

Plaintiffs Ex B
12/11/20 MDL

J. H. Reichert,
Plaintiff,

vs.

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

IN THE CIRCUIT COURT OF MOBILE
COUNTY, ALABAMA.

Present:

William G. Caffey, Esquire, of Counsel for plaintiff,
T.M. Stevens and J.H. Webb, Esquires, of Counsel for Defen-
dants.

The deposition of Anna LeLand, a witness for
the plaintiff in the above entitled cause, being examined as
a witness on behalf of the plaintiff, which cause is pending in
the Circuit Court of Baldwin County, Alabama, taken under and
pursuant to the attached commission between counsel, at the
offices of Messrs. Harry T. Smith and Caffey, City Bank Building,
Mobile, Alabama.

J. H. Reichert,
Plaintiff,

vs.

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

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

TESTIMONY TAKEN ON BEHALF OF PLAINTIFF IN THE ABOVE STYLED CAUSE.

Present:-

William G. Caffey, Esquire,
of Counsel for Plaintiff;
T.M. Stevens and J.H. Webb, Esquires,
of Counsel for Defendants.

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ANNA LELAND, a witness for the plaintiff in above
entitled cause, after being first duly sworn, testified as
follows:-

DIRECT EXAMINATION
By William G. Caffey, Esq.:

- Q. What is your name? Ans. Anna Leland.
- Q. Are you related in any way to Louis Durette? Ans. Yes sir, I am his grand-daughter.
- Q. Who was your Father? Ans. Joseph Durette.
- Q. Was Joseph Durette a son of Louis Durette? Ans. Yes sir.
- Q. Can you name the other children of Louis Durette?
Ans. I believe I can.
- Q. Will you name them, please? Ans. Joseph Durette,
Isadore Durette, Regis Durette, and then there was Adelaide
Leland, Charles Leland's wife, and Claire Leland, Charlotte
Durette, Genevieve Durette and Babee Durette.
- Q. Was there another? Ans. Nanette Rochon.
- Q. How about Margaret Durette? Ans. Yes sir, Margaret Durette.
- Q. Is Margaret Durette, -- are Margaret Durette, Genevieve
Durette, Babee Durette, Charlotte Durette and Regis Durette
living or dead?
Ans. They are all dead.
- Q. Did they die before or after their Father, Louis Durette?
Ans. They died after their Father.
- Q. Was Margaret Durette married or unmarried at the time of
her death? Ans. Unmarried.
- Q. Left no children? Ans. No sir.
- Q. Was Genevieve Durette married or unmarried at the time of
her death? Ans. Unmarried.
- Q. Left no children? Ans. No sir.

- Q. Was Babee Durette married or unmarried? Ans. Unmarried.
- Q. And left no children? Ans. No sir.
- Q. How about Charlotte Durette? Ans. She was also unmarried and left no children and Regis was unmarried and left no children.
- Q. Did Joseph Durette, your Father, leave any children?
Ans. Yes sir.
- Q. Will you name them, please? Ans. Vincent Durette, Joseph Durette, Regis Durette, and Peter Durette, were the sons, and the daughters were Lucienne Durette, Pauline Durette, Isabella Durette, Eugini Durette, - -
- Q. Who else? Ans. Catherine Boudan.
- Q. How about yourself? Ans. And myself, Anna Leland.
- Q. Which ones of your Father's children are now living?
Ans. Eugini Durette and myself, Anna Leland.
- Q. Is Eugini Durette the same person who gave you a power of attorney to convey her interest in the Louis Durette claim?
Ans. Yes sir.
- Q. She is your sister? Ans. She is my sister, yes sir.
- Q. Is Catherine Boudan living or dead? Ans. She is dead.
- Q. Did she die before or after her Father? Ans. She died after her Father.
- Q. Did she leave any children? Ans. Yes sir, she left four children.
- Q. What were their names? Ans. Joseph, John, Anna and Alice Boudan.
- Q. Which ones of these children are living? Ans. All are living except Annie. She is dead. She died before her Mother.
- Q. Is John Boudan the same person who executed a power of attorney to you to convey the Louis Durette claim?
Ans. He is.
- Q. Is he married? Ans. Yes sir, he is married.
- Q. What is his wife's name? Ans. Cecelia Boudan.
- Q. Is Joseph Boudan living or dead? Ans. He is living.
- Q. Is Alice Boudan the same person who joined in that power of attorney we have been talking about? Ans. Yes sir.
- Q. Go back now a minute to your Father's family, - I wish you would state whether Peter Durette, Vincent Durette, Isabella Durette, Pauline Durette and Lucienne Durette are living or dead?
Ans. They are all dead.
- Q. Were any of those five married? Ans. Peter Durette was married.

