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 ALABAM			
BALDWIN COUNTY	Case No. 519	Spring,194	O Term, 193
To any Sheriff of the State of Alabama, GR		×	
You are hereby commanded to summon.	James Cook (Magnol		
Mortuary)Louis Smith (Follow H	otel)Dr. W.C.Holm	es, J. Price, Mrs. P	arkman,
William Ard (all of Foley, A	la.)Father Gray(V	ernart Park Chas Ho	iles (Robertsda)
M.M.Woodard (BonSecour)Mr. L	owery (Bay Minette)Freda Steiner (Elbe	rta)Foster
Carson (Magnolia Springs) Mrs. if to be found in your County, at the instance			
to be and appear before the honorable, the Juby 8:30 o'clock of the forenoon, on the		·	
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. of Frank V.	Barchard, deceased.	Plaintiff
and	De	fendant.	
Herein fail not and have you then and t	here this Writ.		
Given under my hand and seal, this			
		R.S. Dice Los	And Clerk.
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Received in office this	ORIGINAL
april 1940 193	No. 519 Page
Sheriff.	THE STATE OF ALABAMA BALDWIN COUNTY
I have executed this writ Low And 4-8-40	CIRCUIT COURT
Jesome Print 4-8-40 we ard 4-8-40	
we and 4-8-40 - 4-8-40	ESTATE OF FRANK V. BARCHARD, DECEASED
Upas Horles 4-9-40	Plaintiff VS.
maler Walter 4-10-40	
W.C. Halmed 4-10-40	Defendant
Ma Jahman 4-10-40	CIVIL SUBPOENA
James Clark 4-8-40 Mr. Christenson 4-8	Issued thisday of
WIR Steers	R. S. DUCK derk, - register
Sheriff.	By Clerk.

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.

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

THE STATE OF ALABAM BALDWIN COUNTY	,	ge No. 519		CIRCUIT CO	URT Term, 193
To any Sheriff of the State of Alabama, Gl					
You are hereby commanded to summor	br. Jo	hn Miller	' (Van An	itwerp Bld	g.,)
	·				
	6.1 60	ntestant			
if to be found in your County, at the instan					•
to be and appear before the honorable, the J	udge of the Circu	uit Court of B	aldwin Coun	ty, at the Cour	t House thereof,
to be and appear before the honorable, the J by 8:30 o'clock of the forenoon, on the	udge of the Circue 11th day	uit Court of B y of Ap charged by lav	aldwin Coun ril, 194 v, then and th	ty, at the Cour	t House thereof,
to be and appear before the honorable, the J	udge of the Circue 11th day	uit Court of B y of Ap charged by lav	aldwin Coun ril, 194 v, then and th	ty, at the Cour	t House thereof,
to be and appear before the honorable, the J by 8:30 o'clock of the forenoon, on the	udge of the Circu e 11th da id Court until dis Est.Fran	uit Court of B y of Ap charged by lav k V. Barc	aldwin Countril, 194 v, then and the	ty, at the Cour	t House thereof,193
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ORIGINAL -

No. 519	
No 2TA	Page

THE STATE OF ALABAMA BALDWIN COUNTY

CIRCUIT COURT

ESTATE	OF	FRANK	BARCHARD,
			y
T - T - T - T - T - T - T - T - T - T -			
DECEASE			

Plaintiff

VS.



CIVIL SUBPOENA

Issued	this			day	of
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THE STATE OF ALABAMA BALDWIN COUNTY	>	No519	CIRCUIT Spring, 19	COURT 940 Term, 193
To any Sheriff of the State of Alabama, GRE	EETING:			
You are hereby commanded to summon		dard and Cla		, of Foley
if to be found in your County, at the instance	of the	eem plair	ntiff	
to be and appear before the honorable, the Jud by 8:30 o'clock of the forenoon, on the	lge of the Circuit	Court of Baldwin	County, at the C	
and from day to day and term to term of said	Court until disch	arged by law, then	and there to testi	ify, and the truth to
say, in a certain cause pending, wherein	Estate of	Frank Barc	hard, deceas	sed Plaintiff
and	* 	Defendant.		
Herein fail not and have you then and the	ere this Writ.	,		
Given under my hand and seal, this 2nd	day of		- 1940 DUCK clerk, regin f.S. fluer	3ter Clerk.
		By	The state of the s	

Received in office this 2nd day of	ORIGINAL
April 19 2 0 193	No. 519 Page.
W.R.Stuart Sheriff.	THE STATE OF ALABAMA BALDWIN COUNTY
M.M.Woodard 4-6-40	CIRCUIT COURT
Claude Peteet 4-6-40	
	Estate of Frank Barchard,
*	De ceased.
	Plaintifi VS.
	Defendant
	CIVIL SUBPOENA
	Issued thisday o
P Thurste	193
Sheriff.	Clerk.

