

J. H. REICHERT,
Plaintiff.

-vs-

JEROME H. SHEIP, INC., and
FANNIE I. BECKER,
Defendants.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY.

*Plaintiff Ex B
12/1/20 MDL*

BE IT REMEMBERED that this cause coming on to be heard on the 21st day of May, 1919, the same being a day of the regular term of the Circuit Court of Baldwin County, and a jury having been impannelled, the following proceedings were had:

The plaintiff introduced and read in evidence the deposition of the witness Anna Leland, which was in ^{*substance*} ~~substance and contents~~ as follows:

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

On direct examination the witness testified:

My name is Anna Leland; I am related to Louis Durette; I am his grand-daughter. My father was Joseph Durette. Joseph Durette was a son of Louis Durette. I believe I can name the other children of Louis Durette. They are 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 and Nanette Rochon and Margaret Durette. Margaret Durette, Genevieve Durette, Babee Durette, Charlotte Durette and Regis Durette are all dead; they died after their father, Louis Durette. At the time of her death Margaret Durette was unmarried and left no children. Genevieve Durette at the time of her death was unmarried and left no children. Babee Durette, Charlotte Durette and Regis Durette, at the time of their death, were unmarried and left no children. Joseph Durette left the following children: Vincent Durette, Joseph Durette, Regis Durette and Peter Durette were the sons, and the daughters were Lucienne Durette, Pauline Durette, Isabella Durette, Eugeni Durette,

Catherine Boudan, and myself, Anna Leland. The only ones of my father's children now living are Eugini Durette and myself, Anna Leland. Eugini Durette is the same person who gave me a power of attorney to convey her interest in the Louis Durette claim; she is my sister. Catherine Boudan is dead; she died after her father. She left four children, Joseph, John, Anna and Alice Boudan. All of these children are living except Annie, who died before her mother. John Boudan is the same person who executed a power of attorney to me to convey the Louis Durette Claim; he is married; his wife's name is Cecelia Boudan. Joseph Boudan is living. Alice Boudan is the same person who joined in that power of attorney we have been talking about. Peter Durette, Vincent Durette, Isabella Durette, Pauline Durette and Lucienne Durette are all dead; Peter Durette was married, but the others were unmarried and died after their father. They left no children. Peter Durette had one child, who died before he did; the child was also named Peter. I am the same Anna Leland who executed the deed to Mr. J. H. Reichert to the Louis Durette claim. Joseph Durette, Jr., the son of my father, is dead. He died after my father; he left five children, Joseph, Charles, Catherine and ^{Thomas} Mary, and Pauline Coleman. Catherine is dead and all the rest are living. Catherine was unmarried when she died, but she had a child that is living yet. Her child's name is Agnes Coleman, niece to Nathan Coleman; Thomas Coleman, one of his nephews, is married to Agnes Coleman. Mary Thomas, ~~Joseph Durette~~ Charles Durette and Pauline Coleman joined in the power of attorney we have been talking about; I could not tell you whether Joseph Durette joined in that power of attorney or not. Regis Durette is dead; he died after his father. Regis Durette left seven children: Edward, Louis, Ignacious, Francis X., Mary Tipp, Josephine Tanner and Eugenia Tipp, and that is all that is living. He had another daughter, named Clara Denton, but she is dead and died before her father. Edward and Louis Durette, children of Regis Durette, are also dead; all of the rest of them are living. Edward left no children; he was married; his wife died before he

did; he had no children. Louis was unmarried at the time of his death and left no children. Isadore Durette is dead. At the time of his death he left the following children: Boltair Durette, Bertile Collins, Leonine Collins and Constance Durette, and Isabella Trenier. Isadore Durette died after his father, Louis Durette. Boltair Durette is dead; he died before his father, Isadore Durette, and left the following children: Simon Durette, Jules Durette, Maximillian Durette, Polixand Elly, Onerine Trenier and Mary Dickerson. Jules Durette is dead; he died last month, I forget the date, he died in February, but what day I forget just now. Polixand Elly is living. Onerine Trenier is living; she is married to Simon Trenier, who is also living. Mary Dickerson is living; she is married to some Dickerson - Willie Dickerson, I believe, I don't know if that is right. Simon Durette, son of Boltair Durette, is dead; he died after his father; he left one child and he is dead. The child's name was Simon; he died after his father and left one child, Simon, Jr., who is now living. Maximillian Durette is dead, having died after his father. He left the following children: John Durette, Boltair Durette, Clotilda Collins, Monica Andre, and Onerine Durette. Onerine Durette is dead; she died after her father. John, Boltair, Clotilda Collins and Monica Andre are living. Nanette Rochon is dead; she died after her father, Louis Durette; she had a son and daughter. Her son's name was Wilson Rochon, and her daughter's name was Irene Rochon; Wilson Rochon is dead; he died after his mother. Wilson Rochon left a son, who died after his father; his name was Theophile Rochon. He died after both his mother and father. He was unmarried and left no children. Irene Rochon is dead; she died before her mother. Claire Leland is dead; she died after her father, Louis Durette; she left the following children: Adolph Leland, Justine Leland Gates, who was married, Louise Samson, Maxine Leland and Lucien Leland, who are all dead. Maxine Leland died after her father and after her mother; she was unmarried and left no children. Lucien Leland left a girl; 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

