

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

Case Number 2959

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FILMED BY DALLAS GENEALOGICAL SOCIETY - 1978

#2959

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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 A C New Deceased:

Mary Malissa New has filed in the County Court of Dallas County, State of Texas, an Application for the Probate of the last Will of said A C New

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 March A. D. 1908, at which time and place all persons interested in said estate shall appear and contest said Application should they desire to do so.

WITNESS JACK M. GASTON, County Clerk of Dallas County, Texas.

Given under my hand and seal of said Court, at office in the City of Dallas, this 18 day of Feby A. D. 1908

JACK M. GASTON,

County Clerk, Dallas County, Texas.

By R H Lee Deputy.



148 ✓  
*Original*  
No. *11306*

In the County Court

ESTATE OF  
*A C New*  
Deceased

Notice of Application for Probate of  
Will and Letters

ISSUED

This *18* day of *July* A. D. 190*8*

JACK M. GASTON,  
County Clerk

By *R. Lee* Deputy

*Q = 3/11*

SHERIFF'S RETURN

CAME TO HAND THE *20* day of *July* A. D. 190*8*, and executed the *20* day of *July* A. D. 190*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.

*O. L. Ledbetter*  
Sheriff Dallas County  
By *W. H. Collins* Deputy

*Posting 3 notices 300*

THE STATE OF TEXAS, |  
COUNTY OF DALLAS. |

I, A. C. New, being of sound and disposing  
mind and memory, do hereby make this my last will and testament:

Item: I devise and bequeath to my wife, Mary Malissa New, all  
my property, both personal and real estate, to have and to hold  
during her natural life without bond on executioner. Further  
providing that she may sell or otherwise dispose of same or any  
part thereof at her discretion, using the proceeds thereof entirely  
according to her election.

Item: I further devise and bequeath that at the death of my wife,  
Mary Malissa New, all my property, both personal and real estate  
that may be remaining shall be equally divided among my heirs.

(Signed) *A. C. New*

Mesquite, Texas, this the 3rd day of December, A. D. 1907.

Witnesses:

*Joe S. Lawrence*  
*H. D. Humphreys*

1978

No. 4306

Last Will  
and Testament  
of A. C. New

FILED

FEB 18 1900

JACK M. BARNETT, Clerk

*[Signature]*

FILED BY DALLAS GENERAL SOCIETY - 1978



PROOF OF WILL

DORSEY PRINTING CO. STATIONERS DALLAS TEXAS 6008

No 4306

PROOF OF WILL

THE STATE OF TEXAS, ESTATE OF  
 County of Dallas | A. C. New Deceased

Proof of Last Will and Testament of A. C. New Deceased

This day personally appeared in open Court H. D. Humphreys

who, 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 A. C. New

deceased, during his lifetime; I knew the above decedent for about: 20 years

before his death; the signature of the said deceased to the instrument now shown to me, and offered for probate  
 is his last Will and Testament, filed in this Court on the 18<sup>th</sup> day of Feb A.D. 1908

and bearing date, the 3<sup>rd</sup> day of Dec A.D. 1907 was made by the deceased

on said last named date at his home near Mesquite, Texas in presence of myself

and John S. Lawrence

the other subscribing witness; all of said witnesses being over the age of fourteen years. At the time of the  
 making of said Will the testator was of sound and disposing mind and memory, and he declared the said

Will so made by him to be his Last Will and Testament, and I thereupon signed my name as a witness,

together with John S. Lawrence at the request of the said testator,

in his presence and in the presence of each other. The said deceased at the time of the execution of said

instrument was about 60 years of age; the said A. C.

New departed this life on the 17<sup>th</sup> day of Dec A.D. 1907

about fourteen days after making said Will, in the County of

Dallas in the State of Texas, where and at which time his residence and  
 principal estate was situated.

