

IN THE MATTER OF THE ESTATE OF
JOSEPH WILLIAM FROST, Deceased,
SARAH BROWN,
Proponent,
-vs-
CARRIEDHAVARD,
Contestant of alleged will.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

CONTEST OF WILL.

Comes PETE FROST and shows the following facts to
the court:

FIRST: That he is a resident of Baldwin county and
over the age of twenty-one years and his address is Foley, Alabama,
and of sound mind.

SECOND: That he is a son of the late JOSEPH WILLIAM
FROST and as such is interested in the estate and if the deceased
died intestate he is an heir of the estate.

THIRD: That he is one of the next of kin of said de-
ceased but had no notice of the petition for the Probate of said
alleged will.

FOURTH: That he herewith shows the following seperate
and several grounds of contest to said will.

A. That said deceased at the time said will was exe-
cuted was of unsound mind.

B. That said deceased was weakened physically and
mentaly at the time said will was executed and that the said
SARAH BROWN did take advantage of his conditioned and did over-
come his determination, intention and desire and had him sign
the will leaving the bulk of his estate to her and excluding the
majority of his heirs from sharing naturally in his estate.

C. Pete Frost further adopts the allegations of the
contest of this instrument propounded as the last will of the
deceased filed by CARRIE HAVARD and assigns them as additional
and further grounds of his contest.

WHEREFORE PETE FROST asks that he be made a party
contestant to the proposed will and be allowed to join in the
contest now on file.

Pete Frost

PETE FROST HEIR OF SAID ESTATE.

W. R. [Signature]
AS ATTORNEY FOR SAID ESTATE.

RECORDED

Book

8-172.

At law, No. 383

IN THE MATTER OF THE ESTATE
OF JOSEPH WILLIAM FROST,
deceased.

CONTEST OF WILL BY KERE
FROST.

Filed Feb 5 1938
R. D. Dyer
Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

SEPTEMBER 3, 1937.

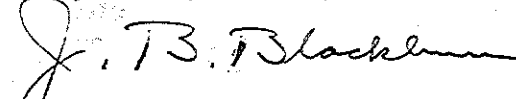
Mr. Robert S. Duck,
Circuit Clerk,
Bay Minette, Alabama.

Dear Sir:

Please summon the following witnesses
for the contestant in connection with the Will
of Joseph William Frost, Deceased, which has been
set for trial in the Circuit Court of Baldwin
County, Alabama on Tuesday, September 14, 1937:

Mr. Alex Drew, Atmore, Alabama,
Dr. C. F. McKinley, Atmore, Alabama,
Mr. J. M. Jones, Atmore, Alabama,
W. J. Grubbs, Atmore, Alabama,
John R. Weekley, Perdido, Alabama,
Roy Weekley, Perdido, Alabama,
Edgar R. Camp, Perdido, Alabama,
Arthur McGill, Perdido, Alabama,
W. J. Tennant, Perdido, Alabama,
Mr. L. V. Arnette, Perdido, Alabama,
Mrs. L. V. Arnette, Perdido, Alabama,
Mr. M. H. Arnette, Plateau, Alabama,
Will Vaughn, Perdido, Alabama, and
Clyde Weekley, Perdido, Alabama.

Very truly yours,


J. B. BLACKBURN.

JBB:OS

CC: Messrs. Gordon, Edington and Leigh,
Merchants National Bank Building,
Mobile, Alabama.

HYBART & CHASON
ATTORNEYS AT LAW
BAY MINETTE, ALABAMA

C. L. HYBART
J. CHASON

SEPTEMBER THIRD, 1937.

Hon. Bob Duck,
Clerk Circuit Court,
Bay Minette, Alabama.

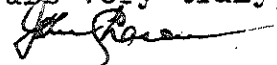
Dear Sir: RE: ESTATE OF J. W. FROST, DECEASED.

Please subpoena the following witnesses for the proponent in the above case, which case is set for Tuesday, September 14th:-

Wylie Wilson, Perdido, Alabama,
R. H. Brown, Perdido, Alabama,
George May, Perdido, Alabama,
John Goan, Perdido, Alabama,
Dewitt Parker, Perdido, Alabama,
Arthur McGill, Perdido, Alabama,
Everett Havard, Perdido, Alabama,
Luther Arnett, Perdido, Alabama,
Lois Arnett, Perdido, Alabama,
Harold McGill, Perdido, Alabama,
Grace Brown, Perdido, Alabama,
A. W. Wilson, Rabun, Alabama,
Bryant Bryars, Rabun, Alabama,
R. M. Rabon, Rabun, Alabama,
Bob Hadley, Rabun, Alabama,
Dr. L. B. Farish, Atmore, Alabama,
Dee Gibbs, Atmore, Alabama,
Richard Purvis, Atmore, Alabama,
C. L. Fuller, Atmore, Alabama,
Alex Drew, Atmore, Alabama,
M. H. Wilkins, Bay Minette, Alabama,
Ramsey Stuart, Bay Minette, Alabama,
Edmond Tunstall, Bay Minette, Alabama,
Theo Cowart, Bay Minette, Alabama,
Raymond Crosby, c/o First National Bank, Mobile, Ala.,
Mrs. J. W. Frost, Bay Minette, Alabama,
Bob Duck, Bay Minette, Alabama,
Jesse Smith, Bay Minette, Alabama,
Mary Green, Bay Minette, Alabama,
John Chason, Bay Minette, Alabama.

Yours very truly,

JC:G.



MEDICAL STAFF

Dr. J. O. Lisenby
Dr. L. B. Farish
Dr. Clarke Hill
Dr. C. F. McKinley
Dr. E. R. Nodine
Dr. Frank Peavy, Jr.
Dr. J. W. Roberts
Dr. G. W. Salley
Dr. J. P. Stallworth

Atmore General Hospital

ATMORE, ALABAMA

April 12 1938

To whom it may concern

Mrs W. R. Vaughn is confined
to bed under my treatment
and I do not think it
advisable for her husband
to leave his home & her
side for several days.

J. O. Lisenby M.D.

Estate of Joseph Wm Frost

Jury List, First Week, Sept. 13, 1937

Contest
of
Will

- ~~1 Daniel Hall, Farmer, Pensaw~~
- ~~2 William A. Thompson, Insurance Agent, Bay Minette~~
- 3 William A. Bryant, Cattleman, Stockton
- 4 Woodrow Bryant, Farmer, Stockton
- ~~5 P. Grey Comer, Oil Agent, Bay Minette~~
- 6 Wiley Davis, Farmer, Bay Minette
- ~~7 U. A. (Toke) Irwin, Auto Dealer, Bay Minette~~
- ~~8 Charles McConnell, Plumber, Bay Minette~~
- 9 Preston Snowden, Electrician, Bay Minette
- 10 Osmand Waters, Farmer, Gateswood
- ~~11 Oscar Williams, Stockman, Hohman~~
- ~~12 Frost Smith, Clerk, Loxley~~
- 13 Wiley Williams, Naval Stores, Bay Minette
- 14 Edwin Green, Farmer, Loxley
- ~~15 Fred Duchesneau, Farmer, Robertsdale~~
- 16 John W. Noble, Farmer, Summerdale
- 17 Gus Murphy, Farmer, Bay Minette
- ~~18 Hannis A. Sibley, Stockman, Bay Minette~~
- ~~19 Virgil V. Rhodes, Dairyman, Bay Minette~~
- 20 John Broughton, Barber, Bay Minette
- ~~21 S. Oscar Bristow, Naval Stores, Bay Minette~~
- ~~22 Clinton White, Bookkeeper, Bay Minette~~
- 23 Joseph Krauss, Farmer, Elberta
- ~~24 Leon Resmondo, Fisherman, Perdido Beach~~
- ~~25 Robert Underwood, Farmer, Magnolia Springs~~
- ~~26 Ine E. Garrett, Farmer, Balforest~~
- ~~27 Guy E. Brooks, Farmer, Belforest~~
- 28 Bruce Grimes, Farmer, Daphne
- ~~29 Alvin Johnson, Farmer, Barnwell~~
- ~~30 Daniel T. Shepard, Clerk, Fairhope~~

P7/1111
27/1111

26
12
14

NO.	NAME	AMOUNT
✓2097	Ruth McGill	
✓2098	Richard Furnis	\$3.00
✓2099	J. M. Jones	4.00
✓2100	Raymond Crosby	4.00
✓2101	W. R. Stuart	5.50
✓2102	S. T. Shiver	1.50
✓2103	W. H. Havard	3.00
✓2104	Jim Shiver	4.00
✓2105	George May	3.00
✓2106	Bryant Bryars	3.50
✓2107	R. H. Brown	3.00
✓2108	Will Vaughn	3.00
✓2109	Mrs. Grace Brown	3.00
✓2110	W. W. Stuart	3.00
✓2111	Viyle Wilson	4.00
✓2112	Theo Cowart	3.00
✓2113	Ruth Hadly	1.50
x2114x	XXXXXXXXXX	3.20
2115	Alf Drive	3.50
✓2116	Harold McGill	4.00
✓2117	M. H. Wilkins	3.00
✓2118	L. V. Arnette	1.50
✓2119	Mrs. L. V. Arnette	3.00
✓2120	John Gaar	3.00
✓2127	Harold McGill	3.00
✓2128	Bryant Bryars	3.00
✓2129	Lois Arnette	3.00
✓2130	Luther Arnett	3.10
✓2131	B. Centinni	3.10
✓2132	Clyde Dunne	3.00
✓2133	Bob Hadley	3.00
✓2134	R. T. Coleman	3.20
✓2135	Dan Hinson	3.00
✓2136	Alex Drew	3.00
✓2137	Lewis Jackson	4.00
✓2138	Hollis Wilson	3.50
✓2139	S. F. Shiver	3.00
✓2140	Jim Shiver	3.00
✓2141	Grace Brown	3.00
✓2142	R. H. Brown	3.00
✓2143	G. S. Byrne	3.00
✓2144	Roy Arnette	7.00
✓2145	Rawson Weekley	3.00
✓2146	A. D. Duck	3.00
✓2148	Rev. W. W. Liverette	2.15
✓2150	T. J. Hadley	4.00
✓2187	Ruth McGill	5.50
✓2192	Levi Jackson	4.00
✓2193	C. L. Fuller	3.50
✓2194	C. L. Fuller	4.50
✓2195	C. L. Fuller	4.50
✓2196	Alex Drew	4.50
✓2197	B. Centinni	4.00
✓2198	Theo Cowart	4.50
✓2199	H. B. McGill	8.00
✓2200	Wheeler McCoy	2.90
✓2201	W. R. Vaughn	4.50
✓2202	Dee Gibbs	4.50
✓2203	Dee Gibbs	4.00
✓2204	Tom Hadley	4.00
✓2206	Bob Hadley	5.50
✓2207	Roy Arentte	5.20
✓2208	R. H. Brown	4.50
✓2209	Grace Brown	4.50
✓2210	Everett Havard	4.50
✓2211	Everett Havard	3.00
✓2218	Bryant Bryars	4.60
✓2219	R. T. Coleman	4.50
✓2220	Hollis Wilson	3.00
✓2221	Dan Hinson	3.00

