

557

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity.)

Complainant.

VS.

Respondent.

I T. W. Richerson

as Register and Commissioner

have called and caused to come before me Andrew B. Cooper

witness named in the Requirement for Oral Examination, on the April
1926, at the office of

in Alabama, and having first sworn said witness to speak the
truth, the whole truth, and nothing but the truth, the said Andrew B. Cooper

doth depose and say as follows:

My name is Andrew B. Cooper. I live at Tensaw, Baldwin County,
Alabama, and have absolutely no interest in this case. I am familiar with
the land described in the Fourth Paragraph of the bill of complaint. It
is known as the Slaughter land and is owned by Archer W. Slaughter, Howell
W. Slaughter and the estate of Dupre Slaughter, deceased. The land has
no improvements of any value on it and is valuable only for the timber on
it. It is pine land and has been boxed for turpentine purposes. Its value
for turpentine purposes is decreasing very fast and the timber is dying. Un-
less it is sold in a very short time, I do not believe it will be of any
great value for timber, because of the fact that it has been boxed and
land in that locality is subject to annual forest fires. It is in great
danger of being destroyed in this way. If a forest fire should sweep through
there, it would practically destroy all of the timber, and if so, the land
would be of no value to the estate. It would practically be impossible
to protect it from forest fires.

Aside from the fact that it is subject to these fires, timber
of that kind which has been boxed is very easily blown down in storms which
occur there frequently, and either a storm or a fire would practically ruin
the land. In my opinion, unless it is sold very shortly, there will be no
very great value to it.

Cross Examination by Norborne C. Stone

I know the land about which I have testified personally. I know the facts I have stated are true. I have seen timber which has been boxed on that kind of land blown down by storms and have seen fires sweep through land of that character and destroy the timber. When timber has been boxed, it is very easy for it to burn and it would be practically impossible for fires to sweep through without burning these trees which have been boxed.

A. B. Sawyer

ORAL EXAMINATION.

I, J. W. Richardson, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and her signed the same in the presense of myself at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 13 day of Apr 1924
J. W. Richardson (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent

Oral Deposition

Filed Apr 13, 1924

J. W. Richardson, Register

Recorded in

Record

Vol. _____ Page _____

Register

ARCHER W. SLAUGHTER ET AL.
as Executors, Complainants.

-Vs-

ARABELLE BYRNE ET AL,
Respondents.

Ø
: IN CIRCUIT COURT; BALDWIN COUNTY
Ø
: IN EQUITY NO****
Ø

This Cause coming on to be heard is submitted for final decree upon the pleading and proof, and upon consideration thereof, the Court is of the opinion that Complainants are entitled to the relief prayed for, therefore:

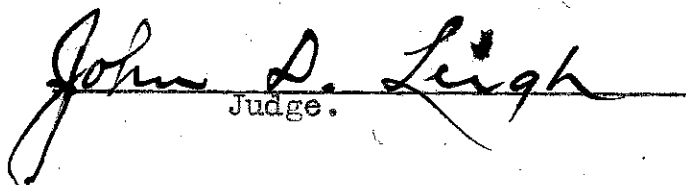
It is ordered, adjudged and decreed by the Court that the contract between Complainants and the Boatyard Timber Company copy of which is attached to the original bill of complaint as EXHIBIT A is to the interest and benefit of the estate of Dupree Slaughter, deceased and of the minor, Dupree Slaughter Jr

It is further ordered, adjudged and decreed by the Court that said contract be and same is hereby authorized, approved ratified and confirmed.

It is further ordered, adjudged and decreed by the Court that said contract is and shall be binding upon the estate of the said decedent and upon all the parties hereto and the Executors of the said estate are authorized and directed to execute all proper conveyances conveying title to the timber described in said contract according to the provisions of the said contract between the parties.

It is further ordered, adjudged and decreed by the Court that the proceeds paid to the said Executors, under said contract be held by them as Executors of the said estate and disbursed by them as part of the said estate under the provisions of the will of the said decedent.

