

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

Case Number 2760

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2760

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THE STATE OF TEXAS.

To the Sheriff or Any Constable of Dallas County--Greeting:

YOU ARE HEREBY COMMANDED To Summon
Judge W. L. Crawford, Jr.

m-152
10-1046

to be and personally appear before the Honorable County Court of Dallas County at Law, at the Court House in the City of Dallas, County aforesaid, ~~on~~ on Friday Dec. 5th, A. D. 1919 at 9:00 o'clock, a. m., at the instance of the Edith Bush, et. al.

then and there to give evidence in ~~a certain case wherein~~ the matter of the estate of Cynthia and Mary West, Deceased, # 3869 is plaintiff, and is defendant, and remain from day to day and term to term until discharged by the Court.

HEREIN FAIL NOT, but due service and return hereof make, as the law requires

WITNESS my hand, at office in Dallas, this 3rd day of

Dec 3 A. D. 1919
W. S. Skiles

Clerk County Court Dallas County at Law, Dallas County, Texas.

By J. A. Pittard Deputy.

THE STATE OF TEXAS.

Van Zandt

To the Sheriff or Any Constable of Dallas County--Greeting:

YOU ARE HEREBY COMMANDED To Summon
Mrs. Sarah Eaton, Fruitvale, Texas; X
Robert Tolliver, Fruitvale, Texas; X

to be and personally appear before the Honorable County Court of Dallas County at Law, at the Court House in the City of Dallas, County aforesaid, ~~on~~ on Friday Dec. 5th, A. D. 1919 at 9:00 o'clock, a. m., at the instance of the Edith Bush, et. al.

then and there to give evidence in ~~a certain case wherein~~ the matter of the estate of Mary and Cynthia West, Deceased, No. 3869, is plaintiff and is defendant, and remain from day to day and term to term until discharged by the Court.

HEREIN FAIL NOT, but due service and return hereof make, as the law requires

WITNESS my hand, at office in Dallas, this 3rd day of

Dec 3 A. D. 1919
W. S. Skiles

Clerk County Court Dallas County at Law, Dallas County, Texas.

By J. A. Pittard Deputy.

SHERIFF'S RETURN.

CAME TO HAND the 3rd day of Dec A. D. 1919, and executed on this
 the 4 day of Dec A. D. 1919 by reading the within Subpoena in the presence and
 hearing of Judge N L Crawford Jr

Returned on this the 4 day of Dec A. D. 1919 the within named witnesses.
 By Marsh Leaverton Deputy Sheriff Dan Herston Sheriff Ballas County

County Court at Law.
 No. 3869
 vs. Subpoena
 Mary Post
 Clerk
 This 3 day of Dec A. D. 1919
 ISSUED
 By W. J. Shuler Deputy Sheriff
 Sheriff's Fees:
 Stenographer 1 Witness 25
 Mileage 5 Miles at 5 cts 25
 Total 75

SHERIFF'S RETURN.

CAME TO HAND the 6 day of December A. D. 1919, and executed on this
 the 6 day of December A. D. 1919 by reading the within Subpoena in the presence and
 hearing of Mrs Sarah Eaton Trinitavale Texas
Mr Robert Lottines Trinitavale Texas

Returned on this the 6 day of December A. D. 1919 the within named witnesses.
 By A B Rodchen Deputy Sheriff Trinitavale Sheriff Vandandt County

County Court at Law.
 No. 3869
 vs. Subpoena
 Mary Post
 Clerk
 This 6 day of Dec A. D. 1919
 ISSUED
 By W. J. Shuler Deputy Sheriff
 Sheriff's Fees:
 Stenographer 2 Witness 300
 Mileage 2 Miles at 5 cts 10
 Total 310

MRS ADDIE SWAN, et al,

3869

vs

Suit Pending in the Probate Court

J.M. Edwards, Treasurer,
Of the State of Texas.

Dallas, County, Texas.

