

Types:

memo

CPB 167 1871 (8) 5/5

~~Dear Sir~~ Huntsville Feb, 13/71
J. M. Cross Esq
Huntsville

Dear Sir

Please make out for us as soon as you can conveniently do so to morrow morning on transparent paper a map of the following sections in T. 5. N. 5. East giving the streams which touch or pass over any part of them as laid down on the Government Survey -

Fractional Sections, 26, 27, 28, 35, 34, 33
East half of Sec 29. and 50 half of Sections 21, 22 + 23.

We wish you to give us also if practicable the names of the persons who entered each 5 or bought of the government each subdivision & if the books show an assignment of any of the parcels give name of Assignee - but if you cant do this to morrow morning - set us how the Maps - We will after examining it to send it by mail to morrow evening

Respectfully
Cabaniss & Ward

Names:

Cabiniss,

Cross, J. M.

Ward,

Places:

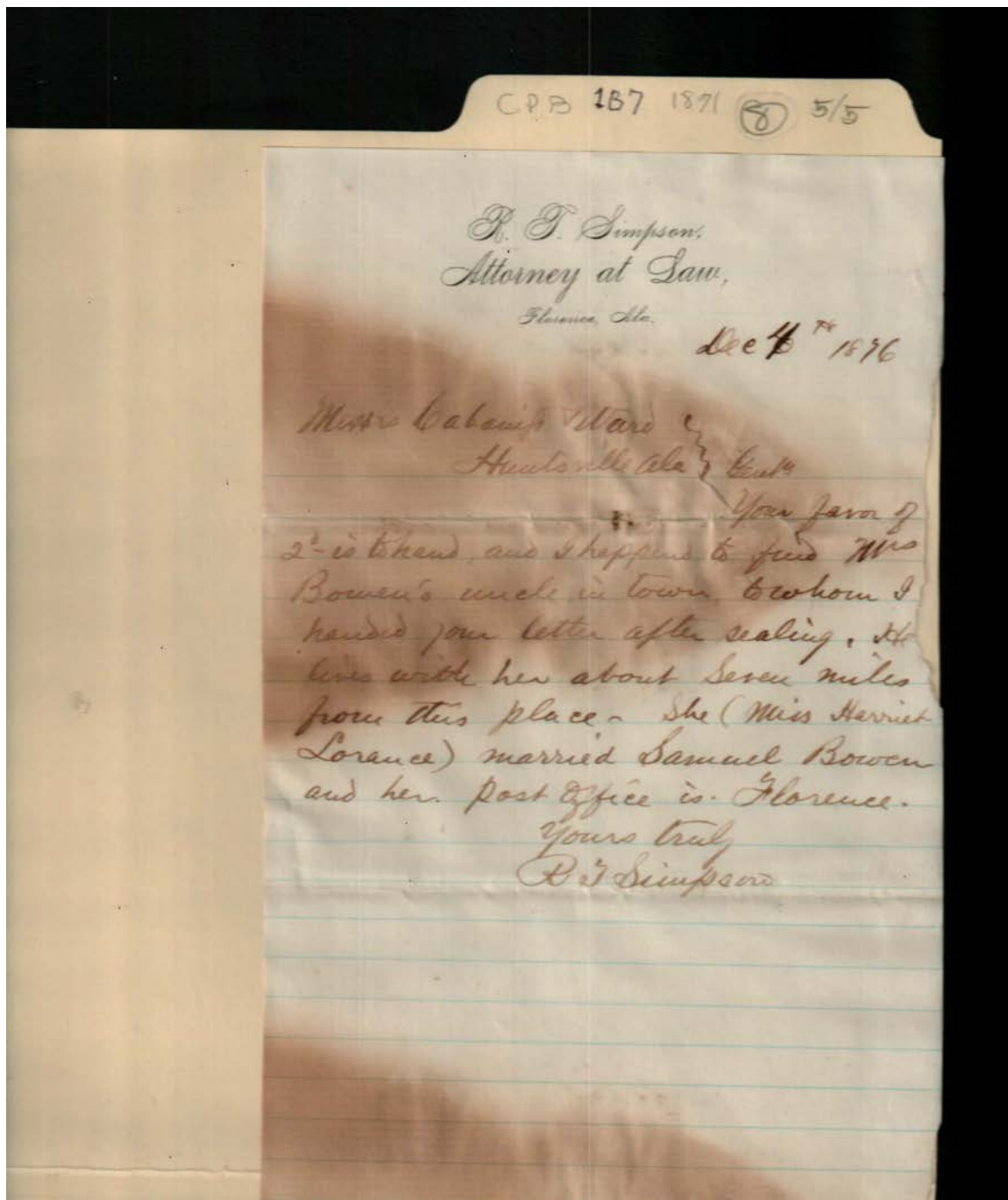
Huntsville, AL

Types:

letter

Dates:

Feb 13, 1871



Names:

Bowen, Mrs.
Bowen, Samuel

Cabiniss,
Lorraine, Harriet

Simpson, B. T.
Ward,

Places:

Florence, AL

Types:

letter

Dates:

Dec 04, 1876

CPB 157 1871 ⑧ 5/5

O'Neal & O'Neal,
Attorneys at Law.

Florence, Ala., 4 Dec. 1876

Mr. Cabaniss & Ward
Huntsville Ala.

Gentlemen: Mrs. Hattie Bowen has handed
us a letter of the 2nd Inst. If you are
clearly of opinion, that you considered
in the last Mrs. Bowen will consent
to join in it - Be pleased to inform
us fully of the facts in the case
and if possible the statute of limitation
should be brought
at once - you need not mention
and we will see her name.

Yours Ours
O'Neal & O'Neal

Have sent to Mrs. from Washington
look us if you see to have
a. Distilled see opinion - which
look like Mrs. R.

Names:

Bowens, Hattie

Cabiness,

O'Neal,

Ward,

Places:

Florence, AL

Types:

letter

Dates:

Dec 04, 1876



Names:

Bowen, Samuel

Bowens, Hattie

Cabiniss,

Ward,

Places:

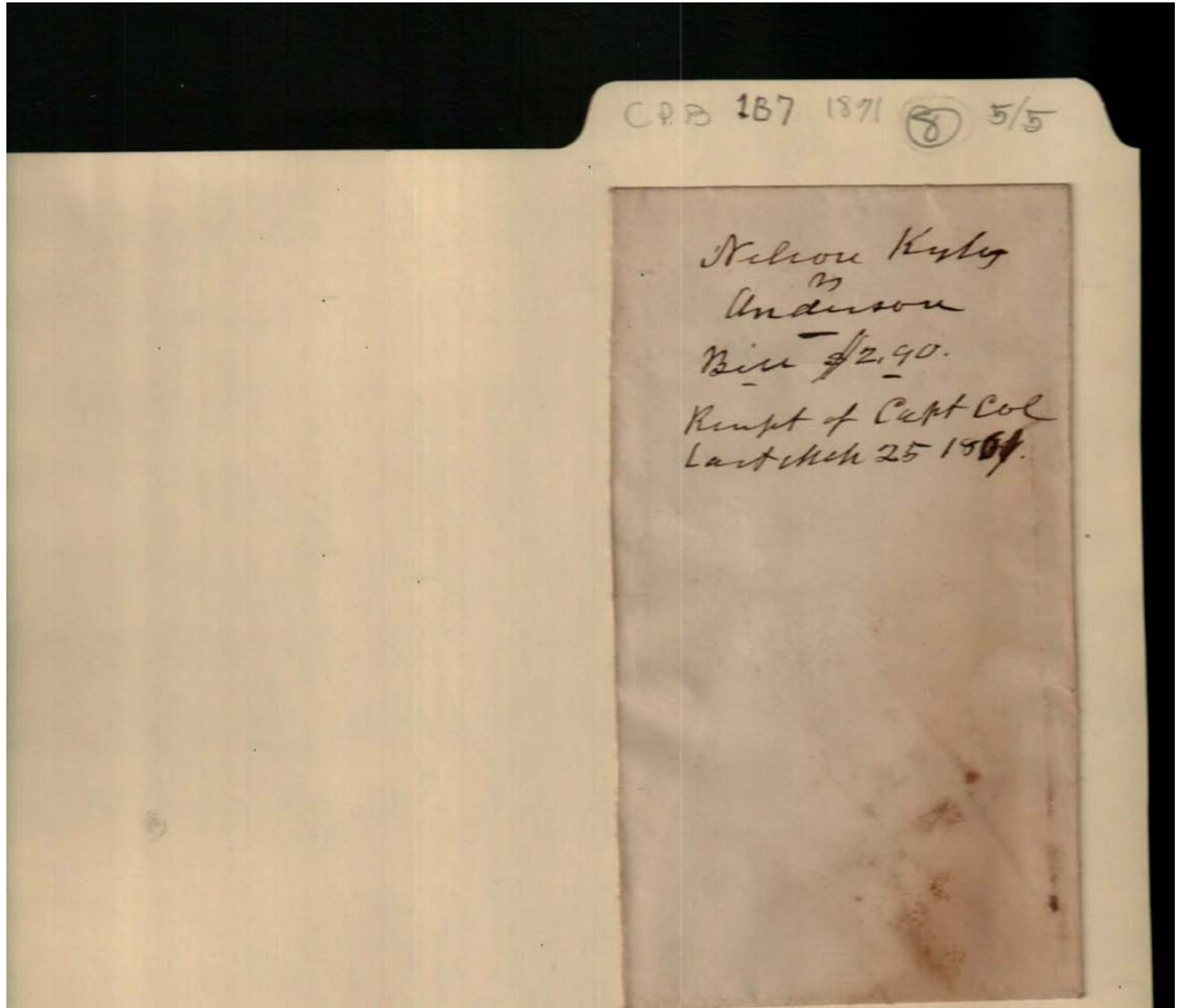
Florence, AL

Types:

envelope

Dates:

Dec 03, 1876



Names:

Anderson,

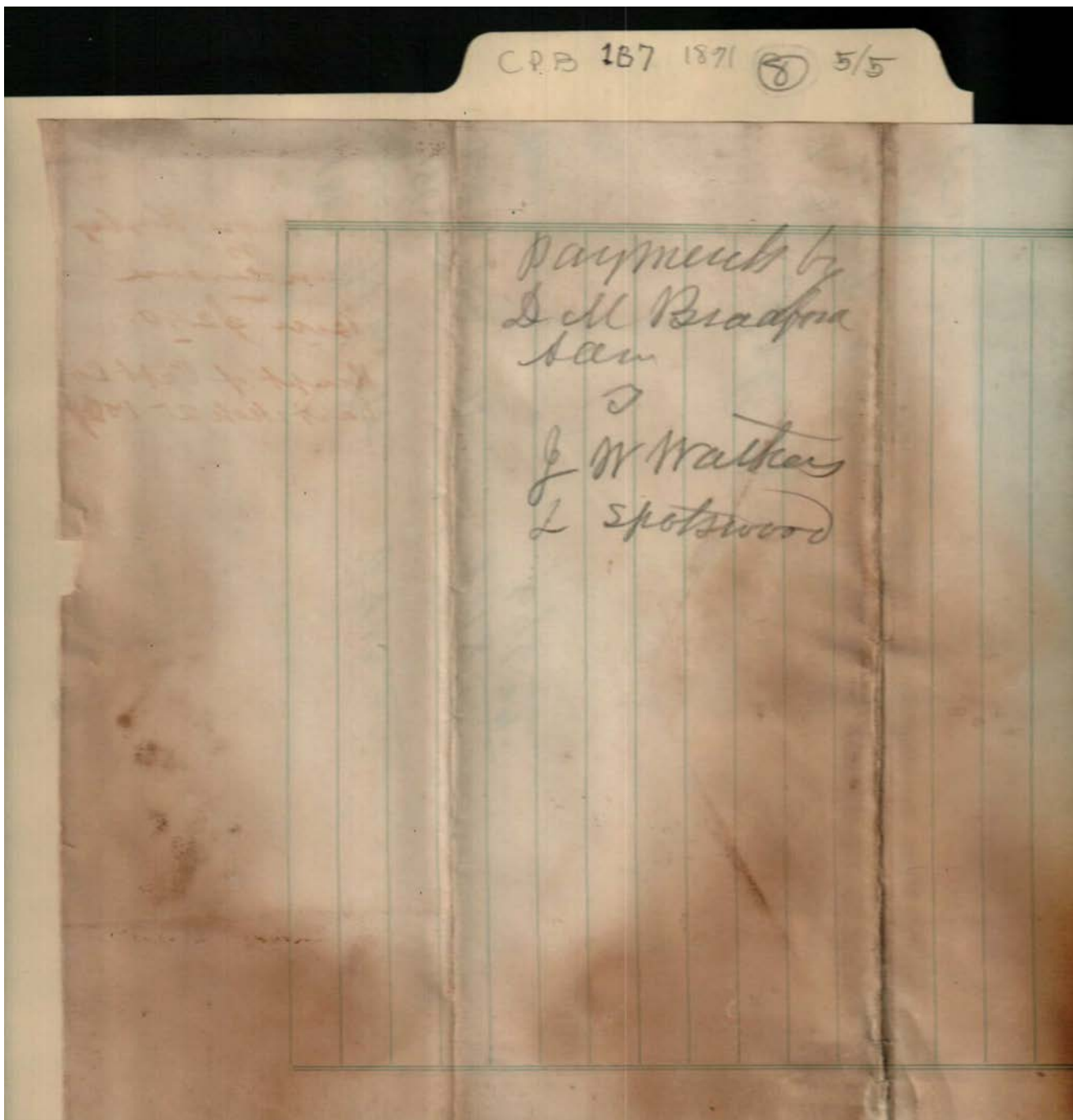
Kyle, Nelson

Types:

memo

Dates:

Mar 25, 1861



Names:

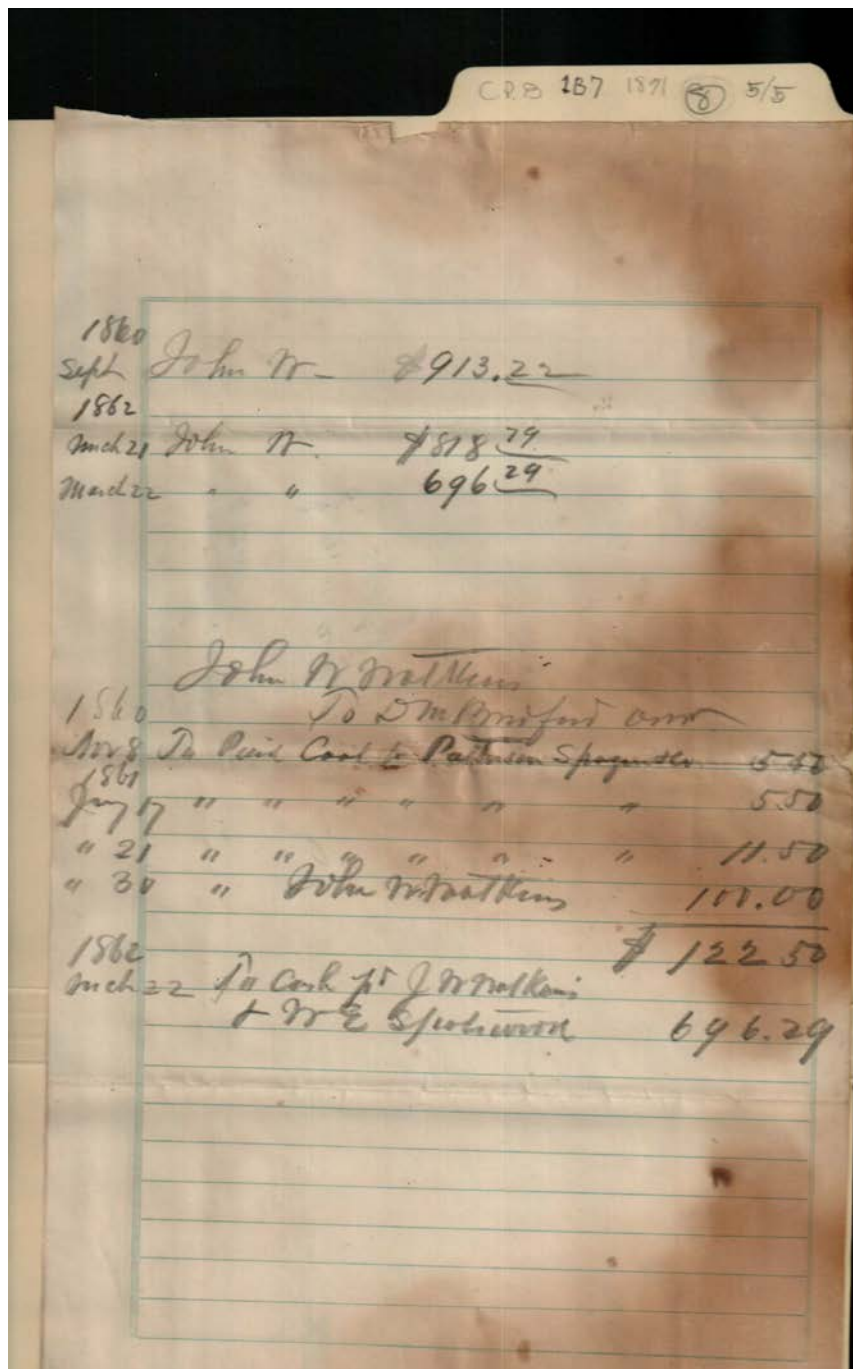
Bradford, Dell

Spotswood, L.

Watkins, J. W.

Types:

memo



Names:

Bradford, D. M.

Patterson,

Spotswood, W. E.

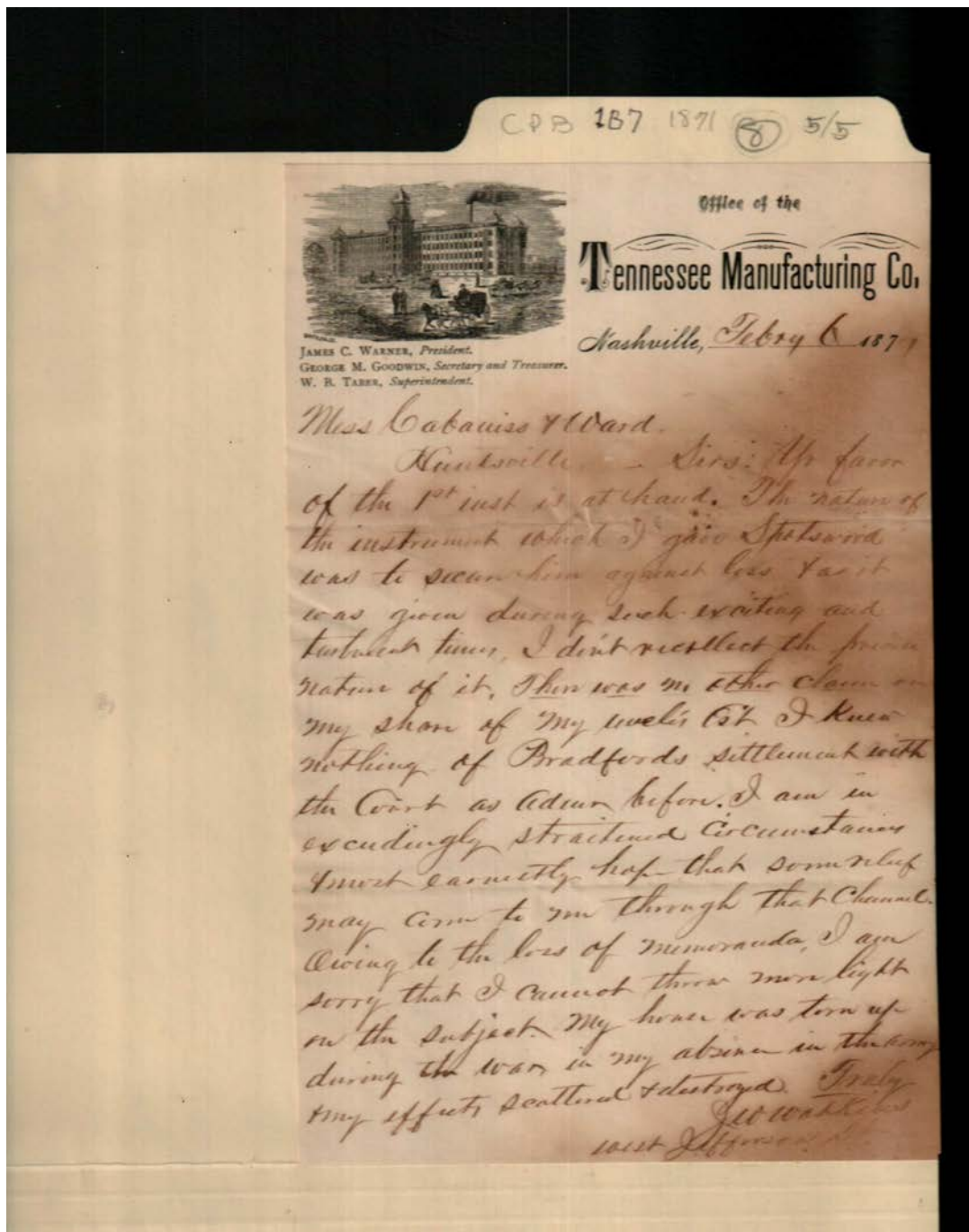
Watkins, John W.

Types:

account

Dates:

1860-1862



Names:

Bradford,
Cabiniss,

Spotswood,
Ward,

Watkins, J. W.

Places:

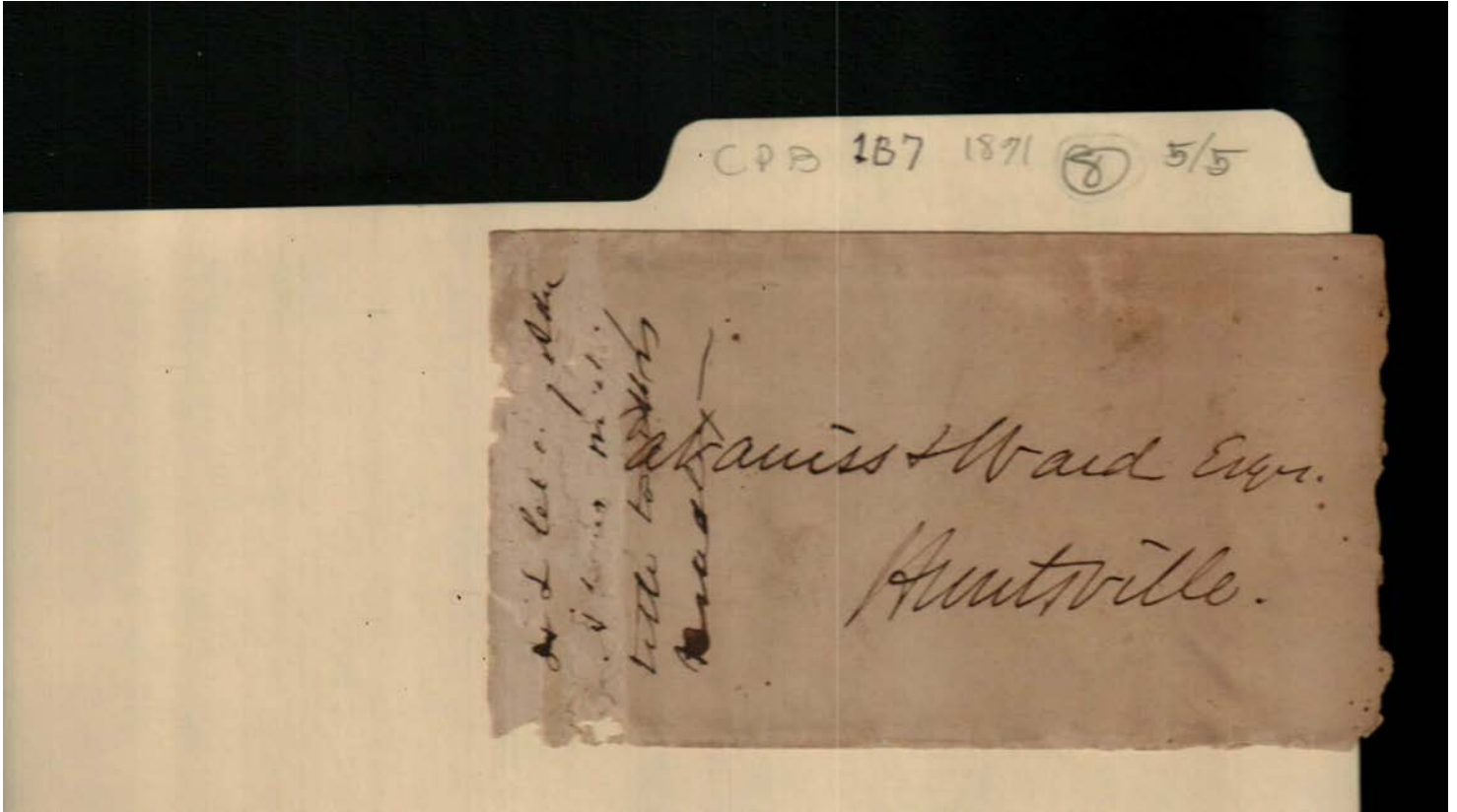
Nashville, TN

Types:

letter

Dates:

Feb 06, 1877



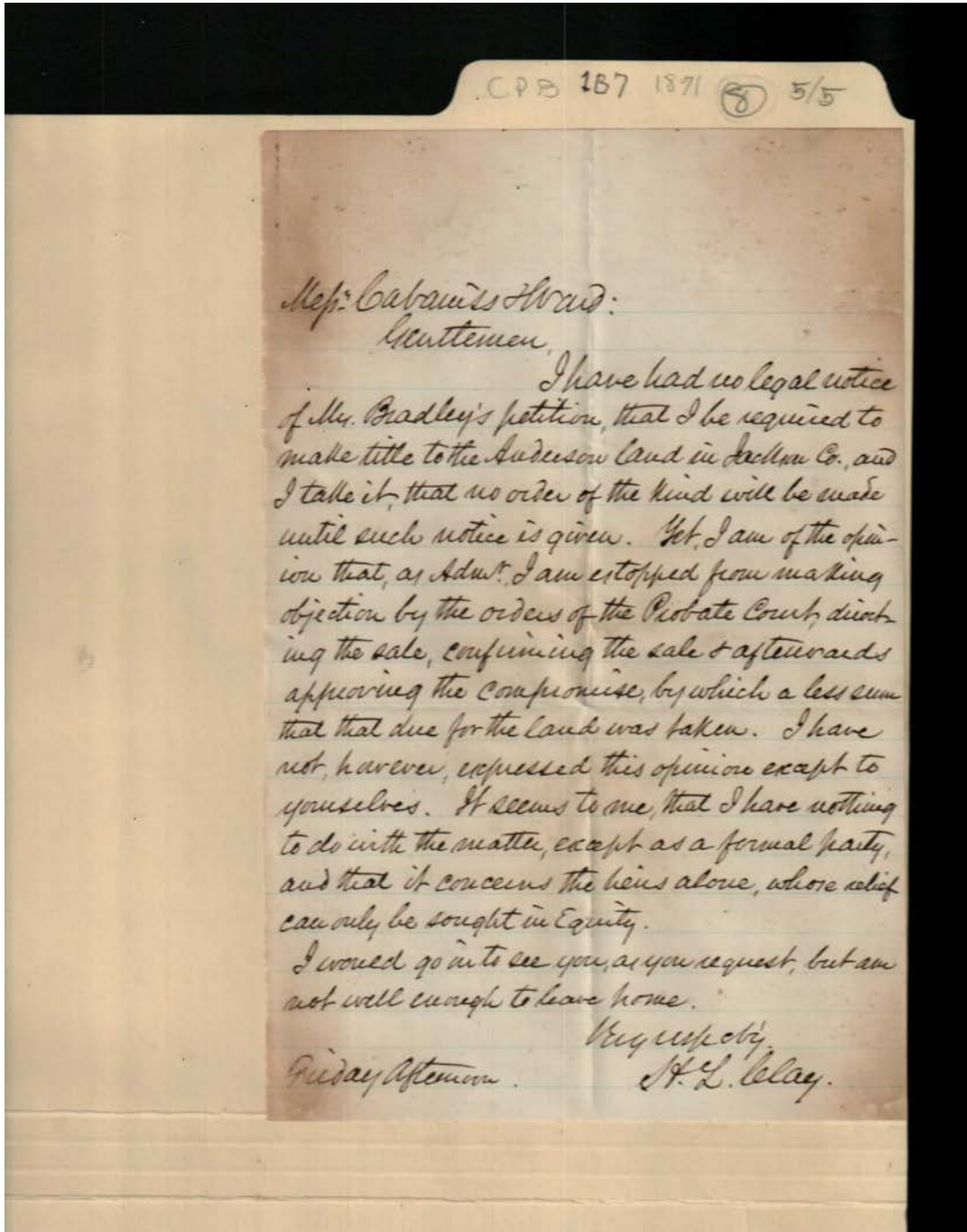
Names:

Cabiniss,

Ward,

Types:

envelope



Names:

Bradley, Mrs.

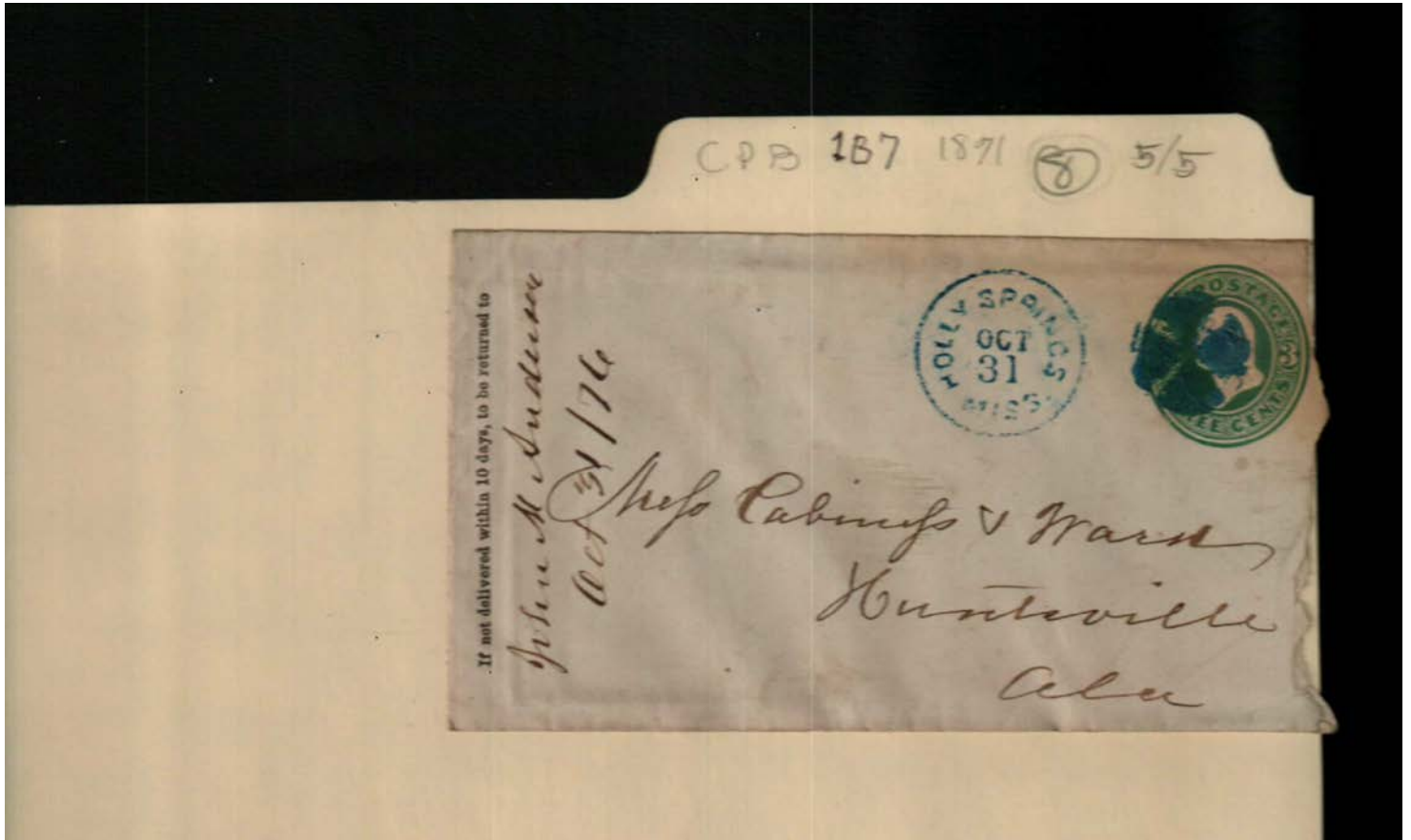
Cabaniss,

Clay, H. L.

Ward,

Types:

letter



Names:

Anderson, John M.

Places:

Holly Springs, MS

Types:

envelope

Dates:

Oct 31,

C.P.B. 187 1871 (8) 5/5

Holly Springs Miss
Oct 30/76

Chas Cabaniss v Ward
Gent

Genl of the 4th

To be heard. I also received your first letter but did not feel authorized to act for the other heirs without consulting them, all of whom I have not yet seen. I have had such poor success with my legal business in Huntville that I had abandoned the idea of any further effort. I employed Robinson & Walker some six years ago to protect our interest there and after making several trips up there and doing everything that I could to get them to prep the matter they finally abandoned the case saying that his (Robinson's) relations with Bradley were such that he could not prosecute a claim against him. Would you take a contingent fee in the case, and if so how much? I have submitted your

Names:

Bradley,
Cabaniss,

Robinson,
Walker,

Ward,

Places:

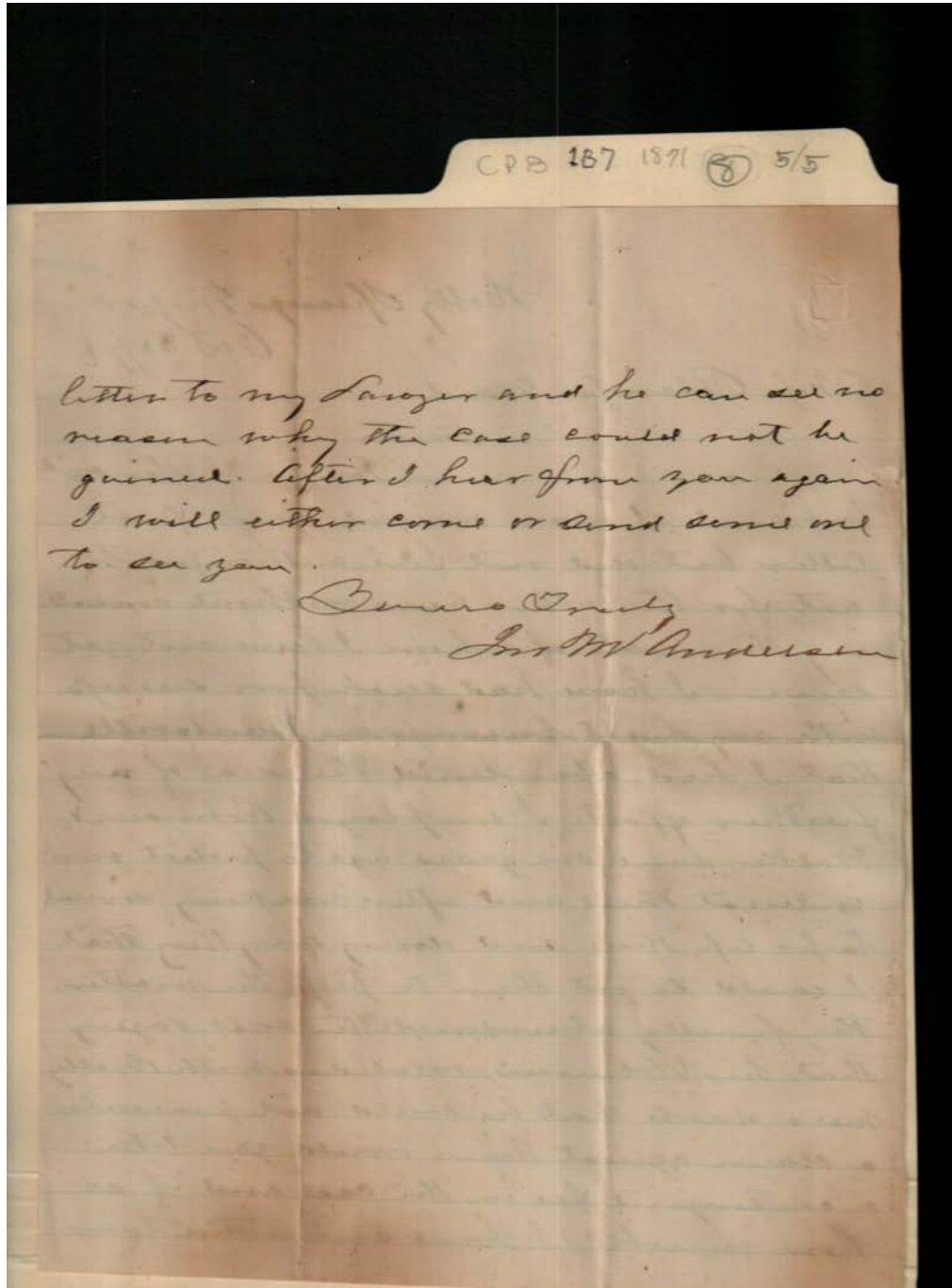
Holly Springs, MS

Types:

letter

Dates:

Oct 30, 1876

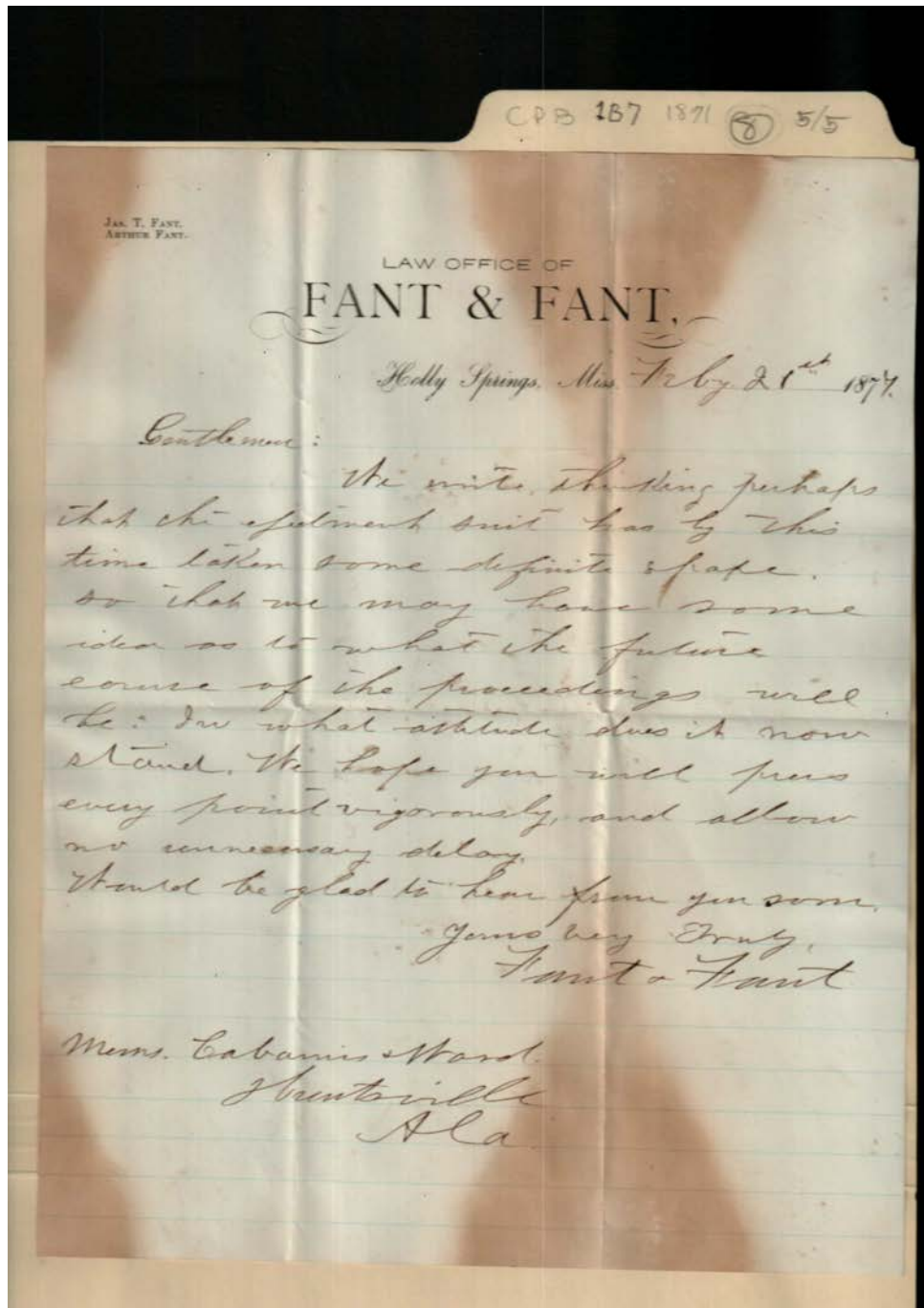


Names:

Anderson, John M.