Done this 20th day of April 1926


Judge.

Ex 2

Dover

Filed April 27, 1926
T. W. R. ...
Register

RECORDED

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

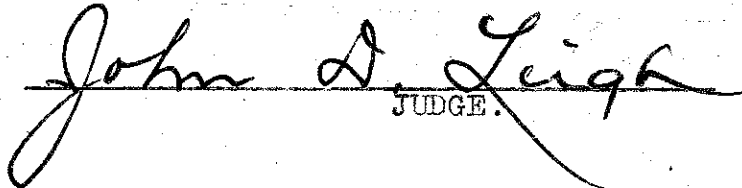
ESTATE OF DUPREE SLAUGHTER, DECEASED.

ORDER OF REMOVAL TO THE CIRCUIT COURT.

This day came Archer W. Slaughter, Arabelle Byrne and Asheton B. Slaughter, Executors of the said Estate, and filed an application in writing, duly verified by the oath of Archer W. Slaughter, one of the Executors, stating that the estate has not been finally settled, and that in the opinion of the petitioners such estate can be better administered in the Circuit Court than in the Probate Court, said petition being filed under Section 6478 of the Code of Alabama, and it appearing to the Court that petitioners are Executors of the said Estate; that the estate has not been finally settled:

It is therefore ordered, adjudged and decreed that said application be granted, and that the administration of the estate of Dupree Slaughter, deceased, be and the same is hereby removed from the Probate Court of Baldwin County to the Circuit Court of Baldwin County, Equity side, and that a true copy of the record and all proceedings had in the said Probate Court in the matter of the estate of said Dupree Slaughter, deceased, be transmitted to the Circuit Court of Baldwin County, Alabama, Equity side, properly certified by the Judge of the Probate Court, and that notice to said Probate Court of this order be and the same is hereby directed to issue to said Court.

Dated, this December 31st, 1925.


JUDGE.

pt

Alouphus

Dear

Filed Dec 31st 1926

T. W. Rice
Registrar

RECORDED

RECORDED

THE STATE OF ALABAMA,
Baldwin }
County.

No. 557

CIRCUIT COURT, IN EQUITY.

Archer W Slaughter et al Complainant

vs.

Georgia H. Slaughter et al, Defendant

In this cause it is made to appear to the Register by the Bill of Complaint,

that the Defendant ~~Archer W Slaughter et al~~ Dupree Slaughter Jr.,

in the belief of affiant, infant the age of years; and that a summons on the Bill of Complaint in this cause was served upon the Dupree Slaughter Jr.,

said infant, on the 20 day of Jan 19 26, and that as no one has been nominated by the said

to act as Guardian ad Litem for said infant; and it further appearing that

Mc Stone

is in all respects a suitable person to act as

Guardian ad Litem for said infant; and having filed his consent in writing to act as such, it is now ordered by the Register that he is hereby appointed Guardian ad Litem in this cause for the said infant Defendant

Witness my hand, this 3rd day of March 19 26

J. M. Reardon
Register.

ACCEPTANCE.

I, *Mc Stone* hereby accept the above appointment as Guardian ad Litem, and consent to act as such in the above cause.

Witness my hand, this 3rd day of March 19 26

Mc Stone
Guardian ad Litem.

Baldwin

County

THE STATE OF ALABAMA,

CIRCUIT COURT, IN EQUITY.

Archer W. Slaughter et al

vs.

Georgia Slaughter et al

APPOINTMENT AND ACCEPTANCE
OF GUARDIAN AD LITEM.

Filed Mar 3 1926

W. H. Slaughter
Register.

RECORDED
RECORDED (14)

Recorded in

Page

Register.

The State of Alabama, }
Baldwin County.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING :

WE COMMAND YOU, That you summon Ida Harriet Swanson,

of Monroe, County, to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
Archer W. Slaughter, Ashton B. Slaughter and Arabelle Byrne
Executors and Executrix of the Estate of Dupree Slaughter,

against said Ida Harriet Swanson,

and further to do and perform what said Judge shall order and direct in that behalf. And this the
said Defendant shall in no wise omit, under penalty, etc. And we further command that you return
this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 13th day of

January 192 6.