NO.	NAME	AMOUNT
✓2097	Ruth McGill	
✓2098	Richard Purnis	\$3.00
✓2099	J. M. Jones	4.00
✓2100	Raymond Crosby	4.00
✓2101	W. R. Stuart	5.50
✓2102	S. T. Shiver	1.50
✓2103	W. H. Havard	3.00
✓2104	Jim Shiver	4.00
✓2105	George May	3.00
✓2106	Bryant Bryars	3.50
✓2107	R. H. Brown	3.00
✓2108	Will Vaughn	3.00
✓2109	Mrs. Grace Brown	3.00
✓2110	W. W. Stuart	3.00
✓2111	Viyle Wilson	4.00
✓2112	Theo Cowart	3.00
✓2113	Ruth Hadley	1.50
✓2114x	George May	3.20
2115	Alf Drive	3.20
✓2116	Harold McGill	4.00
✓2117	M. H. Wilkins	3.00
✓2118	L. V. Arnette	1.50
✓2119	Mrs. L. V. Arnette	3.00
✓2120	John Gaar	3.00
✓2127	Harold McGill	3.00
✓2128	Bryant Bryars	3.00
✓2129	Lois Arnette	3.00
✓2130	Luther Arnett	3.10
✓2131	B. Centinni	3.10
✓2132	Clyde Dunne	3.00
✓2133	Bob Hadley	3.00
✓2134	R? T? Coleman	3/20
✓2135	Dan Hinson	3.00
✓2136	Alex Drew	3.00
✓2137	Lewis Jackson	4.00
✓2138	Hollis Wilson	3.50
✓2139	S. F. Shiver	3.00
✓2140	Jim Shiver	3.00
✓2141	Grace Brown	3.00
✓2142	R. H. Brown	3.00
✓2143	G. S. Byrne	3.00
✓2144	Roy Arnette	7.00
✓2145	Rawson Weekley	3.00
✓2146	A? D? Duck	3.00
✓2148	Rev. W. W. Liverette	2.15
✓2150	T. J. Hadley	4.00
✓2187	Ruth Mc Gill	5.50
✓2192	Levi Jackson	4.00
✓2193	C. L. Fuller	3.50
✓2194	C. L. Fuller	4.50
✓2195	C. L. Fuller	4.50
✓2196	Alex Drew	4.50
✓2197	B. Centinni	4.00
✓2198	Theo Cowart	4.50
✓2199	H. B. McGill	8.00
✓2200	Wheeler McCoy	2.90
✓2201	W. R. Vaughn	4.50
✓2202	Dee Bibbs	4.50
✓2203	Dee Gibbs	4.00
✓2204	Tom Hadley	4.00
✓2206	Bob Hadley	5.50
✓2207	Roy Arentte	5.20
✓2208	R. H. Brown	4.50
✓2209	Grace Brown	4.50
✓2210	Everett Havard	4.50
✓2211	Everett Havard	4.50
✓2218	Everett Havard	3.00
✓2219	Bryant Bryars	4.60
✓2220	R. T. Coleman	4.50
✓2221	Hollis Wilson	3.00
	Dan Hinson	3.00

NO.	NAME	AMOUNT
✓2222	Clyde Parker	3.00
✓2223	S. T. Shiver	3.00
✓2224	Jim Shiver	4.50
✓2225	G. S. Byrne	6.50
✓2227	J. M. Jones	4.50
✓2228	Edmund Tunstall	1.50
✓2229	Edmund Tunstall	1.50
✓2230	George May	4.70
✓2231	John Joiner	4.70
✓2232	Ransen Weekley	4.50
✓2233	Rev. W. W. Leverette	5.50
✓2234	Lois Arnette	4.50
✓2235	Mrs. L. V. Arnette	4.50
✓2244	Clyde Dunn	4.50
✓2260	Rev. A. D. Duck	3.65
✓2263	Willard Hamilton	2.20
✓2264	Willard Hamilton	5.20

\$319.90

The State of Alabama,

Baldwin COUNTY.

CIRCUIT COURT.

THE EST. OF JOS. M. PROSE, Deceased

CARLIE E. HARVARD,

Cont'g. ant. Plaintiff

SARAH M. BROSH,

Proponent Defendant

CIVIL EXECUTION FOR COSTS
AGAINST DEFENDANT

Judgment for for \$

Interest from 19

to 19 \$

Damages \$

Costs \$ 649.00

Total \$

Civil Fee Book Cons'd Page 303

Execution Docket Cons'd Page 303

Filed 19

J. B. BRADSHAW, H. B. GORDON,

Clerk

HERBERT E. CHASON

Plaintiff's Attorney

Defendant's Attorney

COLLECT COSTS FROM
DEFENDANT

DEFENDANT

The State of Alabama,

Baldwin COUNTY.

I hereby certify that the within Judgment and costs in this case are correct, and there was a waiver of execution as to personal property under the Constitution and Laws of Alabama.

This day

of 19

Clerk.

Received in Office

19

Sheriff.

Sheriff's Execution Docket, page

Sheriff's Fee Book, page

The State of Alabama, }
COUNTY.

By virtue of the within Execution, I have, at o'clock M., this day of 19
levied.

Sheriff.

PLAINTIFF'S WITNESSES

AMOUNT

DEFENDANT'S WITNESSES

TOTAL

"20. I charge you, Gentlemen, that if, after considering all of the evidence in this case, you are reasonably satisfied that the disposition of the property of Joseph William Frost, as made to his wife, Elizann Frost, and as compared with that made to his daughter, Sarah E. Brown, in the instrument propounded for probate in this cause, was an unnatural disposition of testator's property, you are authorized to take that fact into consideration, with all of the other evidence in this case, in determining the issues involved, and if, after considering said facts together with all of the other evidence in the case, you are reasonably satisfied that the contestant, Carrie E. Havard, has sustained one of the grounds of her contest in this cause, you should return a verdict declaring said instrument not to be the last will and testament of the said Joseph William Frost."

7. The Court erred in giving the following charge:-

" I charge you, gentlemen, that in reaching a decision in this case as to whether Joseph William Frost made unnatural disposition of his property by the terms of the instrument offered in evidence in this cause, as his last will and testament, you have a right to take into consideration, with all of the other evidence, his duty to his wife, Elizann Frost, her age in life, her capacity for earning a living, her loyalty to him during their married life, the natural feelings of a husband, the amount of his estate, the amount he bequeathed her, and the disposition of the balance of his estate and to whom bequeathed."

HYBART & CHASON,
Attorneys for Movant.

TO HON. R.E.GORDON and HON.
J. E. BLACKBURN, Attorneys
for the Contestant.

Filed Sept. 16, 1937,
R. S. DUCK, Clerk.

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9/30/37: Proponants, as Movants, waive all grounds of motion except those raising the point that the verdict of the jury was contrary to the weight of evidence.

It is ordered by the Court that this motion for a new trial be, and same hereby is, granted, and that the verdict of the Jury be set aside and the cause reinstated on the docket for a new trial. And the contestant excepts.

F. W. HARE,
Judge.

INTERROGATORIES OF CONTESTANT TO PROPONANT.

NOW comes the contestant, Carrie E. Havard, and propounds to the proponent the following interrogatories:-

First: Please state if Joseph William Frost was with you at any time on the 7th day of December, 1935. If you answer in the affirmative please state where it was that the said William Joseph Frost was in your presence or in your company on said date. Please state if you know that William Joseph Frost was in Bay Minette on the 7th day of December, 1935. If you say that he was in Bay Minette on said date, please state if you had any conversation with him on said date while in Bay Minette. If you answer that he was in Bay Minette on said date, please state how long to your personal knowledge did he remain in the town of Bay Minette on said date. Please state whether or not you went to the office of Hybart & Chason with Joseph William Frost at any time during the day of the 7th day of December, 1935.

Second: If you know, please state where Joseph William Frost was living on December 7th, 1935. If you answer that you do, please give the name of the place where he was living and how far said place is from Bay Minette. If you answer that you saw Joseph William Frost in Bay Minette on December 7th, 1935, please state what time of day it was and where he was. Please state if Hybart & Chason were your attorneys and you had been to their office previous to December 7th, 1935 for legal advice or legal services on your own behalf. When did you first know that Joseph William Frost had made a will on December 7th, 1935 in the office of Hybart & Chason. How did you find out that he had made such a will.

Third: Please state, if you know, when Joseph William Frost transferred his account from the Bank in Atmore to the First National Bank in Mobile, Alabama. Please state if there was any conversation between you and

the said Joseph William Frost relative to the changing of his banking business from the Bank at Atmore to the First National Bank in Mobile, Alabama, and if you answer yes, please state what that conversation was. Please state whether or not you were with Joseph William Frost on the day he placed the paper alleged in your petition to be the last will and testament of the said Joseph William Frost in the First National Bank in Mobile, Alabama, and if you answer yes please state if that was before or at the time of, or after he had transferred his banking business from Atmore to Mobile. If you know please state how long after the alleged will of the said Joseph William Frost and which you have propounded for probate in this cause, was executed and signed by him on December 7th, 1935, that he had deposited same in the First National Bank in Mobile, Alabama. Please state when you first knew that the paper alleged in your petition to be the last will and testament of Joseph William Frost was placed in the First National Bank of Mobile, if it was placed therein, and how you found out that such will was in such Bank.

GORDON, EDINGTON & LEIGH,

J. B. BLACKBURN,

Attorneys for Defendant.

STATE OF ALABAMA,)
MOBILE COUNTY.)

Personally appeared before me, Janie Ryser Davis, a Notary Public in and for the said County, in said State, Robert E. Gordon, who being by me, first duly and legally sworn, says:

That he is one of the attorneys of record for the Contestant in the above styled cause, and that if the above and foregoing interrogatories are well and truly answered they will be material evidence for the contestant in the trial of said cause.

ROBERT E. GORDON

Subscribed and sworn to before
me on this the 10th day of December, 1937.

JANIE RYSER DAVIS,
Notary Public, Mobile County, Ala.

Filed December 23, 1937,
R. S. DUCK, Clerk.

I have executed this Writ by handing a
copy to John Chason, a member of the
firm of Hybart and Chason this the
23rd day of Dec., 1937,

M. H. WILKINS, Sheriff.
By: JOHN R. DAVIS, D. S.

CONTEST OF WILL BY PETE FROST.

Comes PETE FROST and shows the following facts to the Court:

First: That he is a resident of Baldwin County and over the age of twenty-one years and his address is Foley, Alabama, and of sound mind.

Second: That he is a son of the late Joseph William Frost, and as such is interested in the estate and if the deceased died intestate he is an heir of the estate.

Third: That he is one of the next of kin of said deceased but had no notice of the petition for the Probate of said alleged will.

Fourth: That he herewith shows the following separate and several grounds of contest to the said will.

A. That said deceased at the time said will was executed was of unsound mind.

B. That said deceased was weakened physically and mentally at the time said will was executed and that the said Sarah Brown did take advantage of his conditioned and did overcome his determination, intention and desire and had him sign the will leaving the bulk of his estate to her and excluding the majority of his heirs from sharing naturally in his estate.

C. Pete Frost further adopts the allegations of the contest of this instrument propounded as the last will of the deceased filed by Carrie Havard, and assigns them as additional and further grounds of his contest.

WHEREFORE, PETE FROST, asks that he be made a party contestant to the proposed will and be allowed to join in the contest now on file.

PETE FROST,
Heir of said Estate.

E. G. RICKAREY, JR.,
As Attorney for said Heir.

Filed Feb. 5, 1938,
R. S. DUCK, Clerk.

ANSWER TO INTERROGATORIES.

NOW comes Mrs. Sarah E. Brown and answers the Interrogatories filed to her in the aforesaid cause by Contestant, Carrie E. Havard:-

1st: In answer to the First Interrogatory she says that she is unable to state as to whether she saw her father, Joseph William Frost, on the 7th day of December, 1935, and, consequently, she cannot state as to whether he was in her presence or in her company on said date; that she does not recollect Joseph William Frost being in Bay Minette on the 7th day of December, 1935; that she does not recollect having any conversation with Joseph William Frost on said date in Bay Minette or anywhere else, and, consequently, she is unable to state if the said Joseph William Frost was in Bay Minette on said date or as to how long he remained at that place; that she did not go to the office of Hybart & Chason with Joseph William Frost at any time during the days of the 7th day of December, 1935.

