

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

Case Number 746

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FILMED BY THE DALLAS GENEALOGICAL SOCIETY - 1977

# 746

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THE STATE OF TEXAS.

To all Persons Interested in the Administration of the Estate of  
*Thomas Lucas*, deceased.

*A. K. Lucas* has filed, in the County Court  
of Dallas County, an Application for the <sup>Substitution</sup> ~~Products~~ of the last Will of  
*Thomas Lucas*, deceased, and for Letters Testamentary;

which will be heard at the next term of said Court, commencing on the Third Monday in  
*July*, A. D. 1880, at the Court House in the City of Dallas, at which  
time all persons interested in said Estate may appear and contest said Application if  
they see proper.

WITNESS, A. HARWOOD, County Clerk of Dallas County, Texas.

Given under my hand and the seal of said Court, at office  
in the City of Dallas, this *25<sup>th</sup>* day of *June*,  
A. D. 1880.

A. HARWOOD, County Clerk, Dallas Co., Texas.

By *H. H. Thacker* Deputy.

The State of Texas } Estate of Thomas Lucas, deceased  
 County of Dallas } County Court May Term A.D. 1880

And now comes Alfred K. Lucas and  
 respectfully represents to the Court that herebefore  
 to-wit at the January Term of the said  
 County Court of Dallas County, and upon  
 the 12 day of January A.D. 1878 of said Term  
 the last will and testament of Thomas  
 Lucas, deceased was established and  
 regularly admitted to probate. That for  
 this purpose your petitioner has filed  
 his application, in due form and that  
 citation had been issued upon the same  
 and served as required by law. That  
 upon the hearing of said application,  
 and the testimony of the subscribing  
 witnesses to said will, I. C. Williams  
 and J. J. Williams said will was  
 admitted to probate as aforesaid. That  
 said last will and testament of Thomas  
 Lucas and the testimony of the said  
 subscribing witnesses, which was received to  
 writing, <sup>upon the hearing of said application</sup> and not sworn to by said witnesses,  
 was filed upon the minutes of the  
 Court, and that said will together with  
 the probate thereof was duly recorded  
 by the clerk of the County Court in the

No. 311

**COUNTY COURT.**

ESTATE OF  
*Thomas Lucas,*  
 Deceased.

Notice of Application for  
 probate of Will and letters.

Issued this 25<sup>th</sup> day of  
*June*, 1880

A. HARWOOD, County Clerk,  
 By *J. H. Thacker* Deputy.

SHERIFF'S RETURN.

Came to hand the 25<sup>th</sup> day of *June*  
 1880, and executed the *same* day of *July*  
 1880, by posting up three copies of this writ at three  
 public places in Dallas County, one of which was the  
 Court House Door of said County.

*W. M. Moon*  
 Sheriff Dallas County,  
 By *J. H. Thacker* Deputy.

DOTT'S GREEN INK, DALLAS

Shroff's fee \$100  
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book kept for that purpose.

Petitioner further shows that at the burning of the Court house of Dallas County on the 4<sup>th</sup> day of February 1880 the said original will and the testimony of the said subscribing witnesses, together with the minutes of said Court containing the record of said will and testimony, since the record book kept for the purpose of recording wills in the office of the County Clerk were <sup>re</sup> destroyed.

Petitioner further says that he has attached to this motion and made a part of it a <sup>true</sup> substantial copy of said last will and testament of the said Thomas Lucas. That he is unable to obtain a certified copy of the same. Petitioner further shows that the said original will of Thomas Lucas was sworn by J. C.

Williams one of the subscribing witnesses, and further that the copy hereto attached was also sworn by the said Williams, and is of ~~precisely~~ the same tenor and effect as the original will, and is also in almost the identical language and for words with the said original will. That he has attached a <sup>true</sup> copy of said original will, having been copied by from the minutes of the County Court of Dallas County.

That he has attached  
to and made a part of this motion  
substantial copies of the testimony of the  
said subscribing witnesses reduced to  
writing and sworn to by said witnesses  
J. C. Williams and T. J. Williams upon  
the application for probate of said will.

Wherefore petitioner prays that citation  
issue as the law directs, and that  
upon the reading of this motion, the  
copies of said Will and the testimony  
of said subscribing witnesses, heretofore  
attached be substituted for their  
respective originals, and that they be  
copies in the minutes of this Court  
and duly recorded in the book kept  
for that purpose, and that in all  
things they be substituted for and  
stand in the place of the originals  
lost or destroyed as aforesaid.

