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- Q. Did you already have that file?
- A. Yes sir.
- Q. What else was in that file?
- A. My insurance policies, my own papers.
- Q. This safe you discussed where you kept the papers, in Robertsedale? Where was the safe?
- A. Well, it was in the warehouse before we went out of business. After we moved down to Orange Beach, after sold the home.
- Q. Prior to the time you sold the Robertsedale home where was it kept, the safe?
- A. It was kept out in a tin shed he called a barn, kept supply of wire that we sold at the warehouse.
- Q. How long had you had access to that safe?
- A. The first year after we married I had to stay at the warehouse.
- Q. What kind of safe was it?
- A. I really don't know that, a good size, quite a good size.
- Q. Single door or double door?
- A. Single door.
- Q. Do you remember the safe being moved to Bear Point?
- A. Yes sir.
- Q. Was the deed in it?
- A. Yes sir.
- Q. In that envelope?
- A. It was.
- Q. How long did it stay there Mrs. Low?
- A. Stayed there until went to Captiva.
- Q. Remember whether or not the safe was sold before you went to Captiva?
- A. Sold in the summer after we came back after we bought the place in Captiva.
- Q. When were the family papers carried to Captiva?
- A. When we went back in the fall, in the latter part of August.
- Q. Of what year?
- A. Of 1945.

- Q. When you went back did Mr. Low have a safety deposit box in the Fort Meyers bank?
- A. He told me he did. I don't know.
- Q. What did he tell you?
- A. First knew of it he got one in 1947, got one jointly with his brother.
- Q. Prior to that time where were they kept?
- A. In his brief case in our closet.
- Q. Any bonds there?
- A. Yes sir.
- Q. How were the bonds payable?
- A. Payable jointly to Elvin G. Low and Elizabeth Low, part of them, part of them jointly with his daughter and son.
- Q. Did you have access to them?
- A. Yes sir.
- Q. Did you live in the house where they were kept?
- A. Yes sir.
- Q. These your papers, old deeds, surveys, correspondence, (indicating pile of papers on table) where did you get them from?
- A. Mr. Low gave them to me to put away so that in case a lawsuit came up on that place to hold to them.
- Q. They all refer to the Bear Point property?
- A. Yes sir.
- Q. Do you remember the date he gave you those?
- A. It was sometime in 1947. I don't remember exactly the date.
- Q. Mrs. Low do you remember a conversation about selling the property down there in which Mr. Low owned an undivided interest?
- A. That seven and a half acres he had for his cousin, wrote and wanted to know if our property was for sale, interested and he asked me if I wanted to sell it and I said no and he said you have the deed do you not? I said I do and he said to write Lucille and tell her ours is not for sale but seven and a half acres on down past my brothers, sell that.
- Q. Did you write?
- A. I did.
- Q. Did you later negotiate a sale?

- A. They had deeds made up but never did get the lines straightened up.
- Q. Was that the occasion for having this abstract made up?
- A. Yes sir. Had a surveyor down there.
- Q. Does the abstract show this deed? Your deed?
- A. Yes sir.
- Q. Mrs. Low did you sign the deed when you got ready to close the deal?
- A. Yes sir. I signed two or three deeds.
- Q. Since that time did you sell some to his son?
- A. I understood he gave it to him.
- Q. Was there a transfer to his son?
- A. Yes sir. He wrote a check from the joint account to his sister and brother.
- Q. Did you sign that deed?
- A. I did.
- Q. Did you ever refuse to sign a deed conveying your homestead?
- A. Never have.
- Q. Did you have a definite understanding with him about the Robertsdale property before you signed the deed?
- A. I did.
- Q. Have you ever given a deed back to this property involved in this suit?
- A. No sir.
- Q. Has he ever asked you for a deed back?
- A. Not until the day before he left, -changed back over jointly like the property in Florida.
- Q. When was that?
- A. The ninth of September, 1949.
- Q. Prior to that time, from 1943 to 1949 did he ever make any objection to you about giving you the property?
- A. No sir.
- Q. Did he ever demand a deed back?
- A. No sir.