2nd: In answer to the Second Interrogatory, Mrs. Sarah E. Brown Says:- My father, Joseph William Frost, was living at Perdido on December 7th, 1935, where he had lived ever since I can remember and where he lived up until the time of his death; that Perdido is about fourteen miles from Bay Minette. As stated, I don't recall seeing Joseph William Frost in Bay Minette on December 7th, 1935. I never have had Hybart & Chason retained as Attorneys. I had Mr. Heard, a member of said firm, during his lifetime to look after the administration of my late husband's, Buford Weekley's Estate, and in connection with this matter I have advised with Mr. Heard and possibly at times with Mr. Chason relative to matters growing out of said administration. I never knew that Joseph William Frost had made a Will on December 7th, 1935, or on any other date, in the office of Hybart & Chason, until the envelope in which the Will was contained was opened, and this was after my father's death.

3rd: In answer to the Third Interrogatory, she says:- I don't know the date that Joseph William Frost transferred his account from the Bank in Atmore to the First National Bank in Mobile, Alabama. He looked after his own business. There was no conversation between me and the said Joseph William Frost relative to the change in his banking business from the Bank in Atmore to the First National Bank in Mobile. My husband, Clarke Brown, and my father, Joseph William Frost, and myself were in Mobile together on the day he delivered to the First National Bank an envelope which he stated to an officer of the Bank contained his will and this envelope was afterwards delivered to me, after the death of my father, and contained the Will of Joseph William Frost that has been offered for probate. I never knew, as aforesaid, what the contents of said Will were, the date of it, or where prepared, and I never discussed the terms of said Will with my father or anyone else nor did he ever discuss the same with me or consult me about anything in connection with it, and, as aforesaid, the Will was in a sealed envelope and was delivered by my father to the officer in the Bank and when I received it after the death of my father, from the Bank, it was opened by an officer in the Bank there in the presence of myself and my mother and Mrs. Carrie Havard. I don't know whether the day that he delivered his Will to the First National Bank in Mobile was the day that he transferred his account from the Bank at Atmore to the First National Bank of Mobile or not. He requested me and my husband to take him to Mobile, and told us that he wanted to take some money to the Bank, and nothing was mentioned about any Will until he told one of the officers in the Bank there that he wanted to leave a Will there. I don't know whether he had opened an account in the Bank prior to that time or not, or, as stated, when he transferred his account from Atmore to the First National Bank in Mobile. As stated, I don't recall how long it was from December 7th, 1935, if the Will of Joseph William Frost was executed on that day, to the date the same was deposited in the First

National Bank in Mobile, Alabama, I would say from December 7th, 1935, to the date we were in Mobile was several months.

SARAH E. BROWN.

Sworn to and subscribed before me,
a Notary Public whose seal is hereto
affixed by me, this 3rd day of
March, 1938.

MARY F. GREEN,
Notary Public, Baldwin County,
State of Alabama.

Filed March 4, 1938,
R. S. DUCK, Clerk.

ORDER OF COURT.

4/12/38: Continued because of absense of Dr. Farish--by Proponent.

ORDER OF COURT.

9/15/38: Jury and Verdict for Proponent, and Will ordered probated.

CLERK'S CERTIFICATE.

I, R. S. DUCK, Clerk of the Circuit Court of Baldwin County, Alabama, by Nan Alice Thompson, Deputy Clerk, do hereby certify the above and foregoing proceedings, as a true and correct copy of all proceedings had and done in said Court in the case of The Estate of Joseph William Frost, Deceased, Civil Number 383; I also certify all original papers in said cause, which were transferred to this Court from the Probate Court of Baldwin County, Alabama, back to the Hon. G. W. Robertson, Judge of Probate of said County.

GIVEN under my hand and seal of office, this the 22nd day of September, 1938.

R. S. Duck, Clerk of the Circuit
Court of Baldwin County, Alabama.

By: _____
Deputy-Clerk.

CERTIFICATE OF TRANSFER TO CIRCUIT COURT.

THE STATE OF ALABAMA,)
COUNTY OF BALDWIN.)

PROBATE COURT.

IN THE MATTER OF AN INSTRUMENT IN WRITING PURPORTING TO BE THE LAST WILL AND TESTAMENT OF JOSEPH WILLIAM FROST, DECEASED, AND THE CONTEST THEREOF:-

Upon the demand of Carrie E. Havard, a daughter of the said deceased, and who would be an heir or distributee of the said decedant's estate, if he had died intestate, contestee in certain proceedings filed in the probate Court of Baldwin County, Alabama, on the 12th day of April, 1937, wherein Sarah E. Brown is plaintiff and Carrie E. Havard is defendant: It is ordered by the Court, that this cause be and it is hereby transferred to the Circuit Court of Baldwin County, Alabama, Baldwin County being the county in which contest is made, and I, as such Judge of Probate of said county, hereby certify all papers and documents pertaining to the said proceedings to Hon. R. S. Duck, Clerk of the Circuit Court of Baldwin County, Alabama.

In witness of all which, I have hereunto set my hand and the seal of the Probate Court of Baldwin County, Alabama, this 13th day of April, A.D. 1937.

G. W. ROBERTSON,
Judge of Probate.

(SEAL)

ORDER OF COURT.

" 9/14/37: Jury and Verdict in favor of the Contestant, and the paper propounded for probate adjudged not to be the last Will and Testament of Joseph William Frost."

MOTION FOR A NEW TRIAL.

NOW comes the Proponent, Sarah E. Brown, and moves the Court to set aside the verdict of the Jury for the Contestant in the aforesaid cause or contest of the Will of Joseph William Frost, and grant to her a new trial, and assigns as grounds therefore:-

1. That the verdict of the Jury was contrary to the charge of the Court.
2. That the verdict of the Jury was contrary to the evidence in the case.
3. That the verdict of the Jury is not sustained by the great preponderance of the evidence.

4. The Court erred in giving the following charges:-
"15. If the Jury believes from the evidence that the will makes an unnatural disposition of the property of Joseph William Frost to his wife, Elizann, by giving her a monthly allowance of \$12.00 and the right to the complete use and occupation of their home at Perdido Station, free and clear of all rents, taxes or other charges, then you can take this fact into consideration, together with or in connection with all of the evidence in this case in the determination of the issues involved".

5. The Court erred in giving the following charge:-
"19. I charge, you, Gentlemen, that, under the issues in this cause, if you after taking into consideration all of the evidence in this case touching the value of the estate of Joseph William Frost, and the relationship existing between the said Joseph William Frost and his wife, Elizann Frost, at the time of the execution of the instrument now propounded for probate as the Last Will and Testament of Joseph William Frost, and the bequest as made to Elizann Frost, his wife, and Sarah E. Brown, his daughter, and their needs and means of support at said time, and you are reasonably satisfied therefrom that the disposition of his property as made by the said Joseph William Frost in the instrument now offered for probate as his last will and testament, was an unnatural disposition of said property, then you are authorized to take this fact into consideration with all of the other evidence in this cause, in determining the issues in this cause."

6. The Court erred in giving the following charge;*

ESCAMBIA HARDWARE CO.

Incorporated

SPORTING GOODS -- RADIOS

NORGE PRODUCTS

HARDWARE - BUILDING MATERIAL
FURNITURE - FARMING IMPLEMENTS

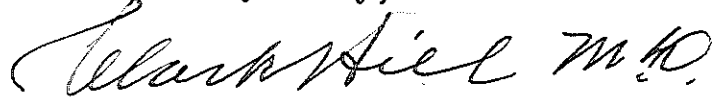
ATMORE, ALABAMA

September 11, 1937

To Whom it may Concern.

This is to certify that Mr. W. J. Grubbs, Atmore, Ala. is under my professional care, he will be physically unable to attend Court on September 14th. 1937.

Yours very truly,



Dr. Clark Hill, M.D.

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Cameron Pettiss, Assistant Cashier
First National Bank, Mobile, Alabama

at the instance of the contestant if he should be found in your County, personally
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court
House in Bay Minette, Ala to wit: on the 14th day of September, 1937
at 8:30 A. M., and to bring with him and produce at the time and place aforesaid, to be used as evidence

(here describe it).

The ledger card or sheet of the First National Bank of Mobile
Alabama and such other records of said bank as may be necessary
to show the amount on deposit in said bank to the credit of
Joseph William Frost on February 18, 1937 and thereafter.

and then and there testify and the truth to speak concerning all and singular those things of which he may have knowl-
edge, or the said instrument of writing doth import of, and concerning, and concerning a certain suit now pending and
undetermined in said Court, wherein Carrie Havard is Contestant or Plaintiff
and Sarah Brown is Defendant.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ
with your endorsement thereon in what manner you have executed same.

Witness my hand, this 9th day of September, 1937.

R. S. Lusk

Clerk.

No.

THE STATE OF ALABAMA
Baldwin County

VS.
SUBPOENA DECUS TECUM

Defendant.

CIRCUIT COURT

WITNESSES:

SET FOR TRIAL

14 day of Sept 1937

GILL PTG. CO., MOBILE

9 Day of Sept 1937
10 Day of Sept 1937
Served a Copy of the within
on *Carroll & Smith*
Assistant Cashier
First National Bank
by service on _____
R. L. HOLCOMBE, Sr., Sheriff
Re *Ernest Burmeister*

IN RE: THE ESTATE OF
JOSEPH WILLIAM FROST, DECEASED.

No. 383.

** - - - - - **
PAPERS TRANSFERRED FROM PROBATE COURT.

1. Last Will and Testament
2. Petition for Probate of Will and Grant of Letters Testamentary.
3. List of Heirs of Joseph William Frost, deceased.
4. Order of Continuance in Probate Court.
5. Notices of day set for hearing of Will.
6. Order setting Day for Proof of Will.
7. Grounds for Contest.
8. Certificate of Transfer to Circuit Court.

383

IN RE PETITION OF SARAH E.
BROWN TO PROBATE AN INSTRU-
MENT ALLEGED TO BE THE LAST
WILL AND TESTAMENT OF JOSEPH
WILLIAM FROST, DECEASED,

Proponent,

-vs-

CARRIE E. HAVARD,

Contestant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW.

Now comes Mrs. Sarah E. Brown and answers the Interroga-
tories filed to her in the aforesaid cause by Contestant, Carrie
E. Havard:-

1st. In answer to the First Interrogatory she says
that she is unable to state as to whether she saw her father,
Joseph William Frost, on the 7th day of December, 1935, and, con-
sequently, she cannot state as to whether he was in her presence
or in her company on said date; that she does not recollect Joseph
William Frost being in Bay Minette on the 7th of December, 1935;
that she does not recollect having any conversation with Joseph
William Frost on said date in Bay Minette or anywhere else, and
consequently she is unable to state if the said Joseph William
Frost was in Bay Minette on said date or as to how long he remain-
ed at that place; that she did not go to the office of Hybart &
Chason with Joseph William Frost at any time during the day of the
7th of December, 1935.

2nd. In answer to the Second Interrogatory Mrs. Sarah
E. Brown says:- My father, Joseph William Frost, was living at
Perdido on December 7th, 1935, where he had lived ever since I
can remember and where he lived up until the time of his death;
that Perdido is about fourteen miles from Bay Minette. As stated,
I don't recall seeing Joseph William Frost in Bay Minette on Decem-
ber 7th, 1935. I never have had Hybart & Chason retained as Attor-
neys. I had Mr. Heard, a member of said firm, during his lifetime
to look after the administration of my late husband's, Buford
Weekley's, Estate, and in connection with this matter I have advised
with Mr. Heard and possibly at times with Mr. Chason relative to
matters growing out of said administration. I never knew that

(page two)

Joseph William Frost had made a Will on December 7th, 1955, or on any other date, in the office of Hybart & Chason, until the envelope in which the Will was contained was opened, and this was after my father's death.

