

C&P
1877 (4) 1/4
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71

In the 9th District of the Northern Chancery Division of the State of Alabama
Thomas Chadwell Adamse Plaintiff
vs
Wm F Kircherall Defendant

Septimus S. Claiborne States
on oath that he knows the eighty acre tract
of land in controversy in this proceeding
& described in the petition in the cause
and is acquainted with the petitioner
Chadwell and the defendant Kircherall
and is also acquainted with Jacob
T Walker, Ken A. Coffey, J. Clinton Arnold
and T. Boyd Foster whose affidavits
have been taken and filed in this cause.
That he has read the Affidavit of Thomas
Chadwell on file in the cause purporting
to have been verified before N. S. Claiborne
as a Commissioner for the State of
Alabama on the 30th day of February
on the 30th day of April 1877 - the con-
cluding part of which is in the fol-
lowing language viz. "His Honor
came to see him at Nashville, said he
had thoroughly investigated the land
said, and that the eighty acre tract

Names:

Arnold, J. Clinton
Cabaniss, Septimus
D.

Chadwell, Thomas
Claiborne, N. S.
Coffey, Ken A.

Foster, T. Boyd
Kircherall, William F.
Walker, Jacob T.

Places:

Northern Chancery
Division AL

Types:

law suit

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in dispute belonged to lot No 3, and was so sold to affiant, and Jacob T Walker so bred him". This affiant states that prior to the fifth day of February 1873 and between the 31st of January 1873 and the 5th of February 1873 he saw and conversed with said Chadwell & also with said Kircherall in said City of Nashville Tennessee and then had one or more conversations with said Chadwell in relation to the lands which had been sold under the decree of this Court in the suit No 79 referred to in the petition in this cause. This affiant at the time of said conversation as the Executor of Samuel Townsend deceased was a creditor of defendant William F Kircherall & had an unsatisfied ^{money} decree against him in this Court for on which there was a balance due of about four thousand dollars and was a creditor of said Chadwell & also of said Kircherall in the same manner as mentioned in the petition of said Townsend by the ~~XXXX~~ ^{in January 1873} this affiant had it in contemplation to redeem one or more of the lots of land which had been

Names:

Chadwell,

Kircherall, William F.

Townsend, Samuel

Walker, Jacob T.

Types:

law suit

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then proposed arrangement with
him the said Chadwell -

Affiant further states that he was
present at said Sale on the 15th
Monday in February 1871 - That
he met with said Chadwell at said
Sale - that this affiant saw at
said Sale a map ^{prepared by him} prepared by
said J. Boyd Foster of the lands
offered for Sale - That he saw
said map in the possession of
of said Chadwell at the office
of Robinson & Parks in Scotland
and saw it exhibited in the
crowd at & during the progress
of said Sale -

Affiant further states that he
saw one of the maps prepared by
designated in said Foster's depo-
sition in the possession of said
Kercheval in Nashville in February
1873. and it was subsequently
delivered to Affiant by said Ker-
cheval and was by Affiant
delivered to Jasper J. Jones the Register
of this Court -

Names:

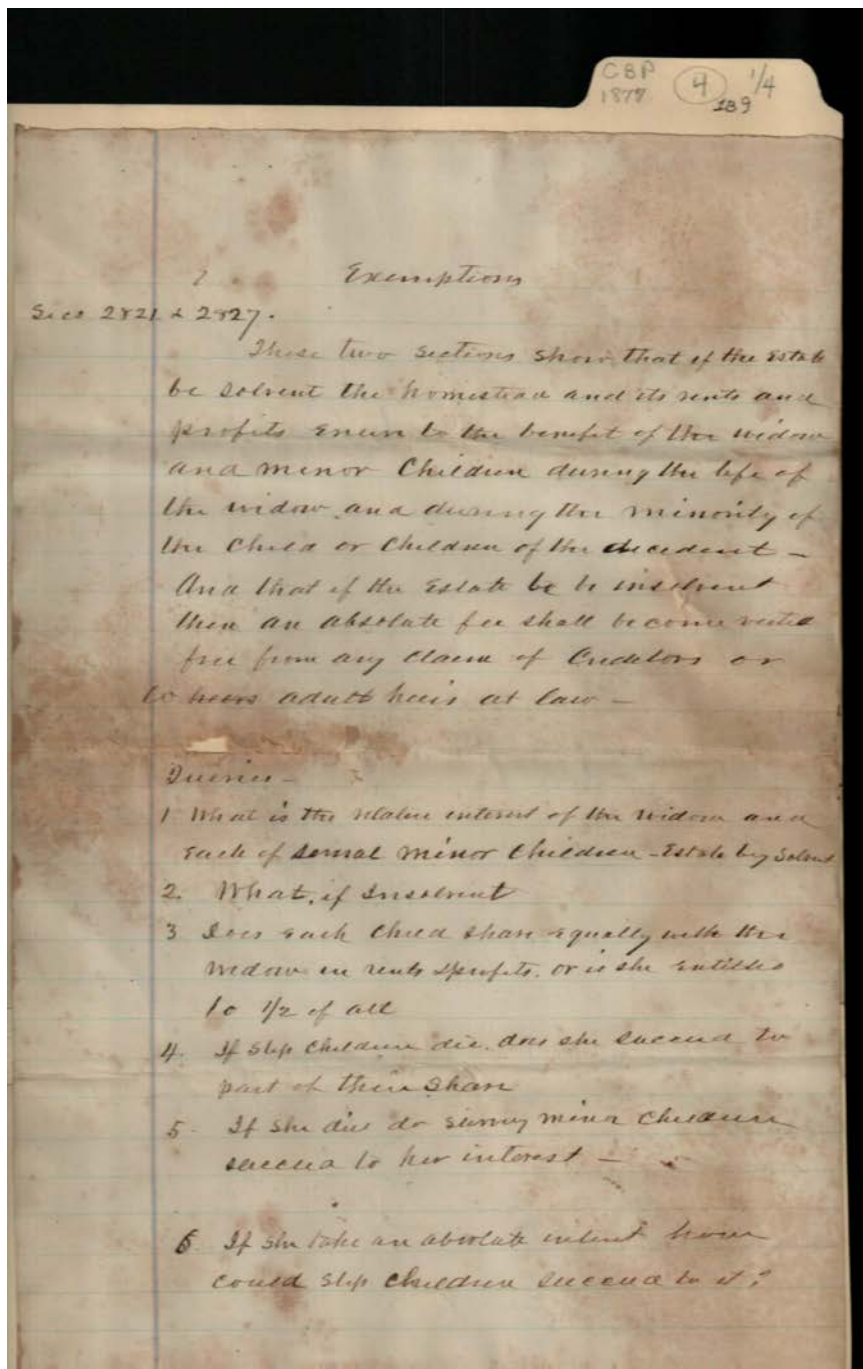
Chadwell,
Foster, T. Boyd

Jones, Jasper J.
Parks,

Robinson,

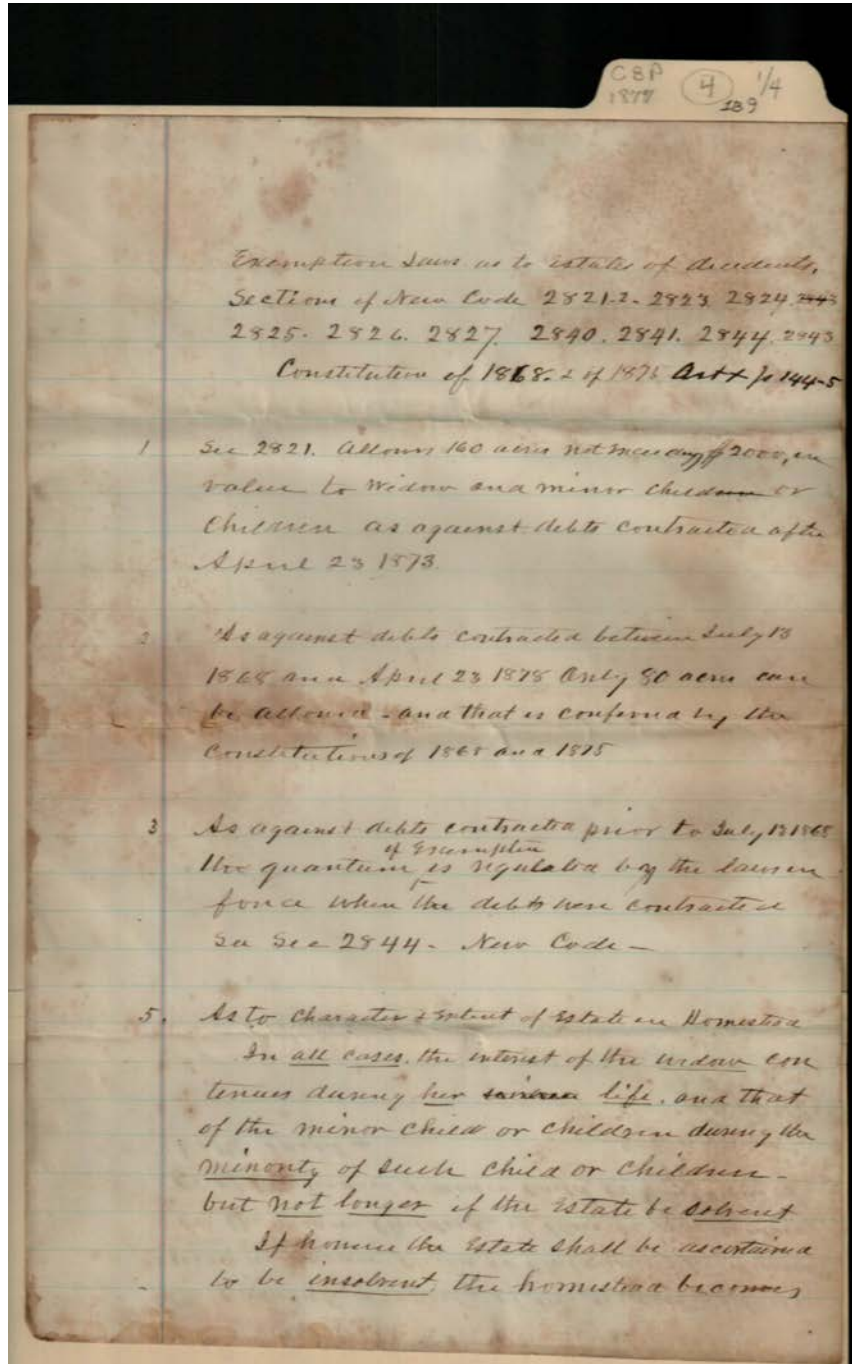
Types:

law suit



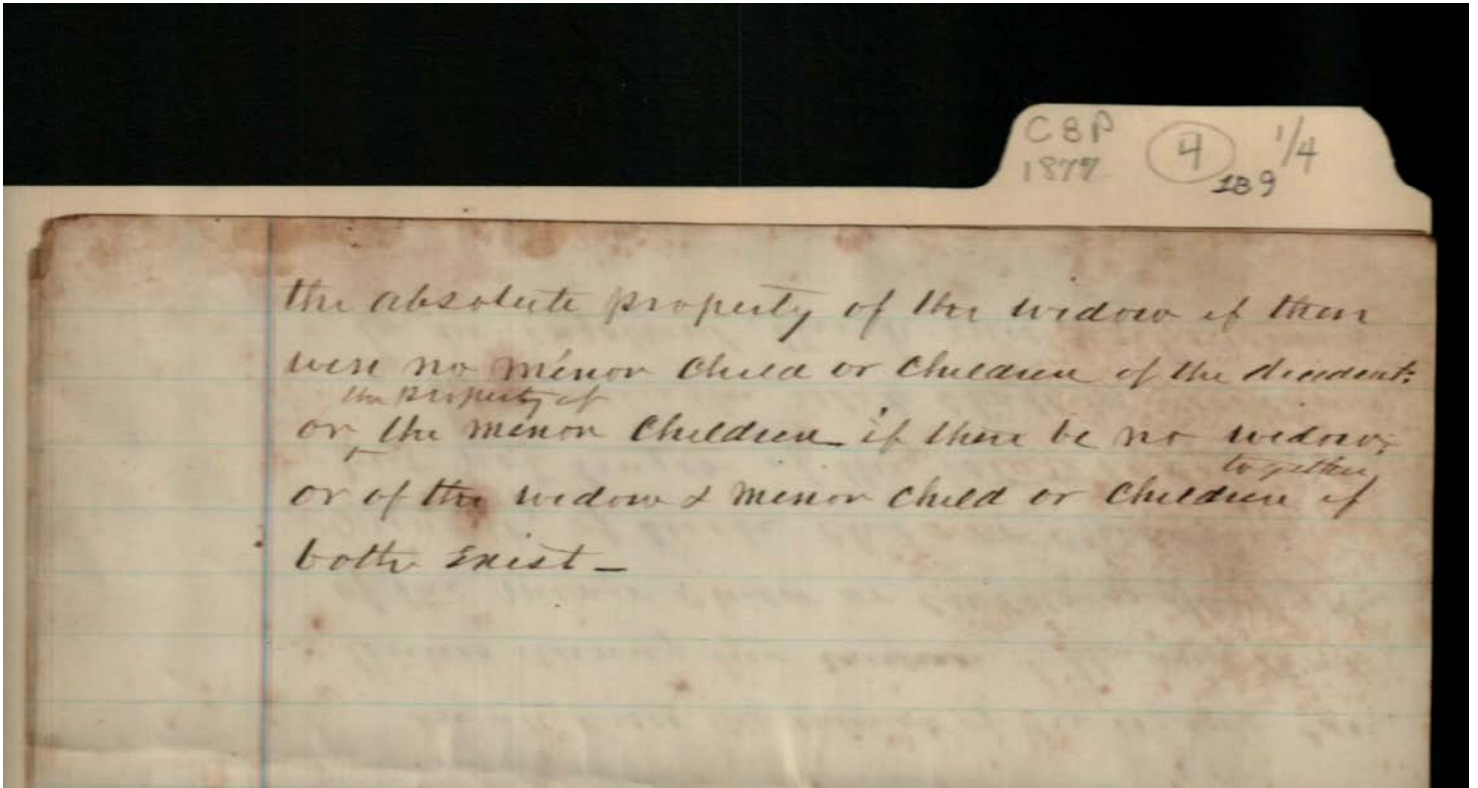
Types:

legal notes



Types:

legal notes



Types:

legal notes

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Exemption in favor of family of
decedents -

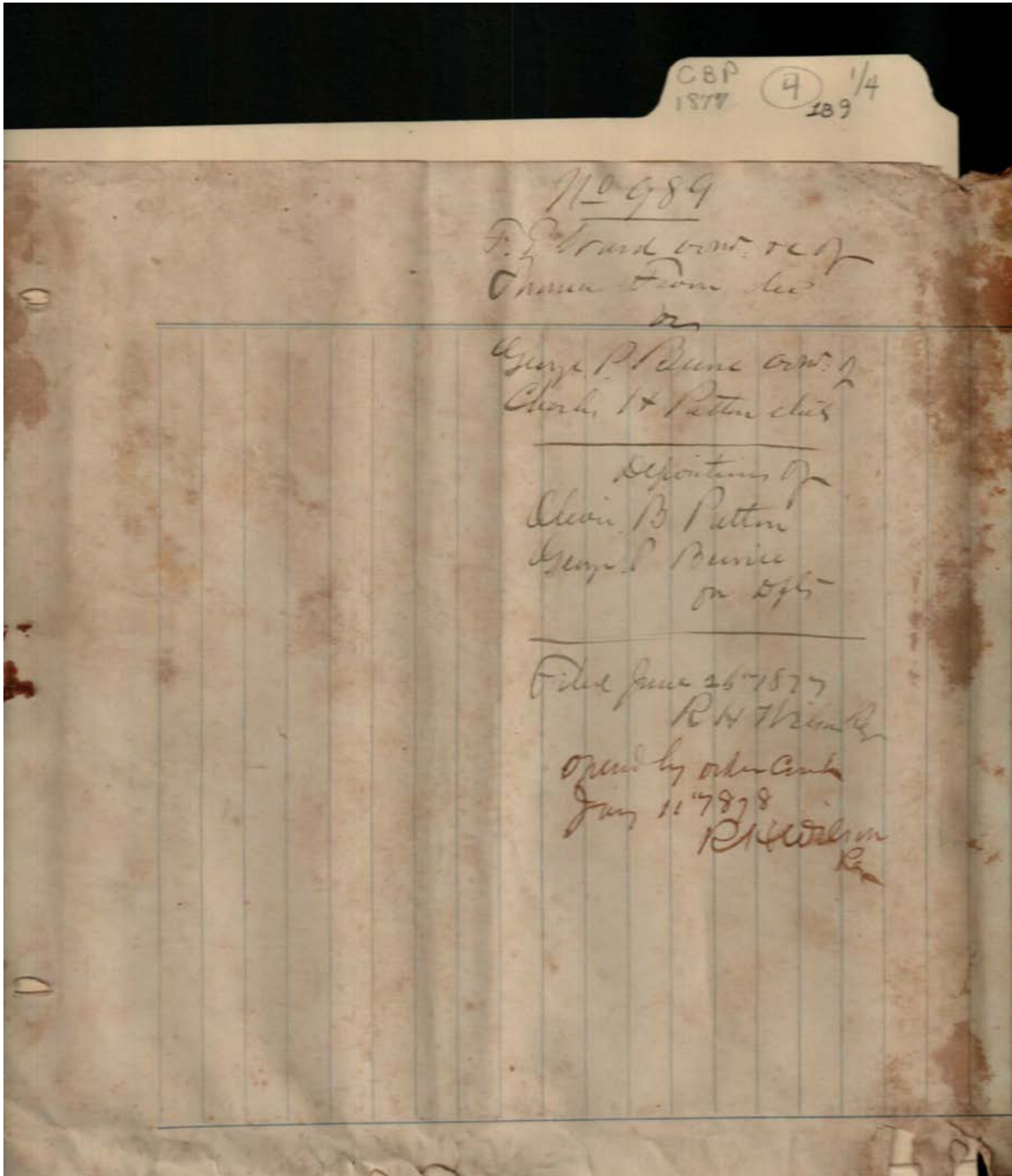
New Code - Sec 2821

This section as amended July 7, 1877 and
inserted in New Code, contemplates
that the Homestead ^{not success, but} exemption and its
rents and profits shall be enjoyed by
the widow solely if there be no minor
children, during her whole life, but
jointly with the minor children of the
decedent ^{cheat} if there be any, during the
minority of such child or children,
as against debts contracted by the decedent
after 23 April, 1873 - The Constitution
intended to 50 as against debts
contracted after the day of 1868
50 does not exceed 2000 in value.

3705
8
27670

Types:

legal notes



Names:

Bierne, George P.
Patton, Charles H.

Patton, Oliver B.
Ward, F. P.

Wilson, R. H.

Types:

memo

Dates:

Jan 11, 1878

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Deposition of George P. Bierne a witness
sworn and examined under the oath of a
Commissioner issued out to the Court of
Chancery for the Fifth District of the Northern
Alabama Division of Alabama in a cause
between Thomas Fearn, Plaintiff and Francis P. Ward
as administrator of Thomas Fearn deceased,
Complainant, and George P. Bierne as
administrator of Charles H. Patton deceased,
Defendant.

The said George P. Bierne, on this
date deposes and says as follows:

Names:

Bierne, George P.

Fearn, Thomas

Patton, Charles H.

Ward, Francis P.

Places:

Fifth Dist Northern
Division AL

Types:

deposition

CBP
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Stevens & Ward administrators of the estate of George P. Stevens
vs
The Placere administrators of the estate of Charles H. Patton et al
County

The undersigned of George P. Stevens to the
said estate and to the
said estate were in the above
Cause —

1. I was appointed with the parties to the
said estate of George P. Stevens as executor
and was to take and make such account as
the said estate of the estate of
Charles H. Patton should be required to
make and the same and the children of my
said estate the wife of said Charles H. Patton
2. I was the administrator of the estate of
Charles H. Patton the July 1866 and made
account with said estate administrator on the
15th day of 1866 and have since of the
of the said estate after previous death of
of said estate to Charles H. Patton, Mary B.
Schultz, and Patrick J. Patton & the said heirs
and assigns of said Charles H. Patton, who are
in the said estate, responsible and

Names:

Bierne, George P.
Echols, Mary B.

Patton, Charles H.
Patton, Oliver B.

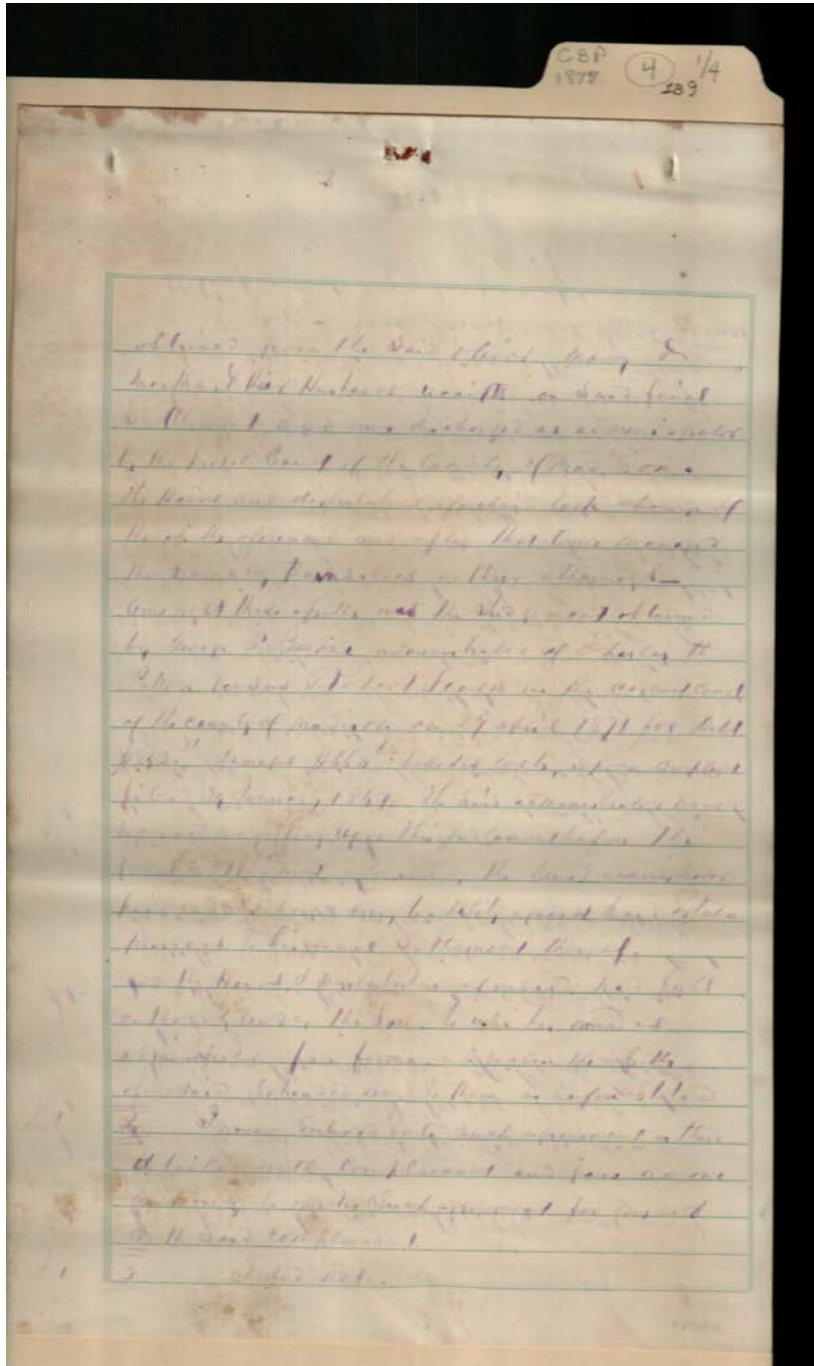
Stevens, Martha L.
Ward, Francis P.

Places:

Chancery Court,
Madison County

Types:

law suit



Names:

, Martha
, Mary

, Oliver
Biernie, George P.

Fearn, Robert
Hearn, Robert

Howard, S.
Patton, Charles H.

