

J. H. Reichert,
Plaintiff,

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA.

AT LAW.

-vs-

Jerome H. Sheip, Inc., and
Fannie I. Becker,
Defendants.

It is agreed between the parties to the above stated cause that motions by the defendants to suppress the depositions of the witnesses Cecelia Leland and Mary O. Thomas shall be heard and determined by the Judge of the said Court in vacation, with all convenient speed and dispatch, and that the rulings of the Judge in that behalf shall have the same force and effect as if made and entered in term time.

Executed, in duplicate, this the 29th day of December, 1923.

Harry J. Smith & Cassy
Attorneys for Plaintiff.

Stephen M. Cony, M. L. Lark & George
J. H. Webb
Attorneys for Defendants.

J. H. Reichert,
Plaintiff,

-vs-

Jerome H. Sheip, Inc., and
Fannie I. Becker,
Defendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
A L A B A M A.

AT LAW.

Come the above named defendants and move the Court to scratch the deposition of Mary O. Thomas, a witness on behalf of plaintiff, whose deposition heretofore has been taken and filed in the said cause, this motion being upon each of the following separate grounds:-

1. Said deposition was taken upon written interrogatories under a commission ordering the taking of the same upon interrogatories, and the affidavit filed shows as the only ground or reason for taking the deposition that the said witness is a woman.

2. The affidavit filed in said cause shows as the only reason for taking the deposition of the said witness that she is a woman and a material witness for plaintiff. The affidavit was accompanied by written interrogatories on behalf of the plaintiff to the said witness. The notice given to the defendants was merely a notice of the filing of interrogatories and the commission issued to the Commissioner who took the said deposition instructed and authorized the taking of the said deposition upon interrogatories.

3. Said deposition was taken under Sub-division 1 of Section 4030 of the Code of Alabama, and not under Sub-division 3 of said Section, and it was taken under written interrogatories and the commission authorized the taking of the same upon written interrogatories and the affidavit filed to support the issuance of the commission gave no reason for the taking of the deposition other than that the witness was a woman and that she was a material witness.

4. Under the laws of Alabama a deposition in a case at law cannot be taken upon written interrogatories under Sub-division 1 of Section 4030 of the Code of Alabama.

James McConry McLeod Gook
J. H. Habb
ATTORNEYS FOR DEFENDANTS.

J. H. Reichert,
Plaintiff,

-vs-

Jerome H. Sheip, Inc., and
Fannie I. Becker,
Defendants.

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
A L A B A M A.

AT LAW.

Come the above named defendants and move the Court to scratch the deposition of Cecelia Leland, a witness on behalf of plaintiff, whose deposition heretofore has been taken and filed in the said cause, this motion being upon each of the following separate grounds:-

1. Said deposition was taken upon written interrogatories under a commission ordering the taking of the same upon interrogatories, and the affidavit filed shows as the only ground or reason for taking the deposition that the said witness is a woman.

2. The affidavit filed in said cause shows as the only reason for taking the deposition of the said witness that she is a woman and a material witness for plaintiff. The affidavit was accompanied by written interrogatories on behalf of the plaintiff to the said witness. The notice given to the defendants was merely a notice of the filing of interrogatories and the commission issued to the Commissioner who took the said deposition instructed and authorized the taking of the said deposition upon interrogatories.

3. Said deposition was taken under Sub-division 1 of Section 4030 of the Code of Alabama, and not under Sub-division 3 of said Section, and it was taken under written interrogatories and the commission authorized the taking of the same upon written interrogatories and the affidavit filed to support the issuance of the commission gave no reason for the taking of the deposition other than that the witness was a woman and that she was a material witness.

4. Under the laws of Alabama a deposition in a case at law cannot be taken upon written interrogatories under Sub-division 1 of Section 4030 of the Code of Alabama.

Stewart McConney, M. L. L. L. L.
J. H. Hubb
ATTORNEYS FOR DEFENDANTS.