3rd. In answer to the Third Interrogatory she says:-
I don't know the date that Joseph William Frost transferred his account from the Bank in Atmore to the First National Bank in Mobile, Alabama. He looked after his own business. There was no conversation between me and the said Joseph William Frost relative to the change in his banking business from the Bank in Atmore to the First National Bank of Mobile. My husband, Clarke Brown, and my father, Joseph William Frost, and myself were in Mobile together on the day he delivered to the First National Bank an envelope which he stated to an officer of the Bank contained his Will, and this envelope was afterwards delivered to me, after the death of my father, and contained the Will of Joseph William Frost that has been offered for probate. I never knew, as aforestated, what the contents of said Will were, the date of it, or where prepared, and I never discussed the terms of said Will with my father or anyone else nor did he ever discuss the same with me or consult me about anything in connection with it, and, as aforestated, the Will was in a sealed envelope and was delivered by my father to the officer in the Bank, and when I received it, after the death of my father, from the Bank, it was opened by an officer in the Bank there in the presence of myself and my mother and Mrs. Carrie Havard. I don't know whether the day he delivered his Will to the First National Bank in Mobile was the day that he transferred his account from the Bank at Atmore to the First National Bank of Mobile or not. He requested me and my husband to take him to Mobile, and told us that he wanted to take some money to the Bank, and nothing was mentioned about any Will until he told one of the officers in the Bank there that he wanted to leave a Will there. I don't know whether he had opened an account in the Bank prior to that time or not, or, as stated, when he transferred his account from Atmore to the First National Bank in Mobile. As stated, I

(page two)

(page three)

don't recall how long it was from December 7th, 1935, if the Will of Joseph William Frost was executed on that day, to the date the same was deposited in the First National Bank in Mobile, Alabama. I would say from December 7th, 1935, to the date we were in Mobile was several months.

Sarah E. Brown.

Sworn to and subscribed before
me, a Notary Public whose seal
is hereto affixed by me, this
- 3rd - day of March, 1938.

Mary J. Green -
Notary Public, Baldwin County,
State of Alabama.

ANSWER TO INTERROGATORIES.

IN RE PETITION OF SARAH E.
BROWN TO PROBATE AN INSTRU-
MENT ALLEGED TO BE THE LAST
WILL AND TESTAMENT OF JOSEPH
WILLIAM FROST, DECEASED,

Proponent,

-VS-

CARRIE E. HAVARD,

Contestant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed March 4, 1938

R. S. Duch
Clerk.

LAW OFFICES

HYBART & CHASON

BAY MINETTE, ALABAMA

R. S. DUCK
REGISTER AND CLERK
OF THE
CIRCUIT COURT, BALDWIN COUNTY
BAY MINETTE, ALA.

Exhibits Introduced in Evidence
and in possession of M. R. Frost.

1. Will of Joseph William Frost
2. Letter of J. H. Crosby, Asst Cashier
First National Bank of Mobile
to Hyatt & Chason
3. Note of Porah & Brown to J. W. Frost
4. Check of Porah & Brown to J. W. Frost
5. Certified copy of Deed
Certificate of J. W. Frost
Signed by D. B. Forsick.

FOURTH CLASS

UNITED STATES POST OFFICE

E. R. CAMP, Postmaster

Perdido, Ala.

April 6, 1938

Judge F. W. Hare,
Bay Minette, Ala.

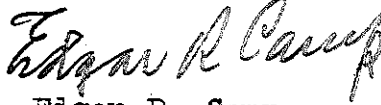
Case #383
Est. J.W.Frost, Deceased

My Dear Sir;

I have a subpoena in the case of the
estate of J. W. Frost, deceased, in the interest
of the contestant.

I am the postmaster at this place and
I can't very easily get some one to run the office
during my absence and I would respectfully request
that I be excused from appearing in this case.

Very respectfully,



Edgar R. Camp

Env. for reply
inclosed.

IN RE PETITION OF SARAH E.
BROWN TO PROBATE AN INSTRU-
MENT ALLEGED TO BE THE LAST
WILL AND TESTAMENT OF
JOSEPH WILLIAM FROST,
DECEASED,

Proponent,

vs.

CARRIE E. HAVARD,

Contestant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Now comes the contestant, Carrie E. Havard,
and propounds to the proponent the following interroga-
tories:

First:

Please state if Joseph William Frost was with
you at any time on the 7th day of December, 1935. If
you answer in the affirmative please state where it was that
the said William Joseph Frost was in your presence or in
your company on said date. Please state if you knew that
William Joseph Frost was in Bay Minette on the 7th day of
December 1935. If you say that he was in Bay Minette on
said date, please state if you had any conversation with
him on said date while in Bay Minette. If you answer
that he was in Bay Minette on said date, please state how
long to your personal knowledge did he remain in the town
of Bay Minette on said date. Please state whether or not
you went to the office of Hybart & Chason with Joseph
William Frost at any time during the day of the 7th of
December 1935.

Second:

If you know, please state where Joseph William
Frost was living on December 7, 1935. If you answer that
you do, please give the name of the place where he was
living and how far said place is from Bay Minette. If

you answer that you saw Joseph William Frost in Bay Minette on December 7th, 1935, please state what time of day it was and where he was. Please state if Hybart & Chason were your attorneys and you had been to their office previous to December 7th, 1935 for legal advice or legal services on your own behalf. When did you first know that Joseph William Frost had made a will on December 7th, 1935 in the office of Hybart & Chason. How did you find out that he had made such a will.

Third:

Please state, if you know, when Joseph William Frost transferred his account from the Bank in Atmore to the First National Bank in Mobile, Alabama. Please state if there was any conversation between you and the said Joseph William Frost relative to the changing of his banking business from the Bank at Atmore to the First National Bank in Mobile, Alabama, and if you answer yes, please state what that conversation was. Please state whether or not you were with Joseph William Frost on the day he placed the paper alleged in your petition to be the last will and testament of the said Joseph William Frost in the First National Bank in Mobile, Alabama, and if you answer yes please state if that was before or at the time of, or after he had transferred his banking business from Atmore to Mobile. If you know, please state how long after the alleged will of the said Joseph William Frost, and which you have propounded for probate in this cause, was executed and signed by him on December 7th, 1935, that he had deposited same in the First National Bank in Mobile, Alabama. Please state when you first knew that the paper alleged in your petition to be the last will and testament of Joseph William Frost was placed in the First National Bank of Mobile, ^{if it was placed there,} and how you found out that such will was in such Bank.

Grayson E. Slaughter
J. T. B. Schlemm
ATTORNEYS FOR DEFENDANT

STATE OF ALABAMA,
COUNTY OF MOBILE.

Personally appeared before me, Janie Ryser Davis,
a Notary Public in and for said County, in said State, Robert
E. Gordon, who being by me first duly and legally sworn,
says:

That he is one of the attorneys of record for
the Contestant in the above styled cause, and that if the
above and foregoing interrogatories are well and truly
answered they will be material evidence for the contest-
ant in the trial of said cause.

Robert E. Gordon

Subscribed and sworn to before
me on this the 10th day of
December, 1937.

Janie Ryser Davis
NOTARY PUBLIC, MOBILE COUNTY, ALA.

I have executed this
will by handing a copy
to John Leason, a
member of the firm of
Hyland and Chinn, the
the 23rd day of Dec. 1937
M. H. Wilkins Sheriff
By John R. Davis
D.C.

IN RE:

THE ESTATE OF JOSEPH
WILLIAM FROST, Deceased.

INTERROGATORIES OF
CONTESTANT

TO

PROPNANT,

Filed December 23, 1937

R. S. Duck

Clark

ESTATE OF JOSEPH WILLIAM FROST, DECEASED.

STATE OF ALABAMA,

BALDWIN COUNTY.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

February first, 1940.

x6
TO MRS. CARRIE E. HAVARD.

You will take notice that I have this day levied upon the sum of Five Hundred Dollars (\$500.00) in money, in the hands of Sarah Brown, as Executrix of the Estate of Joseph William Frost, Deceased, by Sheriff's garnishment, to satisfy an execution in my hands from the Circuit Court of Baldwin County, Alabama, wherein Judgment is rendered against you for the costs as Contestant Plaintiff on the 15th day of September, 1938.

W. R. Stuart
Sheriff of Baldwin County,
State of Alabama

*Wm. R. Stone
Mobile Ala*

NOTICE OF LEVY

*150 1/2
2/15/40
2/15/40*

ESTATE OF JOSEPH WILLIAM
FROST, deceased.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Filed February 17, 1940.

R. S. Duck
Clerk.

Lart

Received 5 Day of February 1940
and on 8 Day of February 1940
I served a copy of the within Order of Levy
on Wm. R. Stone
by service on _____

W. H. HOLCOMBE, Sheriff
By R. S. Duck DS

STATE OF ALABAMA,
BALDWIN COUNTY.

ANSWER OF GARNISHEE.

Comes SARAH BROWN, as Garnishee in that certain Writ of Garnishment issued out of the Circuit Court of Baldwin County, Alabama, by W. R. Stuart, as Sheriff of said County, on January 31st, 1940, and after having been duly sworn, doth depose and say under oath as follows:-

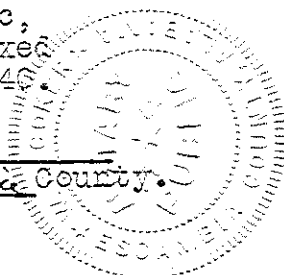
That the Last Will and Testament of Joseph William Frost, Deceased, has been duly admitted to Probate and Record in Baldwin County, Alabama, and that she, as the Executrix named in said Will, has received Letters Testamentary from the Probate Court of Baldwin County, Alabama; that under the terms of said Will Carrie E. Havard was to receive the sum of Five Hundred Dollars (\$500.00) out of the funds belonging to said Estate; that there was a sufficient sum of money belonging to said Estate, out of which this bequest could be paid and that said sum was turned over to her, as such Executrix; that she, as such Executrix, has not paid the said Carrie E. Havard the said sum of Five Hundred Dollars (\$500.00), and that she, as such Executrix, is now indebted to the said Carrie E. Havard in the said sum of Five Hundred Dollars (\$500.00); that she will not be indebted in the future to the said Carrie E. Havard by any contract now existing; that she is not liable to her for the delivery of personal property or for the payment of money which may be discharged by the delivery of personal property, or, which is payable in personal property, and she has not in her possession or under her control moneys or effects belonging to the said Carrie E. Havard, other than the said sum of Five Hundred Dollars (\$500.00) above set out.

Having fully answered said Garnishment, the said Garnishee prays to be hence dismissed with her reasonable cost for making this answer.

Sworn to and subscribed
before me, a Notary Public,
whose seal is hereto affixed
this 13th day of March, 1940.

W E Corbin
Notary Public, Escambia County,
State of Alabama.

Sarah Brown.
As Garnishee



STATE OF ALABAMA,

BALDWIN COUNTY.

TO SARAH BROWN, GARNISHEE.

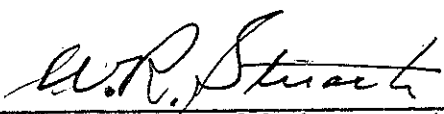
Whereas, Carrie E. Havard filed in the Circuit Court of Baldwin County, Alabama, a contest of the Will of Joseph William Frost, Deceased, which Will had been filed for probate by you, as Executrix named therein, and

Whereas, a Judgment was rendered in said cause in favor of the proponent and against the contestant, Carrie E. Havard, and the said Carrie E. Havard was taxed with the costs of the said proceedings, and

Whereas, an execution was rendered by the Clerk of the Circuit Court of Baldwin County, Alabama, on January 13th, 1940, in which I, W. R. Stuart, as Sheriff of Baldwin County, Alabama, was commanded to recover of the said Carrie E. Havard the sum of Five Hundred and Forty-nine Dollars (\$549.00), as costs in said cause.

