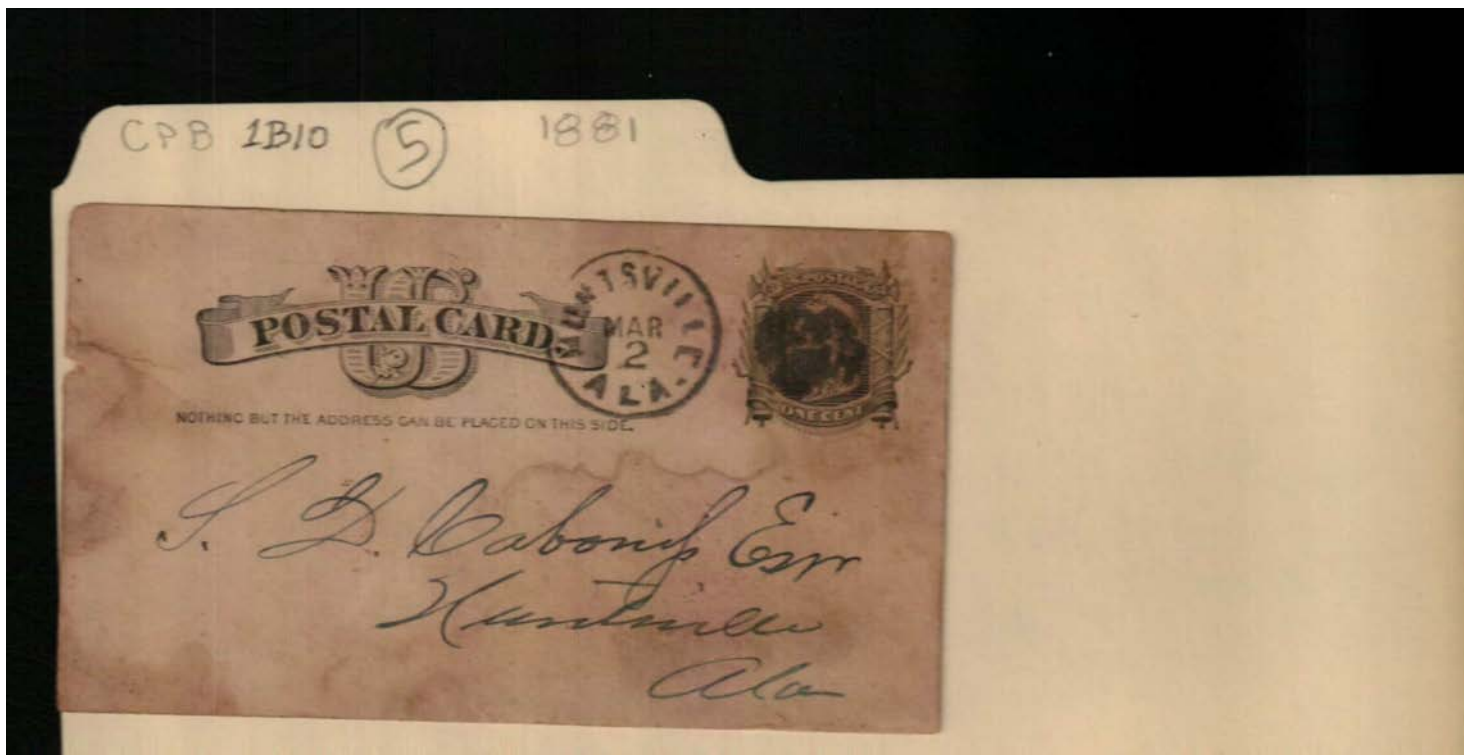


Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 10, Folder 5

Legal and court documents, 1881

Image 1 r01b10-05-000-0088 [Contents](#) [Index](#) [About](#)



Names:

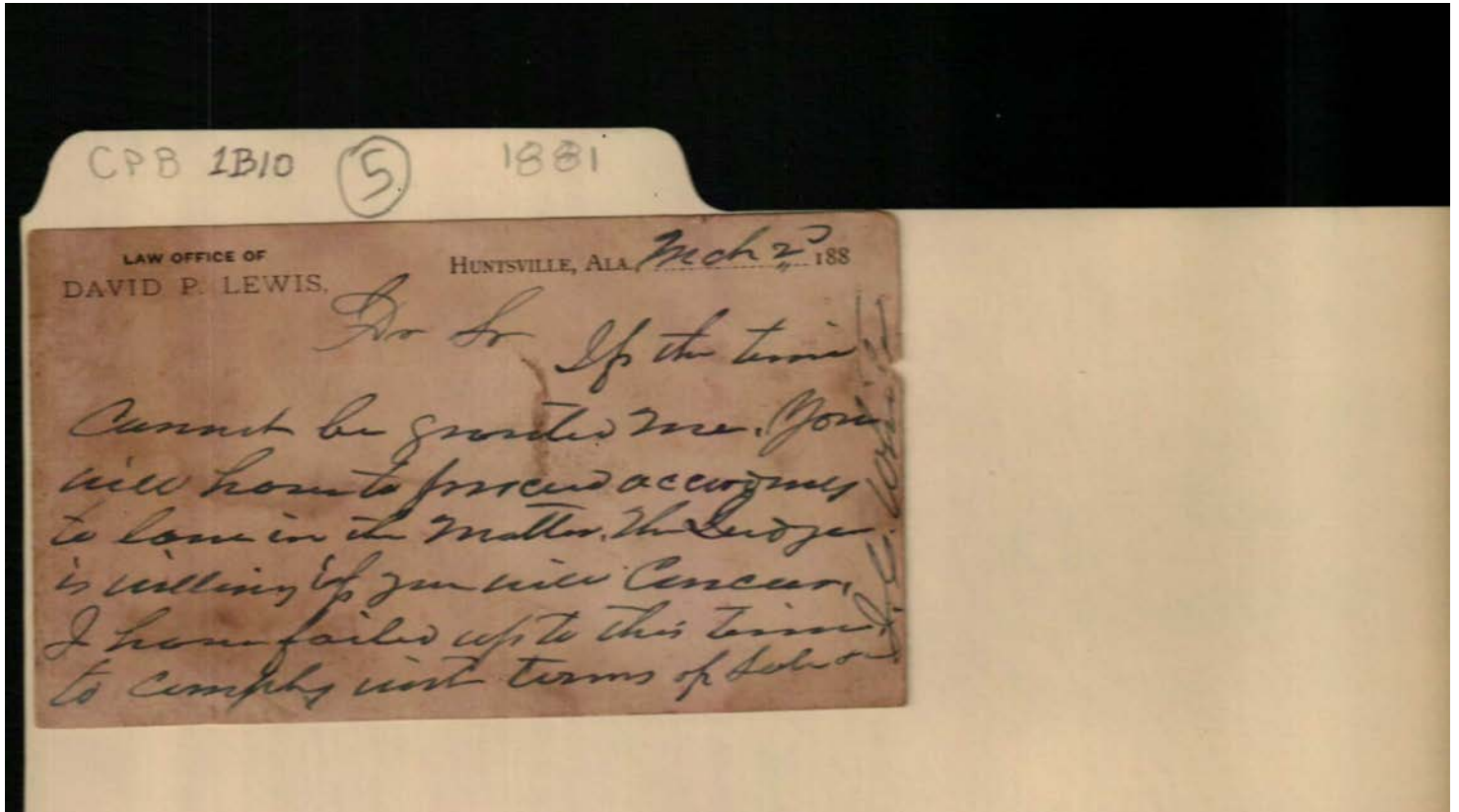
Cabaniss, S. D.

Places:

Huntsville, AL

Types:

envelope



Names:

Lewis, David P.

White, J. C.

Places:

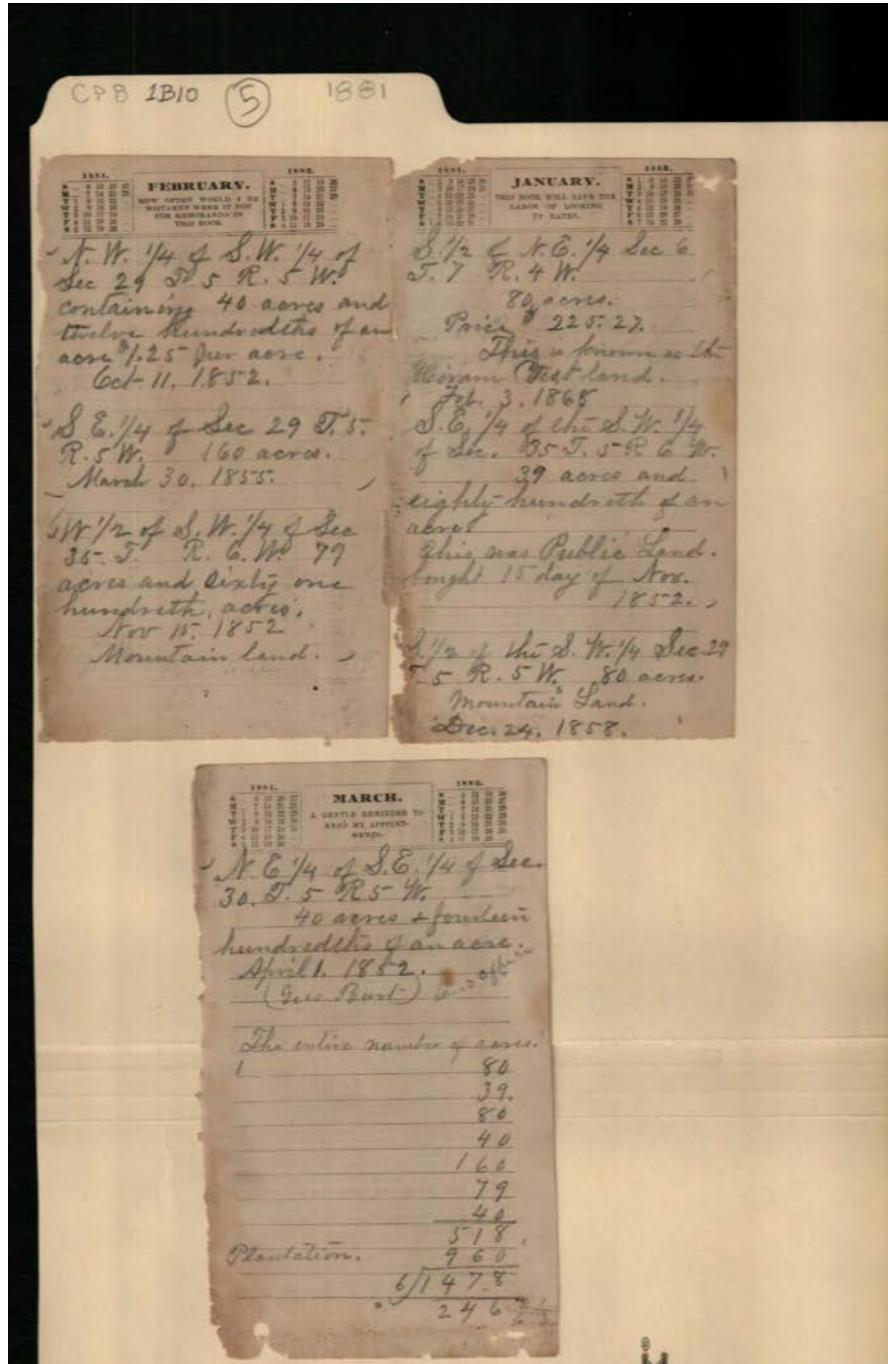
Huntsville, AL

Types:

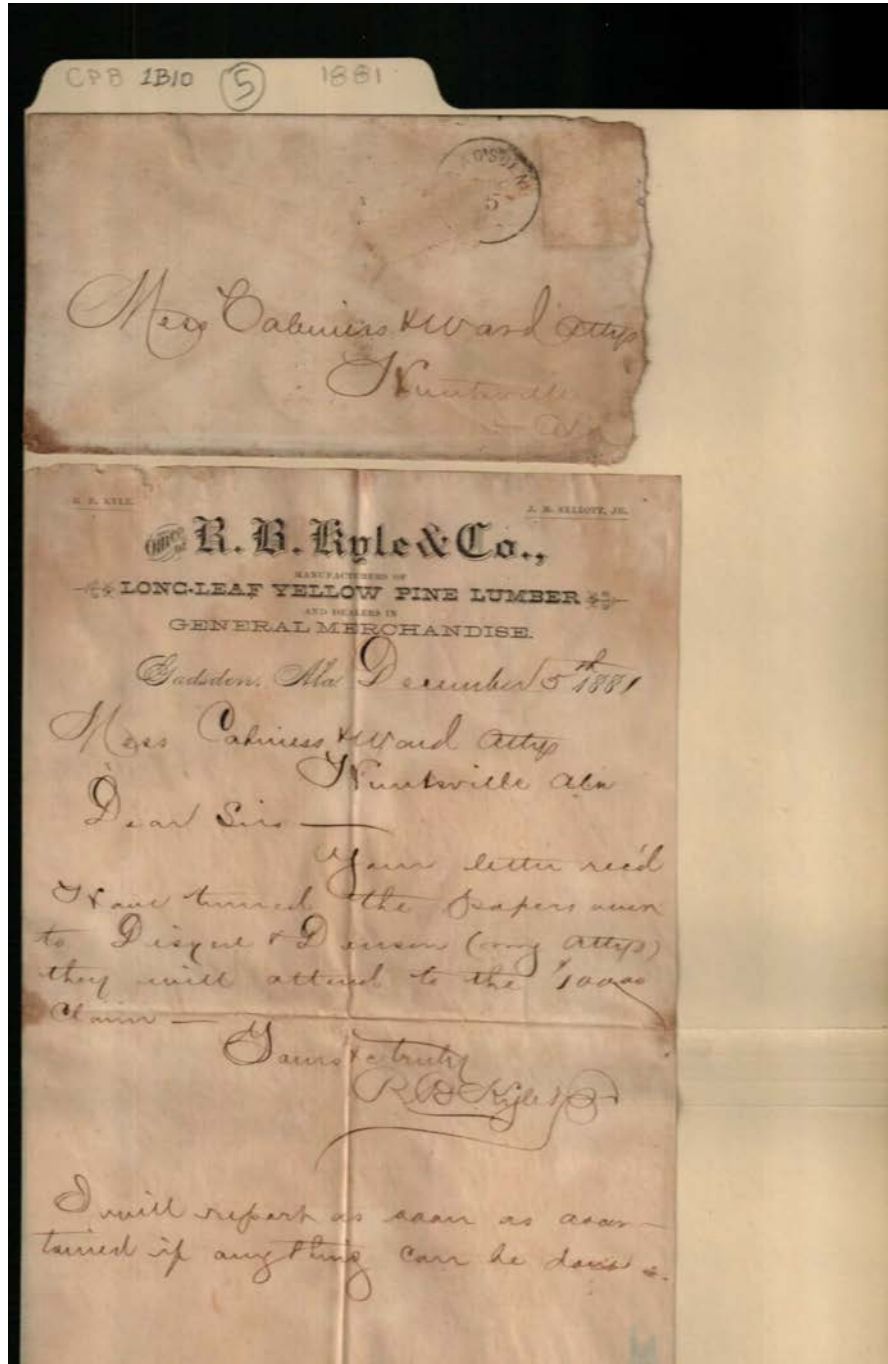
correspondence

Dates:

Mar 20, 1888



Types:
memo



Names:

Cabaniss,
Denson,

Disque,
Elliott, J. M., Jr.

Kyle, R. B.
Ward,

Places:

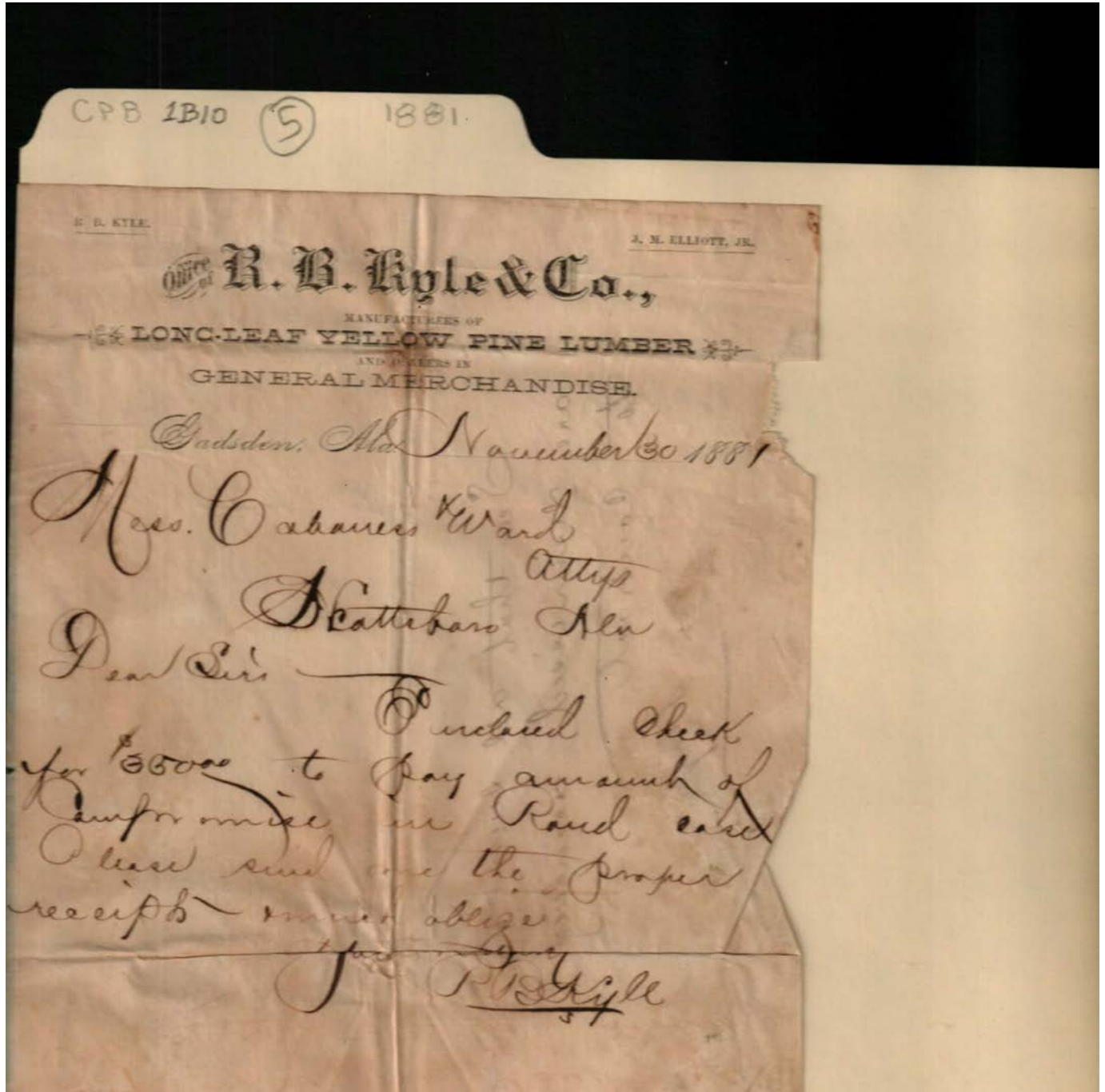
Gadsden, AL

Types:

correspondence

Dates:

Dec 05, 1881



Names:

Cabaniss,
Elliott, J. M., Jr.

Kyle, R. B.
Rand,

Ward,

Places:

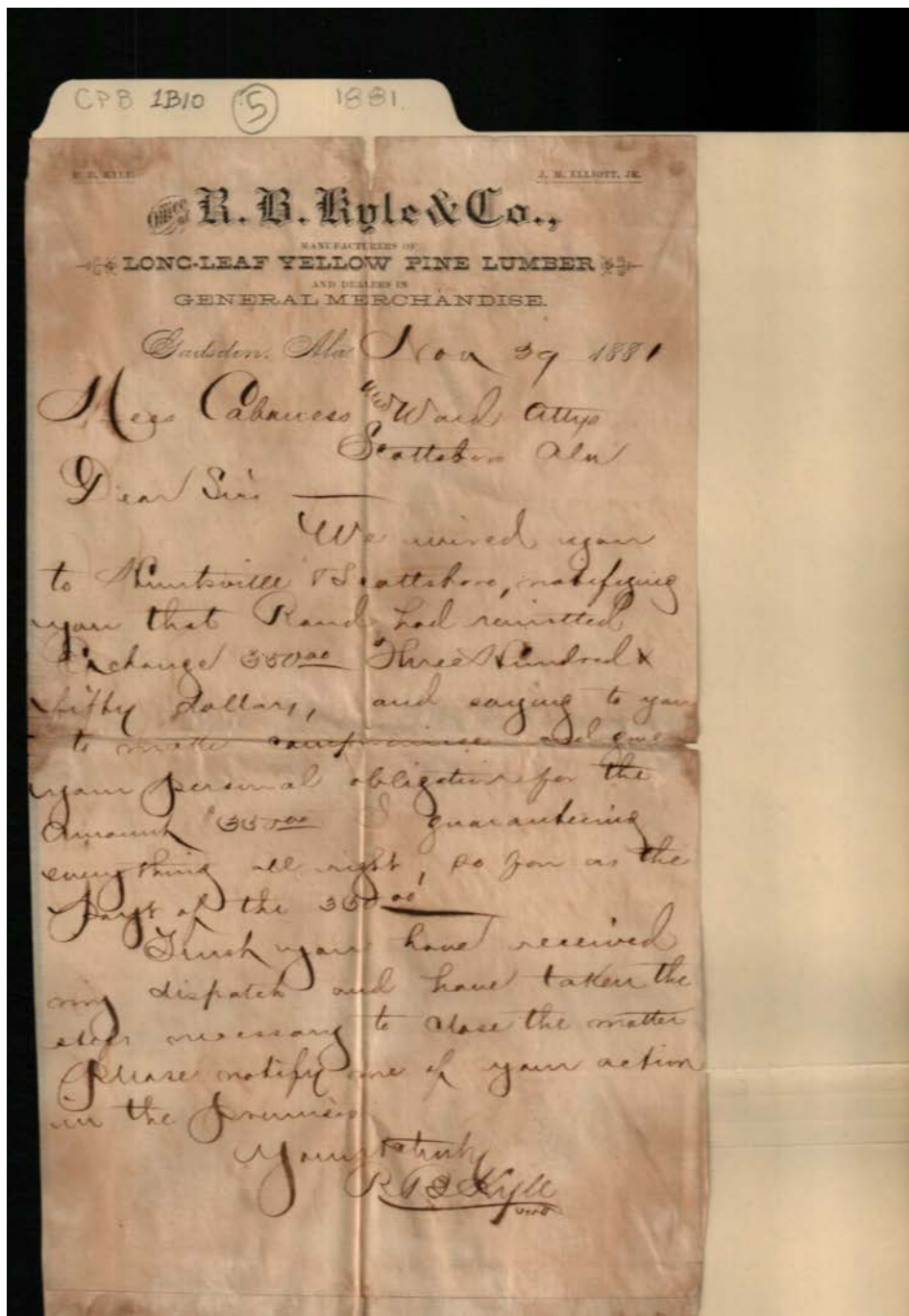
Gadsden, AL

Types:

correspondence

Dates:

Nov 30, 1881



Names:

Cabaniss,
Elliott, J. M., Jr.

Kyle, R. B.
Rand,

Ward,

Places:

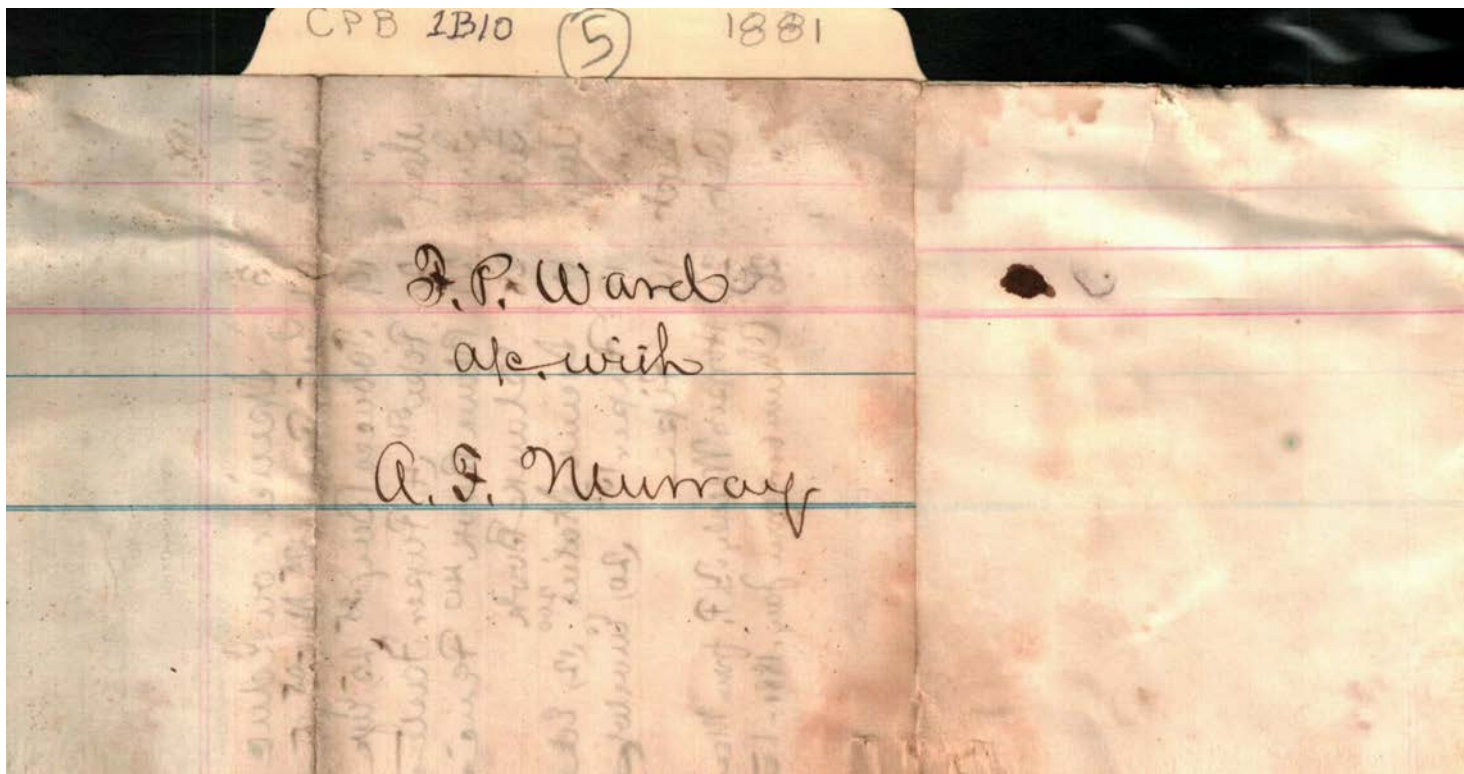
Gadsden, AL

Types:

correspondence

Dates:

Nov 29, 1881



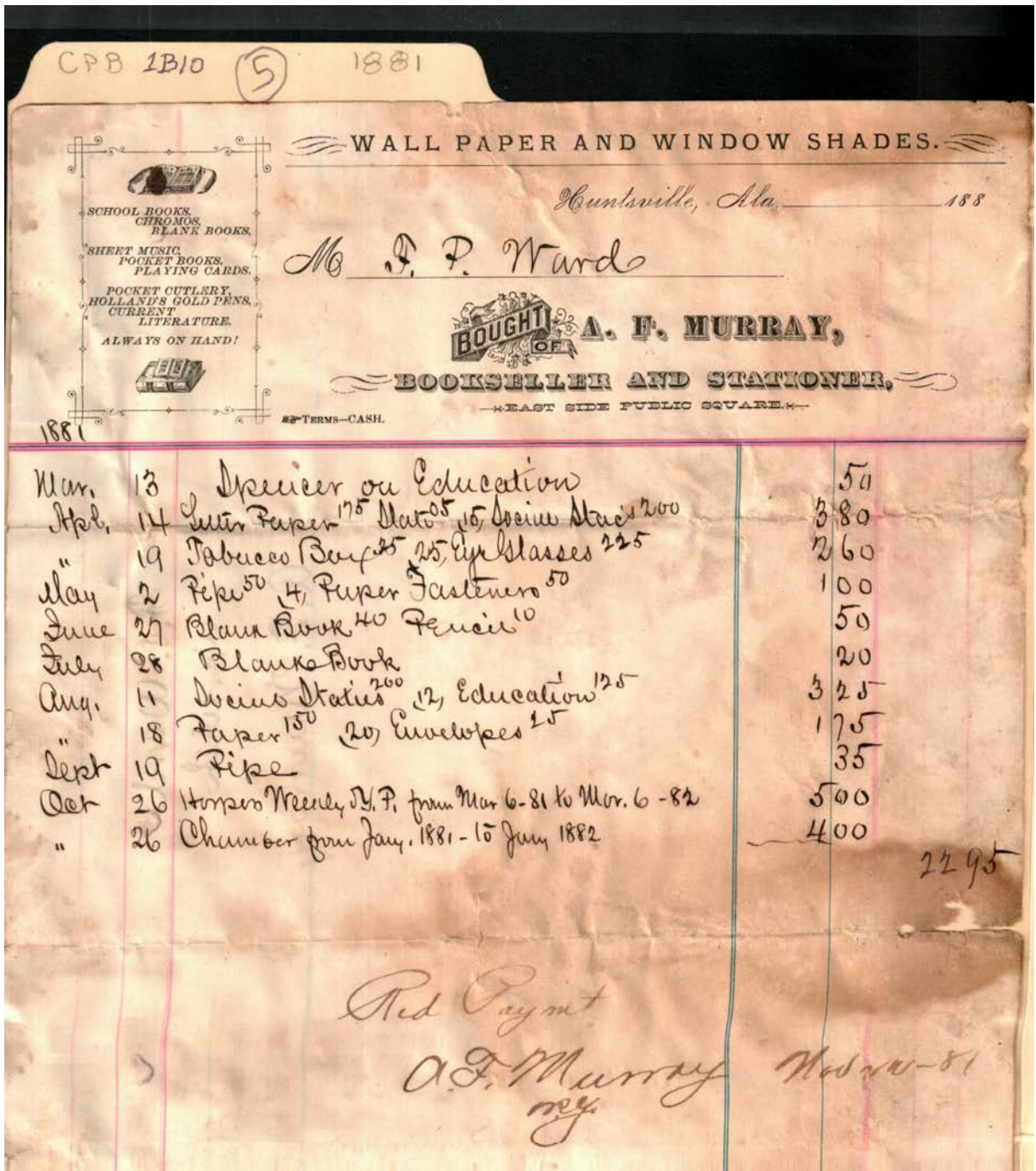
Names:

Murray, A. F.

Ward, F. P.

Types:

memo



Names:

Murray, A. F.

Ward, F. P.

