

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

Case Number 2412

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FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

#2412

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

The State of Texas } Know all Men by these Pres-  
County of Dallas } ents, that I, Mary Steward, a female  
sole, of the County of Dallas, in the State of Texas, being of  
sound and disposing mind and memory, do make and  
publish this my last will and testament, hereby revoking  
all wills by me at any time heretofore made:

First: I give and bequeath to my mother, Mrs. Mary  
Stites of the City and County of Dallas, in the State of Texas  
any and all estate, real and personal, which I now have, or  
which I may die possessed of, absolutely and in fee  
simple, and especially an insurance policy on my life  
in the Sun Life Insurance Company,

Second: I hereby constitute and appoint the said Mary  
Stites sole executrix of this my last will and testament  
and direct that she be not required to give bond for  
the execution of this trust, and that no further action  
be had on my estate, than the probating and recording of  
this will and filing of an inventory.

In witness whereof I have hereunto set my hand this  
27<sup>th</sup> day of May, A. D. 1902, in the presence of Frank Hamm  
and John Hill, who attest the same at my request.

Mary Steward

The above instrument was now here subscribed by Mary  
Steward, the testatrix, and we, at her request and in her  
presence and in the presence of each other sign our names  
hereto as attesting witnesses.

Frank Hamm  
John Hill  
Sole the witnesses sign here

No 3262  
Last Will Testament  
of  
Mary Stewart dec'd

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FILED

JUL 11 1902

A. S. JACKSON  
CLERK OF COURT.  
BY *R. F. Cullum*  
DEPUTY.

Recorded P/339

The State of Texas, } Estate of *Mary Stewart Dead,*  
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 \_\_\_\_\_ 189 \_\_\_\_\_  
(SEAL)

I DO SOLEMNLY SWEAR that the writing which has been offered for probate, is the  
last will of *Mary Stewart* 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 *11* day of *April* 1903  
*Mary Sites*  
*A. S. Jackson*  
County Clerk, Dallas County, Texas.  
By *A. M. Rawlins* Deputy.

THE STATE OF TEXAS.

To all Persons Interested in the Estate of *Mary Stewart* Deceased:  
*Mary Sites* has filed, in the County Court  
of Dallas County, State of Texas, an application for the Probate of the last Will of said  
*Mary Stewart* 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 *Sept* A. D. 190 *7*, 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 *17* day of *July* A. D. 190 *7*

*A. S. JACKSON.*  
County Clerk, Dallas County, Texas.  
By *P. F. Cullum* Deputy.

No. 3267

COUNTY COURT,  
DALLAS COUNTY

EXECUTOR'S ~~BOND~~ *Oath*

ESTATE OF

*Mary Stewart*  
*Deed*

Filed *Apr 11 1903*  
FRANK P. SHANKS, Clerk.

By *W. Rawlins* Deputy.

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_\_

County Judge, Dallas County.

*3/1903*

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

No. 3267

COUNTY COURT.

ESTATE OF

*Mary Stewart*

Deceased.

Notice of Application for Probate of  
Will and Letters.

Issued this *12* day of *July* 190*2*

A. S. JACKSON, County Clerk.

By *J. C. Culham* Deputy.

SHERIFF'S RETURN.

Came to hand the *12* day of *July*  
190*2* and executed the *12* day of *July*  
190*2* by posting up three copies of the *will* 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.

*J. J. Johnson*  
Sheriff, Dallas County, Texas.

By *J. J. Johnson* Deputy

JOHN HOLLAND, PRINTER, DALLAS.

*Notary's Notice of 300*

In Re Estate of  
Mary Stewart, Deceased.  
No. 3262.

Wednesday, October 1st, 1902.

In the County Court of Dallas Co., Texas

This case coming on to be heard on the application of Mary Sites for the probate of the will of Mary Stewart, deceased, and the contest filed by T.W. Alford <sup>and Alford his wife</sup> and John Sites, restraining the appointment of Mary Sites as Independent Executrix without bond of such will and said T.W. Alford and John Sites, having failed to appear and prosecute their said contest, the same is hereby dismissed and the costs accrued by reason of said contest are hereby taxed against the said T.W. Alford and John Sites, for which execution may issue.