You are therefore commanded to appear within thirty days from the service of this Writ, in the Circuit Court of Baldwin County, Alabama, then and there to answer, on oath, whether at the time of the service of this garnishment, or at the time of making your answer, or at any time intervening between the time of serving the garnishment and making the answer, you were indebted to the said Carrie E. Havard, and whether you will be indebted in the future to her by a contract then existing, or whether you are liable to her for the delivery of personal property, or for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property and whether you have not in your possession or under your control money or effects belonging to the said Carrie E. Havard.

Witness my hand as Sheriff of Baldwin County, Alabama, this 31st day of January, 1940.



Sheriff of Baldwin County,
State of Alabama.

Received this the
10th day of February
1940 by serving
a copy of the
Within writ of
Garnishment on
Sarah Brown
W.P. Stuart
Sheriff

W.P. Stuart
Sheriff

Received in Sheriff's Office
Serve on 1-28-40

Mrs Sarah Brown

SHERIFF'S WRIT OF GARNISHMENT

RECORDED

ESTATE OF JOSEPH WILLIAM

FROST, Deceased.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

Filed 17 day of February,
1940.

R.S. Duck
Clerk

CHARGE "A".

The Court charges the Jury that if you believe the evidence you should find for the proponent on the issue of undue influence.

CHARGE "B".

The Court charges the Jury that if you believe the evidence you should find for the proponent on the issue as to whether the alleged will was properly executed.

B. The Court charges the Jury that if they believe from the evidence that the will makes an unnatural disposition of the property of the testator, Joseph William Frost, this fact may be taken into consideration, together with, or in connection with all the evidence in the case in the determination of whether or not the said Joseph William Frost, at the time he executed the alleged will, was mentally capable of executing a will.

CHARGE "C".

The Court charges the Jury that if you believe the evidence you should find for the proponent as to the issue of unsound mind of the Testator, Joseph William Frost.

Refused (Conceded 7)
J. W. Hare
Judge

C. The Court charges the Jury that if they believe from the evidence that the will makes an unnatural disposition of the property of the testator, Joseph William Frost, this fact may be taken into consideration, together with, or in connection with all the evidence in the case in the determination of the issue of undue influence.

CHARGE "D".

The Court charges the Jury that if you believe the evidence you should find for the proponent.

Refused
J. W. Hare
Judge

CHARGE NO. X.

I charge you, Gentlemen of the Jury, a person of testamentary capacity, and which the law presumes everyone to possess, has the right to make unequal gifts of his property if he sees proper so to do by testamentary disposition, and the fact that he does so does not of itself establish or authorize the inference that the donor is of unsound mind.

Refused
J. W. Hare
Judge

*Witness
J. W. Ware
Judge*

CHARGE NO. 1.

The Court charges the jury that the burden of proof as to testamentary capacity is on the contestant and is not shifted except by proof of habitual or fixed insanity on the part of Joseph William Frost prior to the making of the will.

*Refused
J. W. Ware
Judge*

CHARGE NO. 2.

The Court charges the jury that if the testator, Joseph William Frost, was at the time wholly insane, so as not to know the subject matter under discussion, but at other times had a sufficient mental capacity to understand and know what he was doing, then the burden is upon the contestant, in order to defeat the probate of the will, to show that at the particular instant when the will was executed he, the testator, did not have sufficient mental capacity to know and understand what he was doing.

*Refused
J. W. Ware
Judge*

CHARGE NO. 3.

The Court charges the jury that it is not necessary to the validity of the will of Joseph William Frost propounded for probate, that he should, at the time that he executed it, have been in the possession of his full, unimpaired mental faculties. It is sufficient if he had mind and memory enough to know what property he possessed, and remembered the name of the beneficiary therein and his relationship, and to understand the disposition of his property he was making by the will.

*Refused
J. W. Ware
Judge*

CHARGE NO. 4.

The Court charges the jury that if they believe from the evidence that Joseph William Frost, at the time he made the will, was of sound mind, he could make a will; and for his mind to be sound, it was not necessary that his memory be perfect, but if he had mind and memory enough to recollect the property he was about to bequeath and the person to whom he wished to bequeath it, and the manner in which he wished it to be disposed of, and to know and understand the business he was engaged in, then, in contemplation of law, he had a sound, disposing mind.

CHARGE NO. 5.

The Court charges the jury that if they believe from the evidence that at the time of making his will, Joseph William Frost had mind and memory enough to recollect the property he wished to bequeath and the persons to whom he wished to bequeath it, and the manner in which he wished to dispose of it, then he had a right to make such disposition of his property. Neither can it be set aside on the ground of undue influence, unless such influence amounted to a degree of restraint such as the testator was too weak to resist--such as deprived him of his own free agency, and prevented him from doing as he pleased with his property. Neither advice nor argument nor persuasion will vitiate such will, made freely and from conviction, though such will might not have been made but for such advice and persuasion.

CHARGE NO. 6.

The Court charges the jury that the will of Joseph William Frost cannot be set aside on the ground of undue influence, unless such influence amounted to a degree of restraint such as the testator was too weak to resist, such as deprived him of his own free agency and prevented him from doing as he pleased with his property. Neither advice nor argument nor persuasion will vitiate such will made freely and from his convictions.

CHARGE NO. 7.

The Court charges the jury that testamentary incapacity for making a will must be an incapacity existing at the time of the execution of the will.

CHARGE NO. 8.

The Court charges the jury that sanity is the normal condition of the humane mind and that the testator in this case is presumed by the law to have been sane when he made the will, unless the contestant has shown to the jury's satisfaction that he was under the disability of habitual or fixed insanity prior to the execution of the will.

CHARGE No. 9.

THE Court charges the jury that the law treats the right of testamentary disposition with great kindness; if questioned it must be on strong grounds.

CHARGE NO. 10.

The Court charges the jury that if they should find from the evidence that Joseph William Frost was of sound mind, but addicted to the use of whiskey, that would not incapacitate him from making a will while he was not under the influence of it.

CHARGE NO. 11.

The Court charges the jury that an unequal distribution of property by a testator amongst his next of kin is no legal reason for considering it an irrational act.

CHARGE NO. 12.

The Court charges the jury that if they believe from the evidence that Joseph William Frost, at the time of the execution of the will propounded, if he did execute it, was not influenced by any undue influence on the part of Sarah Brown, and said testator was of sound mind and memory at the time of said execution, then no partiality, pride, caprice, or unequal distribution of his property could be regarded by you in any manner to set aside or vitiate said instrument.

CHARGE NO. 14.

The Court charges the jury that undue influence to vitiate a will must have been actually exercised to produce the particular will, and this must be operative at the very time of the execution of the will, and the burden of proving that such influence was undue, and was operated at the time of the execution of the will, and caused its execution contrary to the free and independent wishes of the testator, is upon the contestant, and not upon the proponent.

CHARGE NO. 15.

The Court charges the jury that the influence which of itself will vitiate or defeat a will must be proved to be undue. Such undue influence is defined as that which compels the testator to do that which is against his will, from fear, the desire of peace, or some feeling which he is unable to resist, and which is tantamount to force or fear.

CHARGE NO. 16.

The Court charges the jury that an influence to be an undue influence must be such as in some degree to destroy the free agency of the party making the will and such as to constrain him to do what is against his will.

CHARGE NO. 17.

If the jury believe from the evidence that the will was read over to the testator by John Chason after it was written, and he assented thereto, then this is sufficient advice and information to destroy any presumption of undue influence on the part of Sarah Brown.

CHARGE NO. 18.

The Court charges the jury that if Joseph William Frost, the Testator, at the time it is claimed that he executed the alleged writing, if he did so execute it, had memory and mind enough to recollect the property he was about to bequeath, the person to whom he wished to will it, and the manner of its disposition, he had in contemplation of law a sound mind, and great age, bodily infirmity and impaired mind will not vitiate a will made by a person possessing such capacity.

CHARGE NO. 19.

The Court charges the Jury that if the testator, at the time that it is claimed that he executed the alleged Will, had memory and mind enough to recollect the property he was about to bequeath, the person to whom he wished to will it, and the manner of its disposition, he had, in contemplation of law, a sound mind, and great age, bodily infirmity and impaired mind will not vitiate a Will made by a person possessing such capacity.

CHARGE NO. 20.

The fact that a testator does not distribute his property equally between his next of kin does not raise a presumption of mental incapacity, nor of any undue influence on the part of any of the beneficiaries of the Will.

CHARGE NO. 21.

The Court charges the Jury that a testator has the right to make unequal gifts of his property if he sees proper to do so by testamentary disposition, and the fact that he does so does not in itself establish or authorize the inference that the testator is of unsound mind.

CHARGE NO. 22.

The Court charges the Jury that if you believe the evidence you should find for the proponent on the issue of undue influence.

CHARGE NO. 23.

The Court charges the Jury that if you believe the evidence you should find for the proponent on the issue as to whether the alleged will was properly executed.

CHARGE NO. 24.

The Court charges the jury that if you believe the evidence you should find for the proponent as to the issue of unsound mind of the Testator, Joseph William Frost.

Advised by State Judge

CHARGE NO. 25.

The Court charges the Jury that if you believe the evidence you should find for the proponent.

CHARGE NO. 26.

The Court charges the jury that the fact that a testator does not distribute his property equally between his next of kin does not raise a presumption of mental incapacity.

Refused by State Judge

CHARGE NO. 27.

I charge you, gentlemen of the jury, that undue influence which will overturn or defeat a testamentary disposition of property must be of such a character as to overpower the will of the testator, and substitute another's will in its place. It must amount to controlling, mental restraint and coercion, destroying the free agency of the testator, in fact, to constitute such undue influence, the will and wish of the testator must be subordinated and displaced by the superior, dominating will of another. Affection or desire to gratify another's wishes is not that sort of coercion which defeats attempted testamentary disposition. All the better instincts and emotions are left in full play, and are harmless unless the will itself--the power of independent action--is overcome. It ceases to be the will of the ostensible testator only when it is shown to have been brought about by another's superior will.

1. The Court charges the Jury, that if they believe from the evidence to their reasonable satisfaction that Joseph William Frost, at the time of making the will propounded for probate in this case, did not have testamentary capacity, then the Jury need go no further in their consideration to ascertain whether there was undue influence or duress. And it would be the duty of the Jury under the law, for this reason alone, to render a verdict in favor of the contestant, and against the validity of the alleged will in this case.

Refused
A.W. Hare
Judge

2. The Court charges the Jury that if they are reasonably satisfied from all of the evidence in this case that, at the time of the making of the will propounded for probate in this case, Joseph William Frost did not have testamentary capacity to make a will, the verdict must be for the contestant, and against the validity of the paper propounded for probate.

Refused (does not define capacity)
A.W. Hare
Judge

3. The Court charges the Jury that if they believe from the evidence that at the time of the execution of the instrument offered for probate, there existed between Joseph William Frost and his daughter, Sarah E. Brown, a confidential relationship, in which Joseph William Frost reposed confidence and trust in his said daughter; that the said Sarah E. Brown is a residuary legatee under the will; and that Sarah E. Brown was active in and about the preparation and execution of said will, such as the initiation of the proceedings for the preparation of said will, or sending for the attorney who drew the will, and the like, I charge you that the law raises a presumption of undue influence exercised by Sarah E. Brown over her father, Joseph William Frost, and casts upon her the burden of showing that the execution of the will offered for probate was not induced by coercion on her part directly or indirectly.