Types:

law suit

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20 I have by me in the name of Sarah Gabney
an account

21 The said George A. Gordon is dead

22 The said George A. Gordon is dead
by the means of the said Sarah Gabney
172.

23 I have by me in the name of Sarah Gabney
an account of the said George A. Gordon
172.

24 I have by me in the name of Sarah Gabney
an account of the said George A. Gordon
172.

25 I have by me in the name of Sarah Gabney
an account of the said George A. Gordon
172.

26 I have by me in the name of Sarah Gabney
an account of the said George A. Gordon
172.

27 I have by me in the name of Sarah Gabney
an account of the said George A. Gordon
172.

28 I have by me in the name of Sarah Gabney
an account of the said George A. Gordon
172.

29 I have by me in the name of Sarah Gabney
an account of the said George A. Gordon
172.

30 I have by me in the name of Sarah Gabney
an account of the said George A. Gordon
172.

Names:

Gabney, Sarah

Gordon, George A.

Patton,

Types:

law suit

C&P
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MEMORANDUM
George A. Gordon
MONTGOMERY, ALA.

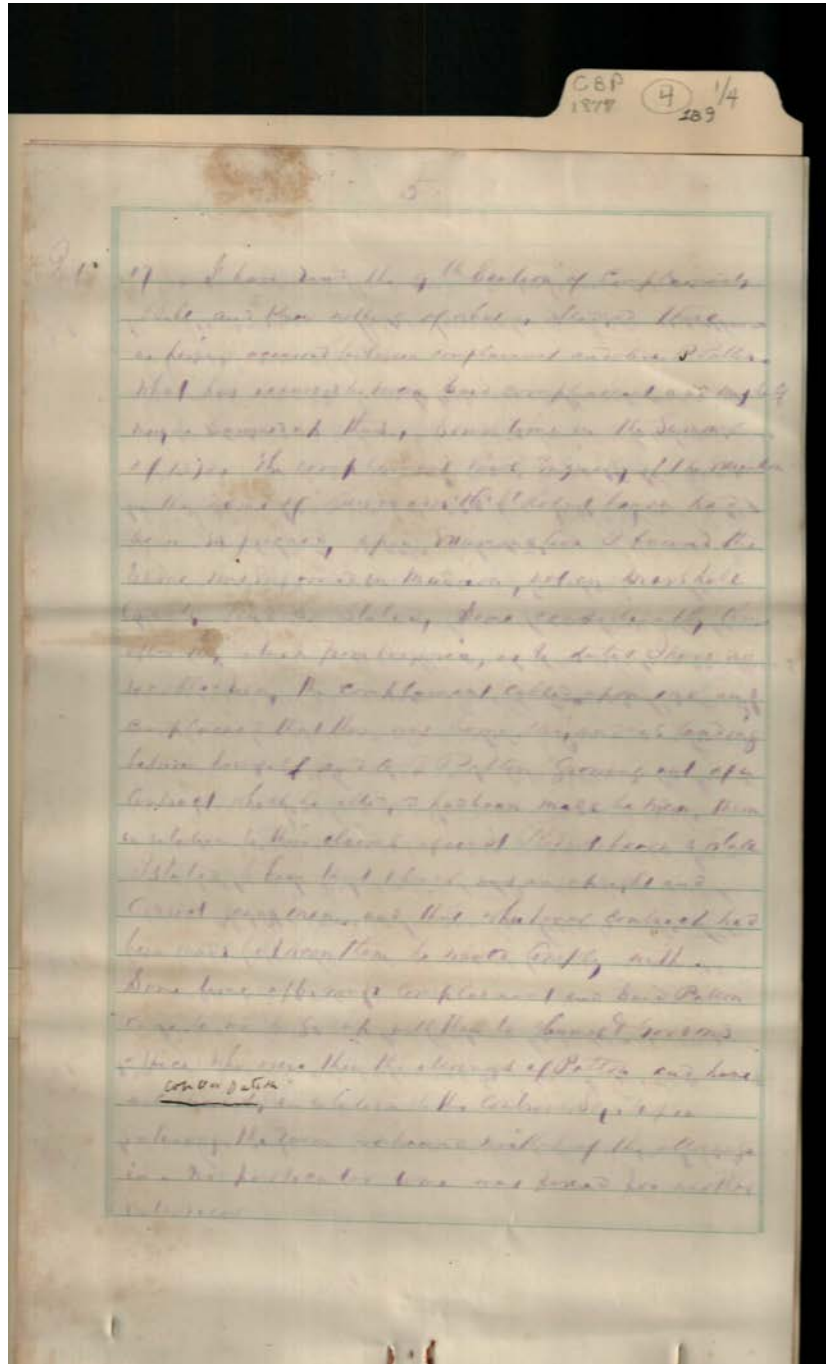
11. I have submitted to the undersigned a copy of the
proceedings in the case of *Gordon vs. Gordon*
12. I have also submitted to the undersigned a copy of the
proceedings in the case of *Gordon vs. Gordon*
13. I have also submitted to the undersigned a copy of the
proceedings in the case of *Gordon vs. Gordon*
14. I have also submitted to the undersigned a copy of the
proceedings in the case of *Gordon vs. Gordon*
15. I have also submitted to the undersigned a copy of the
proceedings in the case of *Gordon vs. Gordon*
16. I have also submitted to the undersigned a copy of the
proceedings in the case of *Gordon vs. Gordon*
17. I have also submitted to the undersigned a copy of the
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proceedings in the case of *Gordon vs. Gordon*
19. I have also submitted to the undersigned a copy of the
proceedings in the case of *Gordon vs. Gordon*
20. I have also submitted to the undersigned a copy of the
proceedings in the case of *Gordon vs. Gordon*

Names:

Gordon, George A.

Types:

law suit



Names:

Bierne, George P.
Fearn, Robert

Gordon,
Humes,

Patton, B.
Patton, O. B.

Types:

law suit

Handwritten document on lined paper, likely a legal or court document. The text is written in cursive and is mostly illegible due to fading and bleed-through. A small stamp in the top right corner reads "CBP 1877" and "4 1/4 289".

Names:

Cabaniss,

Humes,

Patton, Earnest

Patton, O. B.

Types:

law suit

G.B.P. (4) 1/4
1877 289

7

18 The I made an agreement by saying of every
one of the will of placement in relation to
the purchase of some of the I should like to
or after notice.

19 I have no interest in circumstances of
Charles H. Patton in any way on purpose
I will or otherwise.

20 The complaint is offered to the court in
this case in, I cannot say, the manner of a
objection to the will make, the court has to
in the law to show that the parties are
not the same, I believe in the court
that I am not the same, to make the case
I am not the same in the law
I believe that the complaint has gone to the
possibility of making his case on stating
that I am not the same in the law and make
it my purpose. The complaint I believe
has been before the court and I believe
I will show that I am not the same in
the law, which at last is my purpose.

21 I believe that the complaint is made by Charles
H. Patton to the court in the law.

Names:

Cabaniss,

Patton, Charles H.

Types:

law suit

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9

not a great while after his death I formed
- partnership with Mr. C. H. Thomas & George A.
Gordon in the city of New York, I was elected
- might be called an honorary member of the
- the same order, Thomas & I were a committee
- to assist in raising all the documents of the office
- examine all the matters, policies insurance & the
- management thereof, I got the duty of collecting
- and receiving the premiums during the absence
- of the first partner, we had business in the city
- from the first of Jan., during all this time
- the only place our business was done was
- in the banking house of the National Bank
- of New York, where it was generally
- known that I was to receive the money
- there is, one Sam. Humes, that this date
- was generally known to the Company,
- and especially to the president of the
- bank of New York, which bank the Company
- was in - after the formation of the Corporation
- with Thomas & Gordon Thomas came to know
- what amount of the business of the
- Company was they received the amount of
- the money of the estate of Thomas to a large
- sum of money & they had no case

Names:

Bierne,
Gordon,

Gordon, George A.
Humes, Col.

Patton,

Types:

law suit

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1877 (4) 1/4
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11

after my final settlement of affairs the
Heirs and distributees of Pollens Estate took
charge of their affairs and with their allies
at law managed the same, and by law
they had the right to use my name as
demonstrated to realize their affairs so
Redmond says

Names:

Patton,

Types:

law suit

CBP
1877 (4) 1/4
289

Case of Intemperance

+ 11 1. I do hereby certify that the
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 100. The name of the

Names:

Bierne,
Bierne, George P.

Gordon, George A.
Patton, Charles H.

Patton, O. B.

Types:

law suit

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 9, Folder 4

Legal and court documents, 1877 (1 of 4)

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I have the honor to acknowledge the receipt of your letter of the 14th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I have also the honor to inform you that the same has been forwarded to the proper authorities for their consideration. I have also the honor to inform you that the same has been forwarded to the proper authorities for their consideration.

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Names:

Bierne,
Gordon,

Gordon, George A.
Lile,

Patton,
Patton, O. B.

Weldon, William

Types:

law suit

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11. The information received in regard to the
Government, those countries of which we are
not yet a part of the territory of
the United States.

12. The Government of the United States
is the information that of which the
Government is not a part of the territory of
the United States.

13. The Government of the United States
is not a part of the territory of the United States
and the Government of the United States
is not a part of the territory of the United States.

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is not a part of the territory of the United States
and the Government of the United States
is not a part of the territory of the United States.

Names:

Gordon, George A.

Types:

law suit

14
1877
4
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14
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter of the estate of Charles H. Patton, deceased, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, however, unable to give you any definite information at this time, as the matter is still under consideration. I will, however, be glad to advise you of the result as soon as it is known. I am, Sir, very respectfully,
Your obedient servant,
Martha L. Stevens

Names:

Bierne, George P.
Echols, Mary B.

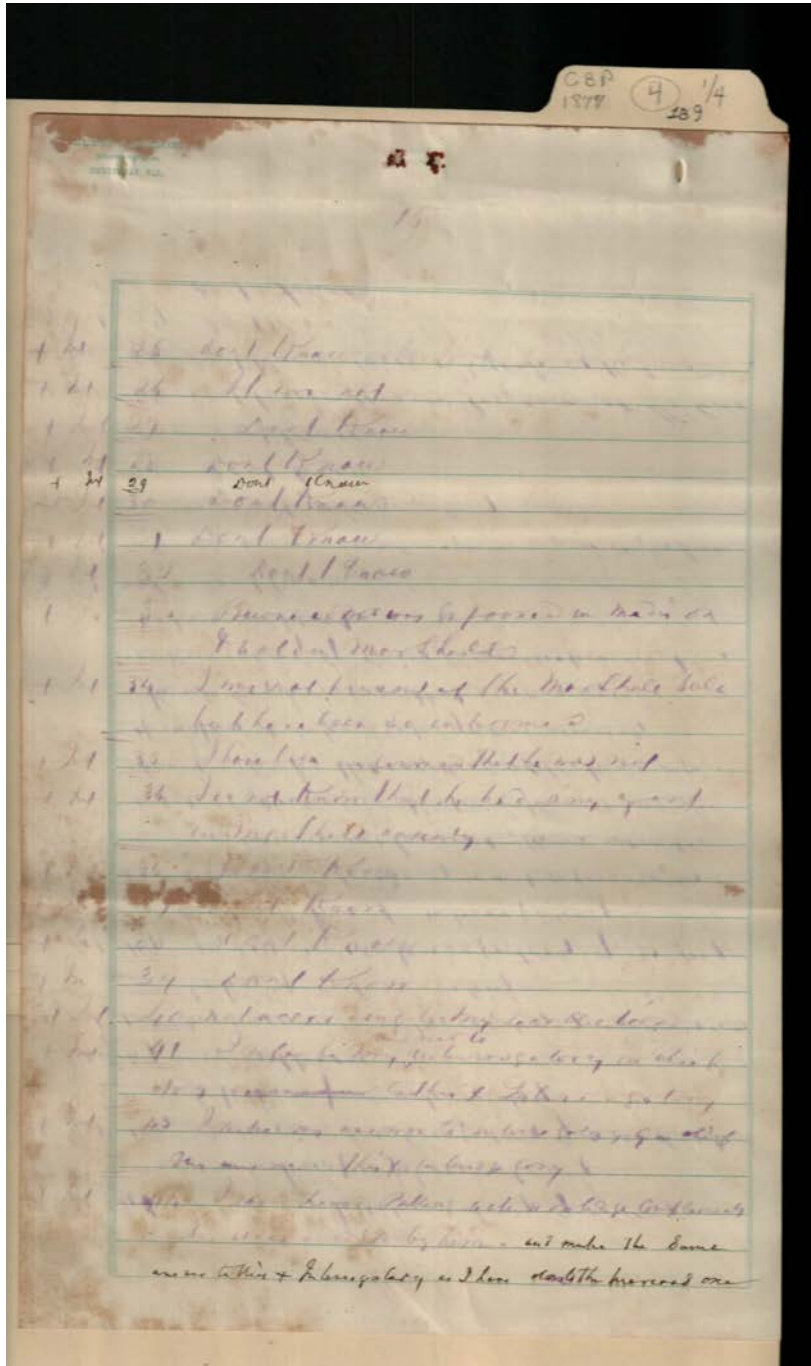
Fearn, Eliza L.
Patton,

Patton, Charles H.
Patton, Oliver B.