Types:

letter



Names:

Cabaniss,

Fant, Arthur

Fant, James T.

Ward,

Places:

Holly Springs, MS

Types:

letter

Dates:

Feb 21, 1877

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

Image 16 r01b07-08-000-0067 [Contents](#) [Index](#) [About](#)



Names:

Cabiness,

Fant,

Ward,

Places:

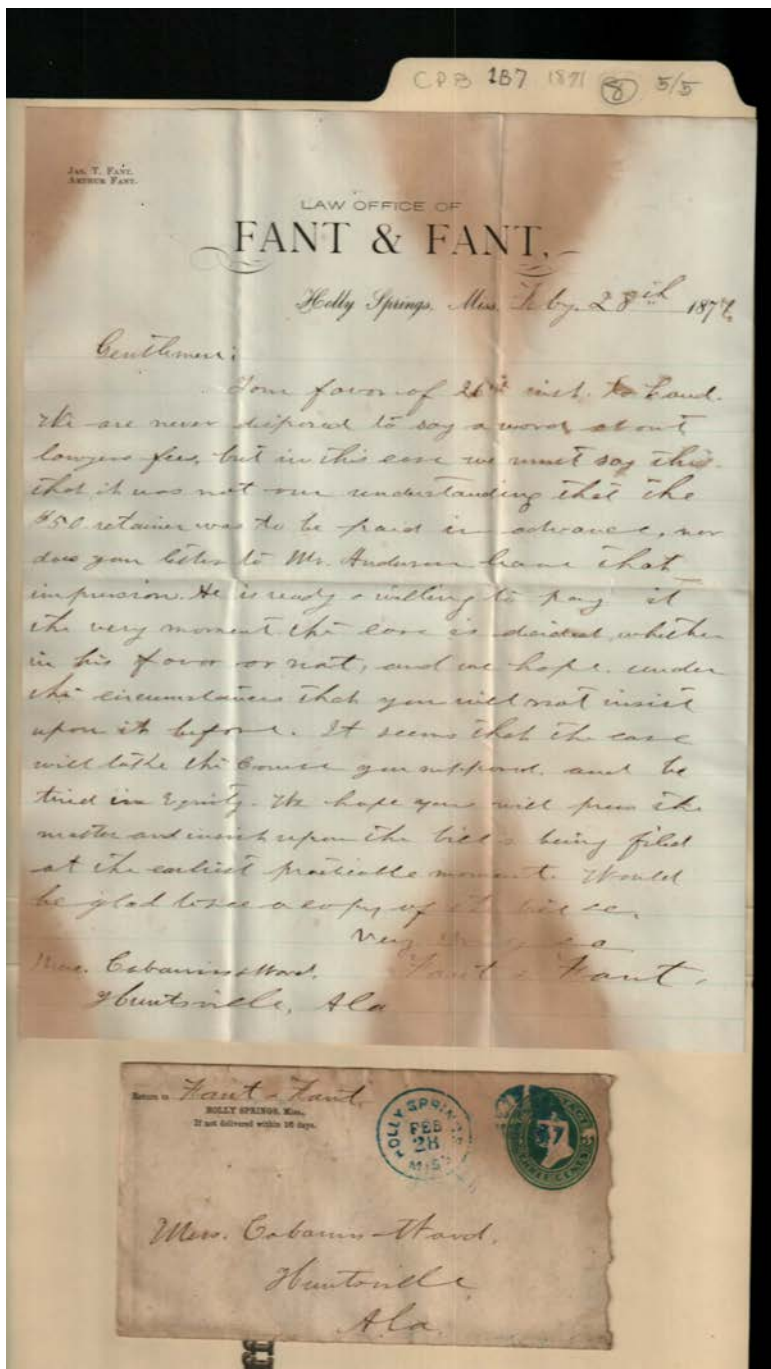
Holly Springs, MS

Types:

envelope

Dates:

Feb 21,



Names:

Anderson,

Cabiness,

Fant,

Ward,

Places:

Holly Springs, MS

Types:

letter

Dates:

Feb 28, 1877

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

Image 18 r01b07-08-000-0069 [Contents](#) [Index](#) [About](#)

C.P.B. 187 1871 (8) 5/5

Holly Springs, MS
Feb 27 1876

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 20th inst. in relation to the estate of Wm. Watkins deceased. I have to thank you for the information you have given me in relation to the same. I have also to thank you for the information you have given me in relation to the same. I have also to thank you for the information you have given me in relation to the same.

I have the honor to acknowledge the receipt of your letter of the 20th inst. in relation to the estate of Wm. Watkins deceased. I have to thank you for the information you have given me in relation to the same. I have also to thank you for the information you have given me in relation to the same. I have also to thank you for the information you have given me in relation to the same.

I have the honor to acknowledge the receipt of your letter of the 20th inst. in relation to the estate of Wm. Watkins deceased. I have to thank you for the information you have given me in relation to the same. I have also to thank you for the information you have given me in relation to the same. I have also to thank you for the information you have given me in relation to the same.

Names:

Anderson, Charles W.
Anderson, R. W.
Anderson, William
Austin, Ida
Austin, Julia W.

Austin, Lula
Austin, Walter
Bradford, A.
Bradford, H. C.
Cala, Jan-Jose

Clay, H. L.
Cook, Mary
Cook, Robert F.
Fant, James W.
Rice, Harriet

Spotswood, Martha
E.
Watkins, Daniel
Watkins, John W.
Watkins, Mary

Places:

Holly Springs, MS

Types:

letter

Dates:

Feb 27, 1876

C.P.B. 187 1871 (8) 5/5

In re -
Should not the assignee of
Snodgrass be made a party
defendant to receive surplus
if land should be sold to
discharge lien of Compt 2

What right has compt to
the land - the probate sale
being unperfected the land
belongs to Snodgrass subject
to lien of vendor - if it goes
over - would not be subject
judgment - who is to receive
Bishop's money -

The other note having become
prova agent estate on
bankruptcy, it should be
by assignee - but no
one except a creditor
can compell apparent
mort of ass

And I am again
do not claim of ass given
by Compt

Names:

Snodgrass,

Types:

memo

CPR 167 1871 (8) 5/5

to 4th ... Isabella ...
 ... free from ...
 ... 10. 1868
 ... Sept 28 1868
 ... Oct 26 1868
 ... Isabella ...
 ... July 6 1868
 ... Aug 3 1868
 ...

...
 ... to buy due to buy a ...
 ... discharge it
 ... If he has a ...
 ... for ...
 ... Isabella ...

He had a note to apply to sell
 ... free of him - if more than
 sufficient to discharge the loan
 Isabella had another note
 while was a loan -
 should that be ...

Names:
 Bradford, Bradford, Isabelle

Types:
 memo

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

Image 21 r01b07-08-000-0072 [Contents](#) [Index](#) [About](#)



Names:

Cabiness, S. D.

Places:

Lewisburgh, TN

Types:

envelope



Names:

,Barney

Cabiness, S. D.

Scruggs,

Vandervoot,

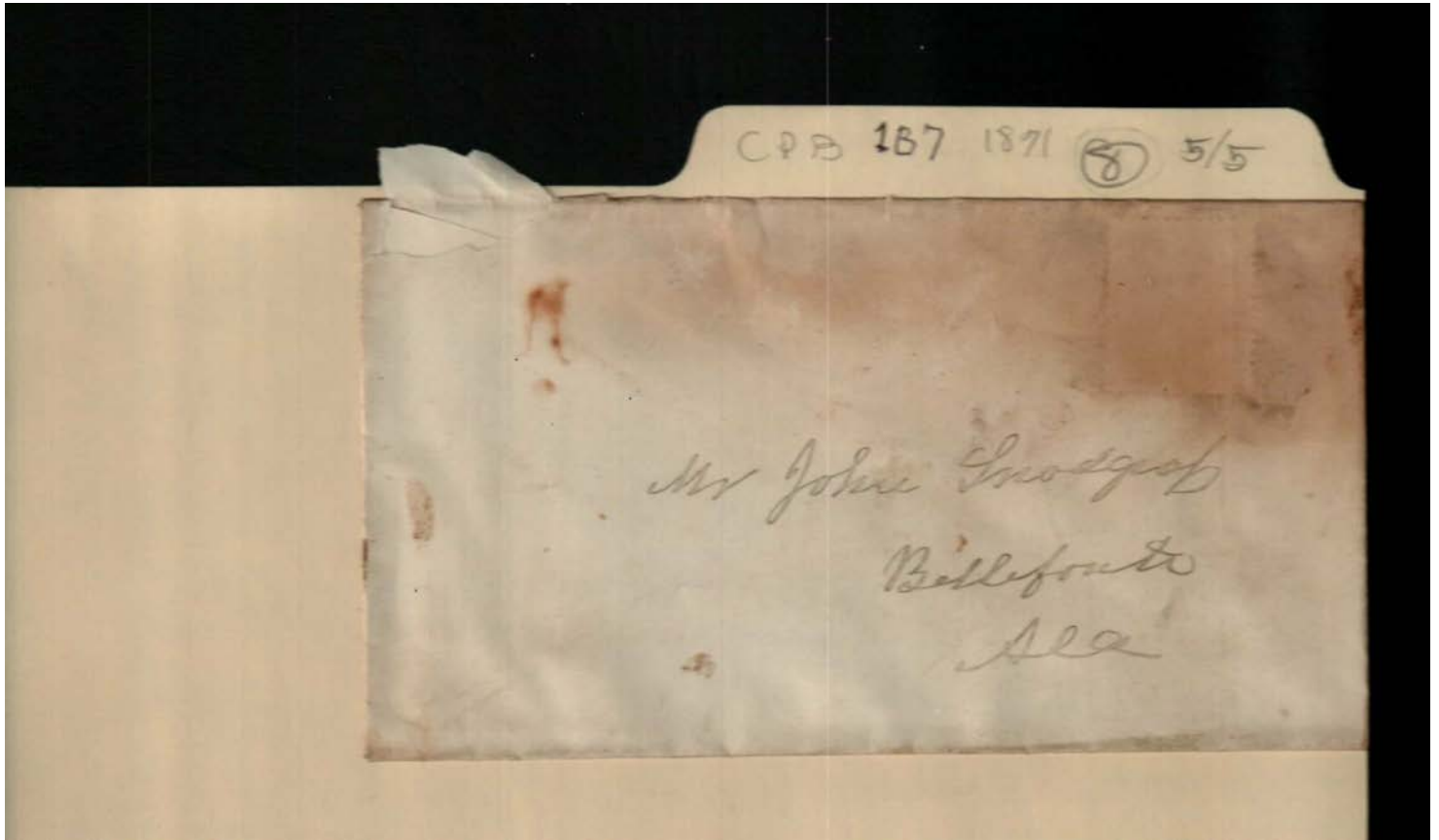
Types:

envelope

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

Image 23 r01b07-08-000-0074 [Contents](#) [Index](#) [About](#)



Names:

Snodgrass, John

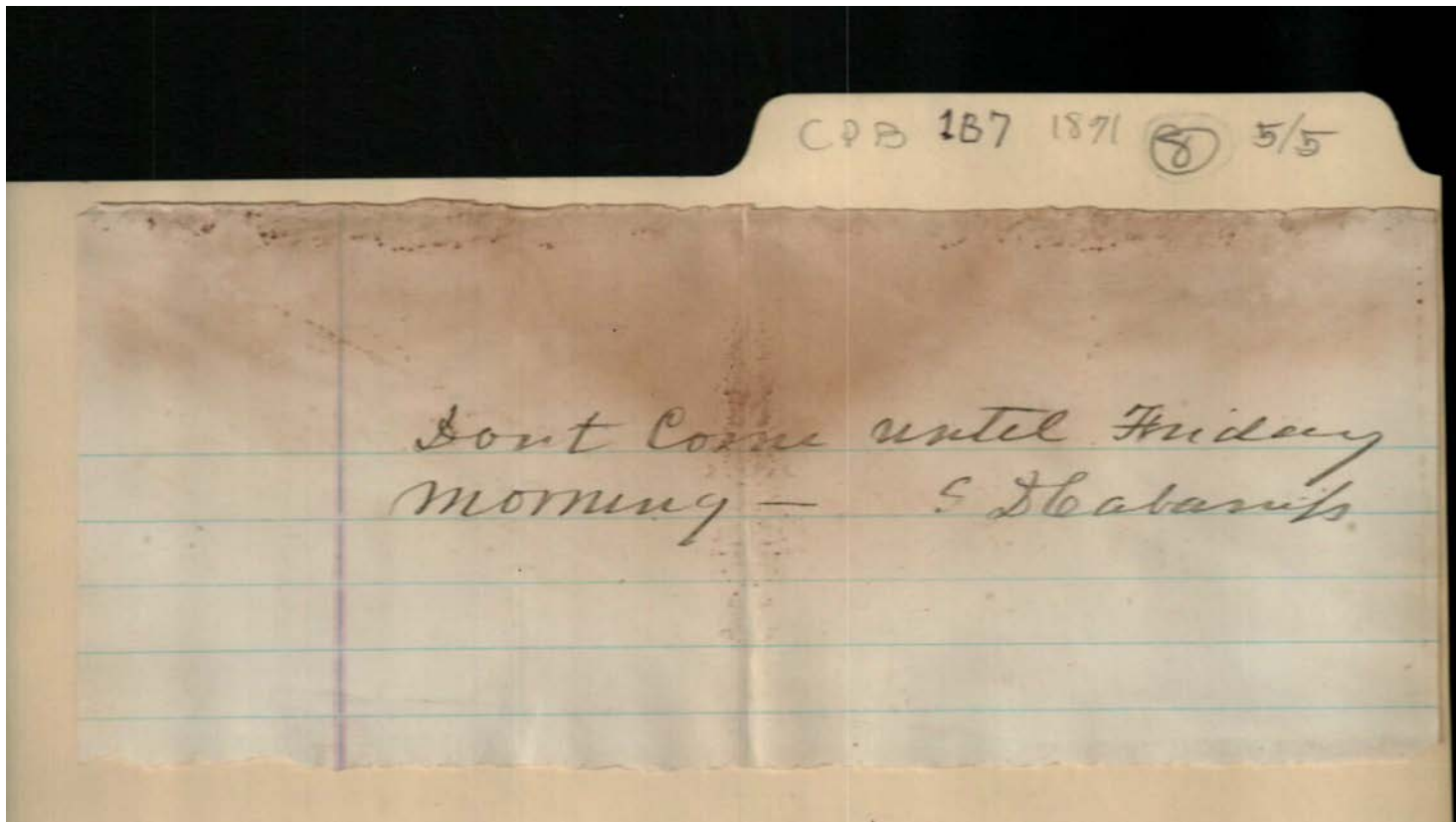
Types:

envelope

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

Image 24 r01b07-08-000-0075 [Contents](#) [Index](#) [About](#)



Names:

Cabiness, S. D.

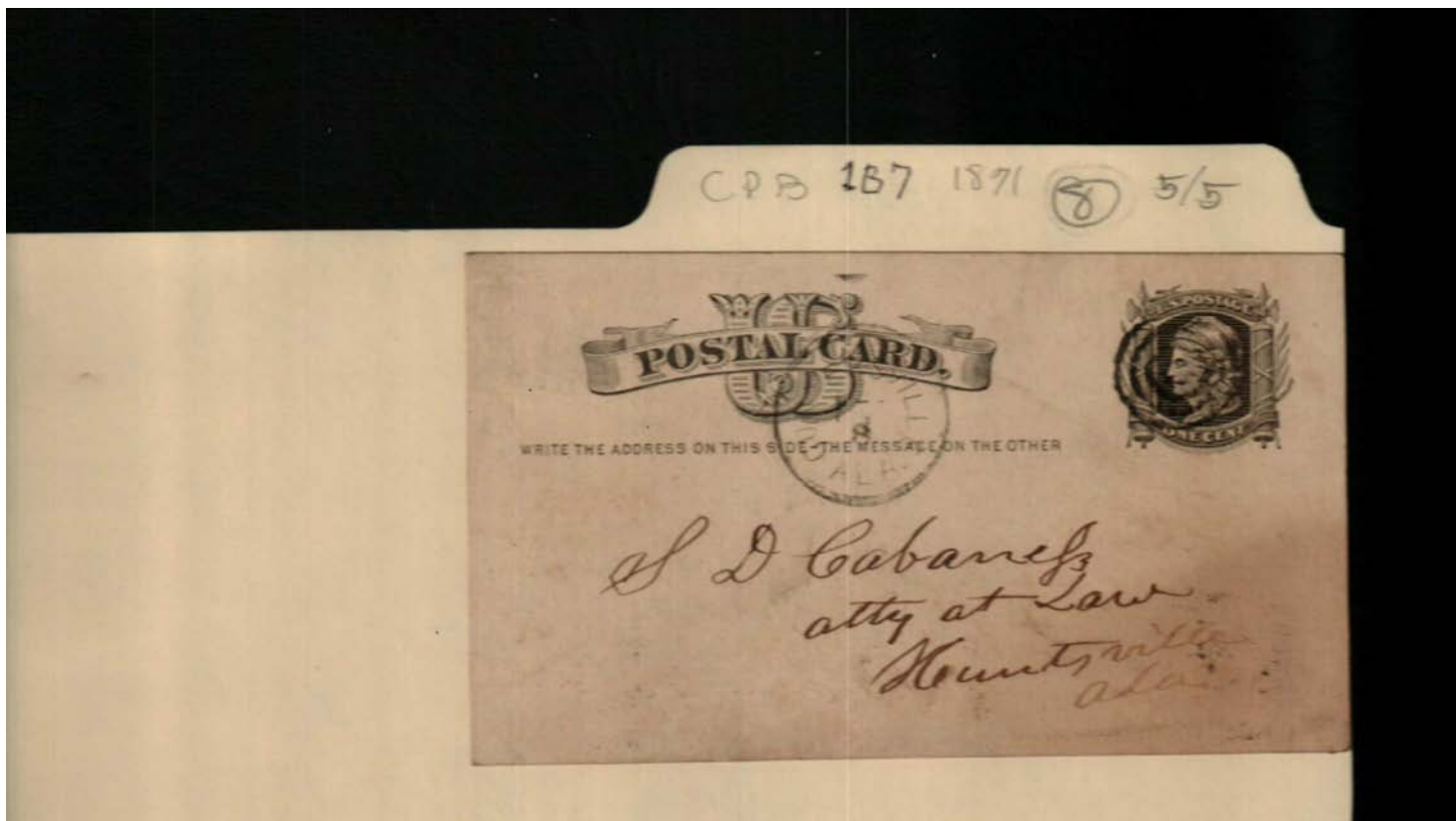
Types:

memo

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

Image 25 r01b07-08-000-0076 [Contents](#) [Index](#) [About](#)

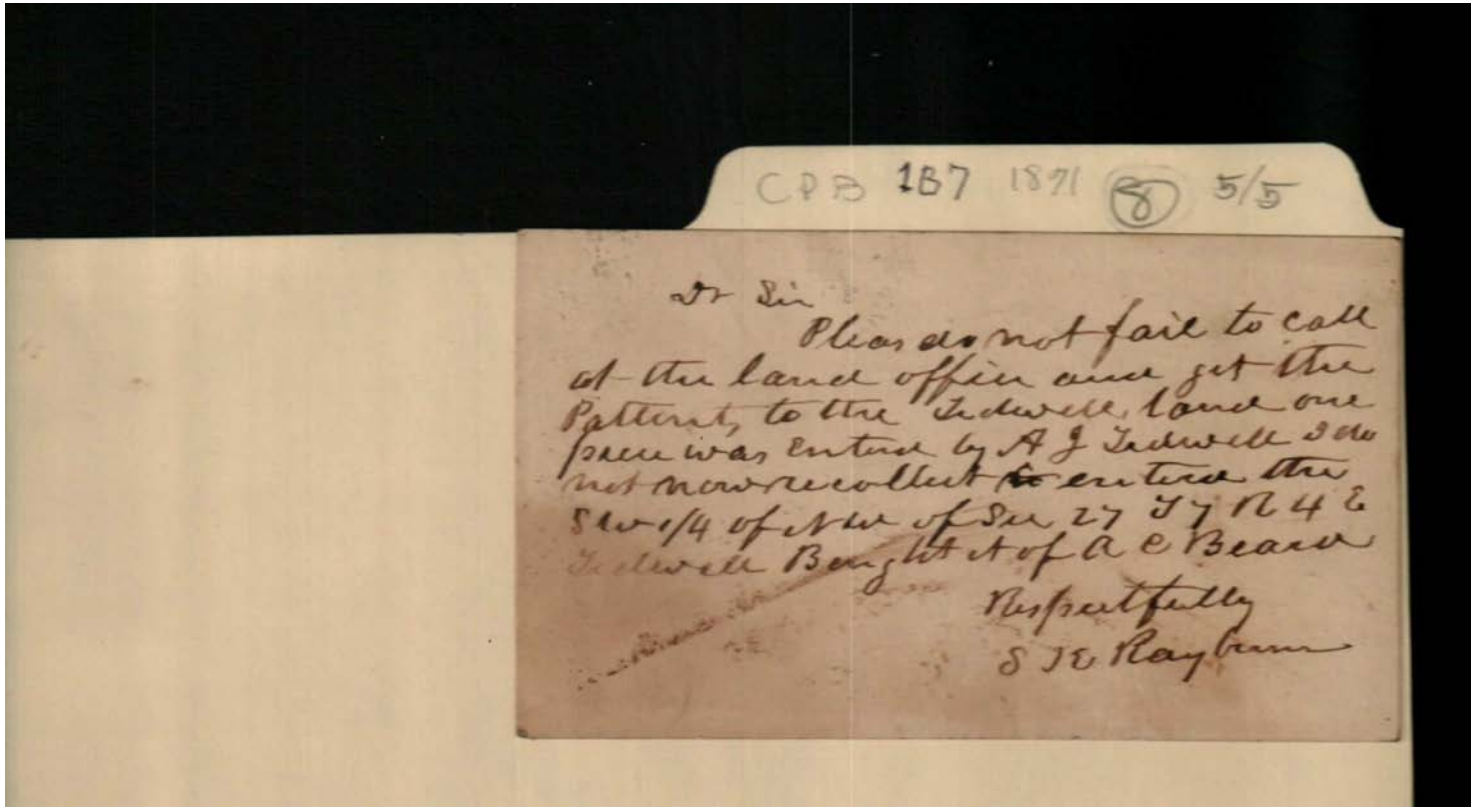


Names:

Cabiness, S. D.

Types:

envelope



Names:

Beard, A.C.

Rayburn, S. J. E.

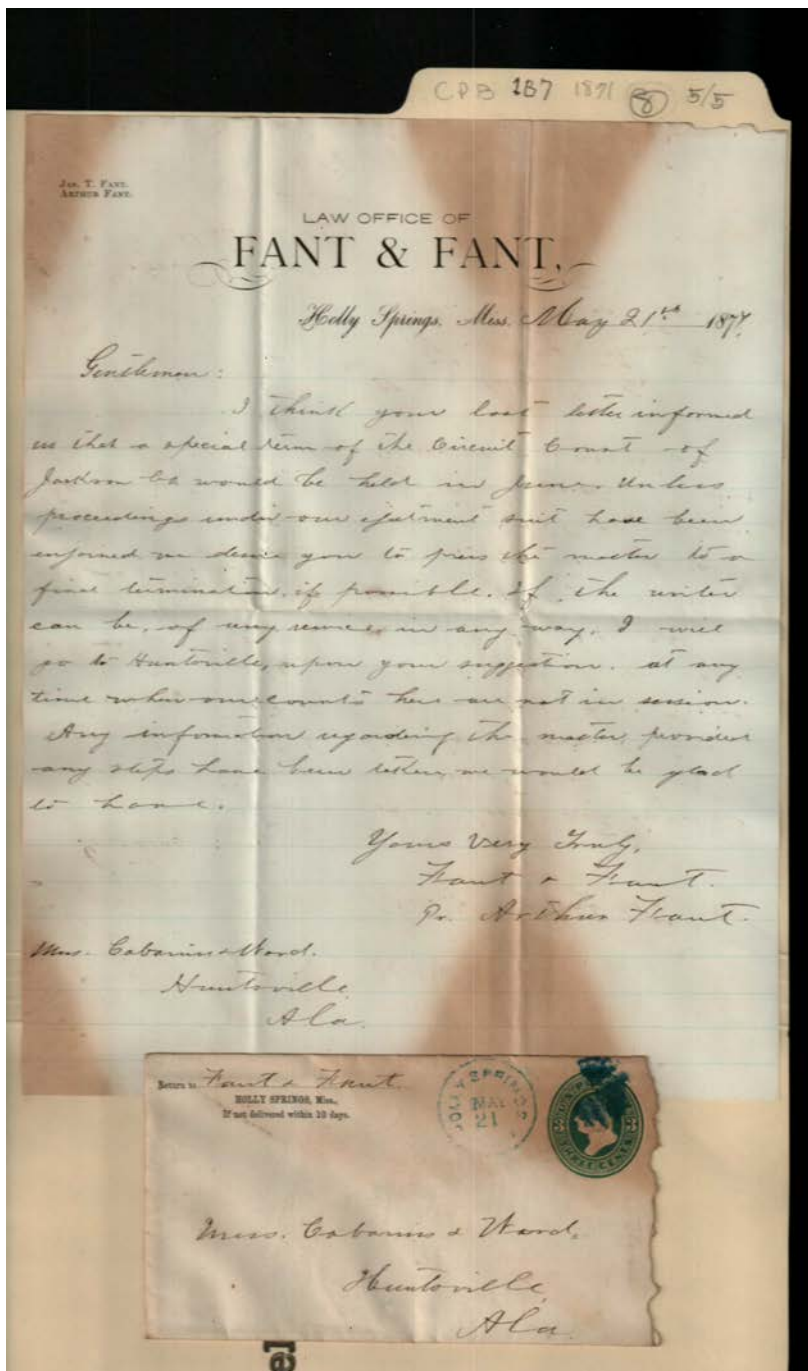
Tidwell, A. J.