- Q. All of the others were unmarried? Ans. Yes sir.
- Q. Did they die before or after their Father? Ans. They died after their Father.
- Q. Leaving no children? Ans. No sir.
- Q. Did Peter Durette leave any children? Ans. He had one child who died before he did.
- Q. The name of that child was what? Ans. It was Peter, also.
- Q. Are you the same Anna Leland who executed the deed to Mr. J. H. Reichert to the Louis Durette claim?
Ans. Yes sir.
- Q. Is Joseph Durette, Jr., the son of your Father, living or dead? Ans. He is dead.
- Q. Did he die before or after your Father? Ans. After my Father.
- Q. Did he leave any children? Ans. Yes sir, I will give you the names: Joseph, Charles, Catherine and Mary.
- Q. Was Mary married or not? Ans. Mary ^{there was another} Thomas, and ^{one} named Coleman, Pauline Coleman.
- Q. Any other children? Ans. No sir, that is all.
- Q. Now, which ones of those are living? Ans. Catherine is dead and all the rest are living.
- Q. Was Catherine married or unmarried when she died?
Ans. She was unmarried, but she had a child that is living yet.
- Q. She had a child? Ans. Yes sir.
- Q. What is that child's name? Ans. Agnes Coleman, niece to Nathan Coleman. Thomas Coleman, one of his nephews, is married to Agnes Coleman.
- Q. Did Mary Thomas, Joseph Durette, Charles Durette and Pauline Coleman, or any of them, join in that power of attorney that we have been talking about? Ans. Yes sir.
- Q. Which ones? Ans. Pauline and Mary and Charles.
- Q. Do you remember whether Joseph did or not? Ans. Joseph was not dead. He is not dead now.
- Q. Do you know whether he joined in that power of attorney to you, - you know whether Joseph joined in that power of attorney, or not?
Ans. No sir, I couldn't tell you.
- Q. Is Regis Durette living or dead? Ans. He is dead.
- Q. Did he die before or after his Father? Ans. He died after his Father.
- Q. Did he leave any children? Ans. Yes sir.

- Q. Will you name those for us? Ans. Edward, Louis, Ignacious, Francis X., Mary Tipp, Josephine Tanner, and Eugenia Tipp, and that is all that is living.
- Q. Did he have another daughter? Ans. He had another daughter, named Clara, but she is dead.
- Q. Was that Clara Denton? Ans. Yes sir, but she is dead.
- Q. Did she die before or after her Father? Ans. Before.
- Q. Are any of the other of the children of Regis Durette dead besides Clara? Ans. Edward and Louis are dead.
- Q. All of the rest of them are living? Ans. Yes sir.
- Q. Did Edward leave any children? Ans. No sir, he didn't have any children.
- Q. Was he married? Ans. Yes sir.
- Q. Is his wife dead? Ans. His wife died before he did.
- Q. He had no children? Ans. No sir.
- Q. Louis, - was he married or unmarried at the time of his death? Ans. Unmarried.
- Q. Had no children? Ans. No sir.
- Q. Is Isadore Durette living or dead? Ans. He is dead.
- Q. Did he leave any children at the time of his death?
Ans. Yes sir, he left, I believe it was five, - Boltaire Durette, Bertile Collins, Leonine Collins and Constance Durette.
- Q. Any others? Ans. No sir, I believe that is all.
- Q. How about Isabella Trenier? Ans. That is so, I forgot her.
- Q. Now did Isadore Durette die before his Father, Louis Durette, or afterwards? Ans. After his Father.
- Q. Is Boltaire Durette living or dead? Ans. He is dead.
- Q. Did he die before or after his Father, Isadore Durette?
Ans. Before.
- Q. Leave any children? Ans. Yes sir.
- Q. Will you name them? Ans. Simon Durette, Jules Durette, Maximillian Durette, Palixand Elly, Onerine Trenier and Mary Dickerson.
- Q. Is Jules Durette living or dead? Ans. He is dead.
- Q. How long ago has it been since he died? Ans. He died last month, - I forget the date.
- Q. Has not been more than two months ago? Ans. Has not been quite two months, - he died in February, but what day I forget just now.
- Q. Is Palixand Elly living or dead? Ans. She is living.