Stevens, Martha L.

Types:

law suit



Names:

Patton,

Types:

law suit

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100

Handwritten text on lined paper, likely a list or index of legal documents. The text is written in cursive and includes various entries, some of which are partially obscured by stains. The page is numbered 289 in the top right corner.

Types:
law suit

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 9, Folder 4
Legal and court documents, 1877 (1 of 4)

Image 27 r01b09-04-000-0062 [Contents](#) [Index](#) [About](#)

C8P
1877 (4) 1/4
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I do hereby certify that the within and signed copy is a true and correct copy of the original as the same appears in the records of the Court of Sessions for the County of York, North Carolina, in the case of *Geo P Bierne* vs *R H Wilson* docketed on the 25th day of June 1877.

Geo P Bierne

Given at the City of Raleigh
before me this 25th day of June 1877
R H Wilson Esq

R H Wilson vs *Geo P Bierne* Cause No. 100
The within and signed copy is a true and correct copy of the original as the same appears in the records of the Court of Sessions for the County of York, North Carolina, in the case of *Geo P Bierne* vs *R H Wilson* docketed on the 25th day of June 1877.

1877 *R H Wilson* Secy
Commissioner of the Court

Names:

Bierne, George P.

Wilson, R. H.

Types:

law suit

CBP
1877 (4) 1/4
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State of Alabama in the Circuit Court
Madison County } August Term 1874
Martha E. Hamilton et al
vs
Isaiah Weil and Herman Weil
parties trading under the name
and style of J. Weil & Brother

On the trial of this cause the parties waive a jury, request the court to make a special finding of the facts at issue between the parties, reserve the right to appeal both from the finding of facts and the judgment thereon, and agree that the following facts in the case are and may be considered by the court as duly proved:

On February 23, 1870 Alexander Hamilton as purchaser of the land for rent or use and occupation of which this suit is brought filed a bill in the Chancery Court of Sumner County, Alabama against James W. S. Donnell, wife Maria L. Donnell and Paul L. Jones to have a deed of the land by J. W. S. Donnell to Paul L. Jones set aside and for possession. This bill was dismissed on July 10, 1874, and said Hamilton appealed to the Supreme Court for said term of this report on May 4, 1875. On the 26th of March 1875 Maria L. Donnell then his widow executed a mortgage of the land to the defendant of which a copy is made "Exhibit A" hereto and on January 18, 1876 Maria L. Donnell and Paul

Names:

Donnell, James W. S.
Donnell, Maria L.

Hamilton, Alexander
Hamilton, Martha E.

Jones, Paul L.
Weil, Herman

Weil, Isaiah
Weil, J.

Places:

Madison County, AL

Types:

law suit

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executed a deed of conveyance of the land to
the defendants which is made "Exhibit B" hute-
and defendants took and held possession under
said conveyance until sometime in October 1871.
Two of the judges of the Supreme Court were
incompetent to try said appeal of Hamilton
vs Donnell. Said Hamilton died while
it was pending in the Supreme Court and
the cause was revived in the name of
Martha E. Hamilton administratrix of Alexander Ham-
ilton and Yancy P. Hamilton his at last.
The cause was by agreement of parties sub-
mitted to the decision of a special court
composed of Judge Manning John A. Elmore
and Henry C. Sample as shown by transcript
from records of the Supreme Court, made "Ex-
hibit B" hute. John A. Elmore died before
decision of the cause. And Judge Manning
and Mr Sample sitting alone reversed
the decree of the chancery court dismissing
the bill, declared the deed of Donnell to
be void in trust for Mrs Donnell operative only
as a security for Donnell's indebtedness
to wife, referred it to the Register to state
an account charging Mrs Donnell with
rents of the land and crediting with
Donnell's indebtedness to her with interest,
and directing the complainant to be
pleaded in possession on payment of Donnell's

Names:

Donnell,
Elmore, John A.

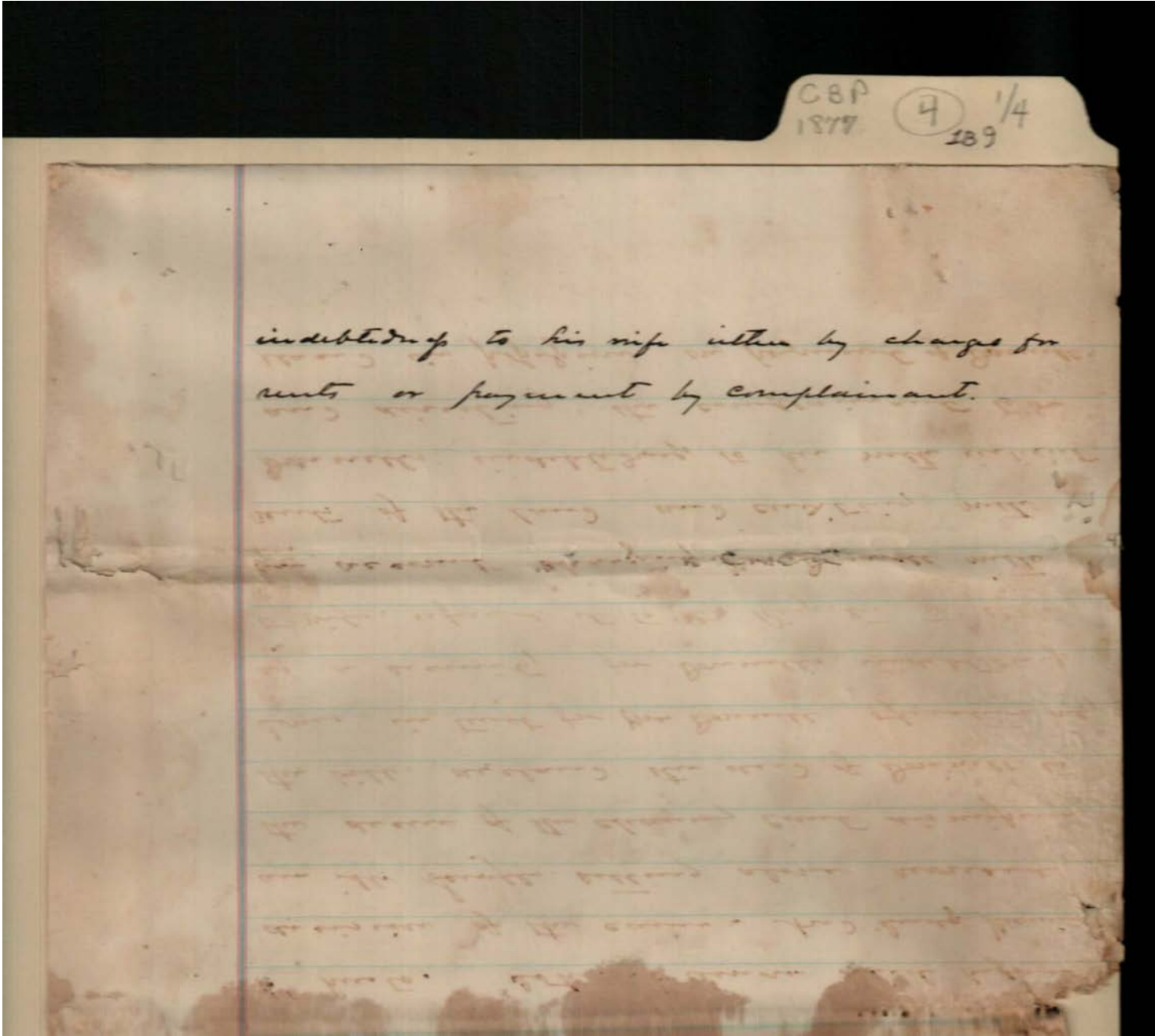
Hamilton,
Hamilton, Martha E.

Hamilton, Yancy P.
Manning, Judge

Sample, Henry C.

Types:

law suit

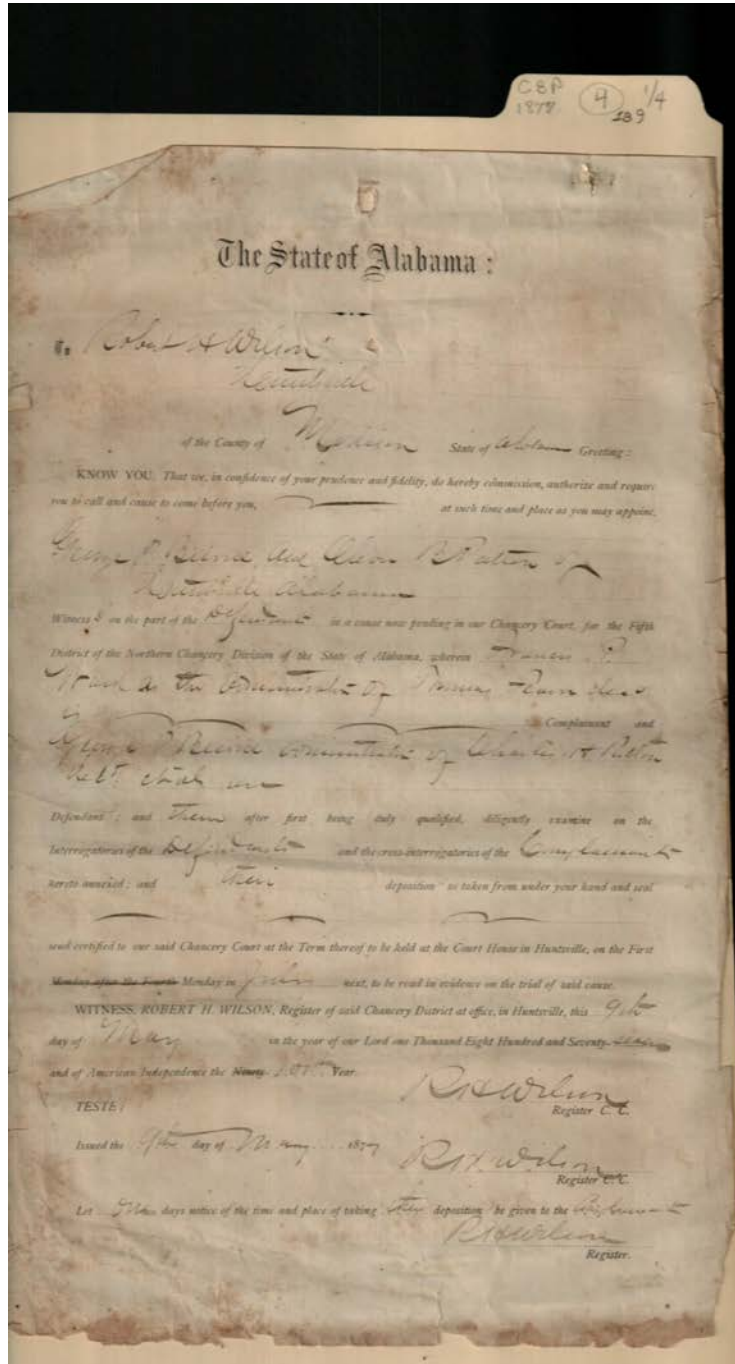


Types:

law suit

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Legal and court documents, 1877 (1 of 4)

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Names:

Bierne, George P.
Fearn, Thomas

Patton, Charles H.
Patton, Oliver B.

Wilson, Robert H.