 Register.

N. B.— Any party defendant is entitled to a copy of the bill upon application to the Register.

Branch Original

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

Archie W. Slaughter
et al

vs.

Ida Harriet Swanson

Monroe Co
al

Ree Karby Beebe & Hall
Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this
day of 192.....

Sheriff.

Executed this *20* day of
July 192*4*

by leaving a copy of the within Summons with
Ida Harriet Swanson

Defendant.

J. B. ...

Sheriff.

By
Deputy Sheriff.

RECORDED

The State of Alabama,
Baldwin County.

No. 837 CIRCUIT COURT, IN EQUITY

Archer Stoughton Complainant

vs.

John Harriet Mountain Defendant

In this cause it appears to the

that a Summons requiring the Defendant

Archer Stoughton, Register.
John Harriet Mountain

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon

was served upon 20 by the Sheriff of Baldwin Mountain Co County, Alabama, on the 20 day of Feb 1926.

And the said Defendant... having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Geo Beecher

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said John Harriet Mountain

Defendant... aforesaid.

This 22 day of Feb 1926

T. W. Reseman
Register.

4

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT IN EQUITY.

Vs.

DECREE PRO CONFESSO ON
PERSONAL SERVICE.

Issued Feb 22 1926

J. M. [Signature]

Register.

RECORDED
M

The State of Alabama, } Circuit Court of Baldwin County, Alabama
 Baldwin County. } (In Equity.)

Archer W. Slaughter et al Complainant.

VS.

Georgia H. Slaughter et al Respondent.

I P. W. Richerson

as Register and Commissioner

have called and caused to come before me Archer W. Slaughter

witness named in the Requirement for Oral Examination, on the April 1926, at the office of

in Bay Minette, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said Archer W. Slaughter

doth depose and say as follows:

1st. My name is Archer W. Slaughter. I am sixty three years of age and I, Ashton B. Slaughter and Arabelle Byrne are executors and executrix of the estate of Dupre Slaughter, deceased. All of us are over twenty one years of age and we reside at Tensaw, in Baldwin County, Alabama, except the petitioner, Arabelle Byrne, who resides at Atmore, in Escambia County, Alabama. The defendants, Georgia H. Slaughter, Arabelle Byrne, Ashton B. Slaughter, Ida Harriet Swanson are over the age of twenty one years. The defendant, Dupre Slaughter, Jr., is a minor under twenty one years of age, and all of the defendants reside at Tensaw, in Baldwin County, Alabama, except Arabelle Byrne, who resides at Atmore, in Escambia County, Alabama, and Ida Harriet Swanson, who resides at Homewood, in Monroe County, Alabama. Georgia H. Slaughter is the widow of Dupre Slaughter, deceased. Arabelle Byrne is the wife of Gladden S. Byrne and is a daughter of said Dupre Slaughter, deceased. Ashton B. Slaughter is the son of the said Dupre Slaughter, deceased. Ida Harriet Swanson is the wife of Hubert Swanson and is a daughter of said Dupre Slaughter, deceased.

2nd. Petitioners were duly appointed executors and executrix of the last will and testament of the said Dupre Slaughter, deceased, which will was duly proven in the Probate Court of Baldwin County, Alabama, and letters testamentary on the estate were duly issued to the petitioner by W. D. Staple-

ton, Probate Judge of Baldwin County, Alabama, on August 31, 1925. The administration of the said estate was moved from the Probate Court of said county by decree signed by the Honorable John D. Leight, Judge of the Circuit Court, Baldwin County, Alabama, on December 31, 1925. A copy of the last will and testament of the said decedent and a copy of letters testamentary issuing to petitioner in this cause, duly certified by the Probate Judge of Baldwin County, Alabama, were attached to the petitioner of petitioners for removal of the administration to the Circuit Court and are part of the court file in this cause. Petitioners are still the executors and executrix of the said estate, and the administration of the said estate is still pending in the Circuit Court.