On this day, August 29, 1918, the above numbered and entitled cause came up for hearing and plaintiffs appearing in person, and by Attorney R. E. Dodson, and the Defendant J. M. Edwards, Treasurer of the State of Texas, being represented by Leo R. Tresp, Assistant District Attorney of Dallas County, Texas, as provided by law in such cases, and after hearing all argument and evidence of council on both sides and duly considering especially the evidence as of record in certain depositions now on file with the original papers, the Court is of the opinion that the said sum of Three Thousand One Hundred and Forty Dollars and fifteen cents (\$3,140.15) was paid into the Treasury to the credit of the Mary West estate

developed concerning that Zach West was dead leaving no issue. During that the depositions were taken in Illinois, and certain other depositions of Mrs. Sophie McWilliams, who knows all the facts of Mary's family, shows conclusively that Zach West was dead, leaving no issue, and after duly considering certain oral evidence, the Court is of the opinion that the plaintiffs herein, Mrs. Addie Swan, Joe and Cleve West; Mrs. Carrie Spruill; A. G. Lumley; I. H. Jett; Dot and Tom Freeman; Annie Marshall; W. H. and Robert Toliver; Francis Parker; Martha Kelley; Mary Miller; W. L. Crawford, Jr.; Sophie McWilliams; Martha West; Sadie Dowdy; Sarah Eaton; Eva Becken; E. J. & George Colborn; and Rosana Colborn; Phoebe Neal; Samuel, Homer, Carl, and Elsie West; Claudie Howard; Mary Ann Bass; Josiah Brooks; Charles Brothers; Ed Freeman; Nellie Winters; and Lee Brooks, should have judgment for the amount in the Treasury at Austin, Texas, to the credit of the Mary West estate, to wit; the sum of \$3,140.15 and that H. E. Terrell, Comptroller of the State of Texas is hereby ordered to issue warrant, on J. M. Edwards, Treasurer of the State of Texas, to the above named plaintiffs for Amount due for \$3,140.15.

by mistake, in that the depositions of R. J. Colborn of Olney, Illinois, and certain other depositions of Mrs. Sophie McWilliams, who knows all the facts of Mary's family, shows conclusively that Zach West was dead, leaving no issue, and after duly considering certain oral evidence, the Court is of the opinion that the plaintiffs herein, Mrs. Addie Swan; Joe and Cleve West; Mrs. Carrie Spruill; A. G. Lumley; I. H. Jett; Dot and Tom Freeman; Annie Marshall; W. H. and Robert Toliver; Francis Parker; Martha Kelley; Mary Miller; W. L. Crawford, Jr.; Sophie McWilliams; Martha West; Sadie Dowdy; Sarah Eaton; Eva Becken; E. J. & George Colborn; and Rosana Colborn; Phoebe Neal; Samuel, Homer, Carl, and Elsie West; Claudie Howard; Mary Ann Bass; Josiah Brooks; Charles Brothers; Ed Freeman; Nellie Winters; and Lee Brooks, should have judgment for the amount in the Treasury at Austin, Texas, to the credit of the Mary West estate, to wit; the sum of \$3,140.15 and that H. E. Terrell, Comptroller of the State of Texas is hereby ordered to issue warrant, on J. M. Edwards, Treasurer of the State of Texas, to the above named plaintiffs for

Amount due for \$3,140.15.

~~or their attorney, H. F. Dodson, for the use and benefit
of the above named plaintiffs.~~

The Court further orders that Honorable Miley T.
Lively, District Attorney, Dallas, County, Texas, be paid
Attorney's fees in the sum of \$270.00 out of the said
estate of Mary West.

J. M. D. Lively
Judge

No. 3869
Est. of Mary West
Deed

Judgment

Ent-9-4437
10/20/00

NO. 3869
 ESTATE OF MARY WEST AND OF CYNTHIA WEST, CONSOLIDATED
)) IN THE PROBATE COURT OF DALLAS COUNTY TEXAS FOR ITS NEXT ENSUING TERM AFTER THE FILING HEREOF.