- Q. Is Onerine Trenier living or dead? Ans. She is living.
- Q. Is she married? Ans. Yes sir.
- Q. What is her husband's name? Ans. Simon Trenier.
- Q. Is he living? Ans. Yes sir.
- Q. Mary Dickerson, - is she living or dead? Ans. She is living.
- Q. Is she married? Ans. Yes sir.
- Q. What is her husband's name? Ans. Some Dickerson, - Willie Dickerson, I believe, - I don't know if that is right.
- Q. Is Simon Durette living or dead, - son of Boltaire?
Ans. He is dead.
- Q. Did he die before or after his Father? Ans. He died after his Father.
- Q. Did he leave any children? Ans. He left one child and he is dead.
- Q. His name was what? Ans. His name was Simon.
- Q. Did he die before or after his Father? Ans. He died after his Father.
- Q. Did he leave any children? Ans. He left one child.
- Q. What is his name? Ans. Simon, Jr.
- Q. He is living, is he not? Ans. Yes sir, he is living.
- Q. Is Maximillian Durette living or dead? Ans. He is dead.
- Q. Did he die before or after his Father? Ans. He died after his Father.
- Q. Did he leave any children? Ans. Yes sir.
- Q. Who were they? Ans. John Durette, Boltaire Durette, Clotilda Collins, Monica Andre, and Onerine Durette, - she is dead.
- Q. Did she die before or after her Father? Ans. She died after her Father.
- Q. Are all the rest of them living? Ans. John, Boltaire, Clotilda Collins and Monica Andre are living.
- Q. Is Nanette Rochon living or dead? Ans. She is dead.
- Q. Did she die before or after her Father, Louis Durette?
Ans. After.
- Q. Did she leave any children? Ans. Yes sir, she had a son and daughter.
- Q. What was her son's name? Ans. Wilson Rochon, and her daughter's name was Irene Rochon.
- Q. Is Wilson Rochon living or dead? Ans. He is dead.
- Q. Did he die before or after his Mother? Ans. After his Mother.

- Q. Did he leave any children? Ans. Yes sir, he did, and he died after his Father.
- Q. What is his name? Ans. Theophile Rochon.
- Q. Did he die, you say, after both his Mother and Father?
Ans. Yes sir.
- Q. Did he leave any children? Ans. No sir, he was not married.
- Q. What was the other child of Nanette Rochon named?
Ans. Irene, I believe.
- Q. Irene Rochon? Ans. Yes sir.
- Q. Is she dead? Ans. Yes sir.
- Q. Did she die before or after her Mother? Ans. She died before her Mother.
- Q. Died before her Mother? Ans. Yes sir.
- Q. Claire Leland, - is she living or dead? Ans. She is dead.
- Q. Did she die before her Father, Louis Durette, or after?
Ans. Died after.
- Q. What children, if any, did she leave? Ans. Who, Claire Leland?
- Q. Yes, Claire Leland? Ans. Adolph Leland, Justine Leland -
- Q. Was Justine married or not? Ans. Yes sir, she was married.
- Q. What was her name? Ans. Justine Gates.
- Q. Who else? Ans. Louise Samson - - -
- Q. How about Maxine Leland? Ans. Yes sir.
- Q. Is Maxine one of her children? Ans. Yes sir, she is one of her children.
- Q. Are any of those children, - Adolph Leland, Justine Gates, Louise Samson - - - -
Ans. There was another son, I believe, of Claire.
- Q. What was his name? Ans. Lucien Leland.
- Q. Are any of those five children of Claire Leland living?
Ans. No sir, there is none of the children living.
- Q. Did Maxine Leland die before or after her Mother?
Ans. Died after her Mother, and after her Father also.
- Q. Was she married or unmarried? Ans. She was unmarried.
- Q. Left no children? Ans. No sir.
- Q. Did Lucien Leland leave any children? Ans. Yes sir, left a girl.
- Q. What was her name? Ans. She is in New Orleans, I think - her name is Victorine, - her name was Victorine Sarrah when she was here, and I don't know her husband's name.

