dallas County do hereby
certify that the above and foregoing is a true and
correct copy of the order of Court appointing Com-
missioners of partition and permitting and directing
the partition and withdrawal from Administration
of the Estate of T. C. Smith, deceased, as the same
appears of record in Vol. No. page 567, et seq,
Probate Minutes of said Court.

Given under my hand and seal of Office this
15 day of Oct. 1898,
J. A. Jackson, Co. Clerk
By A. W. Paulnis Depy,

THE STATE OF TEXAS,

To *C. A. Gracy, W^m Gill and
J. O. Ricketts.*

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 *L. C. Smith, Deed,* 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—*if practicable, otherwise at the next succeeding term,* you, and each of you, having been heretofore on, to-wit: the *15* day of *October*

A. D. 189 *8*, duly appointed by said Court, Commissioners to make such partition and distribution.

HEREIN FAIL NOT, under Penalty of the Law.

WITNESS, *A. S. JACKSON*, L. H. HUGHES, Clerk County Court, Dallas County Texas.

GIVEN UNDER MY HAND and seal of office, this the *18th* day of *October* 189 *8*

A. S. JACKSON,

L. H. HUGHES,

Clerk County Court, Dallas County, Texas.

By *W. M. Lewis* Deputy.

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No. 2459

Estate of
J. E. Smith, Decd.

WRIT OF PARTITION.

Issued this 18 day of Oct.

A. D. 1898 A. S. JACKSON.

L. H. HUGHES,

Deputy Sheriff, Dallas County, Texas.

By *W. B. Pauline* Deputy.

SHERIFF'S FEES.

Serving Notices. . . . \$

Mileage. . . . \$

TOTAL. . . . \$

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978