Thereupon the court proceeding with the consideration of the application to probate, and the instrument offered for probate now produced in open court and purporting and alleged to be the last will and testament of Mary Stewart, deceased, and said application and the evidence thereon being heard, and it appearing to the court that due and legal notice of said application has been given and no objection or exception other than that of the said T.W. Alford and John Sites hereinbefore dismissed for want of prosecution, being offered; and it further appearing to the Court from the written testimony of John Hill and Frank Hamm the subscribing witnesses to said will, that said Mary Stewart died in Dallas, Texas, on the 11th day of July, 1902; that she executed said instrument now produced in open court in the presence of said subscribing witnesses on the 27th day of May, 1902, and declared the same to be her last will and testament; that at the time of the execution of said will as aforesaid, said testatrix was over the age of 21 years and of sound mind, and that each of said witnesses were at the time over the age of 14 years; and that said will was never revoked by said testatrix; that said witnesses subscribed said will in

the presence of and at the request of said testatrix and in the presence of each other.

It is considered by the court that said instrument ne and the same is hereby now adjudged to be the last will and testament of said Mary Stewart, deceased and that said will and the application for the probate thereof and all the testimony in this case be recorded in the minutes of this Court. It is further ordered that Mrs. Mary Sites be and she is hereby appointed Independent Executrix of said will without bond and that the Clerk issue to her letters testamentary upon her taking and subscribing the oath required by law. To which action of the court the intervenors the said T.W.Alford and John Sites excepted and in open court gave notice of appeal to the District Court of Dallas County, Texas, and the court here now fixes the amount of the bond to be given by said intervenors at the sum of five



8161-AT

#3262

In Re Estate of  
Many Sells Bend

Amend to form  
of Judgment

R-573

Take from Minutes

③

Kisoy

FILED BY THE DALLAS CHRONOLOGICAL SOCIETY-1978

BILL OF COSTS.

Article 1420 (A) reads: It shall be lawful for the Clerks of the District and County Courts, and Justices of the Peace, to demand payment of all costs due in each and every case pending in their respective Courts up to the adjournment of each Term of said Courts.

T.W. Alford et al, (Intervenors).

PLAINTIFF.

No. 21972.

-vs-

Mary Sites, (Executrix).

DEPENDANT.

BILL OF COSTS.

*M*  
TO OFFICERS OF COURT, DR.

To Costs accrued in above entitled cause to adjournment of \_\_\_\_\_ Term, 190

Nov. 26/02.-Filing and Docketing appeal,-----	50
Nov. 26/02.-Filing appeal bond,-----	15
Mar. 13/03.-Filing motion to dismiss, Deft.,-----	15
Mar. 13/03.-Swearing 4 Wits. Deft.,-----	40
Mar. 13/03.-Swearing 4 Wits. Plff.,-----	40
Mar. 14/03.-Filing and Doc. motion for new trial, Deft.,-----	40
Mar. 26/03.-Entering judgment,-----	1 00
Apr. 2/03.-Making certified copy of Judgm't. to County Court,-----	1 00
May 5/03.-Entering order overruling motion for new trial,-----	75
May 7/03.-Taxing cost.-----	25
	<u>\$4 90</u>

THE STATE OF TEXAS, }  
DALLAS, COUNTY. } IN DISTRICT COURT.

I, H. W. Jones, Clerk of the District Court in and for said County and State, hereby certify the above to be a correct copy of the Bill of Costs in above entitled and numbered suit up to this date.

WITNESS my hand and seal of said Court at office in the City of Dallas, this 12<sup>th</sup> day of

May 1903

H. W. JONES,

Clerk District Court, Dallas County.

By A. C. Sprauel Deputy.

326Z

No. 21972.

In District Court, Dallas County

BILL OF COSTS

Of \_\_\_\_\_ Term, 190

T.W. Alford et al.

vs.

Mary Sites (Executrix).

Received \_\_\_\_\_ 190

Returned \_\_\_\_\_ 190

Satisfied in full.

Sheriff \_\_\_\_\_ County.



FILMED BY THE DALLAS GENEALOGICAL SOCIETY-1978

Estate of Mary Stewart  
deceased

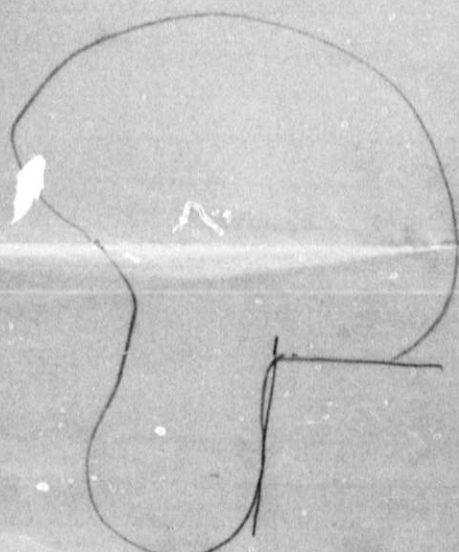
The State of Texas  
Dallas County

Know all men by these presents that we Mary Sides 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 one thousand and seventy five Dollars Conditioned that the above bounden Mary Sides Executrix of the will of Mary Stewart deceased will pay the claims of J. W. Alford, John Sides and Mrs J. W. Alford against the Estate of the said Mary Stewart deceased <sup>out of the proceeds belonging to the estate</sup> which is established in a Court of competent jurisdiction

Witness our hands this the day of April  
A.D. 1903.