Q. Ever prior to that time request that it be made jointly?

A. No sir.

Q. Ever heard any complaint from him about making the deed?

A. No sir.

Q. Mrs. Low, have you always had control over that property down there?

A. Yes, so far as going down there when I pleased, until this past summer I was locked out.

Q. This little notice you identified here (indicating) put on the door last summer?

A. Yes. He was down there last winter and changed all the locks on the door so I couldn't go in unless he was along he had the keys to it.

Q. After that you ran the ad in the newspaper?

A. Yes sir. I went in. I had to break in so I run the ad, took all personal things out, and threatening to take all the furniture which part of it belongs to me, someone was using it for a boatyard building boats, lumber on the yard, used it for protection from being taken away from the place and ran the ad it was posted.

Q. In a few months this suit was filed?

A. Yes sir.

Q. From the day he gave you this deed on the 11th of October, 1943, has it been in your possession?

A. Yes sir, when it wasn't in the safe.

Q. When it was in the safe it was in that envelope?

A. Yes sir, in that envelope.

Q. Was the safe kept in the home jointly occupied by you?

A. Safe was kept down at Orange Beach.

Q. Could you open and close the safe?

A. Certainly. I had to in the business.

Q. I will ask you whether or not you had other papers in that same safe?

A. Yes, all my personal papers were in there.

Q. Do you remember ever going into the carbon paper box and extracting anything from it?

A. No sir.

- Q. Did you hear Mr. Low's statement about having this deed in a box at your place at Captiva and he missed the deed from that box?
- A. Yes sir.
- Q. Is that correct?
- A. No sir. I have never seen it if it has been in carbon paper box.
- Q. I will ask you about the Pritchard business. In March of 1947 were you in Baldwin County or Mobile?
- A. Up until about the sixteenth of March over at Orange Beach about three weeks.
- Q. During that time did you have your income tax return prepared for 1946?
- A. I did.
- Q. Who did it?
- A. Mr. Pritchard.
- Q. Do you know whether Mr. Pritchard communicated with Mr. Low to make the return?
- A. He did.
- Q. Did Mr. Pritchard hear from your husband?
- A. He did.
- Q. Did you see the telegram?
- A. Yes sir.
- Q. Is this paper we offered a correct copy of that telegram?
- A. Yes sir.
- Q. Do you remember the amount of the taxes for 1946 on this property?
- A. Seven dollars and forty-one cents the best I remember.
- Q. Have these taxes been paid out of the joint account?
- A. Not all of them, no sir.
- Q. You got all the tax bills?
- A. Not all of them. He has part of them in the papers he took before he left home.
- Q. These receipts (indicating tax receipts) given to you when the taxes were paid?
- A. Yes sir. Never had changed those -
- Q. Those assessments in the name E. G. Low?
- A. Right.

MR. JANSEN: I would like to offer in evidence receipts for taxes for 1945, 1946, 1947 and 1948, and ask that they be identified as Respondent's Exhibits "4", "5", "6" and "7".

Q. You have this property insured, the improvements insured?

A. Yes.

Q. Did you pay the insurance yourself?

A. Yes sir.

Q. You got any other papers I ought to ask you about?

A. Correspondence between me and Mr. Pritchard.

Q. Up until the time this suit was filed had you had any conversation with your husband about this property being in your name except the one you testified to about making it in your joint names?

A. No sir.

Q. Was this deed given to you in accordance with the agreement you had about signing the deed to the Robertsdale property?

A. It was.

Q. Did you get any of the consideration of twelve thousand dollars?

A. No sir, I didn't.

MR. STONE: We object. It's immaterial and irrelevant whether she received any of the consideration.

THE COURT: Overrule the objection.

MR. STONE: We except.

MR. JANSEN: That's all

ON CROSS EXAMINATION

By Mr. Chason

Q. Mrs. Low, you say you came to my office with Mr. Low and the parties who were buying the Robertsdale property on October 11, 1943, is that correct?

