

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

Case Number 2227

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#2227

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NOTICE OF APPLICATION FOR PROBATE OF WILL AND LETTERS.

THE STATE OF TEXAS,

To all Persons interested in the Estate of *Ellen C. Anderson* Deceased:

Robert M. Anderson has filed in the County Court of Dallas County, State of Texas, an application for the Probate of the last Will of said *Ellen C. Anderson* 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. 190 / , 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 *15* day of *May* A. D. 190 /

A. S. JACKSON,

County Clerk, Dallas Co., Texas.

By *J. F. Cullow* Deputy.

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Original 25

No. 2967

COUNTY COURT.

ESTATE OF

Ellen C. Anderson

Deceased.

Notice of Application for Probate of Will and Letters.

Issued this 15 day of March 1901

A. S. JACKSON, Clerk.

By B. J. Cullum Deputy.

SHERIFF'S RETURN

Came to hand the 15 day of March 1901 and executed the 15 day of March 1901, by posting up three copies of this Writ at three public places in Dallas County, one of which was at the Court House in Dallas County, and no two of which were in the same town or city.

J. P. Johnson Sheriff, Dallas County.

By J. Witt Deputy.

Jose Williamson, Printer, Dallas.

Posting 3 notices \$3.00

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

(1)
 In The State of Texas)
 County of Dallas) In the Estate of E. C. Anderson, Dec'd. To the
) Hon. County Court in and for said County.

Your petitioner Robert M. Anderson shows to the court that he resides in New York City, State of New York that on the 1st. day of April 1898, E. C. Anderson who had before her death had her domicile in this City of New York, died in the said City of New York, in said State of New York, that prior to her death on February 12, 1894, the said E. C. Anderson made and executed her last will and testament in said City of New York and State of New York in conformity with the laws of the said state of New York and also the said state of Texas, the same being properly attested and witnessed as required by law, and the said E. C. Anderson was never a resident of this state, but that her last will and testament a certified copy of which together with the probate thereof duly attested by the clerk and probate Judge of said City of New York being hereto attached Marked exhibit "A" and made a part of this application. The said will is duly probated and admitted to probate in said City of New York and of record of said City on the 2nd. day of June A. D. 1898; that by the terms of said will your petitioner is made and appointed executor of said estate and that letters testamentary under said will was issued to petitioner on the 4th day of June A.D. 1898. Petitioner shows to the Court that under the terms of said Will that the said Ellen C. Andersen did give, bequeath and devise all of her estate real, personal and mixed of every nature and kind wherever situated, to petitioner. That said Will has been duly probated in the City of New York, County of New York, and in the State of New York according to all the requirements of law, as specifically shown in the certified copy of the probate record of said State and County set out in exhibit "A" hereto attached and made a part of this petition. Petitioner shows to the Court, that at the time of the death of the said Ellen C. Anderson, she owed no debts in

the State of Texas, but was seized and possessed of real and personal property situated in Dallas County and other Counties of this State of the estimated value of fifteen thousand dollars.

That petitioner was appointed executor without bond, inventory or appraisal . .

WHEREFORE: your petitioner prays that citation be issued to all parties interested in said estate and that on hearing thereof said will be admitted to probate.

Robert M Anderson
by D H Monow atty

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Wills Room

The People of the State of New York,

BY THE GRACE OF GOD FREE AND INDEPENDENT,

To all to whom these presents shall come or may concern, GREETING:

Know Ye, That we having examined the records and files in the office of the Surrogate of the City and County of New York, do find there remaining a certain record of the last Will and Testament of Ellen C. Anderson deceased together with the probate thereof and the Letters Testamentary granted thereon (said Will having been duly admitted to probate as a Will of real and personal property on the second day of June in the year one thousand eight hundred and ninety-eight)

in the words and figures following, to wit:

I N T H E N A M E O F G O D A M E N !

I, Ellen C. Anderson, widow of William Marshall Anderson now residing in New York City do make and publish this my last Will and Testament, hereby revoking all former wills made by me at any time.

First. I give and devise all my estate real, personal, and mixed, of every name and nature, and wheresoever situate, to my son Robert Marshall Anderson, his heirs and assigns forever.

Second. I do hereby nominate and appoint my said son Robert executor of this my last will and testament, hereby authorizing and empowering him to compromise, adjust, release, and discharge in such manner as he may see proper, any and all debts or claims which may be due me.

I desire and direct that my said executor be not required to give any bond or security as such and that no appraisal or sale of my personal property be made, and that the Surrogate's court or proper court of Probate direct the omission of the same.