- Q. Justine Gates, - is she living or dead? Ans. She is dead.
- Q. Leave any children? Ans. No sir, she had one daughter and she died before her.
- Q. How about her husband, is he living? Ans. No sir, he died before she did.
- Q. Louise Samson, - did she leave any children? Ans. She did leave a daughter that died after she did, named Annie Samson.
- Q. Was she married or unmarried? Ans. Unmarried.
- Q. She leave any children? Ans. No sir.
- Q. Is Louise Samson's husband living or dead? Ans. He is dead.
- Q. Did he die before or after she did? Ans. Died before he did.
- Q. Adolph Leland, is dead, - did he leave a widow, - is his wife living?
- Ans. Yes sir, he left a widow, but she is dead. She died since his death.
- Q. What children did she leave? Ans. She left Adolph Leland, Jr., and Joseph Leland, - that is all the sons, I believe. The daughters are Celestine Barney, Clementine Parker, and Cecelia Leland, Aleada Glaude and Clara Durant.
- Q. Was there another boy who died before his Father? Ans. Yes sir, died as a child. His name was Gustave.
- Q. Died as a boy without any children? Ans. Yes sir.
- Q. Now, is Cecelia Leland, Aleada Glaude, Clara Durant and Joseph Leland living?
- Ans. Yes sir.
- Q. Is Cecelia Leland married or unmarried? Ans. Unmarried.
- Q. Is Aleada Glaude married or unmarried? Ans. Married. Her husband's name is Arthur Glaude.
- Q. How about Clara Durant's husband? Ans. Gabe Durant.
- Q. Is he living? Ans. I never heard of his death.
- Q. Is Joseph Leland married or unmarried? Ans. Yes sir, he is married.
- Q. What is his wife's name? Ans. They call her Mamie.
- Q. Is Celestine Barney living or dead? Ans. She is dead.
- Q. She died before or after her Mother? Ans. Died after her Mother and Father.
- Q. Did she leave any children? c Ans. Yes sir.
- Q. I wish you would name them? Ans. Let's see, - Buddy- -
- Q. Did he die before or after his Mother? Ans. He died before his Mother.

- Q. Didn't leave any children? Ans. Yes sir, I believe he left two or three.
- Q. All right, who are the others? Ans. Alfred Barney, Samuel Barney, - -
- Q. Living? Ans. Yes sir.
- Q. All right? Ans. Victoria Barlow - -
- Q. Living? Ans. Yes sir.
- Q. All right? Ans. and Cecelia Wooden.
- Q. Is she living or dead? Ans. She is living.
- Q. Is Clementine Parker living or dead? Ans. She is dead.
- Q. Did she die before or after her Father, Adolph Leland?
Ans. She died before her Father.
- Q. Died before her Father? Ans. Yes sir.
- Q. How about Adolph Leland, - is he living or dead?
Ans. He is dead.
- Q. Did he die before or after his Father? Ans. He died before his Father, also.
- Q. Can you name the children of Clementine Parker, and state if all of her children are living?
Ans. I believe so, - all that I know.
- Q. Name them, please? Ans. Joseph Parker, August Parker, Ambrose Parker, Felix Parker, Edwinia Parker, Octavia Hill and Margaret Glover.
- Q. How about Theodore Parker? Ans. Yes sir, Theodore is one of the children, - and Randolph Parker.
- Q. Any others that you remember? Ans. No sir.
- Q. How about Irving? Ans. Yes sir.
- Q. Is he one of the children? Ans. Yes sir, he is one of the children.
- Q. Do you remember the children of Adolph Leland, Jr.,?
Ans. Yes sir, I believe so.
- Q. All right, see if you can name those? Ans. Albert Leland, - -
- Q. Living? Ans. Yes sir.
- Q. All right? Ans. Phillip Leland.
- Q. Living? Ans. Yes sir.
- Q. All right? Ans. Elloise Leland.
- Q. Living or dead? Ans. Living.
- Q. All right? Ans. Augusta Leland.