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her husband's name. Justine Gates is dead; she had one daughter and she died before her. Her husband died before she did. Louise Samson left a daughter that died after she did, named Annie Samson. She was unmarried and left no children. Louise Samson's husband is dead; she died before he did. Adolph Leland left a widow, but she is dead; she died since his death. 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. There was another boy, Gustave, who died as a boy without any children. Cecelia Leland, Aleada Glaude, Clara Durant and Joseph Leland are living. Cecelia Leland is unmarried. Aleada Glaude is married. Her husband's name is Arthur Glaude. Clara Durant's husband's name is Gabe Durant; I never heard of his death. Joseph Leland is married; they call his wife Mamie. Celestine Barney is dead; she died after her father and mother and left the following children: Buddy, (who died before his mother and left two or three children) Alfred Barney, Samuel Barney, Victorai Barlow and Cecelia Wooden, who are all living. Clementine Parker is dead; she died before her father. Adolph Leland is dead; he died before his father. The children all of whom are living, of Clementine Parker are as follows: Joseph Parker, August Parker, Ambrose Parker, Felix Parker, Livinia Parker, Octavia Hill and Margaret Glover, Theodore Parker, Randolph Parker and Irving Parker. The children of Adolph Leland, Jr., I believe I remember. They are: Albert Leland, Phillip Leland, Elloise Leland, Cecilie Leland, Felicia Leland, and Augusta Leland, who is married; her husband's name is Bodden, something of that kind. ~~All of the children of Adolph Leland, Jr. are living.~~

On cross examination the witness testified:

I was born in the year 1845; I did not know my grandfather, Louis Durette, about whom I have testified; he was dead before I was born. Isabella Durette, his wife, was my grandmother; I did not know her; she was a colored woman. Louis Durette, my grandfather, was a

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white man and a Spanish Army Officer. I believe, during Spanish times they married; I don't know of any marriage. I heard that they said they were married, but I don't know. I was not in this world then. I do know, however, that my grandfather was a white man and my grandmother was a colored woman. Mr. Reichert has agreed to try to get the land and give me my right. His agreement with me is that he would pay me something only if he gets the land. He has not paid me anything for it yet. I represented most of the children, grand-children, and great-grand-children of Louis Durette, about whom I have testated, in trading with Mr. Reichert. I acted as kind of an agent for the most of those I have named, in trading with Mr. Reichert. There was no price set that I know of that Mr. Reichert was to pay me if he succeeded in getting the land. I don't know of any price being set that he was to pay me. I understood that he was to give me money and not a part of the land. I don't know what amount of money he was to give me if he didn't win. He was not to give me anything if he didn't win the law suit. I believe Louis Durette died in the year 1795. I could not tell you what year my grandmother, Isabella, died. I never saw the land that is sued for in this case. The older ones of my people paid attention to this land, but the younger ones didn't. Not since the Civil War has any of my family, so far as I know, paid any attention to this land until Mr. Reichert brought it to my attention. He came to me about the land. 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. I can't tell you exactly the dates of the deaths of the children of Louis Durette whom I have named. I hardly remember my father, he died when I was a young child. Isadore Durette died after the Civil War, in 1866, or something like that. He died in '66. Nanette Rochon died long before the war. I don't remember her. She died since I can remember. I don't remember Claire Leland, she died before I can remember; she must have died in Eighteen --- I was about ten years old and I am seventy-three now. I don't know anything about Adelaide Leland; she was the oldest; she died before I can re-

member. Margaret Leland died before I can remember. Genevieve ~~Isabella~~ died before I can remember. I remember Babee; she died since I can remember. Charlotte died before I can remember. I don't know anything about Regis, he died before I can remember. The homes or where such of the children of Louis Durette as I have mentioned lived at the time they died was down on Canal Street, where the Durette land is; down the Bay in Mobile County, right there on St. Emanuel Street, between Canal and Eslava, then in the City of Mobile. Most of the family now live down on Mon Louis Island; those down there are mostly great-great-grand-children, excepting Jules, and he was a great-grand-child, but the others are farther still. The older ones who died that I have named all lived in the City of Mobile at the times of their deaths. My father died at Belle Fountain. I have given one of the names here as Barbee, the right name in English is Barbara. That name is spelled in French "Babe" with a stroke on top. I have seen that name, in records, frequently written "Babet". I have seen the name written both ways. I know that my grandfather was Louis Durette by my mother and father telling me. It is by members of my father's family telling me of the relationship that I know that the other children of Louis Durette were those that I have named here, some of them I knew. That is the only source of information that I have as to the relationship of these parties to Louis Durette, the original Louis Durette. Margaret, Genevieve, Babe, Charlotte and Regis died unmarried. I know that as a matter which was talked to me by the older members of my family - I knew Babe.

On re-direct examination the witness testified:

My sister, Eugini, is older than I am. It was generally talked in my family, and generally stated, that my grandfather, Louis Durette, and my grandmother, Isabella Durette, lived together as man and wife. I always understood that they were lawfully married. I did hear from the older members of my fam-

ily that my grandfather, Louis Durette, and my grandmother, Isabella Durette, were married and lived together as man and wife. I heard from the older members of my family that my grandfather, Louis Durette, and my grandmother, Isabella Durette, were generally recognized in the community in which they lived as man and wife. I was nothing but a child when my father died, and I could not tell you how old he was at the time of his death. I remember Nanette Rochon; I don't know how old she was when she died; I could not tell you, she was pretty old, an old woman. I remember Babe; she was an old woman at the time she died; I was fourteen years old when she died. Adelaide was the oldest member of the family of Louis Durette. Adelaide and Regis were the older ones. I never did hear how old my father was at the time he died; he was a middle-aged man, not very old. He was younger than Nanette and Babe.

On re-cross examination the witness testified:

I did not hear from members of my 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. I heard of him having left a will. I didn't know what the will was. The will was stolen, I don't know that myself. A man came and asked my grandmother to let him have the will so that he could keep it until the children were 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 were of age and then they could claim their part. The family tradition that I speak of is to the effect that Louis Durette left a will.

The plaintiff then introduced in evidence the patent from the United States Government to the Heirs of Louis Durette, Which was in words and figures as follows:

4-1040-R.