TO THE HON. PROBATE COURT OF SAID COUNTY:

Now come Edith Bush joined by her husband Rowland Bush, of Kaufman County Texas, Florie Byrd and husband J. G. Bird, Louisa Winnie and husband A. L. Winnie and S. F. West, and Mrs Stella Myers formerly Mrs R. F. West and her husband Myers of El Paso Texas, and show to the Court that they are as shown by the record herein, heirs of said decedents and interested in said estates—and show to the Court that one R. E. Dodson came and falsely represented to this Court that he had powers of Attorney from above named petitioners and that there were certain unknown heirs of decedents who were the heirs of Zack West and others and would take from decedent Mary West who was the intestate of said Zack and others and had this court to appoint him or order and allow him to draw from the treasury \$3140. 15 which was so deposited there for such unknown heirs when, as these petitioners allege and believe, there were no such unknown heirs in existence; and the intent and purpose was and the result is about to be that said R. E. Dodson will withdraw said sum for the unknown heirs who do not in fact exist there being no such unknown heirs, as they are advised and believe and allege. They further say generally that said R. E. Dodson is not a suitable person to withdraw and to hold said sum even if there were or are such heirs. They allege that he will, as they believe, take said sum and keep it in the absense of unknown heirs for his own benefit. That he has fraudulently or, as they believe and allege obtained false and pretended powers of attorney from some of the heirs in this estate, and has long attempted to so obtain such from said Bush and wife some of the petitioners herein; and tried and endeavored to induce the said Bush and wife to unlawfully and feloniously make certain powers of attorney from some of the heirs of said estate which they declined and refused to do.

Wherefore the petitioners aforesaid here pray the Court to have said R. E. Dodson cited to answer this, that the Court hear proof and ascertain if it has been or can in any way be shown, that there ever were any such heirs as the unknown heirs of said Zack or the other unknown heirs who are mentioned as such in the record of this case here referred to for their names. And to establish that there have been none such shown and that there are none such, and that said \$3140. 15 in the treasury be not received by the said order but that the same be set aside as in fraud of the rights of the known heirs and that said Dodson may not take and hold same to await the arrival of heirs who have never been and are not. And that said money be distributed among the known heirs and their proper interests therein be ascertained after due notice hereof, it never, as they believe having been yet ascertained correctly, and that the interests and shares in said sum now in said treasury be ascertained for each of the proper heirs and be withdrawn and distributed to its rightful owners, and for costs of this proceeding against the said Dodson. And for such other and further relief as may in law and equity be proper under the facts to be shown.

*Mrs Stella Myers & her husband
 Edith Bush & Rowland Bush*

*Rowland Bush, Mrs. Edith Bush
 Louisa Winnie & A. L. Winnie
 Florie Bird & J. G. Bird
 Stella Myers & R. F. West.*

By their agent and Attorney ^{in fact} Rowland Bush

and by
 L. R. Stroud
 atty for Petitioners
 Kaufman Texas

NO. 3869

ESTATE OF MARY WEST AND
CYNTHIA WEST CONSOLIDATED.

Petition of Edith Bush et al to have Court decree and establish that certain unknown heirs do not and never existed as in the record cited; to revoke the appointment an order permitting R.E. Dodson to withdraw money in the Treasury for such fictitious heirs; to ascertain the true interests of all the heirs and interested parties in the estate and in the said money in the treasury, and to properly distribute the same

FILED

NOV 24 1919

W. S. Skiles, Clerk,
COUNTY COURT, DALLAS COUNTY, TEXAS
BY *[Signature]* DEPUTY

ATTORNEY'S RECEIPT CARD.

No. 2760

Estate of Mary
West
-VS-
West

Received from the Clerk the file papers of above mentioned suit.

Apr 30 1908

Leah & Hawley

Attorney for

Guardian

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CHARLES L. BASS
ATTORNEY AT LAW

5115 MAIN STREET, ROOMS 9-1011

PHONE LAMAR 2122

DALLAS, TEXAS

Houston Dec 5/19
Judge Cecil L. Simpson
Dallas, Tex.