IN	THE	MATTER	OF_	THE	WILL

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN CHANCERY

<u>of</u>

DEMURRER

FRANK BARCHARD, Deceased

Come now Frank V. Barchard and Ira W. Barchard, the proponents of the will of Frank Barchard, deceased, and demurs to the objections to the probate of said will, heretofore filed by Ella Irene Cunningham and as grounds for such demur say:

- 1. That the said objections set forth no facts which are a legal objection to the probating of said will.
- 2. That the said objection sets forth no facts but the mere conclusions of the pleader.

Solicitor for proponents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN THE MATTER OF THE WILL

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

OF

FRANK BARCHARD, DECEASED

Comes now Frank V. Barchard, by his attorney of record, and as the proponent of the will of Frank Barchard, deceased, and for the purpose of making up an issue between himself as the proponent of said will and Ella Irene Cumningham, objector to the probate of said will, admits that the said Ella Irene Cumningham is a daughter of the said Frank Barchard, deceased, and one of the heirs and next of kin of the said Frank Barchard, deceased, and that she is a resident of Foley, Baldwin County, Alabama and over the age of twenty-one years but as to all other averments and allegations contained in the objection to the probate of said will filed by the said Ella Irene Cumningham he denies the same and avers that said allegations are untrue.

Wherefore, having fully answered he prays that the judgment of this court may be entered admitting the said will to probate and record as the last will and testament of Frank Barchard, deceased.

Attorney for Defendant.

PITTERN CORNAL TREETS OF

C.

EREAL BARCEARD, DECEMBER

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MATORER Cereses

conserved the will of Frank Baronand, deceased, and for the purpose of making up an issue between himself as the proponent of said will and Bila Irane Cumulagham, objector to the probate of said will, admits that the said Bila Irane Cumulagham, to the probate of of the said Frank Baronand, deceased, and one of the helms and next of kin of the said Frank Baronand, deceased, and that she is a resident of Foley, Baldwin County, Alabama and over the age of twenty-one years but as to all other averments and allegations contained in the objection to the probate of said Will Filed by the said Eils Irane Cumulagham he denies the same and avers that