Montgomery 06573.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, THERE HAS BEEN DEPOSITED IN THE GENERAL LAND OFFICE OF THE UNITED STATES A CERIFICATE OF THE REGISTER AND RECEIVER OF THE LAND OFFICE AT MONTGOMERY, ALABAMA, WHEREBY IT APPEARS THAT THE PRIVATE LAND CLAIM OF THE REPRESENTATIVES OF LOUIS DURET, BEING CLAIM NO. 2, IN REPORT NO. 4, OF W. BARTON AND WILLIAM BARNETT REGISTER AND RECEIVER OF THE LAND OFFICE AT JACKSON COURTHOUSE, DATED JULY 11, 1820--AMERICA STATE PAPERS GALES AND SEATONS EDITION, VOLUME 3, PAGE 448 -- WAS CONFIRMED BY THE THIRD SECTION OF THE ACT OF MAY 8, 1822--3 STAT., 707--, AND THAT THE SAID CLAIM HAS BEEN REGULARLY SURVEYED AND DESIGNATED AS SECTION FORTY-THREE IN TOWNSHIP ONE NORTH OF RANGE ONE EAST OF THE ST. STEPHENS MERIDIAN, ALABAMA, CONTAINING SIX HUNDRED THIRTY-NINE AND EIGHTY-NINE- HUNDREDTHS ACRES:

NOW KNOW YE, THAT THE UNITED STATES OF AMERICA, IN CONSIDERATION OF THE PREMISES, HAS GIVEN AND GRANTED, AND BY THESE PRESENTS DOES GIVE AND GRANT, UNTO THE SAID REPRESENTATIVES OF LOUIS DURET, AND TO THEIR HEIRS, THE LANDS ABOVE DESCRIBED; TO HAVE AND TO HOLD THE SAME, TOGETHER WITE ALL THE RIGHTS, PRIVILEGES, IMMUNITIES, AND APPURTENANCES, OF WHATSOEVER NATURE, THEREUNTO BELONGING, UNTO THE SAID REPRESENTATIVES OF LOUIS DURET, AND TO THEIR HEIRS AND ASSIGNS FOREVER, IN ACCORDANCE WITH THE PROVISIONS OF THE SAID ACT OF MAY 8, 1822.

IN TESTIMONY WHEREOF, 1,

WILLIAM H. TAFT

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN Under my hand, at the City of Washington, the
FOURTEENTH day of December in the year of our
Lord one thousand nine hundred and ELEVEN and of the
Independence of the United States the one hundred and
THIRTY- SIXTH

By the President: Wm H. Taft

By

M. P. LeRay

Secretary,

(SEAL)

H. W. Sandford
Recorder of the General land Of-
fice.

RECORD OF PATENTS : PATENT NUMBER 238508.

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The plaintiff then introduced in evidence a power of attorney signed by Anna Leland and others, which, together with the signatures thereto, was in words and figures as follows:

POWER OF ATTORNEY

We, the undersigned and only heirs at law, next of kin and legal representatives of Louis Durette, (deceased) and wives of such of said male heirs at law and next of kin as are married, do by these presents, nominate, constitute and appoint Anna Leland, our true and lawful attorney for us, and in our names and stead, to bargain, sell and convey or quit claim, either at public or private sale, and upon such terms as in their discretion they deem advisable. All real-estate or interest in real estate belonging to the said Louis Durette, (deceased) at the time of his death or which was afterwards patented or otherwise conveyed by the United States Government to his heirs and representatives collectively as such of the aforesaid Louis Durette, (deceased) and more particularly described as follows:-

Beginning at a post being the Southeast corner of the claim of the representatives of James Caller, heretofore described and running thence S 78, 37 E 99.10 chs. to an Elm marked XIII on four sides, then South 50.25 W 80.60 chs. to a post at the mouth of Bayou, thence with meanders of the North band of Tensaw as follows:- N 36 W 3.00 chs. N. 55 $\frac{1}{2}$ W. 7.50 chs. N. 76 W 7.00 chs. N. 86 W. 7.00 chs. S 89 W 8.00 chs. S 87 $\frac{1}{2}$ W. 15.00 chs. S 89 W 7.50 chs. N. 89 W 8.00 chs. N 85 $\frac{1}{2}$ W 8.00 chs. N 79 $\frac{3}{4}$ W 6.50 chs. N 83 W 3.50 chs. N 69 W 3.50 chs. N 71 $\frac{1}{2}$ W 2.00 chs. N 68 W 3.50 chs. N 55 $\frac{3}{4}$ W 2.00 chs. N 61 W 3.00 chs. N 36 W 4.00 chs. N 29 $\frac{1}{2}$ W 3.00 chs. to a post, a water oak bearing S 10 E 16 $\frac{1}{4}$ XIII. A sweet gum bearing S 77 E 14 L XIII. A sweet gum bearing N 37 E 7.00 L XIII, thence N 50.25 E. 80.60 chs. to the place of beginning, said land being described as Section 43, T 1 N. R 1 E, in Baldwin County, Alabama, containing 639.89 acres. This being the same property conveyed by the Spanish Government to my grandfather, Louis Durette, and being the same property as conveyed to me by Power Attorney, by the heirs and legal representatives of the said Louis Durette (deceased)

Also, one other tract of land, situated in Baldwin County, Ala., to-wit:- and joining the above described tract on the South and more particularly described as follows:-

Beginning on the left bank of Tensaw River, at a point in the mouth of a small bayou, being the lower corner of Durette's upper claim, and running thence down the East margin of said river or its meanders S 60 E 3.50 chs; S 47 E 14.00 chs. S 20 E 3.00 chs S 30 E 5.00 chs S 14 E 1.50 chs. S 26 E 3.50 chs. S 12 E 10.00 chs

S 5 E 12.00 chs. S 12.50 chs. S 7 E 5.38 chs. From Section post on the parallel between Section 11 and 14, S 84 E 9.60 chs. to a post from which N 11½ W 11 L a maple marked XIII, S 76 E 13 L a birch marked XIII. thence N 50 25 E at 14.83 chs. crossed the parallel between Sections 12 and 13 at a distance of 2.50 chs. due east from Southwest corner Section 12, 96.98 to a post, from which S 69 W 18 L tupelo marked XIII, S 72½ E 25 L a maple marked XIII, thence N 18.18 W at 10.00 a lake bearing E 50 L wide, 17.25 crossed a lagoon 75 L wide, bearing S E 76.00 to a post from which 19½ W 25 L sweet gum marked XIII. N 42½ W 30 L Sourwood XIII, thence S 50.25 W at 16.72 a red elm, marked as the NE corner of Durette's upper claim, 98.98 to the place of beginning; containing 640 acres and is known as Section 37 T 1 N R 1 E. Baldwin County Alabama and being also the same land as conveyed to me by Power Attorney, by the heirs and legal representatives of Louis Durette (deceased)