A. That's correct.

Q. What time of day was it?

A. I don't remember the exact time of day.

Q. Morning or afternoon?

A. Afternoon.

Q. And we prepared and you signed, you and Mr. Low, a deed to the Robertsdale property?

A. Correct.

Q. That deed was delivered?

A. Yes.

Q. You say Mr. Low stated there to me at that time that he was giving this property to you?

A. Absolutely.

Q. What else did he say?

A. He said he had children and I had children and he wanted me to be protected, to know that I would have a home, also know that his children couldn't take it away from me, they are the exact words.

Q. Who else was present when you executed the deed?

A. I can't - the man who bought our place, you and your secretary and Mr. Low.

Q. Who was the secretary then?

A. I don't know that.

Q. Was she a blonde or brunette?

A. I didn't look at the women.

Q. You mean to tell me you can remember the exact words and you can't tell me a thing about the secretary?

A. Why should I look at her? I wasn't interested in her.

Q. And you say that deed was handed to you at that time in my presence?

A. No. Not in your presence, on my way home he told me to put it in the safe which I did.

Q. Didn't you testify before that it was given to you at the time it was drafted?

A. Not in your office, Mr. Chason.

Q. After the deed was signed by Mr. Low and he carried it out of the office?

A. Yes.

Q. He didn't give you the other deed at that particular time?

A. Not in your office.

Q. You didn't come over here to the court house and record the deed on that trip?

A. No sir. Mr. Low carried the deed away and gave it on the way, as soon as we got home.

Q. Who was present when he gave you the deed?

A. Wasn't anyone.

Q. Then there is no one by whom you can prove that Mr. Low gave you this deed, no witness?

A. I got his signature where it was made over to me.

Q. Do you have any witnesses?

A. No, didn't anyone see it.

Q. You say it was drafted from an old deed. What old deed was used in getting the description from the property⁴?

A. The one he had.

Q. The one he had from whom?

A. His mother and father.

Q. Did he give you that deed?

A. Yes sir.

Q. Will you let us see that deed?

A. No. I don't have it. He took it.

Q. He gave it to you and took it back?

A. Yes.

Q. When did he take it back?

A. I don't know.

Q. When did you first miss the deed from his father and mother to him?

A. I haven't had any occasion to -

Q. Did he take it before or after you recorded this deed?

A. After.

Q. That deed was there when these, the time you recorded the other deed?

A. Absolutely.

Q. Why didn't he take the other deeds you have here?

A. I don't know.

Q. Can you explain to the Court why Mr. Low, after you recorded this deed would go among your papers and get the deed immediately preceding this deed and leave all the other old papers?

A. That, I don't know.

- Q. You don't know when he got it?
- A. I don't know. He gave me those papers.
- Q. When did he give you those papers?
- A. In 1947.
- Q. When did he give you the old deed that he had for the property?
- A. They were in the safe until he sold the safe, then they were in the closet in Captiva.
- Q. How many papers did he give you on October 11, 1943?
- A. Gave me the deed to the property at Bear Point.
- Q. This one of the deeds?
- A. It was.
- Q. He didn't give you the old papers then?
- A. No sir, not then.
- Q. He didn't give you the deed from which this deed was drawn?
- A. No. I could get it if I wanted it.
- Q. Isn't it a fact that up here in my office, the deed was up here in my office that we used to draw up this deed?
- A. He took it, you mean, with him?
- Q. He took this deed, the old deed?
- A. Both of them and put in the safe.
- Q. Where were they put in the safe?
- A. Mine was in this box with my insurance policy and the other with him his deeds in the safe.
- Q. Will yo describe the safe, what kind of looking thing is it?
- A. Rather rusty, had a door about this square (indicating) combination in the middle of the door.
- Q. What was the combination?
- A. It's been so long, two and a half and around, it's been toolong ago.
- Q. Isn't it a fact that you hever have known the combination to that safe?
- A. I certainly have.
- Q. Where was the deed being kept after you returned from Bay Minette on October 11, 1943?
- A. Which deed?