Places:

Huntsville, AL

Types:

summons

Dates:

May 09, 1877

CEP
1877 (4) 1/4
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In Chancery

Fifth District, Northern Chancery
Division of the State of Nebraska
Francis P. Ward, Administrator of the
Estate of Thomas Fearn deceased,
Complainant
vs.
George P. Fearn, Administrator of
Charles H. Patton deceased Estate
Defendant

The Defendant Eliza Lee Fearn
proposes the following interrogatories to
George P. Fearn and Oliver B. Patton
Witnesses residing at Aunkerville
Nebraska whose depositions when
properly taken in answer thereto will
be read in evidence in the trial of
this cause in behalf of the defendant
To George P. Fearn

1. Int. 1st
Are you acquainted with the
parties to this suit?

Int. 2.
Who was administrator of the
estate of Charles H. Patton deceased?

Int. 3.
If you say you were an administrator

Names:

Bierne, George P.

Fearn, Eliza Lee

Fearn, Thomas

Patton, Charles H.

Patton, Oliver B.

Ward, Francis P.

Places:

Northern Chancery

Division AL

Types:

deposition

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please state what you qualify for, and
what you claim to be said administrator;
Art. 2.

Please state the date Section
of the original bill of complaint and
in this cause, and state whether or
not you as administrator of said Charles
H. Patton either by yourself or your
attorney entered into the agreement
alleged therein;

Art. 3

Did you or not now as such admin-
istrator make such agreement;

Art. 4.

Did or not any one else by your
authority, for you as such administrator
now make any such agreement;

Art. 5. Is the George A. Gordon referred
to in said Section of Complaints bill
living or dead;

Art. 6.

If you say he is dead please state
when he died;

Art. 7. Before his death had he any one

Names:

Gordon, George A.

Patton, Charles H.

Types:

deposition

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also and inform you that he as
your attorney in your said agreement
traded and returned into said
alleged agreement;

Int. 19
Did you or not before his death
know him of any such agreement
being formed & how was made;

Int. 11,
Please read the right Section of
said bill, and state whether or not
you saw that the agreement alleged
therein;

12 Int.
Did you or not now authorize
any one to make any such agreement
for you;

Int. 13,
Now you or not now informed
before the death of said George A. Gordon
that he as your attorney had made
such agreement;

Int. 14
Did you or not now ratify any
such agreement as was alleged in the
Deeds and separate Sections of Complements

Names:

Gordon, George A.

Types:

deposition

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Will to Pass from Meade,

Int 15
Did You Or Not now receive from
Oliver B. Patton the same particulars
Subscribed in the Fifth Section of
Complainant's bill?

Int 16
Did any One else by your
authority now receive it or not?

Int 17
Please read the Ninth Section
of Complainant's bill and State
Whether Or Not you had the interview
with Complainant herein referred to?

Int 18
Did Or Not the Complainant
now have any interview with you
in which he reminded you of
his interest in said debt and said
said verbal said agreement?

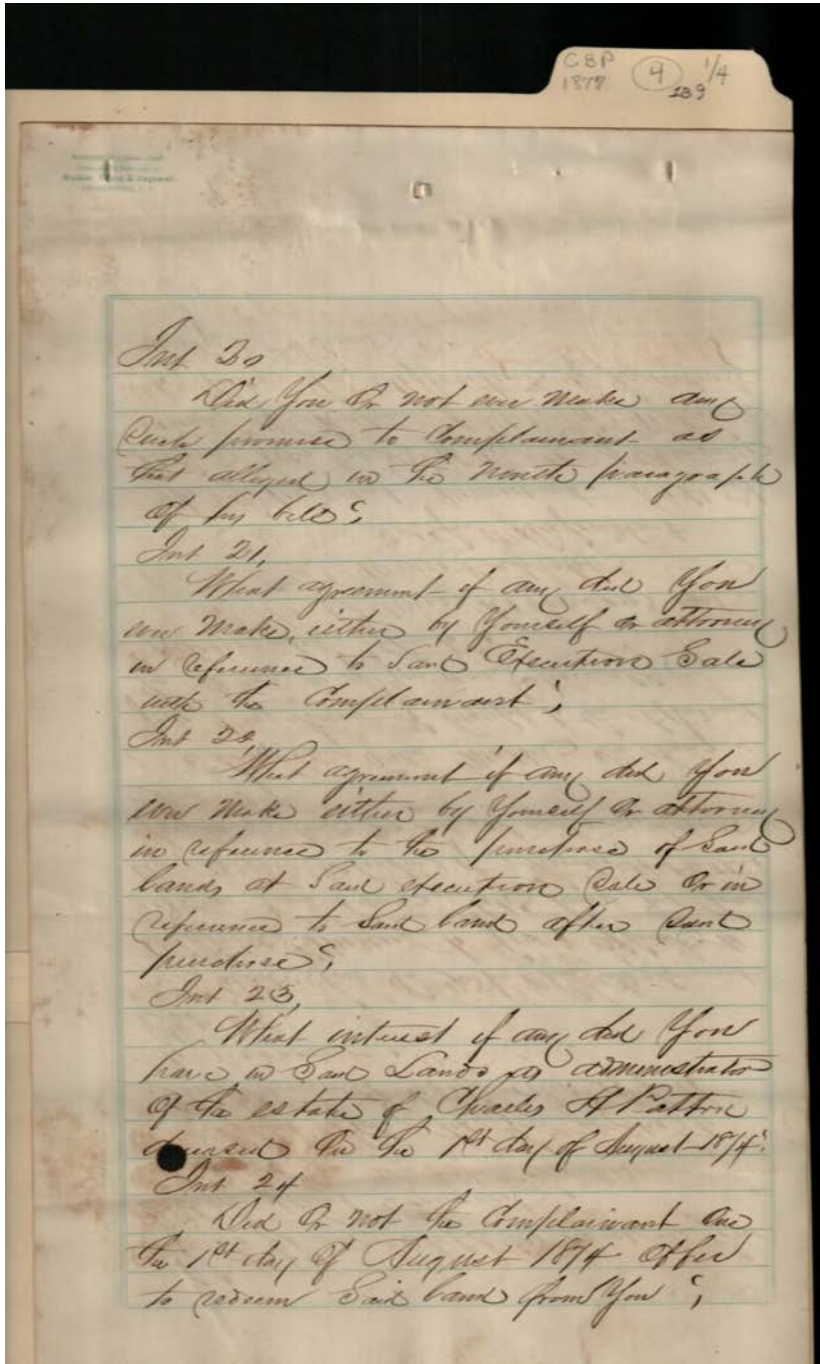
Int 19
Did You Or Not now have an
interview with Complainant in which
you recognized that any such agreement
was made within in the Sixth & Eighth
paragraphs of Complainant's

Names:

Patton, Oliver B.

Types:

deposition



Names:

Patton, Charles H.

Types:

deposition

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If explained State as near as you
can what occurred;

Int 25
What reply did you make to
Complainant's tender and offer
to redeem;

Int 26
Did you or not when Complainant
tendered Money to you & offer to
redeem said land tell him that you
as administrator of Charles A. Patton
did not have no interest in said land

Int 27
State any other matter or thing
you may know of connect to the defendant
to same as if you was personally
interrogated. Int 28
James Robinson and
Humes & Gordon
Plaintiff Defendant
The defendant nominates Robert H.
Hobson who resides in the City of Shreveport
County of Madison State of Arkansas
to take the deposition of the witness
George P. Bunn

Names:

Bierne, George P.
Gordon,

Humes,
Patton, Charles H.

Robinson, James
Wilson, Robert H.

Types:

deposition

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Oliver B. Patton

Int 28,
Are you acquainted with
the parties to this suit?

Int 29
Are you or not one of the
deponents to this suit?

Int 30
Please read the eighth section
of the Oregon bill in this suit and
state whether or not you entered
into the agreement alleged therein?

Int 31
Did you or not ~~you~~ make
such an agreement?

Int 32
Did you or not ~~you~~ enter ^{and} into
the agreement alleged in the eighth
section of complainant's bill?

Int 33
Was ~~any~~ ^{such} agreement made?

Int 34
Did you or not ~~you~~ make ~~any~~
such agreement?

Int 35
State whether or not ~~you~~ ~~you~~ ~~you~~

Names:

Patton, Oliver B.

Types:

deposition

CBP
1877 (4) 1/4
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Now was returned from you by
George P. Biene as administrator
of Charles H. Patton, deceased;
Int. 26

Are you not now the owner
of the land, or the interest therein
purchased by you at said
Execution Sale;

Int. 27

If you are not, whom to whom
+ for what did you dispose of it?

Int. 28

Was or not the Comptroller
informed of such disposition of
said interest in said land
by you prior to the 1st day of August 1874?

Int. 29

Did you or not pretend to keep
secret your disposition of said land?

Int. 30

Did or not the Comptroller
ask you if you had made any
disposition of said land? If so
state when he asked you + what
you said in reply;

Int. 31

Names:

Biene, George P.

Patton, Charles H.

Types:

deposition

C&P
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Int 20
Did you or not see make any
such promise to Complainant as
was alleged in the second paragraph
of my bill?

Int 21
What agreement if any did you
see make either by yourself or attorney
in reference to said Execution Sale
with the Complainant?

Int 22
What agreement if any did you
see make either by yourself or attorney
in reference to the purchase of said
lands at said execution sale or in
reference to said lands after said
purchase?

Int 23
What interest if any did you
have in said lands as administrator
of the estate of Charles A. Patton
deceased on the 1st day of August 1874?

Int 24
Did or not the Complainant on
the 1st day of August 1874 offer
to redeem said lands from you?

Names:

Patton, Charles H.

Types:

deposition

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If Co placed State as near as you
can what occurred;

Int 25
What reply did you make to
Compliments tender and offer
to redeem;

Int 26
Did you or not when employment
terminated warning to you & offer to
redeem said land tell him that you
as administrator of Charles H Patton
deceased had no interest in said land.

Int 27
State any other matter or thing
you may know of connect to the defendant
to same or if you was specially
interrogated State;
James Robinson and
Humes & Gordon
Clerks Defendant
The Defendant communicates that H
Wilson who resides in the City of Shuttles
County of Madison State of Alabama
to take the deposition of the witness
George P. Bunn

Names:

Bierne, George P.
Gordon,

Humes,
Patton, Charles H.

Robinson, James
Wilson, Robert H.

Types:

deposition

CSP
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Are the statements of the witness
(nature of complaints all true
Or false);
Int 42,
If partly true & partly false
in what particulars are they true
and in what particulars are they false;
Int 43,
Did you or not you make the
application to complainant what
he alleged to the formal part of the
witness paragraph of his testimony?
Int 44
Please state any other matters to which
you may know of except to the defendant
the same as if you were personally
interrogated?
James Robinson and
Humes & Gordon
Sols for Defendant
The defendant witnesses Robt
A Nelson who resides in the City
of Springfield, State of Arkansas
to take the depositions of the witness
Oliver B. Patton,
A Sp. Just R. A. Nelson Esq

Names:

Gordon,

Humes,

Robinson, James

Wilson, R. H.

Types:

deposition

CBP
1877 (4) 1/4
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In Chancery for the Fifth District
of the Northern Division of Alabama,
Francis P. Heard vs
of Thomas Fearn decedent
489 vs.
George P. Biene vs
of Charles H. Patton decedent

Complainant Objects to Interrogations
15th & 16th performed by the defendant
Eliza Lee Fearn to George P. Biene, and
interrogation 35, to Oliver B. Patton,
because, said Biene and said Patton
in said former answers, to the original
and amended bills of Complaint, filed
against said Biene as executor of Charles
H. Patton decedent, and said Oliver
B. Patton in his Cont in August 1872
by William Weeden as executor de bonis
non with the will annexed of Robert
Fearn decedent, admitted to possession
of said land, from said Oliver B.
Patton by said Biene as executor of
Charles H. Patton decedent, and that said
admissions have influenced the
action of the Complainant, and been
acted upon by him in the matter,

Names:

Biene, George P.

Fearn, Eliza Lee

Fearn, Robert

Fearn, Thomas

Patton, Charles H.

Patton, Oliver B.