Said lands lying and being in Baldwin County, State of Alabama, and being at or near the junction of the Mobile & Tensaw Rivers. Our said Attorney is further authorized and empowered to sell said real-estate in parcels, separately or collectively, for cash or partly for cash and partly on credit or wholly on credit, according to his discretion, and is hereby authorized and empowered to make all necessary deeds, conveyances, quit claims, executory contracts and releases, and our said Attorney is further authorized to bargain, sell, convey or quit claim, make executory contracts for and release in and by such contracts, conveyances or quit claim, the dower interest or interests of the wives of the male signers of these presents to all or any part of said real-estate. Our said Attorney is further granted by these presents, full power and authority to demand, sue for or otherwise lawfully to recover from any person or persons, whatsoever any part of said land as described above, in and to which we may have any right, title or interest, our Attorney is further authorized by these presents to amicably, adjust or compromise any suit or suits at law or in equity that may be now or hereafter pending in any of the courts of law or equity in this State, in this the Title to the above described property is involved, in and which we may have any right title or interest as heirs at law and next of kin and legal representatives of the said Louis Durette, deceased, hereby ratifying and confirming all that our said Attorney may or shall lawfully do or cause to be done in the premises.

IN WITNESS whereof, we, the undersigned legal representatives and only heirs at law of Louis Durette, have hereunto set our hand on this 17th day of June 1918.

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<u>Anna Leland</u>	<u>L.S.</u>
<u>Jule Durette</u>	<u>L.S.</u>
<u>x her mark</u>	
<u>Eugini /Durette</u>	<u>L.S.</u>
<u>Cecilia Boudan</u>	<u>L.S.</u>
<u>John J. Boudan</u>	<u>L.S.</u>
<u>Cecilia Leland</u>	<u>L.S.</u>
<u>Onorine Trenier</u>	<u>L.S.</u>
<u>Simon Trenier Sr.</u>	<u>L.S.</u>
<u>Mary C. Dickerson</u>	<u>L.S.</u>
<u>William Dickerson</u>	<u>L.S.</u>
<u>x his mark</u>	
<u>Reubin /Trebner</u>	<u>L.S.</u>
<u>Eva E. Fields</u>	<u>L.S.</u>
<u>George Leland</u>	<u>L.S.</u>
<u>Marie Leland</u>	<u>L.S.</u>
<u>x his mark</u>	
<u>A. J. /Leland</u>	<u>L.S.</u>
<u>Edward Fields</u>	<u>L.S.</u>
<u>Emile Leland</u>	<u>L.S.</u>
<u>Georgia H. Leland</u>	<u>L.S.</u>
<u>Adele Martin</u>	<u>L.S.</u>
<u>John D. Martin</u>	<u>L.S.</u>
<u>Lecetta Durette</u>	<u>L.S.</u>
<u>Simon Collins</u>	<u>L.S.</u>
<u>Stephen Collins</u>	<u>L.S.</u>
<u>Agnes Collins</u>	<u>L.S.</u>
<u>Sevmour Durette</u>	<u>L.S.</u>
<u>Josephine Tanner</u>	<u>L.S.</u>
<u>x his mark</u>	
<u>Archie /Tanner</u>	<u>L.S.</u>
<u>Ignatius Durette</u>	<u>L.S.</u>
<u>Phoebe Wells</u>	<u>L.S.</u>
<u>Estella Le Borrass</u>	<u>L.S.</u>
<u>Chas. Laurendine</u>	<u>L.S.</u>
<u>Bertha Laurendine</u>	<u>L.S.</u>
<u>Julia Ponquinete</u>	<u>L.S.</u>
<u>Cecilia Borrass</u>	<u>L.S.</u>
<u>Camilla Reny</u>	<u>L.S.</u>

<u>Mary O. ^{her mark} Thomas</u>	L.S.
<u>Aristide Laudendine</u>	L.S.
<u>M. J. Wells</u>	L.S.
<u>Agnes Coleman</u>	L.S.
<u>Odile M. Collins</u>	L.S.
<u>Ernest A. Collins</u>	L.S.
<u>Alice L. Collins</u>	L.S.
<u>Laurida Chastang</u>	L.S.
<u>Nettie V. Collins</u>	L.S.
<u>Maggie M. Collins</u>	L.S.
<u>Olivia M. Collins</u>	L.S.
<u>Mary Chastang</u>	L.S.
<u>John ^{his mark} Chastang</u>	L.S.
<u>Matilda Collins</u>	L.S.
<u>Clemencias Durette</u>	L.S.
<u>Richard Coleman</u>	L.S.
<u>Clotilda Collins</u>	L.S.
<u>Walter Chastang</u>	L.S.
<u>Dennis Collins</u>	L.S.
<u>Alex Leland</u>	L.S.
<u>Hortense Leland</u>	L.S.
<u>Rupert A. Collins</u>	L.S.
<u>Polixand Elley</u>	L.S.
<u>Regina Durette</u>	L.S.
<u>Aleada Glaude</u>	L.S.
<u>Odile J. Collins</u>	L.S.
<u>Charley ^{his mark} Durette</u>	L.S.
<u>John P. Collins</u>	L.S.
<u>Alice Bordan</u>	L.S.
<u>Eugenia Tipp</u>	L.S.
<u>Ruben J. Tipp</u>	L.S.
<u>Mary J. Tipp</u>	L.S.
<u>Percy A. Collins</u>	L.S.
<u>Perry J. Collins</u>	L.S.
<u>William Remy</u>	L.S.