N THE GIRCUIT COURT O ALDWIN COUNTY, ALABAM AT LAW FRANK BARCHARD, DECEASED

THE STANK BARCHARD, DECEASED

THE STANK

					(5/7)		
	CIVIL COST BILL — NOTICE — Form 22				Baldwin Times, Ba	y Min	ette
7	HE STATE OF ALABAMA).	¥	N	o 519 CIRCUIT	COT	JRT
	BALDWIN COUNTY	}	٠.				and the second of the second
	THE EST. OF FRANK BARCHARD)	1	J.	- ·		
<u>:::-</u>	DECEASED	- -/	 T	7S.	<u> </u>		
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	DEAR SIRS: At theApril		-1940		Term, 1990, of the Circuit Cou		
	The Est. of Frank Barchard	<u>d, c</u>	leceas	eđ_	was transferred back to Pro	bat	-Court
	vered a judgment against					•	
for t	he sum of				Dollars, cost of su ne cause to be made of the goods and chattels		Dollars
oesio was	les	f of t	he State t	hat l	Dollars, cost of su ne cause to be made of the goods and chattels	it, and	d execution I and tene-
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urn pens respe	ed said exception indorsed, "No Property For e of an execution against you, I herewith incle ectfully request that you will, on receipt of the ution to the Sheriff of your County for colle	und," lose a nis, re ction.	and the c n itemized mit the ar	_the osts stat noun	amount of the judgment and costs, and the have never been paid. In order to save you the ement of the costs which have accrued in the Lift of the costs which have accrued in the Lift of the costs which have accrued in the Lift of the	Sherne add said will f	iff has re- litional ex- cause, and orward the Clerk.
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	CLERK'S FEES	@	Amount		SHERIFF'S FEES	@	Amount
1	Issuing Summons and Complaint,	\$1.25	<u> </u>	1 1	Levying Attachment	\$3,000	
3	Issuing copies thereof, Making every copy thereof, when over 200	1 1	1 1 1	2	Entering and returning Attachment,	25	
4	words, per 100 words Entering Sheriff's return or copy thereof	15 20		5	Serving Summons and Return, Serving Ly Suppoenas.	1.50	11.05
5	Docketing cause, to be charged but once, Entering Appearance	25 20	150	16	Impaneling jury, Waking deed,	751	
7	Filing		ISO	8	Serving Summons, forcible entry, etc., Executing writ of restitution or possession,	1.50	
8	ings, for each, Every trial, with or without jury, and its incidents, not including judgments by default,			l 10	Collecting, execution for cost Serving Serving Sei. Fa. notices, etc.,	1.50	
	or nil dicit.	1 75		12	Serving any summons not provided for and	- 1	
10	Entering Continuance, (each) Entering Judgment, (each) Entering any other order of Court (each)	10 30	430	13	return,	-1.5011	
$\frac{1}{2}$	Issuing Scire Facias, or notice in the	1		14 15	Taking and approving bond, Seizing personal property in detinue, Collecting money under execution, 5% first	3.00	
3	nature thereof, (each) IssuingExecution or copy thereof; (each)	50		ļ	L \$200.00: 4% to \$500.00: 3% all over \$500.00.1	- 11	
4	Entering return, or copy thereof, for each 100 words, 15 cents; but in no case less than	1		17	Selling property attached, same for selling under execution,	:	
5	Recording award of arbitrators, referees, audi-			18	Former Sheriff's fees,		
6	tors, etc., for each 100 words, Issuing execution or attachment thereon, and	į į				5°	11.05
7	entering return, Taking bond for certiorari supersedeas, or ap-	i					
8	peal, or copy thereof and filing same	75 30	5.10				
9	Administering an oath, not relating to a trial pending and certifying the same,						
0	Issuing Attachment and taking bond, (ea.) Filing papers in attachment, (each)	1.00					
2	(Asuing Summons for garnishee, (each)	50					
3	Swearing and taking examination for Garni- shee and recording same, for each 100 words						
4	15 cts; but not less than Order to advertise, or order of survey, or				· ·		
	copy thereof, Certificate of Judgment,	50			Total Sheriff's Fees,		
ć	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but				RECAPITULATION		
	not less than,	25			MECHITODATION	:	
	Issuing Commission to take depositions, or copy thereof,	75		1	Clerk's Fees,	ᆀ	L_55
- 1	Making copy of interrogatories accompanying commission,	50		3	Clerk's Fees, Sheriff's Fees,	-54	L.05
0 1	Or for each 100 words,	15 10		5	Sneriff's Fees, Witness Fees in Circuit Court,	- 51	20
1	Indorsing package of deposition, opened (each).	10		6	Justice of the Peace Fees, Witness Fees, in Justice of the Peace Court		
2	Issuing writ of ad quod damnum or writ in the nature thereof.			8	Commissioner's Fees, Commissioner's Residence,		
3	Recording the return and inquest thereon,	50		10	Constable's Fees		
5	Or for each 100 words. IssuingWrit of certiorari, prohibition,			12	Garnishee's Fees, Printer's Fees,	- 41	
6	mandamus, or writ in the nature therof, Filing the same and entering return.	15		13 14	Stenographer's Fees, Trial Tax,	3	വ
i	Making a complete record of a cause or copy thereof, for each 100 words,	15	4.00				•
8	Making copy of any paper not herein provided for, for each 100 words,		-			5	2.80
9	Making each certificate requiring the seal of						
0	office, and affixing seal, Taking any bond not otherwise provided for,	75	- -		'		*.*
1	Making necessary certificates not other- wise provided for, (each witness),	25	.25		11-	411	
	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,	5.00			1	اسرا	2 K
3	Record for Supreme Court, for each 100 words Each additional copy thereof, each 100 words	15 05			1 Dinount	5	1 1
1 5	Collecting money on judgments wherein said				Total Fees, July		
	judgment has not been paid within 30 days after rendition, one half the per cent allow-			15	Judgment.		
	ed sheriffs for same services for collecting money on executions,		:	17	Interest,		
	• 1		1 1		Damages,		
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İ					Total Judgment,		
	Total Clerk's Fees,		1.55	-	Total Judgment, Interest and Damages, Grand Total,		

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THE STATE OF ALABAMA, : IN THE CIRCUIT COURT BALDWIN COUNTY. : LAW SIDE

THE ESTATE OF FRANK BARCHARD,) CIVIL NUMBER 519.

TRANSCRIPT FROM CIRCUIT COURT

ORDER OF TRANSFER FROM PROBATE COURT TO CIRCUIT COURT.

THE STATE OF ALABAMA, PROBATE COURT. COUNTY OF BALDWIN.

IN THE MATTER OF AN INSTRUMENT OF WRITING PURPORTING TO BE THE LAST WILL AND TESTAMENT OF FRANK BARCHARD, DECEASED.

