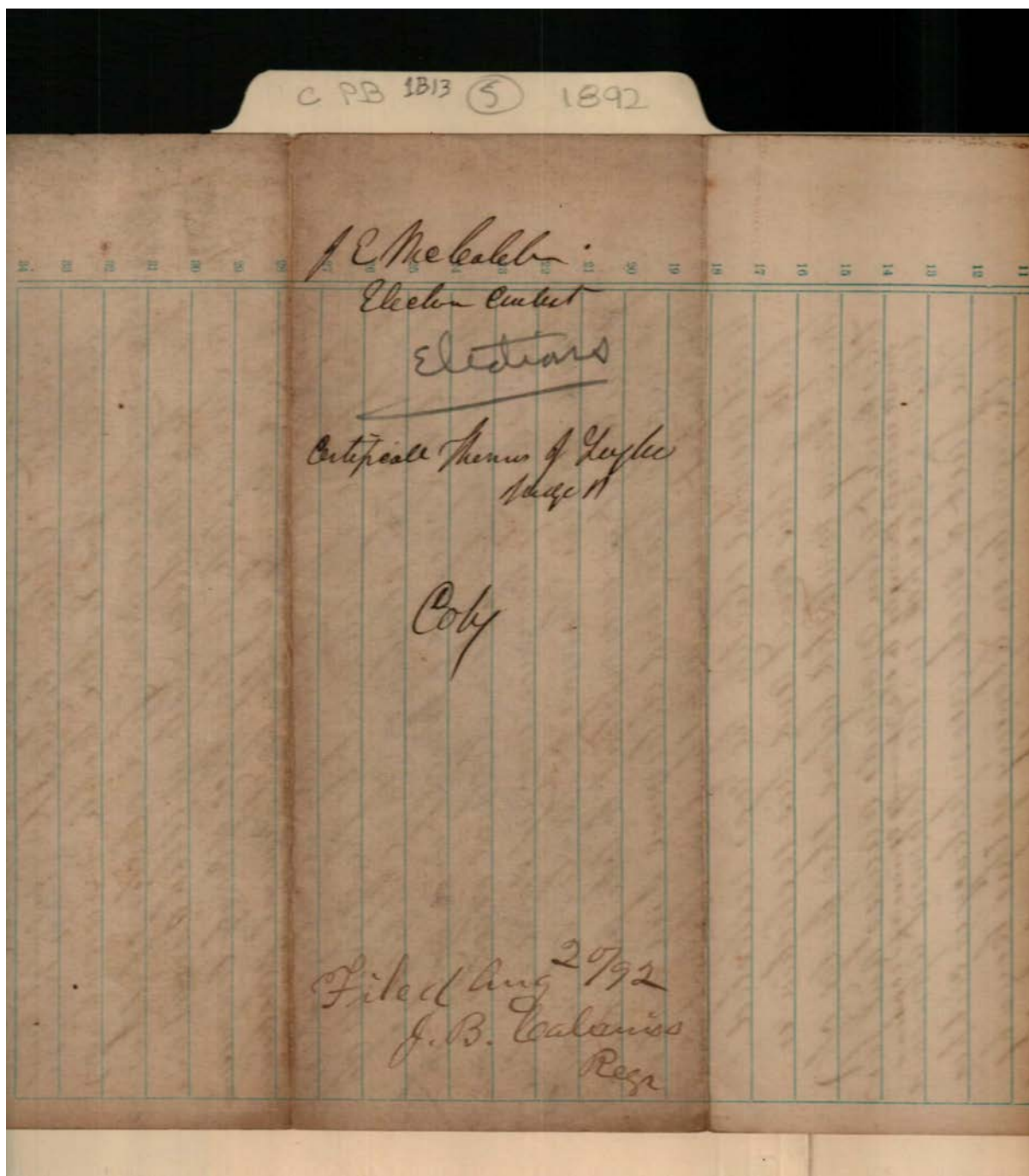


Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 13, Folder 5

Legal and court documents, 1892

Image 1 r01b13-05-000-0075 [Contents](#) [Index](#) [About](#)



Names:

McCaleb, J. E.

Types:

election

C PB 1813 (5) 1892

McGEE & SMITH,
1001 OCEAN BLVD.,
PORTLAND, ME.

Thomas J. Taylor Judge of Probate
In the Election Contested } by Probate Court
Whereas ~~John F. Smith~~ McCaleb representing } Aug 18 1892
himself as a qualified elector of the
County of Madison State of Alabama and
a candidate for the office of County Commissioner
of said County at the last general election
held on the first Monday in August 1892
has filed a statement of the grounds of
contest of the election of Fred B. Given,
Frank E. Love, Lee J. Wright and John F.
Smith who have been declared elected to said
office of County Commissioner of said election
and whereas Thomas J. Taylor the judge
of this Court is incompetent to take jurisdiction
of and to hear and determine said matter
of contest by reason of the fact that at said
last general election he was re-elected
Judge of this Court and his reelection is
now being contested before the Judge of
this Court upon grounds causes and for
in all which pertain to the grounds of contest
Reasons specified in the statement aforesaid
The fact of such incompetency is certified
to the register in conformity of this County
that he may appoint a Special Judge of
Probate in accordance with the statute
A True copy
Teste
Thomas J. Taylor
Judge Probate

Madison
Page 597

Names:

Given, Fred T.
Love, Frank C.

McCaleb, Joseph E.
Smith, John F.

Taylor, Thomas J.
Wright, Lee J.

Places:

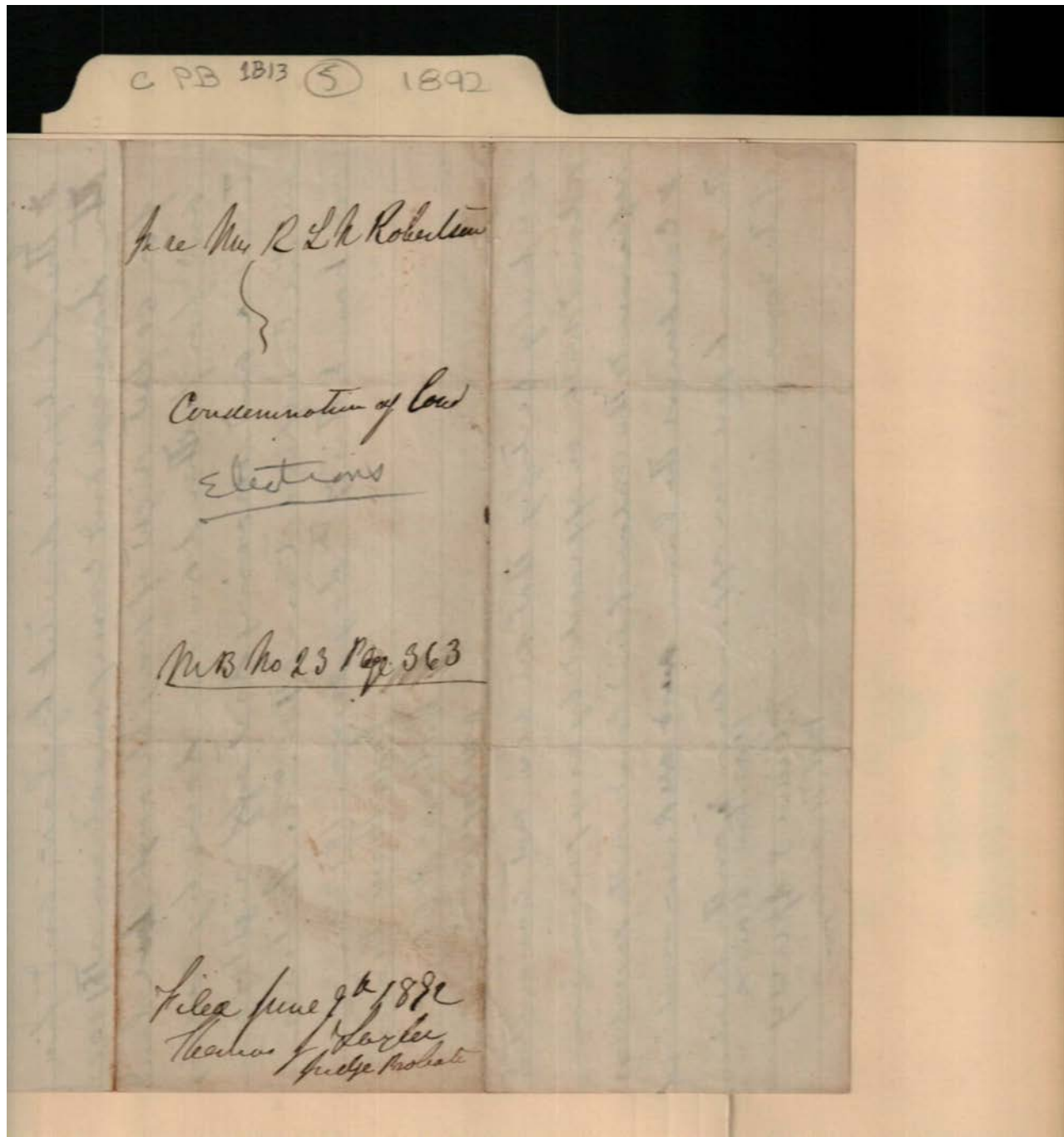
Madison Co., AL

Types:

election

Dates:

Aug 18, 1892



Names:

Robertson, R. L. N.,
Mrs.

Places:

Madison Co., AL

Types:

election

Dates:

June 9, 1892

C PB 1813 (5) 1892

State of Alabama } Gurley Ala
 Madison County } June 7th 1892
 Hon Thos. J. Taylor Judge of Probate
 We the undersigned Commissioners
 appointed by your Honor, to assess
 damage and compensation due mis
 R. L. Robertson, by ~~Gurley~~ and
 Paint Rock Valley R.R. Company,
 by leave to state we have attended
 to the duty, as directed by law, and fix
 the damage and compensation at \$100.00
 for 50 feet right of way through ~~the~~ land
 and for further damage done by cutting
 timber and moving dirt off right of way
 we fix compensation at \$40.00. Witness
 our hand, this 7th day June, 1892
 Jonathan Beason
 William S. Spivey
 D. H. McLain
 We hereby certify that we were not consulted,
 advised with, or approached by any person in
 reference to the value of said lands, or the proceedings
 to condemn the same, ~~and we knew nothing of~~
 the same before our appointment, on the trial
 of the same
 Jonathan Beason
 William S. Spivey
 D. H. McLain

Names:

Beason, Jonathan
 Gurley & Paint Rock
 Valley Railroad Co.

McLain, D. H.
 Robertson, R. L. N.,
 Mrs.