Places:

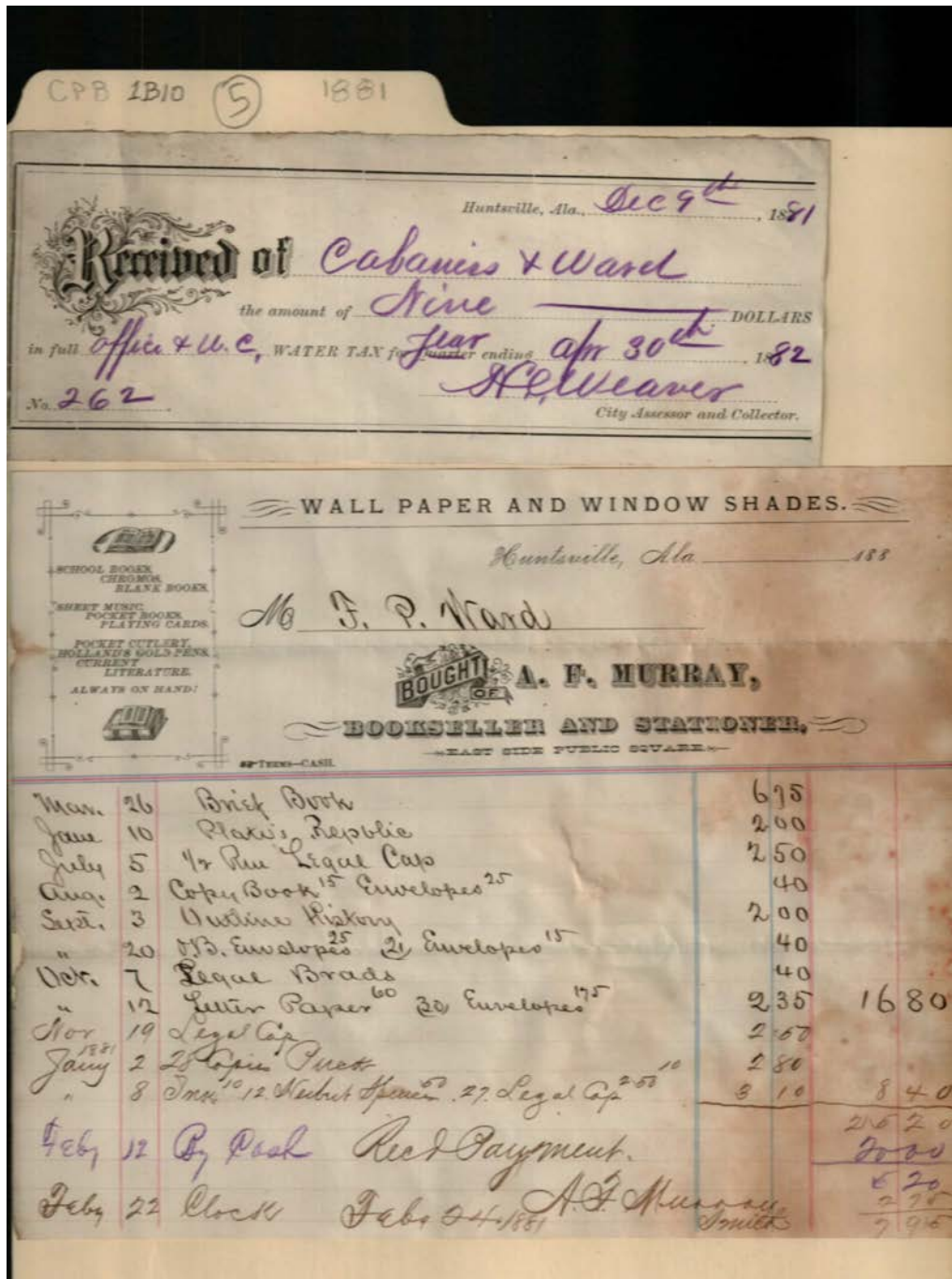
Huntsville, AL

Types:

invoice

Dates:

Oct 26, 1881



Names:

Cabaniss,
Murray, A. F.

Spencer, Herbert
Ward, F. P.

Weaver, H. C.

Places:

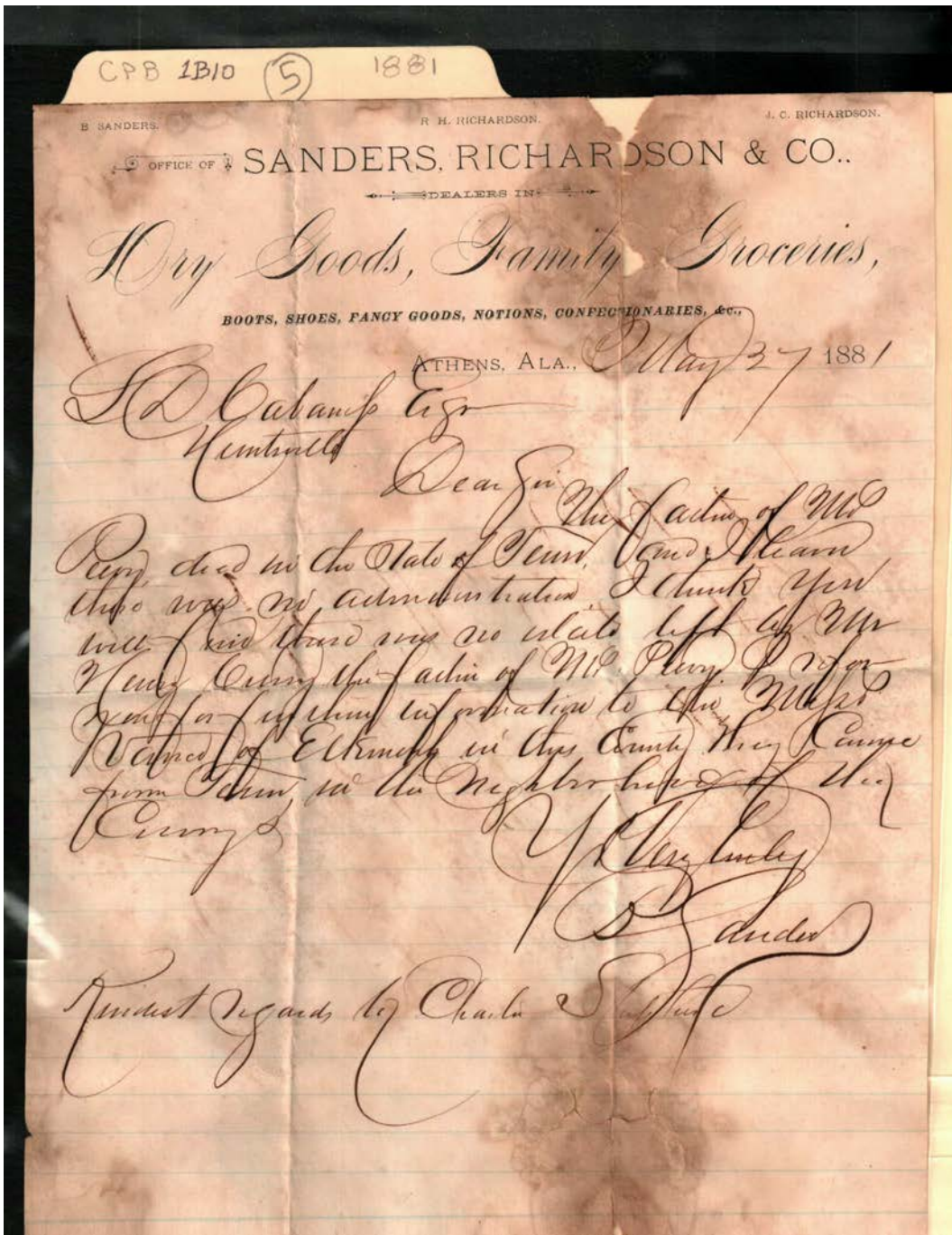
Huntsville, AL

Types:

invoice

Dates:

Dec 09, 1881



Names:

Cabaniss, Charles S.

Cabaniss, S. D.

Curry, Henry

Peavy, M. L.

Richardson, J. C.

Richardson, R. H.

Sanders, B.

Vance,

Places:

Athens, AL

Types:

correspondence

Dates:

May 27, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 10, Folder 5

Legal and court documents, 1881

Image 11 r01b10-05-000-0098 [Contents](#) [Index](#) [About](#)



Names:

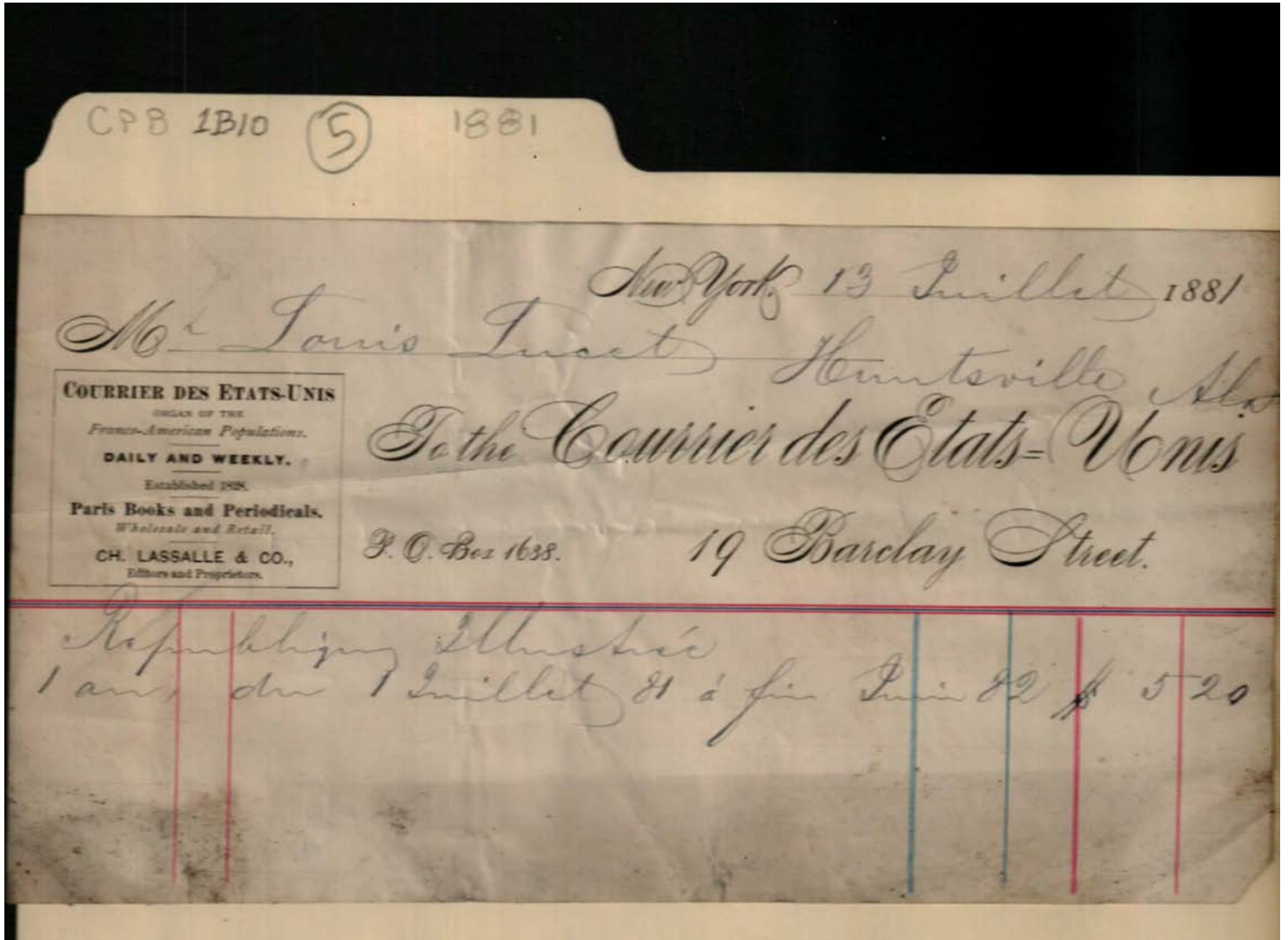
Cabaniss, S. D.

Richardson,

Sanders,

Types:

envelope



Names:

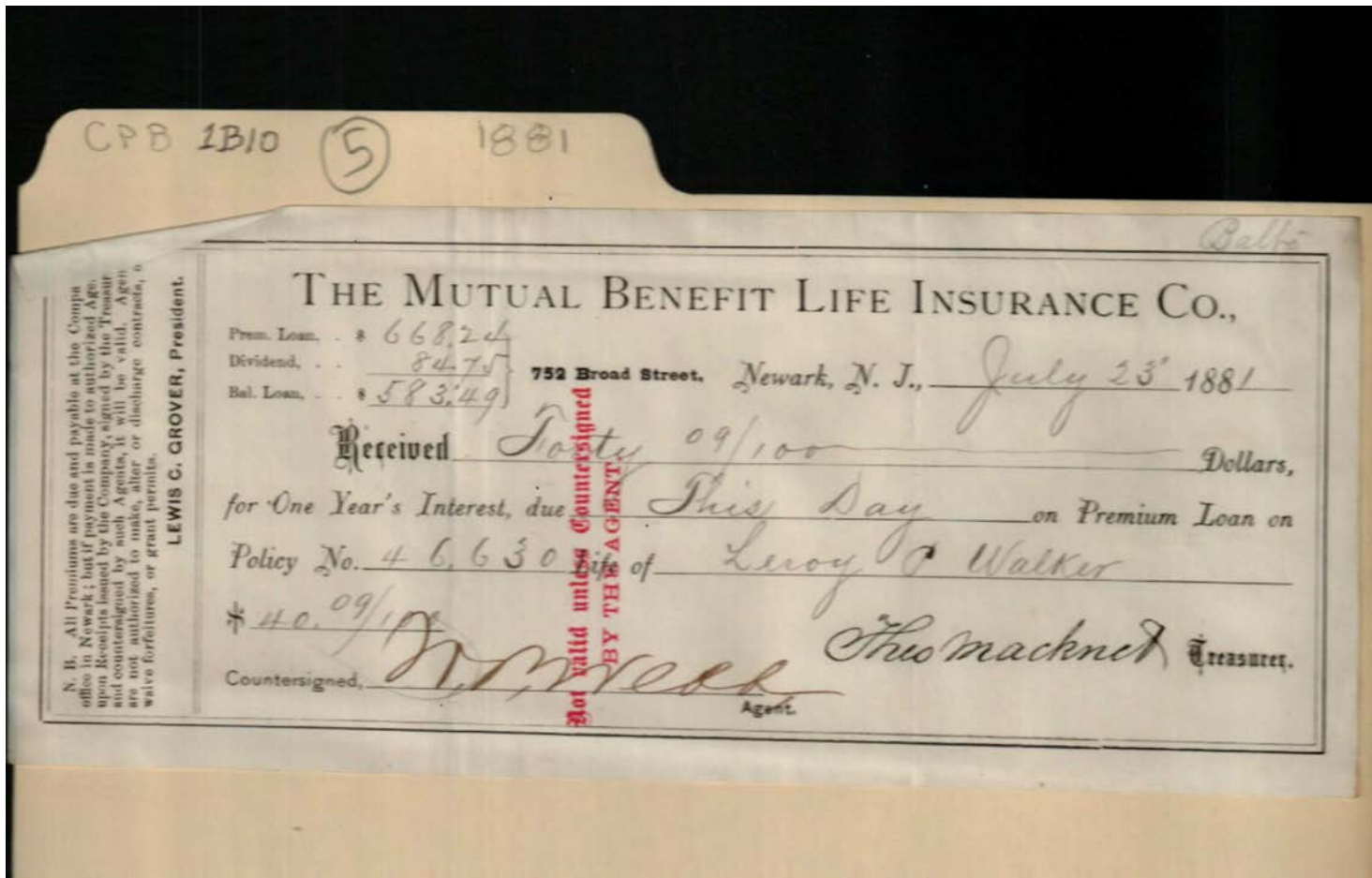
Lucet, Louis

Types:

invoice

Dates:

1881



Names:

Walker, Leroy P.

Webb, W. M.

Places:

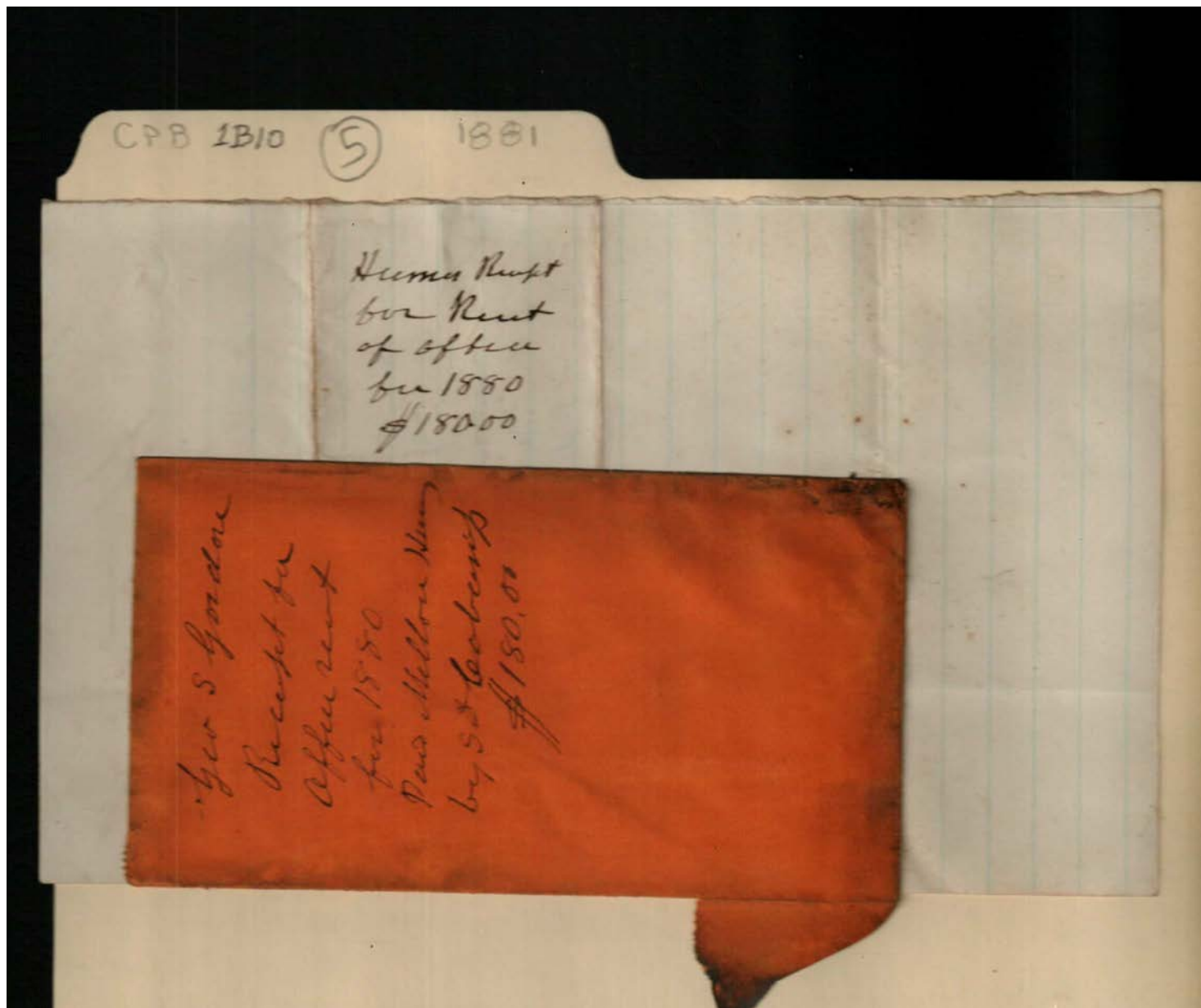
Newark, NJ

Types:

insurance

Dates:

Jul 23, 1881



Names:

Cabaniss, S. D.

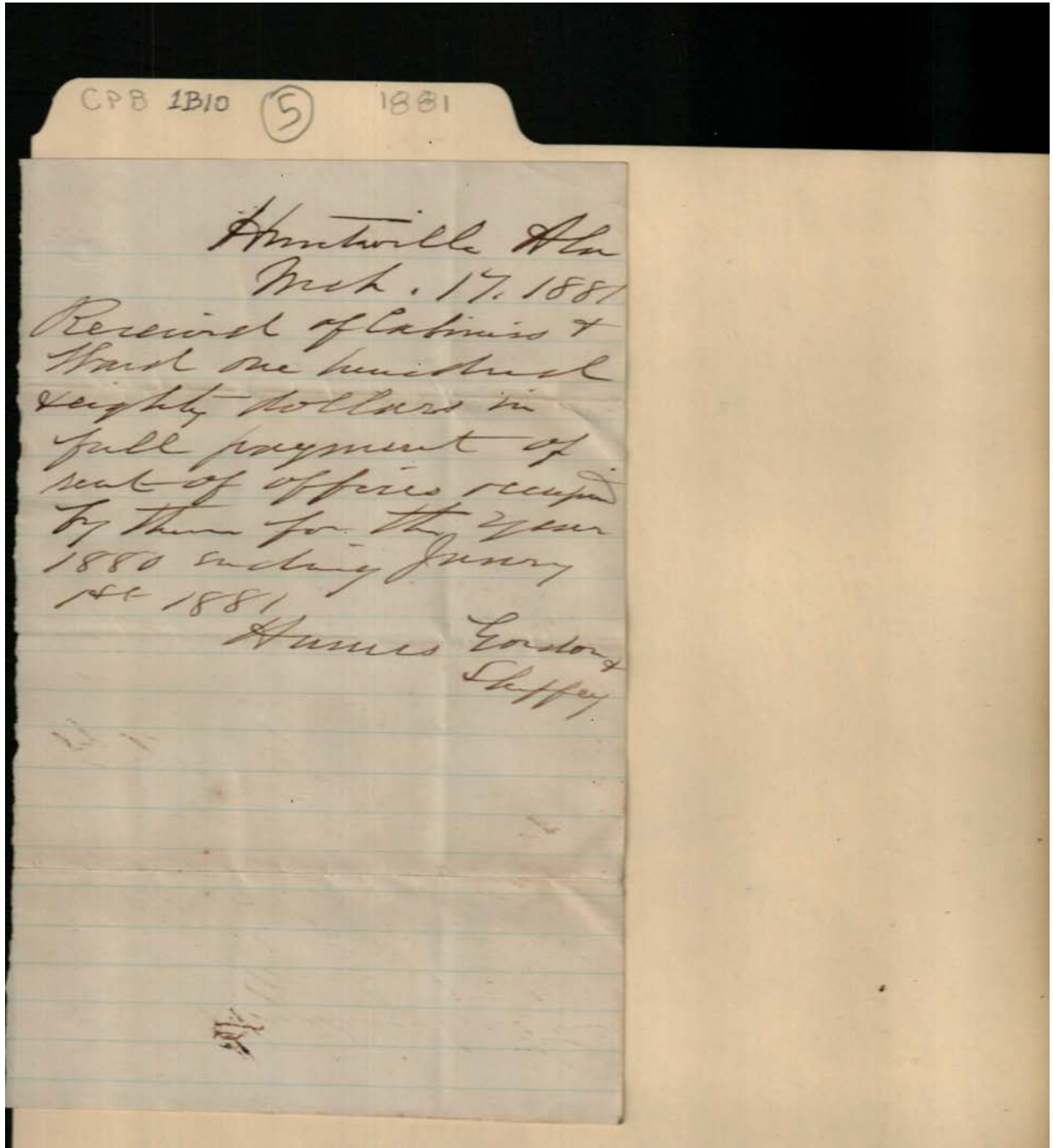
Gordon, George S.

Henry, Milton

Humes,

Types:

memo



Names:

Cabaniss,
Gordon,

Humes,
Sheffey,

Ward,

Places:

Huntsville, AL

Types:

receipt

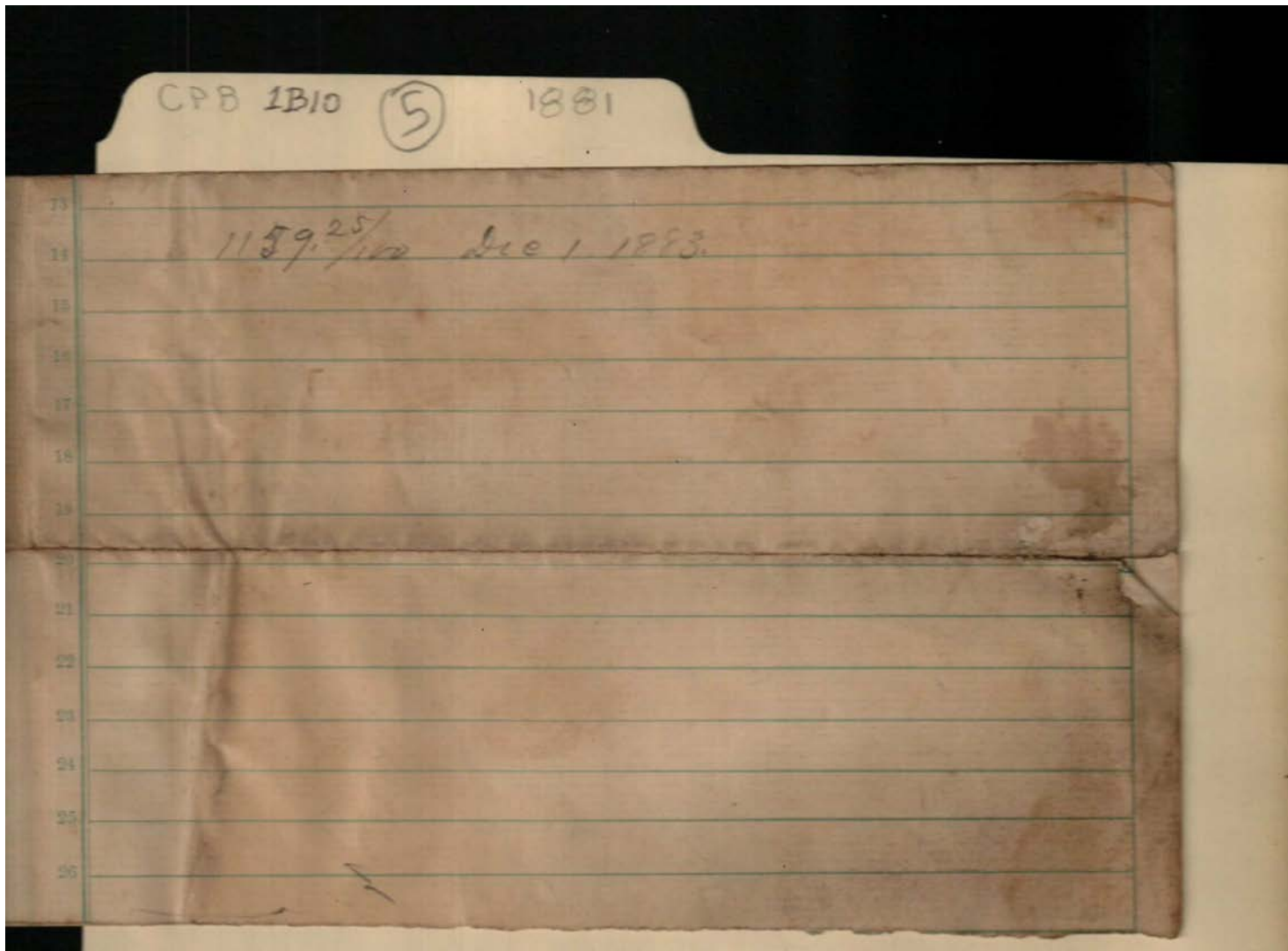
Dates:

Mar 17, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 10, Folder 5

Legal and court documents, 1881

Image 16 r01b10-05-000-0103 [Contents](#) [Index](#) [About](#)



Types:

scrap

CPB 1B10 (5) 1881

Mrs Massingale's deposition

1 Lizzie Spaulding born Jan 1869. died Sept 1878.
 2 lived with her mother all the time except for 3 months she was
 3 at the B.S. in Hamiltonville under treatment of Physicians.
 4 Board & clothing provided by B.G. or S. & E. all the time, no schooling.
 5 B.G. & S. & E. live at Mt. Airy, N.C. Texas, married Dec 5/81.
 6 The paper is not in my mother's handwriting.

7 Florence Spriggs born May 4/1855 m Dec 20/76 d Oct 15/92

8 John R. Spaulding b Dec/64. still lives with S. & E.
 9 b & c provided until 1881, 1882, since by no one else.

10 Harriet A. Massingale b Oct 26/57 m Dec 20/77
 11 b & c provided until marriage by B.G. & S. & E.

12 Mrs H. Spaulding b June 1866 same as B.G. & S.

Names:

Massingale, Harriet
A.

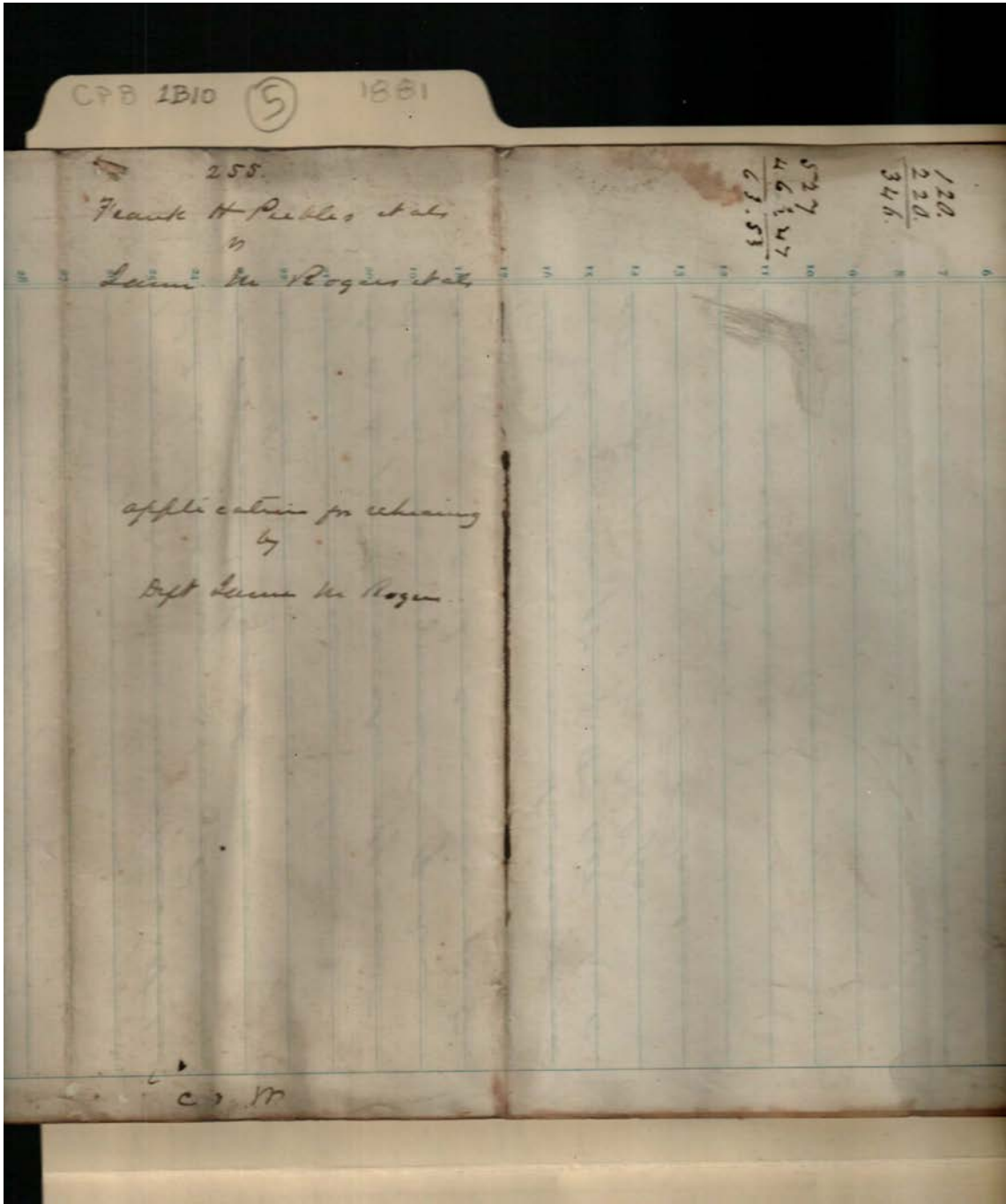
Massingale, William
H.