Q. The deed to you?

A. Put in our safe.

Q. Who put it in the safe?

A. I did.

Q. Where did you put it?

A. In this paper.

Q. What part of the safe did you put it in?

A. One of the little bins in there.

Q. Describe the inside.

A. One drawer you pull out, big part he kept his brief case in, we had a separate money drawer out of the till out in the warehouse put the money in there at night.

Q. Which part did you put your papers in?

A. One of the little drawers.

Q. In the upper left hand or lower left hand or on the right?

A. On the left hand side.

Q. The lower or upper part of the safe?

A. I think it was the bottom drawer.

Q. Did that drawer lock inside the safe?

A. No.

Q. He gave you these papers as soon as you got back home to Robertsdale?

A. Absolutely.

Q. Gave you only this one deed?

A. That's all.

Q. And you put it in that envelope?

A. I did.

Q. When did you put it in the safe?

A. The next day.

Q. October 12, 1943? Where was the safe being kept at that time?

A. Out in the tin shed where we kept the wire, tin and stuff stored.

Q. He had sold out the business some two years previous to that time?

A. Yes.

Q. Put the safe out in the tin shed?

A. That's right.

Q. Did anyone go out there with you when you put the deed in there?

A. No.

Q. How long did it remain in that safe?

A. Until he sold the safe.

Q. In that particular envelope?

A. Yes.

Q. When did he sell the safe?

A. In '45, the summer of '45.

Q. Who did he sell it to?

A. Mr. Sawyer.

Q. Who cleaned out the safe?

A. He did.

Q. Where was the safe being kept at that time?

A. In our cottage at Bear Point.

Q. You didn't live in that cottage?

A. We did at that time. No, we were still living in his sister's cottage.

Q. In your cross bill in which you say that you were both living on the land described in the deed occupying the dwelling, each having access to the furniture and property, that is incorrect is it not, at the time the deed was executed and you say delivered -

A. At the time ^{the deed} was made out, sure.

Q. You lived at Robertsdale two weeks?

A. Absolutely.

Q. When you moved in at Bear Point you moved in his sister's property?

A. Right.

Q. Then you were not living in the property, each having access?

A. I could go in any time I cared to, had a key to it.

Q. You say he cleaned out the safe at the time he sold it, were you present?

A. Yes, when he was cleaning out part of it.

Q. What did he do with the folder you took all the papers to Captiva in?

A. Took all the papers to Captiva.

Q. You say this had been in the safe and the deed in your folder, these other papers you have here, were in the safe at that time?

A. Yes sir.

Q. What kind of box were they in?

A. They weren't in a box. They were in the little bin. All in there.

Q. Were you present when he took the folder out of the safe?

A. Yes.

Q. Did he give it to you?

A. It was took with the rest of the papers to Captiva.

Q. Put in there with the other deed?

A. So far as I know.

Q. Can you testify it was carried to Captiva?

A. It was with the rest of the papers found in the closet.

Q. The next time you saw the deed was in Captiva, Florida?

A. Absolutely.

Q. When was that?

A. In 1946.

Q. February, 1946?

A. Right.

Q. Will you tell the Court if he delivered this deed to you and was giving you this property on October 11th why you didn't record the deed?

A. I never was back up to Bay Minette.

Q. Mr. Low, or whoever came up and assessed the taxes assessed it for 1944 did he not?

A. Yes.

Q. Did you come to make the assement?

A. I did.

Q. You were back in Bay Minette two days after the deed was made and you didn't record it?

A. I had the other purse.

Q. Did you assess the property in his name?

A. Absolutely.

Q. Did you sign the assessment, you or Mr. Low?

A. I did.

Q. What about the assessment for the next year, made December 18, 1944 for 1945, did you, who signed that assessment?

A. Who signed the assessment? I paid the taxes ever since he gave me the deed.

Q. You testified that you came back to Bay Minette two days after the deed was drawn and made the assessment, who signed the next year's assessment made December 18, 1944 for 1945, who signed that one?