- Q. Augusta Leland? Ans. Yes sir.
- Q. Living? Ans. Yes sir.
- Q. Is she married or unmarried? Ans. Married.
- Q. What is her husband's name? Ans. You will have to call it.
- Q. Bodden? Ans. Something of that kind, - ain't you got it down.
- Q. Do you remember any more of them? Ans. Yes sir, - Cecile Leland and Felicia Leland.
- Q. Are they living? Ans. Yes sir, they are living.

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CROSS-EXAMINATION

By T.M.Stevens, Esquire:-

- Q. Anna, what year were you born in? Ans. I was born in 1845.
- Q. 1845? Ans. Yes sir.
- Q. Did you know your Grandfather, Louis Durette, who you testified about?
- Ans. No sir, he was dead before I was born.
- Q. Who was your Grandmother? Ans. Isabella Durette, his wife.
- Q. Did you know her? Ans. No sir.
- Q. She was a colored woman, was she not? Ans. Yes sir, she was a colored woman.
- Q. And Louis Durette, your Grandfather, was a white man and a Spanish Army Officer, was he not? Ans. Yes sir.
- Q. There was no marriage between them that you could know of?
- Ans. I believe, during Spanish times they married - - -
- Q. I asked you if you know of any? Ans. I don't know. I heard that they said they were married, but I don't know. I was not in this world then.
- Q. You do know, however, that your Grandfather was a white man, and your Grandmother was a colored woman?
- Ans. Colored woman, yes sir, I know that.
- Q. What kind of a trade have you with Mr. Reichert about this land?

Plaintiff objects to the question as calling for irrelevant, immaterial and incompetent testimony.

Question was withdrawn and re-propounded in the following form:

- Q. If you have made any agreement with Mr. Reichert about this land, tell me what it is?

Plaintiff objects to the question as calling for irrelevant, immaterial and incompetent testimony.

Ans. He has agreed to try to get the land and give me my right.

Q. Is his agreement with you that he would pay you something only if he gets the land?

Plaintiff objects to the question on the ground that it calls for irrelevant, immaterial and incompetent testimony.

Ans. Yes sir.

Q. He has not paid you anything for it yet, has he?

Plaintiff objects to the question on the grounds set out in the preceding objection.

Ans. No sir.

Q. How many of these children, grand-children, and great-grand-children of Louis Durette, about whom you have testified, did you represent in trading with Mr. Reichert?

Plaintiff objects to the question on the grounds set out in the preceding objection.

Ans. I represented most of those that I have named.

Q. You acted as kind of an agent for the most of those that you have named, in trading with Mr. Reichert?

Ans. Yes sir.

Q. And your trade with Mr. Reichert was that he was to pay you what, - if he succeeded in getting the land?

Ans. There was no price set that I know of.

Q. You don't know of any price being set that he was to pay you? Ans. No sir.

Q. Was he to give you a part of the land or give you money?

Plaintiff objects to the question on the grounds set out in the preceding objection.

Ans. I understood that he was to give me money.

Q. But you don't know what amount of money he was to give you if he didn't win? Ans. No sir.

Q. And if he didn't win the law suit, he was not to give you anything? Ans. No sir, he was not to give me anything.

Q. Do you know what year Louis Durette died in? Ans. He died in 1795, I believe.

Q. 1795? Ans. Yes sir.

Q. Do you know what year your grandmother, Isabella, died in?
Ans. I could not tell you what year she died in.

- Q. Did you ever see the land that is sued for in this case?
Ans. No sir.
- Q. Do you know whether or not any of your people ever paid any attention to it? Ans. They did, - that is the older ones, - but the younger ones didn't.
- Q. How long was it that any of them paid any attention to it before Mr. Reichert began to see you about it?
Ans. That has been years and years before the Civil War.
- Q. So that not since the Civil War has any of your family, so far as you know, paid any attention to this land until Mr. Reichert brought it to your attention?
Ans. Yes sir.
- Q. Did he approach you about it, or did you go to him?
Ans. I didn't go to him.
- Q. He came to you about it? Ans. Yes sir.
- Q. None of you, - your family, so far as you know, have ever paid any taxes on it, or in any other way given it any attention for about fifty years or more?
Ans. After the War it was not given any attention. Things were so upset during the War, and the older ones died and the younger ones didn't know anything about it.
- Q. Now tell me the dates of the deaths, as far as you can, of the children of Louis Durette, whom you have named?
Ans. I can't tell you exactly.
- Q. I want you to tell me, as near as you can, about it, starting with your Father, - now when did he die?
Ans. I hardly remember my Father. He died when I was a young child.
- Q. He died when you were a young child? Ans. Yes sir.
- Q. Isadore Durette, about when did he die? Ans. He died after the War.
- Q. After the Civil War? Ans. Yes sir, in 1866, or something like that. He died in '66.
- Q. Nanette Rochon, - did she die before or after the War?
Ans. She died long before the War.
- Q. Before the War? Ans. Yes sir.
- Q. Do you remember her? Ans. No sir.
- Q. She died since you can remember then? Ans. Yes sir.
- Q. Claire Leland? Ans. I don't remember Claire.
- Q. She died before you can remember? Ans. Yes sir, she must have died in Eighteen - - I was about ten years old and I am seventy-three now.
- Q. Adelaide Leland? Ans. I don't know anything about her; she was the oldest; she died before I can remember.
- Q. Margaret Leland? Ans. She died before I can remember.