Spivey, William

Places:

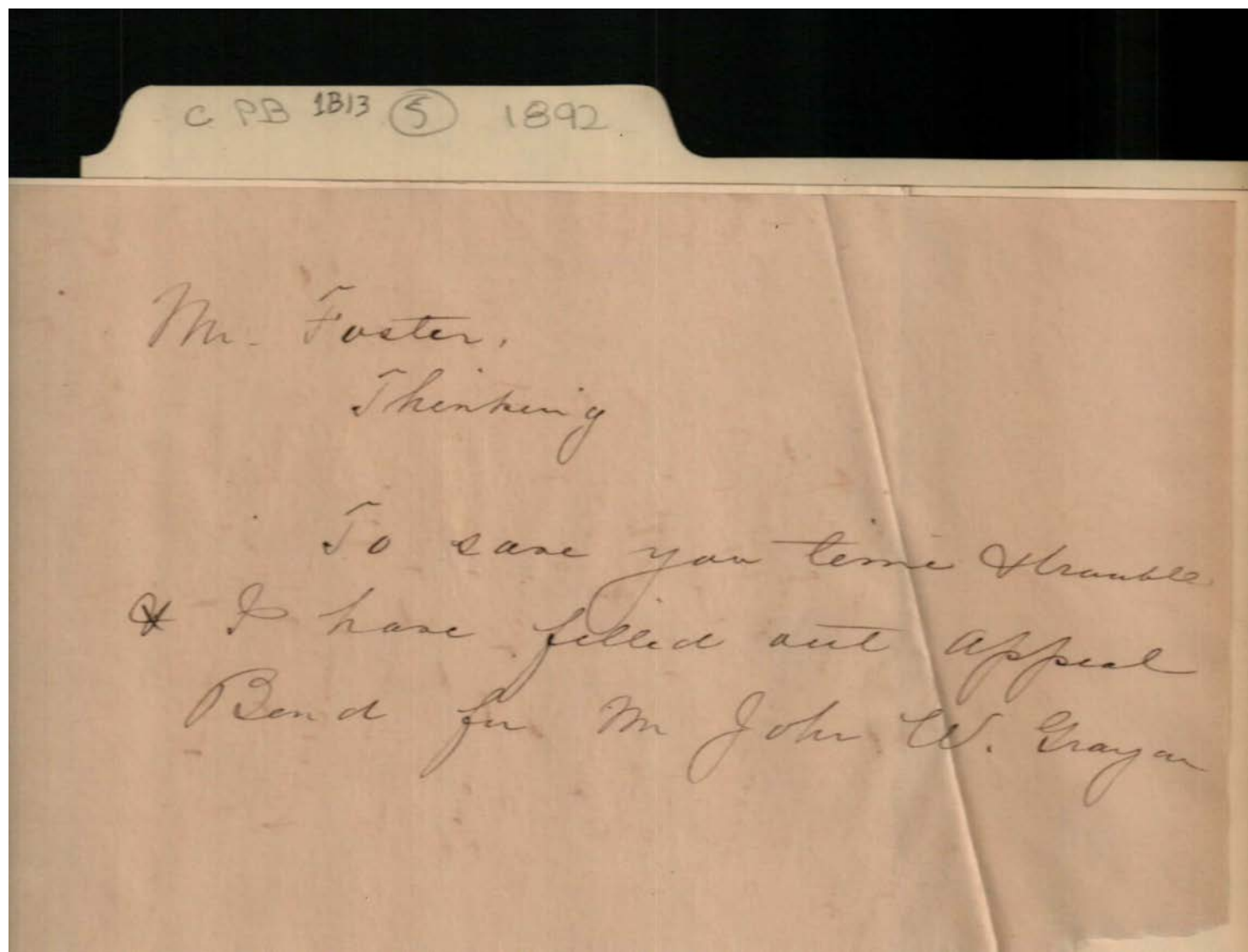
Gurley, AL

Types:

law suit

Dates:

June 7, 1892



Names:

Foster,

Grayson, John W.

Types:

memo

C PB 1813 (5) 1892

Decatur Ala. Apr. 1, 1892.

Tancred Betts, Esq.,
Huntsville, Ala.

Dear Sir: - I enclose you the following correspondence relating to Stephenson Hewlett case in Morgan Circuit Court, viz:-

1st Letter from yourself of Nov. 9, 1889 saying his word wished me to take the case off his hands and try it, or if not to have case continued, or transferred to City Court.

2nd Letter from F. P. Ward asking me to take the case try it, and look to him for compensation. Dated Jan 16, 1890.

3rd Letter from F. P. Ward of date Jan 21, 1890 asking if I had received a letter from him asking me to take the case and look to him for compensation or fee.

4th Clipping from a letter of Mr. Ward's to you regarding the case, which you sent me, and part of which you erased, because relating to other matters.

5th Letter of yourself to me about the case, in closing above named Clipping. Please preserve all these letters.

Yours truly,
E. W. Godbey.

Names:

Betts, Tancred
Godbey, E. W.

Hewlett,
Stephenson,

Ward, F. P.

Places:

Decatur, AL

Huntsville, AL

Types:

legal correspondence

Dates:

April 1, 1892

C PB 1813 (5) 1892

Huntsville Ala
Nov 9 89 (1)

E. W. Godbey Esq
Dear Sir,

Mr. Edwards tells
me to say to you that he will not be
able to attend Morgan Circuit Court and
suggests that you have Fairgrounds case
continued or removed to Decatur City Court
as you think best.

He says he has a case (Stephenson
Hewlett) on the Circuit Court docket, which he
would be glad to turn over to you entirely
but if you will not make change of it
please have it continued or removed to
City Court - removal to Decatur preferred
as Mr. Edwards represents other side.

Very truly yr.
Tancred Betts

Names:

Betts, Tancred
Godbey, E. W.

Hewlett,
Stephenson,

Ward,

Places:

Huntsville, AL

Types:

legal correspondence

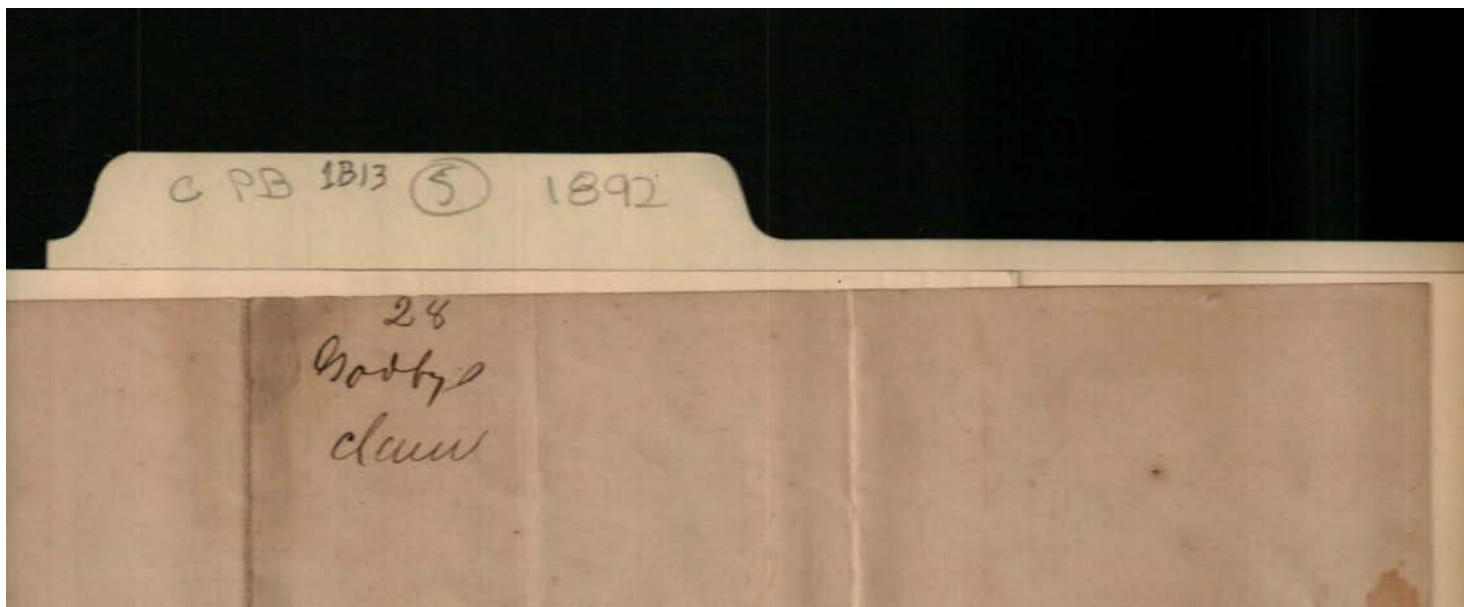
Dates:

Nov 9, 1889

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Legal and court documents, 1892

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Names:

Godbey,

Types:

memo

C PB 1813 (5) 1892

Huntsville Ala Jan 18. 1890

E. W. Godbey Esq
Decatur Ala

(2)

Dear Sir,

I wish you to take case
of Stephensons v Hewlett in Morgan circuit
court - prosecute and try it, and look to me
for compensation.

The suit is on Hewlett's bond as Register. Is
above money received by him for sale of lands
belonging to Arthur Stephensons estate

On final settlement of the estate in the
Chancery Court an account was taken against
him as containing the amount to be about \$1100
and owing to the plaintiffs.

That finding may not be binding against his
heirs. If not Mr Down can tell you who
paid it, and you can prove it by them.

I will send you a certified copy of the bond from
the Secretary of the State.

Yours & F. P. Ward

Let Mrs. Martha Stephenson know that you take the case at my expense

Names:

Downs, Mrs.
Godbey, E. W.

Hewlett,
Stephenson, Arthur

Stephenson, Martha
Ward, F. P.

Places:

Decatur, AL

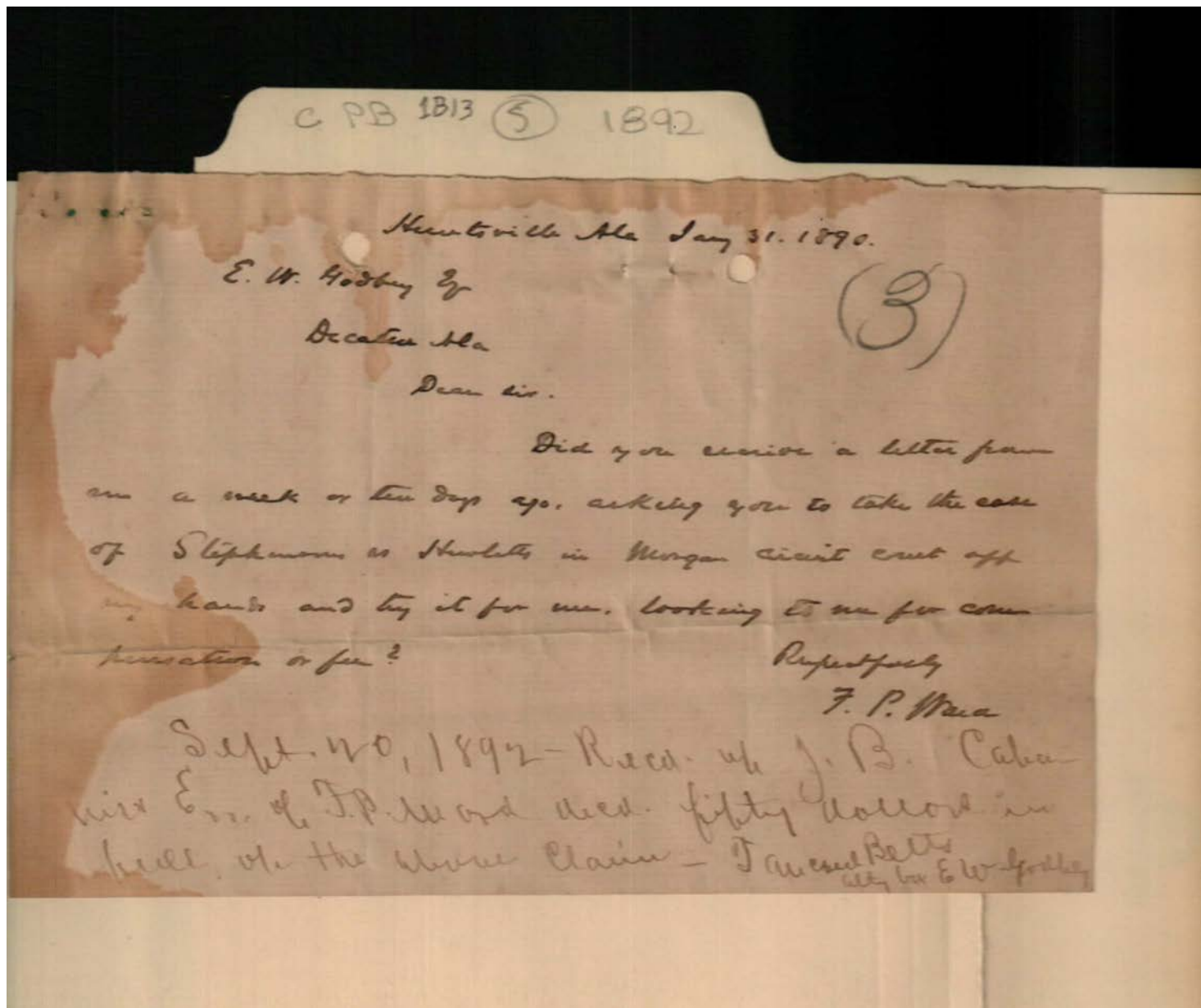
Huntsville, AL

Types:

legal correspondence

Dates:

Jan 18, 1890



Names:

Betts, Tancred
Cabaniss, J. B.

Godbey, E. W.
Hewlett,

Stephenson,
Ward, F. P.

Places:

Decatur, AL

Huntsville, AL

Types:

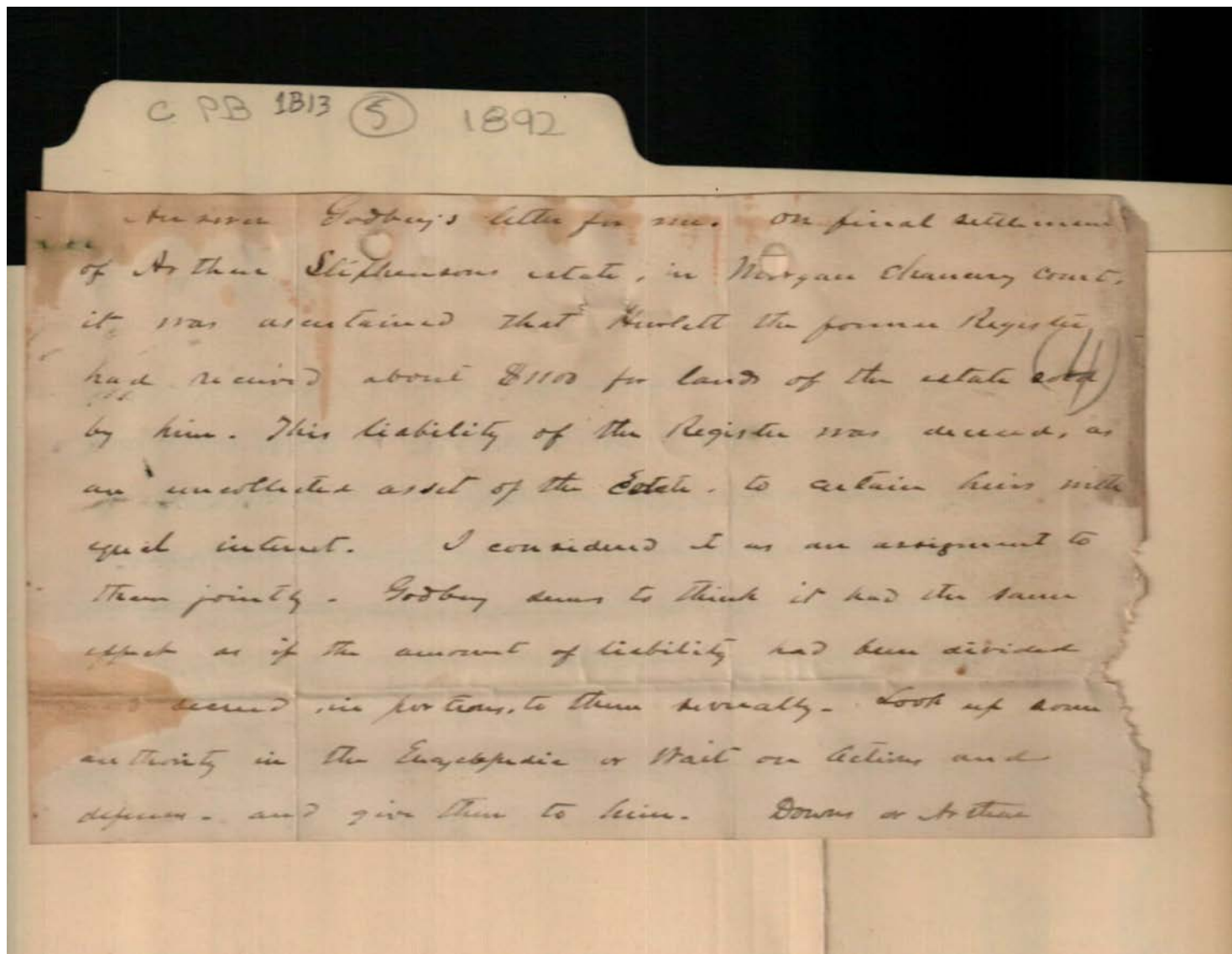
legal correspondence

receipt

Dates:

Jan 31, 1890

Sept 20, 1892



Names:

Downs,

Godbey,

Hewlett,

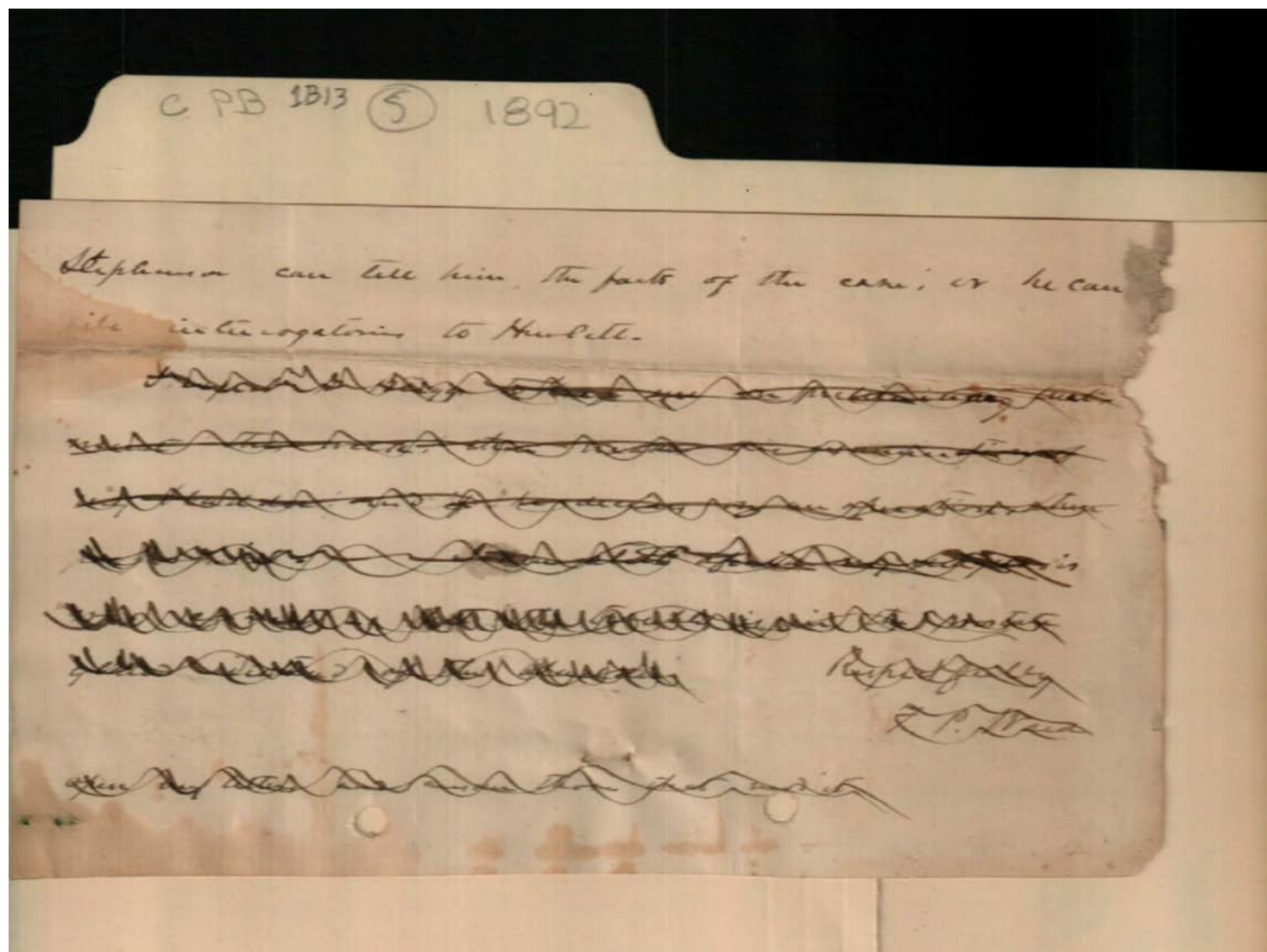
Stephenson, Arthur

Places:

Huntsville, AL

Types:

legal correspondence



Names:

Hewlett,

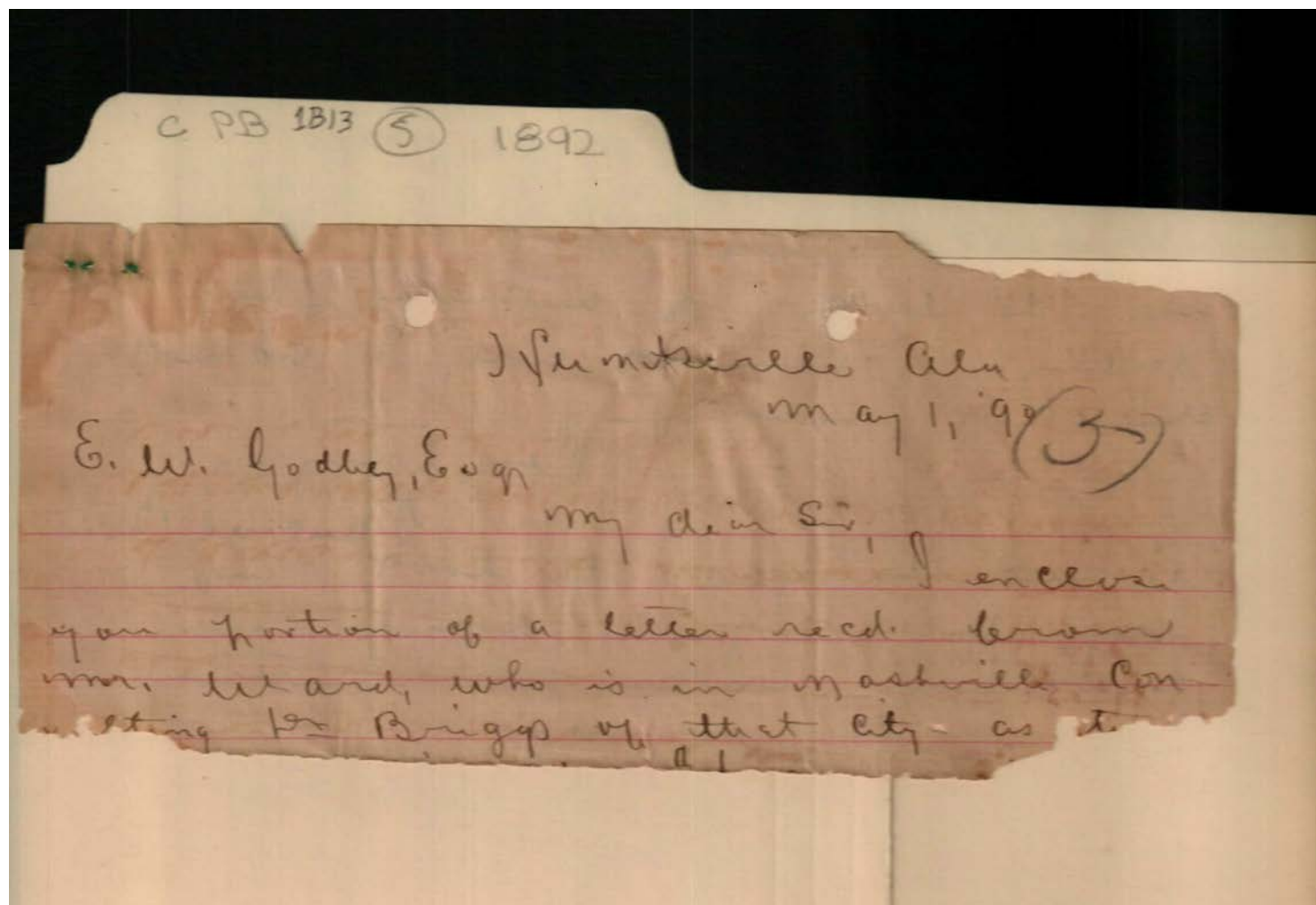
Stephenson, Arthur

Places:

Huntsville, AL

Types:

legal correspondence



Names:

Briggs, Dr.

Godbey, E. W.

Ward,

Places:

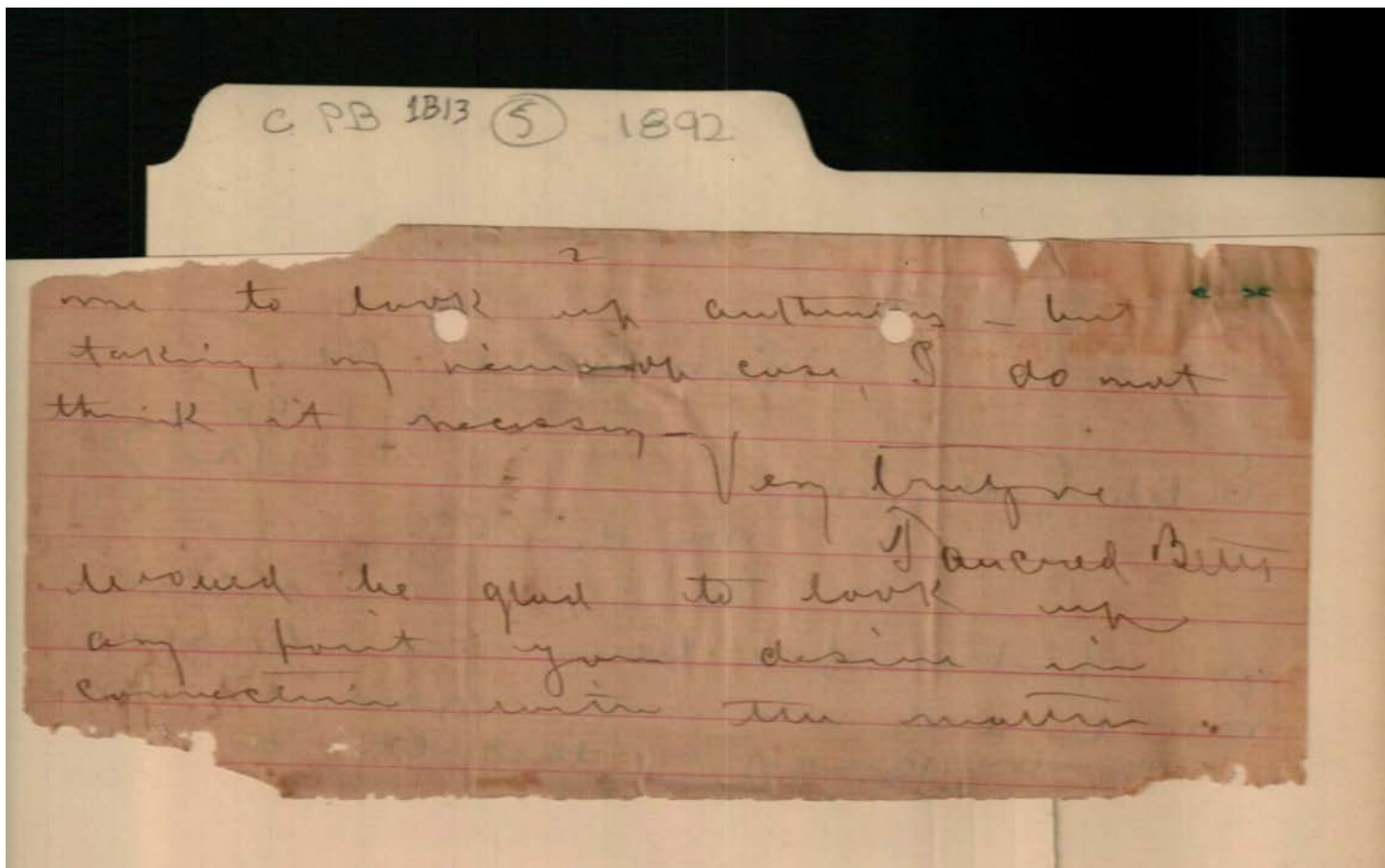
Huntsville, AL

Types:

legal correspondence

Dates:

May 1, 1890



Names:

Betts, Tancred

Places:

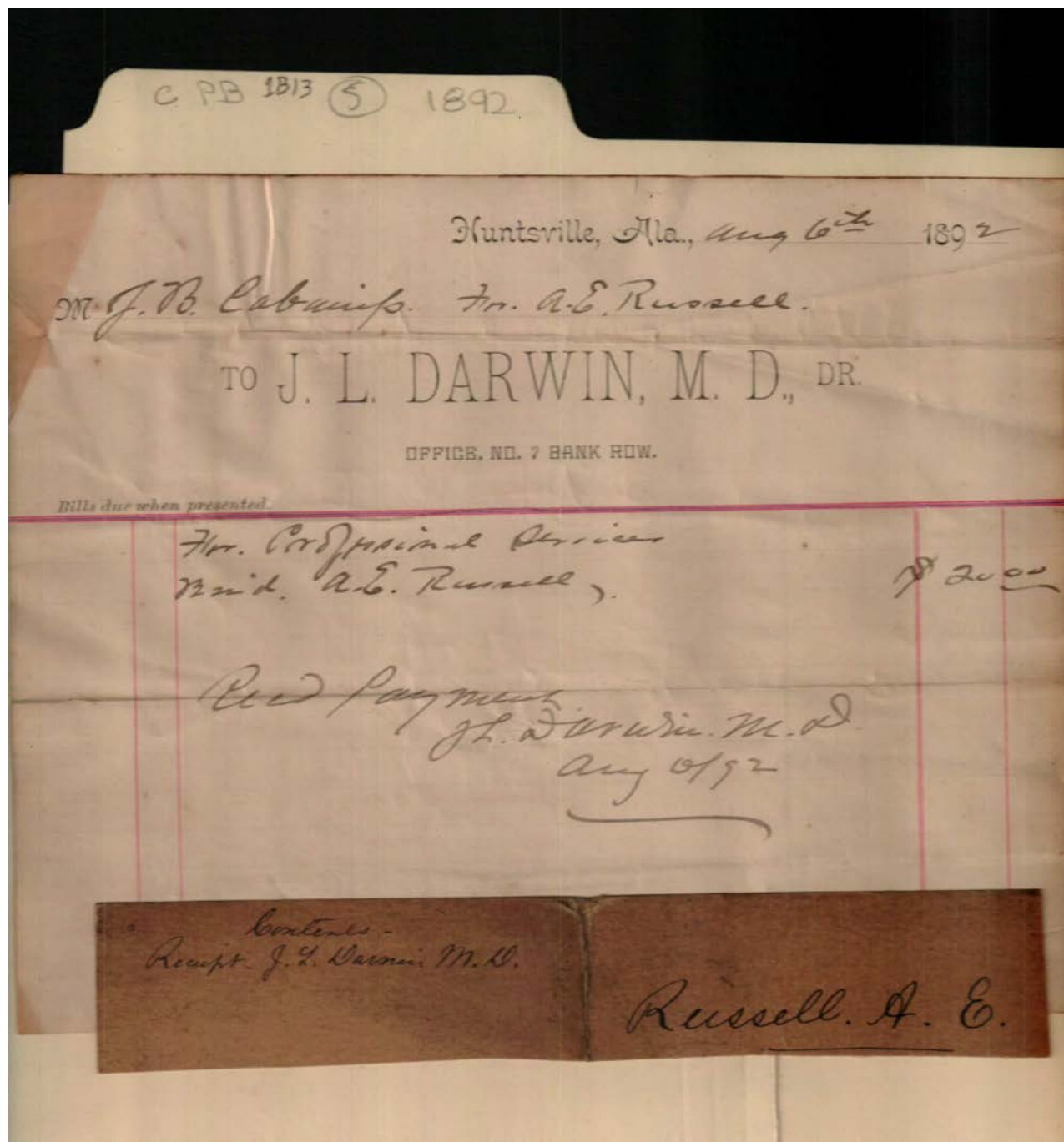
Huntsville, AL

Types:

legal correspondence

Dates:

May 1, 1890



Names:

Cabaniss, J. B.

