

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

Case Number 1867

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1867

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HARRIS, ETHERIDGE & KNIGHT,
ATTORNEYS AT LAW,
Rooms 216, 217, 218 and 219 North Texas Bank Building,
DALLAS, - TEXAS.

In Re Estate of)
E. A. Mexia, Deceased.)

I, L. J. Farrar, on oath state in open court, on the hearing of the application in the above cause, that I have been acquainted with Gen'l. E. A. Mexia since 1859 or 1860 up to the time of his death, which is reputed to have occurred in the city of Mexico on Sept. 18, 1896 and of which death I was advised by the public prints, members of his family, funeral notices, etc.; that Gen'l. Mexia was a native of Mexico and a citizen and officer of the Republic and had lived in the City of Mexico since my acquaintance with him and was living there at the time of his death; that his daughters Ynes and Adele Mexia are citizens and residents of Mexico, but his daughter Adele, is at the present time and has been for some time past, living in Philadelphia ^{where} she has been receiving medical treatment; that the grandchildren of Gen'l. Mexia who are mentioned in the will offered for probate are his next of kin in the State of Texas and that they reside in the county of Dallas; that I was the attorney of Gen'l. Mexia in Texas for many years prior to his death and was well acquainted with him and the members of his family.

L. J. Farrar
Sworn to and subscribed before me in open court on this the
8th day of February, 1898.

Wm. J. Foster
Judge County Court.

No. 2360.

In Re Estate of
E. A. Mexia, Deceased.

SWORN TESTIMONY OF L. J. FARRAR

FILED *Feb 8 1898*

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

L. J. Farrar
CLERK

*Recorded
Feb 28 1898*

HARRIS, ETHERIDGE & KNIGHT,
ATTORNEYS AT LAW,
Rooms 216, 216, 217, 218 and 219 North Texas Bank Building,
DALLAS, - TEXAS.

(2)

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NOTICE OF APPLICATION FOR PROBATE OF WILL AND LETTERS.

10090-Dorsey Printing Co., Stationers, Dallas.

THE STATE OF TEXAS.

To all Persons Interested in the Estate of E. A. Meria Deceased :

Ureiz and Adela Meria have filed, in the County Court of Dallas County, State of Texas, an application for the Probate of the last Will of said E. A. Meria ^{to have recorded} ~~deceased, and for Letters Testamentary,~~ ^{together with the probate thereof} 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 September A. D. 1897, 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 24 day of August A. D. 1897

A. S. JACKSON,
County Clerk, Dallas Co., Texas.

By W. H. Lawrence Deputy.

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No. 2360

COUNTY COURT.

ESTATE OF

C. A. Meria

Deceased.

Record

NOTICE OF APPLICATION FOR PROBATE OF
WILL AND LETTERS *probate*

Issued this *24th* day of

August 189*7*

A. S. JACKSON, COUNTY CLERK.

By *A. B. Jenkins* Deputy.

SHERIFF'S RETURN.

Came to hand the *24* day of *Aug*
189*7*, and executed the *24* day of *Aug*

189*7* 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. DABELL, SHERIFF, DALLAS CO.

By *H. L. ...* Deputy.

DORNEY PRINTING CO., DALLAS, TEX.

*Just \$3.00
Records 202098*

Estate of E. A. Mexia, decd. Special charge asked
 v.s.
 C. H. Mexia 2 by contestants.

The jury are instructed that no general rule can be laid down as to what constitutes undue influence in this class of case further than this, that in order to make a good will a man must be a free agent and feel at liberty to carry out his own wishes and desires, and any restraint brought to bear on a testator which he has not the strength of mind or will to resist, if exerted to coerce him against his desire and purpose into the making of his will or any of its provisions is undue influence within the meaning of the law.

And whether such undue influence existed in this case must be determined by the jury, from a consideration of all the evidence in view of the law as given you by the court.

The influence exercised over a testator which the law regards as undue or illegal, must be such as to have destroyed the free agency of E. A. Mexia in the matter of making his will; but if matters not how little the influence is, it is undue influence.

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2243
Estate of C. A. Mexia
decd
vs
C. H. Mexia et al

Special charge
asked by contestants.

1700 July
H. W. Jones
By W. O. Rouse
DEPUTY

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In the matter of Probate of
E.A. Mexia's Will.

O
O Suit pending in the County
O
O Court of Dallas County,
O

Answers and depositions of Lic. Agustin Arroyo de Anda, who resides in the City of Mexico, to the accompanying direct and cross interrogatories propounded to him, in the entitled cause, taken before me, W.J. DE CRESS, a Commissioner of Deeds for the State of TEXAS in accordance with the accompanying Commission.

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Answers of Lic. Agustin Arroyo de Anda.