Approved April 11<sup>th</sup> 1903  
Ed. J. \_\_\_\_\_  
Co. M. G.

Mary Sides  
John J. Sides  
M. J. \_\_\_\_\_



No. 8262  
Estate of Mary  
Hewitt Deceased  
Mary Jites  
Executrix

FILED

APR 11 1903

FRANK  
BY *W. Rawlin*  
DEPUTY

Records and  
minutes  
Recorded (5-231)



In Re---

in the estate of

Mary Stuart, deceased

In the County Court, Dallas  
County Texas. Probate Document.

Now comes Mrs. \_\_\_\_\_ Sites, executrix of the will herein

and states to the court that the contest or motion filed herein by Thomas  
Arthur and John Sites, is without merit and was filed for the purpose of vex-  
ing and annoying this executrix and to add cost to the estate.

Said parties herein are insolvent, wherefore, she moves the court  
to require of the said parties a bond with good security for such costs as  
may be accumulated herein.

Robert B. Seay.....  
Atty for Mrs Sykes

In Re-

In the estate of

John J. Straub, deceased

County Clerk, Probate Department  
In the County Court, Dallas

No. 3262

Estate of Mary  
Straub, deceased

Motion to require  
Cost bond.

Filed Sept 29, 07  
at Jackson, Okla  
by W. J. Mauldin,



State of Texas, \*\*  
County of Dallas, \*\*

PERSONALLY appeared before me the undersigned authority

J. E. Dunn,, who being by me duly sworn deposes and says, that he has not now and has never claimed any funeral bill of the estate of Mary Stuart. My firm was employed by Henry Lettler a brother of Mrs. Stuarts, Mr. Lettler paid \$75,00. He left his brother's name . telling us to send the balance of the bill to Ft. Worth, Texas,. We understood that the other relatives here were to pay the other \$75,00 and we held the bill up for that reason. Mr. Lettler still owes this bill and has authorized us to present it to him whenever we desire the money, in other words our charge is not against the estate but against the brothers who selected and ordered the funeral and assumed all responsibility.

*Joe E. Dunn*  
.....

Sworn to and subscribed to before me this the 1st. day of October A.D. 1902.

*G. L. Simpson*  
.....  
Notary Public, Dallas County Texas.



165

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

No 3262

Estate of Mary  
Stuart Wood

Affidavit of J. G. Dunn

FILED

OCT 4 1961

W. M. Lawless

Oct 1961

1961 A. G. 1961



FILED BY THE DALLAS GENEALOGICAL SOCIETY-1978

The State of Texas,  
County of Dallas.

FRANK R. SHANKS,  
~~I, G. JACKSON,~~

County Clerk in and for said County, hereby certify that, on the 1st  
day of Oct. A. D. 1903, by the County Court of said County, having exclusive jurisdiction

over Probate matters Mrs. Mary Sites  
was appointed Independent Executrix of the Estate of

Mary Stewart Deceased, without Bond;  
from which decree and judgment of the County Court

~~was entered into bond, as such, conditional as required by law in the sum of~~  
Interlocutors, J. W. Alford, John Sites and Mrs. J. W.  
Alford appealed to the District Court of Dallas  
County, and, thereafter, to-wit, on the 13<sup>th</sup> day of  
March, 1903, judgment was rendered in said District  
Court, requiring said Executrix to give bond in the  
sum of \$125<sup>00</sup>, conditional upon the payment of  
the claim of J. W. Alford, John Sites and Mrs. J. W. Al-  
ford, against the estate when established by law  
in a court of competent jurisdiction as appears  
from the certified copy of said judgment now on file in this case;

And that, on the 11<sup>th</sup> day of April A. D. 1903, the Bond

of the said Mrs. Mary Sites, in the

sum of One Hundred and Twenty-five DOLLARS,

was approved by said Court and the said Mrs. Mary Sites

having taken the oath prescribed by law, she is duly qualified and fully and legally authorized and em-

powered to act as the Independent Executrix of said estate,  
subject to the limitations enforced by the decree  
of the District Court aforesaid.