Spaulding, Lizzie
Spaulding, R.

Spriggs, Florence

Types:

deposition



Names:

Peebles, Frank H.

Rogers, James M.

Types:

memo

CPB 1B10 (5) 1881

1 On Chancery for the District of
the Western Division of Alabama.
Frank H. Peebles et al }
vs }
James M. Rogers et al }

Application for Rehearing

The defendant Rogers respectfully suggest that, in the decree rendered in vacation, in this cause, there is manifest error to his injury, in this:

The Court erred in construing the deed of Eliza G. Tucker and her husband to said defendant, of date January 25, 1871, to evidence a sale of the land in gross, without covenant as to quantity. It is not insisted that parol evidence is admissible to contradict the deed in this particular; but, that the deed standing alone evidences a contract as to quantity. The error suggested is in the construction of the deed.

In *Winston v. Browning* 61 Ala. 83

After a review of the authorities, the settled doctrine is stated, "that whenever it appears by definite boundaries, or by words of qualification as "more or less" or "by estimation" or the like, that the statement of quantity of acres in the deed is more matter of description and not of the essence of

Names:

Browning,
Peebles, Frank H.

Rogers, James M.
Tucker, Eliza G.

Winston,

Places:

Western Division
Alabama

Types:

legal report

CPB 1B10 (5) 1881

2

• The contract, the buyer takes the risk, the buyer
 • takes the risk if there be no element of
 • fraud

It take definite boundaries or words
 of qualification as "more or less" or "by
 estimation, or the like, to make it appear
 in a deed, that the statement of quantity
 is not of the essence of the contract.

In the absence of both definite bounda-
 ries and words of qualification, the
 statement of quantity is matter of
 covenant in a warranty deed.

In *Higgin v Smith* 1 Ala 415 there was
 an absence of words of qualification
 and the deed was held to covenant for
 quantity.

In *Dogin v Duffin* 1 Ala 320 the deed
 contained the qualifying word "more or
 less"

In *Capslow v Fennell* 12 Ala 780 the
 contract contained the qualifying
 words "more or less".

In *Frederick v Youngblood* 19 Ala 680. The
 deed contained the qualifying words
 "be the same more or less".

In *Wright v Wright* 34 Ala 174 the
 deed contained definite boundaries.
 It described the land "by metes and
 bounds", and as "at present occupied
 by said John Wright"

In *Carter v Beck* 40 Ala 599 the deed
 described the land "by number of section

Types:

legal report

CPB 1B10 (5) 1881

3

and township", and contained the qualifying words "containing in all about."

In the deed in this case there is a want both of definite boundaries and of qualifying words.

It embraces the West fractional of the East fractional half of section 23, and states the quantity to be 527 acres without qualification.

Now it must be construed, either, to embrace the West fractional half of the East fractional half of section 23, or to embrace so much of the West part of the East fractional half of section 23 as will make the contents of the entire tract 527. And either construction entitles the defendant to an abatement of the purchase money.

For the defendant bought with warranty of title a part, certainly, of the East fractional half of section 23. And the proof shows a want of propriety and of title to any part of said East fractional half, on the part of his vendors.

Complainant's themselves show title from partition by Cosmos, which gave her vendors 122 acres of the West part of section 23, subject to deduction or addition after survey of another tract. Beachamp shows a deduction of 12 acres.

Types:
legal report

CPB 1B10 (5) 1881

4 leaving on 100. Kimball proves an occupation by his vendors and herself only up to the 110 acre line on the West and a continuous adverse possession up to it on the East by Wm Tucker and the Funnels him with their vendors. And all accounts make the West fractional half of section 23 more than 110 acres and not enough to make the tract contain 527 acres.

So Complainant sworn had title or possession of any part of the East fractional half of section 23, and yet she embraces a part of it in her deed and warrants the title. Potter Prob. Op. 56 Ala. 147.

Defendant further shows that complainant Eliza F. Tucker intermarried with one C. F. Wentworth in Marion County, Arkansas on July 13, 1876; afterward removed with her said husband to the State of California where she now resides with her said husband; and that she was at the time of instituting this and has ever since been a married woman and wife of said C. F. Wentworth.

Defendant files her with the affidavit of his solicitor F. P. Ward in support of this argument.

He insists that the coverture of said complainant and residence in another State deprived her of the right to institute this suit; deprived the institution of this suit

Names:

Kimball,
Tucker, Eliza G.

Tucker, William
Ward, F. P.

Wentworth, C. F.

Types:

legal report

CPB 1B10 (5) 1881

5

any legal effect in ratifying
 the unauthorised transfer of the bonds and
 on to said R B Peebles & son; and made
 the concealment of her marriage a fraud
 upon the Court and the defendant.

The presumption is that the common
 law prevails in Arkansas and California
 by that her husband became entitled
 alone to sue on the bonds of the defendant.
 And if they had still belonged to her statutory
 separate estate under the law of Habana
 it was unnecessary for her husband to join
 in any ratification of the transfer to
 Peebles & son.

Before these grounds the defendant prays
 for a rehearing in this cause.

Cabaniss & Ward sol. for Defts.

Names:

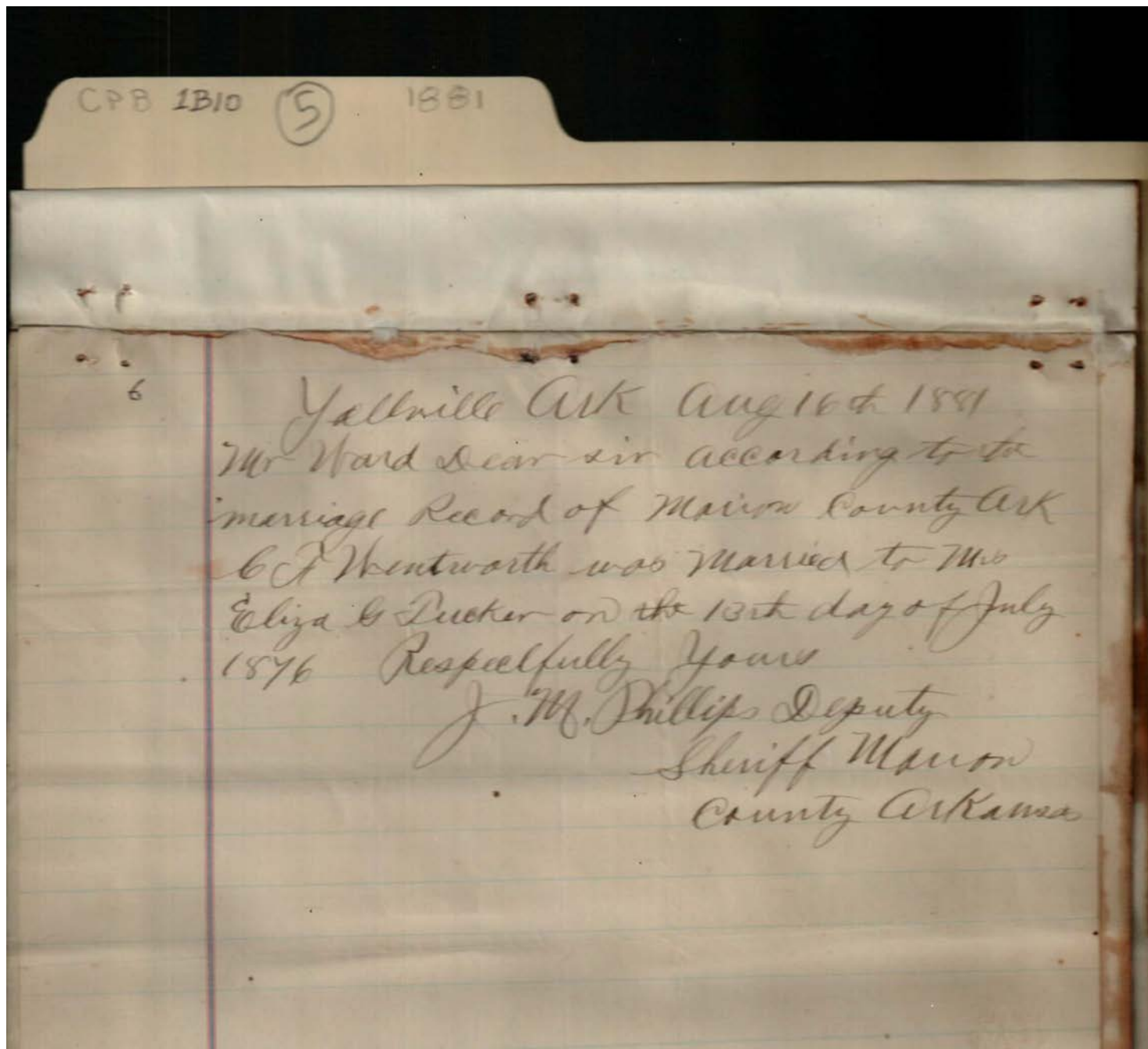
Cabaniss,

Peebles, R. B.

Ward,

Types:

legal report



Names:

Phillips, J. M.

Tucker, Eliza G.

Ward,

Wentworth, C. F.

Places:

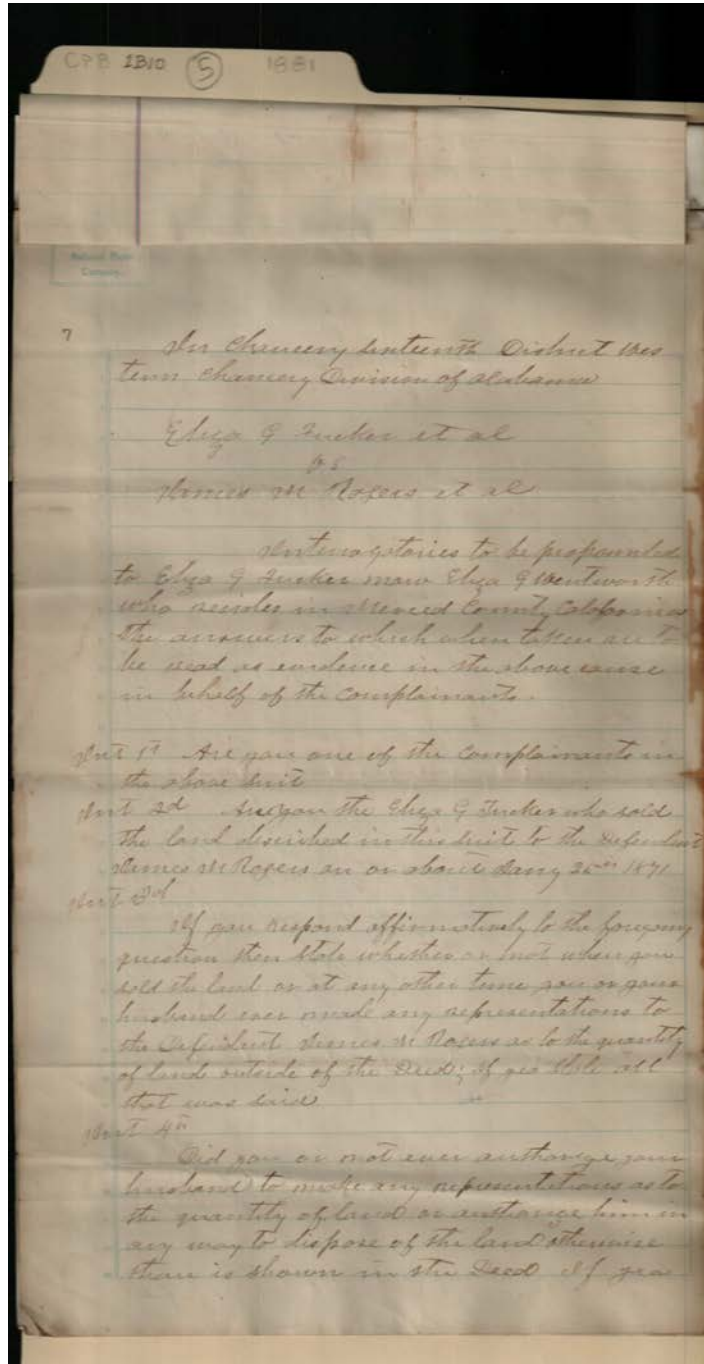
Yellville, AR

Types:

legal report

Dates:

Aug 16, 1881



Names:

Rogers, James M.

Tucker, Eliza G.

Wentworth, Eliza G.

Places:

Western Division
Alabama

Types:

interrogatory

CPB 1B10 (5) 1881

2 State what power you gave him in the premises
Sept 2nd
Did you or not ever have any agreement
understanding or contract about the purchase of
the land with the Defendant James M Rogers
except as contained in the Deed of ye date
what it was

Sept 3rd
Did you ever have any agreement un-
derstanding or contract or ever authorize
your husband to make any agreement
have any understanding or make any contract
with the Defendant James M Rogers to buy any
the land or to deduct anything from the
price or add anything to the price in case the
land fell short or increased in the supposed
quantity of ye date what it was

Sept 4th
Was or not James M Rogers acquainted
with the land of ye date how well whether
he had seen or far from it whether he knew
it as well or better or not as you did

Sept 5 State any other fact that would be legal evidence for
the complaints that you may know
McClelland & McClelland
Sols for Compts

The complainants nominate as compromisers to take this
deposition Charles H Brooks Judge Brean & Thomas Gardner
either or all of whom is my act who reside in the
Co of Contra Costa California
McClelland & McClelland
Sols for Compts

Names:

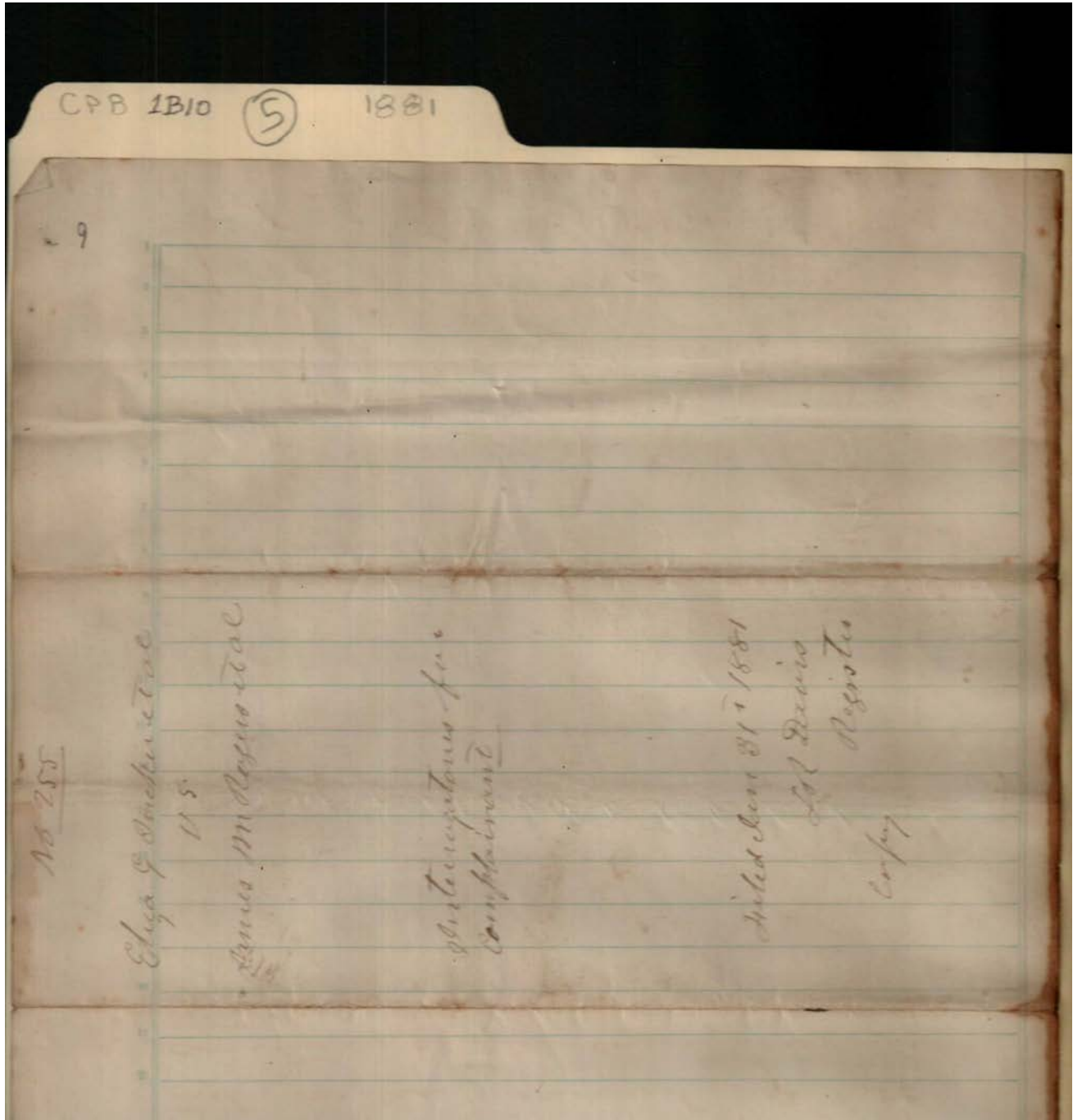
Brean, Judge
Gardner, Thomas

Holbrooks, Charles
McClelland,

Rogers, James M.

Types:

interrogatory



Names:

Davis, L. R.

Rogers, James M.

Tucker, Eliza G.

Types:

memo

Dates:

Jan 31, 1881

CPB 1B10 (5) 1881

10

which he is informed has been
 received. Since the return by the
 and is in possession of complainant's
 depositions.

Francis P Ward one of the solicitors
 for defendant Rogers in this cause
 makes oath that the first information
 he received that complainant was
 a married woman was by review
 of the copy of interrogatories propounded
 by complainant to her, hereto attached.
 that he filed cross interrogatories to her
 to ascertain when she was married
 and that he has never seen her
 deposition in any manner. *
 And he further makes affidavit
 that he was ignorant of her
 coverture at the commencement
 of this suit, until after the render-
 ing of the decree in this cause, and
 until the receipt of the letter hereto
 attached from J M Phillips.

F. P. Ward

Subscribed and sworn to
 before me Sept 22. 1881 }
 Rogers }

Names:

Philips, J. M.

Rogers,

Ward, F. P.

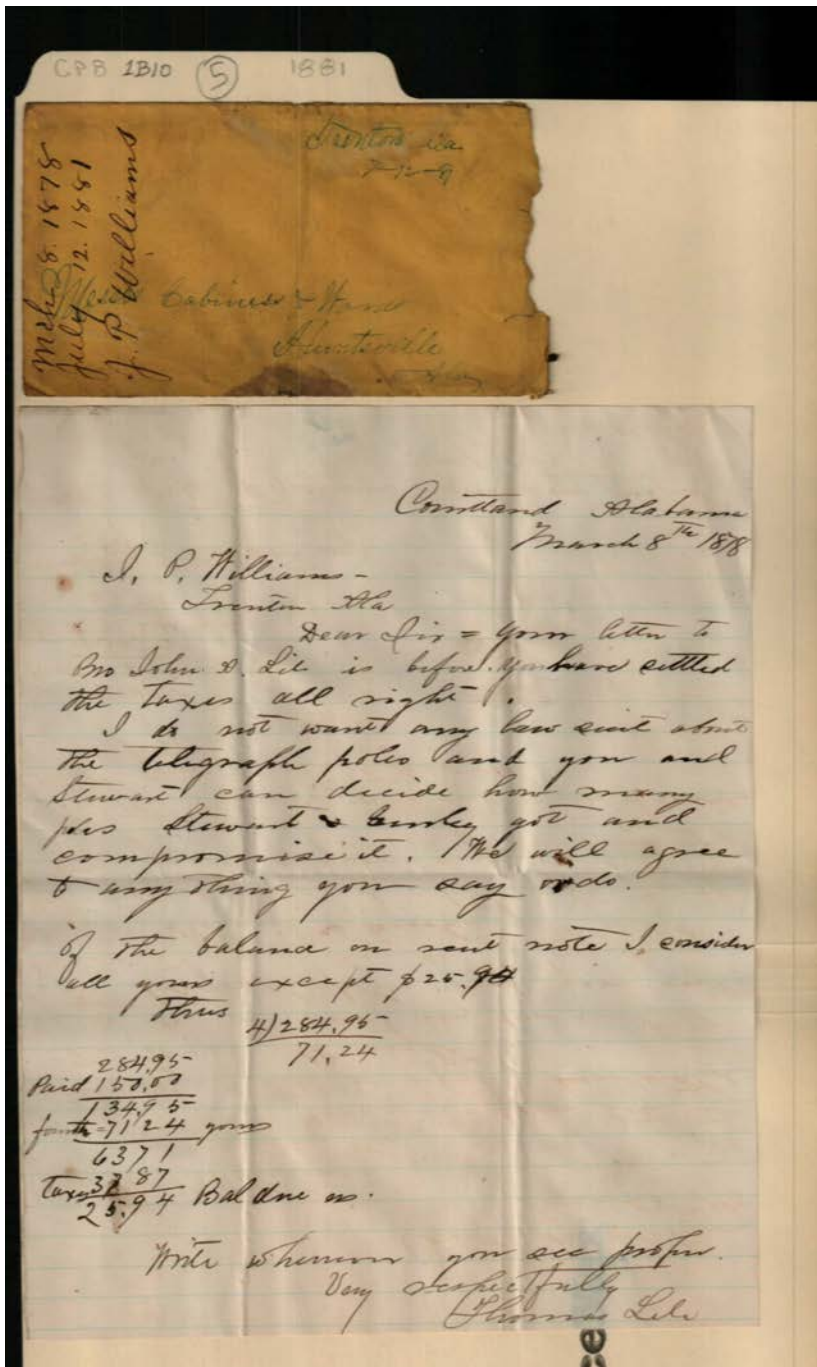
Ward, Francis, P.

Types:

legal report

Dates:

Sep 22, 1881



Names:

Grimley,
Lile, John A.

Lile, Thomas
Stewart,

Williams, J. P.

Places:

Courtland, AL

Types:

correspondence

Dates:

Mar 08, 1878

CPB 1B10 (5) 1881

Nashville Ala
July 12 1881

Messrs Cabaniss & Ward
Huntsville Ala

Gentlemen

In reply to yours of the 7th inst will
say that my recollection is that the Messrs
Liles were up here in the summer of (August
probably) 1877- and made a settlement with
Mr Ezekiel Kennedy (who was then and had
been renting the land for one or two years
previous) and at that time gave him
note for \$284 ²⁵/₁₀₀ payable in December following
& with the agreement he Kennedy should
have the rent of the Better land free of
charge the next year (which was the year 1878)
for the and in consideration of the fencing &
cleaning up of the place which he Kennedy
had done- the Messrs Liles left the \$284 ²⁵/₁₀₀ note
with me for collection which I collected as
you will perceive by an examination of
the enclosed letter from Mr Thomas Lile.

Names:

Cabaniss,

Kennedy, Ezekiel

Lile, Thomas

Ward,

Places:

Nashville, AL

Types:

correspondence

Dates:

Jul 12, 1881

CPB 1B10 (5) 1881

and in the autumn of 1877 I rented the
 Balance of the place to various parties for
 \$3.00 per acre and subsequently probably in
 January or February Mrs Eldridge's order
 was agreed upon and taken off which
 done taken all the land that I had rented
 except about 25 acres. 25 acres of which Messrs
 Liles contracted to Mr J W Eldridge leaving
 only about 10 acres at \$5.00 per acre that I
 collected the rent during the year 1878
 Mr or Mrs Eldridge got the rest of the
 former area also on the 27 acres that the
 Liles contracted to Mrs Eldridge for year
 1878. Hoping the above explanation will
 enable you to get the information desired
 I am with much respects yours &c
 J. P. Williams

P.S.

if however the above is not sufficient I will give
 you any information that I may be in possession of
 or that I can get

please return Mrs. Thomas Liles letter when
 you are through with it and oblige
 J. P. W.

Names:

Eldridges, J. W.

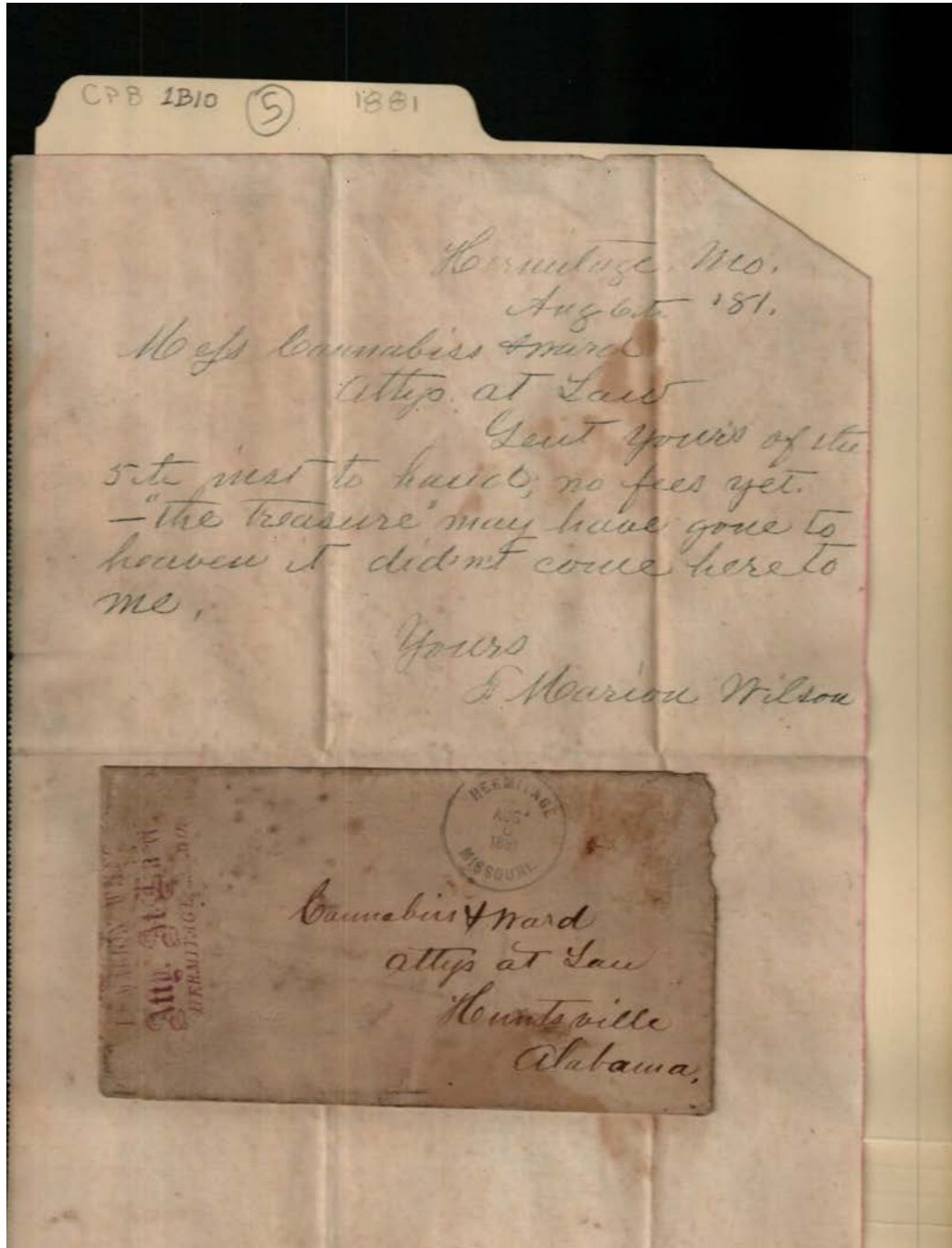
Eldridges, Mrs.

Lile, Thomas

Williams, J. P.

Types:

correspondence



Names:

Cabaniss,

Ward,

Wilson, F. Marion

Places:

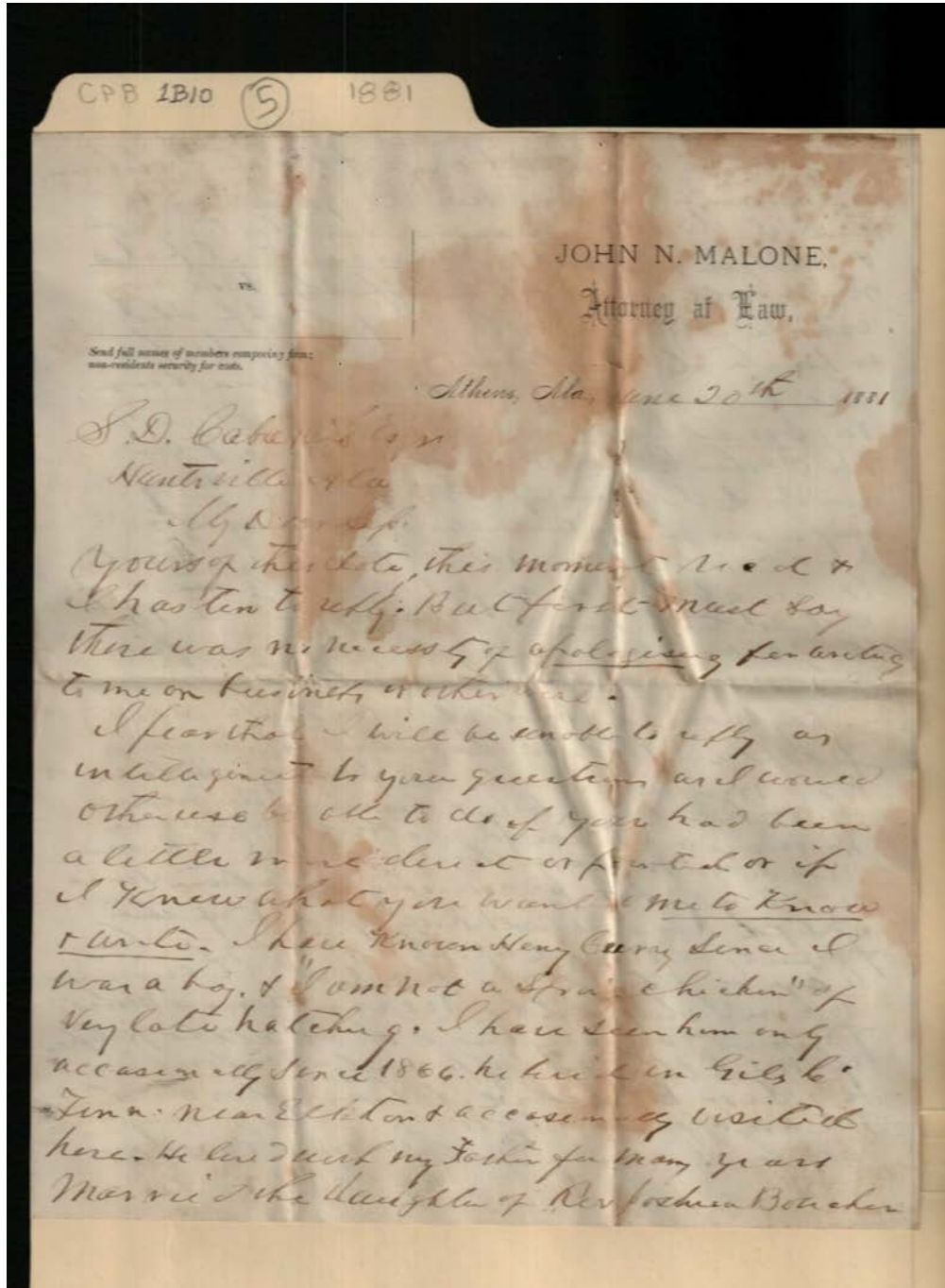
Hermitage, MO

Types:

correspondence

Dates:

Aug 06, 1881



Names:

Boucher, Joshua, Rev.