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STATE OF ALABAMA)
COUNTY OF MOBILE)

I, W. P. Roberts, a Notary Public in and
for said State and County, hereby certify that, Jule Durette,
Eugini Durette, Cecilia Boudon, John J. Boudan, Cecilia Leland,
Onorine Trenier, Simon Trenier, Sr. Mary C. Dickerson, William M.
Dickerson, Reubon Trenier, Eva H. Fields, George Leland, Marie
Leland, A. J. Leland, Edward Fields, Emile Leland, Georgia H.
Leland, ~~xxxxxx~~, Adele Martin, John D. Martin, Lecetta
Durette, Simon Collins, Stephen Collins, Agnes Collins, Seymour
Durette, Josephine Tanner, Archie Tanner, Ignatius Durette, Phoebe
Wells, Estella Le Borrás, Chas. Laurendine, Berthan Laurendine,
Julia Ponquinette, Cecelia Borrás, Camilla Remy, Mary O. Thomas,
Aristide Laurendine, M. J. Wells, Agnes Coleman, Odile M. Collins
Ernest A. Collins,
Alice L. Collins, Laurida Chastang, Nettie V. Collins, Maggie M.
Collins, Olivia M. Collins, Mary Chastang, John Chastang, Matilda
Collins, Clemencia Durette, Richard Coleman, Clotilda Collins, Walter
Chastang, Max Collins, Dennis Collins, Alex Leland, Hortense Leland,
Rupert A. Collins, Polixand Elley, Regina Durette, Aleada Glaude,
Odile J. Collins, Charley Durette, John P. Collins, Alice Bordan,
Eugenia Tipp, Ruben J. Tipp, Mary J. Tipp, Percy A. Collins,
Perry J. Collins, William Remy, whose names are signed to the
foregoing conveyance, and who are known to me, acknowledged before
me this day, that, being informed ~~xxxxxx~~ of the contents of the
conveyance, they executed the same voluntarily on the day the same
bears date.

GIVEN under my hand and official seal on this 17 day
of June, 1918.

W. P. Roberts
Notary Public, Mobile County, Ala.

There was endorsed on the back of this instrument
the following:

THE STATE OF ALABAMA } Office of the Judge of
BALDWIN COUNTY } the Probate Court

I, James M. Voltz, Judge of said Court in and for

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siad County, do hereby certify that the within instrument was filed in this office for record on the 24th day of June, 1918, at 8 o'clock A. M., and I further certify that the same is duly recorded in Record Book No. 2 Mcls., Page 295-96, and duly examined.

Witness my hand this 25th day of June, 1918.

There is pasted on this power of attorney three U. S. Revenue Stamps, two for 10¢ and one for 5¢; written across the face of them are the letters: "A.L. 6/17/18."

Jas M. Voltz
Judge of Probate Court.

By J. L. Kessler, Clerk.

The plaintiff then introduced in evidence deed of conveyance from Jule Durette and others to Max Collins, which, together with the signatures therto, was in words and figures as follows:

STATE OF ALABAMA)
)
COUNTY OF MOBILE)

KNOW ALL MEN BY THESE PRESENTS, That We, Jule Durette, Eugeni Durette, Cecilia Boudan, John J. Boudan, Cecilia Leland, Onorine Trenier, Simon Trenier, Sr., Mary C. Dickerson, William Dickerson, Reubin Trenier, Eva H. Fields, George Leland, Marie Leland, A. J. Leland, Edward Fields, Emile Leland, Georgia H. Leland, Adele Martin, John D. Martin, Lecetta Durette, Simon Collins, Stephen Collins, Agnes Collins, Seymour Durette, Josephine Tanner, Archie Tanner, Ignatius Durette, Phoebe Wells, Estelle Le Borrás, Chas. Laurendine, Bertha Laurendine, Julia Ponquinette, Cecilia Borrás, Camilla Reny, Mary O. Thomas, Aristide Laudendine, M. J. Wells, Agnes Coleman, Odile M. Collins, Ernest A. Collins, Alice L. Collins, Laurida Chastang, Nettie V. Collins, Maggie M. Collins, Olivia M. Collins, Mary Chastang, John Chastang, Matilda Collins, Clemencias Durette, Richard Coleman, Clotilda Collins Walter Chastang, Dennis Collins, ~~XXXXXXXXXXXX~~, Alex Leland, Hortense Leland, Rápert A. Collins, Polixand Elley, Regina Durette, Aleada Glaude, Odile J. Collins, Charley Durette, John P. Collins, Alice Bordan, Eugenia Tipp, Ruben J. Tipp, Mary J. Tipp, Percy A Collins, Perry J. Collins, and William Remy, acting through Anna

10-

Leland, our attorney in fact, and Anna Leland, individually, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, do hereby grant, bargain, sell and convey unto Max Collins, all and singular, that following described real property situate, lying and being in the County of Baldwin, State of Alabama, and more particularly described as follows:

"Beginning at a post, being the southeast corner of the claim of the representatives of James Caller, and running thence South 78 degrees, 37 minutes East, 99.10 chains to an elm marked XIII on four sides thence South 50.25 degrees West 80.60 chains to a post at the mouth of Bayou, thence with meanders of the north boundary of Tensaw as follows:- North 36 degrees West 3.00 chains, North 55-1/4 degrees West 7.50 chains, North 76 degrees West 7.00 chains, North 86° West 7.00 chains South 89 degrees West 8.00 chains, South 87 1/2 degrees West 15.00 chains, South 89 degrees West 7.50 chains, North 89 degrees West 8.00 chains, North 85 1/4 degrees West 8.00 chains, North 79 3/4 degrees West 6.50 chains North 83 degrees West 3.50 chains, North 69 degrees West 3.50 chains North 71 1/2 degrees West 2.00 chains North 68 degrees West 3.50 chains, North 55 3/4 degrees West 2.00 chains, North 61 degrees West 3.00 chains, North 36 degrees West 4.00 chains, North 29 1/4 degrees West 3.00 chains to a post, a water oak bearing S 10 E 16 L XIII. A sweet gum bearing S 77 E 14 L XIII. A sweet gum bearing N. 37 E 7.00 L XIII, thence North 50.25 degrees East 80.60 chains to the place of beginning; said lands being in Section 43, T. 1 N., R. 1 E., and containing 639.89 acres;