Q. Genevieve? Ans. She died before I can remember.

Q. Babee? Ans. I remember her. She died since I can remember.

Q. Charlotte? Ans. She died before I can remember.

Q. Regis? Ans. That was long ever before I remember. I don't know anything about him. He died before I can remember.

Q. Can you tell me where such of these children of Louis Durette that you have mentioned lived at the time they died, - where their homes were?

Ans. Down on Canal Street, where the Durette land is.

Q. Down the Bay in Mobile County. Ans. Yes sir, in Mobile County, - right there on St. Emanuel Street, between Canal & Eslava.

Q. In the City of Mobile then? Ans. Yes sir.

Q. Most of the family now live down on Mon Louis Island, don't they?

Ans. Yes sir, those down there are mostly great-great-grand-children, excepting Jules, and he was a great-grand-child, but the others are farther still.

Q. The older ones who died that you have named, they all lived in the City of Mobile at the times of their deaths?

Ans. Yes sir. My Father died at Belle Fountain.

Q. You have given one of the names here as Barbee?

Ans. The right name in English is Barbara.

Q. How is that name spelled in French? Ans. Babe.

Q. With a stroke on top? Ans. Yes sir.

Q. Is that name, in records, frequently written "Babet"?

Ans. Yes sir, I have seen the name.

Q. You have seen the name written both ways? Ans. Yes sir.

Q. Now your testimony as to who were the children of Louis Durette is based upon family tradition, - the talk in your family, - how do you know that your Grandfather was Louis Durette?

Ans. By my Mother and Father telling me.

Q. By their telling you? Ans. Yes sir.

Q. And it is by members of your Father's family telling you of the relationship - that you know that the other children of Louis Durette were those that you have named here?

Ans. Yes sir, - some of them I knew.

Q. And that is the only source of information you have as to the relationship of these parties to Louis Durette?

Ans. Yes sir.

Q. I am speaking of the original Louis Durette? Ans. Yes sir.

Q. Do you know whether Margaret, Genevieve, Babe, Charlotte and Regis died married or unmarried?

Ans. They died unmarried.

Q. All of them died unmarried? Ans. Yes sir.

Q. You know that as a matter which was talked to you by the older members of your family?

Ans. Yes sir, Babe - I knew him.

- - -

RE-DIRECT EXAMINATION

By William G. Caffey, Esq.;

Q. Is your sister, Eugini, older or younger than you are?

Ans. She is older than I am.

Q. I wish you would state whether or not it was generally talked in your family, and generally stated, that your Grandfather, Louis Durette, and your Grandmother, Isabella Durette, lived together as man and wife?

Defendants object to the question because the marriage can not be proven in the method undertaken, because such living together, if, as a matter of fact it existed, would not make the children resulting therefrom legitimate; that there could be no valid marriage between a white person and a negro, and because the testimony sought is incompetent, irrelevant and immaterial, and also upon the ground that hearsay testimony can not be introduced for such purposes.

Ans. Yes sir, it was. I always understood that they were lawfully married,

Defendants move to exclude the answer of the witness on the same grounds set out in objection to the question, and on the further ground that it is not responsive to the question.

Q. Did you or not always hear from the older members of your family that your Grandfather, Louis Durette, and your Grandmother, Isabella Durette, were married and lived together as man and wife?