~~That~~ said H. D. Humphreys, further testifies. That I am the H.D. Humphreys that appears as a subscribing witness on the will of A.C. New. That about 14 days prior to the death of the said A.C. New, to wit on the 3rd day of December A.D. 1907, I was sent for by the said A.C. New, and informed by said A.C. New, deceased, that he desired to write his last will and testament, and that he desired that I should prepare the same for him. That at the time I prepared said will, the said A.C. New, deceased, told me that it was his desire, intent and purpose, that his wife, Mary Melissa New, should have all of his property of every kind and description, and that she should be appointed executrix of his estate in such a manner, that she the said Mary Melissa New should have absolute and perfect control of all his estate, and that she should not be under the direction or control of any person or any Court. In other words, he expressed it as his desire that his wife should have all his property, to do with the same just as she saw fit, without restraint or bond or answerable to any person or any Court.

That the will here introduced is the identical will that I prepared for the said A.C. New, deceased, at his request, and which he signed in my presence. That he believed that said ~~will~~ will carried into effect his desire as above stated. And that I prepared the same, intending and believing that said will bequeathed all of his property to his wife, Mary Melissa New, and appointed her <sup>independent</sup> executrix without bond, and that both the testator and myself intended and believed that said will should be to that effect. Neither of us were versed in the law, nor <sup>knew</sup> ~~was~~ the technical terms of the same, but we were attempting to carry into effect the desires of the testator, as above expressed, and the will was written and prepared by me and signed and executed by the testator for that and no other purpose.

H. D. Humphreys

Sworn to and subscribed before me in open court on this 3 day  
of March A.D. 1908.

Jack H. Gaston Clerk Co. Court of  
Dallas County, Texas

By A. H. Lee  
Deputy.



FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

TY - 1978

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No. 4306

# PROOF OF WILL

THE STATE OF TEXAS

County of *Dallas*

*March* Term, 1908

ESTATE OF

*A. C. New*

Deceased

FILED

The *3* day of *March* A.D. 1908

AND RECORDED

The \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1908

in the Probate Minutes of

County, in Volume \_\_\_\_\_ Page \_\_\_\_\_

*Jack M. Gaston*

County Clerk

By *R. H. Lee*

Deputy

*R - 1/27*

The State of Texas #  
County of Dallas # In the estate of A.C. New, deceased.  
#  
#

To the Honorable County Court in and for said County:

Your petitioner, Mrs. <sup>Mary</sup> Malissa New, shows to the Court that she resides in Dallas County, said State.

That A.C. New is dead. That he died on the 17th day of December A.D. 1907 at or near Mesquite, in the County of Dallas and State of Texas.

That at and before his death the said A.C. New had his domicile in the County of Dallas aforesaid, and whose principal property was located at the time of his death in the County of Dallas, State of Texas.

That at the time of his death the said A.C. New was seized and possessed of real and personal property of the probable value of \$2500.00, and left a written will, duly executed and herewith filed, in which your petitioner was appointed executrix without bond.

That your petitioner is not disqualified by law on accepting letters testamentary.

Therefore your petitioner prays that citation be issued to all parties interested in said estate as required by law, and that said will be admitted to probate, that letters testamentary be issued to your petitioner and that such other and further orders as are necessary to be made in appointing your petitioner executrix without bond as stipulated in the will hereto annexed.

Your petitioner would further show to your Honor that the will hereto annexed was written by a person <sup>H. D. Humphreys</sup> who signs the same as a subscribing witness, and who is not versed in the law or familiar with writing documents of this nature. That instead of using the words "Executrix without bond" he used the words "without bond on executioner". That the same is a manifest clerical error, as shown by the words themselves taken together with other portions of the will. That as a matter of fact, and testimony of the subscribing witness, H. D. Humphreys, will that it was the purpose, intent and desire of the testator, and he so told and instructed the said Humphreys at the time said will was written, that his wife, to wit, your petitioner should be appointed independent executrix without bond of his estate, and that all of his estate be bequeathed to her.



(2)

Petitioner would further show to your honor that this was the intention of the testator as shown by the will itself, in this. The said will further provides " That ~~she~~ she may sell or otherwise dispose of same or any part thereof at her discretion, using the proceeds thereof entirely according to her election"

Wherefore petitioner further prays that said will be so construed thereby carrying into effect the purpose, intent and desire of the testator.

Mary Melissa Kew



FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

ETY - 1978

No. 4306  
Est. of  
A. C. New  
Dec'd

Application  
to probate  
Will

FILED

FEB 18 1909

JACK H. BAKER, County Clerk

By W. H. [Signature]