WITNESS MY HAND and official Seal, at Office in the

City of Dallas, this the 11<sup>th</sup> day of

April A. D. 1903.

FRANK R. SHANKS  
~~G. JACKSON~~

County Clerk, Dallas County.

By W. R. Rawlins Deputy.

No. 3267.

ESTATE OF

Mary Stewart  
Deeds.

LETTERS TO

Mrs. Mary Sides  
Executrix

Issued April 11<sup>th</sup> 1903.

FRANK R. SHANKS,  
W. S. JACKSON, Clerk.

By *W. S. Jackson* Deputy.

**F I L E D**

JUL 25 1903

FRANK R. SHANKS, Co. Clerk.  
*W. S. Jackson*  
DEPUTY.

No. 3262

## PROOF OF WILL.

THE STATE OF TEXAS, ) ESTATE OF  
 County of Dallas ) Mary Stewart Deceased.

Proof of Last Will and Testament of Mary Stewart Deceased.

This day personally appeared in open Court Frank Hauman

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 Mary Stewart

deceased, during her lifetime; I knew the above decedent for about fifteen

before her death; the signature of the said deceased to the instrument now shown to me, and offered for probate

as her last Will and Testament, filed in this Court on the 11 day of July A. D. 1902

and bearing date on the 27 day of May A. D. 1902 was made by the deceased

on said last named date at 7121 Cedar Street Dallas in presence of myself

and John Heile

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 she declared the said

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

together with John Heile at the request of the said testator,

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

instrument was about 32 years of age; the said Mary

Stewart departed this life on the 11 day of July A. D. 1902

about six weeks after making said Will, in the County of

Dallas in the State of Texas, where and at which time her residence and

principal estate was situated.

Frank Hauman

Sworn to and subscribed before me, this 1 day of Oct A. D. 1902, in open Court.

A Jackson Clerk

County Court Dallas County, Texas.

By B F Callow Deputy.

No. 3262

PROOF OF WILL.

THE STATE OF TEXAS,

County of Dallas

Sept Term, 1902

ESTATE OF

Mary Stewart  
Deceased

Filed the 1 day of

Oct A. D. 1902

and recorded the \_\_\_\_\_ day

of \_\_\_\_\_ A. D. 189\_\_\_\_, in the

Probate Minutes of

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

A. J. Jackson  
County Clerk

By B. F. Gilman Deputy

Recorded

FILED BY THE DALLAS GENEALOGICAL SOCIETY-1973

No. 3262

## PROOF OF WILL.

THE STATE OF TEXAS, ) ESTATE OF  
 County of Dallas ) Mary Stewart Deceased.

Proof of Last Will and Testament of Mary Stewart Deceased.

This day personally appeared in open Court John Heil

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 Mary Stewart

deceased, during her lifetime; I knew the above decedent for about seven years

before her death; the signature of the said deceased to the instrument now shown to me, and offered for probate

as her last Will and Testament, filed in this Court on the 11 day of July A. D. 1902

and bearing date on the 27 day of May A. D. 1902 was made by the deceased

on said last named date at #121 Cedar Street Dallas Tex in presence of myself

and Frank Heaman

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 she declared the said

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

together with Frank Heaman at the request of the said testator,

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

instrument was about 32 years of age; the said Mary

Stewart departed this life on the 11 day of July A. D. 1902

about six weeks after making said Will, in the County of

Dallas in the State of Texas, where and at which time her residence and

principal estate was situated.

John Heil

Sworn to and subscribed before me, this 1 day of Oct A. D. 1902, in open Court.

A Jackson Clerk

County Court Dallas County, Texas.

By B. F. Cullen Deputy.

A 172

No. 3262

PROOF OF WILL.

THE STATE OF TEXAS,  
County of Dallas  
sept Term, 1902

ESTATE OF  
Mary Stewart  
Deceased

Filed the Oct 1 day of  
A. D. 1902

and recorded the 6 day  
of Nov A. D. 1902 in the  
Probate Minutes of Dallas  
County, in Volume 4 Page 341

A. Jackson County Clerk.  
By W. J. Williams Deputy.

THE DALLAS PROBATE SOCIETY - 1978

THE DALLAS PROBATE SOCIETY - 1978



In Re-Estate of Mary Stewart, } In the County Court of Dallas County,  
No. 3262. Deceased. } Texas.