In testimony hereof I have hereunto set my hand and seal this 12th February A.D. 1894.

Ellen C. Anderson (L.S.)

Signed, sealed, published and declared by the said testatrix, Ellen C. Anderson as her last will and testament in our presence who at her request and in her presence and in the presence of each other have hereunto subscribed our names as attesting witnesses.

Joseph H. Craig of New York City (L.S.)

Hebe G. Craig (L.S.)

Richard A. Craig (L.S.)

Clerk of the Surrogate's Court.

James W. H.
Surrogates' Court,
CITY AND COUNTY OF NEW YORK.

IN THE MATTER OF PROVING THE LAST WILL AND TESTAMENT OF

Ellen C. Anderson,

DECEASED,

AS A WILL OF REAL AND PERSONAL PROPERTY.

City, County and State of New York, ss:

Hebe L. Braig
of City, County and State of *New York*, being duly sworn as a witness in the above-entitled matter, and examined on behalf of the applicant to prove said will, says:
I was well acquainted with *Ellen C. Anderson* now deceased;

I knew the above-named decedent for more than *twenty five* years before her death. The subscription of the name of said decedent to the instrument now shown to me and offered for probate as last will and testament, and bearing date the *12th* day of *February* in the year one thousand eight hundred and *ninety four*, was made by the decedent at the City of New York.

on the *12th* day of *February* in the year one thousand eight hundred and *ninety four*, in the presence of myself and *Joseph H. Braig* and *Richard A. Braig* the other subscribing witness.
At the time of *such* subscription the said decedent declared the said instrument to be her last will and testament; and I thereupon signed my name as a witness at the end of said instrument, at the request of said decedent, and in her presence.

The said decedent at the time of so executing said instrument, was upwards of the age of twenty-one years, and in my opinion of sound mind, memory and understanding, not under any restraint or in any respect incompetent to make a will. I also saw said *Joseph H. Braig* and *Richard A. Braig*, the other subscribing witness, sign *their names* as witnesses at the end of said will, and know that *they* did so at the request, and in the presence of said decedent.

Hebe L. Braig

Witness sworn and examined before me this *12th* day of *June* 189*4*

Henry A. Jackson
Assistant to the Surrogate, New York County.

Clerk of the Surrogate's Court.

Surrogates' Court,

WEST AND COUNTY OF NEW YORK.

IN THE MATTER OF PROVING THE LAST WILL AND TESTAMENT OF

Follows

Ellen C. Anderson

DECEASED,

AS A WILL OF REAL AND PERSONAL PROPERTY.

West County and State of New York, ss:

Joseph H. Craig
of the City and State of New York, being duly sworn as a witness in the above-entitled matter, and examined on behalf of the applicant to prove said will, says:
I was well acquainted with *Ellen C. Anderson*, now deceased;

I knew the above-named decedent for more than *fifteen* years before his death. The subscription of the name of said decedent to the instrument now shown to me and offered for probate as

last will and testament, and bearing date the *12th* day of *February* in the year one thousand eight hundred and *ninety four*, was made by the decedent at the City of New York,

on the *12th* day of *February* in the year one thousand eight hundred and *ninety four* in the presence of myself and *Hebe G. Craig* and *Richard A. Craig* the other subscribing witness. At the time of such subscription the said decedent declared the said instrument so subscribed by him to be

his last will and testament; and I thereupon signed my name as a witness at the end of said instrument, at the request of said decedent, and in his presence.

The said decedent at the time of so executing said instrument, was upwards of the age of twenty-one years, and in my opinion of sound mind, memory and understanding, not under any restraint or in any respect incompetent to make a will. I also saw said *Hebe G. Craig* and *Richard A. Craig*, the other subscribing witness, sign their names as witness at the end of said will, and know that they did so at the presence, and in the presence of said decedent.

Joseph H. Craig

Witness sworn and examined before me this

2nd day of *June* 189*8*

Paul A. Jackson
Assistant to the Surrogate, New York County.

Clerk of the Surrogate's Court.

1217-1978

follows -

At a Surrogate's Court held in and
for the County of New York at the
Surrogate's office in the City of
New York on the 2nd day of June in
the year 1898.

Present, Hon. Frank T. Fitzgerald, Surrogate.

In the Matter of proving the
last Will and Testament of
Ellen C. Anderson, deceased.