3rd. The heirs and distributees of the estate of Dupre Slaughter, deceased, are Georgia H. Slaughter, his widow, who resides at Tensaw, Baldwin County, Alabama, Ashton B. Slaughter, his son, who resides in Tensaw, Baldwin County, Alabama, Arabelle Byrne, his daughter, who resides at Atmore, in Escambia County, Alabama, Ida Harriet Swanson, his daughter, who resides at Homewood, in Monroe County, Alabama, and Dupre Slaughter, Jr., his son, who resides at Tensaw, Baldwin County, Alabama. All of them are of sound mind and are over twenty one years, except Dupre Slaughter, who is under fourteen years of age.

4th. At the time of his death, Dupre Slaughter owned and his estate still owns a one third undivided interest in that certain real property in Baldwin County, Alabama, described in the fourth paragraph of the bill of complaint. Howell W. Slaughter owned a one third undivided interest therein and Archer W. Slaughter owns a one third undivided interest therein, and both Archer W. Slaughter and Howell W. Slaughter reside at Tensaw, in Baldwin County, Alabama. The one third undivided interest of Dupre Slaughter, deceased, was willed by the said decedent to Ashton B. Slaughter and Dupre Slaughter, Jr., each of whom acquired a one sixth undivided interest in said property, but there is no provision under the will by which the interest of the estate of the minor can be sold without an order of this court.

5th. The land is wild and unimproved pine land. It has no improvements on it of any value and produces no income, and is incapable of being put in such condition that it would produce an income, except at a vast expenditure of the money which the estate can not afford to put on it. It is pine land and practically all, if not all, has been boxed and cupped for turpentine purposes. It is now about exhausted and valueless, even for turpentine purposes, and the land is valuable mainly for the timber standing on it. Because of the fact that the timber on the land has been boxed, it is dying very rapidly. Both the large and the small timber have been boxed, and further growth of the tree is negligible.

It will not appreciate in value, but on the other hand, will very rapidly depreciate in value, and unless it is sold, it will become absolutely worthless to the estate or to the devisees. Forest fires sweep over these lands practically every year and it is practically impossible to protect trees of this nature which have been boxed from such fires. The land could not be protected from forest fires without expending a large sum of money which the estate is unable to expend, and if the trees should be destroyed, as is likely to be done, the freehold will be valueless. In my opinion, it is very necessary to sell the timber and lease the land to prevent waste and to invest the proceeds in other property for the general benefit of the estate, to be held by the executors of the estate, and eventually disbursed in accordance with the provisions of the will.

6th. The Boat Yard Timber Company, a corporation, has offered to purchase the timber on the land for the sum of \$39,000.00, and Howell W. Slaughter and Archer W. Slaughter, the owners of the remaining two thirds undivided interest in the lands, together with petitioners as executors of the estate of Dupre Slaughter, deceased, the owner of the one third undivided interest, have agreed to sell the timber on the lands to the Boat Yard Timber Company. The contract between petitioners as such executors, Howell W. Slaughter, and Archer W. Slaughter with the Boat Yard Timber Company is attached to the bill of complaint and marked Exhibit "A", and is a true copy of the contract made between the parties. The price offered for the timber is fully as much as the timber is worth and is very much more than the timber can be sold for, unless such sale is completed promptly, and unless accepted promptly, will probably be withdrawn, and it will certainly be withdrawn if any appreciable part of the timber should be destroyed by fire or storm. The Boat Yard Timber Company deposited \$10,000.00, to be paid in cash as provided in the contract, in the Baldwin County Bank, and it has been agreed by the parties that the contract will be extended until the decree is rendered by this court authorizing petitioners to sell the minor's interest.

Cross Examination by Norborne C. Stone.

I am perfectly familiar with the facts I have stated in my direct examination and know them to be true. I am familiar with the land itself, and have lived within a very short distance of it all my life, and live there now. I know the conditions that prevail in that locality and know that the timber will be destroyed for the reasons stated, unless a

vast amount of money is spent to protect it and also know that the timber is dying very fast now, and will soon become worthless.