Darwin, J. L., Dr.

Russell, A. E.

Places:

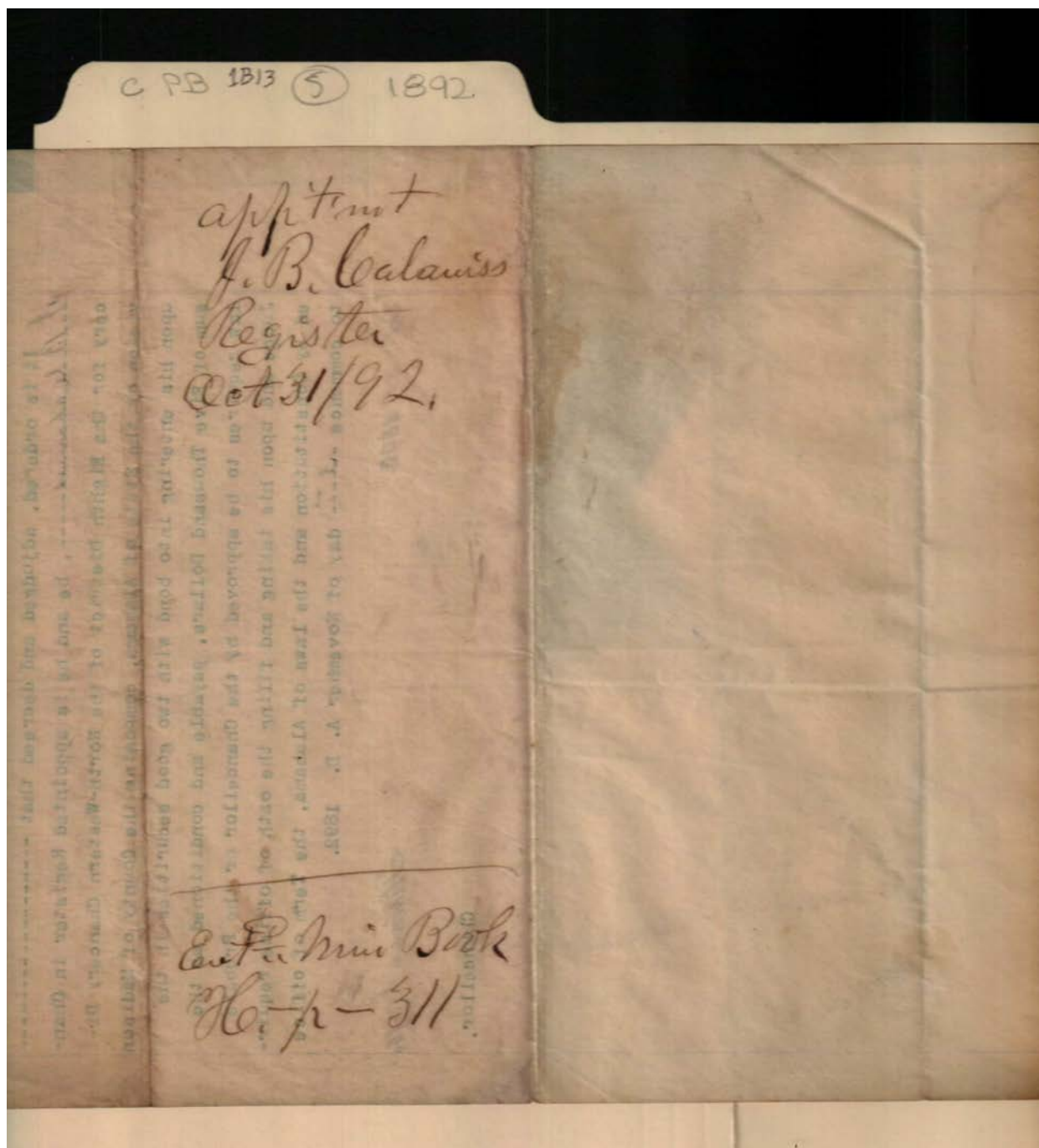
Huntsville, AL

Types:

receipt

Dates:

Aug 6, 1892



Names:

Cabaniss, J. B.
(Register)

Places:

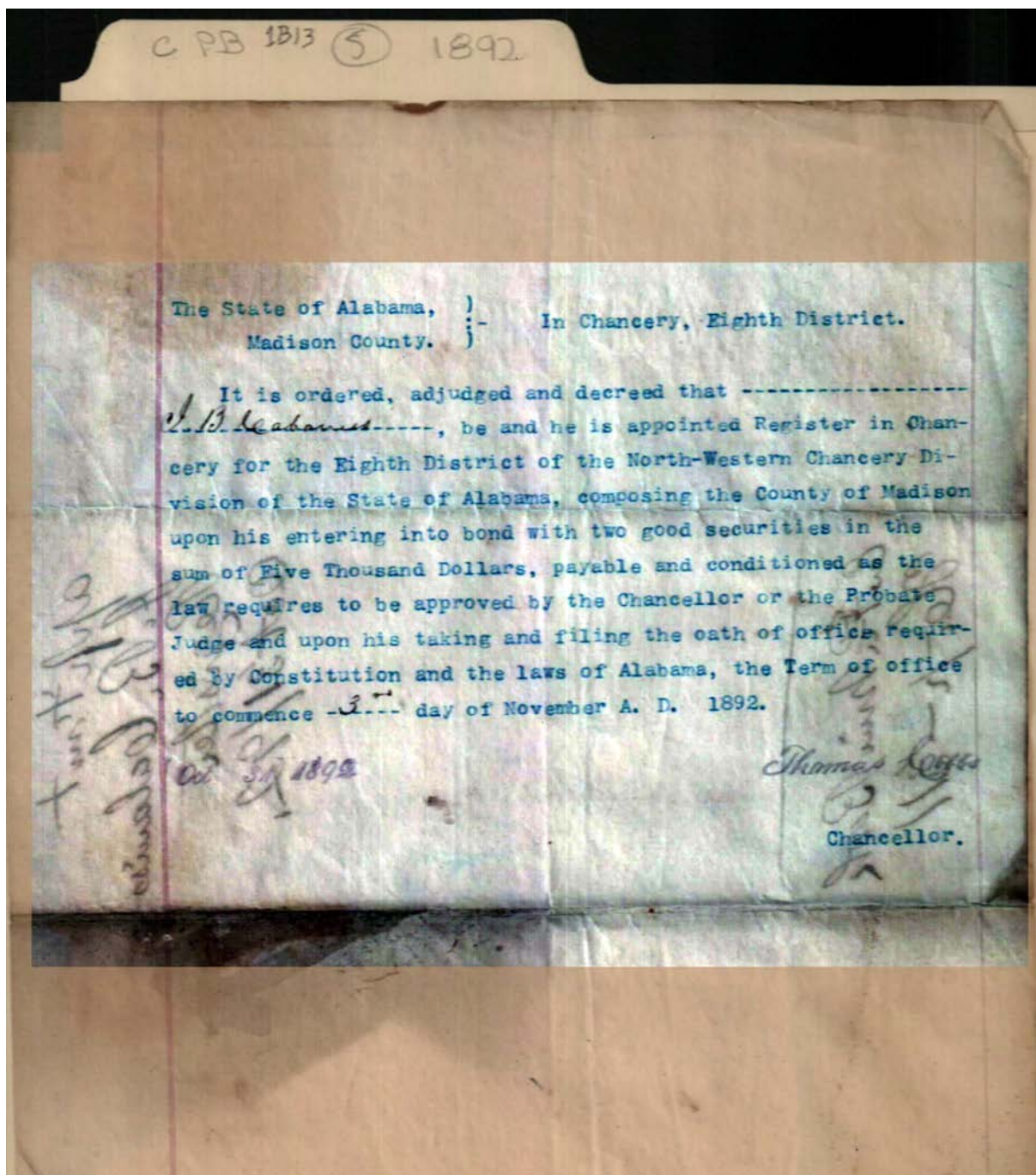
North-Western AL
Chancery Div. of

Types:

appointment

Dates:

Oct 31, 1892



Names:

Cabaniss, J. B.
(Register)

Places:

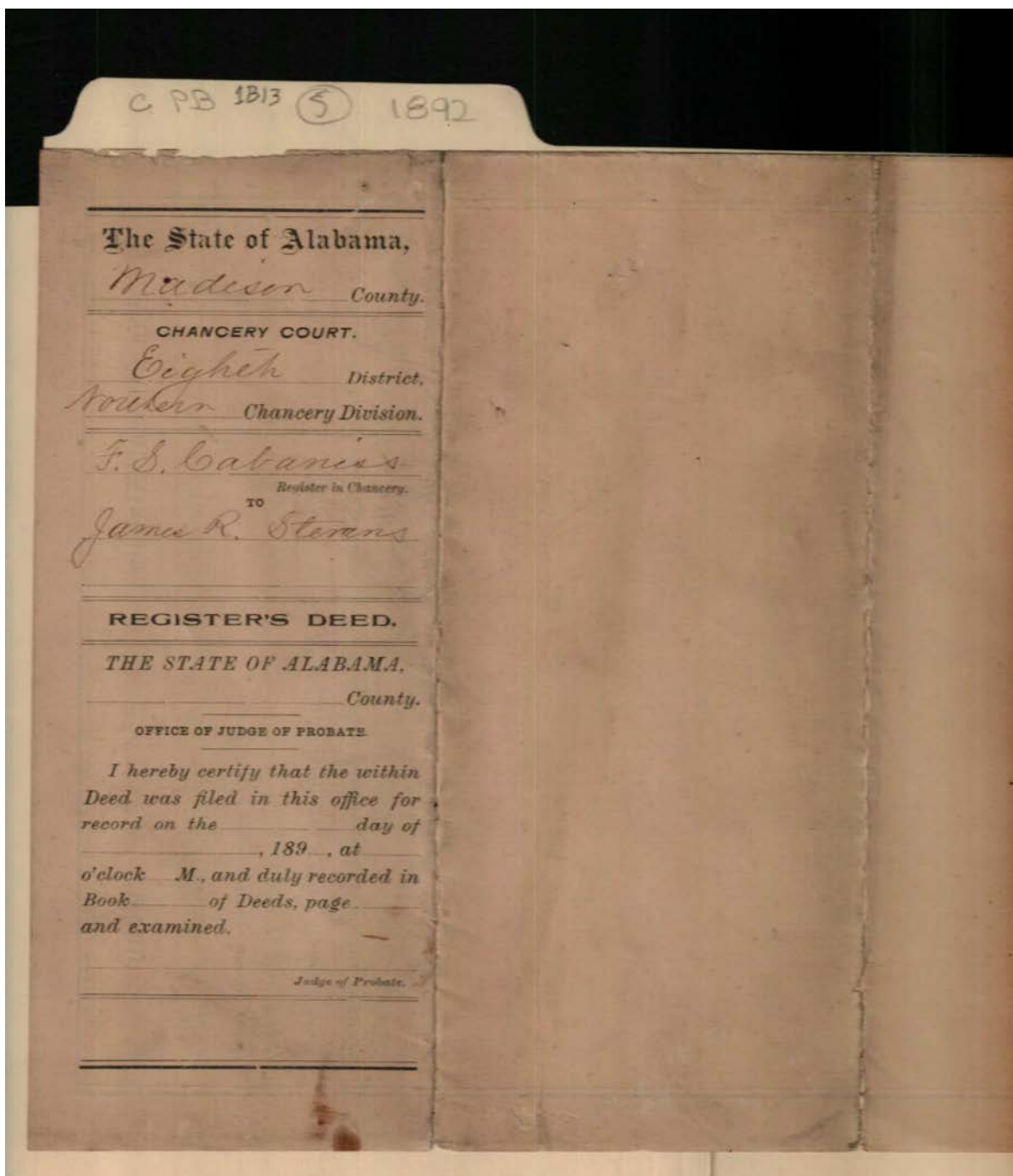
Madison Co., AL

Types:

appointment

Dates:

Nov 3, 1892



Names:

Cabaniss, F. S.