To the 1st Int.	he answers:	I know Gen. Enrique A. Mexia for more than 10 years back.
" "	2nd " " "	" : I last saw Gen. Mexia, on the 30th or 31st of July, 1896 but I do not exactly remember the date.
" "	3rd " " "	" : Gen. Mexia consulted me on professional matters and besides that, we were very intimate in politics. Both being members of Congress we used to sit together in the Chamber of Deputies in all the sessions, except when one or other was absent, either on business or occupied with some commission from the Mexican Government.
" "	4th " " "	" : I had no business with Gen. Mexia from the 30th of July to the 10th of Aug., 1896, and all the consultations he had with me must always remain as professional secrets. Yes I always observed a perfectly clear intelligence in Gen. Mexia as well as a decided will, and a firm character, and in fact, his intellectual, moral and other faculties were always well balanced.
" "	5th " " "	" : I do not remember with sufficient exactitude as to the precise date; but I can say that Gen. Mexia used to speak of his business in Texas, and that he was preparing to start for the United States.
" "	6th " " "	" : There was nothing strange in the ac



tions, conduct or language of Gen. Mexia, he was a perfect gentleman, of good judgment and entirely respectable, besides which, the national Congress confided to him the most difficult and delicate commissions, such as, amongst others, those of finance and war, Gen. Mexia having been President of the latter Committee.

To the 7th Int. he answers: Judging from his actions, conduct and language, the intellectual condition of Gen. Mexia not only appeared good, but even excellent and greatly above the ordinary level

" " 8th " " : Bearing in mind the age of Gen. Mexia, his physical conditions did not appear that of a sickly man.

" " 9th " " : I never observed any mental weakness or want of intellectual force in Gen. Mexia; on the contrary, I always found him perfectly capable.

" " 10th " " : I do not know.

" " 11th " " : I always had a good opinion of Gen. Mexia's business, and of his good administration. He never was behind-hand in his payments nor was he ever summoned for debt; he never abused his credit or went into risky schemes or into any gambling business. He lived in a comfortable way, was always well and correctly dressed without any ostentation or pretensions to grandeur; he was rather modest than ostentatious.

" " 12th " " : Yes,

Page 4
Cross Interrogatories.

To the 1st X Int. he answers: I was 43 years old on the 28th of August last; I am a lawyer, practicing in all the tribunals of the Republic as well as in administrative business; I also act as a real estate agent, having correspondents throughout the country, in the United States and in Europe, and for more than 10 years I have had a seat in the Congress of the Union, where I became acquainted with Gen. Mexia. I have not spoken to the Misses Adela and Ines Mexia.

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To the 2nd X Int. he answers: Gen. Mexia lived in Mexico, had a house in Tacubaya, a city which is to the capital, what Brooklyn is to New York. He travelled several times in the United States where he frequently went on business, and I even think that on some occasions he was in Europe.

- " " 3rd X " " : None whatever.
- " " 4th X " " : As a general thing good, and the complaints that are natural at his age did not give him the aspect of a valetudinarian; but rather he had the look of a healthy and sound man.
- " " 5th X " " : Tranquil temperament, firm and just character without any bad temper, or impatience, and without any passions whatever.
- " " 6th X " " : I do not know —
- " " 7th X " " : I do not know —
- " " 8th X " " : I do not know —
- " " 9th X " " : I do not know —
- " " 10th X " " : I do not know —
- " " 11th X " " : I do not know —
- " " 12th X " " : I do not know. —
- " " 13th X " " : I do not know —
- " " 14th X " " : No.
- " " 15th X " " : Apparently well
- " " 16th X " " : I do not know —
- " " 17th X " " : I do not know —
- " " 18th X " " : No.
- " " 19th X " " : No
- " " 20th X " " : He sometimes told me that during his travels he had to take some baths by means of which he recovered his health that had been failing; but as a general rule we talked of political, financial, mercantile or social matters and not of sickness which did not occupy either of our minds and did not present any interest to talk about.



To the 21st X Int. he answers: I am not fond of mixing myself up in what is not my business.

- " " 22nd X " " : I have no information of all these details.
- " " 23rd X " " : I have no knowledge on the subject.
- " " 24th X " " : I do not know.
- " " 25th X " " : I do not know.
- " " 26th X " " : I have no feminine curiosity or any habit of looking into things that are not my business.
- " " 27th X " " : One can always say "potest" at least in the metaphysical or theological order.
- " " 28th X " " : Everything is to be found on this earth, good, bad and indifferent; but the greater part of us have some notions of discipline as we know how to order and obey. Besides that, Gen. Mexia's servants were not under my orders.
- " " 29th X " " : In this country, the person who inquires into other people's lives is called a gossip, and all we who have been born of well bred parents despise a gossip.
- " " 30th X " " : Ines and Maria have never lived in my house.
- " " 31st X " " : Neither have I anybody called Micaela living in my house.
- " " 32nd X " " : Same answer as to No. 29 X
- " " 33rd X " " : Same answer as to No. 29 X
- " " 34th X " " : Same answer as to No. 29 X
- " " 35th X " " : Same answer as to No. 29 X
- " " 36th X " " : Same answer as to No. 29 X
- " " 37th X " " : Same answer as to No. 29 X
- " " 38th X " " : Same answer as to No. 29 X
- 49 " " 39th X " " : Same answer as to No. 29 X
- " " 40th X " " : Same answer as to No. 29 X
- " " 41st X " " : Same answer as to No. 29 X.