Archer W. Slaughter

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed Apr 13, 1926

[Signature], Register.

Recorded in

Record

Vol. _____ Page _____

Register

I enclose the said Oral Examination in an envelope to the Register of said Court.
Given under my hand and seal, this 13 day of Apr, 1926
[Signature] (L.S.)

at the time and place herein mentioned; that I have personal knowledge of personal identity of said
witness-----or had proof made before me of the identity of said witness-----; that I am not of
counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof
myself-----
that the foregoing deposition was taken down in writing by me in the words
of the witness-----and read over to *[Signature]* and signed the same in the presence of

I, *[Signature]*, as Register and Commissioner hereby certify

ORAL EXAMINATION.

B. F. McMILLAN, JR.

EDWARD J. GROVE

McMILLAN & GROVE

ATTORNEYS AT LAW

VAN ANTWERP BUILDING

MOBILE, ALABAMA

March 5th., 1926.

Mr. W. C. Beebe,
Bay Minette, Alabama.

Dear Beebe:-

SLAUGHTER ADV. OWEN. The Register advises that he has appointed Norborne Stone guardian ad litem for the minor and Mr. Stone today advises that he has received this appointment, and is ready to cooperate in bringing the matter to an early conclusion.

I am going to ask you to represent me in taking the testimony of the witnesses showing the necessity of this sale. You know the facts as well as I do. The timber has been boxed and is subject to forest fires. It is dying and unless utilized immediately will result in irreparable loss; besides it is not now an income producing proposition, and these as well as the other details are set forth in the petition.

Archer Slaughter and a disinterested witness will be at your office to prove these facts, and I will be glad if you will let me know when the testimony is taken and the cause ready for submission, and I will then attempt to get Judge Leigh to sign the decree.

Yours truly,

McMillan & Grove,

By

B. F. McMillan

M/H

STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

IN THE CIRCUIT COURT OF SAID COUNTY.
IN EQUITY.

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF SAID COURT:

Your petitioners, Archer W. Slaughter, Arabelle Byrne and Asheton B. Slaughter, show unto your Honor that they are the Executors of the Estate of Dupree Slaughter, deceased, under the last will and testament of the said decedent appointing petitioners such executors; that the said last will and testament was duly probated in the Probate Court of Baldwin County, Alabama, on, to-wit, August 31st., 1925, and letters of administration were issued to petitioners as such executors. A copy of the said last will and testament of said decedent is hereto attached duly certified by the Honorable W.D. Stapleton, Judge of the Probate Court of Baldwin County, Alabama, and the estate has not been finally settled.

Petitioners further show that in their opinion such estate can be better administered in the Circuit Court than in the Probate Court, and petitioners pray your Honor to make an order of removal of said administration from the Probate Court of Baldwin County, Alabama, to the Circuit Court of Baldwin County, Alabama.

W.C. McCall & Sons
ATTORNEYS FOR PETITIONERS.

STATE OF ALABAMA,)
COUNTY OF MOBILE.)

Before me, Lelia C. Harris, a Notary Public in and for said State and County, personally appeared Archer W. Slaughter, who is known to me, and who, being sworn says on oath that the allegations of the foregoing petition are true.

Archer W. Slaughter

Sworn to and subscribed before me, this 3rd day of December, 1925.

Lelia C. Harris
Notary Public, Mobile County, Alabama.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

I, DUPREE SLAUGHTER, of Tensaw, in Baldwin County, Alabama, do hereby make and declare this to be my last will and testament.

FIRST.

I direct that my just debts be paid by my executors hereinafter named as soon after my death as may by them be found convenient.

SECOND.

