

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

Case Number 430

Dallas Genealogical Society
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The State of Texas
County of Dallas

County Court April Term 1853

Hon. J. W. Patterson Chief

Justice Dallas County

Your petitioners Leticia Myers who resides in Dallas County State of Texas, would represent that David Myers departed this life in said County on the day of March 1853 leaving a written will herewith filed, and your petitioners pray that the said will may be probated, and as in duty bound she will ever pray &c.

Elizabeth Good
Dallas

Notice

Leticia Myers, has filed in my office, her petition to the County Court, praying that the said will and Testament of David Myers should be probated, at the next Term of this Court.

Therefore all persons interested are notified to attend and contest the same if they think proper.



Dallas
April 1st 1853

A. Hammond clk.
By W. W. East reg. clk.
C. C. B. & Treas.

Sept. 26/53

To the Honorable Court of
Probate

The Humble Petition
James Kennaday
Sheweth

That your petitioner
Having become security for the
Guardianship of Mrs Letitia
Myers, Guardian to the Heirs
of the Late David Myers. Your
petitioner prays to be dis-
charged from the said Bond, and
that your Honorable Court will
cause the said Letitia Myers
to obtain other sufficient
security in lieu thereof, and
for such relief your Petition-
er will as in duty bound
Ever pray James Kennaday

No.
Letitia Myers
Petition to Probate
the will of
David Myers decd

Filed 6th April 1853
W. W. Peck
Clerk

The State of Texas Know all men by these presents County of Dallas that we Letitia Myers — as principal and M. Kennedy & Mark Lord as sureties are held & firmly bound unto the Chief Justice of the County of Dallas in the sum of Three Thousand dollars, for the payment of which well and truly to be made we bind ourselves our heirs, Executors and administrators Jointly and Severally firmly by these presents signed and sealed using scrabs for seals this 25th day of April 1853.

The conditions of this obligation are such that whereas the above bound Letitia Myers has been appointed Executor of the last will and testament of David Myers — dec'd

Now if the said Letitia Myers — shall well and truly perform all the duties required of him under said appointment then this obligation shall be null & void, otherwise to remain in full force and effect

Letitia Myers (Seal)
James W. Kennedy (Seal)
Mark Lord (Seal)

I do solemnly swear that I will well and truly perform all the duties of Executor of the Estate of David Myers — deceased

Witness my hand and seal this 25th day of April 1853
Letitia Myers (Seal)
Mark Lord (Seal)

Handwritten notes on the right side of the page, including names like "James W. Kennedy" and "Mark Lord" and other illegible text.

State of Texas
Dallas County
To the Sheriff of said County
Greeting

Whereas at the October term
1853 of the San County Court for the County aforesaid
It was ordered that Execution Issue against
Leticia Myers Executrix of David Myers Deceased
for all costs that has accrued in this Court in said
Cause.

There are therefore to command you that of
the Goods and Chattels Lands and Tenements
rights Credits Monies and Effects of Leticia
Myers Executrix of David Myers Deceased and James M.
Kennedy and Noah Gort here securities you cause
to be made the sum of \$2450. together with your
Legal fees and Commissions for collecting the same
(which you are not to return) make as required by Law
(By order of Court) Given under my hand and
Official Seal this 1st Nov 1853

A. Harwood, Clerk.
By W. W. Pratt, Atty. at L.
Co. Ct. D. Co. Texas.

Leticia Myers Exec.
Est. David Myers
To Bond
Chief Justice

Piled 11th Nov 1853
W. W. Pratt.

Approved 30th May
1853
J. W. Salomon



Felicia Myers Esq. 3
 Est David Myers 3
 1/2 County Court Dr.

1853	Chief Justice	Cost	
Apr	to Petitioning Will. app't executry	\$5.00	
May	" appointing appraisers	50	
June	" order citation	50	
July	" Sci fa dismissed additional app't	100	
Aug	" order Sci facias	50	
Sept	" new app't over to file new Bond	100	
Oct	" order removing & order execution	100	
1853	County Clerk	Cost	
April	to filing Petition & notices & docketing	70	
"	" order app't to filing Will & affidavit	80	
May	" filing notice to Bond & call 1-2 orders Ct & record Will	285	
June	" order citation & securing same	50	100
July	" filing answer to Sci fa & 2 orders Court-1-	110	
"	" securing order of Appraisers	50	
Aug	" order citation & securing same	100	150
Sept	" order app't & order to give new Bond	50	100
"	" filing Petition & citation	20	
Oct	" order removing & order execution	50	100
Nov	" securing execution & out off Return	50	100
"	" Cost Bill & filing execution	10	55
	Sheriffs Fee serving 3 citations		
	Total Amt		21.50

\$7.50

\$10.00

200

Paid 15th May 1854
 to J. G. Bank & Co. Dr.
 Cash
 1854
 Paid to J. G. Bank & Co. Dr.
 Cash
 1854
 Paid to J. G. Bank & Co. Dr.
 Cash
 1854
 Paid to J. G. Bank & Co. Dr.
 Cash
 1854

Received on the
 within execution
 \$25.00 April 8th 1854
 J. G. Bank & Co.
 Paid by J. G. Bank & Co.
 the full amt = \$25.00

23
 1200
 3.75

State of Texas
 County of Dallas To the Sheriff of said County
 Greeting

Whereas at the August term (A.D. 1853)
 of the San County Court for said County it was ordered that
 Citation issue to Letticia Myers Executrix of David
 Myers requiring her to be and appear at the next term
 of said Court and shew cause why she has not returned
 an Inventory of the property of the Estate of said
 Decedent as required by law.