Types:

letter

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8
Legal and court documents, 1871 (5 of 5)

Image 27 r01b07-08-000-0078 [Contents](#) [Index](#) [About](#)



Names:

Cabiniss,

Fant, Arthur

Fant, James T.

Ward,

Places:

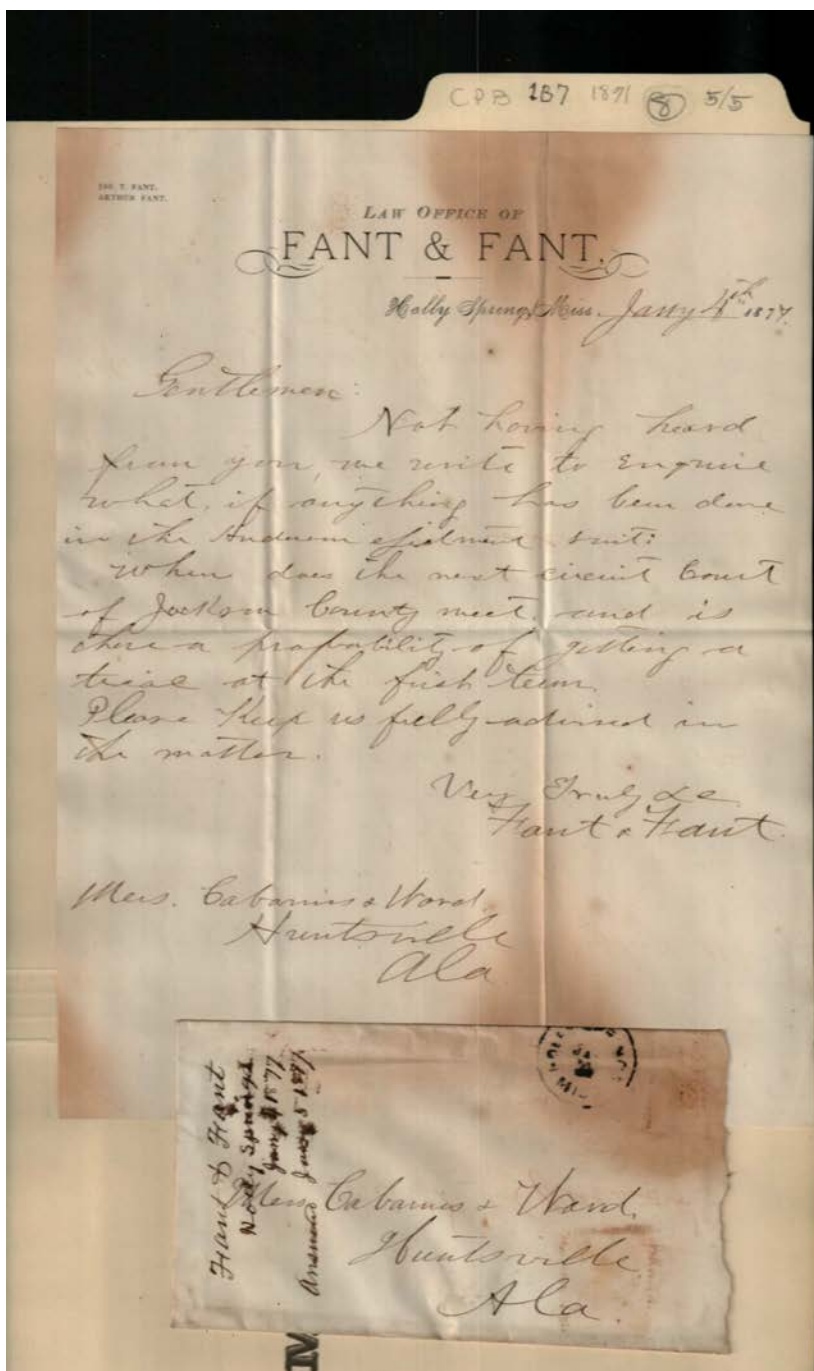
Holly Springs, MS

Types:

letter

Dates:

May 28, 1877



Names:

Anderson,
Cabiness,

Fant, Arthur
Fant, James T.

Ward,

Places:

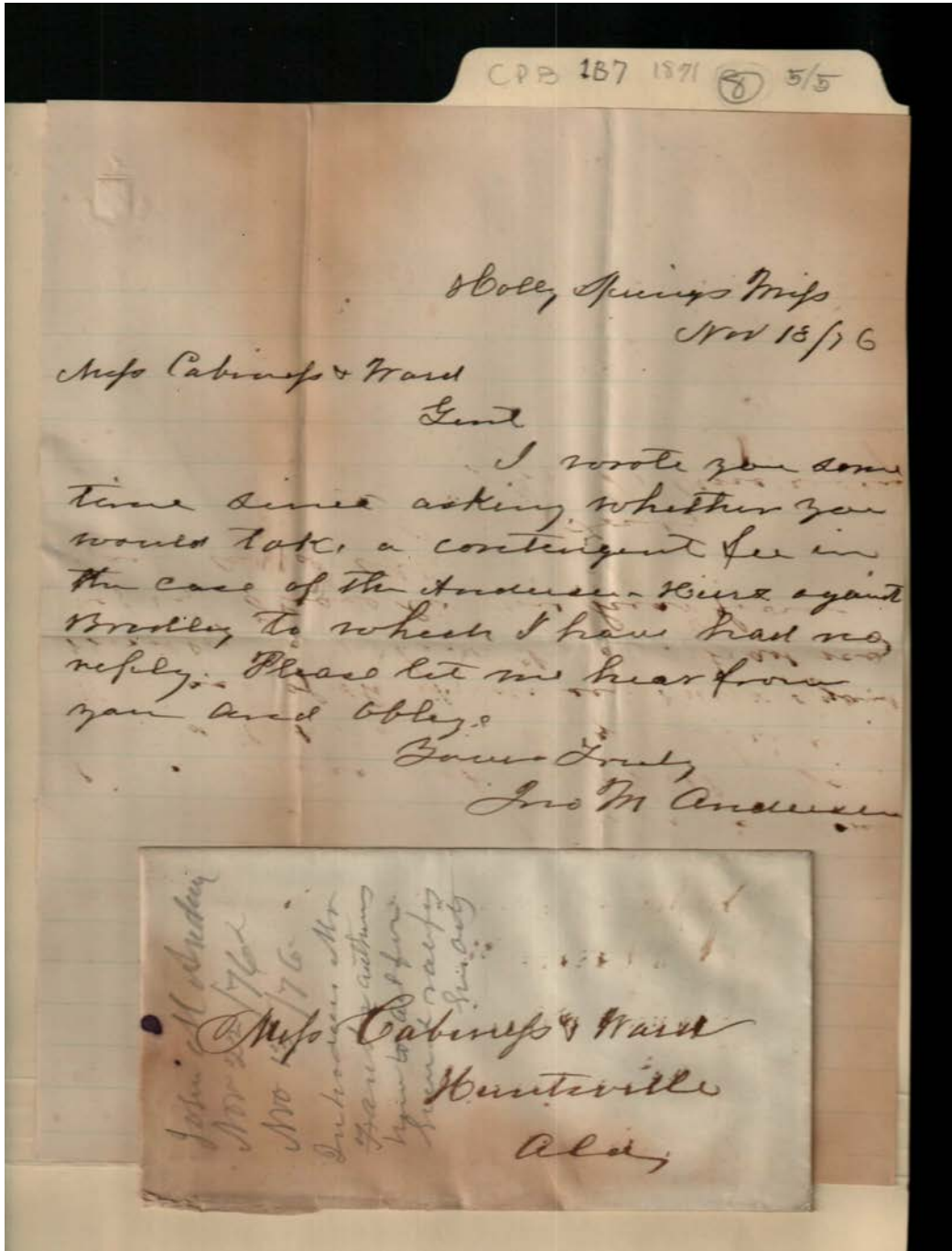
Holly Springs, MS

Types:

letter

Dates:

Jan 04, 1877



Names:

Anderson, John M.

Bradley,

Cabiniss,

Ward,

Places:

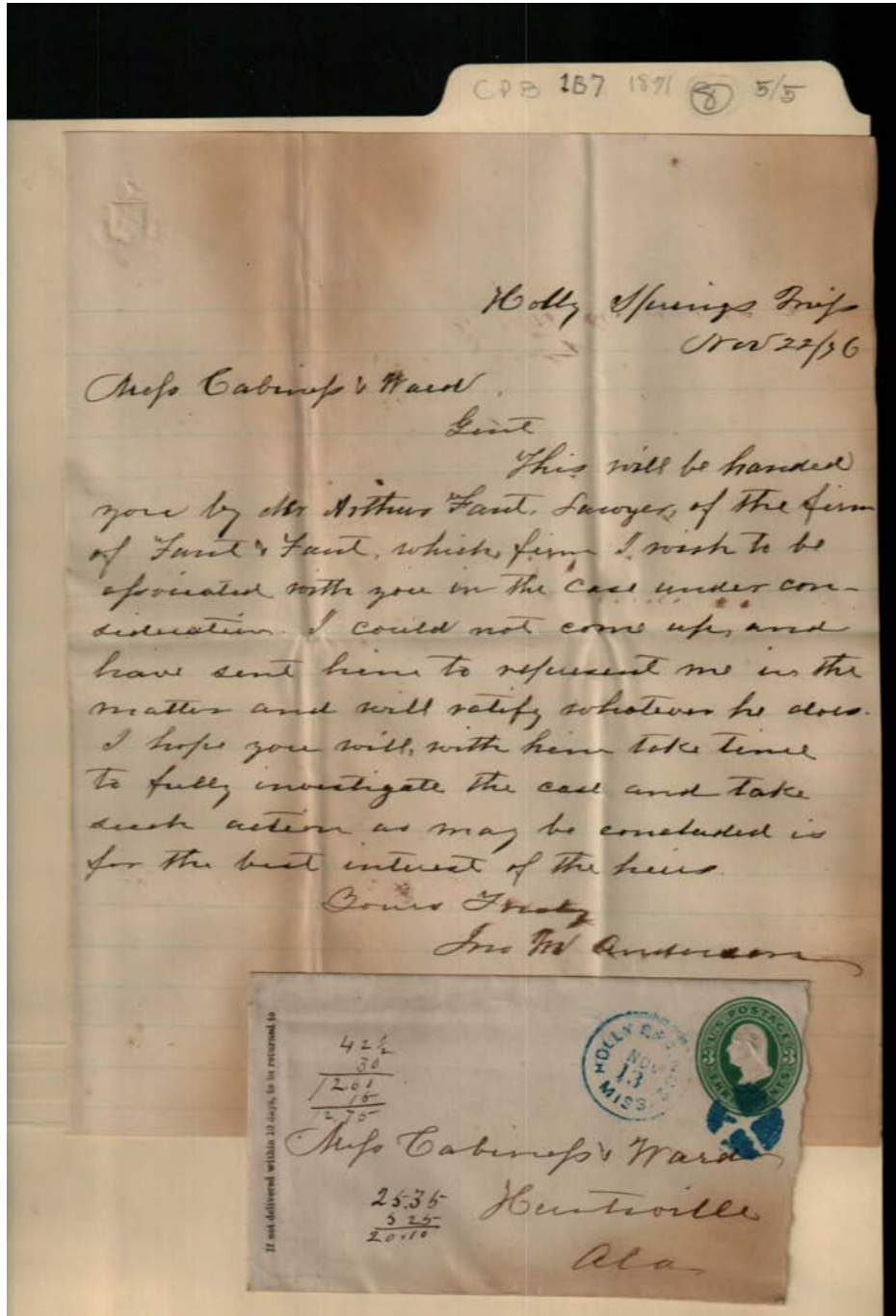
Holly Springs, MS

Types:

letter

Dates:

Nov 18, 1876



Names:

Anderson, John M.