Whereas in the above styled and numbered cause pending on the probate Docket in the County Court of Dallas County, Texas, and at a regular term of said Court, to-wit, On October 1st, 1902, the following judgment was rendered in said cause, to-wit:

In Re-Estate of Mary Stewart, } Wednesday, October 1st, 1902.  
No. 3262. Deceased } In the County Court of Dallas Co., Texas.

This case coming on to be heard on the application of Mary Sites for the probate of the will of Mary Stewart, deceased, and the contest filed by T.W.Alford and John Sites, restraining the appointment of Mary Sites as independent Executrix without bond of such will and said T.W.Alford and John Sites, having failed to appear and prosecute their said contest, the same is hereby dismissed and the costs accrued by reason of said contest are hereby taxed against the said T.W.Alford and John Sites, for which execution may issue.

Thereupon the Court proceeded with the consideration of the application to probate and the instrument offered for probate now produced in open Court and purporting and alleged to be the last will and testament of Mary Stewart, deceased, and said application and the evidence thereon being heard and it appearing to the Court that due and legal notice of said application has been given and no objection or exception other than that of the said T.W.Alford and John Sites hereinbefore dismissed for want of prosecution, being offered, and it further appearing to the Court from the written testimony of John Hill and Frank Hamm the subscribing witnesses to said will, that said Mary Stewart died in Dallas, Texas, on the 11th day of July, 1902; that she executed said instrument now produced in open Court in the presence of said subscribing witnesses on the 27th day of May, 1902, and declared the same to be her last will and testament; that at the time of the execution of said will as aforesaid, said testatrix was over the age of 21 years and of sound mind, and that each of said witnesses were at the time over the age of 14 years; and that said will was never revoked by the said testatrix; that said witnesses subscribed said will in the presence of and at the request of said testatrix and in

the presence of each other.

It is considered by the Court that said instrument be and the same is hereby now adjudged to be the last will and testament of said Mary Stewart, deceased and that said will and the application for the probate thereof and all the testimony in this case be recorded in the Minutes of this Court. It is further ordered that Mrs. Mary Sites be and she is hereby appointed Independent Executrix of said will without bond and that the Clerk issue to her letters testamentary upon her taking and subscribing the oath required by law. To which action of the Court the intervenors the said T.W. Alford and John Sites excepted and in open Court gave notice of appeal to the District Court of Dallas County, Texas, and the Court herenow fixes the amount of the bond to be given by said intervenors at the sum of fifty dollars.

Form which Judgment the said T.W. Alford and the said John Sites intervenors, have taken an appeal to the District Court of Dallas County, Texas, and desire to suspend the execution of the letters testamentary in said estate and at the pendency of said appeal.

Now therefore, we, T.W. Alford and John Sites as principal and T.W. Alford and John Sites as sureties, acknowledge ourselves bound to Ed S. Lauderdale, County Judge of Dallas County, Texas, the sum of Fifty Dollars, conditioned that said T.W. Alford and John Sites, appellants, shall prosecute said appeal to effect and perform the decision, order, decree or judgment which the District Court shall make thereon, in case the cause shall be decided against them.

Witness our hands this Oct. 10th 1902.

T.W. Alford.

J.A. Martin.

J.J. Sites.

D. Goldman.

Approved Oct. 14, 1902.

A.S. Jackson, Clerk. By H.M. Skelton Dy.

Filed Oct. 14, 1902.

A.S. Jackson, Clerk Co. Court.

By A.B. Rawlins Deputy.

The State of Texas,  
County of Dallas.

I, A.S. Jackson, Clerk of the County Court in and for the County of Dallas, State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the appeal bond of the Appellants T.W. Alford and John Sites in the estate of Mary Stewart, deceased as the same appears from the original now on file in my office.

Witness my hand and seal of office this the 16th day of October  
A.D. 1902.

A.S. Jackson, Clerk Co. Court.

By  Deputy.

Certified Copy Appeal  
Bond.  
Estate of Mary Stewart  
No 3262. Deceased

In Re Estate of        In County Court of  
 Mary Stewart Decd.        Dallas County Texas.  
 To the Judge of said Court: Now at this  
 time comes J. W. Alford and John Sitis and  
 represent to your honor that they are both  
 resident citizens of Dallas County, Texas and  
 are interested in the estate of said Mary Stewart  
 deceased as will be hereinafter set out; that  
 said Mary Stewart departed this life at the  
 time set out in the application of Mrs. Mary  
 Sitis to probate the will of said deceased  
 filed herein July 11<sup>th</sup> 1902, and did, as alleged  
 in said application leave a will appointing  
 said Mrs. Mary Sitis executrix of said  
 estate of said will, requiring no  
 action on the part of the probate Court  
 other than to file probate her will  
 and file and inventory an appraisement  
 of her estate; that the only estate left  
 by said deceased was a life insur-  
 ance policy in the Sun Life Insur-  
 ance Company in the sum of  
 \$500.00 payable to the executors or  
 administrators of said Mary  
 Stewart deceased, and which said  
 policy of insurance is by the terms  
 of said will devised and bequeathed  
 to her said Executrix Mrs. Mary Sitis  
 but that by law said policy descends  
 and said Mary Sitis takes the same  
 subject to the debts of said Mary