My Dear Sir:

Your requested letter just
recd yesterday stating enclosing the
petition by Burk et al and stating that
I could use my own pleasure,
about being there today just received
by my wife at Post Office yesterday
and I got it this am when I got in
on my trip. It certainly will please
be very much to be on hand and
I certainly will be sooner or later
if not to day, I will be tomorrow.
However, I would like for you to write
to hear from me before rendering
judgment, as I think it is my much
Mr Burk's affair, or rather against Burk.
Judges Hiram Pritchard and W. Bradford Jr
wound the estate up in the beginning
original suit and the Burk interest
was adjudicated, and I tried to follow
it. On obtaining judgment I set about
in good faith to distribute the money
when Mr Burk stepped in & claimed it.
2/3 of it as per his letter on file. And I
at once opened to submit it to his
own lawyer and if his own lawyer

said he was entitled to anything
 I had the money to pay it & gladly would
 do so. but No. he would not do anything
 this kind. He knew he was wrong
 making false claim, but he wanted
 to get the Court to take cognizance of
 the whole thing hoping that some time
 something would turn up which I
 must not be regular and I would
 get punished for it and thereby he
 would get the satisfaction he so
 cherished. This is all there is to Burk's
 claim in my opinion. However all this
 may be, it will now be gone into
 again thoroughly and if Burk has any
 interest he had not got to worry a
 minute about getting it. Your word will
 do it. but you will never say it when you
 investigate Burk & his claim.

Sorry I can not be there to day,
 and await your resetting of the case.

Yours truly

W. E. Dodson
 Box 1382, Houston

SUBPOENA-CIVIL

THE STATE OF TEXAS.

To the Sheriff or Any Constable of Dallas County--Greeting:

YOU ARE HEREBY COMMANDED To Summon

~~Will Miller, Mesquite;~~

Mrs. Mollie Kelly, Mesquite;

~~W. L. Crawford, Jr., Dallas;~~

to be and personally appear before the Honorable County Court of Dallas County at Law, at the Court House in the City of Dallas, County aforesaid, instanter, on *Friday* ~~the~~ *Dec 5th 1919* A. D. 19 at *9* o'clock, a. m., at the instance of the *Edith Bush et al.*

they and there to give evidence in a certain case wherein *matter of estate* *Cynthia & Mary West et al. vs. Edith Bush* is plaintiff, and is defendant, and remain

from day to day and term to term until discharged by the Court.

HEREIN FAIL NOT, but due service and return hereof make, as the law requires

WITNESS my hand, at office in Dallas, this *3rd* day of

Dec A. D. 19 *19*
W. J. Skiles

Clerk County Court Dallas County at Law Dallas County, Texas.

By *John H. Hutto* Deputy.

SHERIFF'S RETURN.

CAME TO HAND the 4th day of Dec A.D. 1907, and executed on this the 8th day of Dec A.D. 1907 by reading the within Subpoena in the presence and hearing of Will Miller Magnolia Kelly after diligent search and inquisition he could not be located in Dallas, Tex.

the within named witnesses.

Returned on this the 10th day of Dec A.D. 1907 Dan Harston Sheriff Dallas County
By J. L. Perry Deputy

COUNTY COURT AT DALLAS.

No. 3869

Subpoena
S. of Mary Post
Dund

ISSUED

This 3 day of Dec A.D. 1907
By J. L. Perry Deputy

SHERIFF'S FEES

Witnesses \$ 60
Miles at 8 cts 100
Total 160



THE MECCA OF THE SOUTH

New Oriental Hotel

EUROPEAN PLAN \$ 1.99 & UP

OTTO HEROLD
VICE-PRESIDENT

Dallas, Texas Dec 9/19

Judge Cecil L. Simpson,
Dallas, Texas.