Cabaniss,

Fant, Arthur

Ward,

Places:

Holly Springs, MS

Types:

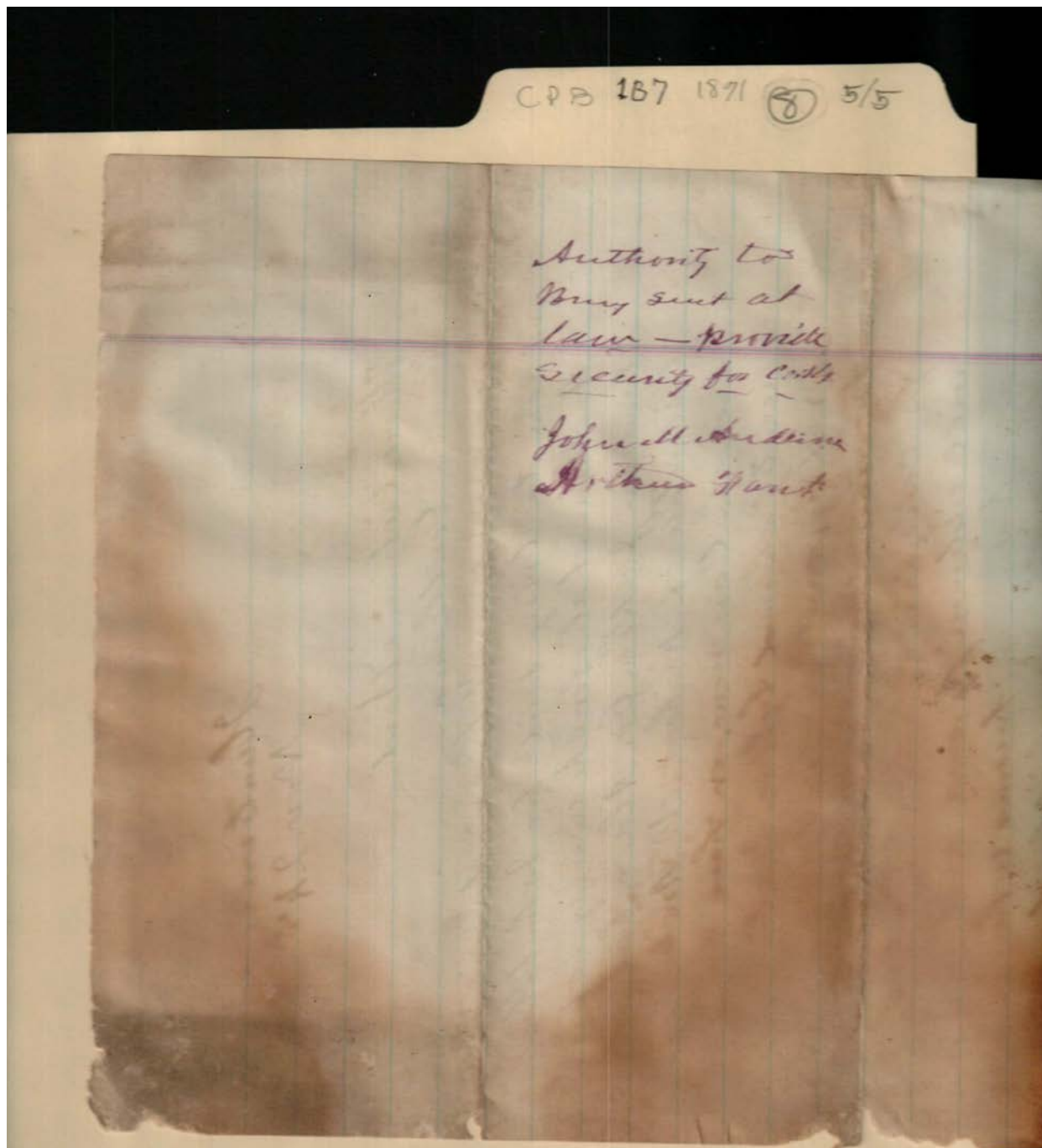
letter

Dates:

Nov 22, 1876

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8
Legal and court documents, 1871 (5 of 5)

Image 31 r01b07-08-000-0082 [Contents](#) [Index](#) [About](#)



Names:

Anderson, John M.

Fant, Arthur

Types:

memo

C.P.B. 167 1871 (8) 5/5

Huntsville,
Nov. 24th

Messrs. Cabaniss & Ward,
Gentlemen.

This is to authorize
you to bring suit for John M.
Anderson et al. for the recovery of the
lands in Jackson Co. Ala. which
were the title of Richard W. Anderson
and which are now, or have been
recently claimed by Mrs. Isabelle
Bradley and we hereby request you
to give a reasonable amount
for costs in said suit and we
will indemnify and hold harmless
any person or persons who
become bound or liable for costs
at your instance and request.

John M. Anderson
By Arthur Fant,
Agent & Attys.
Arthur Fant.

Names:

Anderson, John M.
Anderson, Richard
W.

Bradley, Isabelle,
Mrs.
Cabaniss,

Fant, Arthur
Ward,

Places:

Huntsville, AL

Types:

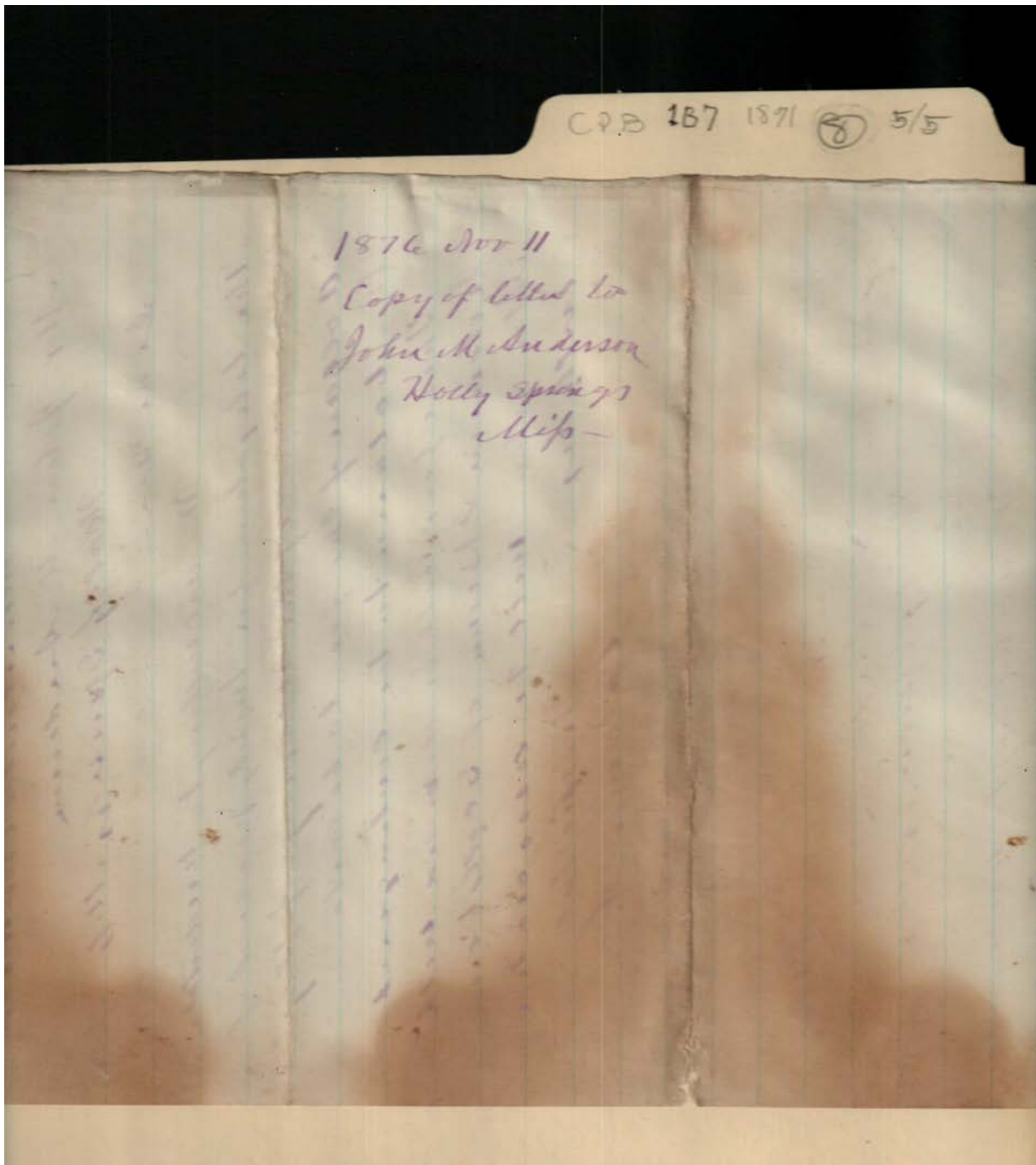
letter

Dates:

Nov 24,

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8
Legal and court documents, 1871 (5 of 5)

Image 33 r01b07-08-000-0084 [Contents](#) [Index](#) [About](#)



Names:

Anderson, John M.

Places:

Holly Springs, MS

Types:

memo

Dates:

1876

CPB 187 1871 (8) 5/5

Huntsville Nov 11 1876

Mr John M Anderson
Holly Springs Ala

Dear Sir -

We are willing to undertake
the litigation for twenty per cent of
the value of the recovery - fifty
dollars of the fee to be certain
the balance to be contingent

These fees will be divided with
Robinson & Brown of Scottsboro
Ala who will be associated
with us

Respectfully
Calvin H. Ward

Names:

Anderson, John M.
Brown,

Cabiniss,
Robinson,

Ward,

Places:

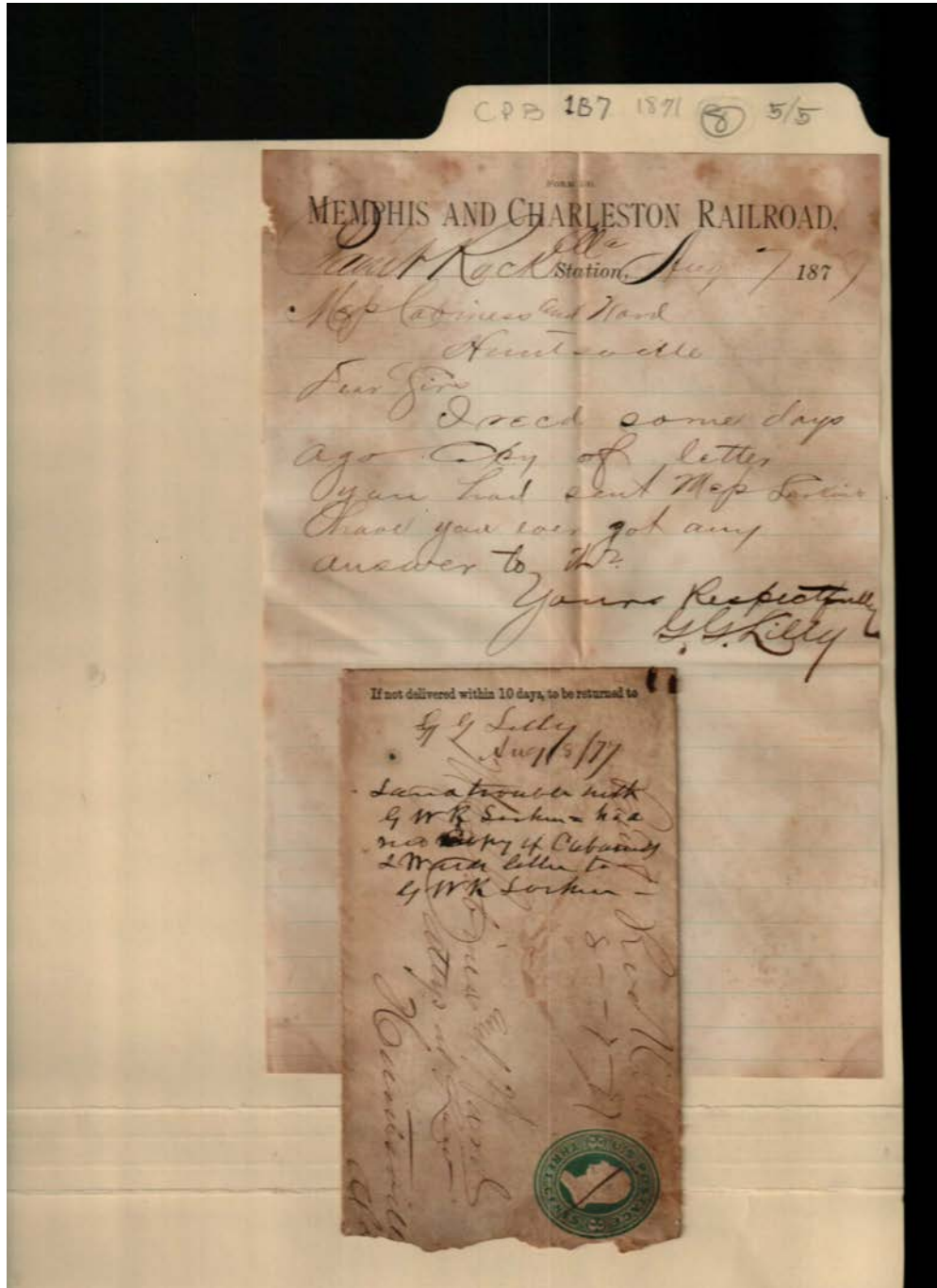
Huntsville, AL

Types:

letter

Dates:

Nov 11, 1876



Names:

Cabiniss,

Chase, Larkin, Miss

Lilly, G. G.