Stewart that as aforesaid these intervenors are creditors of said Mary Stewart and have an interest in said estate because of the following facts: that intervenor John Sites is a brother of said Mary Stewart deceased and the said T. W. Alford is a brother in law of said Mary Stewart having married her sister; that when said Mary Stewart died there was no one who could or would pay or secure the payment of funeral expenses, the expenses of her last illness and the expense of her physician other than these intervenors, and that these intervenors did secure the payment of the undertaker's bill amounting to the sum of \$143.00, of which \$75.00 has since been paid by another brother of deceased leaving a balance due in that behalf of \$68.00; that these intervenors also secured the payment of three public carriages which attended the funeral of said deceased which amounted to the further sum of \$9.00 that these intervenors also procured the services of a nurse to attend said Mary Stewart in her last illness for a term of 40 days and agreed to pay therefor \$1.00 per day which they aver is reasonable the value of such services; that these intervenors also secured and became liable for the payment of the bill of the physician who attended said Mary Stewart in her

last illness which said bill as rendered by  
said physician amounts to the further  
sum of \$ \_\_\_\_\_; that said Mary Stewart  
died at the home of your intervenor said  
D. W. Alford and was ill there many days  
before her demise and there are many  
other expenses incurred in her behalf  
of which intervenors have now  
no record, but that the items mentioned  
above are by law preferred claims ag-  
ainst said estate & should be paid  
first out of said estate, but that  
plaintiff intervenors are informed  
and believe and upon such infor-  
mation and belief charge the fact to  
be that said Dites if permitted to go  
free of any control of the probate court  
would decline to pay said debt vol-  
untarily and that in addition thereto  
said Mary Dites is wholly insolvent  
and does not own any property or effects  
of any description out of which said  
sums of money could be made.

These intervenors further aver that  
it is provided by the Statutes of Texas  
that when it is provided in a will that  
no action shall be taken by the Probate Court  
other than to record the will <sup>and return same to the</sup> that upon the ap-  
plication of any creditor after notice <sup>to</sup> all persons in-  
terested in the will such person shall be <sup>compelled</sup> permitted  
to file an obligation with two or more good and  
sufficient sureties conditioned to pay all claims

which may be established against said estate, and failing in which said estate shall be managed and distributed by the court as under administration.

Wherefore these intervenors pray that notice be given to said Mary, Dees the sale devise under said will of this application and that she be required to give such bond as is required by law and failing in which that an administrator be appointed herein with the will annexed, together with such other general and special relief as they may be entitled to in the premises and as in duty bound they will ever pray.

Chas. K. Robery

Attorney for Intervenor.

I swear that the facts set forth in the foregoing application in the first paragraph <sup>are true</sup>

J. W. Alford

Subscribed & sworn to by said Alford this 11th day of Sept. 1902.

Chas. K. Robery  
Notary Public Dallas Co. Texas.

3262

Estate of

Mary Stewart  
Dees

Contest of

Probate of Will

Filed Sept. 1st 1902

W. Jackson

By B. F. Callahan





NY-1978

No 3262

In the Estate of the late  
Mary Stewart decd,

Application of Mary  
Tites for probate of will  
and for letters testamentary

**FILED**

JUL 11 1902

A. S. JACKSON  
CLERK OF DISTRICT COURT  
BY *B. J. Cullane*

Recorded 8/79

Notices Issued July 21st

FILED BY THE DALLAS CHRONOLOGICAL SOCIETY-1978

In the Matter of the Estate of ) In the County Court of Dallas County,  
Mary Stewart, Deceased. ) Texas.