Defendants object to the question and assign the same grounds set out in objection to the preceding question.

Ans. I did hear that.

Defendants move to exclude the answer of the witness on the same grounds assigned in the preceding motion.

Q. Did you ever hear from the older members of your family whether or not your Grandfather, Louis Durette, and your Grandmother, Isabella Durette, were generally recognized in the community in which they lived as man and wife?

Defendant objects to the question and assigns the same grounds assigned in objection to the preceding question.

Ans. I heard so.

Defendants move to exclude the answer of the witness on the same grounds assigned in the preceding motion.

Q. How old was your Father at the time of his death?

Ans. I could not tell you. I was nothing but a child when he died.

Q. You remember Nanette Rochon, do you not? Ans. Yes sir.

Q. Do you know how old she was when she died? Ans. No sir, I could not tell you. She was pretty old.

Q. An old woman? Ans. Yes sir.

Q. Do you remember Babe? Ans. Yes sir.

Q. Was she or not an old woman at the time she died?
Ans. She was, - I was fourteen years old when she died.

Q. Which member of the family of Louis Durette was the oldest member? Ans. Adelaide.

Q. Adelaide? Ans. Yes sir, - Adelaide and Regis were the older ones.

Q. Have you ever heard how old your Father was at the time he died? Ans. No sir, I never did hear that.

Q. Was he or not an old man? Ans. Well, he was a middle-aged man. He was not very old.

Q. He was younger than Nanette and Babe? Ans. Yes sir.

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RE-CROSS-EXAMINATION

By T.M.Stevens, Esquire:-

Q. Did you not also hear from members of your family that Louis Durette left a document, in which he declared that he had never been married to Isabella, but had a number of children by her, whom he acknowledged to be his children?

Plaintiff objects to the question on the ground that it is calling for incompetent, irrelevant and immaterial testimony, and on the further ground that the document is the best evidence.

Ans. No sir.

Q. Did you ever hear of his having left a will?

Plaintiff objects to the question on the same grounds set out in objection to the preceding question.

Ans. Yes sir, I heard of him having left a will.

Q. And didn't you hear that in that will he stated that he had these children, naming them, as illegitimate children,

by Isabella, a negro woman, and that he acknowledged them as being his children?

Plaintiff objects to the question on the same grounds set out in objection to the preceding question.

Ans. I didn't know what the will was. The will was stolen.

Q. You are talking about tradition now, - you don't know that yourself, do you?

Ans. No sir, I don't know that myself.

Q. The tradition in your family is that the will was stolen?

Ans. A man came and asked my Grandmother to let him have the will so that he could keep it until the children was of age. He was the witness to the will, and he persuaded her to give up the will and he would keep it for her until the children was of age and then they could claim their part.

Q. But this same family tradition that you speak of is to the effect that Louis Durette left a will?

Plaintiff objects to the question on the ground that it calls for incompetent, irrelevant and immaterial testimony, and on the further ground that the will is the best evidence.

Ans. Yes sir.

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JACOB H. REICHERT,
Plaintiff.

-VS-

JEROME H. SHEIP, INC., a cor-
poration organized under the
laws of the State of Alabama,
and FANNIE I. BECKER.
Defendants.

CIRCUIT COURT OF BALDWIN
COUNTY.

It is hereby agreed by and between Harry T. Smith & Caffey, as attorneys for the plaintiff in the above entitled cause, and Stevens, McCorvey & McLeod, as attorneys for Fannie I Becker, and Webb, McAlpine & Grove, as attorneys for Jerome H. Sheip, Inc., that Anna Le Land, a material witness for plaintiff is a woman, who, from age, infirmity or sickness is unable to attend court, and that her testimony may be taken on behalf of the plaintiff in said cause before Steven A. Carlin or Bernard A. Carlin, at the office of Harry T. Smith & Caffey without the issuance of a commission and that the deposition of said witness when so taken, may be offered in evidence in said cause in all respects as if taken before a commissioner to whom a commission had been duly and legally issued.

Harry T. Smith & Caffey
Attorneys for Plaintiff.

Stevens, McCorvey & McLeod
Attorneys for Defendant, Mrs.
Fannie I. Becker.

Webb, McAlpine & Grove
Attorneys for Defendant, Jerome
H. Sheip, Inc.