To the 42nd X Int. he answers: Same answer as to No. 20 X.

" 43rd X " " : Same answer as to No. 29 X.

" 44th X " " : Same answer as to No. 29 X.

" 45th X " " : Same answer as to No. 29 X. —

" " 46th X " " : Same answer as to No. 29 X. adding, that neither in Mexico nor in any civilized Nation such as the American Nation undoubtedly is, does the Law oblige a witness to answer questions which are clearly idle, as everything connected with the private life of a person or family pertains to the privacy of the home, where not even the Chief of the Nation can enter without permission, even though he calls himself Sultan, Emir or Khedive.

Page 20 Cross Interrogatories.

To the 1st X Int. he answers: I have not attempted to say, and neither can I say, anything that I do not perfectly know, either in the affirmative or negative sense.

" " 2nd X " " : I have no knowledge on the subject nor did I ever investigate it.

" " 3rd X " " : I have no knowledge on the subject nor did I ever investigate it.

" " 4th X " " : Bassetti has been and now is the Manager of a lottery in which Gen. Mexia had some share, that being one of his enterprises. Bassetti attends to business in the office of the Lottery company, but I do not know where he lives.

" " 5th X " " : I know nothing of Mr. Clarence Mexia.

" " 6th X " " : Gen. Mexia was in receipt of his salary as Deputy, and for that reason could not receive any other salary from the Mexican Union.

" " 7th X " " : I never had any opportunity of seeing either the balance or the account books of Gen. Mexia.

" " 8th X " " : To the first part I answer No; and to the second part, Yes.



To the 9th X Int. he answers: I do not know the present price of these shares as I am not a broker and am not fond of gambling in shares.

" " 10th X " " : At 25 cts. Mexican silver per square metre. In gold, according to the rate of exchange on New York.

" " 11th X " " : The Builder's Association is not as yet thoroughly established in Mexico. The prices for construction vary in an extraordinary manner, according to the place where the building is put up, the plans, the material employed, the fancy work and architectural taste and even the position of the Builder, whether he is an architect of good standing, a common engineer or a simple clerk of works, and there are even houses which are built by humble masons, who work by rule of thumb and do not come out so badly.

" " 12th X " " : I do not know

" " 13th X " " : I do not know

" " 14th X " " : It was never my business to enquire.

Mexico, 26th of March, 1897.

Sworn to and subscribed before me this 26th day of March, A.D. 1897.

W. J. De Gress

Commissioner of Deeds for the State of Texas in the Republic of Mexico

Agustin Arroyo de Andujar

Republic of Mexico

City of Mexico.

I, W.J. De Gress, Commissioner of Deeds for the State of Texas, resident in the City of Mexico, Mexico, do hereby certify that the foregoing answers of "Lic. Agustin Arroyo do



"Anla", the witness before named, were made before me and were sworn to and subscribed before me by said witness.

Given under my hand and seal, this 20th day of March,

A.D. 1897.

Commissioner of Deeds for the State of Texas, in the Republic of Mexico.

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1867
Testimony A. A. de la
2360

Probate

31/28/1897 ✓



The State of Texas. 3 September Term
County of Dallas 3 AD 1897.

To the Hon. the County Court of Dallas
County Texas:

Your petitioners Juan Mexico and Adela Mex-
ia who reside in the City and Republic of Mexico
respectfully show that their father E. A. Mex-
ia, domiciled in the City and ^{Republic} of Mexico
at the date of his death, died in said City
and Republic on the 17th of September 1896;
and before his death on the 1st of August
1896 he executed a will in conformity to
the laws of said City and Republic.

Aftersaid to wit on the 28th day of October,
1896, said will was for duty probated
in said City and Republic, and a property
authentication copy of said will and of the
said Probate proceedings is herewith filed,
together with a sworn translation thereof.
The said E. A. Mexico at the time of his death
had no domicile in this State, but was dom-
iciled in the Republic ^{of Mexico}, as aforesaid; and the
said E. A. Mexico, has grandchildren, to wit:
Edmundo, Juan and Moyses Solimé Mexico who
reside in Dallas County Texas, and they are
the nearest of kin to E. A. Mexico, resident
in the State of Texas. Your petitioners
upon short notice of this application be
given as required by law, and that upon
the hearing of this application ^{and will} may be
admitted to record, as provided by
Statute.

J. W. Williams & J. W. Brown
Attys for Applicants.

2360

Application to re-
open the will of E.
A. Kempia of date
Aug 1st - 1896.

Filed August 24, 1897
A. Jackson Clerk

FILED

AUG 24 1897

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

By _____ Deputy

Recorded 309