Being the same property conveyed by the Spanish Government to Louis Durette and conveyed by the heirs and legal representatives of the said Louis Durette to Anna Leland, as attorney in fact for said heirs and legal representatives;

Also the following described real property adjoining the above described tract on the South, viz:

Beginning on the left bank of Tensaw River, at a point in the mouth of a small bayou, being the lower corner of Durette's upper claim, and running thence down the East margin of said river, or its meanders, South 60 degrees East 3.50 chains; South 47 degrees East 14.00 chains; South 20 degrees East 3.00 chains; South 30 degrees East 5.00 chains; South 14 degrees East 1.50 chains; South 26 degrees East 3.50 chains; South 12 degrees East 10.00 chains, South 5 degrees, East 12.00 chains South 12.50 chains, South 7 degrees East 5.38 chains, from Section post on the parallel between Sections 11 and 14, South 84 degrees East 9.60 chains to a post from which N 11 1/2 W. 11 L a maple marked XIII, South 76 East 13 L a birch marked XIII; thence North 50 degrees 25 minutes East at 14.83 chains crossed the parallel between Sections 12 and 13 at a distance of 2.50 chains due east from southwest corner Section 12, 96.98 to a post, from which S 69 W 18 L tupelo marked XIII, S 72 3/4 E 25 L a maple marked XIII; thence N. 18.18 degrees West at 10.00 a lake bearing E 50 L wide, 17.25 crossed a lagoon 75 L wide, bearing SE 76.00 to a post from which 19 1/2 W 25 L

X

sweet gum marked XIII, N 42 1/2 W 30 L Sourwood XIII; thence S 50.25 degrees West at 16.72 a red elm, marked as the NE corner of Durette's upper claim, 96.98 chains to the place of beginning; containing 640 acres and being known by some as Section 37, T. 1 N., R. 1 E, but being Sec. 50 of said Twp.

Being the same property conveyed by the heirs and legal representatives of Louis Durette to Anna Leland, as attorney in fact for them."

TOGETHER WITH all the rights, members, privileges and appurtenances thereunto belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the same unto the said Max Collins, his heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 24 day of September, A. D., 1918.

Jule Durette	(SEAL)
Eugini Durette	(SEAL)
Cecilia Boudon	(SEAL)
John J. Boudan	(SEAL)
Cecilia Leland	(SEAL)
Onorine Trenier	(SEAL)
Simon Trenier	(SEAL)
Mary C. Dickerson	(SEAL)
William Dickerson	(SEAL)
Reubin Trenier	(SEAL)
Eva H. Fields	(SEAL)
Emile Leland	(SEAL)
Georgia H. Leland	(SEAL)
Marie Leland	(SEAL)
A. J. Leland	(SEAL)
Edward Fields	(SEAL)
George Leland	(SEAL)
XXXXXXXX X XXXXXX	(SEAL)
Adele Martin	(SEAL)
John D. Martin	(SEAL)
Lecetta Durette	(SEAL)
Simon Collins	(SEAL)
Stephen Collins	(SEAL)
Agnes Collins	(SEAL)
Seymour Durette	(SEAL)
Josephine Tanner	(SEAL)

Archie Tanner	(SEAL)
Ignatius Durette	(SEAL)
Phoebe Wells	(SEAL)
Estella Le Borrás	(SEAL)
Chas. Laurendine	(SEAL)
Bertha Laurendine	(SEAL)
Julia Ponquinette	(SEAL)
Cecilia Borrás	(SEAL)
Camilla Remy	(SEAL)
Mary O. Thomas	(SEAL)
Aristide Laurendine	(SEAL)
M. J. Wells	(SEAL)
Agnes Coleman	(SEAL)
Odile M. Collins	(SEAL)
Ernest A. Collins	(SEAL)
Alice L. Collins	(SEAL)
Laurida Chastang	(SEAL)
Nettie V. Collans	(SEAL)
Maggie M. Collins	(SEAL)
Olivia M. Collins	(SEAL)
Mary Chastang	(SEAL)
John Chastang	(SEAL)
Matilda Collins	(SEAL)
Clemencia Durette	(SEAL)
Richard Coleman	(SEAL)
Clotilda Collins	(SEAL)
Walter Chastang	(SEAL)
xxx xxxxxxx	(SEAL)
Dennis Collins	(SEAL)
Alex Leland	(SEAL)
Hortense Leland	(SEAL)
Rupert A. Collins	(SEAL)
Polixand Elley	(SEAL)
Regina Durette	(SEAL)
Aleada Glaude	(SEAL)

Odile J. Collins (SEAL)
 Charley Durette (SEAL)
 John P. Collins (SEAL)
 Alice Bordan (SEAL)
 Eugenia Tipp (SEAL)
 Ruben J. Tipp, (SEAL)
 Mary J. Tipp (SEAL)
 Percy A. Collins (SEAL)
 Perry J. Collins (SEAL)
 William Remy (SEAL)
 By Anna Leland (SEAL)
 THEIR ATTORNEY IN FACT.
 ANNA Leland
 _____ (SEAL)
 Individually.