Now at this time comes the Intervenor herein, T.W. Alford and John Sites, and file this their application to set aside the action of the Court this day entered herein, appointing Mrs. Mary Sites independent executrix herein, and aver that said appointment should be set aside for the following reasons to-wit:

1. Because intervenors aver that the record in this cause shows that the contest of the intervenors was filed herein on September 1st, 1902, and that no citation as provided by law has been issued by the Clerk herein and served upon the applicant, Mrs. Mary Sites, giving her notice of the contest herein and by reason of which the application for appointment of executrix has been taken up and said order made therein, at a time when such order could not lawfully be made and said case could not be lawfully taken up.
2. The intervenors herein further aver that they are represented in said contest by C.A. Masbury, an attorney at law, and that their said attorney filed the contest herein as aforesaid, on September 1st, 1902, and at the time of filing the same, requested your honor to take it up on the day of the filing for hearing or at such other time as might suit the convenience of the court. That your honor, so intervenors are informed, stated to their counsel that the probate docket would be taken up on the 29th of September and that all the contest cases would be assigned for a particular day during said week, unless all parties interested in particular cases would agree upon a day. That intervenors are informed that no assignment of contested cases has yet been made by your honor, nor has this contest been set down for trial for any day whatever. That intervenors charge on information that this case was taken up at the suggestion of R.B. Seay, the attorney for the applicant without notice to the intervenors and tried while counsel for intervenors

was on his way to the Courthouse for the purpose of presenting the  
contest of intervenors. ~~That intervenors are informed and believe, and  
upon said information and belief charge the fact to be, that someone  
representing the applicant herein, stated to said honor that their  
counsel had withdrawn the contest in this cause. Intervenor's aver  
that such statement is wholly unwarranted and is not true; that inter-  
venors nor their counsel have not in any wise withdrawn said contest  
or abandoned it. These intervenors show that said case was taken up  
in such a manner as to wholly deprive them of the opportunity of  
presenting the merits of their contest; that it was taken up in such  
a manner as is wholly at variance with the spirit of the laws and the  
pleadings and the practice of the Courts of Texas; that the contest  
of intervenors which is hereby made a part hereof, is meritorious and  
that the facts set out in said contest are true and that being true  
that intervenors are entitled and should have the relief therein requested.~~

Wherefore intervenors pray that the order appointing said Mrs.  
Mary Sites independent executrix herein be revoked and set aside and  
that intervenors be permitted to introduce testimony and be heard upon  
their said contest together with such other general and special relief  
as they may be entitled to by reason of the premises, and as in duty  
bound they will ever pray.

*I. C. A. Rasbury*  
Attorney for Intervenor.

I, C. A. Rasbury, do hereby state that the facts set out in the foregoing  
application for the re-hearing are true as therein stated.

Subscribed and sworn to before the undersigned authority on  
this the <sup>4th</sup> day of October, 1902.

By *A. H. Rawlins*  
Deputy

*A. Jackson*  
County Clerk

*Henry B. Dacus*  
County Clerk

No 3267

Esh of  
Mary Stewart  
Decd.

FILED

OCT 4 1902

CLERK OF COURT  
J. M. [Signature]  
DEPUTY

6 order recording R-512  
7 attach copy of  
[unclear]

AGRICULTURAL SOCIETY-1978

IN RE ESTATE OF MARY STEWART, ) In the County Court of Dallas  
DECEASED. ) County, Texas.

Now at this time come the intervenors herein, T.W. Alford and John Sites, joined also by Mrs. T. W. Alford, wife of intervenor T.W. Alford, and with leave of court file this their Amended Original Intervention, amending their Original Intervention filed herein September 1st, 1902, and for amendment say:

TO THE JUDGE OF SAID COURT:-

Now comes T. W. Alford, Mrs. T. W. Alford and John Sites, and represent to your honor that they are resident citizens of Dallas County, Texas, and are interested in the estate of said Mary Stewart, deceased; that said Mary Stewart departed this life at the time set out in the application of Mrs. Mary Sites to probate the will of said deceased, and did as alleged in said application, leave a will appointing said Mary Sites independent executrix of said will, requiring no action on the part of the probate court other than to probate her will and file inventory and return an appraisalment of her estate; that the only estate left by said decedent was a life insurance policy in the Sun Life Insurance Company in the sum of \$500.00 payable to the executors or administrators of said decedent; that said policy of insurance is by the terms of said will devised and bequeathed to said Mary Sites, but that by law said policy descends and said Mary Sites inherits the same and burdened with the debts of said decedent. That these intervenors are creditors of said decedent and have an interest in said estate because of the following facts: That intervenor John Sites is a brother of said decedent, said T.W. Alford is a brother-in-law and said Mrs. T.W. Alford is a sister; that when said decedent died there was no one who could or would pay or secure the payment of funeral expenses, the expenses of her last illness and the expenses of her physicians, other than these intervenors, and that

