

April 24, 1934.

Mrs. R. H. Walker,

Miss Nannie Leslie,
Athens, Alabama.

Dearm Mesdames:-

I have prepared an objection and protest against the appointment of Mr. Peebles as administrator of the estate of Miss Snow Pryor, which I herewith enclose for your signatures and to be filed after considering what is to follow:

Our statute, section 5730 of the Code of 1923, enumerates the disqualifications of a person to act as executor or administrator: "Any person. . . . who is under the age of 21 years, or who has been convicted of an infamous crime, or who, from intemperance, improvidence, or want of understanding, is incompetent to discharge the duties of the trust."

Our Supreme Court has held that the statute by enumerating the causes of incompetence, thereby excluded all other reasons or causes. *Nicholas vs. Smith*, 65 Southern Reporter, page 30. And that where the applicant had a prior right letters of administration could not be denied him on account of general bad character and mistreatment of the deceased during his lifetime.

Another decision by our Supreme Court is more apt to the question here involved. In *Kidd vs. Bates*, 23 So. Rep., p. 535, 537, it was held that the fact that the applicant had by fraud and coercion obtained a large amount of property from the decedent a short time before his death, which he (the applicant) was claiming to the prejudice of the estate, was not within the enumerated grounds of disqualification mentioned in the statute, and that the Probate Court could not, for that reason, refuse to issue letters on the application.

The purpose of the above is to show you that if Mr. Peebles litigates your protest and objections, he will win and letters of administration will, notwithstanding your objections, be issued to him. It is for you to decide, in the light of this information, whether or not you care to file the protest and objections.

Very truly yours,

J. G. Rankin