The Citation herein having been duly issued, and
returned, the allegations of the parties appearing having
been heard, and the proofs having been duly taken by the
Surrogate among other things as to the execution of said
instrument bearing date Feby. 12th, 1894, and the probate
of the said Will not having been contested, and it appear-
ing to the Surrogate that the Will was duly executed, and
that the testatrix at the time of executing it was in all
respects competent to make a Will and not under restraint,

It is Ordered, Adjudged and decreed that the in-
strument offered for probate herein be and the same hereby
is admitted to probate as the last Will and Testament of
the said deceased, valid to pass real and personal property
and that Letters Testamentary be issued thereon to the ex-
ecutor who may qualify thereunder.

Frank T. Fitzgerald
Surrogate.

Clerk of the Surrogate's Court.

The People of the State of New York,

BY THE GRACE OF GOD FREE AND INDEPENDENT,

To all to whom these Presents shall come or whom they may concern,

SEND GREETING:

follows
Know Ye, That at the City and County of New York, on the
2nd day of June - in the year of our Lord one
thousand eight hundred and ninety-eight

before HON. *Frank J. Fitzgerald*
Surrogate of our said City and County, the Last Will and Testament of

Ellen C. Anderson
deceased, was proved, and is now approved and allowed by us; and the said deceased
having been at the time of *her* death a resident of

the County of New York, by means whereof the proving and registering said Will
and the granting Administration of all and singular the goods, chattels and credits
of the said Testator and also the auditing, allowing and final discharging
the account thereof, doth belong unto us, the Administration of all and singular
the goods, chattels and credits of the said deceased and any way concerning
her Will, is granted unto *Robert M. Anderson*
of the County and State of New York -
the

Execut^r in the said Will named, *he* being first duly sworn, well, faith-
fully and honestly to discharge the duties of such Execut^r -

In Testimony Whereof, We have caused the seal of Office of the Surrogate's Court
of the City and County of New York to be hereunto affixed.

Witness, HON. *Frank J. Fitzgerald*

Surrogate of our said City and County, at the City of New York,
the 4th day of June - in the year of our
Lord one thousand eight hundred and ninety-eight and of
our Independence the one hundred and 2nd

J. Fairfax McLaughlin
Clerk of the Surrogate's Court.

The Attention of Executors and Administrators is directed to the Following Provisions of
the Statutes :

REVISED STATUTES, PART 2, CHAP. 6, TITLE 3, ART. 1, 3 R. S. (7th Ed.), p. 2294.

§ 2. The executors and administrators of any testator or intestate, within a reasonable time after qualifying and after giving the notice in the next section required, with the aid of appraisers so appointed by the Surrogate, shall make a true and perfect inventory of all the goods, chattels and credits of such testator or intestate, and where the same shall be in different and distant places, two or more such inventories, as may be necessary.

§ 3. A notice of such appraisement shall be served, five days previous thereto, on the legatees and next of kin, residing in the county where such property shall be; and it shall also be posted in three of the most public places of the town. In every such notice, the time and place at which such appraisement will be made shall be specified.

§ 4. Before proceeding to the execution of their duty, the appraisers shall take and subscribe an oath, to be inserted in the inventory made by them, before any officer authorized to administer oaths, that they will truly, honestly and impartially appraise the personal property, which shall be exhibited to them, according to the best of their knowledge and ability.

§ 5. The appraisers shall, in the presence of such of the next of kin, legatees, or creditors of the testator or intestate as shall attend, proceed to estimate and appraise the property which shall be exhibited to them; and shall set down each article separately, with the value thereof in dollars and cents, distinctly in figures, opposite to the articles respectively.

§ 6. The following property shall be deemed assets, and shall go to the executors or administrators, to be applied and distributed as part of the personal estate of their testator or intestate, and shall be included in the inventory thereof:

1. Leases for years; lands held by the deceased from year to year; and estates held by him for the life of another person.
2. The interest which lay claimant in the deceased at the time of his death in a term for years, after the expiration of any estate for years therein, granted by him or any other person.
3. The interest in lands devised to an executor for a term of years, for the payment of debts.
4. Things annexed to the freehold, or to any building, for the purpose of trade or manufacture, and not fixed to the wall of a house, so as to be essential to its support.
5. The crops growing on the land of the deceased, at the time of his death.
6. Every kind of produce raised annually by labor and cultivation, except grass growing and fruit not gathered.
7. Rent reserved to the deceased which had accrued at the time of his death.
8. Debts secured by mortgages, bonds, notes or bills; accounts, money and bank bills, or other circulating medium, things in action, and stock in any company, whether incorporated or not.
9. Goods, wares, merchandise, utensils, furniture, cattle, provisions, and every other species of personal property and effects, not hereinafter excepted.