My Dear Sir:

Sorry this cold spell has
compelled me on advise
of doctors to stay in owing
to "Grippe's" in my face.
I had it bad for 3 months last
year & cold makes it
worse. Non been all painted
up to day like an Indian. I have
been here for 2 days and would
have come up to see you had
I not intended fully to see you
tomorrow. however, I will see
you in near future as I expect to
be here all time after first of year.
Now regarding West Estate -
it is in hands of Judge Crawford
& Lively & they will be on hand



THE MECCA OF THE SOUTH

New Oriental Hotel

EUROPEAN PLAN \$ 1.99 & UP

OTTO HEROLD
VICE-PRESIDENT

Dallas, Texas

Tomorrow at 11. and suppose it
to for me to say, that last January
Bark notified me unless I paid
him \$2300 of the \$3110 I got from Austin
he would give me \$ - Pleach on
me, I suppose. In other words if
I give him that money everything
would be all right & he would
receipt ^{my} for it. This is what brought
on the ~~stomach~~ "in tea pot", and
again Bark was notified by me
and knew the my day I got the ~~first~~ ^{first} ~~part~~ ^{part}
yet he was near to prove his claim
tho the money had remained
for 8 years in Austin yet Bark
never raised his voice to get it till
I get it then he says loose all
your time & expense of getting it &
turn over to me on ~~just~~ ^{just} ~~claim~~ ^{claim}.
I have letters of Bark to prove
up his system to get this money -

Very Resp-
R. E. Dodson
Box 1383 Houston

485
1192

December
10th,
1919.

Hon. John T. Baker,
State Treasurer,
Austin, Texas.

Dear Sir:

In Cause No. 3869, the Estate of Mary West, deceased, pending in the Probate Court of Dallas County, there was entered on August 29th, 1918 a judgment directing that the sum of \$3160.15, which had formerly been paid into the State Treasury, be paid to certain persons recited in said judgment, and represented by one R. E. Dodson. On September 5th, 1918 an amended judgment was entered in said cause directing said sum to be paid R. E. Dodson as Attorney of Record, for the persons named in said judgment.

About November 11th, 1918 there was a motion filed by one Roland Bush and others claiming that said judgment should be set aside on the grounds that it was fraudulently obtained. Some time in December 1918 I, as County Judge, pending the hearing of said motion, wrote a letter to the State Treasurer requesting that said sum of money be not paid to R. E. Dodson if payment had not heretofore been made, pending the disposition of said motion to set aside said judgment. Another motion has now been filed in this Court, in the nature of a Bill of Review, alleging that R. E. Dodson secured said judgments by fraud. The Attorneys for Roland Bush and others who present said motion present me with a telegram signed by you, dated December 3rd, 1919, which reads as follows:

"Restrictions are still in effect against Mary West Estate."

Mr. Dodson has made the statement that he collected said sum of money soon after he obtained said judgment and it appears also that he has paid out at least a part thereof to certain persons who are beneficiaries under said judgment. I have seen a recent letter from you addressed to certain persons in Salem, Illinois, to the effect that the money had not been paid to Dodson under the aforesaid judgments. There seems to be some mistake somewhere, or else there is something being hidden or attempted to be covered up in order that the Court, or other persons, may be misled.

What I want you to do, at this time, is to please let me have a certified statement executed by yourself reflecting just what the records of your office show relating to aforesaid judgments and

- 2 -

disposition, if any, of the said sum of \$3140.15 directed by said amended judgment to be paid R. E. Dodson. If, in fact, this money has not been paid and is still in the State Treasury, then I direct that you hold same pending the final disposition of the motions and Bill of Review to set aside said judgments.

Kindly advise me at your earliest convenience, and furnish me with the certified statement as requested.

Yours very truly,

County Judge.

CAC-AR.



Treasury Department
State of Texas
Austin

December 12th., 1919.

JNO. W. BAKER, TREASURER
LOU D. MORGAN, CHIEF CLERK

Judge Cecil L. Simpson,
Dallas, Texas.

My Dear Sir:-

Upon receipt of your letter of December 10th, I made a personal investigation of the R. E. Dodson matter, and find that the entire amount was paid to him by my predecessor on September 9, 1918, and I am enclosing you my affidavit to that effect.

It appears that the chief bookkeeper has an individual ledger of this class of accounts, and also keeps a general ledger against the same.