Cabaniss, S. D.

Curry, Henry

Malone, John N.

Places:

Athens, AL

Types:

correspondence

Dates:

Jun 20, 1881

CPB 1B10 (5) 1881

by whom he had a large family of children,
 I presume I knew his daughter "Sue B"
 but I don't remember her distinctly
 & the gentleman the more so. I hold
 no recollection of her - If she had any
 estate I know nothing of it - If she
 inherited any from her father (who
 died several years ago) it must have been
 very small - The lady who allowed to
 her father R. B. Boucher received a few
 hundred dollars years ago - but my
 impression is without knowing the
 fact that Henry Curry did without
 learning of any of my ^{estate} and
 I doubt if he is "Sue B" "Sue B"
 had any estate I don't know from
 what source she derived it -

They were regarded clear honest
 people - Before the war Mr Curry
 had made some little property He sold
 out his land here & moved to Tennessee
 He owned a good deal of valuable
 near Louisville in this country - I know
 nothing of his pecuniary condition since
 he left here - I am thoroughly ignorant of the
 property he held at the beginning of the
 war or what he had at the ending
 I am satisfied he never owned much
 property at any time & shall be gratified
 if my letter is sufficiently responsive
 to yours - At heart it has afforded
 me an opportunity to subscribe my
 self to you very truly
 your friend
 J. H. Malone

Names:

, Sue B.

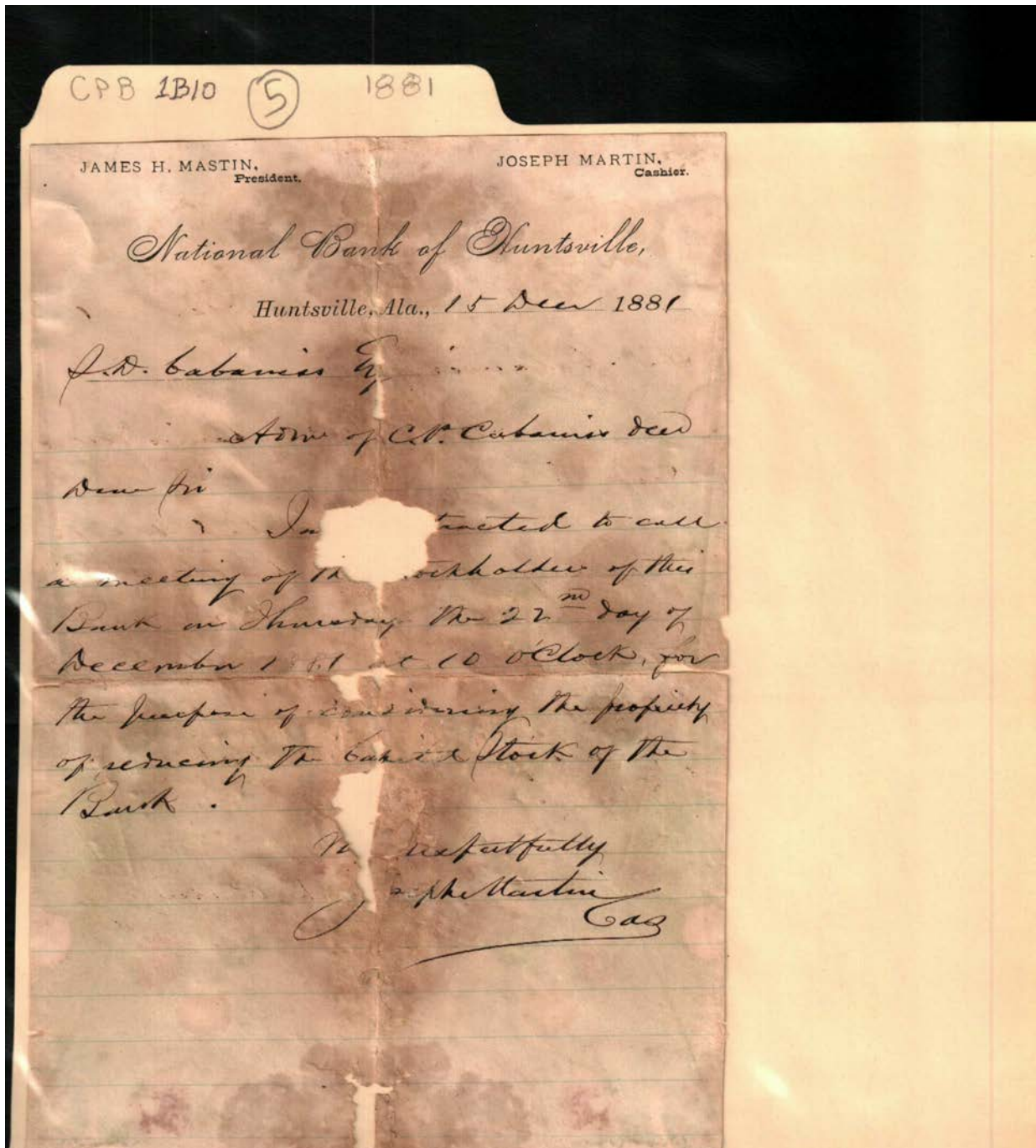
Boucher, Rutter

Curry, Henry

Malone, John N.

Types:

correspondence



Names:

Cabaniss, C. P.

Cabaniss, S. D.

Martin, Joseph

Mastin, James H.

Places:

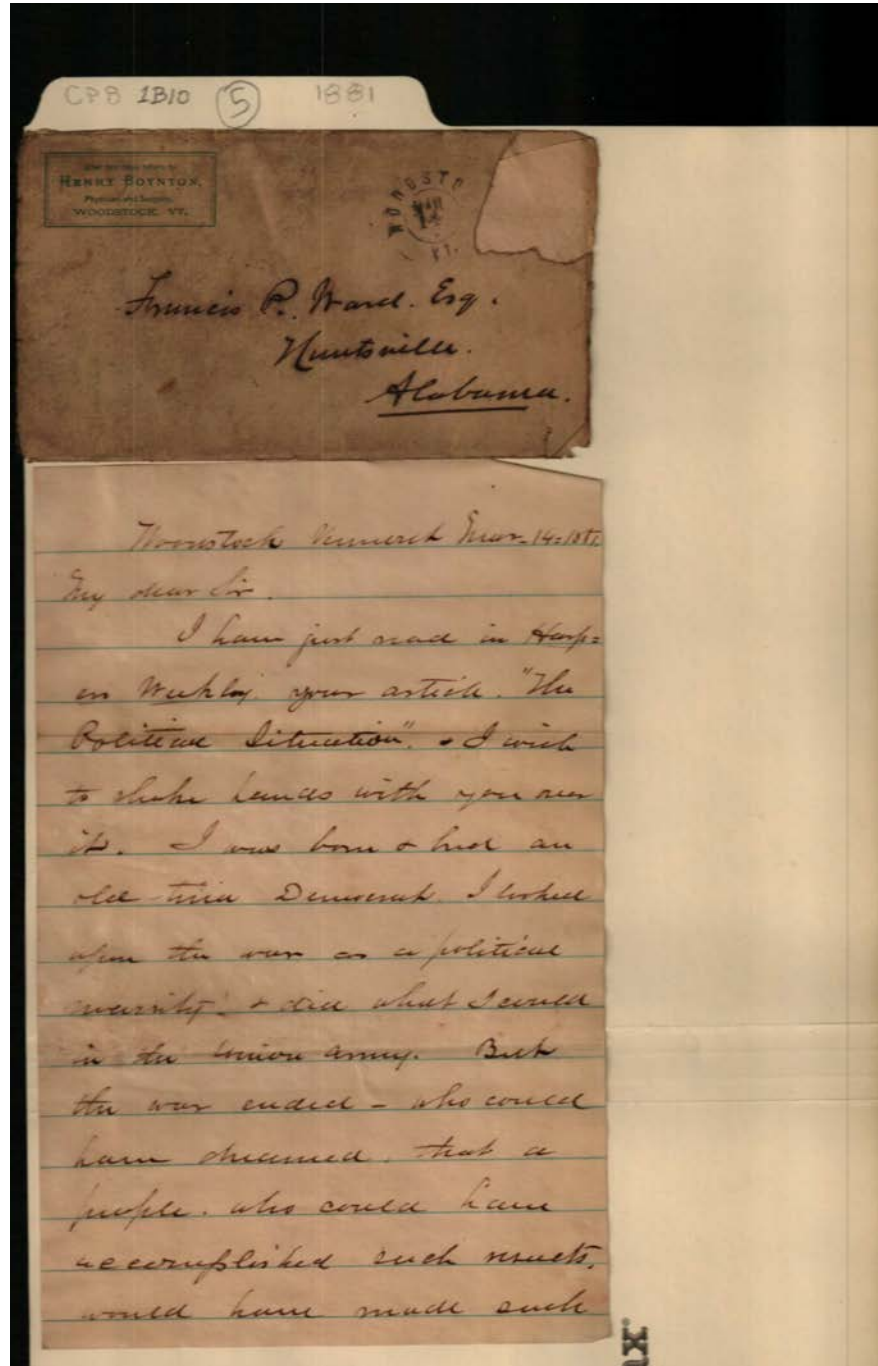
Huntsville, AL

Types:

correspondence

Dates:

Dec 15, 1881



Names:

Boynton, Henry

Ward, Francis, P.

Places:

Thornstock, VT

Types:

correspondence

Dates:

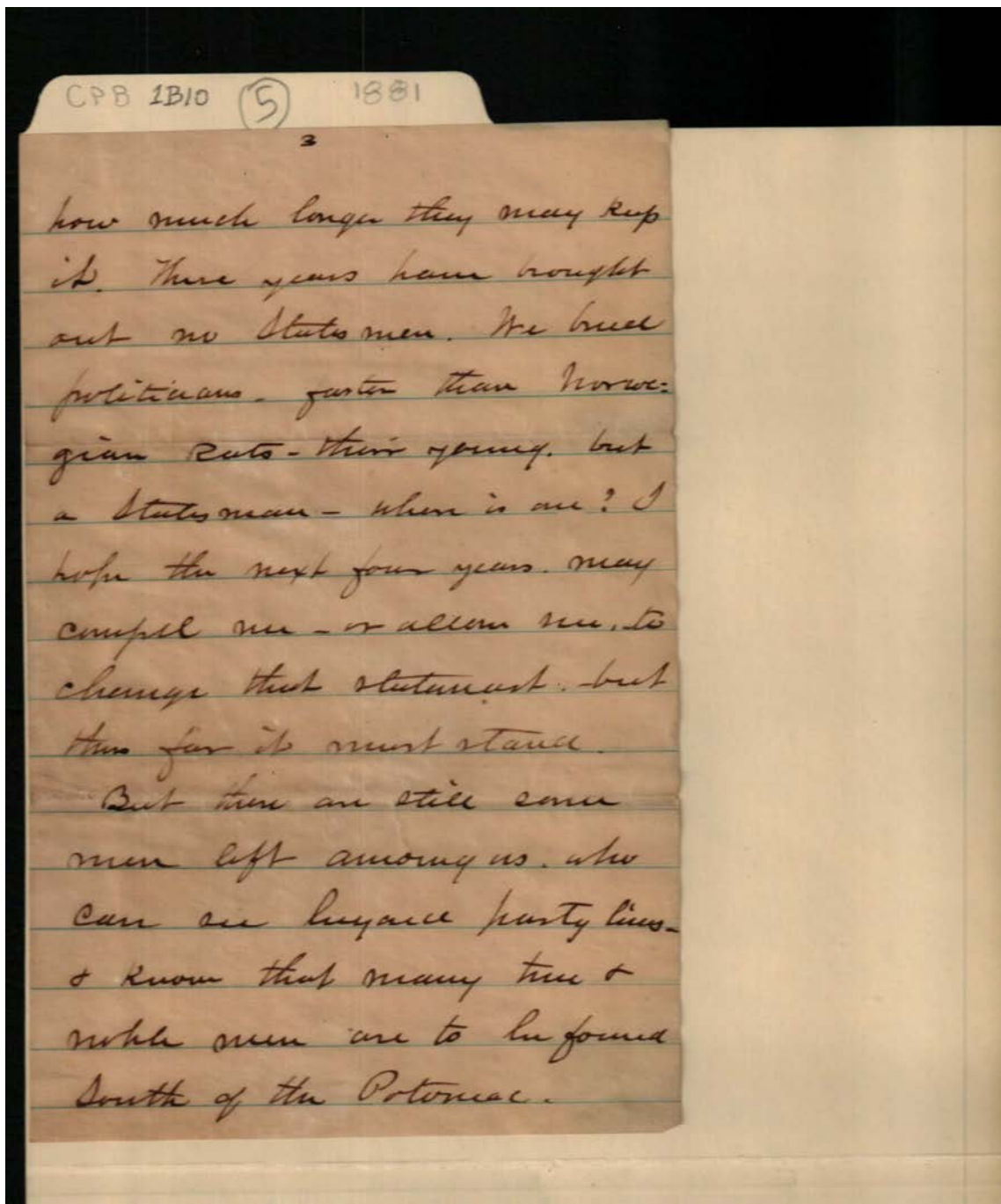
Mar 14, 1881

CPB 1B10 (5) 1881

a spectacle of themselves as
the Republican party has
in the laws it has enact-
ed, & the manner in which
it has executed them?

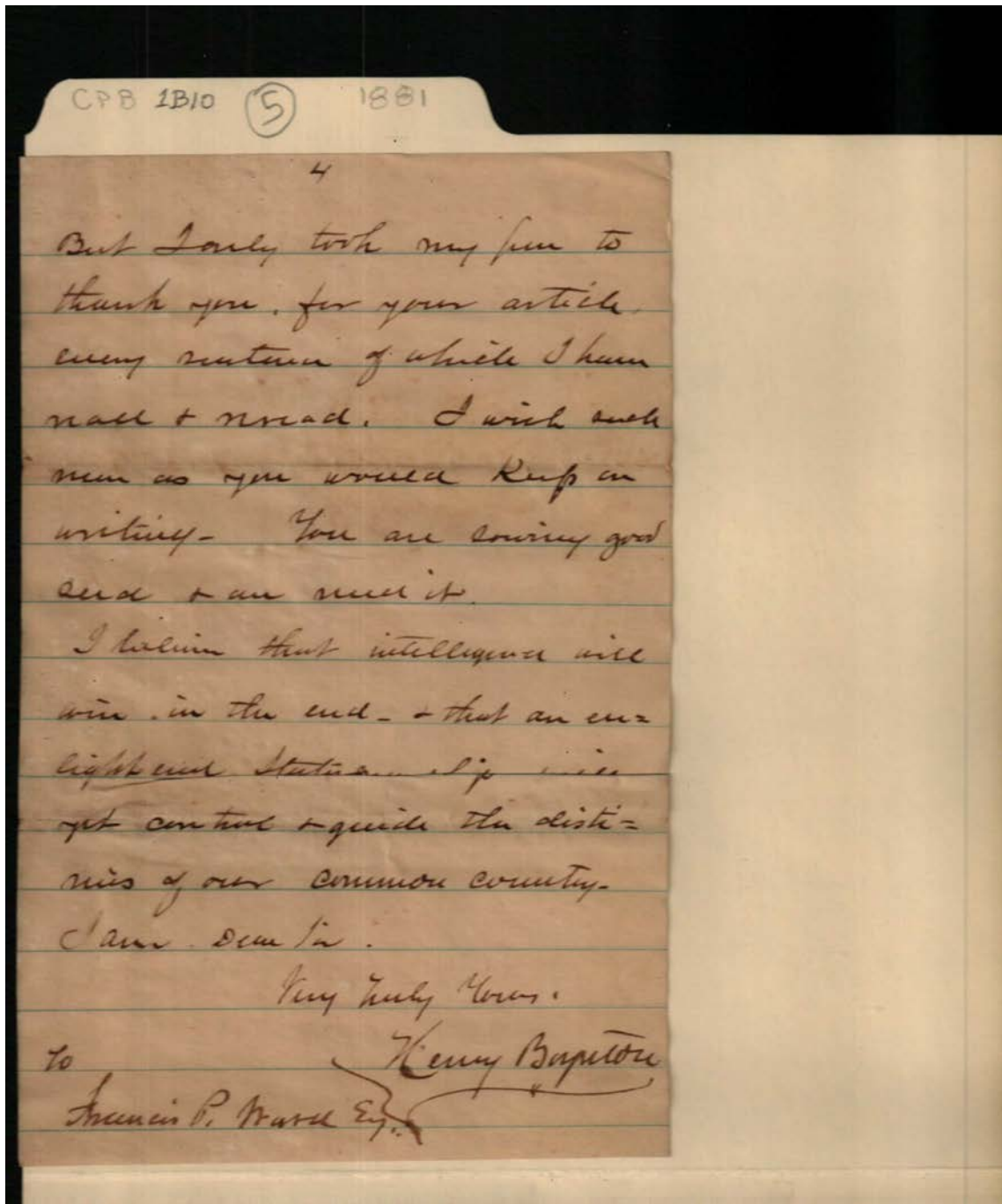
But I need not tell you that
the results of the war brought
to the surface here in the
North a set of men, who,
but for that war, never would
have been known, outside
the secluded hamlets, where
they were born - These men
have had control of the party
& the Government for the past
16 years - & God only knows

Types:
correspondence



Types:

correspondence



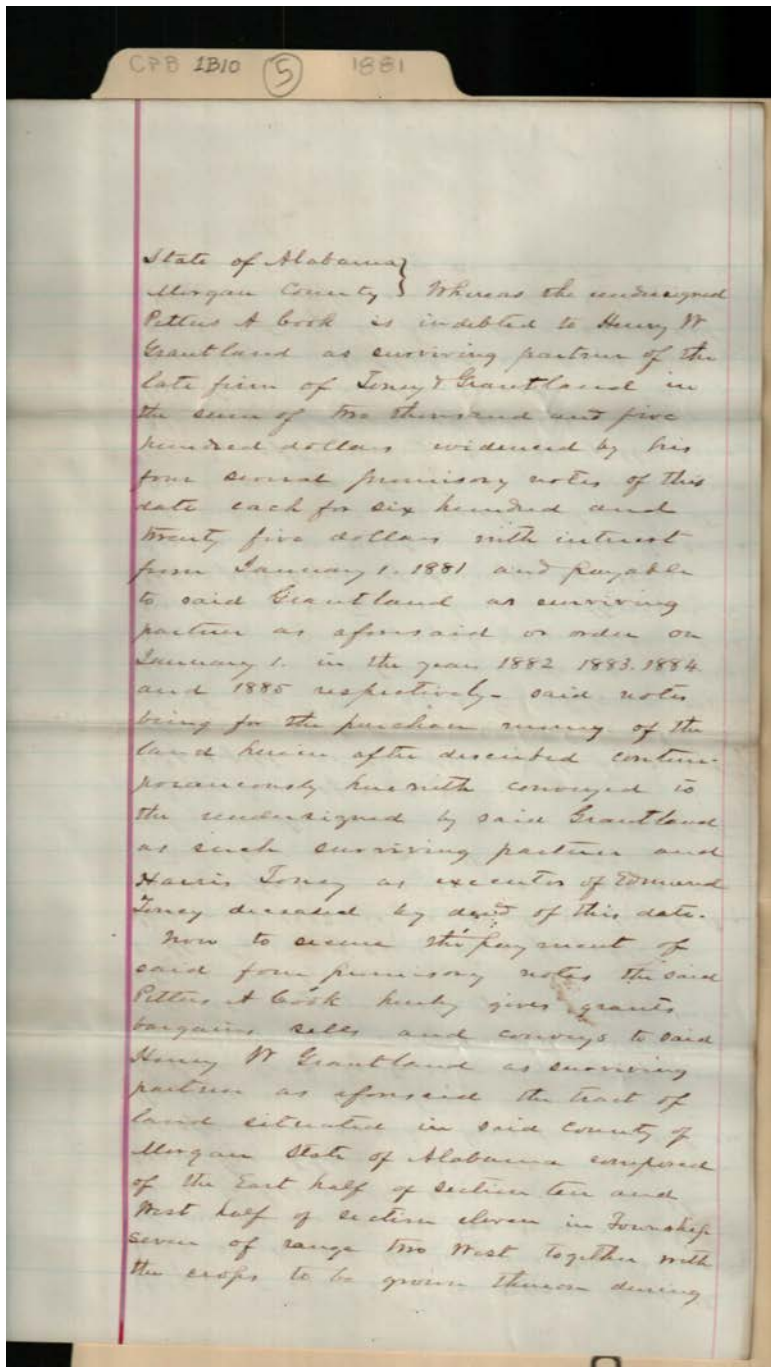
Names:

Boynton, Henry

Ward, Francis, P.

Types:

correspondence



Names:

Cook, Pettus A.

Grantland, Henry W.

Toney, Edmund

Toney, Harris

Places:

Morgan County, AL

Types:

deed

CPB 1B10 (5) 1881

the present year, and one wagon and the
work stock on the premises consisting
of two horses and two mules, to have
and to hold the same to him the
said Grantland as surviving partner
as aforesaid and his heirs forever, but on
the following conditions viz.

1. Said Cook is to remain in possession
and enjoyment of said property until
default in payment of one of said notes
at maturity.
2. If the one of said notes payable on
January 1, 1882 is paid at maturity then
said crops wagon mules and horses are
to be released from this mortgage by
entry on the margin of its record of the
satisfaction of said note.
3. If default is made in the payment
of said first maturing note after its
maturity then said Grantland as
surviving partner as aforesaid his
agent attorney or assignee of said first
maturing note is hereby authorized to
take possession of said crops wagon
horses and mules and sell the same
at public sale for cash either on the
premises or at the court house of said
county after giving notice of the time
place and terms of sale by publication
for three successive weeks in some
newspaper published in said county,
and out of the proceeds of such sale
pay the expenses of sale retain the
amount due on said note and the

Names:

Cook,

Grantland,

Types:

deed

CPB 1B10 5 1881

balance pay over to said book.

4. If default is made in payment of any one of said notes after maturity then said Grantland as surviving partner as aforesaid his agent attorney or assignee of each matured and unpaid note is fully authorized and empowered to sell said land at public sale for cash at the court house of said county after giving notice of the time place and terms of sale by publication for three consecutive weeks in some newspaper printed in said county, covering the legal title thereof to the purchaser and out of the proceeds of each sale pay the expense of sale retain the aggregate amount of the unpaid principal and interest of all of said notes and the balance pay over to said book.

5. If all of said notes are paid at maturity then this mortgage is to be entered of record satisfied and become null and void.

In witness whereof said Pettus & Cook hereunto set his hand and seal this 7th day of January 1881.

Pettus & Cook (seal)

Witness:

The State of Alabama }
Morgan County } J. E. M. Russell
Judge of Probate for said County, hereby certifies that Pettus & Cook

Feb 18/81

Names:

Cook, Pettus A.

Grantland,

Russell, E. M.

Types:

deed

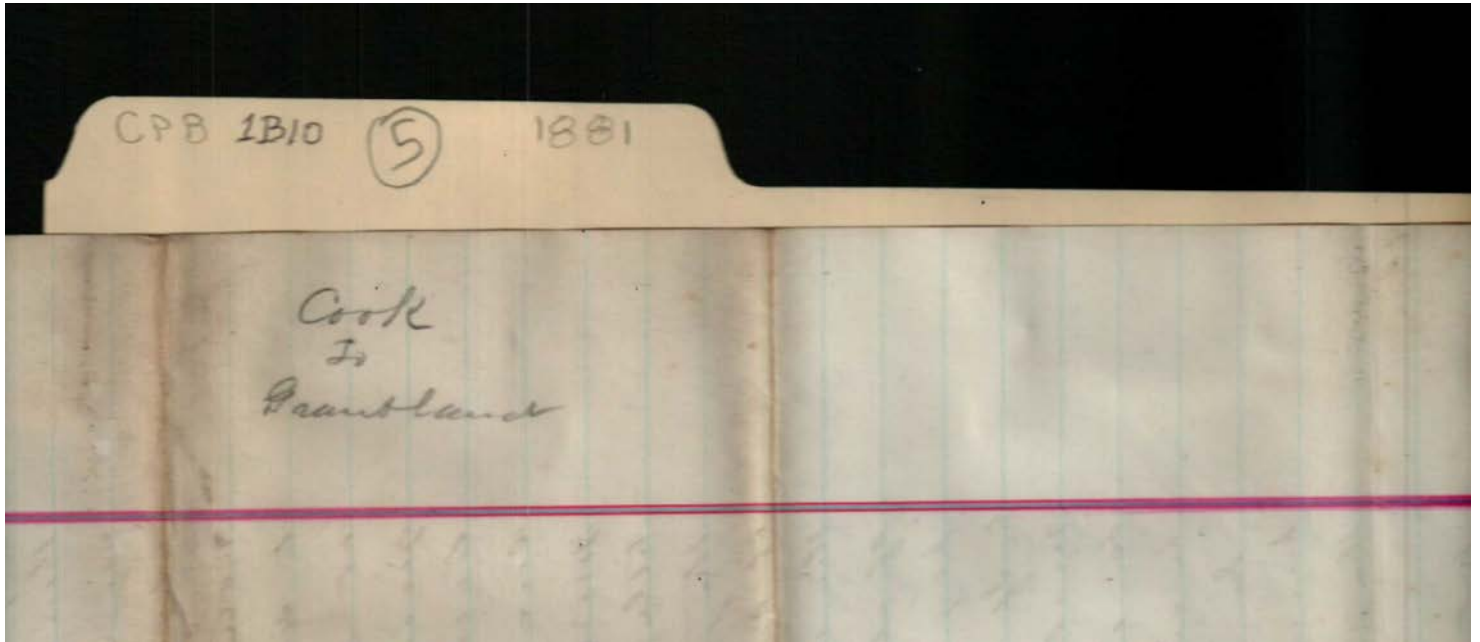
Dates:

Feb 18, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 10, Folder 5

Legal and court documents, 1881

Image 43 r01b10-05-000-0130 [Contents](#) [Index](#) [About](#)



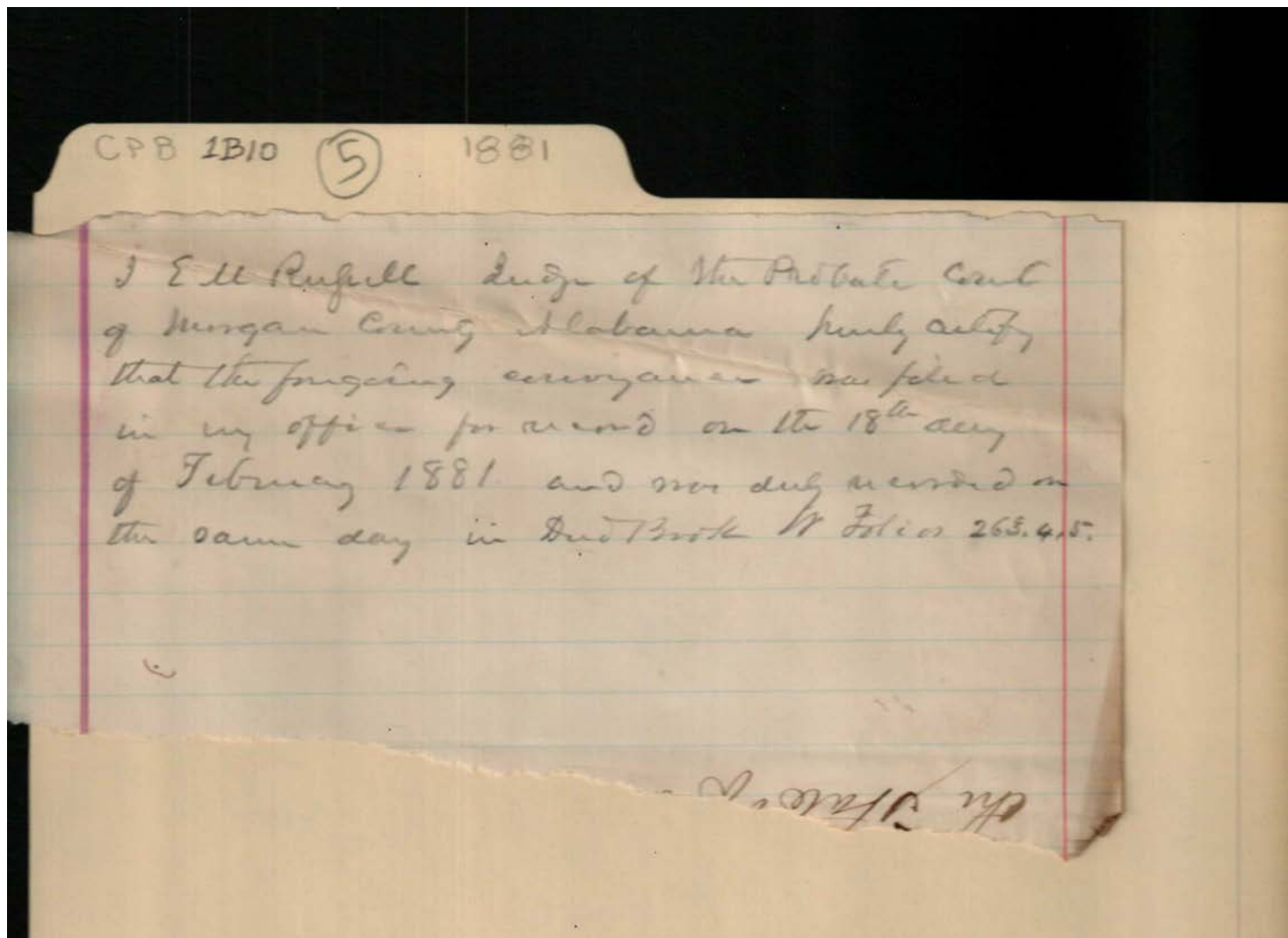
Names:

Cook,

Grantland,

Types:

memo



Names:

Russell, E. M.