Refused
A.W. Hare
Judge

4. The Court charges the jury that the testator must have sufficient capacity to comprehend the condition of his property, his relation to the objects of his bounty, and the scope of the provisions of his will, and be sufficiently active of memory to collect in his mind without prompting the particulars of the business to be transacted, and to hold them a sufficient length of time to perceive their obvious relations to each other, and to be able to form some rational judgment with relation to them.

Wine
J.M. Ware
Judge

5. The Court charges the Jury that if they believe from the evidence that the will makes an unnatural disposition of the property of the testator, this fact may be taken into consideration, together with or in connection with all the evidence in the case, in the determination of the issues involved.

Refused & Cleared
J.M. Ware
Judge

6. The Court charges the Jury that they are not confined in their consideration of the case to what is deposed to by witnesses upon the stand, but have the right and privilege to consider and weigh all the facts and circumstances appearing in the case further arising from what is deposed to by witnesses or from writings introduced in evidence.

Wine
J.M. Ware
Judge

7. The Court charges the Jury that if you believe from the evidence that the will was obtained by the exercise of influence amounting to coercion, then you must find that the will was obtained by undue influence.

Refused
J.M. Ware

8. The Court charges the Jury that whether the free agency of the testator is destroyed or mastered by physical force or mental coercion, by threats which occasion fear, or by importunity which the testator is too weak to resist; or which exhorts compliance in the hope of peace, is immaterial. In considering the question, therefore, it is essential to ascertain, as far as practicable, the power of coercion, upon the one hand, and the liability to its influence upon the other. And, wherever, through weakness, ignorance, dependence or implicit reliance of one on the good faith of another, the latter obtains an ascendancy which prevents the former from exercising an unbiased judgment, undue influence exists.

*Refused
J. W. Hare
Judge*

9. The Court charges the Jury that it is not the means employed, so much as the effect produced, which must be considered in determining whether undue influence has contributed to the making of a will; for though the influence exerted over the testator was such as, if applied, under ordinary circumstances, or exercised over persons of ordinary powers of resistance, would be regarded as innocent, yet if, in the particular case, it resulted in a disposition of property contrary to the testator's desire, the influence was undue.

*Refused
J. W. Hare
Judge*

10. The Court charges the Jury that in considering the question of whether the free agency of the testator was destroyed or mastered by a mental coercion or by other means or methods of bringing about a submission of the will of the testator to that of the said Sarah E. Brown, it is essential to ascertain, as far as practicable, the power of coercion upon the one hand, and the liability to its influence on the other. And whenever, through weakness, ignorance, dependence, or implicit reliance of one on the good faith of another, the latter obtains an ascendancy, which prevents the former from exercising an unbiased judgment, undue influence exists.

*Refused
J. W. Hare
Judge*

11. The Court charges the Jury that it is not a sound proposition of law to say undue influence, such as will vitiate a will, must necessarily proceed from acts of kindness and deceit upon the part of the one supposed to have exerted the undue influence; but that threats, intimidation, importunity, undue persuasion, putting in fear or dread, or any other way by which one person acquires dominion and control over another, if proven to have constrained the testator to act against his will in executing the paper, will suffice to invalidate it as a will.

Refused
J.W. Havard
Judge

12. The true test as to undue influence is to be found, not so much in the nature and extent of the influence exercised, as in the effect such influence has upon the person who is making the will.

Refused
J.W. Havard
Judge

13. If the Jury believes from the evidence that the instrument offered for probate as the will of Joseph William Frost is the result or product of undue influence exercised by Sarah E. Brown, they should find for the contestant, Carrie E. Havard.

Refused
J.W. Havard
Judge

14. If the evidence in this cause shows that the will was obtained by moral coercion or by the importunity which could not be resisted by Joseph William Frost, you must find the issue in favor of Carrie E. Havard.

Refused
J.W. Havard
Judge

15. If the Jury believes from the evidence that the will makes an unnatural disposition of the property of Joseph William Frost to his wife, Elizann, by giving her a monthly allowance of \$12.00 and the right to the complete use and occupation of their home at Perdido Station, free and clear of all rents, taxes or other charges, then you can take this fact into consideration, together with or in connection with all of the evidence in this case in the determination of the issues involved.

Adrian
A.W. Hare
Judge

16. If the jury believes from the evidence that at the time of the execution of the instrument offered for probate in this cause there existed between Sarah E. Brown and her father, Joseph William Frost, a confidential relationship, in which Joseph William Frost reposed confidence and trust in the said Sarah E. Brown; that the said Sarah E. Brown is a residuary legatee under the said will, and that she was active in and about the preparation and execution of the will, such as bringing her father, Joseph William Frost, to the attorneys for the purpose of making and executing such a will, and the like, - the law raises a presumption of the undue influence exercised by the said Sarah E. Brown over her father, Joseph William Frost, and casts upon her the burden of showing that the execution of the will offered for probate was not induced by coercion on her part, directly or indirectly.

Refused
A.W. Hare
Judge

17. The Court charges the jury, that if they are reasonably satisfied from all of the evidence in this cause, that at the time the said Joseph William Frost executed the paper now offered for probate as his last will and testament, that a confidential relationship existed between Joseph William Frost and Sarah E. Brown, and that Joseph William Frost reposed confidence and trust in the said Sarah E. Brown, that the said Sarah E. Brown was active in and about the preparation and execution of said instrument, such as inducing the said Joseph William Frost to remove his bank account, as well as a will, as theretofore executed by him, from a bank at Atmore to Mobile, and to bring him to the attorneys for the purpose of drafting and executing the instrument offered in evidence in this cause as the last will and testament of the said Joseph William Frost, thereby trying to revoke his former will, and that she was a residuary legatee and for a larger portion of said estate under this instrument than she was under the former will, and further was active in and about concealing the execution of the instrument now offered for probate, - these facts, if proven, to the reasonable satisfaction of the jury, will raise the presumption of undue influence and cast upon Sarah E. Brown the burden of showing that the instrument offered for probate in this cause was not induced by coercion on her part, directly or indirectly.

Refused
J. W. Hare
Judge

18. I charge you, Gentlemen, that if, after hearing and considering all of the testimony and evidence in this case, you are reasonably satisfied that the bequests made in the instrument offered for probate in this cause as the last will and testament of Joseph William Frost for his wife, Elizann Frost, and his daughter, Sarah E. Brown, was an unnatural disposition of the property of the testator, then you may take this fact in connection with all of the other evidence in the case in the determination of the issue of undue influence.

Refused (covered?)
J. W. Hare
Judge

19. I charge you, Gentlemen, that, under the issues in this cause, if you, after taking into consideration all of the evidence in this case touching the value of the estate of Joseph William Frost, and the relationship existing between the said Joseph William Frost and his wife, Elizann Frost, at the time of the execution of the instrument now propounded for probate as the last will and testament of Joseph William Frost, and the bequests as made to the said Elizann Frost, his wife, and Sarah E. Brown, his daughter, and their needs and means of support at said time, and you are reasonable satisfied therefrom that the disposition of his property as made by the said Joseph William Frost in the instrument now offered for probate as his last will and testament, was an unnatural disposition of said property, then you are authorized to take this fact into consideration with all of the other evidence in this cause, in determining the issues in this cause.

Wm. H. Hare
Judge

20. I charge you, Gentlemen, that if, after considering all of the evidence in this case, you are reasonably satisfied that the disposition of the property of Joseph William Frost, as made to his wife, Elizann Frost, and as compared with that made to his daughter, Sarah E. Brown, in the instrument propounded for probate in this cause, was an unnatural disposition of testator's property, you are authorized to take that fact into consideration, with all of the other evidence in this case, in determining the issues involved, and if, after considering said facts together with all of the other evidence in the case, you are reasonably satisfied that the contestant, Carrie E. Havard, has sustained one of the grounds of her contest in this cause, you should return a verdict declaring said instrument not to be the last will and testament of the said Joseph William Frost.

Wm. H. Hare
Judge

*Gene
Havard
Judge*

21. I charge you, Gentlemen, that in reaching a decision in this case as to whether Joseph William Frost made unnatural disposition of his property by the terms of the instrument offered in evidence in this cause as his last will and testament, you have a right to take into consideration, with all of the other evidence, his duty to his wife, Elizann Frost, her age in life, her capacity for earning a living, her loyalty to him during their married life, the natural feelings of a husband, the amount of his estate, the amount he bequeathed her, and the disposition of the balance of his estate and to whom bequeathed.

22. The Court charges the jury that if they believe the evidence in this case, they should return a verdict in favor of the contestant, Carrie E. Havard, and declaring the instrument propounded for probate not to be the last will and testament of Joseph William Frost.

*Refused
Havard
Judge*

Mailed out of this Court House

CIVIL SUBPOENA—COPY—In case witness shall wish to charge for attendance he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred. Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720 A

THE STATE OF ALABAMA
BALDWIN COUNTY

S.D. Page No. *118*

CIRCUIT COURT

Case No. *383*

Term, 193*7*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

if to be found in your County, at the instance of the *Rehr*
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by *830* o'clock of the forenoon, on the *14* day of *Sept* 193*7*
and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to
say, in a certain cause pending, wherein *Joseph William Grant* Plaintiff
and *Will Cortin* Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *3* day of *Sept* 193*7*

R. D. Duck Clerk.

CIVIL SUBPOENA—COPY—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred. Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720 A

THE STATE OF ALABAMA
BALDWIN COUNTY

S.D. Page No.

CIRCUIT COURT

Case No.

Term, 193*7*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

if to be found in your County, at the instance of the *Rehr*
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by *830* o'clock of the forenoon, on the *14* day of *Sept* 193*7*
and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to
say, in a certain cause pending, wherein *Carrie Hauard* Plaintiff
and *Sarah Brown* Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this *10* day of *Sept* 193*7*

R. D. Duck Clerk.

THE FIRST NATIONAL BANK
OF ATMORE

\$ 400.00

ATMORE, ALA. July 26, 1935 193

Twelve Months

AFTER DATE, WITHOUT GRACE, I

PROMISE TO PAY TO THE ORDER OF

J. W. FROST

THE FIRST NATIONAL BANK OF ATMORE, ALA.

Four hundred & No/100

DOLLARS

FOR VALUE RECEIVED, WITH INTEREST AT eight PER CENT AFTER DATE

PAYABLE AT THE FIRST NATIONAL BANK OF ATMORE, ALA.

The parties to this instrument, whether maker, endorser, surety, or guarantor, each for himself, hereby severally waive as to this debt, or any renewal thereof, all right of exemption under the Constitution and Laws of Alabama, as to personal property and they each severally agree to pay all costs of collecting, or securing, or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suit or otherwise. And the maker, endorser, surety or guarantor of this note severally waives demand, presentment, protest, notice of protest, suit and all other requirements, necessary to hold them, and they agree that time of payment may be extended without notice to them of such extension. The bank at which this note is payable is hereby authorized to apply on or after maturity, to the payment of this debt any funds in said bank belonging to the maker, surety, endorser, guarantor, or any one of them.

ATTEST:

Mrs Clark Brown (L. S.)

(L. S.)

(L. S.)

MOBILE, ALA.,

2/1 1936 No.

FIRST NATIONAL BANK 61-26
MOBILE 1 ALABAMA

Ex " "
mkz

PAY TO THE
ORDER OF

J. W. Frost

\$1000.⁰⁰

One thousand and no/100

DOLLARS

6

Mrs Clark Brown

LITHOGRAPHED IN MOBILE

May 25. 1936

No.