The \$3,140.15 had been properly entered on the general ledger, but had not been credited to the account in the individual ledger. When I assumed the office of State Treasurer, this individual account showed to have had the above amount to its credit, and each time upon inquiry from interested parties, I referred the matter to my chief bookkeeper, who reported that this amount was still to the credit of that account, but upon receipt of your letter I decided there was evidently some mistake so made this personal investigation with the result as outlined.

I regret that this error crept in, and trust no one has been inconvenienced by it, notwithstanding it was not made in my administration.

If I can be of further service to you please feel free to call upon me.

Sincerely yours,
John W. Baker
State Treasurer.

B/E

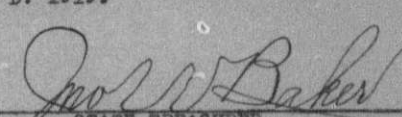
OFFICE OF THE TREASURER

STATE OF TEXAS .

STATE OF TEXAS |
COUNTY OF TRAVIS |

I, John W. Baker, Treasurer of the State of Texas, do hereby certify that on September 5, 1918, warrant was issued by Comptroller of Public Accounts in favor of R. E. Dodson, Attorney, in the matter of suit #3869 Mrs. Addie Swann, et al, against J. M. Edwards, State Treasurer, and that said warrant was paid by this department on September 9, 1918, and that there are no funds to the credit of the account Mary E. West, deceased.

IN TESTIMONY WHEREOF,
WITNESS my hand and official
seal of office at Austin, Texas,
on this the 12th day of December,
A. D. 1919.


STATE TREASURER.

OFFICE OF THE TREASURER

STATE OF TEXAS.

STATE OF TEXAS |
COUNTY OF TRAVIS |

I, John W. Baker, Treasurer of the State of Texas, do hereby certify that on September 5, 1918, warrant was issued by Comptroller of Public Accounts in favor of R. E. Dodson, Attorney, in the matter of suit #3869 Mrs. Addie Swann, et al, against J. M. Edwards, State Treasurer, and that said warrant was paid by this department on September 9, 1918, and that there are no funds to the credit of the account Mary E. West, deceased.

IN WITNESS WHEREOF,
WITNESS my hand and official seal of office at Austin, Texas, on this the 12th day of December, A. D. 1919.


STATE TREASURER.

MRS. EDDIE SWAN, ET AL. : 3869.
VS. Suit Pending in the Probate Court.
J. M. EDWARDS, TREASURER, :
of the State of Texas. : Dallas County, Texas.

On this day, ^{Sept 5th} August 22th, 1918, the above numbered and entitled cause came up for hearing, and plaintiffs appearing in person, and by attorney H. E. Dodson, and the Defendant J. M. Edwards, Treasurer of the State of Texas, being represented by Leo E. Tresp, Assistant District Attorney of Dallas County, Texas, as provided by law in such cases, and after hearing all arguments and evidence of council on both sides and duly considering especially the evidence as of record in certain depositions now on file with the original papers, the Court is of the opinion that the said sum of Three Thousand One Hundred and forty Dollars and fifteen cents (\$3,140.15) was paid into the Treasury to the credit of the Mary West estate by mistake, in that the depositions of R. J. Colborn of Olney Illinois, developed conclusively that Zack West was dead leaving no issue. Stating that the Deponent was 76 years of age & knew all the heirs of Mary & Zinthia West and that Zack West died leaving two children, but that they were also dead without issue, and certain other depositions of Mrs. Sophia Mc Williams, was of the same import, also the depositions of Nathan Johnson of Olney, Illinois, shows conclusively that Zack West was dead, leaving no issue, and after duly considering certain oral evidence, the Court is of the opinion that the plaintiffs herein, Mrs. Eddie Swan; Joe and Cleve West; Mrs. Cora S. Smith; A. C. Lumley; L. E. Jett; Dot and Tom Freeman; Annie Brennan; E. E. and Robert Coliver; Francis Barker; Martha Kelley; Mary Walker; E. L. Crawford, Jr; Sophie McWilliams; Martha West; Sadie Dowdy; Sarah Eaton; Eva Weeks; E. J. & George Colborn; and Rebecca Colborn; Rhoebe Deal; Samuel, Homer, Carl and Elsie West; Claudie Edward; Mary Ann Bass; Josiah Brooks; Charles Brothers; Ed Broeman; Hollie Winters; and Lee Brooks, should have judgment for the amount in the Treasury at Austin, Texas, to the credit of the Mary West estate, to-wit: the sum of \$3,140.15 and that H. E. Revell, Comptroller of the State of Texas is hereby ordered to issue warrant, on J. M. Edwards, Treasurer of the State, to the above named plaintiffs, or their atty. of record, H. E. Dodson, for the amount sued for, ^{to wit the sum of} \$3140.15.

