

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

Case Number 751

Dallas Genealogical Society
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FILMED BY THE DALLAS GEOLOGICAL SOCIETY - 1977

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THE STATE OF TEXAS.

To all Persons Interested in the Administration of the Estate of
Emarine Reed, Decedent

J. C. Reed has filed, in the County Court
of Dallas County, an application for the substitution of
the records in the matter of the Probate of the will
of said decedent
which will be heard at the next term of said Court, commencing on the Third Monday in
May, 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 10th day of April,
A. D. 1880.

A. HARWOOD, County Clerk, Dallas Co., Texas.
By *M. H. Thacker* Deputy.

Relate of Emaline Reed, } An Court & Court-
 } Dallas County

To the Court of Judges of Dallas County
 Your petitioner
 Joseph Reed of the County of Dallas State of Texas
 would respectfully represent that on or about the
 in the month of 1879.
 he filed in your Honorable Court a petition containing
 substantially the following allegations & prayer:

2/-
 avers that he was a citizen of Dallas County and the husband
 and of Emaline Reed. That said Emaline Reed had
 died at his and her home in Dallas County from the
 effect of a surgical operation on or about the 6th
 August A.D. 1879. That her estate estimated at
 \$5000. lay mainly in Dallas County and that just
 previous to the operation from which she died, she gave
 into the custody of Dr John H Stevens her one of
 the attendant surgeons, her last will and testament
 which will was filed with petition. It further prays
 that after notice and hearing said will might be pro-
 ved and for general relief

Your petitioner further avers that said will was sub-
 stantially as follows:

Rockcastle August 5th 1879.

I wish my dearling husband Joseph to have all
 that we possess in case that I die before him signed
 Emaline Reed

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COUNTY COURT.

ESTATE OF

Emaline Reed,
 Deceased

Notice of Application for
 substitution

Issued this 10th day of
 April, 1880

A. HARWOOD, County Clerk,

By W. H. Thacker, Deputy.

SHERIFF'S RETURN.

Came to hand the... day of...
 1880, and executed the... day of...
 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.

J. M. Mason
 Sheriff Dallas County,

By W. H. Thacker, Deputy.

WATER & GIBSON, PRS. DALLAS

Taxid

Petitioner would further represent that on the 31st day of June 1879 said petition, after due notice given according to law as shown by the Sheriff's return, was called for hearing and Dr John H Stevens Dr B. W. Allen W. L. Cummings, E. J. Pierce, J. M. Cokerell, & your petitioner having been sworn testified substantially as is set-down below and their testimony was written down subscribed by them and by filing made a part of the record of your Hon Court

Dr John H Stevens testified that he was a physician and resident of Dallas County that he was well acquainted with Emaline Reed, and Joseph Reed was her husband at the time of her death. He was one of the surgeons assisting in the operation from which she died. Just before the operation was begun before any ether or chloroform was administered Mrs Emaline Reed gave to him the paper which is here in court asked him to read it and take care of it as his will in case she died. Being unable to read without spectacles he handed it to Dr Allen who read it aloud there in the presence of Mrs Reed her husband, himself, and others, and then delivered it to him. The paper here in court is the same paper. Mrs Reed was in full possession of her faculties at the time. She died in a day or two afterwards from the operation at her home in Dallas County.

Dr B. W. Allen testified that he was one of the assisting surgeons in the operation for ovarian tumor performed upon Mrs Emaline Reed at her home in Dallas County in the month of August 1879. Knew her as the wife of Joseph Reed the petitioner. Just before

Mrs Reed took her place upon the table for the operation and before any ether or Chloroform had been administered to her she gave to Dr Stevens the paper now in court and asked him to read it as her last will and Testament He handed it to me and I read it aloud and returned it to him. The same paper is here in court She was then in full possession of all her faculties and capable of making a will She died in a day or two afterwards at her home from the operation

Mr W. S. Cummings testified that he was a resident of Dallas County and knew George Reed and Emaline Reed well. They were husband and wife at the time of Mrs Reed's death. He knew Emaline Reed's handwriting. The paper in court was in her handwriting and wholly written by her.

Mr E. Y. Peice testified that he knew Emaline Reed's handwriting. That the paper here shown him in court was in her handwriting and wholly written by her. He was ^{over} twenty-one years of age.

Mr. F. M. Cockrell testified that he was the nephew of Mrs Emaline Reed the wife of George Reed and knew her handwriting. The paper shown him here in court was written by her in toto. He was of age and a practicing attorney.

Mr. G. H. Cole testified that he knew the handwriting of Mrs Emaline Reed. That the paper in court was in her handwriting and wholly written by her.

Your petitioner then testified that he was the husband of Emeline Reed - that she died in August 1879. at his home in Dallas County leaving a property mostly lying in Dallas County estimated at \$5000. The paper here in court is the same paper my wife handed Dr. Allen before the operation I knew of it for the first time when I heard it read by Dr. Allen. It is all in her handwriting.

Your petition now further represent that after considering the evidence above your Honor entered an order for the probation of said will and the judgment of probation was fully entered this judgment embraced substantially the testimony above given and the decree of the court probating

Your petition now further represent that since your Honor the 4th day of February 1880 the Court House with all the records in this case except ~~the~~ ^{the} order of probation was burned. Wherefore he prays that after notice to parties interested as in the original case. the ^{copy} record of original petitions, notice, sheriff's return, testimony and judgment of court probating herein substantially given may be substituted for the original records, and this by decree of your Honor Court reaffirming the decree of probation. And for general relief sworn to and subscribed

before me this 10th April 1880 } J. G. Reed
 By Harwood Clerk.
 By W. H. Thacker Deputy

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estate of Emanuel Reed

Petition for substitution
of will &c.

Filed April 10, 1880.
At Courtroom, Clerk.
By W. H. Thacker, Deft.

Record for Will?

noticed & filed April 10/80

May 22nd 1880
Petition amended
and was ordered
to be substituted
as prayed for

W. H. Thacker
(Deft.) Counselor

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