I will to my wife, Georgia H. Slaughter, for the term of her natural life, the dwelling house at or near Tensaw, in Baldwin County, Alabama, now occupied by us as a home, together with the land adjacent thereto and connected therewith, the entire property in this paragraph referred to consists of about four hundred and forty-five acres, which property is also sometimes known as and called "The Belt Homestead", and also the furniture, pictures, ornaments, books and bric-a-brac contained in my said home. I will and declare, however, that she shall have the property herein referred to only during the term of her natural life, and at her death the property referred to in this paragraph shall, subject to the provisions and restrictions hereinafter declared, go to and become the property of my youngest son, Dupree Slaughter, Jr., if then living. If at the death of my wife, my said son, Dupree Slaughter, Jr., shall have previously died, I will and declare that the property referred to in this paragraph shall go to and become the property of my other son, Asheton B. Slaughter. If neither of my said sons shall survive my wife, I will and declare that at her death, the property referred to in this paragraph shall go to and become the property of my daughter, Arabelle Byrne, if she be then living, and if at the death of my wife, neither of my sons nor my said daughter or the issue of their body be then living, I will and declare that the property referred to in this paragraph shall go to and become the property of my daughter, Ida Harriet Swanson, the wife of Hubert Swanson, if she be then living, and if at the time of the death of my

said wife, all of my children shall have previously died, I will that the property referred to in this paragraph shall descend to the heirs of the body of my said children, who shall share therein per stirpes.

THIRD.

In the second paragraph hereof, I have provided that my wife shall have a life interest in my home place and the four hundred and forty-five acres surrounding it, and I now reiterate and declare that the said property with its use and usufruct, including the right to cut and sell timber thereon, shall vest exclusively in her during her life, and at her death shall descend to my son, Dupree Slaughter, Jr., and I now further will and declare that if at the death of my wife, Georgia H. Slaughter, she leaves surviving her my two sons, Dupree Slaughter, Jr., and Asheton B. Slaughter, the title to the property referred to in the preceding paragraph shall vest in my son, Dupree Slaughter, Jr., but I further declare that my other son, Asheton B. Slaughter, shall have the right to use and occupy the said premises as a home, jointly with my son, Dupree Slaughter, Jr., until my said son, Dupree Slaughter, Jr., shall have attained the age of twenty-five years, and I further will and declare that the said property shall not be sold or encumbered until my said son, Dupree Slaughter, Jr., shall have attained such age, and I name the age of twenty-five years, instead of the usual twenty-one years, because I feel that my said son's business judgment will then be more mature, and his ability to handle the estate now left him will be superior at the age of twenty-five years than at the age of twenty-one years, and if he should die without issue before attaining the age of twenty-five years, I will and declare that the property referred to in the second paragraph hereof, shall vest in his brother, Asheton B. Slaughter.

FOURTH.

It is my will and desire, and I do declare, that my estate shall be kept together except as to the payment of the bequests hereinafter made, and that it shall not be sold

or otherwise encumbered until my said son, Dupree Slaughter, Jr., shall have attained the age of twenty-five years, but I further will and declare that the interest on all bonds, notes, mortgages, or choses in action which I may leave shall be collected together by my executors hereinafter named, and that the taxes and the upkeep of my home shall be paid therefrom, and that one-third of the balance of such interest shall belong to, and be paid over, to my wife, Georgia H. Slaughter; one-third of such balance shall belong to and be paid over to my son, Asheton B. Slaughter, and the remaining one-third shall be paid over to and used by my said wife for the support, maintenance and education of my son, Dupree Slaughter, Jr., until he shall have attained the age of twenty-one years, after which time such interest shall belong to, and shall be paid over to my wife and said two sons, in equal portions.

FIFTH.

I will and bequeath to my daughter, Arabelle Byrne, wife of Gladin S. Byrne, the sum of one thousand dollars in cash, and direct that my executors shall pay said sum over to her out of my estate as soon as may be done with safety to the estate.

SIXTH.

I will and bequeath to my daughter, Ida Harriet Swanson, the wife of Hubert Swanson, the sum of one thousand dollars in cash, and direct that my executors shall pay said sum over to her out of my estate as soon as may be done with safety to the estate.