Weeden, William

Places:

Fifth Dist Northern

Division AL

Types:

law suit

CBP
1877 (4) 1/4
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And without waiving these
objections to said interrogatories or
his right to leave the answers thereto
unfiled, complainant has proposed
the following cross interrogatories to said
defendants viz:

1. Did you not in your answer to the
original and amended bill filed in
this Court in August 1872 by William
Weeden, administrator de bonis non
with the bill annexed of Robert Fearn
deceased against said Bierne as
administrator of Charles H. Patton
deceased and said Oliver Patton,
say in substance as follows, viz, said
Patton that:

"The remaining allegations of the
amended bill are admitted"

"And said Bierne that"

"The remaining allegations of the
amended bill are admitted, except
as to the valuation of the lands alleged
in fourth paragraph of said amended
bill, of which the defendant has no
personal knowledge"

2. Are not the following allegations

Names:

Bierne,
Fearn, Robert

Patton, Charles H.
Patton, Oliver B.

Weeden, William

Types:

law suit

CBR
1877 (4) 1/4
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" among three of said amended bills
 " to admitted by
 " & on the 5th day of August 1877 in presence
 " of said executor and the long mentioned
 " mentioned in Section 2, of the Amendment
 " said the Sheriff of said County of Madison &
 " in said State made sale of said individual
 " half interest in said lands, as herein set
 " out at said sale said Oliver S. Patton
 " became the purchaser of the whole half
 " at the price of two hundred dollars,
 " and therefore the said Sheriff of said
 " County executed and delivered to said
 " Oliver S. Patton a deed for the undivided
 " half part of said lands as herein set
 " out and sold under said execution,
 " said entire tract of lands is worth
 " about \$2000, the said Oliver S. Patton,
 " the purchaser at said sale is the son
 " & heir of the long at law of said
 " Charles A. Patton, A copy of said
 " Sheriff's deed to said Patton will be
 " produced on the hearing of this cause,
 " said Oliver S. Patton is of full age
 " & resides in said County of Madison,
 " & Complainant is informed and believes

Names:

Patton, Charles H.

Patton, Oliver B.

Types:

law suit

C&P
1877 (4) 1/4
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And Tennessee State, that since the
said sale of said lands by said sheriff
and the conveyance thereof to said
Oliver B. Patton, the said George P.
Bierne as administrator of said
Charles H. Patton, has redeemed the
same, that is to say the undivided
half of said lands, so listed out sold,
under the statutes of redemption
from said Oliver B. Patton, and claims
the same by virtue of said redemption;
3, Has not said answer signed, signed
& Gordon etc for defendant;
4, Has not said form of Return signed
composed of the defendant Bierne and
Gordon the said George A. Gordon;
5, Has not said answer of Patton filed,
and served by him the September 26, 1872;
7, Has not said Return of Bierne filed etc
28, 1873 and served to March 14, 1873;
8, Does not the intimation in the answer
of said Bierne indicate that, that the
following was added after the answer
was prepared by, "except as to the valuation
of the land alleged in fourth paragraph
of said amended bill, of which this defendant

Names:

Bierne, George P.

Gordon, George A.

Patton, Charles H.

Patton, Oliver B.

Types:

law suit

C&P
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9. With this exception, are not both
nearly in substance precisely the same;
10. The not both of said answers are in
substance in the 5th paragraph of
each the information and belief, that
a portion of said lands in Marshall
County had been conveyed in his life time
by Robert Fearn the father to Robert the son;
11. Has not the information and belief
acquired from complainant and copies
of the memoranda from the Probate Court
records of said County of Marshall,
obtained by him on his visit to said
County to attend said sale; if not
state how it was acquired;
12. As not said answers, in the 6th paragraph
of each, the information and belief
are in substance that Robert Fearn
the son, and his mother did not take
possession of the lands as Executor
and executrix but to the contrary sold
and conveyed in his individual capacity
large and valuable tracts of lands of
which said Robert the father died
seized and possessed, and received large

Names:

Fearn, Robert

Types:

law suit

CBP
1877 (4) 1/4
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Accounts of Money Due to
13. Has not that information and belief
required from Complainant and copies
of the Memoranda, from said Probate
Court records made by him or by said
Debit? If not, how stated, how, when
and from whom it was acquired?
14. By whom was said answer
prepared?
15. Did not Complainant prepare the
form of notice to said Weeden, of a
motion to dissolve the injunction, in
said Court of Meigs and in said
Court and Oliver Patton?
16. Did not Complainant visit Milton
Humes a partner of said Birnie and
said motion before the Chancellor?
17. Will you employ or pay him to do so?
18. Is not said Court of Meigs and
said Birnie and Oliver Patton
now pending in this Court?
19. Is not Exhibit A to the interrogatory
to Birnie and Patton hereto appended a
correct copy of the instrument filed to
the execution of the Circuit Court
of Madison County, Alabama, of the

Names:

Bierne,

Humes, Milton

Patton, Oliver B.

Weeden,

Types:

law suit

CBP
1877 (4) 1/4
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entry of the case of George P. Bierne
vs. of Charles A. Patton vs. vs
Robert Fearn; If not true for a correct
copy;

21. Is the first part of said instrument
so framed, the Original return of the
Sheriff of Marshall County to the
execution, is only a copy thereof;

22. Who made the copy; from whom
did Bierne receive it;

23. Was the Original return and execution
true in the whole and in the part, as
if you state where and by whom done;

24. May it not be second part of
said instrument purporting to be an
assignment of the execution and judgment
of Bierne as to dated;

25. Where was it framed and the execution
checked; and by whom;

26. Was it not done by Robert himself;
and on February 5, 1874; If not
state how you know;

27. Was there ever or not a
consultation between George A.
Gordon of the firm of Bierne & Gordon,
Oliver B. Patton and Supplement as to

Names:

Bierne,
Bierne, George P.

Fearn, Robert
Gordon,

Gordon, George A.
Patton, Oliver B.

Types:

law suit

CBP
1877 (4) 1/4
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the means of obtaining satisfaction
of the judgment held by Pierre
son of Charles H. Patton, and
Complainant son of Thomas Fearn,
of the State when and where,
28, Did not that consultation and
about in the way of that Complainant
said said Patton in the street, usual
had to him that they both had judg-
ments, against Robert Fearn, that he
was endeavoring to avoid the payment
of that Complainant here of an
interest of said Fearn in land, that
was subject to said said judgment,
that Complainant intended to have
the execution on his judgment void,
in it, but as he would have to sue
and have litigation about it, he
desired to make common cause
in the purchase of it and quit
for the land, under both judgments,
that Complainant and said Patton
then went to Col. Gordon, who after
hearing Complainant, (Veros answered)
with him in the opinion that Robert
Fearn, in debt toness to his father

Names:

Bierne,
Fearn, Robert

Fearn, Thomas
Gordon, Col.

Patton, Charles H.

Types:

law suit

CBP
1878 (4) 1/4
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estate was in law the lands
devised to him by his father, and
that the lands were subject to sale
under the Judgments, and that it
was then agreed between the three
that Executions should be issued
on both Judgments to both Counties
and the lands purchased for the
holders of both Judgments in the
proportion of the amounts of
their respective Judgments;

29. If you say it did not come
about in that way, you state how
it did come about and what was
agreed on; state fully and positively
how, what each of the three said, and
the order in which it was said;

30. How was sale of Robert Dearn's
land in said Counties advertised for
the same day Aug. 5, 1872;

31. Was it not agreed between Col
Gordon, Patton and Complainant
that Col. Gordon and Patton should
attend the sale in Madison and
purchase under both Judgments; and
that Complainant should attend the

Names:

Fearn, Robert

Gordon, Col.

Patton,

Types:

law suit

CBP
1877 (4) 1/4
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One in Marshall and purchase
under bid;

32. Was it not agreed between
them as to how far each should bid,
so that the bids in both Counties
put together should not exceed
the aggregate of bids Jurymen's;

33. Was not the Sale under bid Jurymen's
in Madison County and the
Sale under Complainant's in Marshall
County;

34. Did not Complainant attend
the Sale in Marshall, and
have the lands struck off to Patton;

35. Was said Patton present at said
Sale in Marshall County;

36. Did he know any other agent than
Complainant; If yes state who;

37. Did he employ or pay Complainant
for obtaining the purchase of said
land in his name; If yes, state
when and how much;

38. Did Complainant's return from
Marshall County and report to Col
Gordon and Patton of what he had
done, did not Patton at Complainant's

Names:

Gordon, Col.

Patton,

Types:

law suit

CBP
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Suggestion of to Judge Wyeth at
Quinterville, and get him to make
Subpoena with the Sheriff and procure
his trial of (Burgess);

38. Did not Judge Wyeth decline
any compensation, because of Compt.
accounts, interest in the purchase;

39. Did Patton claim to Judge
Wyeth that Complainant was
interested in the purchase;

40. Did not Complainant, about
the time, Motion was given for the
Motion to dissolve the injunction
inform the dependent course of the
history of the matter and claim
any interest substantially as alleged
in his bill;

41. If you say he did not, then state
fully and particularly all the
facts between them in relation to
the matter prior to the hearing on the
Motion to dissolve the injunction;

42. If in answer to interrogatory
40 you say that you will conduct
then say, whether or not you can positively
and truly state, that he did not do so?

Names:

Bierne,

Patton,

Wyeth, Judge

Types:

law suit

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43, Did not Complainant and Patton
go to Biene in the front room of his
Office the Saturday afternoon late in
1875 or early in 1876, when Complainant
informed Biene that Patton desired
to compromise with Mrs Fearn and that
Complainant being interested in the
success and redemption of Canal
Stock Biene to do that his interest
was protected;

44, Did Patton give any interest;

45, Did not Biene, in account of
the absence of Humes propose to postpone
a consideration of the matter until
the following Monday;

46, In Complainant's remark that he
had the engagement out of town and
Monday did not Biene say any
other day would do, as well and
that nothing would be done in the
matter until a consultation was had;

47, Did not Complainant afterwards
see Patton in the Bell Factory Store
and propose to go to Biene's office
and have the consultation; and
did not Patton then tell Complainant

Names:

Bell Factory
Biene,

Fearn, Mrs.
Humes,

Patton,

Types:

law suit

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that he had already made the compromise;
48. Did not Complainant go again to
Bierne in the front room of his office
and ask him, if it had not been the
understanding, that nothing was to be done
in the matter of compromise with
Mrs Fearn, with a presentation of
said facts;

49. Did not Bierne simply reply, that the
parties were of age and competent to
attend to their own business, and that
he had concluded to have nothing to
do with it;

50. Can you say, that nothing of the
kind, inquired about in interrogatories
from #48 to #49 inclusive was asked;

51. Did not Patton apply to Complainant
in the front room of Cabaniss & Ward's office,
prior to his compromise with Mrs Fearn,
to be released from his agreement
about the land, and allowed to
compromise separately with Mrs Fearn
or have the same judgment purchased
by Complainant;

52. Did not Complainant go with
Patton to the back room of Bierne

Names:

Bierne,
Cabaniss,

Fearn, Mrs.
Patton,

Ward,

Types:

law suit

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James & Gordon's Office, and there,
 in the presence of James Humes the
 history of the matter, and admit his
 interest in the land substantially as
 alleged in his bill;
 53, Did not Patton apply to W. W.
 Garth, whose wife is a legatee of Thomas
 James Humes, to release him to get
 Complainant to release him from said
 agreement, and allow him to perform
 separately with Mrs. Garth;
 54, Did Patton ever in the presence
 of Complainant or Garth, deny
 Complainant's history of the affair,
 dispute his claim of equal interest
 in the land, or deny any part
 or terms of the agreement as alleged
 by Complainant; Yes of Yes
 State when and where in whose
 presence and what he said;
 55, Did not Patton on his
 return from Maritime Society,
 after receiving his bond from the
 Sheriff find at his house a note
 from A. C. Gordon stating in substance
 that Complainant and himself had

Names:

Fearn, Mrs.
 Fearn, Thomas

Garth, W. W.
 Gordon,

Humes,
 Patton,

Types:

law suit

C-8P 4 1/4
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Concluded, that it was best to
redress the land from him and
requesting Patton to avoid other
persons with he could go with
freedom to the clerks office and have
the assumption effected;

56. If you say that Patton did not
find such a letter, how state
whether he received any letter from
C. Gordon about the matter;

And if yes file the same with
your answer here;

57. Did not said Patton on the
next day after his said return from
Marshall County go with C. Gordon
to the office of the Court Clerk;

If yes, state for what purpose
they went and what they did;

58. Did not said Patton soon after
his said return from Marshall County
go with C. Gordon to the office
of the Court Clerk in Smithfield;

If yes state the purpose for which
they went and what they did;

59. Do you mean to be understood
in any answer you have made

Names:

Gordon, Col.

