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Instruction to ...
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Filed May 28/824
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J. H. Reichert,
Plaintiff,

-vs-

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

IN THE CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA.

AT LAW.

Come the above named defendants and move the Court to ~~subpoena~~
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
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 com-
mission 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 can
be taken upon written interrogatories under Sub-division 1 of Section
4030 of the Code of Alabama.

Shirley M. Conroy, M. L. L. L.
J. H. Webb
ATTORNEYS FOR DEFENDANTS.