Stevens, James R.

Places:

Madison Co., AL

Types:

deed

Dates:

1892

C PB 1313 (5) 1892

Form 222—REGISTER'S DEED—Printed and for Sale by ROBERTS & SON, Birmingham, Ala.

The State of Alabama, County.

Be it Known to all whom it may Concern:

That, whereas, at a sale made by the Register and Master in Chancery at Huntsville Alabama, under a decree of the Chancery Court of said County, in the cause of Robert L. Taylor et al.

against Walter L. Patton et al., No 1843 on the Docket of said Chancery Court -

rendered at the March Term, 1892, of said Court, said sale having been made by public outcry, at the Court house door in the City of Huntsville, after having been duly advertised by publication for four successive weeks in the Tribune, a newspaper published in Huntsville County of Madison, Alabama, one James R. Stevens of Huntsville Alabama being the highest and best bidder at said sale, became the purchaser of the real estate hereinafter described, at the sum of \$300.00 Three Hundred Dollars.

Now, therefore, in consideration of the premises, and of the full payment to me of the purchase money aforesaid, the receipt whereof is hereby acknowledged, I, F. S. Cabaniss, Register and Master in Chancery in said County and State, by virtue of the authority in me vested by said decree of said Court of Chancery, have sold and conveyed, and by these presents do hereby bargain, sell, and convey unto the said James R. Stevens all the right, title, and interest of the said Complainants and the said defendants in this cause and of each and all the parties to this suit, in and to the following described real estate, situated in the County of Madison State of Alabama, to-wit:

The West half of South East Quarter, Sec 29 T. 2. Range One East. The S. E. 1/4 of S. W. 1/4 and N. E. 1/4 of S. W. 1/4. Sec. 24 T. 4 Range One East; The S. 1/2 of S. W. 1/4 Sec. 27 T. 4 R. 1. East. The S. 1/2 of S. W. 1/4 and N. E. 1/4 of S. W. 1/4 and W. 1/2 of S. W. 1/4 and S. E. 1/4 of S. W. 1/4 Sec. 22 T. 4. Range One East

Names:

Cabaniss, F. S.

Patton, Walter L.

Stevens, James R.

Taylor, Herbert L.

Places:

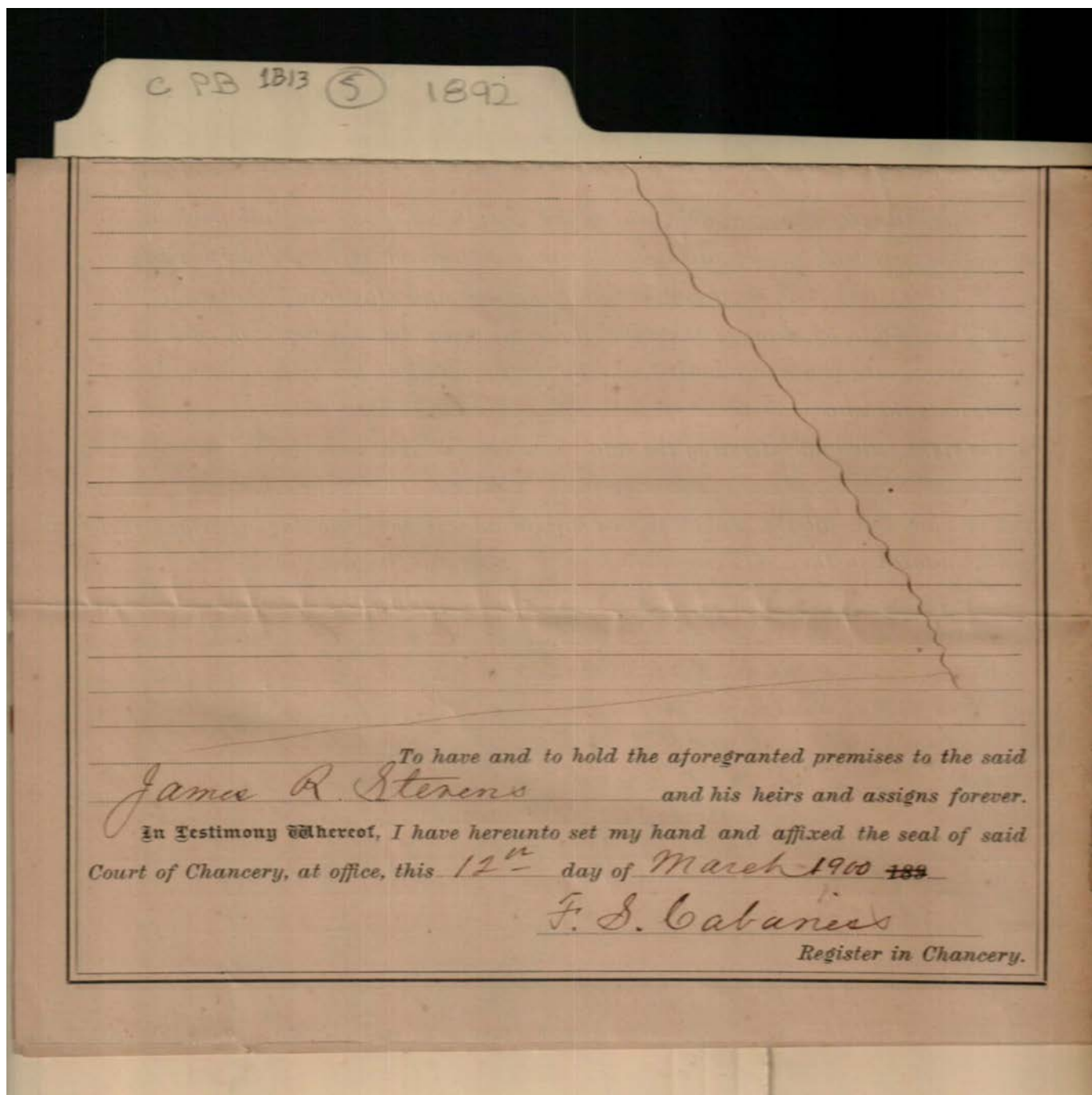
Huntsville, AL

Types:

deed

Dates:

Mar 12, 1900



Names:

Stevens, James R.

Places:

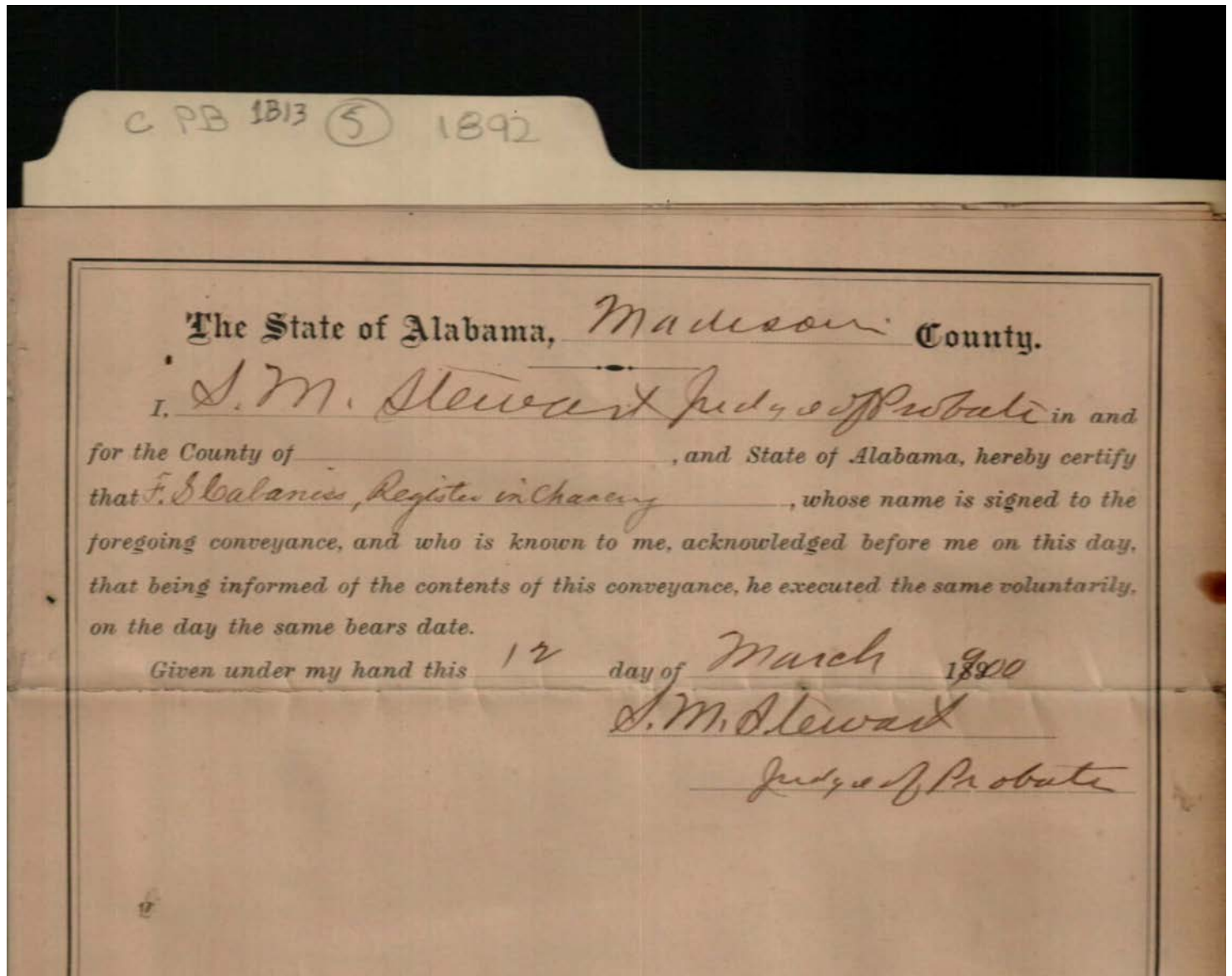
Huntsville, AL

Types:

deed

Dates:

Mar 12, 1900



Names:

Cabaniss, F. S.