Places:

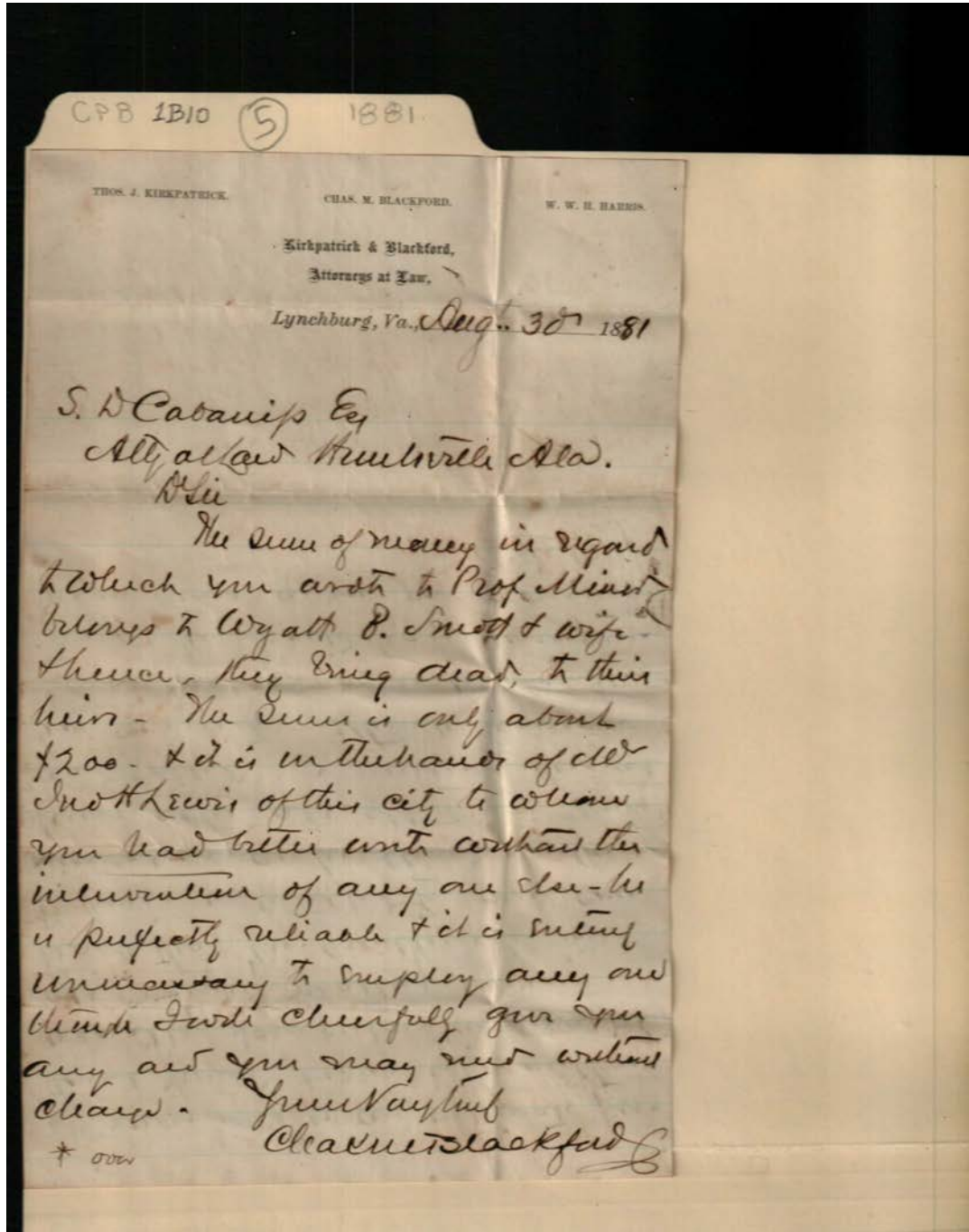
Morgan County, AL

Types:

certification note

Dates:

Feb 18, 1881



Names:

Blackford, Charles
M.
Cabaniss, S. D.

Harris, W. W. H.
Kirkpatrick, Thomas
J.

Lewis, John H.
Miner, Prof.
Smoot, Wyatt B.

Places:

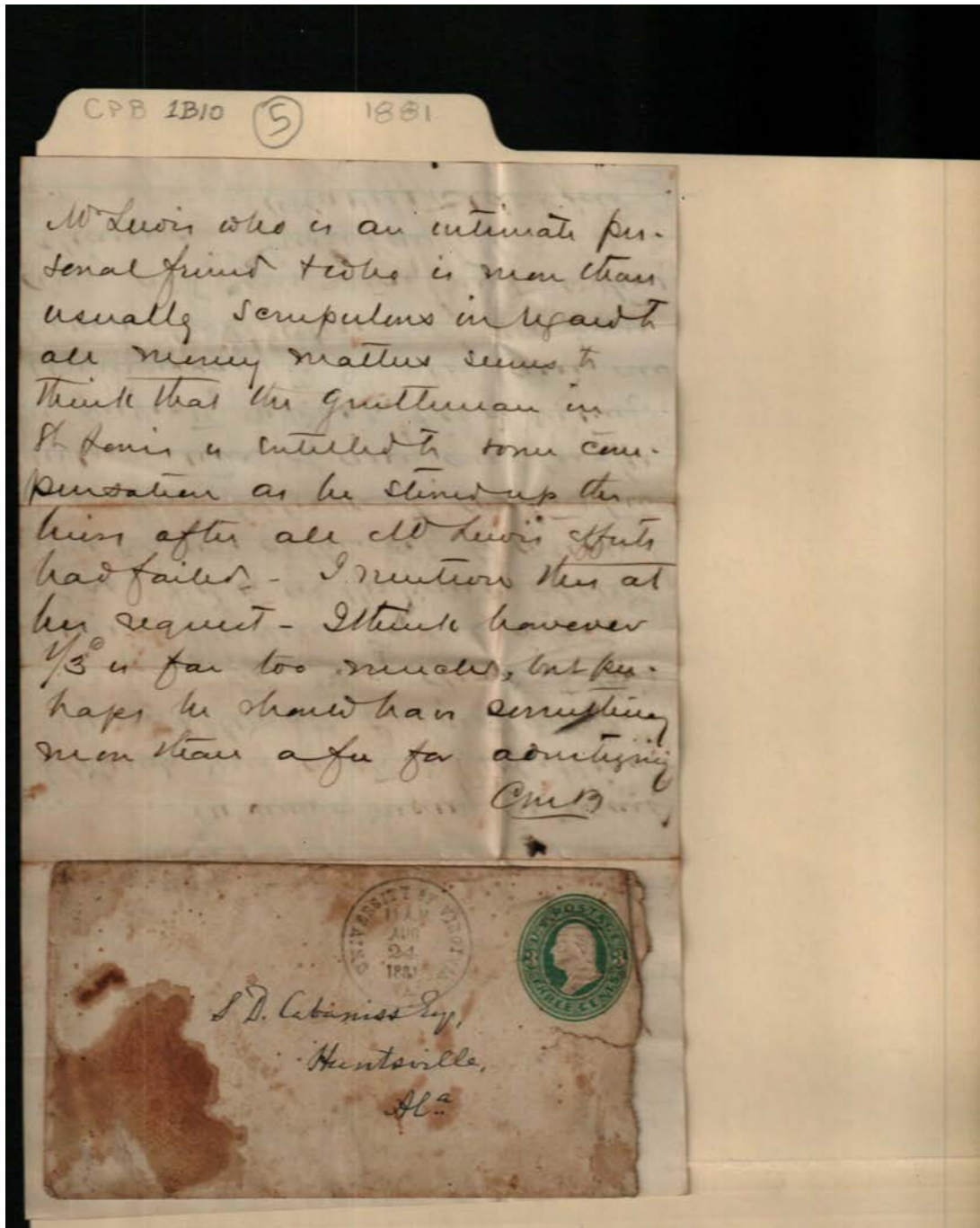
Lynchburg, VA

Types:

correspondence

Dates:

Aug 30, 1881



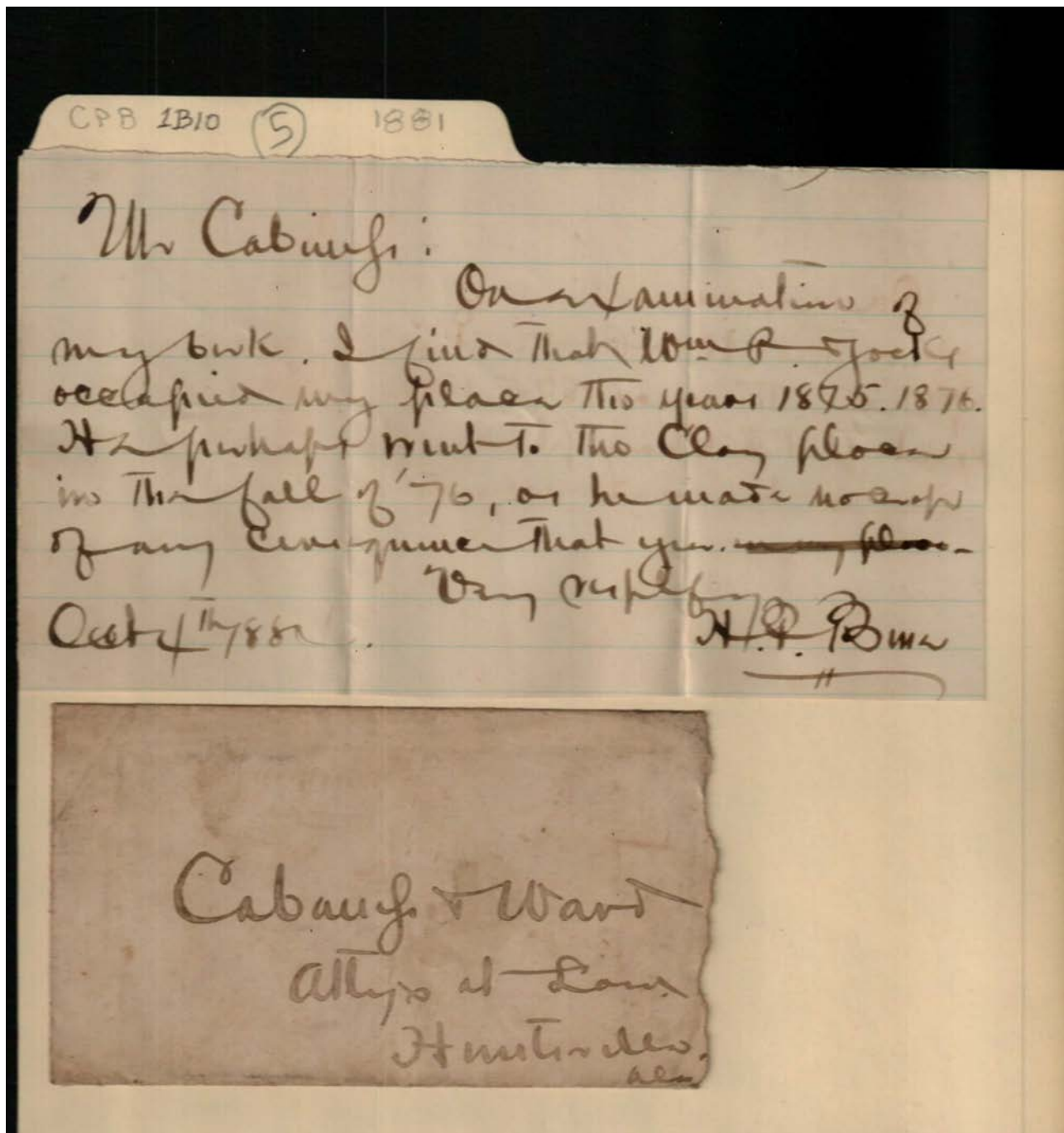
Names:

Cabaniss, S. D.

Lewis, John H.

Types:

correspondence



Names:

Bone, H. P.

Cabaniss,

Clay,

Jacks, William P.

Types:

correspondence

Dates:

Oct 04, 1881



Names:

Austell, H.

Cabaniss, S. D.

St. John, William P.

Types:

envelope

Dates:

Sep 23, 1882



Names:

Cabaniss, S. D.

Malone, John N.

Places:

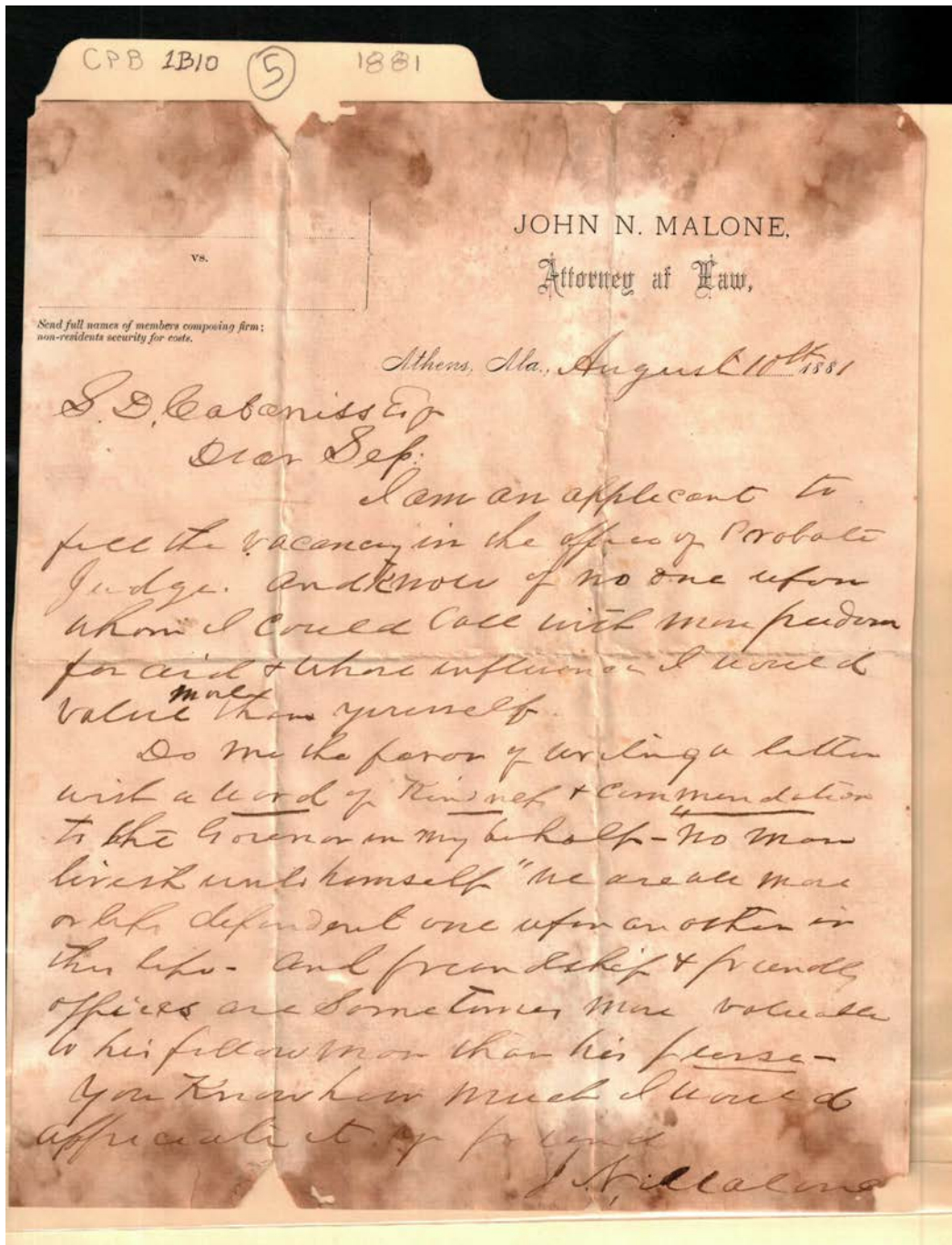
Athens, AL

Types:

envelope

Dates:

Aug 10, 1881



Names:

Cabaniss, S. D.

Malone, John N.

Places:

Athens, AL

Types:

correspondence



Names:

Grantland, H. W.

Morris,

Stratton,

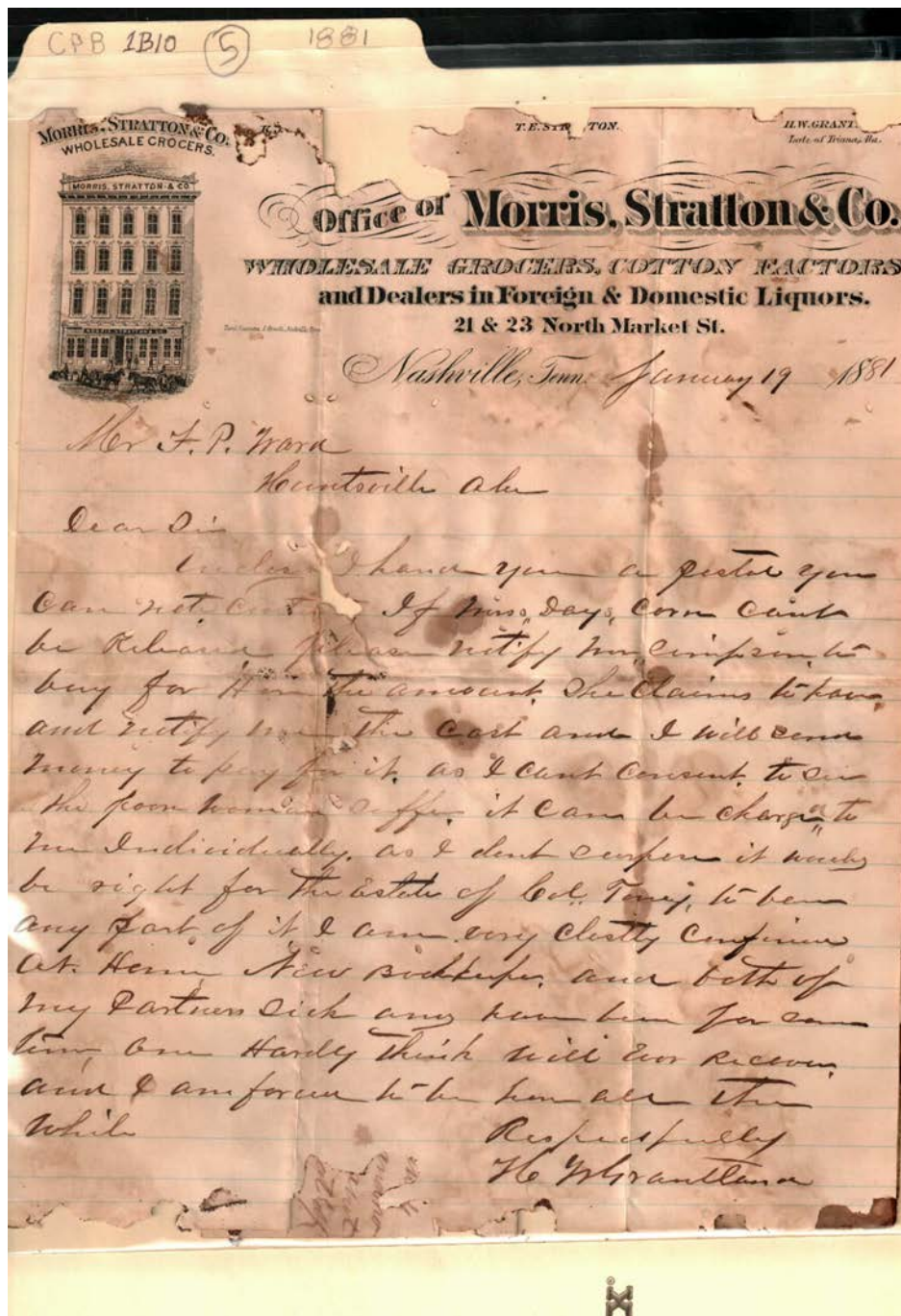
Ward, F. P.

Places:

Nashville, TN

Types:

envelope



Names:

Grantland, H. W.
Morris,

Stratton,
Terry, Col.

Ward, F. P.

Places:

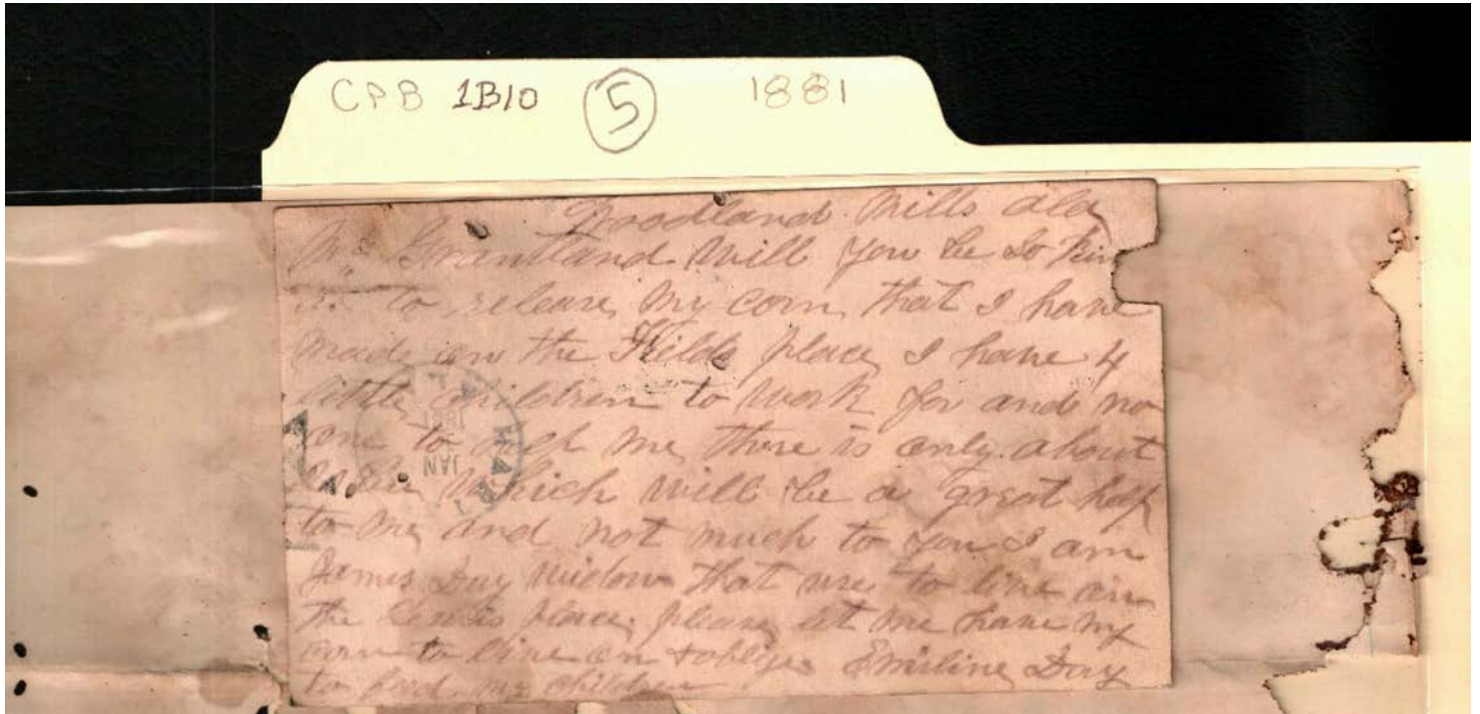
Nashville, TN

Types:

correspondence

Dates:

Jan 19, 1881



Names:

Day, Emiline

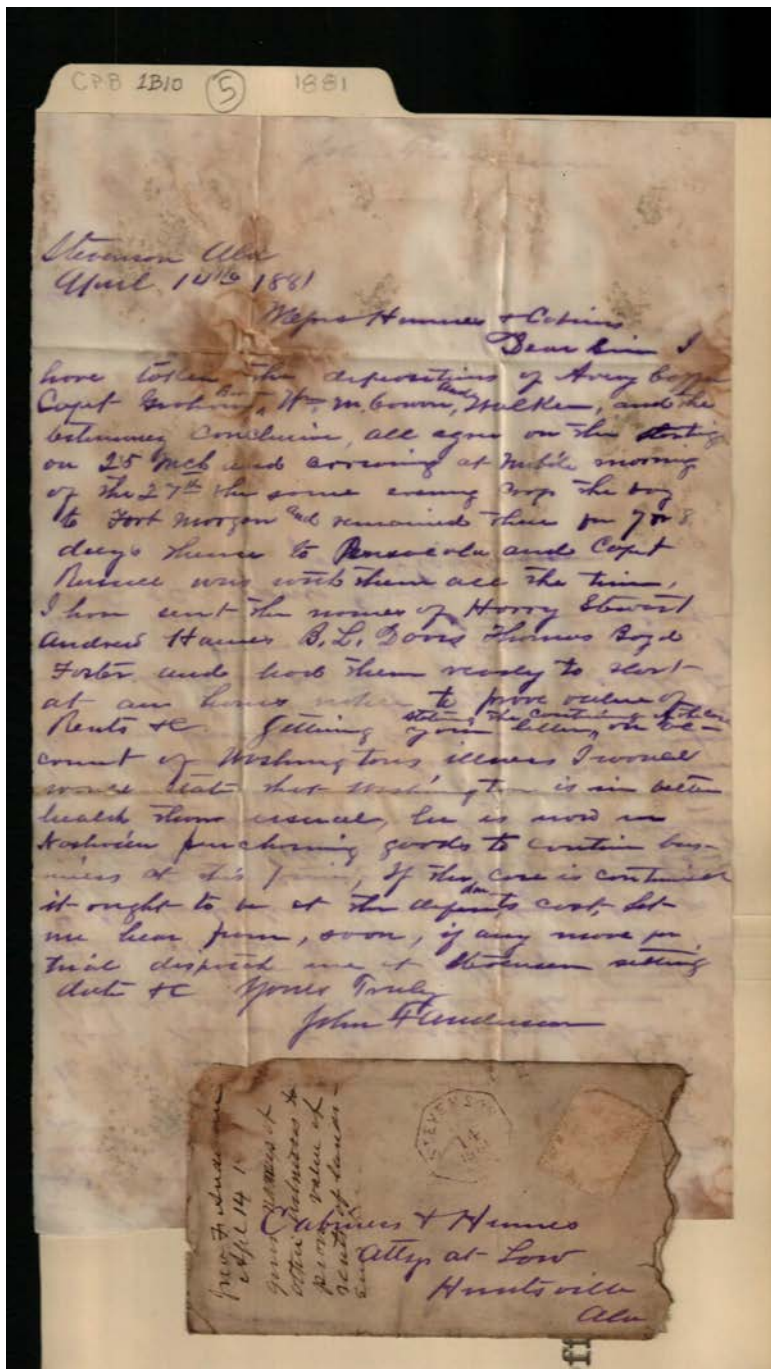
Grantland, H. W.

Places:

Woodland Mills, AL

Types:

correspondence



Names:

Anderson, John F.
Avery,
Boyd, Thomas,
Brown,

Cabaniss,
Coffey,
Cowan, William M.
Davis, B. L.

Foster,
Graham,
Harris, Andrew
Humes,

Russell, Capt.
Stewart, Harry
Walker,
Washington,

Places:

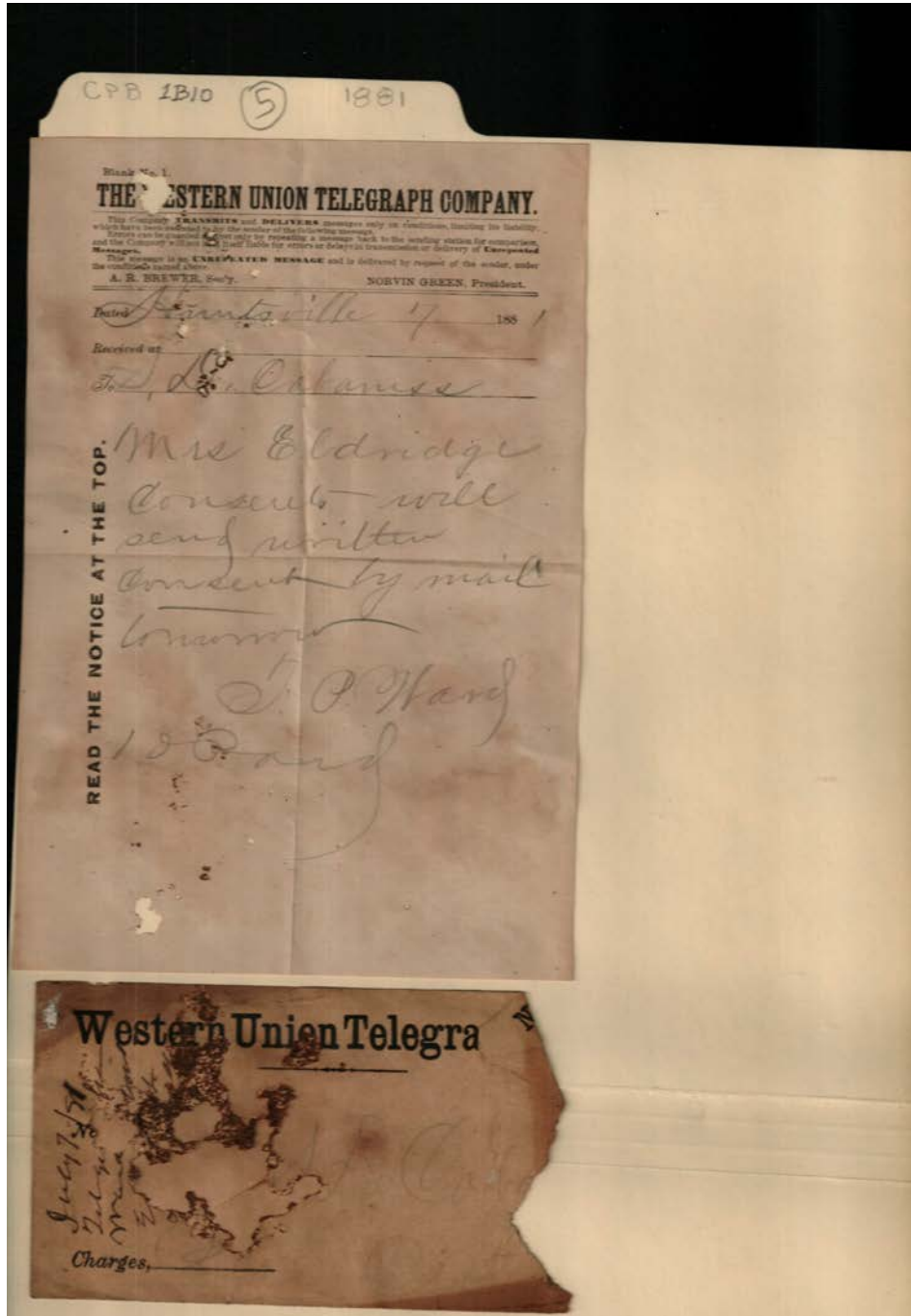
Stevenson, AL

Types:

correspondence

Dates:

Apr 14, 1881



Names:

Cabaniss, S. D.

Eldridges, Mrs.

Ward, F. P.