SEVENTH.

It is my belief that the money hereinabove bequeathed to my said two daughters, Arabelle Byrne and Ida Harriet Swanson, added to the amounts I have heretofore spent for their support and maintenance, will about equal the amounts I am now bequeathing to my two sons, and it is therefore my desire and will that the corpus of my estate shall go to my said two sons.

EIGHTH.

All of the rest and residue of my estate, real, personal and mixed, of which I may die seized and possessed, or to which I may be entitled at my death, I do hereby will, give, devise and bequeath to my two sons, Asheton B. Slaughter and Dupree Slaughter, Jr., share and share alike, and if either of them shall have died on or before the death of their mother, or before my son, Dupree Slaughter, Jr., shall have attained the age of twenty-five years, I will and declare that the share of such deceased son shall go to and become the property of the heirs of his body, if then living, and if either of them shall at that time have died without issue, his share shall go to the survivor.

NINTH.

It is my earnest desire that my estate shall be divided as I have hereinabove directed, and it is my will, and I do now declare, that if any one named as beneficiary hereunder shall undertake to contest this will, the bequest or devise hereinabove made to such contestant shall lapse, and be forfeited by such person contesting, or undertaking to contest this will, and the property hereinabove bequeathed or devised to such contestant shall go to my other children, share and share alike.

TENTH.

I do hereby appoint my brother, Archer W. Slaughter, my son, Asheton B. Slaughter, and my daughter, Arabelle Byrne, as executors and executrix of this my last will and testament, and do will and declare that they shall not be required to give any bond for the performance of their duties arising hereunder, nor shall they be required to make any report to any court in so far as same may be legally dispensed with.

IN TESTIMONY WHEREOF, I have hereunder set my hand and seal, this 20th. day of March, A.D., 1925.

DUPREE SLAUGHTER (SEAL)

Witnesses:

B.F. McMillan, Jr.,
Lelia C. Harris.

Signed, sealed and declared by the said Dupree Slaughter as his last will and testament, in the presence of us, who, at his request, and in his presence and in the presence of each other, have subscribed our names as witnesses thereto.

B F McMillan Jr.

Lelia C.Harris.

STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

I, W.D.Stapleton, Judge of the Probate Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the last will and testament of Dupree Slaughter, deceased; that the said last will and testament of said decedent was duly probated in the Probate Court of Baldwin County, Alabama, on, to-wit, August 31st., 1925, and letters of administration were issued thereon to Archer W.Slaughter, Arabelle Byrne and Asheton B.Slaughter. I further certify that the said administration has not been finally settled.

Dated, this December 27th, 1925.


PROBATE JUDGE BALDWIN COUNTY, ALABAMA.

STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

IN THE CIRCUIT COURT OF SAID COUNTY. IN EQUITY.

Humbly complaining, your Orators, Archer W. Slaughter, Asheton B. Slaughter and Arabelle Byrne, as Executors and Executrix of the Estate of Dupree Slaughter, deceased, bring this bill of complaint against Georgia H. Slaughter, the widow of said decedent; Arabelle Byrne, wife of Gladden S. Byrne, daughter of said decedent; Asheton B. Slaughter, son of said decedent; Ida Harriet Swanson, wife of Hubert Swanson, daughter of said decedent; and Dupree Slaughter, Jr., son of said decedent, and respectfully show:

FIRST:

Petitioners are over the age of twenty-one years, are the Executors and Executrix of the Estate of Dupree Slaughter, deceased, and all of them reside at Tensaw, in Baldwin County, Alabama, except Arabelle Byrne, who resides at Atmore, in Escambia County, Alabama, and defendants are all over the age of twenty-one years, except Dupree Slaughter, Jr., who is a minor under fourteen years of age, and all of them reside at Tensaw, in Baldwin County, Alabama, except Arabelle Byrne, who resides at Atmore, in Escambia County, Alabama, and Ida Harriet Swanson, who resides at Homewood, in Monroe County, Alabama.