A. I don't remember signing the assessment. I remember paying the taxes.

Q. Do you remember ever signing any assessment after the first one? After the first one, two days after you got the deed, remember signing any other assessment until you came here on November 16, 1948^{and} assessed it to you.

A. I signed it in 1946.

Q. You signed it for 1946 or the one made in 1946?

MR. CHASON: Get the assessment book.

Q. Here is the assessment you say you signed. I will show you this. Is that your signature (showing witness assessment).

A. No sir.

Q. You didn't sign that one two days later did you Mrs. Low? Fact is, had you ever signed one?

A. I paid the taxes.

Q. I asked if you signed the assessment?

A. I told you who it was assessed to.

Q. Who?

A. E. C. Low.

Q. Did you sign his name to any of these assessments?

A. No, I sure didn't.

Q. Who signed it? Whose signature is that?

A. Mr. Low's.

Q. Mr. E. C. Low. Will you tell me any other year when you signed the assessment before you, before the one you made November 16, 1948 so that we can get it for the court?

A. I don't remember about the assessment. I know I paid taxes each year.

Q. Isn't it true that you never had done anything until November 16, 1948 when you came and brought the deed and got it changed?

A.

Q. Mr. Low didn't know you were doing that did he?

A. He did.

Q. He was here with you?

A. No sir.

Q. Did he tell the assessor to change it?

A. No sir.

Q. What was the first year you paid taxes?

A. 1944.

Q. Do you have a receipt for 1944?

A. No, I don't have it.

Q. Where is it?

A. Mr. Low has it with the rest of our papers.

Q. Did you get it when you got the other deed?

A. No.

Q. You did have a joint account at the bank?

A. I did.

Q. These taxes were paid out of that joint account?

A. Not all of them, no.

Q. Which were not?

A. I don't remember, paid cash a time or two.

Q. Did you come here, who came and paid cash for the taxes?

A. I paid the taxes each year since the deed. Part check part cash one time when we were going hunting.

Q. Which year?

A. I don't remember that.

Q. Mrs. Low, when did you record this deed?

A. In February, 1946.

Q. Some two and a half years after it was executed?

A. That's right.

Q. You say you have told your husband you had the deed?

A. Absolutely.

- Q. When was it he decided to sell part of the property and you refused to sign the deed?
- A. In the summer of 1946.
- Q. Isn't it a fact Mrs. Low, that you came over here in February of 1946 and went by the cottage down there and going through the papers there found this deed in an old box of carbon paper?
- A. Absolutely not.
- Q. You know his sister-in-law, Mrs. C. H. Low, who lives in California?
- A. I do.
- Q. You saw her on a trip down to Captiva in January of 1947 and again in December of 1947 did you not?
- A. I guess so, they spent the winter down there both winters.
- Q. Did you or did you not have a conversation there with Mrs. Low at that time in which you told her that you found this deed and that you came on in and put it on record?
- A. Not the Orange Beach place.
- Q. Where did you tell her you found it?
- A. In our closet at Captiva, Florida.
- Q. You were looking through some papers in Captiva?
- A. Absolutely.
- Q. At the time this deed was brought to Bay Minette for record who got it for you?
- A. It was among our papers in the closet.
- Q. Was that the same occasion when you got these other deeds?
- A. No.
- Q. When?
- A. He gave them to me in 1947.
- Q. Do you know Mrs. Clarence Walker?
- A. Yes sir, she's his sister.
- Q. Isn't a fact you had a conversation with her in the spring of 1946 at which time you told her down here in Baldwin County that you had found that deed and placed it on record but Mr. Low didn't know anything about it?
- A. No.