Places:

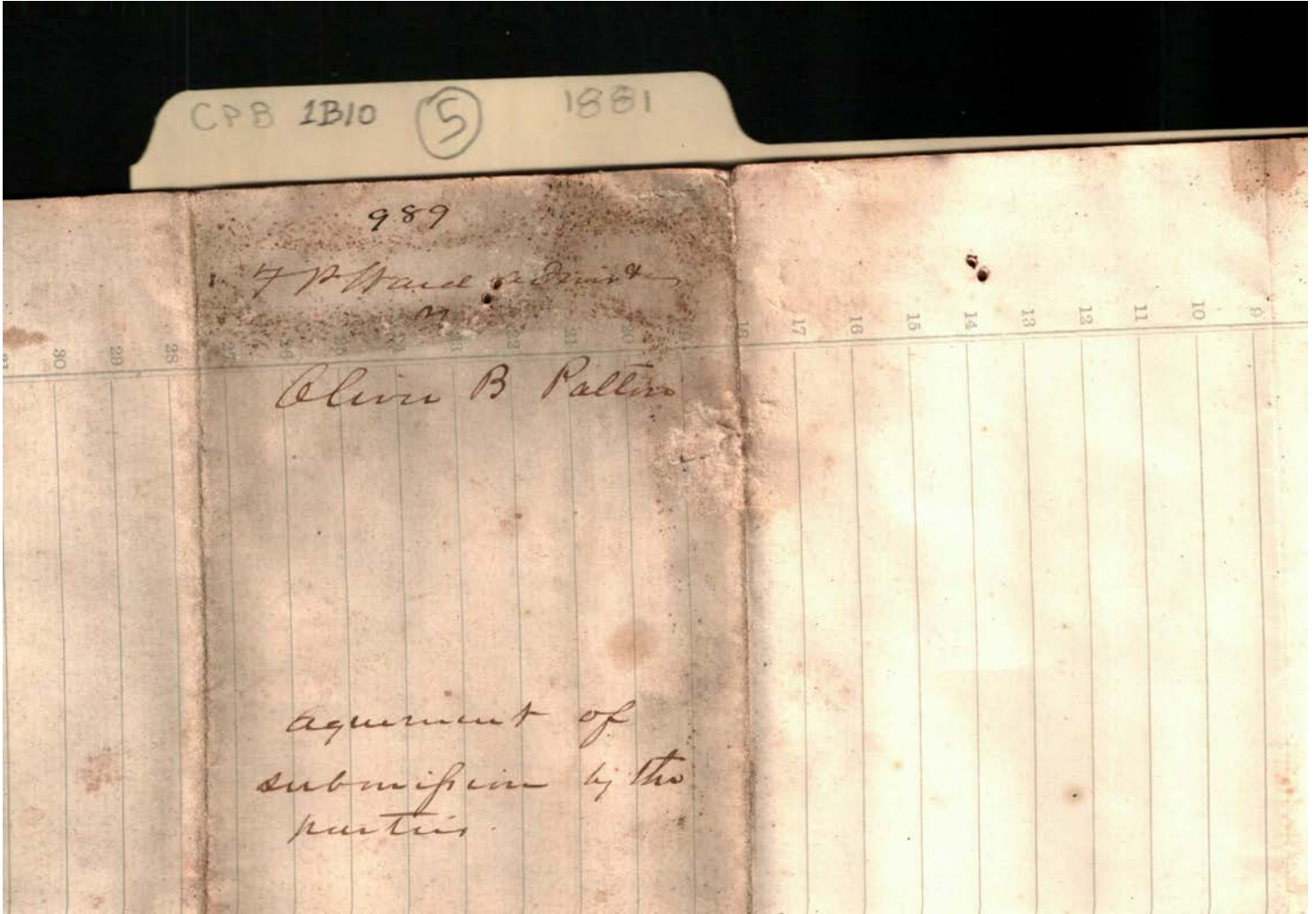
Huntsville, AL

Types:

telegraph

Dates:

Jul 07, 1881



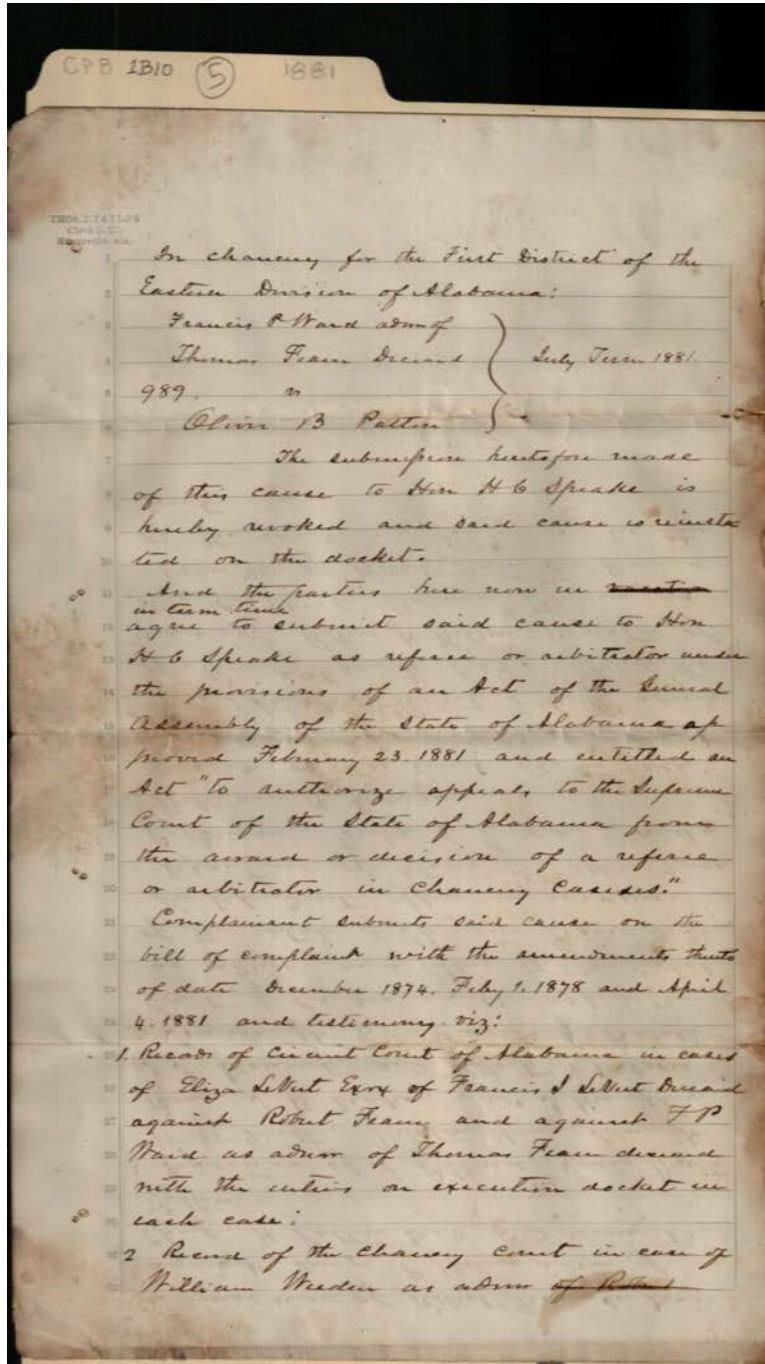
Names:

Patton, Olivia B.

Ward, F. P.

Types:

memo



Names:

Fearn, Robert
Fearn, Thomas

LeVert, Eliza
LeVert, Francis J.

Patton, Olivia B.
Speake, H. C.

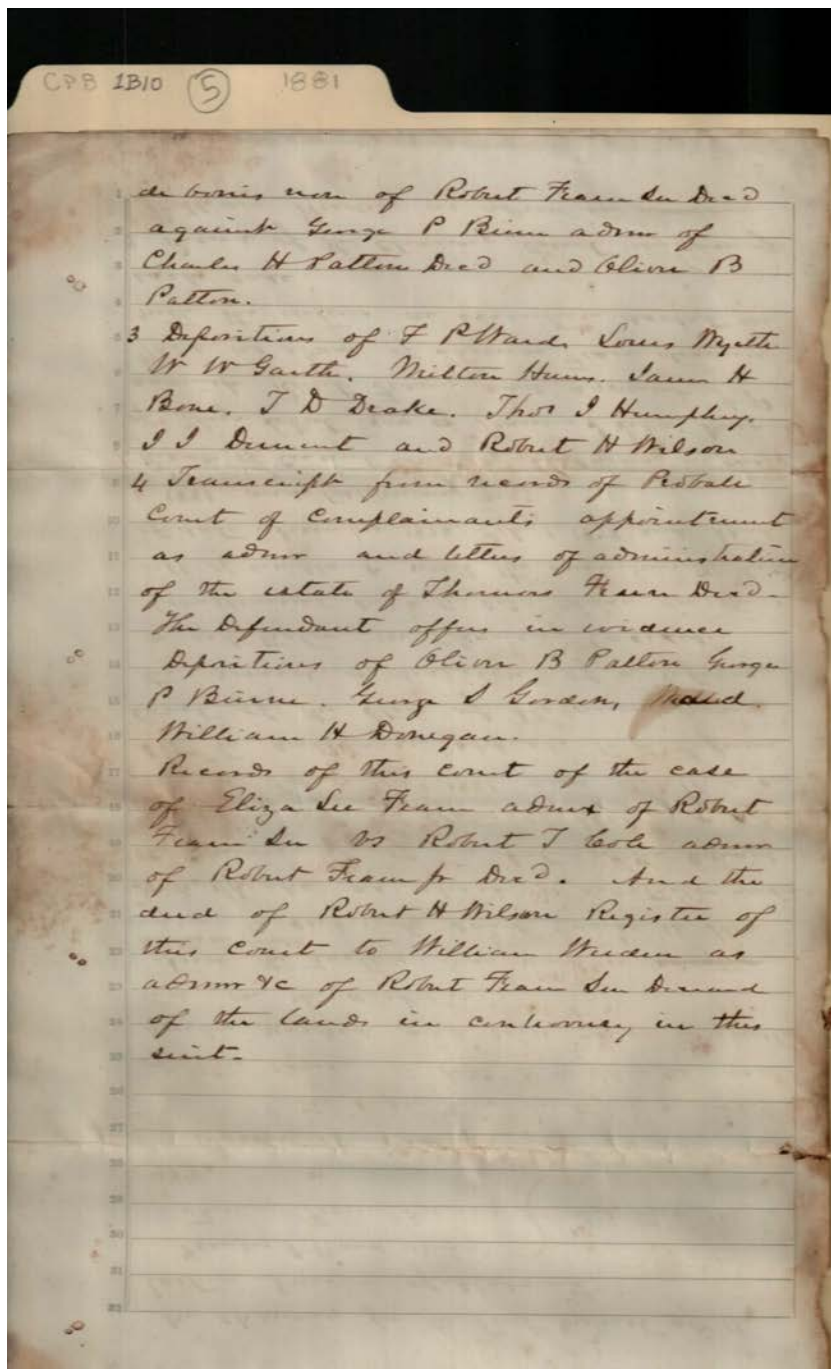
Ward, Francis, P.
Weeden, William

Places:

Eastern Division
Alabama

Types:

law suit



Names:

Bierne, George P.
Bone, James H.
Cole, Robert T.
Donegan, William H.
Drake, T. D.

Dunent, J. J.
Fearn, Eliza Lee
Fearn, Robert
Fearn, Thomas
Garth, W. W.

Gordon, George S.
Humes, Milton
Humphrey, Thomas J.
Patton, Charles H.
Patton, Olivia B.

Ward, F. P.
Weeden, William
Wilson, Robert H.
Wyatte, Louis

Types:

law suit

CPB 1B10 (5) 1881

Florence, Ala.
Mch. 23^d 1881

Mr. Cabaniss:

Your letter of the
21st inst. today. I would
like to see the
Commissioner of the
Land Office to see
the matter how small the
amount may be, we are
willing to pay it.
I have not yet
received the money far, but
I will try to get it
for you. I had it taken
to the bank a few days
since. I will announce it
a good one and think the
tone quite correct. You will
pass your judgment on it.
So come down soon.

Names:

Cabaniss,

Places:

Florence, AL

Types:

correspondence

Dates:

Mar 23, 1881

CPB 1B10 (5) 1881

Brown says she is going over to see you - what do
 to write you to pay. Please do not think more of anything
 another week. You let me have your liberty; then I
 make a suggestion, and I would want you
 pass you come down to see her when
 possible for me to visit you - for a week or
 Sunday's Mr. Maria Chally Mrs. Walter Porter. Probably you
 service in Tennessee. I have seen her -
 this day - you really don't you must bid you good night
 and the best advice I can give you is
 plan for the future - you, your friends
 Maria's sister, and I will have
 dinner with Mr. Brown's
 and that the same night
 have some - I wish this
 temptation - I
 have just got one of
 Porters - a young lady.
 She is quite pretty and
 bright - and I know you
 will like her. She has

James W. Figures

Names:

, Corrie
, Eliza

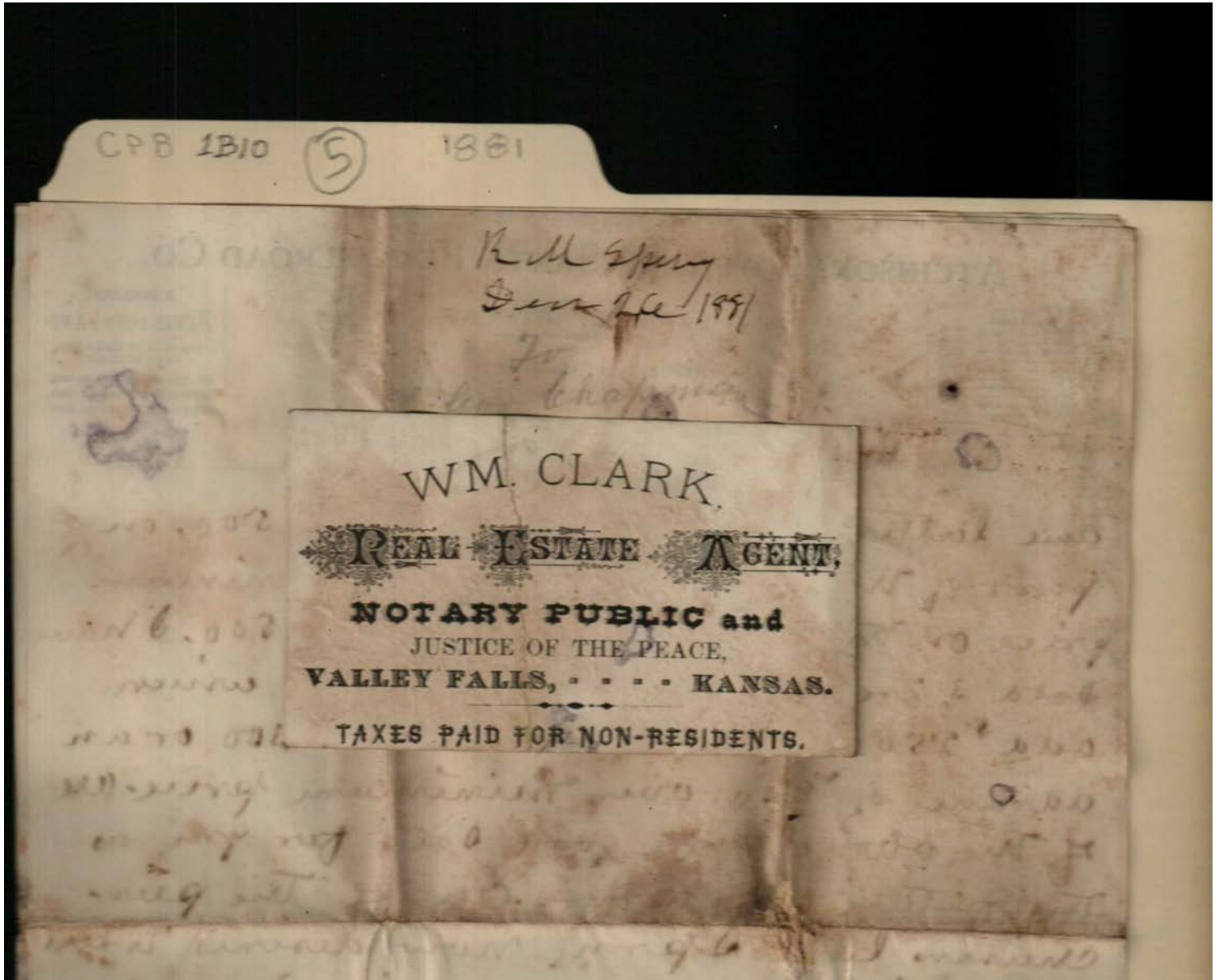
, Florence
Brown,

Figures, James W.
House, J. F.

Mastin,
Porter, Mattie

Types:

correspondence



Names:

Clark, William

Sperry, R. M.

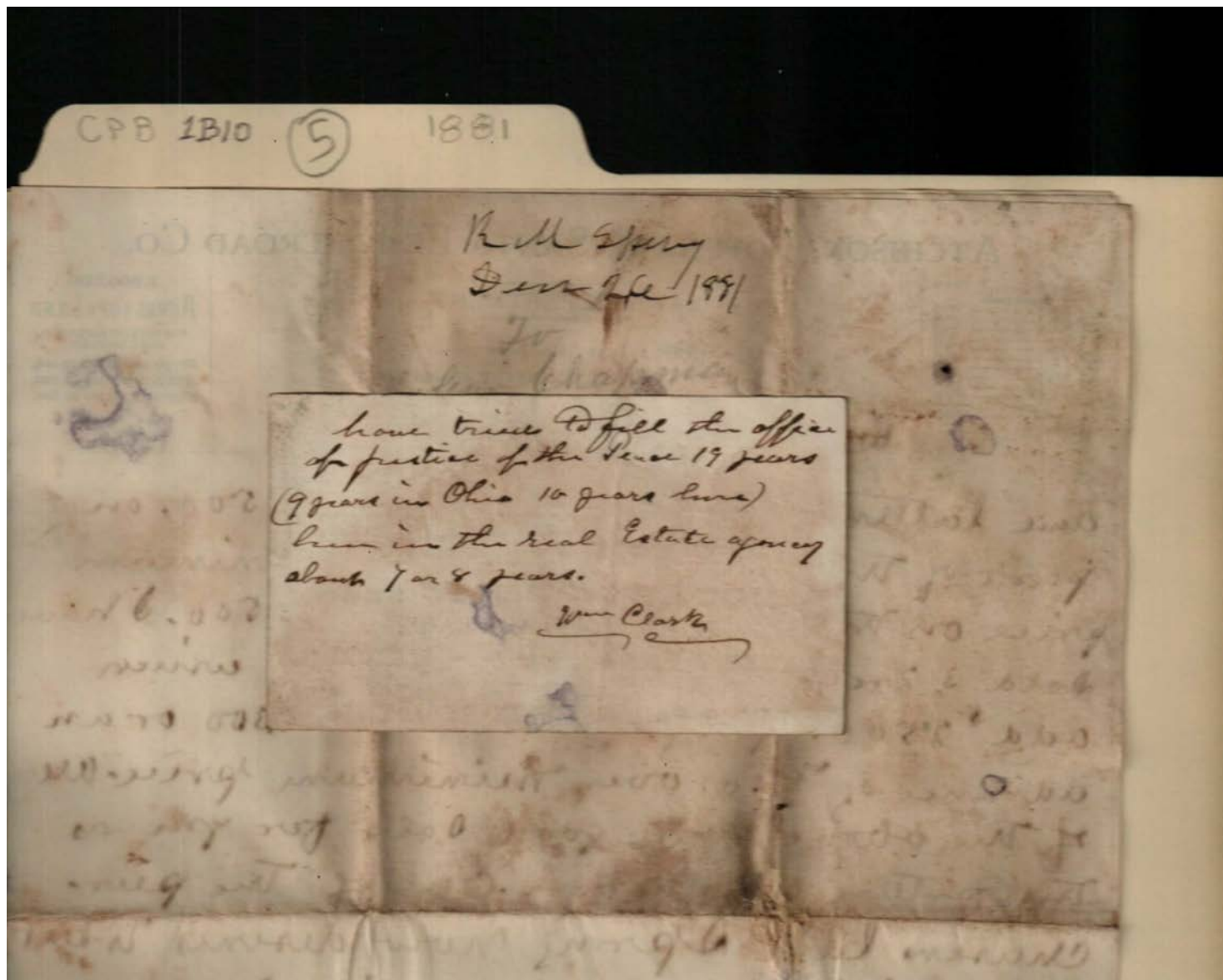
Types:

memo

Dates:

Dec 24, 1881

Dec 26, 1881



Names:

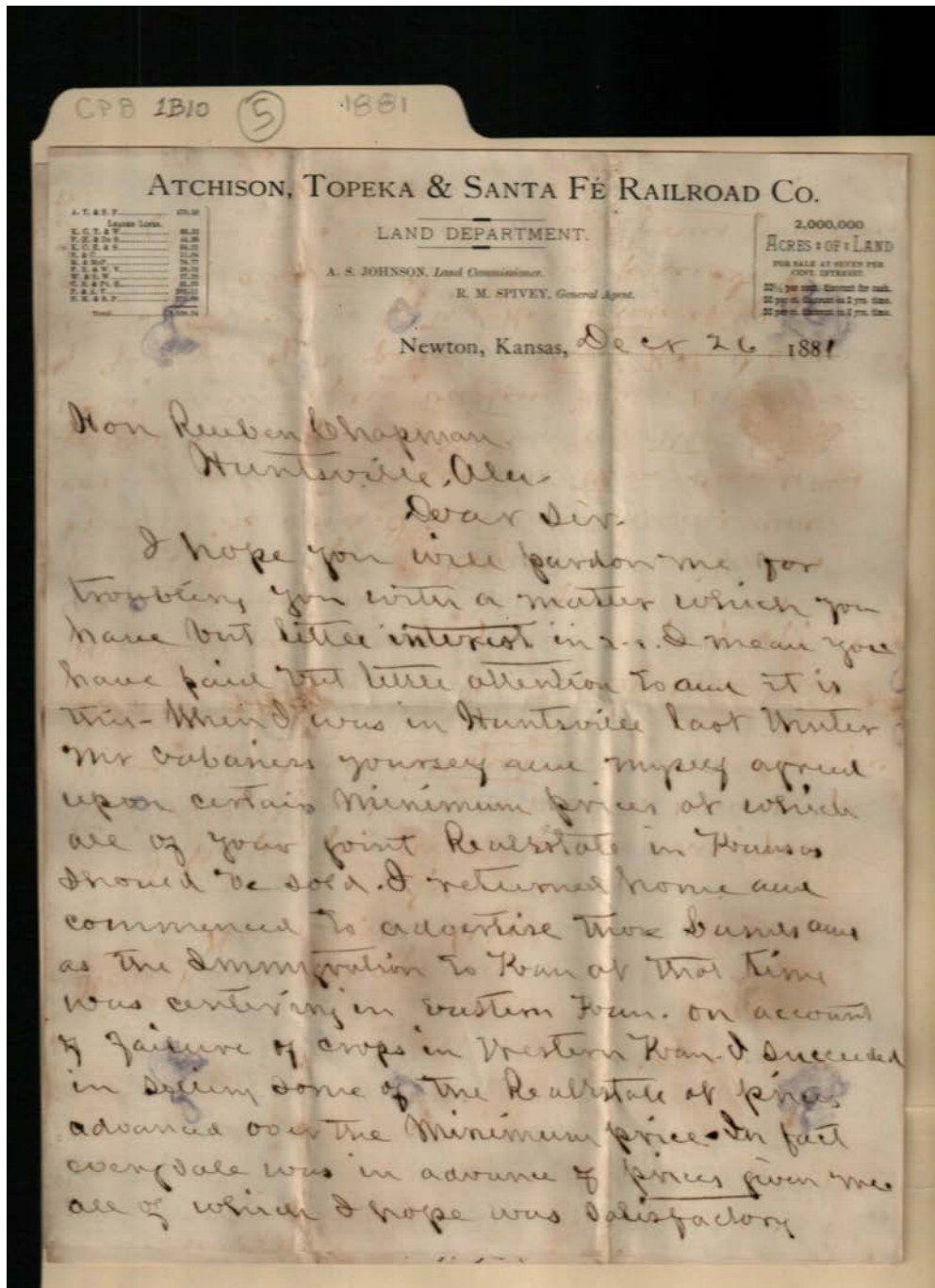
Clark, William

Types:

correspondence

Dates:

Dec 26, 1881



Names:

Cabaniss,

Chapman, Reuben

Johnson, A. L.

Spivey, R. M.

Places:

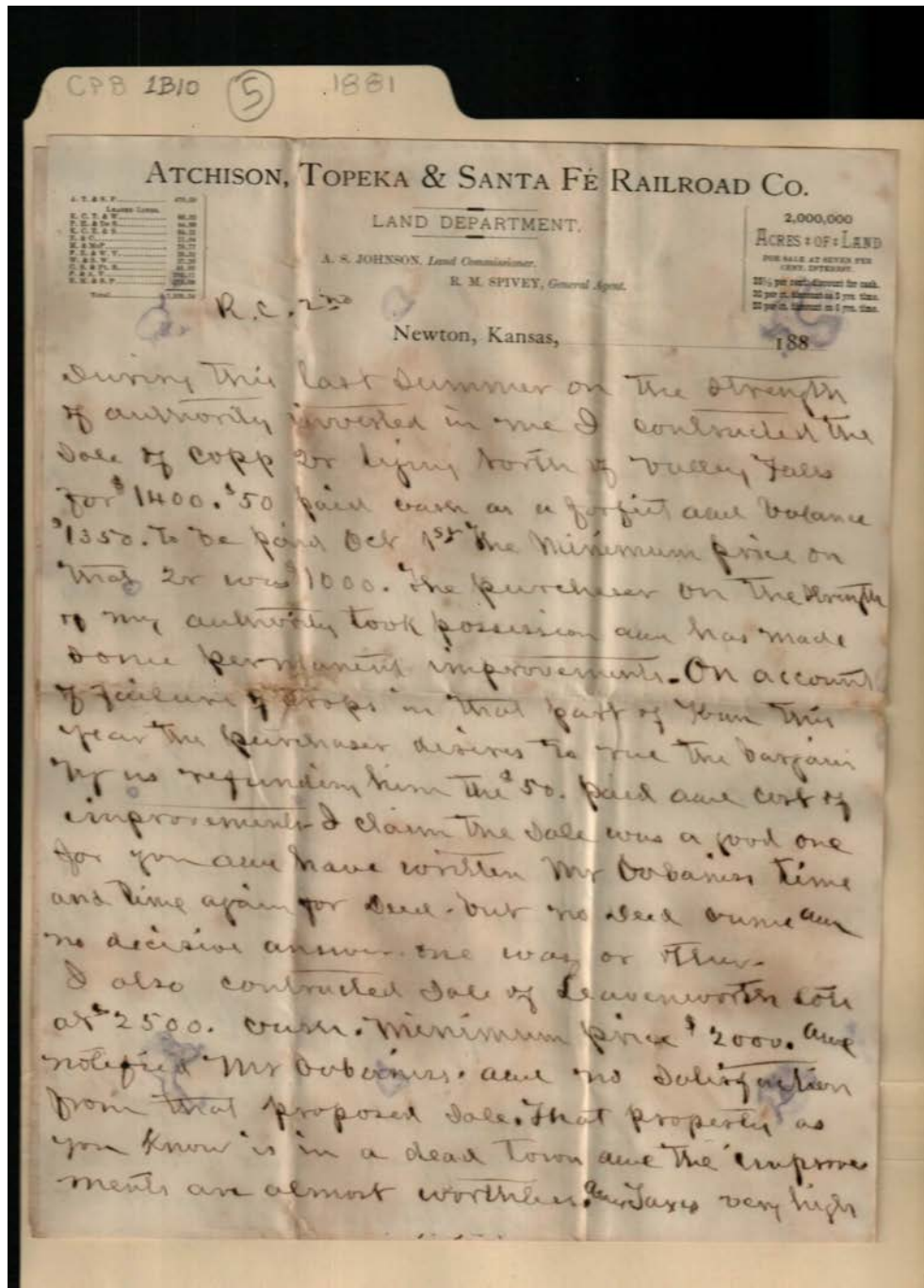
Newton, KS

Types:

correspondence

Dates:

Dec 26, 1881



Names:

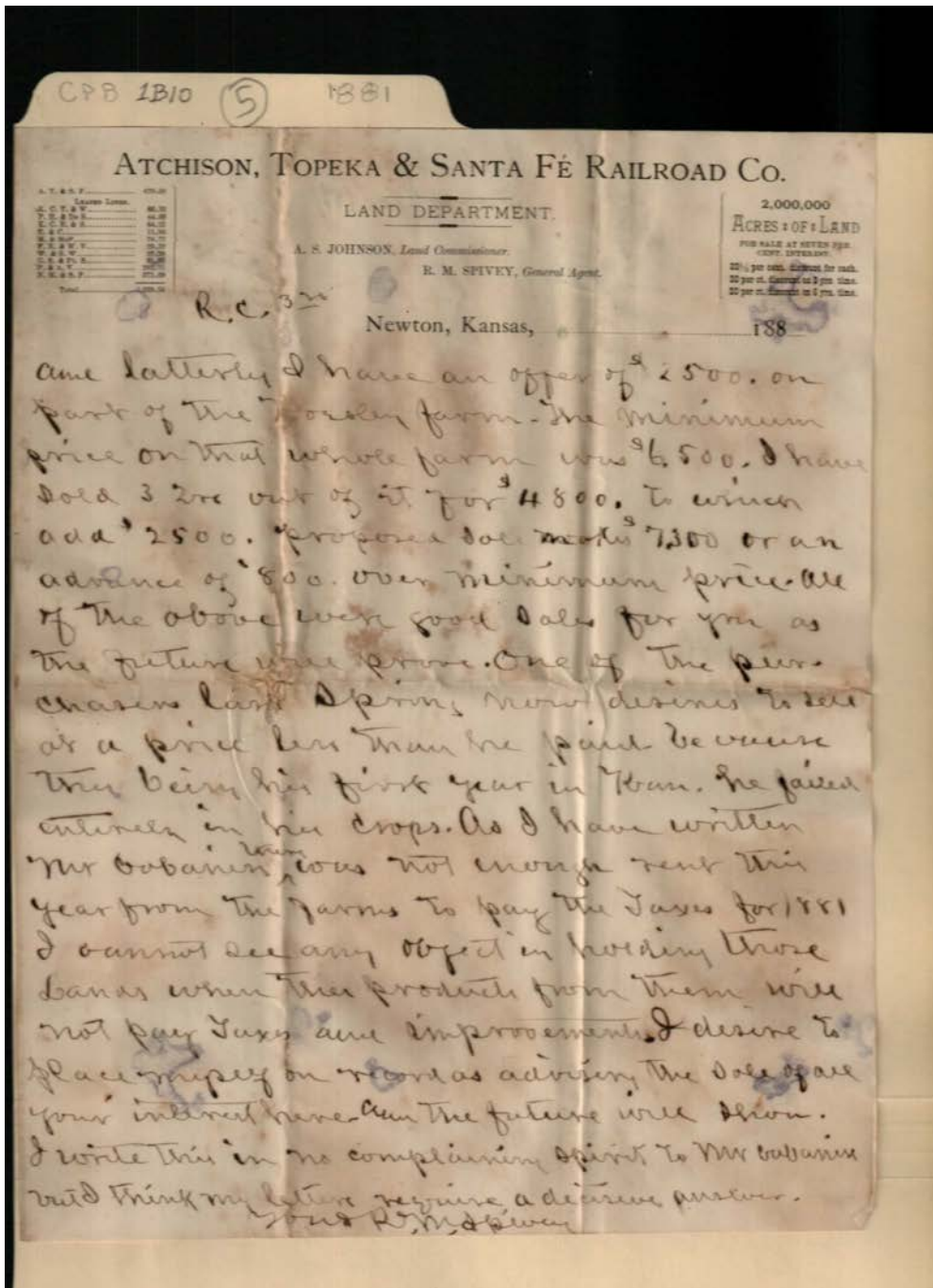
Cabaniss,

Places:

Newton, KS

Types:

correspondence



Names:

Cabaniss,

Spivey, R. M.