The Court further orders that Honorable Mike E. Lively, District Attorney, Dallas County, Texas, be paid attorney's fees in the sum of \$275.00 out of the said estate of Mary West ^{as the law provides}
Special Judge.

no. 2869

Est. of Mary West
Deed

Amended Judgment
& pay funds

3336

David

<Ent-9-492>

IN THE MATTER OF THE
ESTATE OF MARY WEST,
DECEASED.

IN THE COUNTY COURT, DALLAS
COUNTY, TEXAS.
TERM, 1918.

TO THE HONORABLE COURT:-

Come now Mrs. Edith Bush, joined by her husband, R. L. Bush, Lula Winney, joined by her husband A. L. Winney, Florrie Bird, joined by her husband J. G. Bird, Frank West and Fred West and respectfully move the Court to reform that certain order entered in this cause on the _____ day of _____, 1918, wherein this Honorable Court ordered and directed one J. M. Edwards, Treasurer of the State of Texas to pay to Mrs. Addie Swan, Joe West, Cleve West, Mrs. Carrie Spruill, A. G. Lumsley, L. H. Jett, Dot Freeman, Tom Freeman, Annie Marshall, W. H. Teliver, Robert Teliver, Francis Parker, Martha Kelley, Mary Miller, W. L. Crawford Jr, Sophie McWilliams, Martha West, Sadie Dowdy, Sarah Eaton, Eva Weeks, R. J. Culmore, George Culmore, Rosana Culmore, Pheobe Neal, Samuel, Homer Carl, and Elsie West, Claudie Howard, Mary Ann Bass, Josiah Brooks, Charles Brothers, Ed Freeman, Nellie Winters and Lee Brooks or to R. E. Dodson their attorney of record the sum of three thousand, one hundred and forty dollars, fifteen cents now held by said J. M. Edwards as Treasurer of the State of Texas for the benefit of the unknown heirs of Zack West, deceased, and as reasons therefor respectfully show as follows to-wit:-

That the said Mrs. Edith Bush, Mrs. LULA Winney, Mrs. Florrie Bird, Frank West and Fred West are the children of Sam West, deceased, and the grandchildren of Josiah West, deceased and as such are entitled to participate in the distribution of such funds as were deposited in the State Treasury to the credit of the unknown heirs of Zack West, deceased. That the said Zack West, deceased was a brother of of their grandfather Josiah West, deceased.

That the sum of one thousand dollars and thirty three cents was deposited with said State Treasurer to the credit of the unknown heirs of Zack West deceased. That of the sum of three thousand, one hundred, forty dollars, fifteen cents now on deposit in the State Treasury as aforesaid, one thousand dollars, thirty three cents belongs to and is the property of said Edith Bush, Florrie Bird, Lula Winney, Frank West and Fred West as heirs of said Josiah West, deceased, and that they are entitled to and are the owners of their pro rata share in the remainder of the funds in the hands of said State Treasurer as aforesaid, after deducting the sum of one thousand dollars, thirty three cents therefrom as belonging to the heirs of Josiah West, deceased.

That said Florrie Bird, Edith Bush, Lula Winney, Fred West and Frank West have never participated in the distribution of the aforesaid estate of Mary West, deceased. That of the funds on deposit in said State Treasury the sum of one thousand dollars, thirty three cents belonged to the heirs of Josiah West, deceased, which said sum was by error deposited with said State Treasurer as belonging to the unknown heirs of Zack West, deceased.