SECOND:

Petitioners were duly appointed Executors and Executrix of the last will and testament of the said Dupree Slaughter, deceased, duly proven in the Probate Court of Baldwin County, Alabama, and letters testamentary on the said estate were duly issued to them by the Honorable W.D. Stapleton, Probate Judge of Baldwin County, Alabama, on, to-wit, August 31st., 1925. The administration of the said estate was removed from said Probate Court to the Circuit Court of Baldwin County, Alabama, by decree signed by your Honor as Judge of said Circuit Court on, to-wit, the 21 day of December, 1925. Petitioners attached to their petition for the removal of the said administration to the said Circuit Court, a copy of the said last will and testament of the said decedent, and copy of letters testamentary, issued to petitioners duly certified by the said Probate Court. Copies are part of the court file in this cause, and

are now referred to and by reference expressly made a part of this petition, and petitioners aver that they are still Executors and Executrix of the said estate, and that the administration of the said estate is still pending in this court.

THIRD:

Petitioners further show that the heirs and distributees of the said estate are:

Georgia H. Slaughter, widow of said decedent,
who resides at Tensaw, in Baldwin County, Alabama;

Asheton B. Slaughter, a son of said decedent,
who resides at Tensaw, in Baldwin County, Alabama;

Arabelle Byrne, a daughter of said decedent,
who resides at Atmore, in Escambia County, Alabama;

Ida Harriet Swanson, a daughter of said decedent,
who resides at Homewood, in Monroe County, Alabama;

Dupree Slaughter, Jr., a son of said decedent,
who resides at Tensaw, in Baldwin County, Alabama.

All of the said Heirs and distributees are of sound mind, and all of them are over the age of twenty-one years except Dupree Slaughter, Jr., who is a minor under fourteen years of age.

FOURTH:

At the time of his death the said decedent, Dupree Slaughter owned, and his estate still owns, a one-third undivided interest in that certain property in Baldwin County, Alabama, particularly described as follows:

All fractional government Section 19; Section 20, except the Southeast quarter of the Southeast quarter; North half of Section twenty-one; Southwest quarter of Section twenty-two; South half of Northeast quarter, Northwest quarter of Northeast quarter, South half of Northwest quarter and Northwest quarter of Northwest quarter of Section twenty-nine; all of Section thirty; Northwest quarter of Northeast quarter and North half of Northwest quarter of Section thirty-one, Township three North of Range three East; Southeast quarter of Northeast quarter and Southeast quarter of Section twenty-five and fractional Northwest quarter of Northwest quarter of Section thirty-six, in Township three North of Range two East, containing approximately twenty-nine hundred acres.

The owners of the other two-thirds undivided interest in said land are Howell W. Slaughter, who resides at Tensaw, in Baldwin County, Alabama, who owns a one-third undivided interest in said property, and Archer W. Slaughter, who resides at Tensaw, in Baldwin County, Alabama, and who owns a one-third undivided interest in said property, and the one-third undivided interest in said property belonging to the estate of the said decedent is jointly vested under Paragraph 8 of his said will in Asheton B. Slaughter and Dupree Slaughter and Archer W. Slaughter, the owners of the remaining two-thirds undivided interest in said lands and timber, together with petitioners as Executors of the estate of Dupree Slaughter, deceased, have agreed, subject to confirmation by this court, to sell the timber on said lands, the contract between the parties being in writing, a copy of which is hereto attached and marked "Exhibit A", and is made

STATE OF ALABAMA

COUNTY OF BALDWIN.

Before me, W C Beche, a notary public in and for said State and County, personally appeared Archer W. Slaughter, who is known to me and who being sworn says on oath that he is one of the Executors of the estate of Dupree Slaughter, deceased, and one of the Complainants named in the foregoing Bill of Complaint. Affiant further says that he has personal knowledge of the facts stated in the said Bill of Complaint and that each and every allegation therein made is true.

Archer W Slaughter

Sworn to and subscribed before me
this 11 day of January 1926.

W C Beche
Notary public; Baldwin county