Patton,

Types:

law suit

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to any interrogatory in chief, as
expressing a positive denial or
positive doubt of the correctness
of your said answers prepared
by Col Gordon and sworn to by
yourself;

So do you believe that he would
have admitted the redemption
in answer to be sworn to by you,
if he had known it to be untrue;

In Prose Deo pro Compel
The Complaint requires notice of the
time and place of taking these
depositions *In Prose Deo pro Compel*

" Exhibit A to Chief Interrogatories to
Reverend Patton
9424th Series this 18th day of
March 1872, to the tract of land
situated on the North side of the
Seaside River in the County of
Marshall, and State of Missouri,
in which the defendant now resides,
containing 2811⁴² acres more or less,
and comprised of the following parcels,

Names:

Bierne,

Gordon, Col.

Patton,

Ward, F. P.

Types:

law suit

C.B.P.
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View The South West quarter of the
South East quarter of Section three
(3) and the South East quarter of
the South West quarter, and the
South half of the North East quarter
of Section four (4) and East part
A 134 acs, and West part B,
18 1/2 acs of Fractional & Section nine
(9), the North West quarter of the North
East quarter, the South East quarter
the South West quarter, and the North
West quarter of Section ten (10)
The East half, and South West
quarter of the North East quarter
the South East quarter, the South
West quarter, and the South half
of the North West quarter of Section
(11), the North East quarter and the
West half of the South West quarter,
and the South East quarter and
the West half of the North West
quarter of Section twelve (12), the
North West part A 70 1/2 acs of
Fractional & Section thirteen (13),
Fractional & Section fourteen (14), the
East part A, 83 acs, and West part

Types:
law suit

CBP
1877 (4) 1/4
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39
" P. 79 in case of fractional Section
" of town (15) all in Township
" Town (1), Range two (2) East,
" and also the South West quarter
" of the South West quarter of Section
" Town (1), Township Town (1), Range
" two (2) East, as the subjects of the
" defendant Robert Farnsworth to satisfy
" the above described F. F. note
" in my hands, and of which I have
" given the within named defendant
" Farnsworth notice, this 18 day of
" March 1872
" J. A. Province Sheriff Marshall
" County Ala
" Signed the said Farnsworth this 5th
" day of July 1872, in the following
" lands, as the subjects of the defendant
" Robert Farnsworth, The South West
" quarter of the South of the South East
" and the South half of the South West
" quarter of Section Four, The South
" East quarter of the South West quarter
" and the South half of the North
" East quarter of Section Four, East
" part A, 134 acre, and West part B,

Names:

Fearn, Robert

Province, F. A.,
(Sheriff)

Types:

law suit

CBP
1877 4 1/4
289

156⁶⁰ acres of Fractional B Nine;
The North West quarter of the
North East quarter the South East
quarter the South West quarter,
and the North West quarter of
Section ten; the East half, and
South West quarter of the North East
quarter, the South East quarter the
South West quarter and the South
half of the North West quarter, Section
11, the North East quarter, and
West half of the South West quarter
and the South East quarter, and
West half of the South West
quarter, and the South East quarter
and the West half of the North
of Section twelve; the South West
part A, 73⁰⁰ acres of Fractional B
Section, thirteen; Fractional part
East part A, 83 acres and West
part C, 79⁰⁰ acres of Fractional B
Section fifteen; all in township
Seven Range two East and also the
the South West quarter of the South
West quarter of Section Seven Range
two East, containing in all

Types:
law suit

CBP
1877 4 1/4
289

" I bought Eight hundred and
" Seven ¹⁰⁰ acres more or less,
" all in the County of Marshall
" and State of Alabama; and
" the defendant not being a resident
" of the County of Marshall,
" I gave notice of said land, by
" putting up a public notice book
" at the Court house door of said County
" July 9, 1872
" Francis Province Sheriff
" Marshall County Ala
" The land described in the foregoing
" Book was this day sold by me at public
" Auction after giving the notice required
" by law at the Court house in Centerville
" to the highest bidder for Cash, and
" Oliver B. Patton being the highest
" and last bidder therefore, became the
" purchaser of said land at the price
" of two hundred dollars August 5th 1872
" Francis A. Province
" Sheriff Marshall County
" Ala
" The above sum of Two hundred
" dollars ^{paid} to me by said Oliver B. Patton

Names:

Patton, Oliver B.

Province, F. A.,
(Sheriff)

Types:

law suit

CBP
1877 (4) 1/4
289

Of which I have returned for my
Costs Twenty Dollars, and returned
to be applied to the Costs in Madison
County Court, the Sum of Twenty
Four Dollars, and the Balance,
to wit One Hundred and Sixty Five
Dollars is applied to the Credit of
This Fifth August 5 1877—
Francis A. Province
Sheriff of Marshall County
Mo.,
I hereby transfer & assign this
execution & the Judgment upon which
it is founded to Oliver B. Patton
Mary B. Echols & Martha L.
Stevens, without recourse in Law
or Equity, Geo. A. Stone administrator
of Jas. H. Patton Decd.
A Copy
Jest R. H. Wilson Reg
Feb 13, 1877
R. H. Wilson Reg

Names:

Bierne, George P.
Echols, Mary B.

Patton, Charles H.
Patton, Oliver B.

Province, F. A.,
(Sheriff)

Stevens, Martha L.
Wilson, R. H.

Types:

law suit

Dates:

Feb 13, 1877

CBP
1877 (4) 1/4
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Deposition of Oliver B. Patton
 a witness sworn and examined under and by virtue
 of a subpoena issued out of the Court of Chancery
 for the City and County of the District of Columbia
 in and to the effect of the Subpoena in a certain
 Cause between Francis P. Ward and Francis P.
 Ward administrator of Thomas Fearn deceased
 Complainant and George P. Bierne and
 Charles H. Patton defendants.

On the 28th day of July he deposes
 sworn to speak the truth the whole truth and
 nothing but the truth each de pose and say
 in full my truth.

28th To the 28th July he saith I am acquainted
 with the parties to this Suit.

29th To the 29th July he saith I am one of the defendants
 in this suit.

30th To the 30th July he saith I have read the last
 Section of said bill, and he is very anxious that
 I should state no such agreement as alleged
 therein.

31st To the 31st July he saith I never did make
 such an agreement.

32nd To the 32nd July he saith I never refused to do

Names:

Bierne, George P.

Fearn, Thomas

Patton, Charles H.

Patton, Oliver B.

Ward, Francis P.

Types:

deposition

C&P
1877 (4) 1/4
283

any such agreement as alleged in the eighth paragraph of Complainant's bill.

37th On the 33rd Inst. he said - No such agreement was ever made.

34th On the 34th Inst. he said - I never made any such agreement.

35th On the 35th Inst. he said - Said land, were never redeemed from me by George P. Bierne agent of Charles H. Patton decd.

36th On the 36th Inst. he said - I am not now the owner of the lands so purchased by me, or any interest therein.

37th On the 37th Inst. he said - I am not such owner now. I disposed of such interest by sale to Mrs. Eliza Lee Fearn, for the sum of \$1,500⁰⁰, I wish recalled the date of such transfer.

38th On the 38th Inst. he said - I went to Complainant's office before I sold my interest in such land to Mrs. Eliza Lee Fearn, and told

Names:

Bierne, George P.

Fearn, Eliza Lee

Patton, Charles H.

Types:

deposition

CBP 4 1/4
1877 283

Complaint that I had been offered \$4000
for my interest in such land, and that
I decided to give them the preference,
but he refused to pay me as much as
that sum for my interest, and I then
sold my interest therein to Mrs. Fearn, and
accounted to her my first claim. All
things, all this occurred prior to August
1. 1874.

July 30th To the 30th July, he said -
I did not intend
to keep secret from any one the trans-
action.

40th To the 20th July, he said -
He, the Complainant,
never did ask me if I had made such
disposition.

41st To the 21st July, he said -
I remember of
having a conversation with Mrs. Fearn in 1874
relative to what had occurred between said
Complainant and her husband, & myself,
in reference to the sale & purchase of the
land in Cambridge.
I'm aware to February 28, 1874, is the only true
statement of the Math. inquest of and
the Mrs. Fearn & can quote to this
petitionary, except such as in connection
with such account to July 28 - Good

Names:

Fearn, Mrs.

Types:

deposition

OSP
1877 4 1/4
289

Account of said 4th paragraph, with this
exception of interest

42. In the 4th entry: He said, I have fully
stated in the preceding answer.

43. In the 5th entry: He said
I wrote to Com-
plainant - No such proposition as contained
in the former part of the ninth paragraph
of Complainant's bill. I merely gave
them preference of purchasing my
interest in said land for \$1000.

44. In the 6th entry: He said,
The Complainant
in this cause went to Marshall County
and attended the sale of the property of
Robert Fearn - Complainant was em-
ployed in the Court of Marshall, & Mod-
ern, & Mr. Birnie one of Charles H. Patton
was superior in the Court of Modern, but
not in Marshall County - some sitting
under execution on property of Robert
Fearn. The Complainant attended the
sale in the County of Marshall & purchased
the land in the name of my self, and
on the return to the Court it was agreed
between him & my atty. Geo. A. Gordon
that I should go to Marshall, and
my attorney Geo. A. Gordon of ascending

Names:

Bierne, Mr.

Fearn, Robert

Gordon, George A.

Patton, Charles H.

Types:

deposition

CBP
1877 (4) 1/4
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the deed; this deed was drawn by Geo. A. Gordon my attorney, and in my album I found a note from said Gordon awaiting me at my residence in Huntsville, telling me to see him, before any one could see me representing Mrs. Fearn, saying that he could make me a tender, and that may not be the exact words, but the substance is the same. I then went to his office, & he said that I must consider the property redeemed from me by Geo. P. Bierne as order of Charles H. Patton, and that the object of the redemption was that, & I understood it that in case any one representing Mrs. Fearn should offer to redeem the property, then the complainant could have the opportunity of redeeming in his turn, and that first debt be secured. This was the object of the redemption. There has never been made any deed from me to Geo. P. Bierne order of said Patton, nor has he, or any one else for him ever paid me one cent. As to my account on file in the Court in the case of William Weeden order of Robert Fearn, by me & said Bierne as order of said Patton due I do not remember by whom it was prepared, or exactly any of the circumstances connected with its preparation, & filing. The order

Names:

Bierne, George P.

Fearn, Mrs.

Fearn, Robert

Gordon, George A.

Patton, Charles H.

Weeden, William

Types:

deposition

C.B.P.
1877 4 1/4
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Made in said answer, that said land was
~~retained~~ ^{received} from me by said Birnie as a gift;
 was made alone or what occurred between
 me & said Gordon, as I have before
 stated. After the death of said Gordon
 I was informed by Milton Humes Esq
 one of my Council in said County of
 Mecklenburg, after detaining to him
 the occurrence above stated, in accom-
 panying between said Gordon & myself,
 that this did not amount to a recon-
 struction of said land. It is proper
 for me to state that Mr Birnie was
 not present at any of the meetings
 occurring between said Gordon and
 myself in relation to matters con-
 nected with said sale. He had gone
 to the Mountains of Virginia, and did
 not return to Westville, within eight
 or ten days of the death of said Gordon
 whose death occurred in October 1872.

1 x Bir
 1 x Humes
 1 x Patton
 1 x Weeden

Now Petitioners by Complaint to
 said Birnie, Oliver B. Patton.
 In said answer I did
 make such statement that the remaining
 allegations of said bill are admitted, and
 I now refer to my answer to this bill
 in chief for the grounds upon which such
 admission was made, and make that
 appeal of my answer to this bill.

Names:

Bierne,
Gordon,

Humes, Milton
Patton, Oliver B.

Weeden,

Types:

deposition

C&P
1877 (4) 1/4
289

2^d x sub To 2^d x party: he said -
Such allegations
of such amended bill were in said
annu admitted, My annu to Brick-
to the 44 in the by made my annu
to the 44.

3^d x sub To 3^d x party: he said -
I do not recollect
the origin of this annu, but I think very
at the 44 in the by made my annu
I have been unable to find my annu
in said case.