Places:

Newton, KS

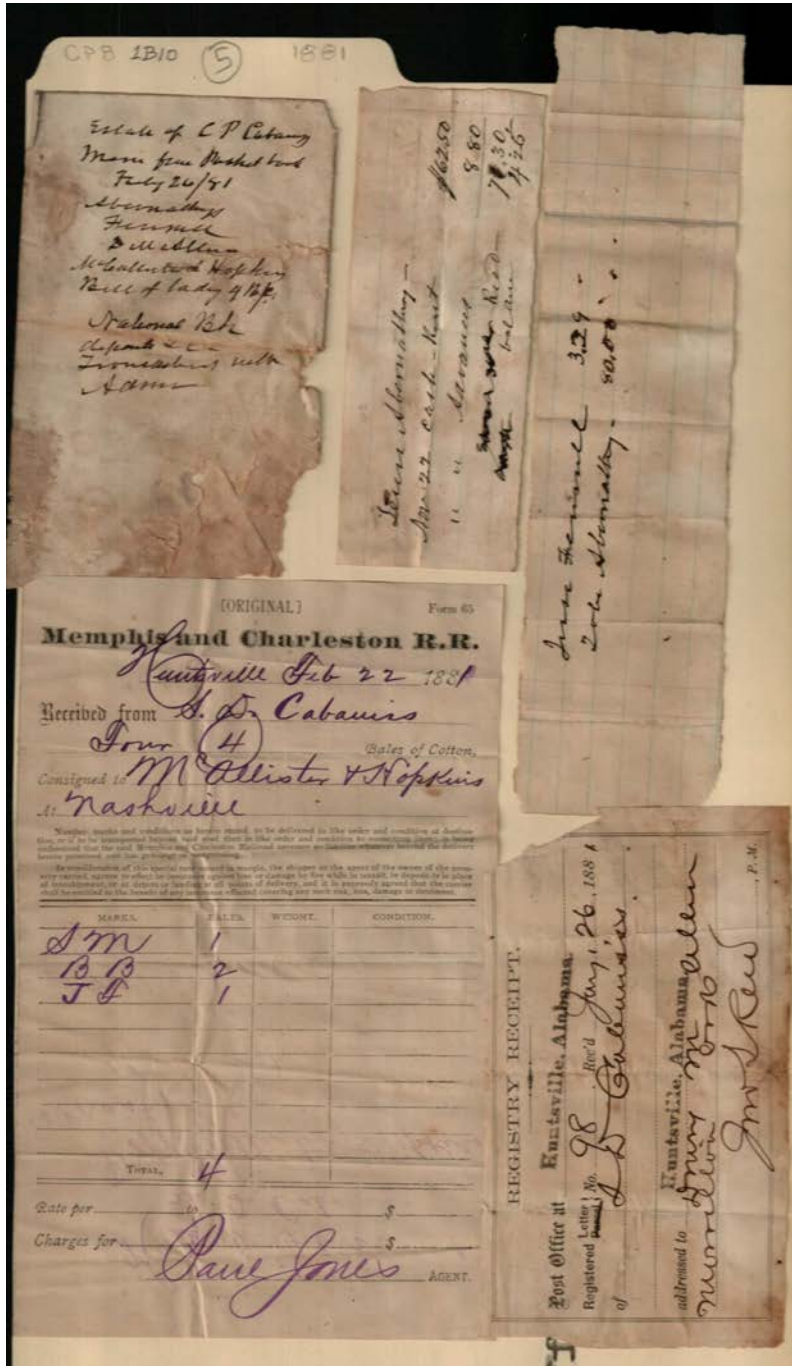
Types:

correspondence

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 10, Folder 5

Legal and court documents, 1881

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Names:

Abernathy, Tobe
 Allen, Drury M.
 Cabaniss, C. P.

Cabaniss, S. D.
 Fennell, Jesse
 Hopkins,

Jones, Paul
 Kent,
 McAllister,

McCullen,
 Reed, John S.

Places:

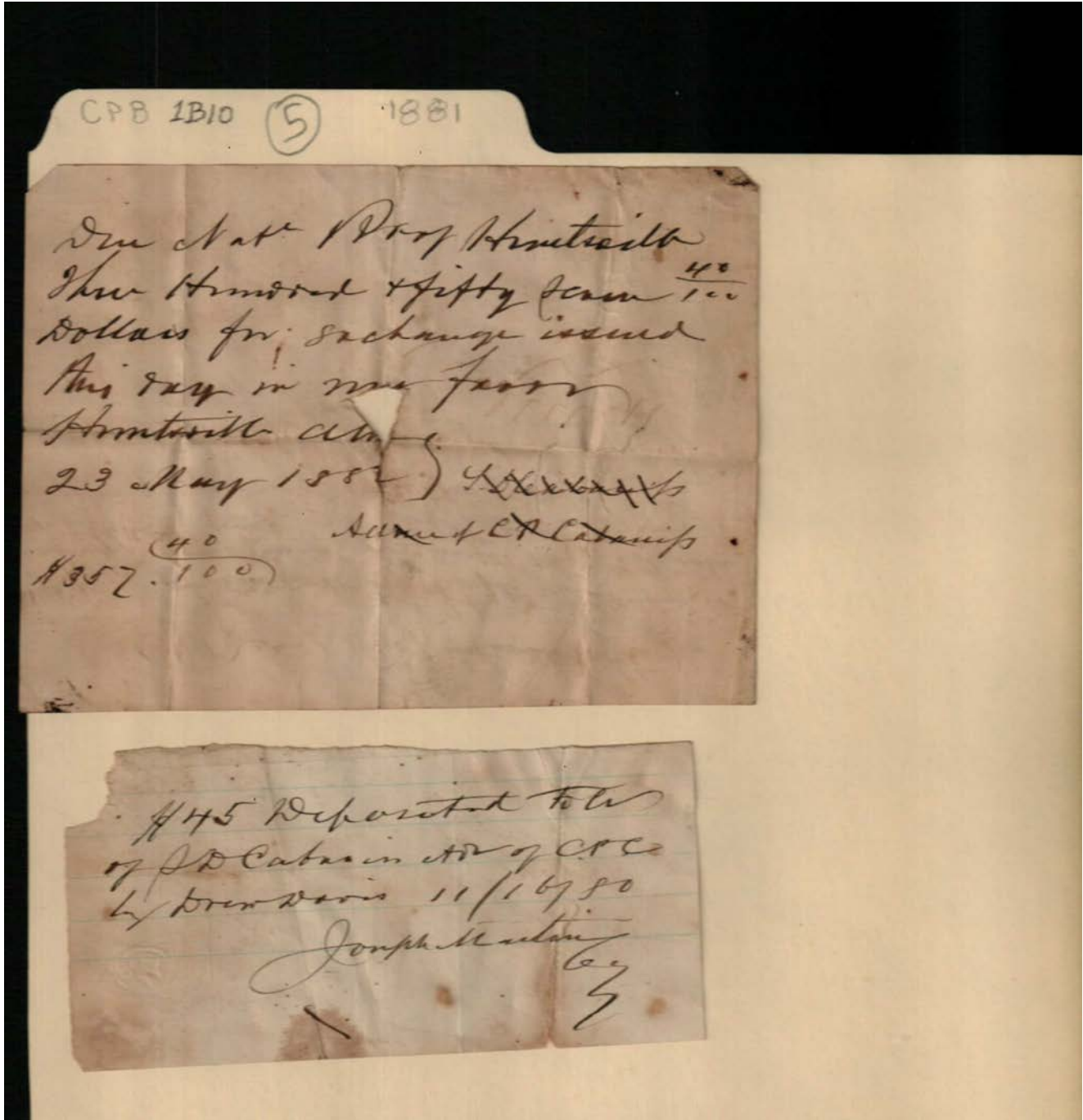
Huntsville, AL

Types:

receipt

Dates:

Feb 22, 1881



Names:

Cabaniss, C. P.

Cabaniss, S. D.

Davis, Drew

Martin, Joseph

Places:

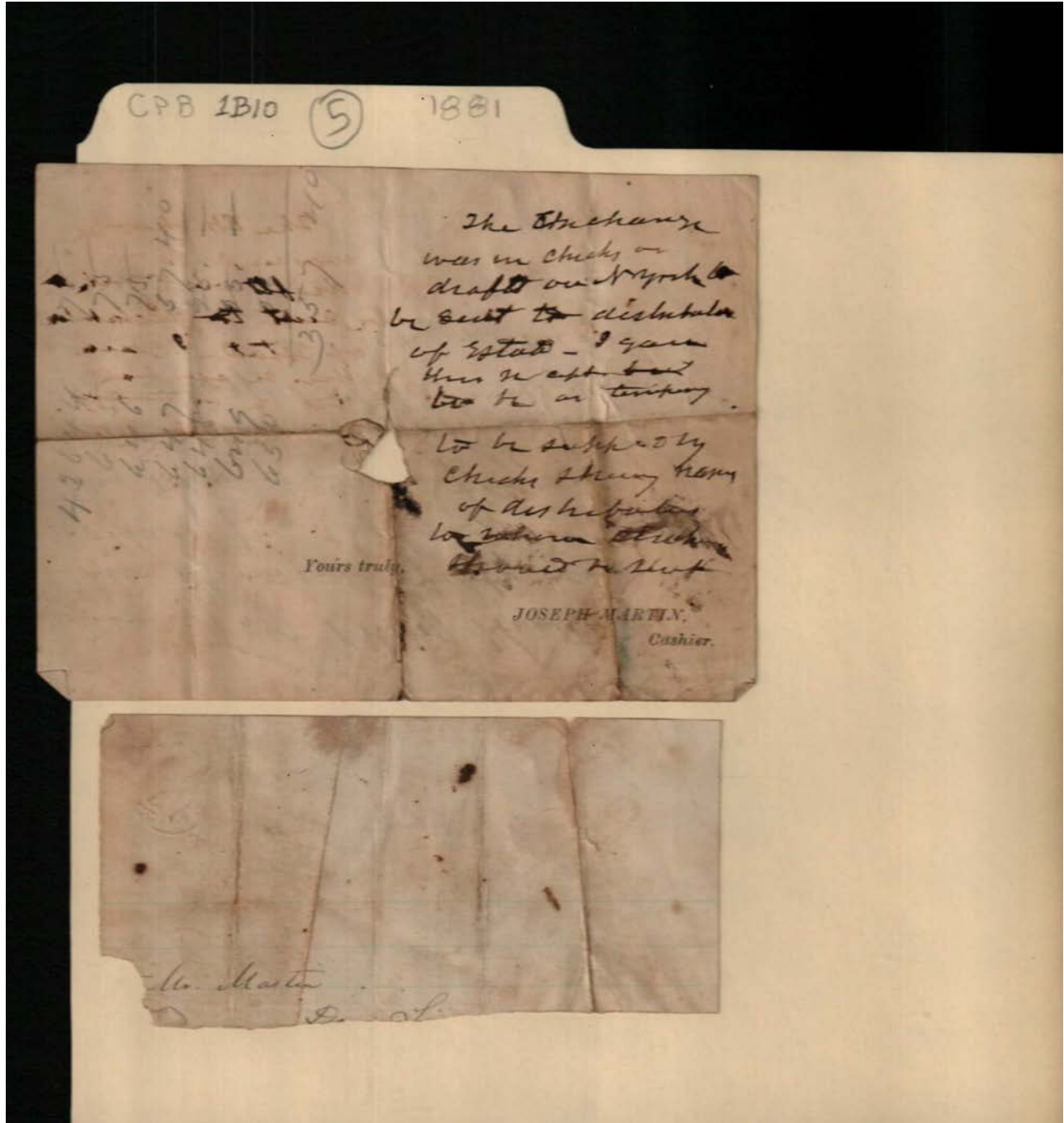
Huntsville, AL

Types:

receipt

Dates:

May 23, 1882

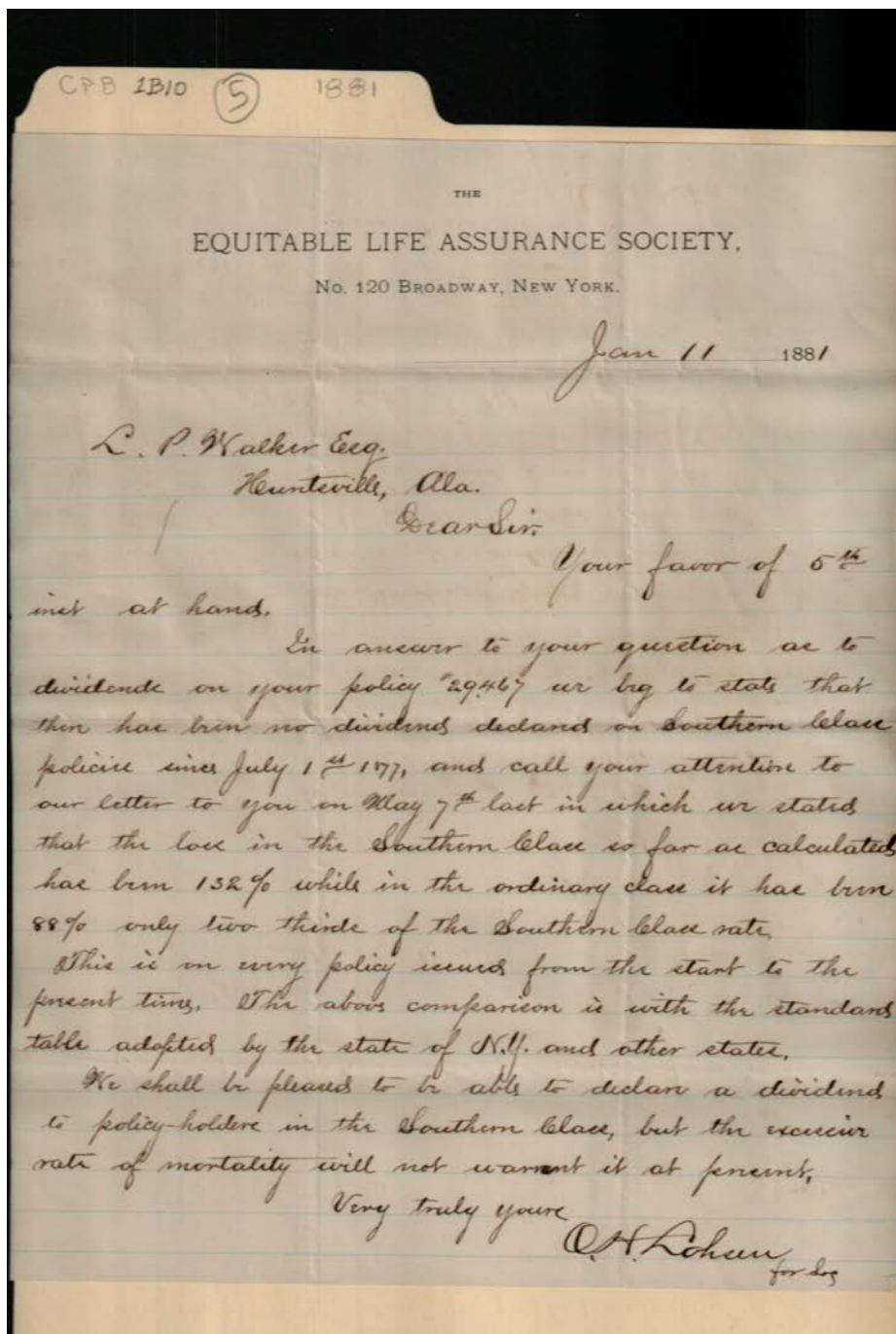


Names:

Martin, Joseph

Types:

receipt



Names:

Lohan, O. H.

Walker, L. P.

Places:

New York, NY

Types:

insurance

Dates:

Jan 11, 1881

CPB 1B10 (5) 1881

Huntsville Ala Oct 20. 1881.

C. A. Arnett Esq.

Phil desires to be allowed to collect the rent for this year so as to get pay for his advances. He will pay the rent of \$1000 this year to Mrs. Hamilton.

He may also wish you to adopt the arrangement he had made for rent of the place next year.

He asks me to request you to come up. And I think it best for you to do so.

If he has a renter engaged for next year on terms that suit you. It may be advisable for you to take the renter on the same terms.

He will not resist your taking possession.

Respectfully
F. P. Ward

Come to me if you can.

Names:

Arnett, C. A.

Hamilton, Mrs.

Ward, F. P.

Places:

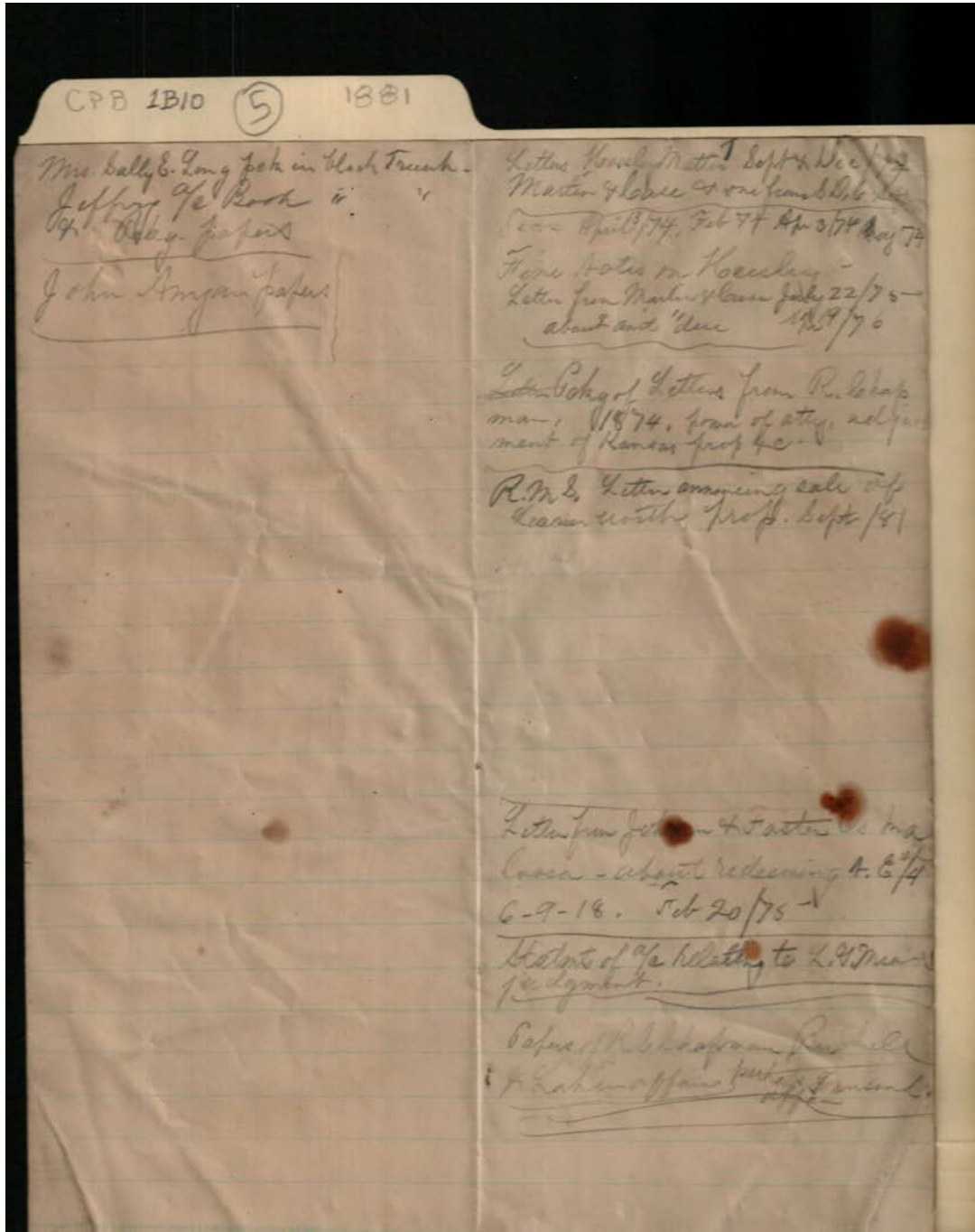
Huntsville, AL

Types:

correspondence

Dates:

Oct 20, 1881



Names:

, Jeffery
Anyan, John
Chapman, R.

Foster,
Hensley,
Johnson,

Long, Sally E.
Mastin,
Mead, L. G.

Types:

memo

CPB 1B10 (5) 1881

2 Let of R. M. Spivey Dec 13/81
about Housatonic note
Copied letter from L. D. to
R. M. Spivey dated
in relation of on part
of Spivey about settlement
May 16/81 covering a parcel
of land years 7
aggregating income to ex funds
sum of \$ 44000.00.

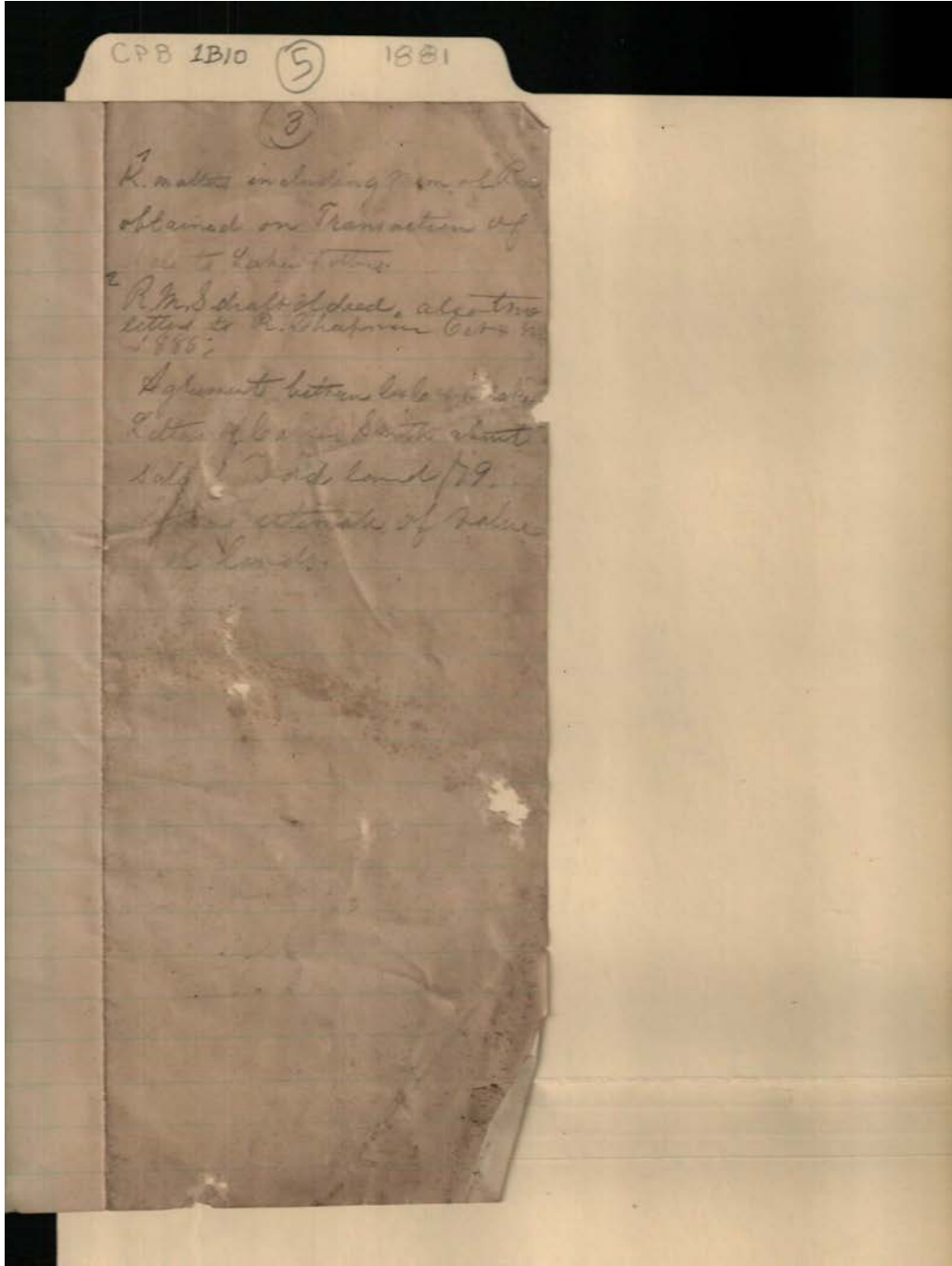
6 Let of R. M. Spivey to Spivey May 7
7-10/81, Letter of R. M. Spivey about
Letter of L. D. to Spivey about
sum of \$ 10000.00 April 4/81
The Bank of America to Spivey
Spivey's depositions & publication
of lands -
Letter from Spivey to L. D. 6/83,
Several letters of Spivey from
73-81 inclusive, about
selling lands
Letter of J. 1884 from R. M. Spivey

Names:

Spivey, R. M.

Types:

memo



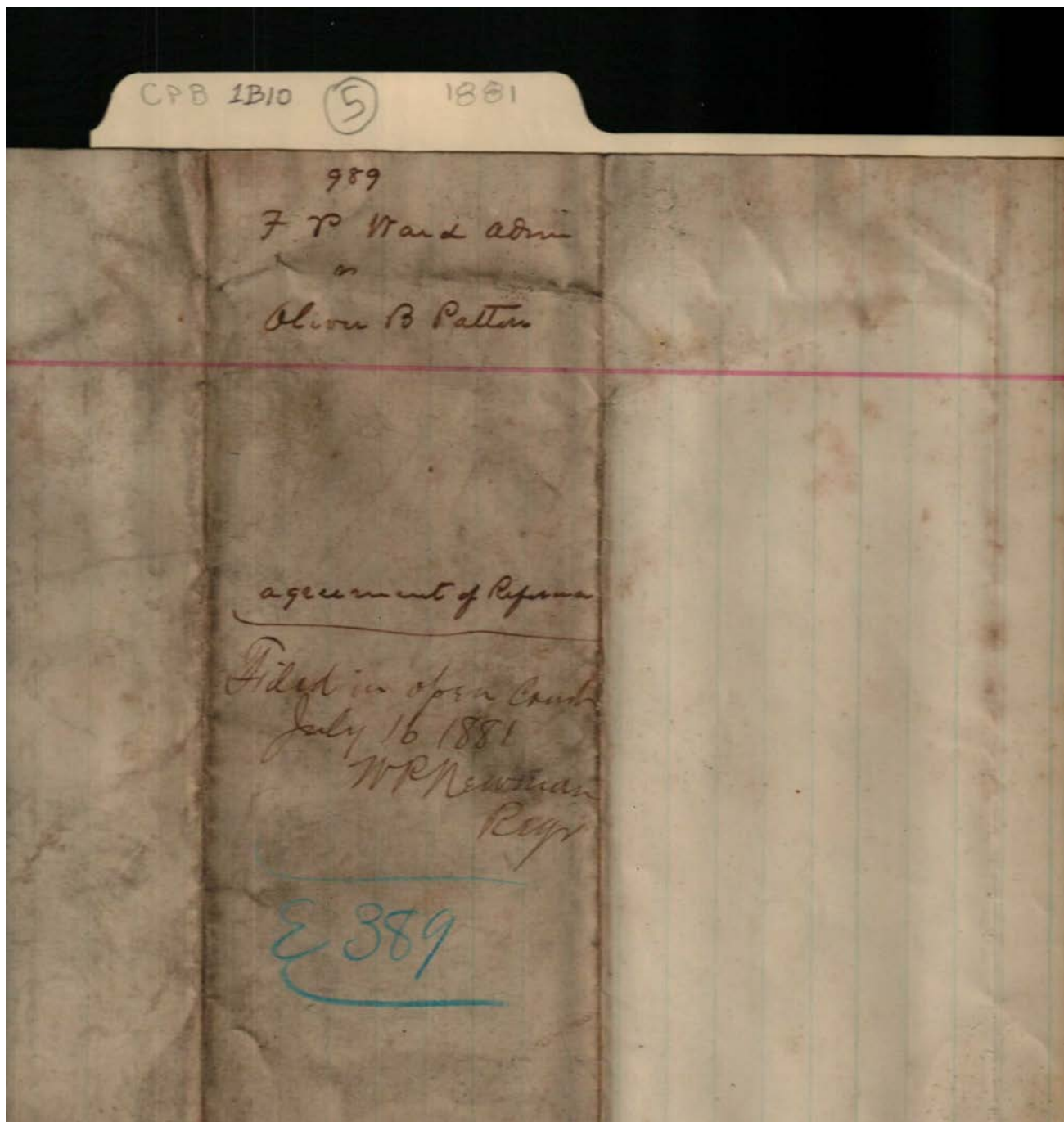
Names:

Chapman, R.

Smith, C.

Types:

memo



Names:

Newman, W. P.

Patton, Olivia B.

Ward, F. P.

Types:

memo

Dates:

Jul 16, 1881

CPS 1B10 5 1881

In Chancery for the First District of the
Eastern Division of Alabama

Francis P Ward admop
Thomas Fearn demand
989 or
Olivia B Patton

It is agreed by the parties to
refer this cause to Hon. Henry C Spake
as referee, who is to decide all issues in
the cause; to consider and pass upon all
motions petitions and applications of
either party as fully as this Court could
in term time; and to take and state
the accounts and render final decree
thereon. Said decree shall be entered
held and considered as the decree of
this Court. Either party is to have the right
to produce before said referee additional
testimony on the stating of accounts, and
to amend the pleadings as fully as during
a term of the Court. And either party shall
have the right to appeal to the Supreme
Court from any interlocutory or final
decree or decision rendered by said referee.
The same as though such decree or decision
were rendered by the Court in term time.

Complainant submits said cause on
the bill of Complaint with the amendments
thence of date December 1874, February 1, 1875.

Names:

Fearn, Thomas

Patton, Olivia B.

Spake, Henry C.