These are therefore to
 Command you that you cite Letticia Myers Executrix
 as aforesaid to be and appear at the next term
 of said County Court of Dallas County to be holden at
 the Clerks Office in the town of Dallas on Monday
 the 26th day of September A.D. 1853 and answer to
 the above Citation.

Herein fail not and due return make as required by Law.
 (By Order of the Court)

Given under my hand and official
 seal this 31st August 1853

A. Harwell Clk

By W. W. Pratt Spect

The State of Texas } County Court
 County of Dallas } July Term 1852

Now at this term Comes Petitioner
 Myra Exor of the Estate of David
 Myers and for Answer to the Citation
 Pleads to her to appear and answer
 at this term of the Court, Says that
 she was not advised that it was
 necessary for her to return an inventory
 of the property of said Estate that
 she was of the opinion that no such
 inventory was necessary under the will
 under which she is acting and she
 further says that the principal was
 absent and has been considered
 the appointment of appraisers so
 that she could not have his Council
 and she now comes and says further
 that the appraisers appointed by the
 Court refused to act, and it was
 therefore out of her power to have
 said appraisement made & she
 therefore prays that the matter be
 continued and that new appraisers
 be appointed &c - and as in duty
 bound she will ever pray &c -

Leticia Myers
 By Corbett for atty

County Court
 To Citation
 Leticia Myers Exor
 David Myers
 (Original)

Came to hand
 and executed by
 leaving a copy
 with S. Myers.
 on the 21st of Sept
 1853

J. H. Camp
 Sept 21, 1853

Filed 26th Sept 1853
 W. H. Peck Spack

I David Myers of the County of Dallas in the State of Texas, do hereby give and bequeath to My Son John Miller Myers and to My three Daughters (viz) Nancy Chowning, Emaline Whitlock, and Sarah Clarke, One Dollar each, to be paid to them or their Heirs within one year after My decease. And in consideration of property to the value of Eighty Dollars received from My son in Law Andrew Clarke for the purchase of Eighty Acres of Land, and for which no Title hath been given. I do hereby give and bequeath to the said Andrew Clarke the said Eighty Acres of Land in accordance with our Agreement, commencing at the South West Corner of My Section, running North 00 Rod, thence East 160 Rod, thence South 00 Rod thence West to the beginning. I do further give and bequeath to My Wife Sesticia Myers the Residue of all Land now claimed by Me or that I may be hereafter entitled to with its appurtenances, together with all My Stock, Household Furniture and other Effects, of what kind soever, to be held by her without let or hindrance during her Life, and to have full power to dispose of such part or parts as shall be necessary for the payment of My Debts. And after the Death of My Wife Sesticia Myers I give and bequeath to My three Sons (viz) Benjamin Claver Myers, George Washington Myers, and Thomas Ezra Hudson Myers and their Heirs, the Residue of the said

Sesticia Myers
 Adm^r
 Answer to De fa
 Filed 25th Aug 1853
 W. J. Felt Myers

Land with its appurtenances, to be divided in
 portions of equal value, between them.
 And I also further give and bequeath to My
 three Daughters, Gemima Myers, Mary Letticia
 Myers, and Gabriett Jane Myers and their Heirs,
 all of the Stock, Household Furniture, and other
 Effects, after the death of My Wife Letticia Myers
 to be equally divided between them.

And lastly I do appoint and ordain My Wife
 the said Letticia Myers sole Guardian to My
 Children, and Executrix to this My last Will
 and Testament in witness whereof I have
 hereunto set My hand and Seal

David Myers

Signed, Sealed, and delivered, published, and
 Declared, in our presence, and we in the
 presence of each other, have set our hands
 as Witnesses thereto, this the 3rd day of March
 One thousand Eight Hundred and Eighty three

George Lyons
 A W Perry

The State of Texas Personally appeared in open
 County of Dallas 3 Court, Alexander W Perry one
 of the subscribing witnesses to the foregoing Last
 Will and testament of David Myers decedent,
 and made oath that he saw the said Myers
 the testator therein named, signed seal and
 believe and declare the same to be his last
 will and testament, signed and sealed with
 his own hand, and acknowledged the same
 fully, for the purposes ^{and ends} therein specified

A. W. Perry

I have read and subscribed in open court
 this 25th day of April A.D. 1858.

J. W. Solomon
 C. J. 20. 6. 5

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Wm. W. Peck
and
Testament
of
David Myers
idea 6th April 1853
W. W. Peck
Recorded
at B-37

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