Places:

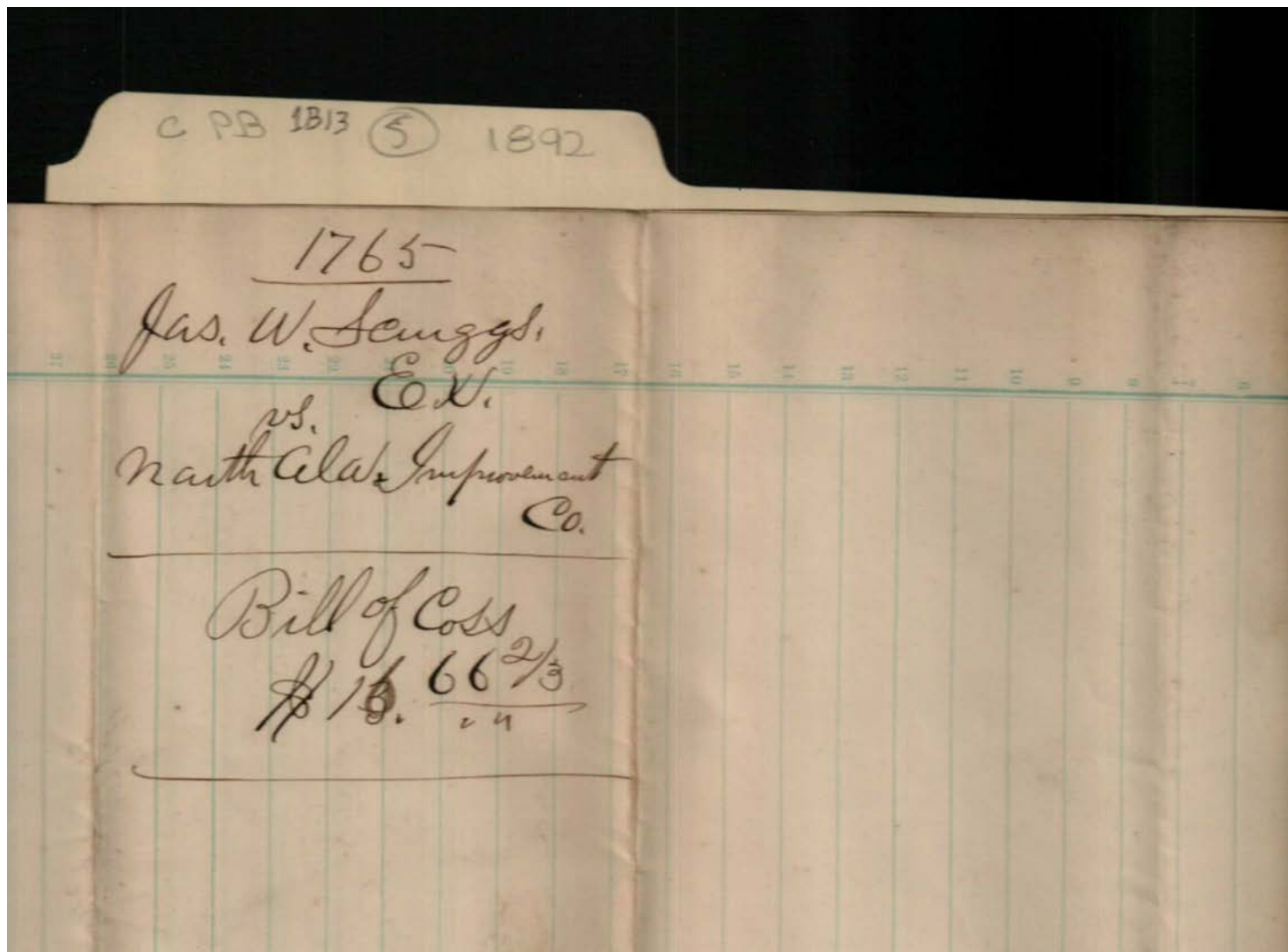
Madison Co., AL

Types:

deed

Dates:

Mar 12, 1900



case 1765

Names:

North Alabama
Improvement Co.

Scruggs, James W.

Places:

Madison Co., AL

Types:

court costs

Dates:

1891

1765

James W. Scruggs, Ex. vs. North Ala. Improvement Co.

1891 Bill of Costs

July 29	Filing Bill	25 ^c	Docket	50 ^c	Index	05	80
"	Entg app of Sol.						25
"	Issuing Summons						33 ¹ / ₃
"	Shff's Return	13 ¹ / ₃	Copy of Summons	50 ^c			63 ¹ / ₃
"	Recording Bill						3 50
"	" Summons						40
incl	" Docket	50 ^c	Li of Docket	50 ^c			1.00
" 19	" Order of Continuance						25
"	" " filing Ans	25 ^c	Record	25 ^c			50
"	" Entg app of Sol. for Deft						25
Sept	" Docket	50 ^c	Li of Docket	50 ^c			1.00
1892 incl	" Docket	50 ^c	Li of Docket	50 ^c			1.00
"	" Order of dismissal						25
"	" Final Record						2.00
							<u>\$ 12 16²/₃</u>
	Register's fees						\$ 2 16 ² / ₃
	Shff's (muply)						4 50
							<u>\$ 16 66²/₃</u>
	Shff Com & Return for						1.75
	Collecting Costs Execution						<u>\$ 18.41</u>

Names:

North Alabama
Improvement Co.

Scruggs, James W.

Places:

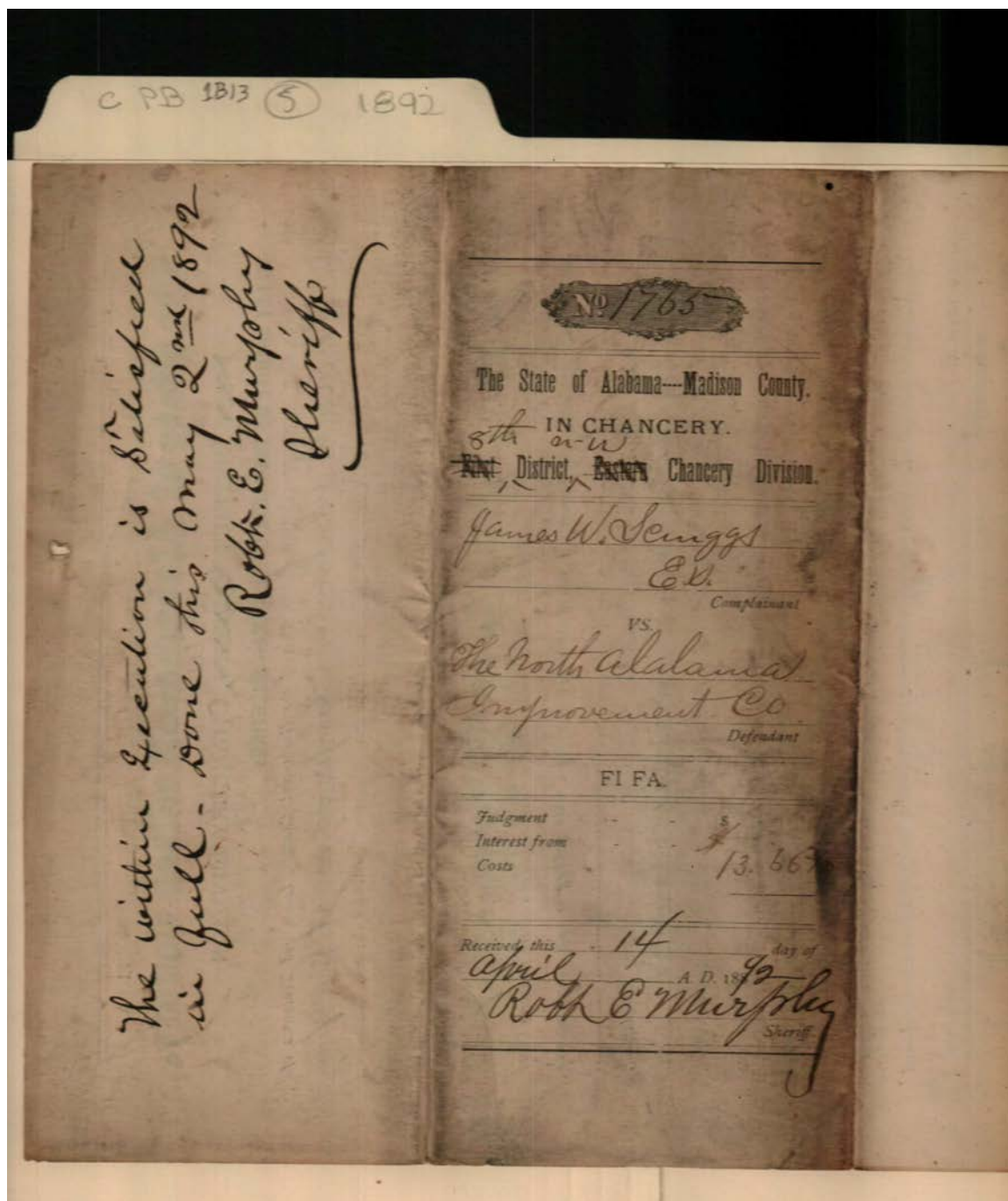
Madison Co., AL

Types:

court costs

Dates:

1891



Names:

North Alabama
Improvement Co.

Scruggs, James W.

Places:

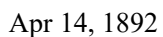
Madison Co., AL

Types:

chancery court

Dates:

Apr 14, 1892



C PB 1813 (5) 1892

OFFICE OF J. B. CABANISS,
Register in Chancery,
HUNTSVILLE, ALABAMA.

Aug 10. 1892

Dear Bud

I send you all the papers
appertaining to my place
1st the Application & Mtg
for O. K. Stegall to sign
to the "Old Home". 2nd the second
Mtg. Note for 600 due to Henry
& myself. 3rd the deed from Henry
& wife to Stegall.

Please have all of these
papers duly signed & recorded
& returned to me at once
& I will send the ck for
Bal due May hen & ck for
your fee. The money is in
the Bank & I will have the matter
fixed up also. S. M. Stegall
loan. Very truly
Yours
W. V. M. R.

Names:

Cabaniss, Bud

Henry

Mayhew,

Stegall, O. K.