A. K. Lucas

I A. K. Lucas do solemnly swear that  
the facts set forth in the above motion  
are true. That the paper hereto attached  
purporting to be a copy of the will of  
Thomas Lucas is a true copy of  
said Will, and that the copies of

the affidavits of J. C. and T. C. Williams  
hereto attached are substantial copies  
of their testimony rendered to writing on  
the application for the probate of the  
will of Thomas Lucas dec'd

A. K. Lucas

Sworn to and subscribed before me  
this 21 day of May AD, 1880.

A. Harwood, Clerk,

By W. H. Thacker, Dep.

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Ad. May 21, 1880.  
A. Harwood, Clerk,  
By W. H. Thacker, Dep.

Dec 18th 1877

I Tho Lucas being of sound mind  
and disposing memory do make this my  
last will and Testament viz

1<sup>st</sup> After my death I will that my body  
be decently buried.

2<sup>nd</sup> I will that my wife Narcissy and  
Mary my daughter have all my cattle  
during their widow hood

3<sup>rd</sup> I will and bequeath all of my land  
Horses and farming implements to my  
son Alfred K Lucas for his services  
rendered me in my old age

Attest

W. G. Williams

J. A. Williams

Tho<sup>his</sup> x Lucas  
mark



The State of Texas } Estate of Thomas Lucas <sup>Dec 2</sup>  
County of Dallas } County Court Term A.D. 1880

I J. C. Williams do solemnly swear that I reside in the County of Dallas State of Texas that I am fifty eight years of age. I was well acquainted with Thomas Lucas during his lifetime knew him intimately for a number of years. He was one of my near neighbors. Thomas Lucas is now dead he died at his home in Dallas County Texas on the 15 day of December 1877 at the time of his death he was quite an old man must have been over eighty years of age.

On the 13 day of December 1877 I was sent for by Mr. Lucas to come to his home and write his will. I went to his home for that purpose, He told me he wanted me to write his will and how he wished to dispose of his property. I wrote his will as he dictated to me after I had written it I read it over to him and he said it was all right, and that was the way he wished to dispose of his property. He then signed the will I wrote his name and he made his mark

I then signed the will as a witness in  
his presence at his request and in his  
presence, and in the presence of the  
other subscribing witness T. J. Williams  
in the presence of Thomas Lucas and in  
my presence and at the request of Thomas  
Lucas. At the time the will was  
written and signed as a witness Thomas  
Lucas was perfectly at himself. He was of  
sound and disposing memory and under  
stand and advised as to what was done.  
The will that is now before the Court and  
that is now offered for probate is the  
will above referred to written by me and  
and signed and returned as a witness.  
This is the will of Thomas Lucas.

T. C. Williams

Given to and subscribed before me this the  
12 day of January A.D. 1878.

A. Harwood Clark  
B. W. H. Thacker Bell

The State of Texas } Estate of Thomas Lucas Dec'd  
 County of Dallas } County Court Term A.D. 1880.

I J. J. Williams of the County of Dallas  
 State of Texas do solemnly swear that  
 I am twenty seven years of age; that  
 I was well acquainted with Thomas Lucas,  
 know him nearly all my life. He lived  
 only a short distance from my father's  
 Mr. Thomas Lucas is now dead. The  
 will in Dallas County Texas on the  
 15 day of December A.D. 1877 on the  
 13 day of December 1877 before his  
 death. Mr Lucas made his will. The  
 will was written in my presence by  
 J. C. Williams, Thomas Lucas told J. C.  
 Williams how he wanted his will written  
 and it was written just that way. After  
 J. C. Williams wrote the will he read it  
 over to Mr Lucas and it said it  
 was all right, that he wished to dispose  
 of his property in that way. He then  
 signed the will in my presence. J. C.  
 Williams wrote his name and Mr  
 Lucas made his mark. Mr J. C.  
 Williams and I then at the request  
 of Mr Thomas Lucas signed the  
 will as witnesses in the presence of

of Mrs Susan Ann in the presence  
of each other. This will that is now  
before the Court and is offered for  
probate is the will that was written  
and signed and returned as I have  
stated above, and thus the will of  
Mr. Thomas Lucas. At the time he made  
the same he fully understood all that  
he was doing, his mind was clear and  
he was of sound and disposing  
memory

J. J. Williams

known to and subscribed before me  
this the 12 day of January A.D. 1880.

A. Harwood Clerk

By W. H. Thacker Deft.

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Estate of Thomas Lucas <sup>Decd.</sup>

Motion to substitute  
Wills

July 21<sup>st</sup> 1880.  
Application  
considered and  
copy of will  
pinned up ordered  
to be recorded  
our lost original

R E Burke  
Clerk

Filed May 21<sup>st</sup> 1880.  
A. Harwood, Clerk.  
By W. H. Phacker, Deft.

Notice filed June 25/80  
July 21/80

(Taxes)  
J W Thompson  
for motion.

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