Came Ella Trene Cunningham, and objects to the probate in this Court, of the proposed will of Frank Barchard, Deceased, filed on the 8th day of May, A. D., 1939, alleging that she is one of the heirs-at-law and next of kin of said deceased, residing in Foley, Baldwin Co., Ala., and assigns her grounds of contest, and requests and demands that the contest of said proposed will be transferred to the Circuit Court of Baldwin County, Alabama, for trial, and before a jury.

It is ordered by the Court, that the proof of said instrument as such Will, with the contest proceedings instituted therein, and all papers and documents on file in this Court pertaining to this proceeding, be and are hereby transferred to Hon. R. S. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, for trial in said Circuit Court.

In Witness Whereof, I have hereunto set my hand, at office, in Bay Minette, Alabama, this 25th day of May, A. D., 1939.

G. W. ROBERTSON Judge of Probate.

DEMUR.

Comes now Frank V. Barchard and Ira W. Barchard, the proponants of the will of Frank Barchard, deceased, and demurs to the objections to the probate of said will, heretofore filed by Ella Irene Cunningham and as grounds for such demur say:

- l. That the said objections set forth no facts which are a legal objection to the probating of said will.
- 2. That the said objection sets forth no facts but the mere conclusions of the pleader.

LLOYD A. MAGNEY. Solicitor for Proponants.

Filed June 27,1939, R.S.DUCK, Clerk, By:NanAlice Thompson, Deputy.

ORDER OF COURT.

8/23/39:Demurrer to Petition, or contest, overrulled.

ANSWER.

Comes now Frank V. Barchard, by his attorney of record, and as the proponent of the will of Frank Barchard, deceased, and for the purpose of making up an issue between himself as the proponent of said will and Ella Irene Cunningham, objector to the probate of said will, admits that the said Ella Irene Cunningham is a daughter of the said Frank Barchard, deceased, and one of the heirs and next of kin of the said Frank Barchard, deceased, and that the is a resident of Foley Baldwin County Alabama, and and that she is a resident of Foley, Baldwin County, Alabama, and over the age of twenty-one years but as to all other averments

and allegations contained in the objection to the probate of said will filed by the said Ella Irene Cunningham he denies the same and avers that said allegations are untrue.

wherefore, having fully answered he prays that the judgment of this court may be entered admitting the said will to probate and record as the last will and testament of Frank Barchard, deceased.

> LLOYD A. MAGNEY, Attorney for Defendant.

Filed August 30, 1939, R. S. DUCK, Clerk, By: NanAlice Thompson, Deputy.

ORDER OF COURT.

4/10/40: Proponent concedes that the will offered for probate is not properly and legally executed and not entitled to probate & judgment is entered accordingly, holding the will invalid.

CLERK'S CERTIFICATE.

I, R. S. Duck, Clerk of the Circuit Court of Baldwin County, Alabams, do hereby certify the above and foregoing proceedings, as a true and correct copy of all proceedings had and done in the Circuit Court in the case of THE ESTATE OF FRANK BARCMARD, DECEASED, Civil Number 519; I also certify all original papers in said cause, viz: 1. Petition to Probate Will; 2. Order Setting Day to Probate Will; 3. Notice of Ira W. Barchard, of Day for Hearing of Will; 4. Notice to Ella Trene Cunningham, of Day for Hearing of Will; 5. Subpoena on Probate of Will; 6. Will of Frank Barchard, deceased; 7. Letter from Smith & Johnston, Attorneys, addressed to the Probate Court, Baldwin County; 8. Petition for Contest and Transfer to Circuit Court; 9. Copy of Order Transferring file and contents to Circuit Court; which were transferred to this Court from the Probate Court of Baldwin County, Alabama, back to the Honorable G. W. Robertson, Judge of Probate of said County.

Given under my hand and seal of Office, this the 18th day of April, A.D., 1940.

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

LLOYD A. MAGNEY LAWYER FOLEY, ALABAMA

April 15th, 1940

Hon. R. S. Duck,

Clerk of the Circuit Court,

Bay Minette, Alabama.

Re: Will of Frank Barchard

Dear Sir:-

The Court entered a final judgment in this matter the other day and it is now your duty, under Section 10636 of the Code, to certify the transcript of this judgment of the Circuit Court, together with all of the papers and documents heretofore certified to the Circuit Court by the Probate Court, back to the Probate Court.

I expect to file another will for probate in this same matter shortly and will appreciate it if you will comply with the requirements of Section 10636 at once.

Very truly yours,

LAM: C