Places:

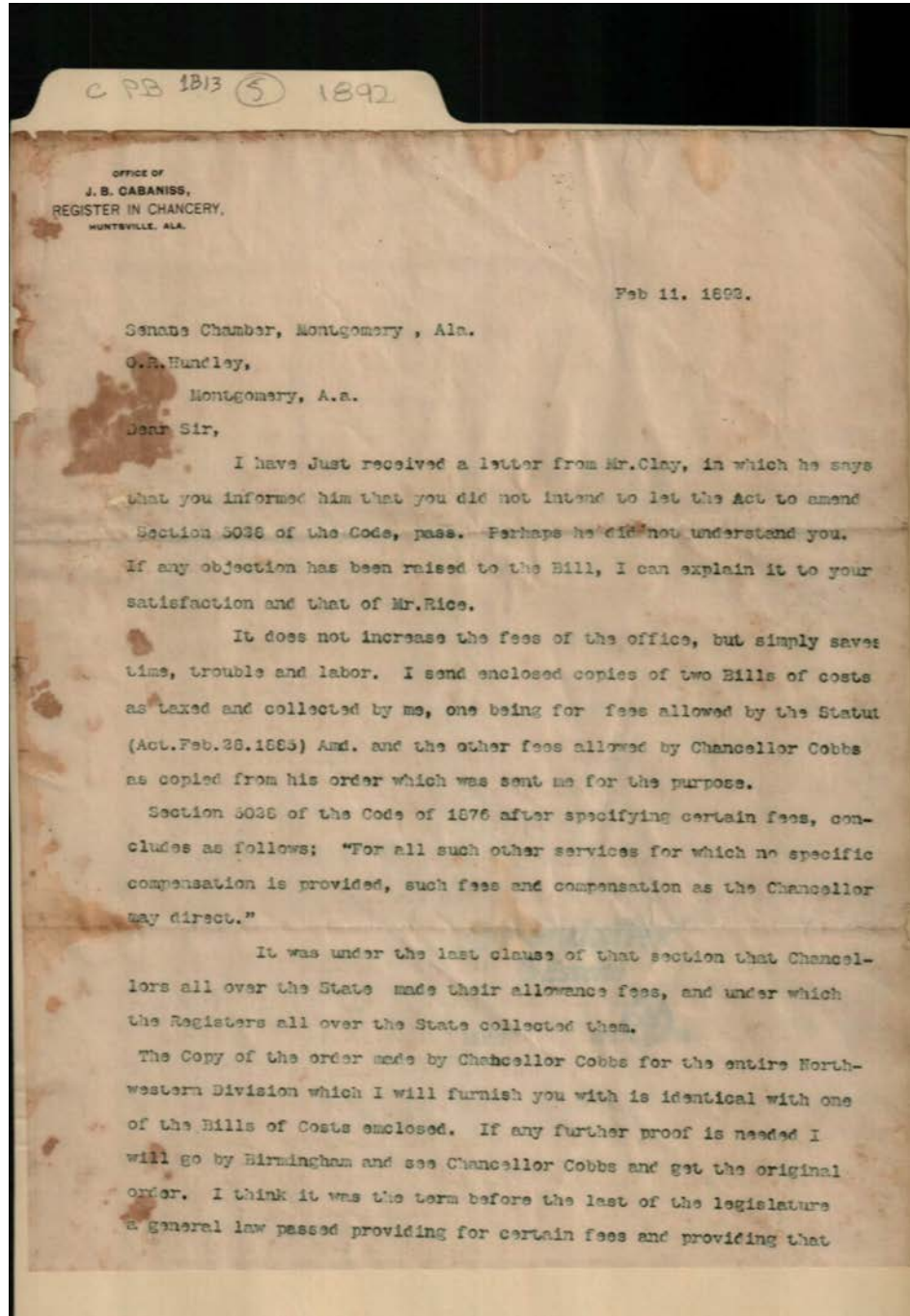
Huntsville, AL

Types:

legal correspondence

Dates:

Aug 10, 1892



Names:

Cabaniss, J. B.
(Register)

Clay,
Cobbs,

Hundley, G. R.
Rice,

Places:

Huntsville, AL

Montgomery, AL

Types:

correspondence

Dates:

Feb 11, 1892

C PB 1B13 (5) 1892

OFFICE OF
J. B. CABANISS,
REGISTER IN CHANCERY,
HUNTSVILLE, ALA.

the Register should have none other than those specified by this Act; thereby cutting them off from allowances made by the Chancellor. You were then in the House of representatives and sent me a copy of the Bill asking me what I desired to be done in the matter; which copy I have kept. I wired you to amend it so as to repeal the special Act of 1885 for Madison County. but you failed for some reason to accomplish it. That Act repealed the General laws, not the special ones, leaving Madison County the only one in the Northwestern Division in which the Chancellor has the power to allow fees for certain services, not specifically provided for. The act passed Feb. 13. 1885. applying to this County, says:

"For all the services for which no compensation is herein specified, such fees and compensation as the Chancellor may direct, but each charge must not be made except under the written order-of- direction of the Chancellor to be recorded in each case?" This you will see makes it necessary for the Register to forward to the Chancellor each bill of costs for his signature.

In a recent case that was compromised, the case of Duncan vs. Mitchell Tancred Betts was interested, and to whom I refer you I wrote to the Chancellor for his allowance of certain fees for which there was no compensation specified. He answered that under the last Act Registers were not entitled to fees allowed by Chancellors. I wrote reminding him that I taxed my fees under the special Act Feb. 28. 1885. to which I have received no answer as yet. The matter is still unsettled. I suppose the Chancellor was absent. It is to alleviate this trouble that I desire the act to be passed.

J.
In his opinion the general law repealed the special act law (which I sincerely wish it did.) I will furnish you with a line of authorities and Judge Brickell's opinion on the subject. Clearly it does not repeal the Special Act. I will come down and see you at once and would like to have

Names:

Betts, Tancred
Brickell, Judge

Cabaniss, J. B.
(Register)

Places:

Huntsville, AL

Types:

correspondence

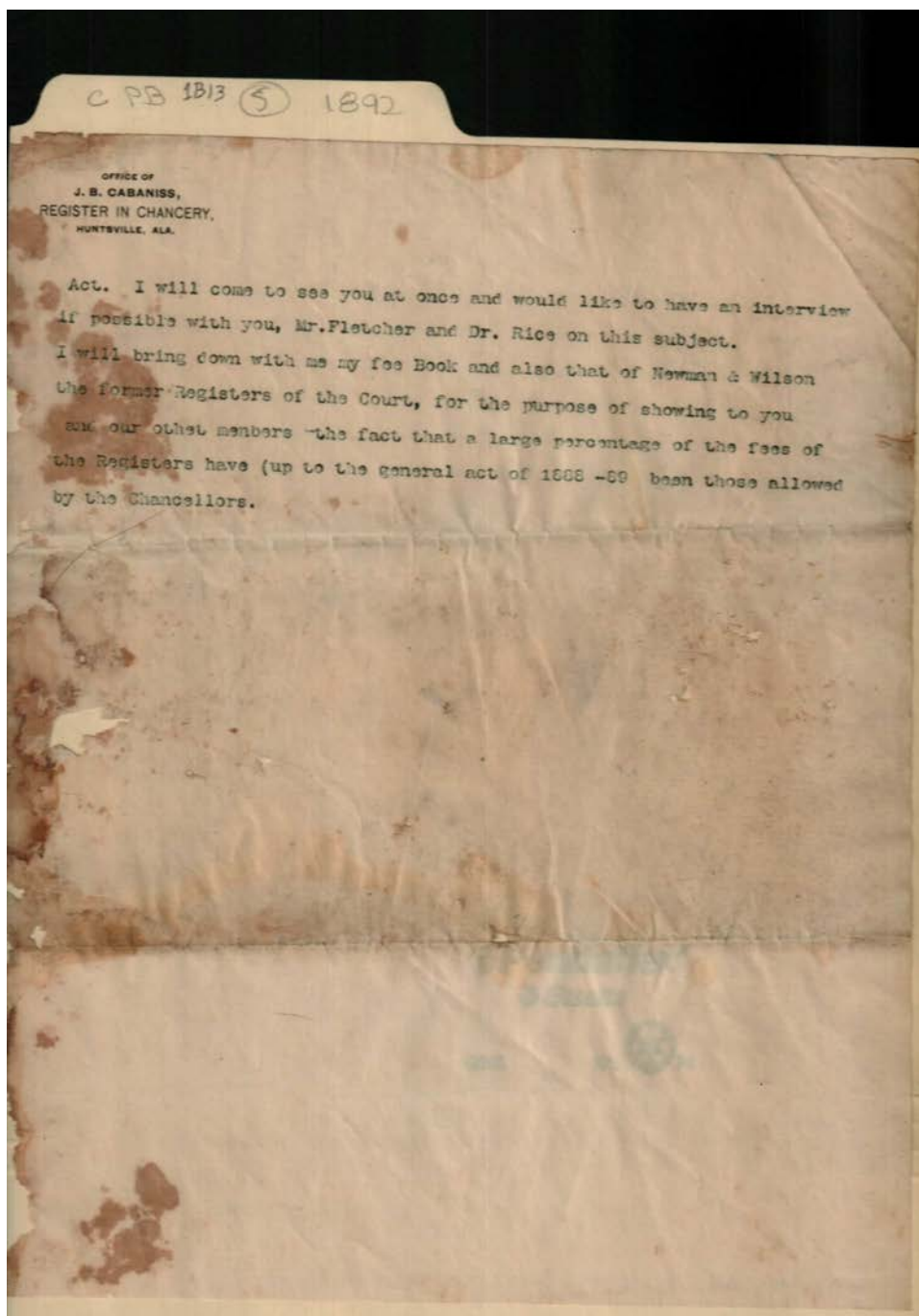
Dates:

Feb 11, 1892

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Legal and court documents, 1892

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Names:

Cabaniss, J. B.
(Register)

Fletcher,
Newman,

Rice, Dr.
Wilson,

Places:

Huntsville, AL

Types:

correspondence

Dates:

Feb 11, 1892

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Legal and court documents, 1892

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[Image 13](#) (r01b13-05-000-0087)

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[Image 16](#) (r01b13-05-000-0090)

[Image 17](#) (r01b13-05-000-0091)

[Image 18](#) (r01b13-05-000-0092)

[Image 19](#) (r01b13-05-000-0093)

[Image 20](#) (r01b13-05-000-0094)

[Image 21](#) (r01b13-05-000-0095)

[Image 22](#) (r01b13-05-000-0096)

[Image 23](#) (r01b13-05-000-0097)

[Image 24](#) (r01b13-05-000-0098)

[Image 25](#) (r01b13-05-000-0099)

[Image 26](#) (r01b13-05-000-0100)

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[Image 28](#) (r01b13-05-000-0102)

[Image 29](#) (r01b13-05-000-0103)

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Briggs, Dr. 13	McCaleb, Joseph E. 2
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Given, Fred T. 2	Spivey, William 4
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Godbey, 8 , 11	Stephenson, Arthur 9 , 11 , 12
Grayson, John W. 5	Stephenson, Martha 9
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	Wright, Lee J. 2

Frances Cabaniss Roberts Collection

Preferred Citation: Frances Cabaniss Roberts Collection, Archives and Special Collections, M. Louis Salmon Library, University of Alabama in Huntsville, Huntsville, AL.

Collection Scope and Content: The Collection of 114 Linear ft. includes a total of 156 Archival Boxes. The Frances Cabaniss Roberts collection covers the historical records of the Cabaniss Roberts family. This collection contains extensive correspondence records of the Cabaniss Roberts family circa 1830 to 1930.

Archives/Special Collections Access Restrictions: None

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