FIRST NATIONAL BANK 61-26
MOBILE 1 ALABAMA

PAY TO THE
ORDER OF

J. W. Frost

\$400.⁰⁰

Four hundred & no/100

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

CIRCUIT COURT

Case No. 383

Fall Term, 193 7

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Wylie Williams, R. H. Brown, George May,
John Hoan, Danitt Parker, Arthur McMill,

Everett Howard, Luther Arnett, Lois Arnett, Harold McMill, Grace
Brown, A. W. Wilson, Bryant Bryers, R. M. Rabun, Bob Hadley, M. H. Wilkins,
Ramsay Stuart, Edmund Tennstall, Thos Cowart, Mrs. J. W. Frost, Bob Duchs,
Jesse Smith, Mary Green, + John Chason

if to be found in your County, at the instance of the Defendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 14 day of September 193 7, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein In Re: The Estate of George W. Frost, Deceased Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 3 day of September, 193 7

R. S. Duchs CLERK.

24 — 24
Received in office this _____ day of

193

SHERIFF

I have executed this writ

9-11-37

in full

[Handwritten signature]

M. H. Walker

SHERIFF

ORIGINAL

No. 383

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

In the Matter of the

Estate of Joseph William
Frost, Deceased

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this

3rd

day of

September

1937

R. S. Duchs

Clerk.

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama, {
Baldwin County

S. D. Page No. _____

Case No. 383

CIRCUIT COURT

Fall Term, 193 7

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

M. H. Amette

Plantation Ala

if to be found in your County, at the instance of the

Plaintiff

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by _____ o'clock of the forenoon, on the 14th day of September 193 7, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein _____ Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this

3rd

day of

September

, 193 7

R. S. Dush

CLERK.

Received in office this _____ day of _____

193_____

SHERIFF

I have executed this writ

Not found in my County after diligent search and inquiry
this 11 day of Sept 1932
E. L. HOLCOMBE, Sr. Sheriff
R. W. Ferguson

SHERIFF

285
1
Platons Ala
mahile Co

ORIGINAL

Ferguson

No. _____

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this _____ day of _____

193_____

Clerk.

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

CIRCUIT COURT

Case No. 383

Full

Term, 1937

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

John R. Weekly, Roy Weekly,

Edgar R. Camp, Arthur McMill, W. J. Lemant,

L. V. Arnette, Mrs. L. V. Arnette, Will Vaughn,

Clayton Weekly.

if to be found in your County, at the instance of the

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by _____ o'clock of the forenoon, on the 14th day of September 1937, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein _____ Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 3rd day of September 1937

R. S. D. Webb

CLERK.

8 - 7

Received in office this _____ day of

_____ 193_____

SHERIFF

I have executed this writ

*in full extent
as to W. J. Sennant*

f

W. H. Wilkins
SHERIFF

Perdido Alk

ORIGINAL

No. *383*

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this _____ day of

_____ 193_____

Clerk.

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 383

CIRCUIT COURT

Fall Term, 1938

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Jack Curry

if to be found in your County, at the instance of the Contestant
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by 8:30 o'clock of the forenoon, on the 13 day of September 1938, and from day to
day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain
cause pending, wherein Est. J. W. Frost, deceased Plaintiff
and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 2 day of Sept, 1938

R. S. DUCK

clerk - registrar CLERK.

By Willie Thompson

Butler County

Received in office this _____ day of

193

SHERIFF

I have executed this writ

This 22th day of
Sept. 1938

Brooks Bargaris
25.8 S.S. SHERIFF

ORIGINAL

No. 383

Page

(29)

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

At. J. W. Frost,
Deceased

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this 2 day of

Sept
R. S. DUCK

1938

clerk, - register

By Sheriff Thompson Clerk.
Deputy

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA }
BALDWIN COUNTY }

S.D. Page No.

CIRCUIT COURT

Case No. 383

Fall Term, 1935

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Dr. J. H. Frost & J. M. Lambert

if to be found in your County, at the instance of the prognant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 8:30 o'clock of the forenoon, on the 13 day of Sept 1935

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Est. J. W. Frost, Decedent Plaintiff

and Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 12 day of Sept 1935

R. S. DUCK

clerk, - register

Clerk.

By Justice Thompson
Deputy

2 - 0
Received in office this.....day of

193.....

Sheriff.

I have executed this writ

Sheriff.

proponent ✓

ORIGINAL

No. *383*

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Est. J.W. Frost, Dec. 2nd

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this *12* day of

Sept 193 *8*

R.S. Duval

Clerk.

by: Andrew Thompson
Deputy

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 343

CIRCUIT COURT

Sept Term, 1938

To Any Sheriff of the State of Alabama, GREETING;

YOU ARE HEREBY COMMANDED TO SUMMON

G. S. Byrne

if to be found in your County, at the instance of the proponent

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 12th day of Sept, 1938, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Est J. W. Frost Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 31st day of August, 1938

R. S. DUCK

clerk, - register

CLERK.

By Law Alice Thompson
Deputy

Received in office this _____ day of

193_____

SHERIFF

I have executed this writ

By Serving in full
Sept 8th 1938

J. H. Raby
Escambia Co. Ala.
SHERIFF

^{Bunker}
Escambia County

ORIGINAL

No. 383

Page 30

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

~~S. S. Bonner~~
Est. J. H. Frost

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this 31st day of

August 1938

R. S. DUCK

clerk, registered
Clerk.

By Miss Alice Thompson
Deputy

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

CIRCUIT COURT

Case No. 383

September Term, 1938

Baldwin

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Wheeler R. Gay, Everett Howard
R. W. Brown, Luther Arnette,
Lis Arnette, Harold Mc Gill, Grace Brown, A. W. Wilson,
Bryant Bryant, R. M. Robson, Bob Hadley, M. H. Weir, Ramsey Stuart,
Edmund Junstall, Mrs. J. W. Frost, Mary Green, John Chason,
W. R. Vaugan, A. D. Duck, Geo. Byr, B. Lentini, Willard Hamilton, Roy Arnette, H. S. Byrne,
if to be found in your County, at the instance of the proponent

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 12 day of September 1938, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Est. J. W. Frost, Deceased Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 31 day of August, 1938

R. S. DUCK

clerk, - register

CLERK.

By Van Alice Thompson
Deputy

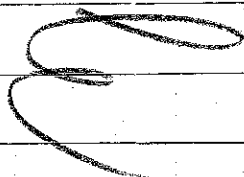
24 - 24
Received in office this _____ day of

193

SHERIFF

I have executed this writ

William Hamilton F. L. H.
Served in full



Mc H. Wilkins

SHERIFF

proponent's witness

Baldwin

ORIGINAL

No. *383*

Page *26*

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Est. J. W. Frost,
deceased -

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this *31* day of

Aug 193 *5*
R. S. DUCK

clerk, - register

By *Santhel Thompson* Clerk.
Deputy

Baldwin County.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama, } S. D. Page No. _____
Baldwin County } Case No. 383 CIRCUIT COURT
Term, 1938

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Clyde Parker, Hodge Wilson, Ramsey Hubby,
Ray Weasley, E. R. Camp, Arthur McMill,
W. J. Tennant, L. V. Arnette, Mrs. L. V. Arnette, S. T. Shiner,
Jim Shiner, Chas. Weasley, Houston, H. W. McMill, A. D. Duck,
Royal Frost, Lue Jackson, Tom Hadley, R. T. Coleman, Jeff Young,
Clyde Brown, Ben Henderson.

if to be found in your County, at the instance of the Contendant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 13 day of Sept 1938, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Est. J. W. Frost, Deced. Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 2 day of Sept, 1938

R. S. DUCK
clerk - register CLERK.

By Wm. Alice Thompson
Deputy

22 — 22

Received in office this _____ day of

193

SHERIFF

I have executed this writ

Served in full
9/5/38

[Signature]

[Signature]
SHERIFF

Don Johnson

Baldwin County

ORIGINAL

No. *383*

Page *27*

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Est. J. W. Frost,
deceased

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this *2* day of

Sept 193*8*

R. S. DUCK

clerk, - register

By *Don Johnson* Clerk.
Deputy

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

Escambia
The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 383

CIRCUIT COURT

September Term, 1938

To Any Sheriff of the State of Alabama, GREETING;

YOU ARE HEREBY COMMANDED TO SUMMON Dec. L. B. Farish, Dec Gibbs,
C. L. Fuller, Alex Drew.

if to be found in your County, at the instance of the Proponent
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,
by 8:30 o'clock of the forenoon, on the 13 day of September, 1938, and from day to
day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain
cause pending, wherein Est. J. W. Frost, deceased Plaintiff
and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 31 day of August, 1938

R. S. DUCK

clerk, - register

CLERK.

By Dea Alice Thompson
Deputy

4 — 4
Received in office this _____ day of

193

SHERIFF

I have executed this writ

by serving
in full, Sept 5, 1938

E

J. R. Raby

SHERIFF

proprietor's witness

Esplanade

ORIGINAL

No.

383

Page

27

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Est. J. W. Frost,
Deceased

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this

31

day of

Aug
193*8*

R. S. DUCK

clerk, - register

By

Santhia Thomas
Deputy

Clerk.

Escambia County

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

CIRCUIT COURT

Case No. 383

June Term, 1938

To Any Sheriff of the State of Alabama, GREETING;

YOU ARE HEREBY COMMANDED TO SUMMON

Alex Duck, Dr. C. F. McRimley D. M.
James, W. J. Duckles, John R. Wuckley, Ruth McMill, Rev. W. W. Leverette,
W. H. Howard, John James

if to be found in your County, at the instance of the Contestant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 13 day of Sept 1938, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Est. J. W. Frost, deceased Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 2 day of Sept, 1938

R. S. DUCK

clerk CLERK.

By Dean Allen Thompson
Deputy

9 9
Received in office this _____ day of

193_____

SHERIFF

I have executed this writ

by
return in full
Sept 5, 1938

[Signature]

J. R. Ruby

SHERIFF

Escambia County

ORIGINAL

No. *383*

Page *26*

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Est. ju. Frost, deceased

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this *2* day of

Sept 193*8*

R. S. DUCK

clerk, - register

Clerk.

By *Wm. Allen Thompson*
Deputy

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA

BALDWIN COUNTY

S.D. Page No.

Case No. 283

CIRCUIT COURT

Fall Term, 1938

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon George Ray

if to be found in your County, at the instance of the Probetant

to be and appear before the honorable, the Judge of the Circuit Court of Ealdwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 13 day of Sept 1938

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Est. J. W. Frost Plaintiff

and Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 12 day of Sept 1938

R. S. DUCK

clerk, & register

Clerk.

W. H. Thompson

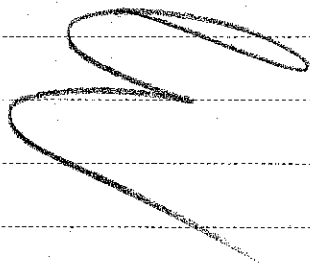
Received in office this.....day of

193.....

Sheriff.

I have executed this writ

This 12 day of Sept.
19-38.



M. H. Wilkins

Sheriff.

B. J. Thacker

Center
Baldwin County

ORIGINAL

No. *383*

Page.....

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Ed. J. Thacker

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this *12*.....day of

Sept
193 *8*

R. S. DUSZ

Clerk.

Samuel Thompson

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 383

CIRCUIT COURT

Fall

Term, 193 8

To Any Sheriff of the State of Alabama, GREETING;

YOU ARE HEREBY COMMANDED TO SUMMON

Houston Wolff

if to be found in your County, at the instance of the Contestant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 13 day of Sept 193 8, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Est. J. W. Frost, Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 2 day of Sept, 193 8

R. S. DUCK

clerk, - register CLERK.

By Andie Thompson
Deputy

Received in office this _____ day of

193_____

SHERIFF

I have executed this writ

Houston walfe

9/9/1938

Escombia

J R Roky

SHERIFF

W W Wise

Contestant

Escombia

ORIGINAL

No. *383*

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Est. B. W. Grant,

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this _____ day of

Sept

193 *8*

R. S. DUCK

clerk, - register

By

Shelley Thompson Clerk.