Q. You didn't tell her that?

A. No.

Q. You went by the Bear Point property when you came in February, of 1946?

A. I did.

Q. Went into the house that you owned on that property?

A. I did, stayed there.

Q. You have a gun cabinet in that thing about head high?

A. Yes.

Q. Did you see a carbon paper box on top of that cabinet?

A. I did not.

Q. Isn't it a fact that that is where you found the deed?

A. I did not.

Q. You didn't see Mr. Clarence Walker while you were down at the bay while you were on that trip?

A. Certainly.

Q. How long did you stay?

A. I was in Birmingham two weeks, altogether I was gone seven weeks.

Q. When did you go back? How long was it after you reached Bay Minette at the time you recorded the deed before you got back to Captiva?

A. I don't remember exactly. I had to be at the dentist's office on the twenty-fourth, the twenty-fourth of March.

Q. You didn't go to Birmingham after you left here?

A. No.

Q. Had you already been there?

A. Yes.

Q. You came by this way for the specific purpose of recording the deed after you had been to Bear Point and picked it up?

A. No sir. I stopped here on my way from Birmingham before I went to Bear Point.

Q. When did you see Mrs. Walker?

A. I stayed over there until -

Q. Was that before?

A. Stayed in Mobile the first night, stayed with friends and then

went on to Bear Point.

Q. When did you go to Bear Point?

A. My friends took me over the next day.

Q. In Bear Point on or about the nineteenth of February of 1946?

A. The next day after the deed was recorded.

Q. You saw Mrs. Clarence Walker on that trip, talk to her?

A. Yes. She came over and insisted on me staying with her.

Q. Didn't you write Mrs. Clarence Walker a letter after you got back to Captiva, Florida, about four days after the eighteenth, on the twenty-second of February, at which time you told her you had been down and was sorry you didn't get to see her?

A. Not when I had the deed recorded.

Q. I show you the deed (handing witness deed) showing the recording date, filed February 18, 1946 and I will ask you if about four days after that time you didn't write Mrs. Clarence Walker a letter from Captiva and tell her you were sorry you missed her on that trip?

A. (Witness does not answer)

Q. I show you here a letter (showing witness letter), is this your signature?

A. Yes.

Q. I show you February 22, 1946, Captiva, Florida (pointing to date on paper) is that your handwriting?

A. Yes.

Q. I will ask you if you didn't say in this letter: "How's everybody? We are all fine. By to see you Tuesday night, said you had gone to Auburn for two weeks so caught the bus at seven A. M. Wednesday night, arrived in Fort Meyers Thursday at four A. M. Did you write that?

A. Yes.

Q. Four days after the deed was recorded, is that correct?

A. Yes. I am trying to figure when it was.

Q. Yet you tell the court when you went down there Mrs. Walker and none of the others were there and you went into this property about February 18, 1946?

- A. I stayed down there about three weeks at onw time.
- Q. Not on this occasion, according to this letter, was it Mrs. Low?
- A. It was in '47.
- Q. It was in 1947 you stayed awhile there?
- A. Yes.
- Q. You didn't see Mrs. Clarence Walker on this trip?
- A. I don't remember that. I'm trying to think.
- Q. Mrs. Clarence Walker had the key for this cabin?
- A. Yes sir.
- Q. Has she kept the key all the time since you have been in Captiva, Florida and even before you went to Captiva, Florida?
- A. Yes.
- Q. When you got the title to this property, as you say on Octbber 11, 1943, you didn't ask Mrs. Walker for her key did you?
- A. No.
- Q. You didn't ask for the key at the time you came over and published the notice?
- A. I didn't need to.
- Q. She has been allowed to keep the key?
- A. Yes.
- Q. She is Mr. Low's sister?
- A. Yes.
- Q. Mrs. Hazel Walker looks after the property?
- A. No. Just has a key to use if-
- Q. She has the right to rent it out?
- A. No sir.
- Q. Right to have people-
- A. Never given permission by me to, no.
- Q. Is she one of the people you were warning to stay off the property or you would have them arrested?
- A. I didn't threaten to have anyone arrested.
- Q. This notice that you published (reading notice) This is to notify the public that my land which I own at Bear Point is posted. Anyone trespassing thereon or cutting timber, will be prosecuted to the fullest extent of the law.
- A. That's right.