STATE OF ALABAMA)
)
 COUNTY OF MOBILE)

I, W. P. Roberts, a Notary Public in and for said County in said State, hereby certify that Anna Leland, whose name is signed to the foregoing conveyance as attorney in fact for Jule Durette, Eugeni Durette, Cecilia Boudan, John J. Boudan, Cecilia Leland, Onorine Trenier, Simon Trenier, Sr., Mary C. Dickerson, William Dickerson, Reubin Trenier, Eva H. Fields, George Leland, Marie Leland, A. J. Leland, Edward Fields, Emile Leland, Georgia H. Leland, Adele Martin, John D. Martin, Lecetta Durette, Simon Collins, Stephen Collins, Agnes Collins, Seymour Durette, Josephine Tanner, Archie Tanner, Ignatius Durette, Phoebe Wells, Estella Le Borrás, Chas. Laurendine, Bertha Laurendine, Julia Ponquinette, Cecilia Borrás, Camilla Reny, Mary O. Thomas, Aristide Laurendine, M. J. Wells, Agnes Coleman, Laurida Chastang, Nette V. Collins, Maggie M. Collins, Odile M. Collins, Ernest A. Collins, Alice L. Collins, Olivia M. Collins, Mary Chastang, John Chastang, Matilda Collins, Clemencias Durette, Richard Coleman, Clotilda Collins, Walter Chastang, Dennis Collins, Alex Leland, Hortense Leland, Rupert A. Collins, Polixand Elley, Regina Durette, Aléada Glaude, Odile J. Collins, Charley Durette, John P. Collins, Alice Bordan, Eu-

genia Tipp, Ruben J. Tipp, Mary J. Tipp, Percy A. Collins, Perry J. Collins, William Reny, and who is known to me, acknowledged before me on this day, that being informed of the contents of the conveyance, she, as such attorney in fact for said grantors, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 24 day of Sept.

1928.

(Seal)

W.P. Roberts
Notary Public, Mobile County, Ala.

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, W. P. Roberts, A Notary Public in and for said County in said State, hereby certify that Anna Leland, whose name is signed to the foregoing conveyance, individually, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 24 day of Sept, 1918.

(Seal)

W. P. Roberts
Notary Public, Mobile, Ala.

There was endorsed on the back of this instrument the following:

"THE STATE OF ALABAMA) Office of the Judge of the Probate
BALDWIN COUNTY) Court.

I, James M. Voltz, Judge of said Court in and for said County, do hereby certify that the within instrument was filed in this office for record on the 12th day of October, A. D., 1918, at 8 o'clock A. M., and I further certify that the same is duly recorded in record Book No. 28 N. S., Page

35 and 36 and duly examined.

Witness my hand this 18th day of Oct., A. D., 1918.

Jas. M. Voltz,
Judge of Probate Court
By J. L. Kessler, Clerk."

The plaintiff then offered in evidence a conveyance from Max Collins to the plaintiff, J. H. Reichert, which was in words and figures as follows:

STATE OF ALABAMA)
COUNTY OF MOBILE)

THIS INDENTURE, made this the 24 day of ____ Sept, 1918, by and between Max Collins, party of the first part, and J. H. Reichert, party of the second part, WITNESSETH:

That whereas the party of the first part did, on the 19th day of June, 1918, convey to the party of the second part the lands which are hereinafter described for One Dollar (\$1.00) and other valuable consideration and the further sum of One Thousand Dollars (\$1,000.00) to be paid within one year from the date of said conveyance; and

WHEREAS the party of the first part was, at that time, vested with a legal title to only a small undivided interest in said property, the remaining undivided interest therein having been conveyed to him by a deed which was executed on the 18th day of June, 1918, by Anna Leland under a power of attorney from the other owners of said land, and who attempted to convey the same to the party of the first part but erroneously executed the same in her own name instead of executing it in the name of the owners from whom she held the said power of attorney; and

WHEREAS the said error has now been corrected so as to vest the said entire legal title in the said Max Collins,

NOW, THEREFORE, in order to carry out the purpose for which the said party of the first part, Max Collins, has here-

tofore executed his former conveyance, and in consideration of the facts herein recited, the party of the first part, Max Collins, has and by these presents does grant bargain, sell and convey unto the said party of the second part, J. H. Reichert, all and singular, the following described real property situate, lying and being in the County of Baldwin, State of Alabama, and more particularly described as follows:

"Beginning at a post, being the southeast corner of the claim of the representatives of James Caller, and running thence S. 78 degrees, 37 minutes E. 99.10 chains to an elm marked XIII on four sides, thence South 50.25 degrees, West 80.60 chains to a post at the mouth of Bayou, thence with meanders of the north boundary of Tensaw as follows: North 36 degrees West 3.00 chains, North 55 1/4 degrees West 7.50 chains, North 76 degrees West 7.00 chains, North 86 degrees West 7.00 chains, South 89 degrees West 8.00 chains, South 87 1/2 degrees West 15.00 chains, South 89 degrees West 7.50 chains, North 89 degrees West 8.00 chains, North 85 1/4 degrees West 8.00 chains, North 79 3/4 degrees West 6.50 chains, North 83 degrees West 3.50 chains, North 69 degrees West 3.50 chains, North 71 1/2 degrees West 2.00 chains, North 68 degrees West 3.50 chains, North 55 3/4 degrees West 2.00 chains, North 61 degrees, West 3.00 chains, North 36 degrees West 4.00 chains, North 29 1/4 degrees West 3.00 chains to a post, a water oak bearing S 10 E 16 L XIII. A sweet gum bearing S 77 E 14 L XIII. A sweet gum bearing N. 37 E 7.00 L XIII, thence North 50.25 degrees East 80.60 chains to the place of beginning; said lands being in Section 43, T. 1 N., R. 1 E., and containing 639.89 acres;

Being the same property conveyed by the Spanish Government to Louis Durette and conveyed by the heirs and legal representatives of the said Louis Durette to Anna Leland, as attorney in fact for said heirs and legal representatives;

Also the following described real property adjoining the above described tract on the South, viz:

Beginning on the left bank of Tensaw River, at a point in the mouth of a small bayou, being the lower corner of Durette's upper claim, and running thence down the East margin of said river, or its meanders, South 60 degrees East 3.50 chains; South 47 degrees East 14.00 chains; South 20 degrees East 3.00 chains; South 30 degrees East 5.00 chains; South 14 degrees East 1.50 chains; South 26 degrees East 3.50 chains; South 12 degrees East 10.00 chains, South 5 degrees, East 12.00 chains South 1250 chains, South 7 degrees East 5.38 chains, from Section post on the parallel between Sections 11 and 14, South 84 degrees East 9.60 chains to a post from which N 11 1/2 W. 11 L a maple marked XIII, South 76 East 13 L a birch marked XIII; thence North 50 degrees 25 minutes East at 14.83 chains crossed the parallel between Sections 12 and 13 at a distance of 2.50 chains due east from southwest corner Section 12, 96.98 to a post, from which S 69 W 18 L tupelo marked XIII, S 72 3/4 E 25 L a maple marked XIII; thence N. 18.18 degrees West at 10.00 a lake bearing E 50 L wide, 17.25 crossed a lagoon 75 L wide, bearing SE 76.00 to a post from which 19 1/2 W 25 L sweet gum marked XIII, N 42 1/2 W 30 L Sourwood XIII; thence S. 50.25 degrees West at 16.72 a red elm, marked as the NE corner of Durette's upper claim, 96.98 chains to the place of beginning; containing 640 acres and being known as by some Section 37, T. 1 N., R. 1 E., but being Sec. 50 of said Twp.

Being the same property conveyed by the heirs and legal representatives of Louis Durette to Anna Leland, as attorney in fact for them."

TOGETHER, with all rights and appurtenances to said described premises in any wise belonging.

TO HAVE AND TO HOLD the same forever.

A vendor's lien is hereby expressly reserved on the above described real property to secure the balance of one thousand dollars of the purchase money, as evidenced by promissory note dated June 19th, 1918, executed by the party of the second part and payable to Max Collins on or before one year from date, at First National Bank, of Mobile, Alabama.

In the event party of the second part fails to pay the above described note when the same becomes due and payable, party of the first part is hereby authorized to sell said property at public auction, in front of the Court House of Mobile County, Alabama, for cash, after first giving notice of the time, place and terms of sale by advertisement once a week for three successive weeks in any News paper then published in Mobile County, Alabama, and the proceeds of sale shall be applied as follows, namely:

First: To the payment of the expenses of the sale, including such reasonable attorney's fees as may have been paid or incurred by party of the first part by reason of any default on the part of party of the second part.

Second: To the payment of the amount then owing on the debt hereby secured.

Third: The balance, if any, to be paid to party of the second part .

It is mutually understood and agreed, however, that said party of the first part, or his assigns, are to look to the above described lands for payment of said thousand dollar note, and that, in no sense of the word, shall party of the second part be personally liable on said note; and that, in the event of foreclosure of the vendor's lien hereby reserved and of the property not selling for sufficient to pay said note, attorney's fees, and the expenses of foreclosure, the said party of the second part shall nevertheless be fully discharged

from any personal liability under said note.

IN WITNESS WHEREOF, the said parties of the first and second part have hereunto set their hands and seals this the day and year first here in above written.

Max Collins (SEAL)

J. H. Reichert (SEAL)

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, W. P. Roberts, a Notary Public in and for said County in said State, hereby certify that Max Collins, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 24 day of Sept, A. D., 1918.

(Seal)

W. P. Roberts
Notary Public, Mobile Counry, Ala.

STATE OF PENNSYLVANIA 0
COUNTY OF BERTS 0

I, John J. Sallade, a Notary Public in and for said County in said State, hereby certify that J. H. Reichert, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the Second day of October, 1918.
(Seal)

My commission expires
August 29, 1921.
(Seal)

John J. Sallade.
Notary Public, Berts County, Pa.

X

There was endorsed on the back of this instrument the following:

STATE OF ALABAMA)
BALDWIN COUNTY)

I, James M. Voltz, Judge of Probate of said County hereby certify that the following privilege tax has been paid on the within instrument as required by Act 1902 and 1903, viz \$ 1, cts. 50.

Jas. M. Voltz,
Judge of Probate,
By J. L. Kessler, Clerk.

THE STATE OF ALABAMA) Office of the Judge of
BALDWIN COUNTY) the Probate Court.

I, James M. Voltz, Judge of said Court in and for said County, do hereby certify that the within instrument was filed in this office for record on the 11th day of Oct., A. D., 1918, at 4 o'clock P. M., and I further certify that the same is duly recorded in Record Book No. 28, N. S., Page 25-6, and duly examined.

Witness my hand this 12 day of Oct., A. D., 1918.

Jas. M. Voltz,
Judge of Probate Court.

By J. L. Kessler, Clerk."

The defendant objected to the introduction of the foregoing conveyance upon the following grounds:

1. Because it did not appear that the grantor of the deed had any title to the land at the time of the execution of the said deed.
2. Because it appeared from the said deed that it had not been stamped.
3. Because said deed was void on account of champerty and maintenance.

The court sustained the objection and excluded the conveyance from the evidence and to this ruling the plaintiff thereupon excepted.

X

The plaintiff thereupon took a non-suit with a bill of exceptions on account of the adverse ruling of the Circuit Court in sustaining the defendant's objections to the introduction in evidence of the said conveyance from Max Collins to the plaintiff, J. H. Reichert.

The above and foregoing was all of the evidence in the case.

And now comes the plaintiff in the above entitled cause and presents this his bill of exceptions to the Hon. A. E. Gamble, the Judge who presided at the trial of said cause, and prays that the true date of such presentment be endorsed thereon, and that the same be signed as a true and correct bill of exceptions in said cause within the time allowed by law.

Harry Smith Raffer
Attorneys for Plaintiff.

I, A. E. Gamble, the Judge presiding at the trial of the above entitled cause, do hereby certify that the above and foregoing bill of exceptions was duly presented to me on this the 1st day of July, 1919, said date being the true date of such presentment, and the same being endorsed hereon by me as a part of said bill of exceptions.

A. E. Gamble
Presiding Judge.

The above and foregoing bill of exceptions being a true and correct bill of exceptions in said cause and having been presented to me on the 1st day of July, 1919, within the time allowed by law for its presentment, and so endorsed by me, is hereby signed by me as the Judge presiding at the trial of said cause as a true and correct bill of exceptions on this the 1st day of July, 1919.

A. E. Gamble
Presiding Judge.