Deputy

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 383

CIRCUIT COURT

sept Term, 1938

To Any Sheriff of the State of Alabama, GREETING;

YOU ARE HEREBY COMMANDED TO SUMMON

Theo Court

if to be found in your County, at the instance of the prop.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8.30 o'clock of the forenoon, on the 13 day of sept 1938, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Est J.W. Frost Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 31 day of aug., 1938

R. S. DUCK

clerk - register

CLERK.

By Dean Allen Thompson
Deputy

Received in office this _____ day of

193_____

SHERIFF

I have executed this writ

By Serving in full
Sept. 3rd 1938.

E

SHERIFF

ORIGINAL

No. 383

Page

25

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Est. J. H. Frost
Deceased

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this

31

day of

Aug

1938

R. S. DUCK

clerk, - register

By Nora Alice Thompson Clerk.

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 383

CIRCUIT COURT

Sept Term, 1935

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

W. J. Tenant

if to be found in your County, at the instance of the Contestant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 13 day of Sept, 1935, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Est. J. W. Grant, Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 2 day of Sept, 1935

R. S. DUCK

clerk, - register

CLERK.

By Samuel Thompson
Deputy

Received in office this _____ day of

_____ 193_____

SHERIFF

I have executed this writ

Copy on
W J Lament

[Handwritten signature]

J R Roby

SHERIFF

W W Wine *DS*

atmpt. all.

ORIGINAL

No. *383*

Page _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Est. J. L. Trust

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this *2* day of

Sept -
R. S. DUCK

clerk, - register

By

[Signature]
Deputy

Mobile County

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. *383*

CIRCUIT COURT

Fall Term, 193*8*

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

(Plategau)
H. M. Annette,

(Plategau)
Will Vaughn,

Robert W. Biggs
x9

if to be found in your County, at the instance of the *Contestant*

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by *8:30* o'clock of the forenoon, on the *13* day of *Sept* 193*8*, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein *Est. J. W. Frost, deceased* Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this *2* day of *Sept* 193*8*

R. S. DUCK

clerk, - register

CLERK.

By *Nam Alice Thompson*
Deputy

3 -

2

Received in office this _____ day of

193

SHERIFF

I have executed this writ

2-1-1938
Day of Sept 1938
Copy of the within summons
on David Rogers & Estery
for my mit of my Arrears &
Paying me my Arrears for found

R. L. HOLCOMBE, SHERIFF

By

SHERIFF

379 Mobile County

ORIGINAL

Page

No. 383

Page

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Est. J. W. Frost,
Deceased

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this 2 day of

Sept

1938

R. S. DUCK

clerk, - register

Clerk.

By Marshall Thompson
Deputy

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co., Bay Minette, Ala.

The State of Alabama, { S. D. Page No. _____
Baldwin County { Case No. 383 _____ Full Term, 1938
CIRCUIT COURT

To Any Sheriff of the State of Alabama, GREETING;

YOU ARE HEREBY COMMANDED TO SUMMON

✓
Jack Curry, Garland, Ala

if to be found in your County, at the instance of the Contestant

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 13 day of Sept 1938, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Est Jew Frost Plaintiff

and _____ Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 2 day of Sept

1938
R. S. DUCK
clerk, - register

By Paulie Thompson CLERK.
Deputy

Received in office this _____ day of _____

193_____

SHERIFF

I have executed this writ

in Full.
9-9-38

E

SHERIFF

BT Kneen

ORIGINAL

No. *383*

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Est. of W. Frost,
Deceased

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this *2* day of _____

Sept
R. C. DUCK

clerk, - register

By *Sanfilippo Thompson*

Deputy

The State of Alabama, { S. D. Page No. _____ CIRCUIT COURT
Baldwin County { Case No. _____ *Sept* Term, 1937

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

x 11
W J Lunsford
Whistler Ala.

if to be found in your County, at the instance of the *Plly.*

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by *9:30* o'clock of the forenoon, on the *14* day of *Sept* 1937, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein *Carrie Howard is Contention* Plaintiff

and *Sarah Brown* is Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this *9* day of *Sept*, 1937

Reiduck

CLERK.

1 — 1
Received in office this _____ day of

193__

SHERIFF

I have executed this writ

by leaving a copy
with Dr. J. Penant.
September 10, 1937

R. L. Halcombe
SHERIFF

By - Dr. N. Ferguson - H. S.

106
1/1 Echisther mobile Co
ORIGINAL *Long*

No. _____

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Carrie Harard

Plaintiff

VS.

Larue Brown

Defendant

CIVIL SUBPOENA

Issued this _____

day of

Sept 1937

R. S. Duce

Clerk.

The State of Alabama, } S. D. Page No. _____
Baldwin County } Case No. _____ Sept Term, 1937
CIRCUIT COURT

To Any Sheriff of the State of Alabama, GREETING

YOU ARE HEREBY COMMANDED TO SUMMON

J. S. Shinn Prud
Jim Shinn Miss Ruth McGill
Charles Weekly ~~Houston~~ ~~Woolf~~
H. H. McGill

if to be found in your County, at the instance of the Pluh.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 830 o'clock of the forenoon, on the 14 day of Sept 1937, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Carrie Howard is Plaintiff

and Sarah Brown Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 10 day of Sept, 1937

Rodney

CLERK.

5 - 5
Received in office this _____ day of

193

SHERIFF

I have executed this writ

9-11-27

in full

M. H. Wilkins

SHERIFF

ORIGINAL

No. _____

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Carrie Howard

Plaintiff

VS.

Sarah Brown

Defendant

CIVIL SUBPOENA

Issued this

10

day of

Apr

1937

R. S. Duce

Clerk.

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. _____

CIRCUIT COURT

Term, 1937

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Res W W Luntz
Frank H Horne Jack White
Houston Walps

if to be found in your County, at the instance of the Plaintiff.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 830 o'clock of the forenoon, on the 14 day of Sept 1937, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Carrie Howard is Plaintiff

and Sarah Brown Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this

10

day of

Sept

1937

W. A. Dyer

CLERK.

4

—

4

Received in office this

10

day of

Sept

1937

M. H. Wilkins

SHERIFF

I have executed this writ

all except Jack White

on 2nd.

M. H. Wilkins

SHERIFF

M. H. Wilkins

Attware

ORIGINAL

No.

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Carrie Howard

Plaintiff

VS.

Sarah Brown

Defendant

CIVIL SUBPOENA

Issued this

10

day of

Sept

1937

R. D. Deane

Clerk.

CIVIL SUBPOENA--ORIGINAL--In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred
Moore Printing Co. Bay Minette, Ala.

THE STATE OF ALABAMA, Baldwin County.

S. D. Page No.

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA--GREETINGS:

Case No. 383

Fall

Term, 1938

YOU ARE HEREBY COMMANDED TO SUMMON

not at plateau Hill Vaughn Plolm

if to be found in your County, at the instance of the Contestant
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 13th day of Sept. 1938, and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Ed. J. W. Frost Plaintiff and

Herein fail not, and have you then and there this Writ.

R. S. DUCK Defendant.
clerk, - register

Given under my hand and seal, this 2nd day of Sept

1938

By Don Philip Thompson DEPUTY CLERK

Refused
J.W. Ware
Judge

X/ The Court charges the jury
that the fact that a testator
does not divide his property
equally between his next of kin does
not raise a presumption of
mental incapacity.

Given
J.W. Ware
Judge

Y/ A Testator may not be able
to recollect & recall the
names of family & in some cases
as guardians or other relations
& yet be competent to
make a will -

We the jury find the issues
in favor of the Contestant

Foreman

Mind & memory may be
impaired & feeble by age
or disease & yet the testator
possess sufficient capacity
to make a will

Refused
J. H. Hare
Judge

Exhibit 2 to

testimony of

ALABAMA STATE BOARD OF HEALTH
BUREAU OF VITAL STATISTICS

CERTIFIED COPY OF DEATH RECORD

COURT REPORTER

For County Use

CERTIFICATE OF DEATH
STATE OF ALABAMA—BUREAU OF VITAL STATISTICS
STATE BOARD OF HEALTHFile No. for State
Registrar Only.
5-2156

1. PLACE OF DEATH

County Baldwin Beat No. _____
City or Town Perdido, Ala. No. _____ Street _____
R.F.D. _____
(If death occurred in a hospital or institution, give its NAME instead of street and number.)1a. PLACE OF RESIDENCE: State Ala. Length of residence where death occurred yrs. mos. days
(Usual place of abode)County Baldwin Beat _____
City or Town Perdido, Ala. No. _____ Street _____
R.F.D. _____2. FULL NAME Joe Frost

PERSONAL AND STATISTICAL PARTICULARS

3. SEX M 4. Color or Race W 5. Single, Married, Widowed, or Divorced (write the word) Married5a. If married, widowed, or divorced
HUSBAND of Eliza Frost
(or) WIFE of6. DATE OF BIRTH (month, day, and year) March, 18617. AGE Years 76 Months _____ Days _____ If LESS than 1 day, hrs. or min.8. Trade, profession, or particular kind of work done, as spinner, sawyer, bookkeeper, etc. Retired

9. Industry or business in which work was done, as silk mill, saw mill, bank, etc.

10. Date deceased last worked at this occupation (month and year) _____ 11. Total time (years) spent in this occupation _____

12. BIRTHPLACE (city or town) Alabama
(State or country)13. NAME D.K.14. BIRTHPLACE (city or town) D.K.
(State or country)15. MAIDEN NAME D.K.16. BIRTHPLACE (city or town) D.K.
(State or country)17. INFORMANT L. V. Arnette
(Address)18. BURIAL, CREMATION, OR REMOVAL
Place Perdido, Ala. Date 2/19/ 19 37SIGNATURE OF Mrs. G.A. Hedge & Son License No. _____
19. UNDERTAKER (Address) Bay Minette, Ala.20. Filed Feb. 19, 1937 Mrs. T. A. Long
RegistrarReg. Dis-
trict No. 020500 0 Certifi-
cate No. _____
To Be Inserted By Registrar

MEDICAL CERTIFICATE OF DEATH

21. DATE OF DEATH (month, day, and year) February 18, 193722. I HEREBY CERTIFY, That I attended deceased from Feb. 1, 19 37, to Feb. 18, 19 37I last saw him alive on Feb. 18, 19 37, death is said to have occurred on the date stated above, at 5 P. M.

The PRINCIPAL CAUSE OF DEATH and RELATED CAUSES of importance in order of onset were as follows:

Cerebral Hemorrhage

CONTRIBUTORY CAUSES of importance NOT RELATED to principal cause:

Chronic AlcoholismDuration of
Condition

Yrs. Mo. Da.

Was an operation performed? _____ Date of _____

For what disease or injury? _____

What test confirmed diagnosis? _____ Was there an autopsy? _____

23. If death was due to external causes (VIOLENCE) fill in also the following: Accident, suicide, or homicide? _____ Date of injury? _____, 19 _____

Where did injury occur? _____

(Specify city or town, county, and State)

Specify whether injury occurred in INDUSTRY, in HOME, or in PUBLIC

PLACE _____

Manner of injury _____

Nature of injury _____

24. Was disease or injury in any way related to occupation of deceased?

If so, specify _____

(Signed) L. B. Farish, M. D.19 _____ (Address) Atmore, Ala.Burial or Transit
Permit Issued by _____

Date of Issue _____

STATE OF ALABAMA }
MONTGOMERY COUNTY }

I, Leonard V. Phelps, State Registrar of Vital Statistics, State of Alabama, hereby certify that the foregoing copy of the certificate of death of Joe Frost has been compared by me with the original and that it is a true and correct transcript therefrom and of the whole of such original certificate of death as same now appears upon file and of record in my office and in my custody.

Leonard V. Phelps
State Registrar of Vital StatisticsDate September 10, 1937