- Q. You didn't threaten to have anyone prosecuted?
- A. For taking things off, yes.
- Q. For trespassing thereon that notice says.
- A. Just the words that are there.
- Q. Then you did threaten to have anybody prosecuted for trespassing on the property?
- A. About taking things out of the cottage, yes, because they had been disappearing.
- Q. You say you had this property insured? Do you have the insurance policy?
- A. Yes.
- Q. How many years have you had it insured?
- A. I taken it out this summer.
- Q. This summer? Could I see the policy please? You had the property insured on June 8, 1949?
- A. That's right.
- Q. Is this the first policy you ever carried on this property?
- A. Sure.
- Q. And you have owned it since 1943?
- A. Yes.
- Q. This was shortly before this lawsuit was filed was it not?
- A. Yes.
- Q. Mr. Low had been insisting that you make that deed back to him from the time he found it recorded?
- A. No.
- Q. Isn't it a fact that you and Mrs Low have had some pretty serious disturbances over this deed?
- A. No.
- Q. Mrs. Low, at the time this deed was recorded, drawn up, you and Mr. Low had sold only the home you had I believe you testified?
- A. Yes.
- Q. About fifteen months after that he went to Captiva, Florida in February of 1946 and bought a home which cost more than the one he had sold in Robertsdale and put that home in your joint names, did he not?

A. He did.

Q. Did you know at the time you put the deed on record that you had a home did you not?

A. Yes, I have a home.

Q. Isn't it a fact that Mr. Low, when he found out you had put this deed on record immediately told you he wasn't ever intending to give you that piece?

A. No.

Q. He didn't try to get you to deed it back to him?

A. No.

Q. Try to sell the property?

A. Yes, he did.

Q. You refused to sign the deed?

A. I did.

Q. What is this home in Captiva worth?

A. He paid fifteen thousand dollars for it.

Q. How much did you get for the one in Robertsdale?

A. Twelve thousand dollars.

Q. Put three thousand dollars more on that place than what he got for the Robertsdale place is that correct?

A. Yes.

Q. Mrs. Low, your father and your boys were living with you during the time you were in his sister's cottage when you moved from Robertsdale before you bought at Captiva, were they not?

A. My boys were not. My father was down there at his insistence, doing some work.

Q. Didn't your father stay there Mrs. Low?

A. No sir. At his insistence he came down there and put out some azaleas. I wasn't able to do it. I was under the doctor's care. He stayed a few months at Mr. Low's request.

Q. When did you move to Captiva, Florida?

A. Went down the latter part of January, 1945, bought a place around March, we really moved down there and stayed until

May before we returned to Alabama that same year, went back in the fall and it's been our home ever since.

Q. I will ask you Mrs. Low if you ever had this deed in your physical possession until the time you picked it up and had it recorded?

A. Yes, I had it in this paper envelope.

Q. You put it with those papers?

A. I certainly did.

Q. And you put it in the safe?

A. I certainly did.

Q. Who unlocked the safe?

A. I did.

Q. Did anyone see you put it in the safe?

A. No. Mr. Low might have been there but there was no outsider saw it, no.

Q. Were you ever back in Bay Minette from October 13, 1943 until you moved in August, 1945?

A. We were through Bay Minette going up in the river swam hunting. I was bringing the purse, going to have it recorded and changed purses and did have it in another purse.

Q. Which day was that? That day or a later trip?

A. I don't remember, just after he gave me the deed. I didn't expect any trouble.

Q. You put it in the safe before or after that time?

A. Put it in the safe as soon as he gave it to me at home.

Q. When did you put it in the purse?

A. One time when we were going up the river going hunting, I would have it recorded, for the date, I don't remember.

Q. Didn't you tell the court on the first examination that you came up here to make the assessment two days after the deed was drawn and intended to record it on that trip and found you had brought the wrong purse?