4th x sub To the 4th x party: he said -
It was so annu-
posed.

5th x sub: To the 5th x party: he said -
I have no dis-
tinct recollection when my annu was
filed and sworn to, but I presume it
may have been filed & sworn to, as stated
in the 44.

6th x sub To the 6th x party: he said -
I do not know
when the annu was filed, or sworn to in
annu.

8th x sub To the 8th x party: he said -
I have not

Names:

Bierne,

Gordon, George A.

Types:

deposition

CBP
1877 (4) 1/4
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2 x Feb To the 2^d x Party: he said -
Such allegations
of such amended bill were in said
annex admitted. My annex to District
Court No 44 in heavy words my annex
to the 2^d Party.

3 x Feb To the 3^d x Party: he said -
I do not recollect
who signed this annex, but I think my
att^y Geo A. Gordon, prepared my annex.
I have been unable to find my annex
in said Court.

4 x Feb To the 4th x Party: he said -
It was so am-
-posed.

5 x Feb To the 5th x Party: he said -
I have no dis-
-tinct recollection when my annex was
filed and sworn to, but I presume it
may have been filed & sworn to, as stated
in the 4th Party.

7 x Feb To the 7th x Party: he said -
I do not know
when Mr. Brown filed, or swore to his
annex.

8 x Feb To the 8th x Party: he said -
I have no

Names:

Bierne,

Gordon, George A.

Types:

deposition

CBP
1877 (4) 1/4
283

personal knowledge of the matter, except
of in X duty. 8th. I can recall no
9th Feb. To the 9th duty. he said - I have no re-
-collection of having read the account of
Mr. Bierne, & therefore cannot state
whether they are in substance the same.
10th Feb. To the 10th duty. he said - In answer to 10th
duty, I refer to the account's themselves
on file, as responsive to this question.
11th Feb. To the 11th duty. he said; I cannot say
from whom the information was obtained,
but presume it was obtained from some
one other than myself, & my knowledge was
acquired in that way.
12th Feb. To the 12th duty. he said - In answer to this
duty, I refer to the account's on file, as
responsive to this duty.
13th Feb. To the 13th duty. he said - In answer to this
duty, I will say that I have seen and
also conversation with Comptroller in
relation to information acquired from him
in Comptroller's memorandum, from Postal Com.

Names:

Bierne, Mr.

Gordon,

Types:

deposition

CSP
1877 4 1/4
289

is indicated in said entry. In further
answer to this entry, I refer to my answer
to the 11th.

10th Feb. To the 10th entry, he saith -
In answer to the
entry, I refer to my answer to the 3rd,
in response to the I do not know
who prepared my answer.

15th Feb. To the 15th entry, he saith -
In answer to the entry,
I say that I do not know who pre-
pared the paper in reference to dissolving
the injunction.

16th Feb. To the 16th entry, he saith -
I was in the
Court room at the time the argument on
Motion to dissolve the injunction was
made, and the Complainant's my atty.
Humes argued said Motion. There
were two cases of said Weeden and
against myself - Geo P. Bierne and
of the atty. of Complainant both involv-
ing the same questions, & both were
submitted & argued at the same time.
My attorney Humes, appearing for
Bierne & myself, and Complainant
for himself.

17th Feb. To the 17th entry, he saith, I did not see

Names:

Bierne, George P.

Humes,

Weeden,

Types:

deposition

CBP
1878 (9) 1/4
289

pleas, or pay Compliments to do so, but
employed Henry Gordon, & have paid
them!

18^x Feb To the 18th Feb, he saith I cannot say
of my own knowledge, whether or
not, such suit is now pending.

20^x Feb To the 20th Feb, he saith, I have not
personally examined such paper, but
presume it is a correct copy of such
instrument, from such records.

21^x Feb To the 21st Feb, he saith I do not know
whether it is a copy, or the original

22^x Feb To the 22nd Feb, he saith I do not know
anything about it.

23^x Feb To the 23rd Feb, he saith I do not know
anything about it.

24^x Feb To the 24th Feb, he saith, I do not know

25^x Feb To the 25th Feb, he saith, I do not know

Types:
deposition

C&P
1877 4 1/4
283

26th Feb To the 26th Feb, he said, I don't know any-
thing about it.

27th Feb To the 27th Feb, he said. There was a consul-
tation between Complainant Col Gordon,
my attorney (myself being present) as to the
best means by which both could realize
on money on my respective claims.
I cannot state the place, or date,

28th Feb To the 28th Feb, he said. This return
does not state what did occur.

29th Feb To the 29th Feb, he said. After so long
a time has elapsed, I am unable to state
what each party had to say. My re-
collection is, however, that my attorney
Col Gordon & myself had frequent
conversations on the subject with Com-
plainant & my understanding was
that Mr Gordon would aid Complainant
in his legal capacity & would take all
the aid he could in the pursuit of Complainant's
claim, & in seeing to do the same,
There was no agreement that the two
claims should be considered as one,
and made joint, or common cause
of.

Names:

Gordon, Col.

Types:

deposition

CBP
1877 (4) 1/4
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30^x Feb. To the 30^x Feb. he said - They were so
admitted.

31^x Feb. To the 31^x Feb. he said - No such agreement
was made, to which I was a party.

32^x Feb. To the 32^x Feb. he said - Cal Gordon, and
Complacant had several conversations
in reference to bidding for the property
but I do not know what they were!

33^x Feb. To the 33^x Feb. he said - They were con-
fined.

34^x Feb. To the 34^x Feb. he said - He did attend
such sales, and have the land struck off
to me.

35^x Feb. To the 35^x Feb. he said - I was sold present
at each sale in Marshall County.

36^x Feb. To the 36^x Feb. he said - I had no agent
at all.

37^x Feb. To the 37^x Feb. he said - I had not anything

Names:

Gordon, Col.

Types:

deposition

CBP 4 1/4
1877 289

Complainant's name.

37x Sub To the 37th X Duty: he said,
My attorney had
Gordon prepared a deed to me, from the
Shirley of Marshall County, which he
took to Petersburg, and there, made a
substitution with the thing, paid the tax,
and then to seize the deed, & had it
recorded. I have no recollection
of Complainant's suggestion, that I
should get Judge Wyeth to aid me
in any way.

38x Sub On the 38th X Duty: he said,
I don't remember
of refusing Judge Wyeth any com-
pensation.

39x Sub To the 39th X Duty: he said
I don't remember
of either offering or receiving of him
no recollection of Judge Wyeth having at that time with it.

40x Sub On the 40th X Duty: he said
I know nothing
about this question.

41x Sub On the 41st X Duty: he said
I know nothing
of the matter here required of.

42x Sub To the 42nd X Duty: he said I cannot remember

Names:

Fearn, Mrs.

Gordon, Col.

Wyeth, Judge

Types:

deposition

ESP
1877 (4) 1/4
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43x26. To 43x26. The Smith
I have no recollection
of such particular matter referred to
in this entry. I remember to have
two several conversations with Complainant
in the presence of Mr. Bierne & others,
in reference to said purchase, in
each of these conversations I understood
the Complainant to claim a right under
the purchase but what I never understood.

44x26. To 44x26. The Smith
This is answered
in the next preceding interrogatory.

45x26. To 45x26. The Smith
This is answered in
my answer to 43x26. entry.

46x26. To 46x26. The Smith
I don't remember
what he said.

47x26. To 47x26. The Smith
I have no recollection
of such conversation as that referred to
in this interrogatory. And my best
recollection is that it did never occur,
and I am confident in this recollection
by the fact, that upon the eve of settling

Names:

Bierne, Mr.

Types:

deposition

CBP
1877 4 1/4
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My intention to see Fear, I went to
Complamant, and told him, that owing
to a certain Misunderstanding between
us, I would give him the preference
in the sale, which he declined to accept,
and I then told him, that I would
accept Mrs Fear's offer.

48x2h To the 28x duty. He said. I have no recollection
of the matter inquired of, in this duty.

49x2h To the 29x duty. He said. I have no recollection
of the matter inquired of, in this
duty.

50x2h To the 50x duty. He said. I have answered
this duty as fully as I can, in my
answers to the interrogatories referred to.

57x2h To the 57x duty. He said. I did not do
any such thing. I went to the Office
of Complamant, and informed him of
the proposition of Mrs Fear, and on
account of the Misunderstanding be-
tween him & my self, to give him the
preference. He declined to purchase
& I then told him that I intended to ac-
cept Mrs Fear's proposition. I then

Names:

Fearn, Mrs.

Types:

deposition

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52x sub-
 Substantially all that occurred between us
 On the 52nd x July, he said:
 In answer to this
 questioning, I will say, that I remember
 to have gone to the back room of the Office
 of Beane Hume & Gordon, with Complainant
 & William H. Oregon, who was the acting
 agent for Mrs. Fearn, for the purpose of
 effecting a compromise to the her said
 said William Hume, agent of Fearn, who
 was against said Beane & myself, and
 the other agent Complainant, & in course
 of the conversation which occurred, we were
 advised that my recollection in that Com-
 plaint did accord to the extent in the
 same as alleged in the bill.

53x sub-
 On the 53rd x July, he said:
 I have no recol-
 lection of having made such a proposi-
 tion to W. W. Garth. I met my agent
 on the bank steps & told him that W. H.
 Oregon was the agent of Mrs. Fearn, and
 made me a proposition, & that I had
 gone to Complainant & asked him the
 price, and that he had declined,
 and I had would accept the proposi-
 tion.

54x sub-
 On the 54th x July, he said:
 I did in the back

Names:

Bierne,
Donegan, William H.

Fearn, Mrs.
Garth, W. W.

Gordon,
Humes,

Weeden, William

Types:

deposition

C.B.P. 4 1/4
1877 289

From the Office of Hon. Gordon during
Complacant's testimony of the Deft. in the
presence of some Complainant - William H.
Dreyer & Milton Humes - and during
all the parts & terms of the agreement
as alleged by Complainant. I do not
remember the exact time, but it was
prior to my sale to Mrs. Fearn. I
do not remember what I stated there,
but the substance was to the effect
that there was no such agreement
whereby Complainant was to be inter-
ested in the purchase of the land.

55x22 On the 25th July, in said
On my return
from Marshall County I found a note from
Col. Gordon, to me at my residence, stating
in substance as follows: "see me before
any one representing Mrs. Fearn, & shall see
you; I desire to make you a tender; etc."
in the only note I received.

56x22 On the 26th July, in said
I have answered
this fully in my answer to date 28. The
note received is regarded as of great impor-
tance & but not preserved it.

57x22 On the 27th July, in said
The next day after
my return I went to the office of the clerk

Names:

Donegan, William H.

Fearn, Mrs.

Gordon, Col.

Humes, Milton

Types:

deposition

CBP
1877 (4) 1/4
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of the Union Church, DeWitt County of Madison,
with Col. Gordon, and then per Court
in the suit of Pierre vs. Robert
Fearn, and that was the purpose of
my going to such clerk's office.

58 x July To the 58th x July he said: I have answered
this duty in my answer to the next
preceding & interrogatory.

59 x July To the 59th x July he said: My answer to
the defense chief, express my meaning
in the matter as clearly as it is possible
for me to do so, and I now make the
same my answer to this duty.

60 x July To the 60th x July he said: I do not
know the defendant, Oliver B. Patton
before me this 23rd day of
June 1877
R. H. Wilson

Names:

Bierne,
Fearn, Robert

Gordon, Col.
Patton, Oliver B.

Wilson, R. H.

Types:

deposition

Dates:

Jun 23, 1877

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State of Alabama
Madison County, I Robert H Wilson
the Commissioner named in the annexed Com-
missioner's Certificate, that the evidence of the
witness Oliver B. Patton was written down by
me under oath and subscribed by said
witness in my presence at my office in
the City of Huntsville Alabama on the 23rd
day of June 1877, and that I have per-
sonal knowledge of said witness, and that
I am not of counsel, or kin to any of
the parties to this cause, or in any
manner interested in the result thereof.
Given under my hand and seal this
23rd day of June 1877
Robert H Wilson (Seal)
Commissioner

Names:

Patton, Oliver B.

Wilson, Robert H.

Places:

Madison County, AL

Types:

legal report

Dates:

Jun 23, 1877

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 9, Folder 4
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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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