Where

No. 3305

That your petitioners were not advised of the filing of the application by one R. E. Dodson as attorney for certain heirs of Mary West, deceased, for a distribution of said sum of three thousand, one hundred, forty dollars, fifteen cents, to Mrs. Addie Swan, Joe West and others as is herein above set out, and had no notice had been filed until after said judgment entered thereon on the ___ day of _____, 1918 by this Honorable Court as aforesaid.

Wherefore your petitioners pray that they may be permitted to offer proof in support of this motion, and that on a final hearing that said judgment be so amended as to award to these petitioners the sum of one thousand dollars, thirty three cents, as heirs of Josiah West, deceased, and be further amended and reformed so as to permit these petitioners to participate in the distribution pro rata in the remainder of the funds in the hands of said State Treasurer after paying to these petitioners said sum of one thousand dollars, thirty three cents out of the funds he now has in his possession as aforesaid. For all of which these petitioners will as in duty bound ever pray.

Edith Bush

R. P. Bush

Lula Wiggins

A. S. Wiggins

Florence Bird

L. S. Bird

Frank West

Frank West

No. 2869.

2700
IN THE MATTER OF THE
ESTATE OF MARY WEST,
DECEASED.

MOTION TO REFORM JUDGMENT.

FILED

NOV 17 1918

W. S. PALMER, CLERK,

CENTRAL COUNTY, TEXAS

W. S. Palmer

FILED BY DALLAS GENEALOGICAL SOCIETY - 1978

In re Estate of
Mary West, Deceased. }

1. Now comes R. E. Dodson, and excepts to the pleading filed by Edith Bush and others, filed November 24, 1919, in this cause, and demurs generally to same and says that same is insufficient in law and shows no cause of action against this respondent.

2. He further excepts to said pleading because same is unintelligible and does not set forth any claim or cause of action within the jurisdiction of this court, and of this prays judgment of the Court.

3. He specially excepts to said pleading because same seeks to set aside an order made in this cause more than a year ago and after the respondent had withdrawn from the State Treasury of the State of Texas the money on deposit under and by virtue of the order of this Court, and of this he prays judgment of the Court.

4. He further specially excepts to said pleading because same fails to set forth to whom the money involved in this transaction is justly due, and of this prays judgment of the Court.

5. He further specially excepts to said pleading because same fails to show what money and who are the rightful owners he seeks to recover, and of this prays judgment of the Court.

6. He further specially excepts to said pleading because same shows on its face that if any cause of action he has whatever it is one in debt and over which this Court has no jurisdiction, and of this prays judgment of the Court.

7. The said R. E. Dodson denies all and singular the facts and allegations set forth in the complaint filed herein and demands strict proof thereof and of this puts himself upon the country.

8. Further specially answering herein if need be, and subject to the exceptions above alleged, this respondent says that the money collected by him was deposited in the Treasury

of the State of Texas for and on behalf of the unknown heirs of Gid Pemberton, Zach West, Sophia Metzger, Albert Colborn, Mary Ann West Leabe, Martha Tucker, Mary Jane Lewis, Josiah Colborn, Isiah West and James Madison West, and that the claimants' pleading in no way sets forth the interest they are entitled to and in no way claim to be heirs of the said parties and in no way seek to set aside the order and decree of this Court made on the 5th day of September, 1911, partitioning said estate; that said order was found and the said claimants were parties to said order and represented therein and are bound thereby, and that if any claim they have whatever to said fund it must be as heirs of the parties for whom said judgment of this court adjudicated said money to belong at the time of partition of said estate.

Wherefore, your respondent says that said claim and paper filed herein is insufficient and shows no cause of action or any matter within the jurisdiction of this Court, and that he go hence without day and recover all costs herein.

W. S. Lively
Attorneys for R. A. Dodson.

TY - 1978

No 3869.
Estate of Mary
West. Deed

Answer of
R. E. Dodson
to petition
of Smith Burkett
et al.

FILED

DEC 10 1918
W. S. Skiles, Clerk,
County Court, Tarrant County, Texas
W. S. Skiles