they did secure the payment of the undertaker's bill in the sum of \$142.00 and \$9.00 for carriages to said undertaker; that said decedent lived at her request the last forty days of her life with intervenors T.W.Alford and wife Mrs. T.W.Alford, who gave to said decedent the best care and nursing and attention they could procure, and that said Mrs. T.W.Alford personally nursed and cared for said decedent forty days and nights preceding her death, which intervenors aver is reasonably worth the sum of \$2.00 per day, making a total sum of \$80.00. That the meals and lodgings of said decedent for said period of forty days is reasonably worth the sum of fifty cents a day, making a total sum of \$20.00; that in addition to said items the intervenor T.W.Alford advanced to said decedent cash in the sum of \$17.50; that the intervenors T.W. Alford and John Sites also secured and became liable for the services of Dr.E.E.Davis in the sum of \$3.50; that the undertakers bill as above mentioned and the payment of which was secured by these intervenors after the mother of said decedent had refused to pay it, has since been partly paid and the balance secured by the brother of said decedent, and the undertaker has agreed to release intervenors from all liability thereon. The said decedent died at the home of your intervenor, T.W. Alford, and that the nursing and board and money above mentioned were for the expenses of her last illness, and are by law preferred claims against her estate and should be paid first out of said estate, but intervenors are informed and believe and so charge, that said Mary Sites if permitted to go free of any control of the probate court will decline to pay said debt; that said Mary Sites is wholly insolvent and does not own any property or effects out of which said sums could be made.

These intervenors further aver that it is provided by the Statutes of Texas that when it is provided in a will that no action shall be taken by the probate court other than to record the will and return an inventory, that upon the application of any creditors after

notice to all persons interested in the estate, such person shall be compelled to file an obligation with two or more good and sufficient sureties conditioned to pay all claims which may be established against said estate, and failing in which, said estate shall be managed and distributed by the court as under administration.

Wherefore these intervenors pray that notice be given to said Mary Sives, the sole devisee under said will of this application and that she be required to give such bond as is required by law and failing in which that an administrator be appointed herein, with the will annexed, together with general and special relief,

*Trust*

Subscribed and sworn to by said T.W. Alford this October 4th,  
1902.

Notary Public, Dallas Co., Texas.





T. W. ALFORD ET AL

21972, vs.

March 13th, 1908.

MARY SITES, EXECUTRIX.

This day came on to be heard the intervention of T.W.Alford, John Sites and Mrs. T.W.Alford in the above styled and numbered cause, on appeal from the County Court of Dallas County, Texas, both sides having announced ready for trial. Whereupon came on to be heard the cause upon its merit, and the Court, after hearing the testimony, is of opinion that the intervenors, T.W. Alford, John Sites and Mrs. T.W.Alford, are entitled to the relief prayed for in their intervention. It is, therefore, ordered, adjudged and decreed by the Court that the said Mary Sites, Executrix of the estate of Mary Stewart, deceased, be, and she is, hereby directed to execute and file with the County Clerk of Dallas County, Texas, a good and sufficient bond with two sureties, in the sum of One Hundred and Twenty-five (\$125.00) dollars, conditioned upon the payment of the claim of said T.W.Alford, John Sites and Mrs. T.W.Alford against the estate when established in court of competent jurisdiction, and that upon a failure of said Mary Sites, Executrix as aforesaid, to execute said bond, that then the County Judge of Dallas County, Texas, proceed to administer the Estate of said Mary Stewart as under administration, and that this judgment and the orders hereunder be certified to the County Court for due and proper observance. It is further ordered, adjudged & decreed that said Mary Sites pay all costs hereby incurred & for which judgment is hereby rendered and upon which execution may issue.

The State of Texas,  
County of Dallas.

I, H.W.Jones, Clerk, District Courts, Dallas County, Texas, do hereby certify that the above and foregoing is a true and correct copy of the Judgment and Decree of the Court rendered and entered in Cause No. 21972, T.W.Alford et al vs. Mary Sites, Executrix, as the same now appears of record in my office, in Book 16, pages 608 and 609, Minutes of the District Court of the 14th Judicial District of Texas.

Given under my hand and seal of office, at Dallas, this, the 2nd day of April, A.D., 1908.

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

By *John H. Smith*

Deputy.

CITY-1978

3262

No. 21972.  
T. W. Alford et al  
vs.  
Mary Sites, Executrix.

Certified copy of  
Judgment.

FILED

APR 2 - 1903

FRANK S. [unclear] Co. Clerk  
BY *W. H. Lawrence* DEPUTY

*Recorded.  
S. note*

01CT-11-1900