§ 7. Things annexed to the freehold, or to any building, shall not go to the executor, but shall descend with the freehold to the heirs or devisees, except such fixtures as are mentioned in the fourth sub-division of the last section.

§ 8. The right of an heir to any property not enumerated in the preceding sixth section, which by the common law would descend to him, shall not be impaired by the general terms of that section.

§ 9. Where a man having a family shall die, leaving a widow or a minor child or children, the following articles shall not be deemed assets, but shall be included and stated in the inventory of the estate, without being appraised:

1. All spinning-wheels, weaving-looms, one knitting-machine, one sewing-machine, and stoves put up or kept for use by his family.
2. The family Bible, family pictures, and school-books used by or in the family of such deceased person, and books not exceeding in value fifty dollars, which were kept and used as part of the family library before the decease of such person.
3. All sheep to the number of ten, with their fleeces and the yarn and cloth manufactured from the same, one cow, two swine and the pork of such swine, and necessary food for such swine, sheep or cow for sixty days, and all necessary provisions and fuel for such widow or child or children for sixty days after the death of such deceased person.
4. All necessary wearing apparel, beds, bedsteads and bedding, necessary cooking utensils, the clothing of the family, the clothes of the widow and her ornaments proper for her station; one table, six chairs, twelve knives and forks, twelve plates, twelve tea-cups and saucers, one sugar dish, one milk pot, one tea pot and twelve spoons, and also other household furniture which shall not exceed one hundred and fifty dollars in value.

follow
All which we have caused by these presents to be exemplified, and the Seal of our said Surrogate's Court to be hereunto affixed.

Witness, HON. JOHN H. V. ARNOLD, a Surrogate of the ~~City and County~~ of New York, at the City of New York, the ~~thirteenth~~ day of *June* in the year of our Lord one thousand eight hundred and ninety ~~eight~~ *eight* of our Independence the one hundred and ~~twenty~~ *twenty* second

J. Fairfax McLaughlin
Clerk of the Surrogate's Court

I, JOHN H. V. ARNOLD, a Surrogate of said ~~City and County~~ County, and presiding Magistrate of the Surrogate's Court, do hereby certify that J. Fairfax McLaughlin, whose name is subscribed to the preceding exemplification, is the Clerk of said Surrogate's Court of the ~~City and County~~ of New York, and that full faith and credit are due to his official acts. I further certify, that the seal affixed to the exemplification is the seal of our said Surrogate's Court, and that the attestation thereof is in due form, and according to the form of attestation used in this State.

Dated, New York, *June 13th* 1898.

John H. V. Arnold
Surrogate.

STATE OF NEW YORK, }
~~CITY AND COUNTY OF NEW YORK.~~ }

I, J. FAIRFAX McLAUGHLIN, Clerk of the Surrogate's Court of the ~~City and County~~ of New York, do hereby certify that HON. JOHN H. V. ARNOLD, whose name is subscribed to the preceding Certificate, is the presiding Magistrate of the Surrogate's Court of the ~~City and County~~ of New York, duly elected, sworn and qualified, and that the signature of said Magistrate to said Certificate is genuine.

In Testimony Whereof, I have hereto set my hand and affixed the Seal of the said Court, this *12th* day of *June* 1898.

J. Fairfax McLaughlin
Clerk of the Surrogate's Court.

Order

THE STATE OF TEXAS, } I hereby certify that this
County of Dallas. } instrument was filed for
record at 6 o'clock P M. June 21st 1898
and was duly recorded this June 27th 1898 in Vol.
222 Page 564 J. Reed Heard & Co
Dallas County, Texas. Witness my official Seal and
Signature this 27th day of June 1898
A. S. JACKSON, County Clerk,
By H. McCristen Deputy.

SURROGATES' COURT.

County of New York.

IN THE MATTER OF THE
ESTATE

Ellen G. Anderson

Deceased.

Adm. of Estate of (12)

Filed

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*Index Record
June 21st 1895 at
6 a.m.*

*Adm. of Estate
By *M. M. Kellum**

*As per copy of the same to be filed
in Public records
and copy to be sent to Statutes
Office 1909 - 1913*

4/13/95 - 4/27/95 - 222-554

No 2967

In Re. Estate of
Ellen C. Anderson
Deceased

~~Application to~~
Application to
Probate Will

FILED the 14
March 1933

BY B. J. Cullum
Petitioner

Recorded 7/1933

Will Recorded

DA Morrow
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