A. I didn't mean to say on that date. You asked why I hadn't had it recorded one time and I told you I had the wrong purse. I didn't expect trouble ever to come up about it.

Q. You didn't ever come to the tax assessor and tell him you owned it?

A. No sir.

Q. Until you had big disturbances and you left him in Captiva, Florida?

A. No sir, never did.

Q. You have had considerable disturbances I believe you told us?

A. He just let the tenth of September.

Q. Have you had a disturbance and he said he was going to be gone a month and you haven't seen him since? You had changed the assessment before then?

A. Yes.

That's all

ON RE DIRECT EXAMINATION

By Mr. Jansen

Q. At the time this deed was executed in 1943 now between you and your husband, in harmony, getting along all right?

A. Certainly.

Q. At the time the deed was recorded in February, 1946 what was the situation? Any disturbance?

A. No sir. He took me to catch the bus when I came back.

Q. When you came here I believe you told Mr. Chason you came from Birmingham to Mobile?

A. I did.

Q. Which, then what direction did you go when you got to Mobile?

A. I am confused. It was '47 when I was down there. It's been so long-

Q. When the deed was recorded at the court house on the eighteenth of February had you been down to Bear Point?

A. No sir.

Q. Did you go after that?

A. Yes sir.

Q. During the time, one time the safe was mentioned, until you brought the deed back to Alabama where did you say the file was and the deed was?

A. After took from Alabama it was in our closet with the rest of the papers.

Q. That the home you lived in?

A. In our bedroom.

Q. Did you have access to it, you clean it, that bedroom?

A. Certainly. I slept in it.
That's all.

ON RE CROSS EXAMINATION

By Mr. Chason

Q. You said you hadn't been to Orange Beach until after you recorded the paper?

A. I hadn't been to Orange Beach.

Q. You spent that night in Mobile?

A. I got off the bus in Bay Minette. I had the deed recorded and spent the night with friends and they drove me over to Bear Point.

Q. What time of day did you get to Bay Minette?

A. The best I remember it was around two o'clock in the afternoon, I remember it was in the afternoon.

Q. Was there any kind of secret compartment in that safe?

A. Yes, one little part had a door to you had to have a key to that I remember.

Q. Did you ever go into that?

A. Yes sir, anytime I wanted to.

Q. When you opened the door did it reveal a secret compartment?

A. Had a key had to unlock it, I never knew of any other secret compartment other than the little door.

Q. Know of any other secret compartment? Any secret compartment in any other part other than what you told that you have any knowledge of?

A. No. I don't know of any secret compartment and I used it all the time.

Q. Do you know whether this deed remained in that safe from the time you saw it in there on the 12th of October, 1943 up until you went to Captiva, Florida in 1945?

A. So far as I know.

Q. Did you see it on several occasions?

A. Yes. I saw it on several occasions.

Q. About how many occasions over that period of time did you see it?

A. I don't remember. The deed was in the safe.

Q. Do you remember in what part of the safe you are talking about? The lower left hand side?

A. It was in the safe. Just the exact spot I couldn't say that. That's all

Respondent Rests

IN REBUTTAL

Mrs. Vera Low having been first duly and legally sworn, testified as follows:

ON DIRECT EXAMINATION

By Mr. Chason

Q. This Mrs. Vera Low?

A. Yes.

Q. Are you the sister, wife of Mr. Low's brother?

A. That's right.

Q. Where do you live?

A. Pasadena, California.

Q. Did you visit with Mr. E. G. Low and Elizabeth Low at Captiva, Florida in January, 1947 and again in December, 1947?

A. Yes, I did.

Q. I believe you made another visit too, inquiring particularly about those two. On one of those visits did Mrs. Elizabeth Low tell you about the deed from E. G. Low to her?

A. Yes, she did. She said she had found the deed and had it recorded without Mr. Low's knowledge.