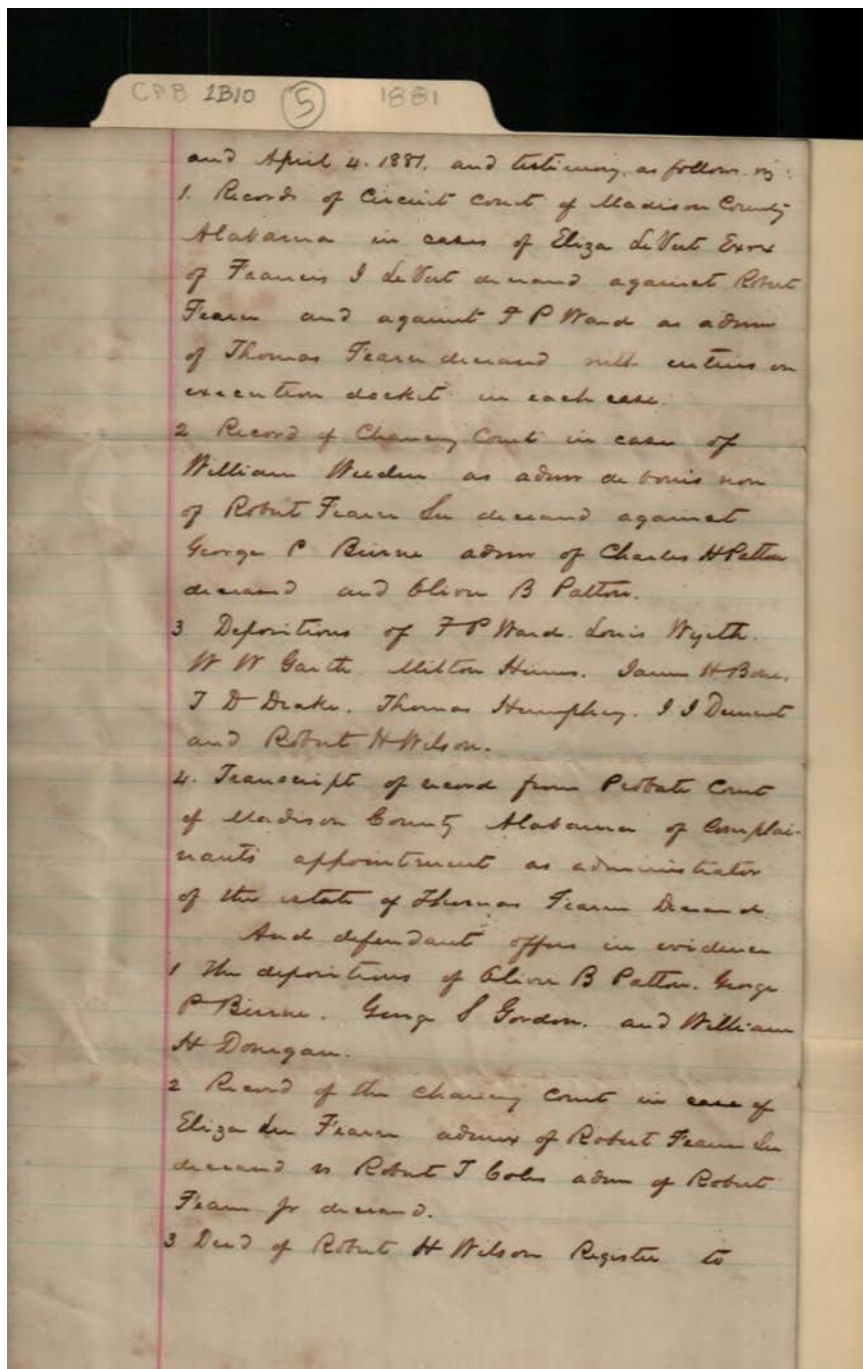
Ward, Francis, P.

Places:

Eastern Division
Alabama

Types:

law suit



Names:

Bierne, George P.
 Bone, James H.
 Cole, Robert T.
 Dement, J. J.
 Donegan, William H.
 Drake, T. D.

Fearn, Eliza Lee
 Fearn, Robert
 Fearn, Thomas
 Garth, W. W.
 Gordon, George S.
 Humes, Milton

Humphrey, Thomas J.
 LeVert, Eliza
 LeVert, Francis J.
 Patton, Charles H.
 Patton, Olivia B.
 Ward, F. P.

Weeden, William
 Wilson, Robert H.
 Wyeth, Louis

Types:

law suit

CPB 1B10 (5) 1881

William Weeden as adm^r of Robt
Fearn Deced of the lands in controversy
in this suit:

D P Lewis and Estanif Humes
dols for concept.
Humes Gordon & Sheffey
Sols for Deft.

Names:

Cabaniss,
Fearn, Robert

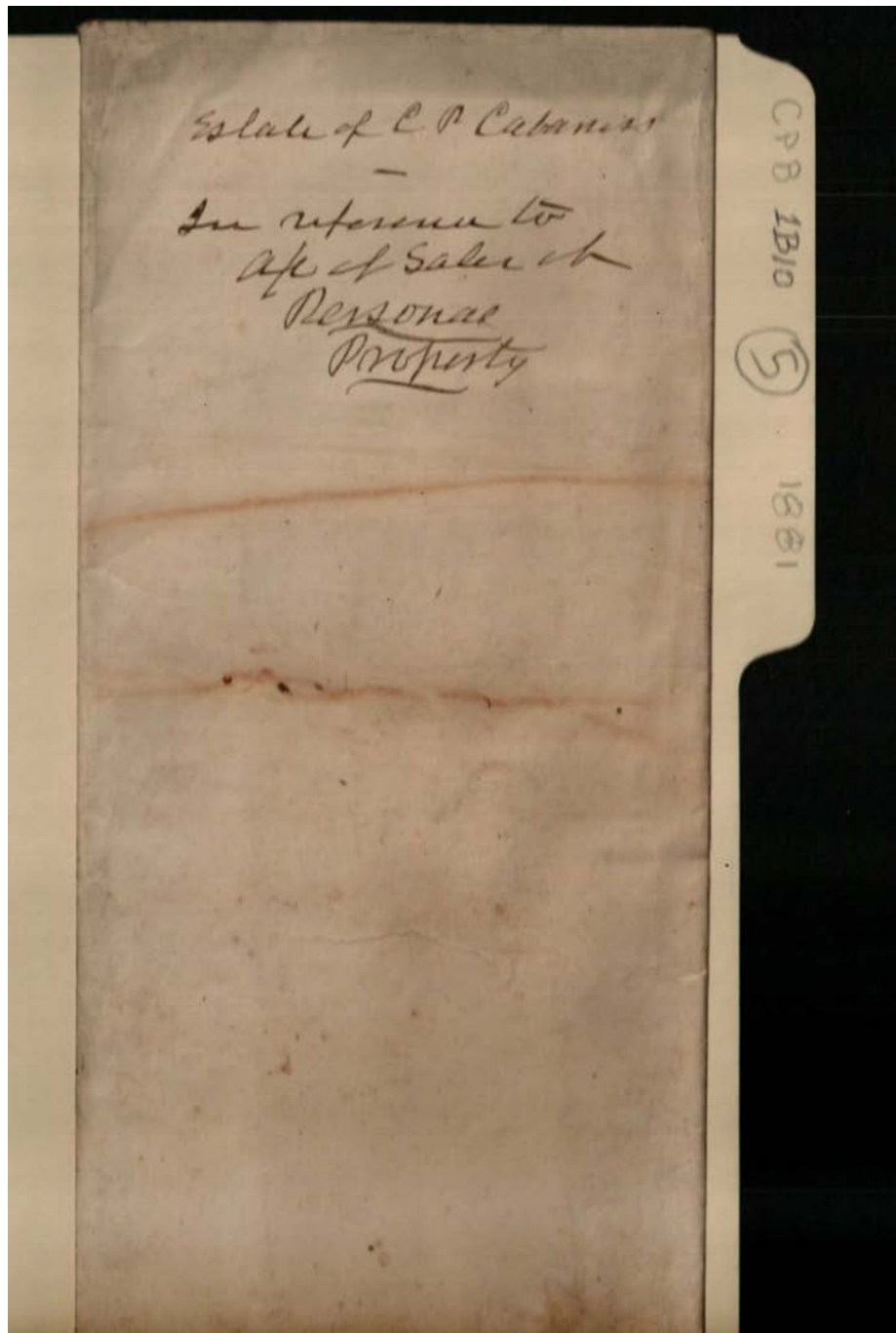
Gordon, George S.
Humes,

Lewis, D. P.
Sheffey,

Ward.
Weeden, William

Types:

law suit



Names:

Cabaniss, C. P.

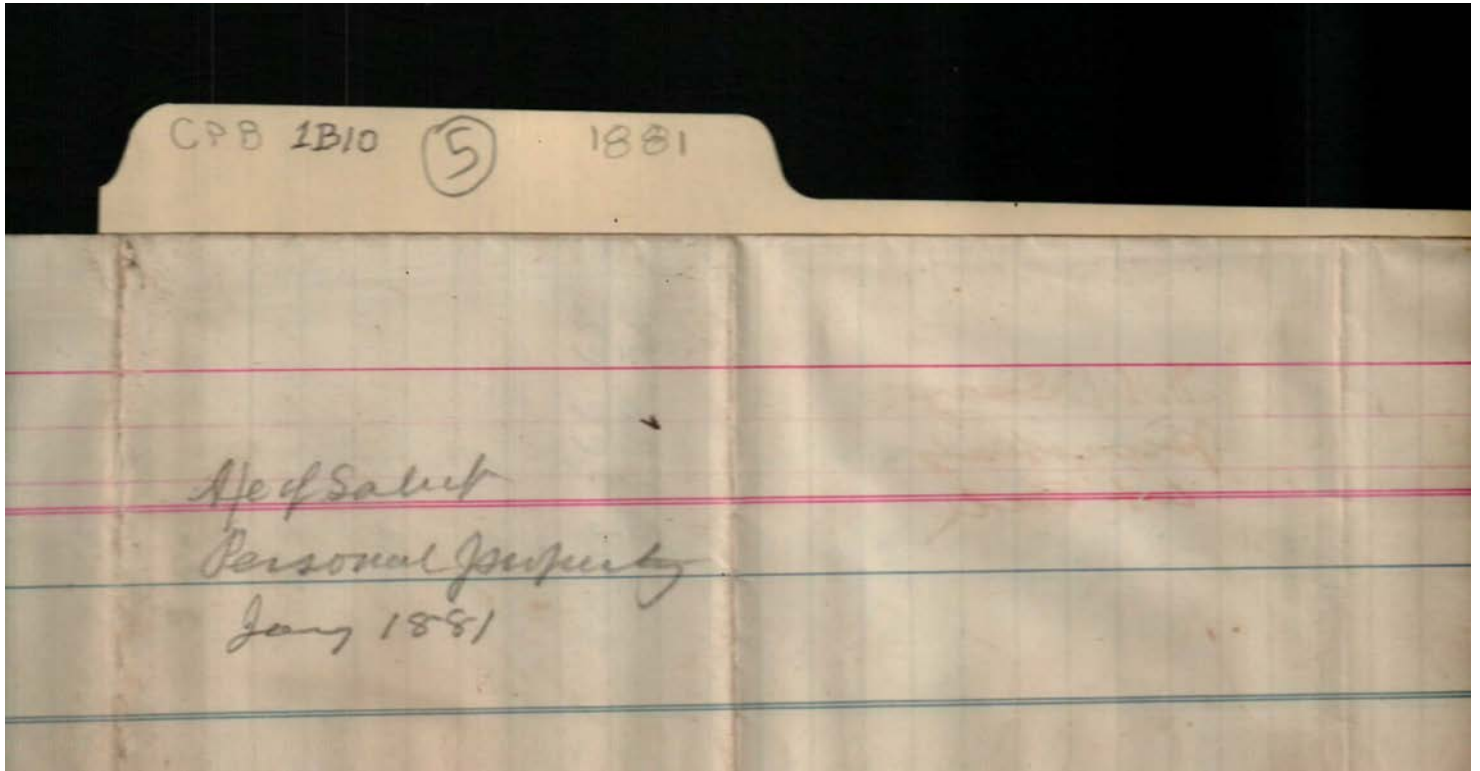
Types:

memo

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 10, Folder 5

Legal and court documents, 1881

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Types:

memo

CPB 1B10 (5) 1881

1	Arley Plow	D. M. Davis	8 90	
1	"	"	4 40	
1	"	"	1 30	
1	"	"	2 90	
2	"	"	90	
2	"	"	25	
2	"	"	1 10	
1	Harrow	"	1 00	
1	Sweep	"	1 10	
1	Cotton Planter	C. A. Davis	1 50	
1	Shelled Plow	"	5 75	
5	Hoes	"	55	
2	Site Plow Gear	"	1 40	
1	Lot Single Tree	"	90	
1	Wagon	"	50 00	
1	Cricket Saw	Mrs S. A. H. White	3 50	
1	P. Balances	"	4 00	
1	Bay Mule	"	108 25	
1	Brown Mule	"	61 25	
1	Black Mare	"	70 25	
1	Bay Mare	"	51 00	375 50
1	Plow	E. R. Matthews	8 80	
1	Plow	"	4 00	
1	"	"	2 25	
1	"	"	2 10	
2	S. & T. Plows	"	80	
1	Cotton Planter	"	1 60	
1	Extra Double Tree	"	4 10	
1	Brown Mule	"	129 00	147 65
				523 15

Names:

Davis, D. M.

Matthews, E. R.

White, S. A. H., Mrs.

Types:

account

CPB 1B10 (5) 1881

Amt brot forward \$523.15

1	Plow	W. Garth	1	30	
1	Double S. Plow	A. F. Steele	2	50	
1	"	"	2	80	
1	Lumberjack Harrow	Ed. Thos Hewlett	3	25	
1	Ditch Scraper	W. P. Hooper	3	50	
1	Set Gear	L. W. McCrary	2	50	
1	Set Gear	Thos. Beasley	1	45	
7	"	W. B. Grayson	1	10	
1	Gray Ware	Bud. Holt	50	50	66 65
					<u>\$589 80</u>

Names:

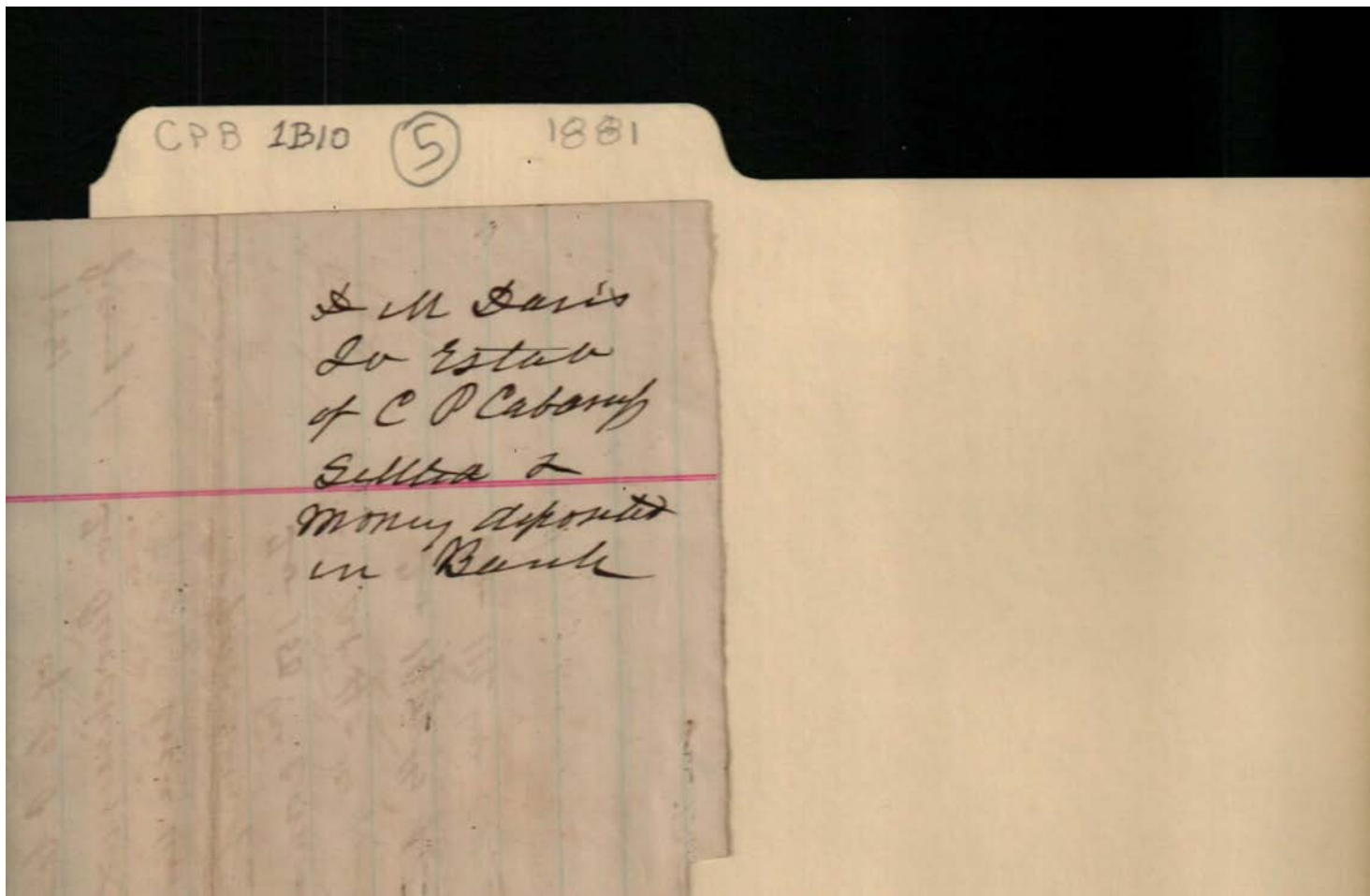
Beasley, Thomas
 Garth, W. W.
 Grayson, W. B.

Hewlett, Thomas,
 Col.
 Holt, Bud

Hooper, W. P.
 McCrary, L. W.
 Steele, A. F.

Types:

account



Names:

Cabaniss, C. P.

Davis, D. M.

Types:

memo

CPB 1B10 (5) 1881

Drury M Davis
 In Ac with S. D. Cabaniss Assn
 of C. P. Cabaniss Assn

1881
 Jan 1 To Purchases at Sale of personal
 property in a Under order of Court \$197.20
 " To purchase of C. A. Davis Assn 7.55
 To 150^{bu} Corn sold at private sale
 at 40^{cts} per bu 60.00
 To 1400^{lb} fodder 12.00
 To 112^{bu} Cotton seed C

Names:

Cabaniss, C. P.

Cabaniss, S. D.

Davis, C. A.

Davis, Drury M.

Types:

account

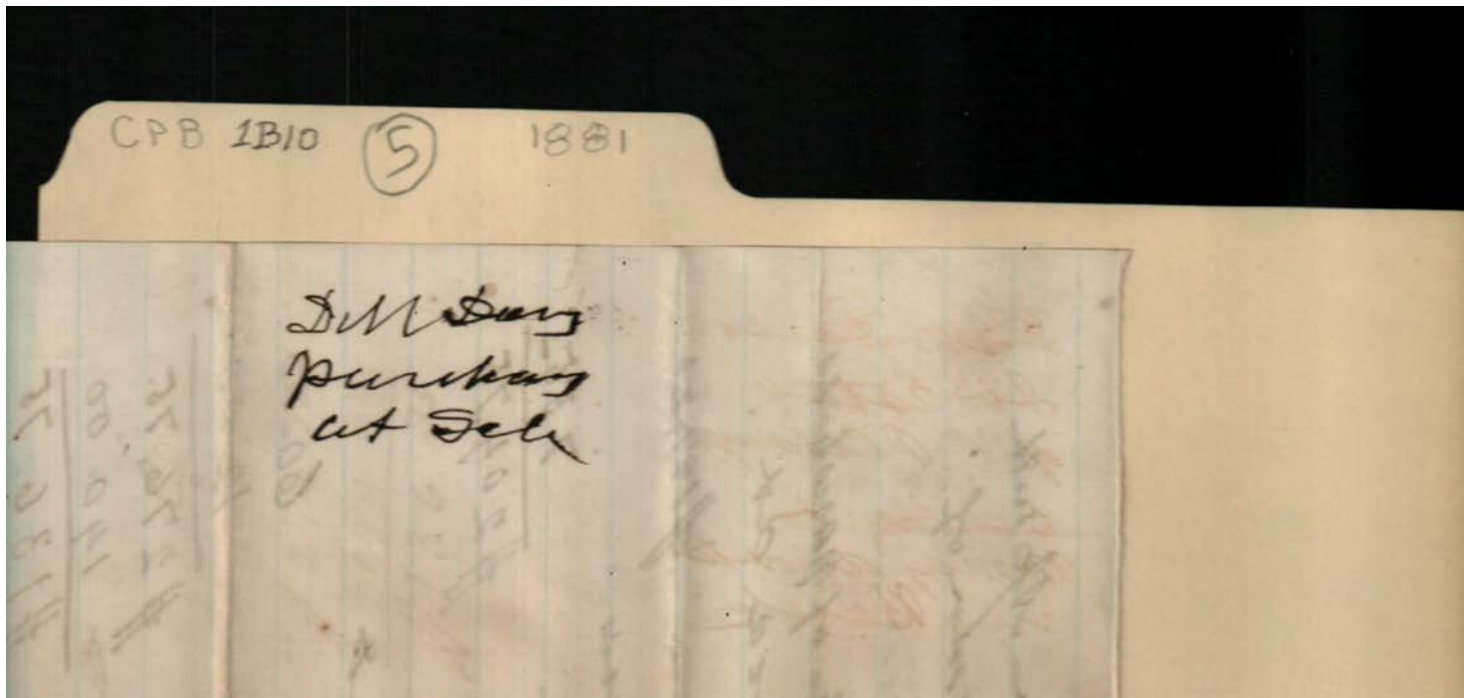
Dates:

Jan 01, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 10, Folder 5

Legal and court documents, 1881

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Names:

Davis, D. M.

Types:

memo

CPB 1B10 (5) 1881

Drury M Davis In Ac with
C P Cabaniss Acct of
C P Cabaniss Acct

1881 Jan 1	To purchase at sale of personal property of State sold at public auction	\$197.20
	To purchase of C A Davis at same sale assumed.	7.55
		\$204.75
1881 Jan	To corn bought at private sale 150 bu @ 40 cts.	60.00
	To 1400 ^{1/2} bush @	12.00
		\$276.75
	Set by Cash	140.00
		\$136.75

164.20
21.55
185.75
136.75
\$49.00

Collected
11

Names:

Cabaniss, C. P.

Cabaniss, S. D.

Davis, C. A.

Davis, Drury M.

Types:

account

Dates:

Jan 01, 1881

C.F.B. 1B10 (5) 1881

Part 1	Wardrobe	G.W. Gill	Part 2	2.00
1	Bureau	Milton Clay	Part	2.50
1	Rocking Chair	C.C. White		3.25
Part 1	Looking Glass		Part	2.00
1	Black Cup	Cabaniss		30
1	Letter Book	Cabaniss		1.00
1	Pencil	Cabaniss		25
1	Gold watch	they with steel chain	Mont	2.00
2	Pistols & box of Pistols	castles & D. Davis		3.50
1	Shot Gun	Frank Mastin	part	2.50
1	Bowie Knife	D. Davis		50
1	Saddle Bag	D. Davis		25
1	Saddle	Carter	part	11.50
1	Key	D. Davis		35
1	Blk Book			
1	Leaves	J. S. Cabaniss		25
1	Drop measure of medicine	Cabaniss		1
1	Gun Fox	J. S. Cabaniss		1.00
1	Old trunk at Mrs. White's	D. Davis	part	50
Amount booklets in following				
	Banks Trust			
	State Bank of Carolina			\$35.00
	Bank of So			21.00
	Peunant & Co. at Charleston			10.00
	Richards Bank of Columbia			10.00
	Common Bank of Columbia			10.00
	Bank of Ohio			5.00
	Merchants Bk of So Carolina at Charon			5.00
	Bank of Augusta Ga			100.00
	Union Bank of Augusta			120.00
	Merchants Bank at Savannah			100.00
	Commercial Bank of Ala			61.00
	Total amount Bank Loans notes			187.00

Names:

Cabaniss,
Cabaniss, S. D.

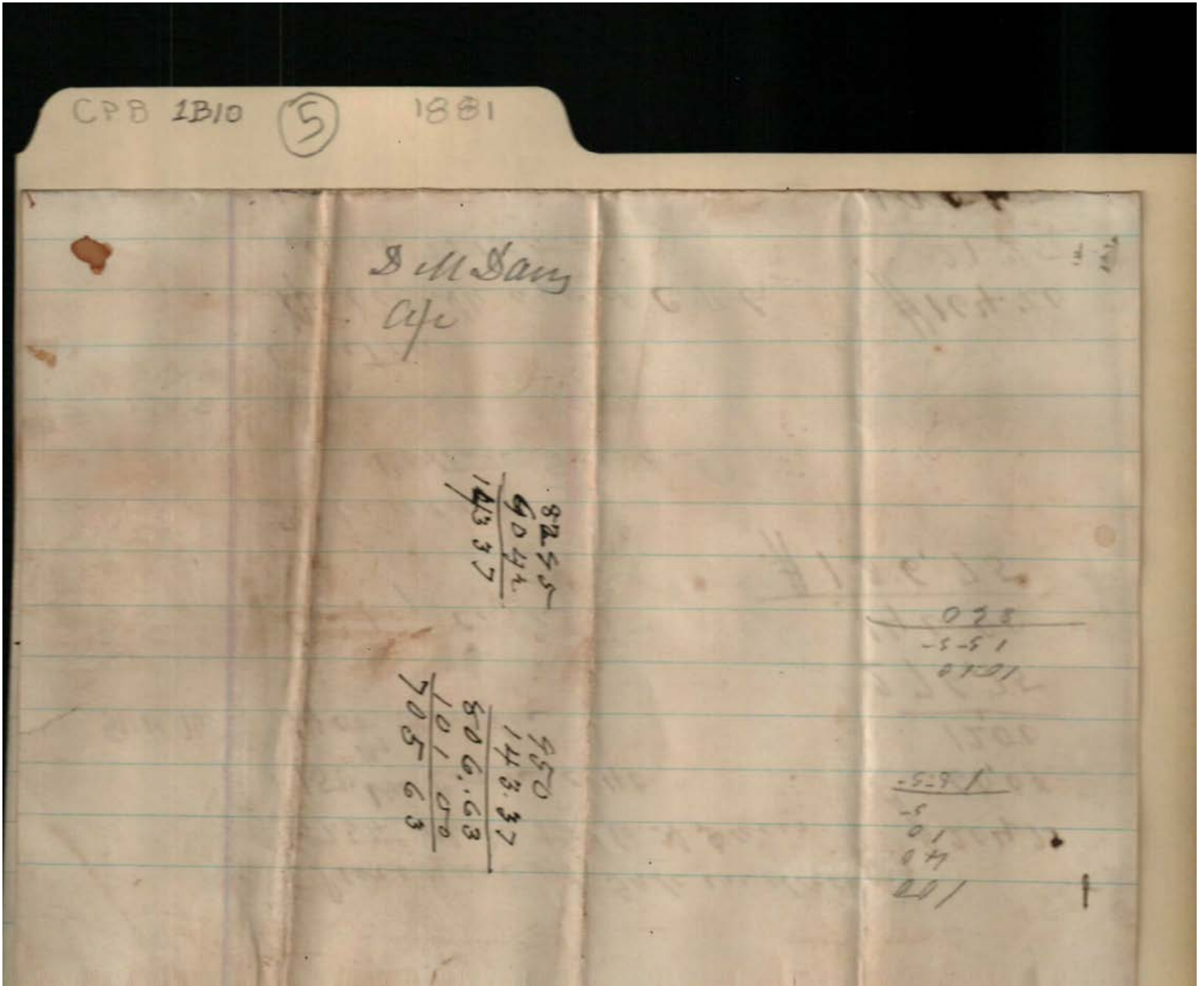
Clay, Milton
Davis, D.

Gill, G. W.
Mastin, Frank

White, C. C.

Types:

account



Names:

Davis, D. M.

Types:

memo

CPB 1B10 (5) 1881

Purchase at Sale on duty
\$7.55 chrs to C. A. Davis \$204.75
150 bu Corn @ 40 60.00
500 lb ^{1/2} 1400 Hopper 12.00
276.75
On ly. Cash 140.00
\$136.75

To be added -
Cotton Seed -

Contra -
Appl of Agent C. A. Davis \$164.20
Appl Estate 21.25
~~185.45~~
185.45
36.75
\$48.70

To be charged to
New Cotton Seed Co.

164.20
21.25
185.45
140.75
45.00

Names:

Davis, C. A.

Types:

account

CPB 1B10 (5) 1881

Huntsville Ala Oct 27/81.
C A Arnett Esq
Dear Sir.

Weil is willing
to rent at \$800 for next
year with the privilege of
making and putting up
new fence rails at \$1. per
hundred or as much less
as they cost him.

It is evident you will have
to repair the fence during next
year, and at hardly a less
price. I think it would be
as well to let him repair
the fence at the beginning
of the year, as to do it your-
self at the end.

His renting is of course on
condition that a shearing is

Names:

Arnett, C. A.

Weil,

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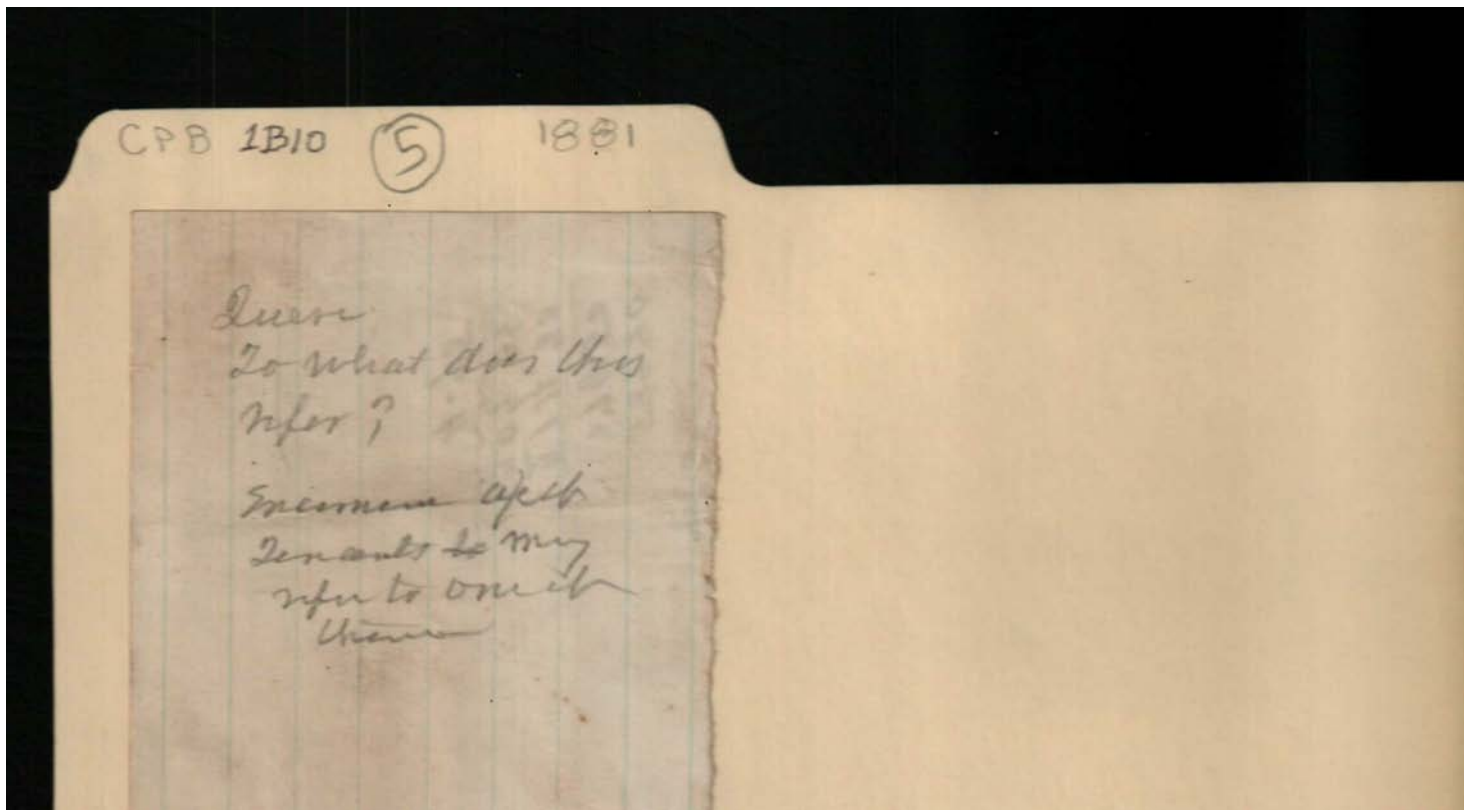
Huntsville, AL

Types:

correspondence

Dates:

Oct 27, 1881



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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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