Ward,

Places:

Paint Rock Station,
AL

Types:

letter

Dates:

Aug 07, 1877

C.P.B. 187 1871 (8) 5/5

Tuscumbia Ala
April 15/871

Col S. D. Cabanis
Huntsville Ala

Sir:
I have not had any communication from you since your letter recd in Ark. Will you please visit me at this place and enclose the note of Thompson Gibbs & Mosely cancelled. I am here for a short time - and will plant my in Ark. Have the kindness to send with your letter a statement of Gibbs debt and interest to the time our note was compromised. I am Sir
Very Respectfully M. H. Thompson

Names:

Cabaniss, S. D., Col
Gibbs,

Mosely,
Thompson,

Thompson, M. H.

Places:

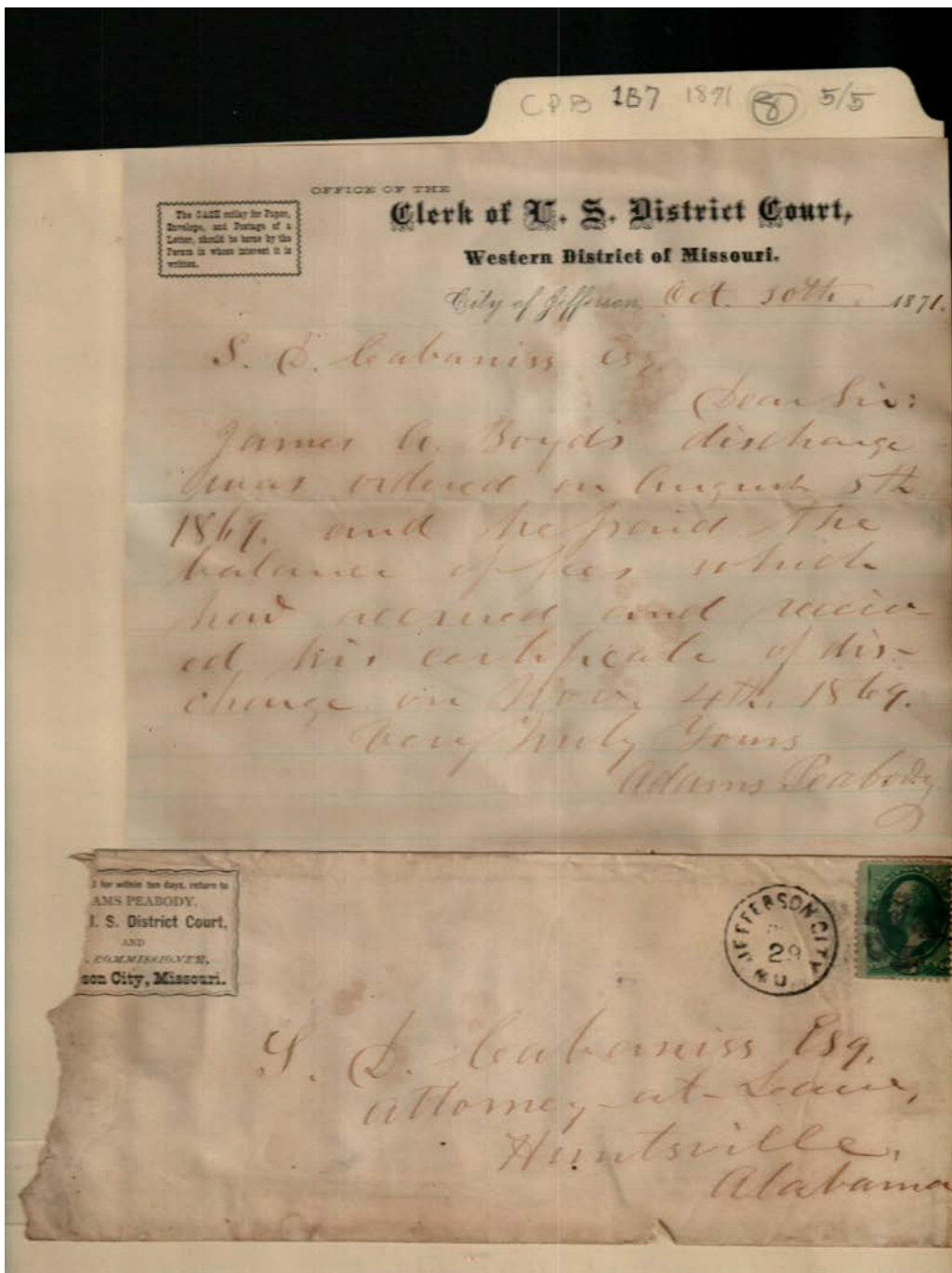
Tuscumbia, AL

Types:

letter

Dates:

Apr 15, 1871



Names:

Boyd, James A.

Cabiniss, S. D.

Peabody, Adams

Places:

Jefferson, MO

Types:

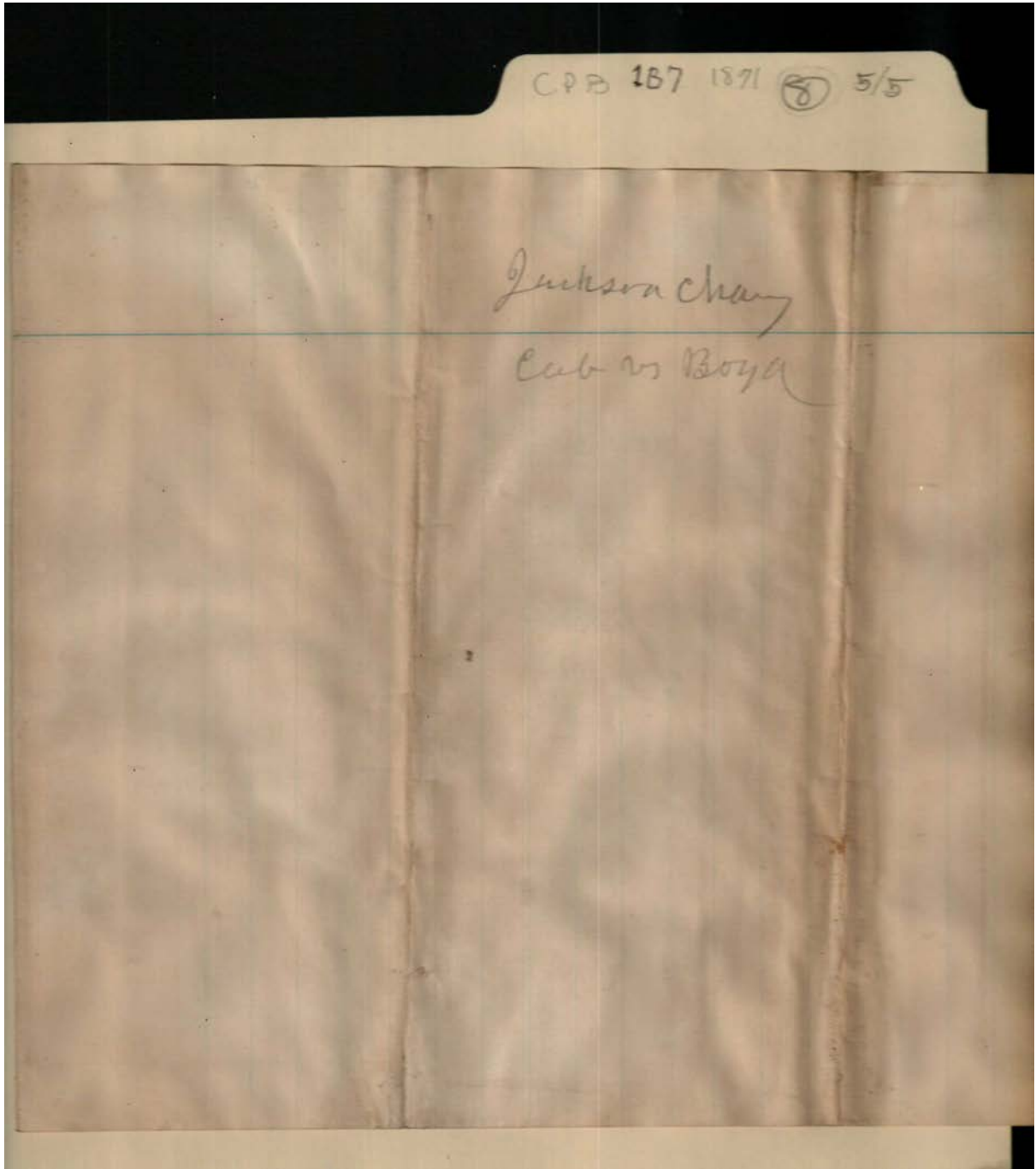
letter

Dates:

Oct 30, 1871

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8
Legal and court documents, 1871 (5 of 5)

Image 38 r01b07-08-000-0089 [Contents](#) [Index](#) [About](#)



Names:

Boyd,

Cabiness,

Types:

memo

C.P.B. 187 1871 (8) 5/5

1866 Nov 30 amt of chm for purchase mon
2 Int returned this day \$21529.55
Int to June 16 1870 of 6100.
On Aug 9 1869 by Bank of M K Jay
to order of Thos McCrany \$1807
Bal of Int \$4293 4293 00
Amt of Prd Int & purchase
May to June 16 1870 \$25,822.55

Names:

Jay, M. K.

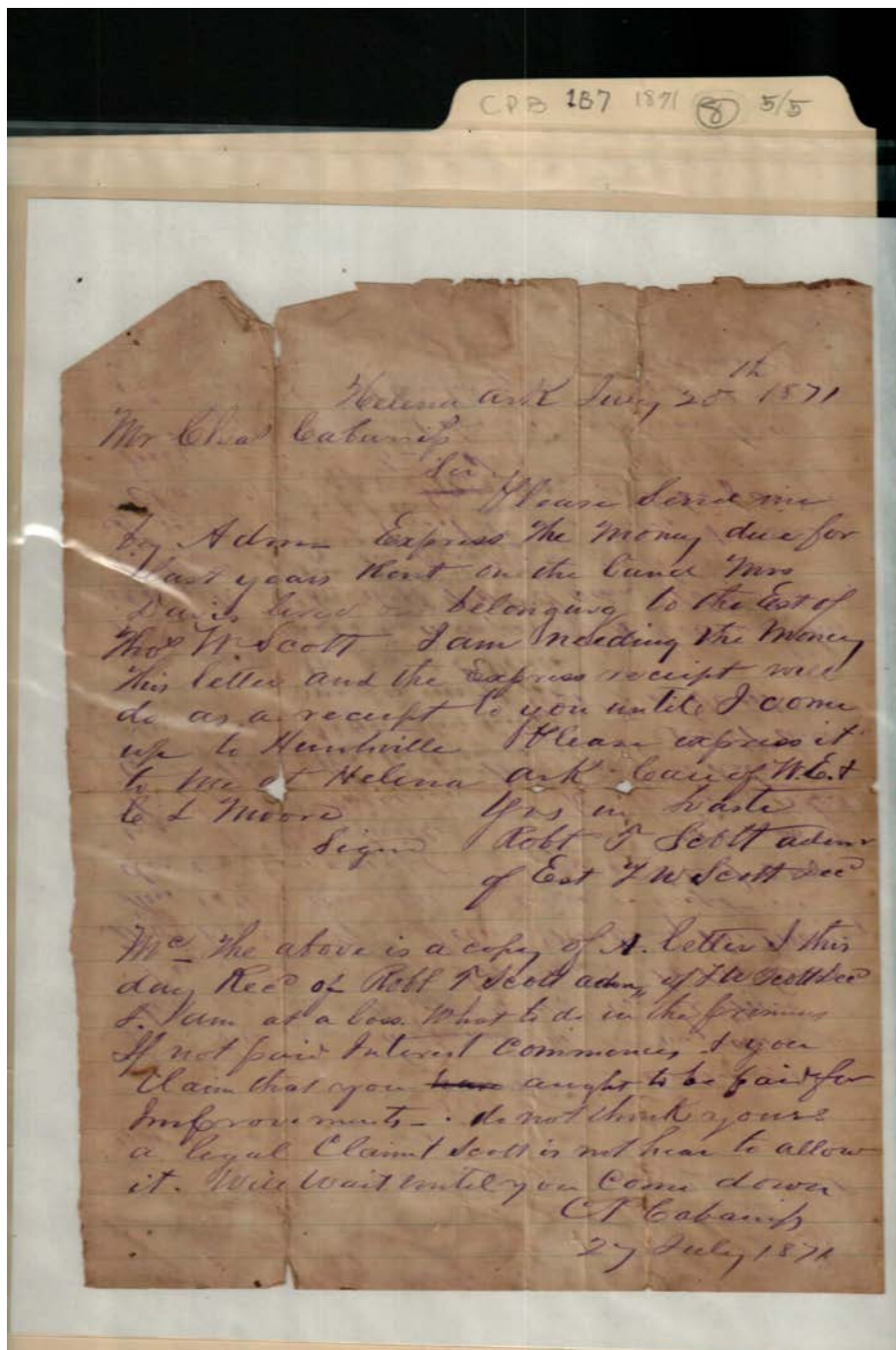
McCrany, Thomas

Types:

memo

Dates:

Nov 30, 1866



Names:

Cabiness, C. P.
Cabiness, Charles

Davis, Mrs.
Moore, C. L.

Moore, W. E.
Scott, Robert T.

Scott, T. W.
Scott, Thomas W.

Places:

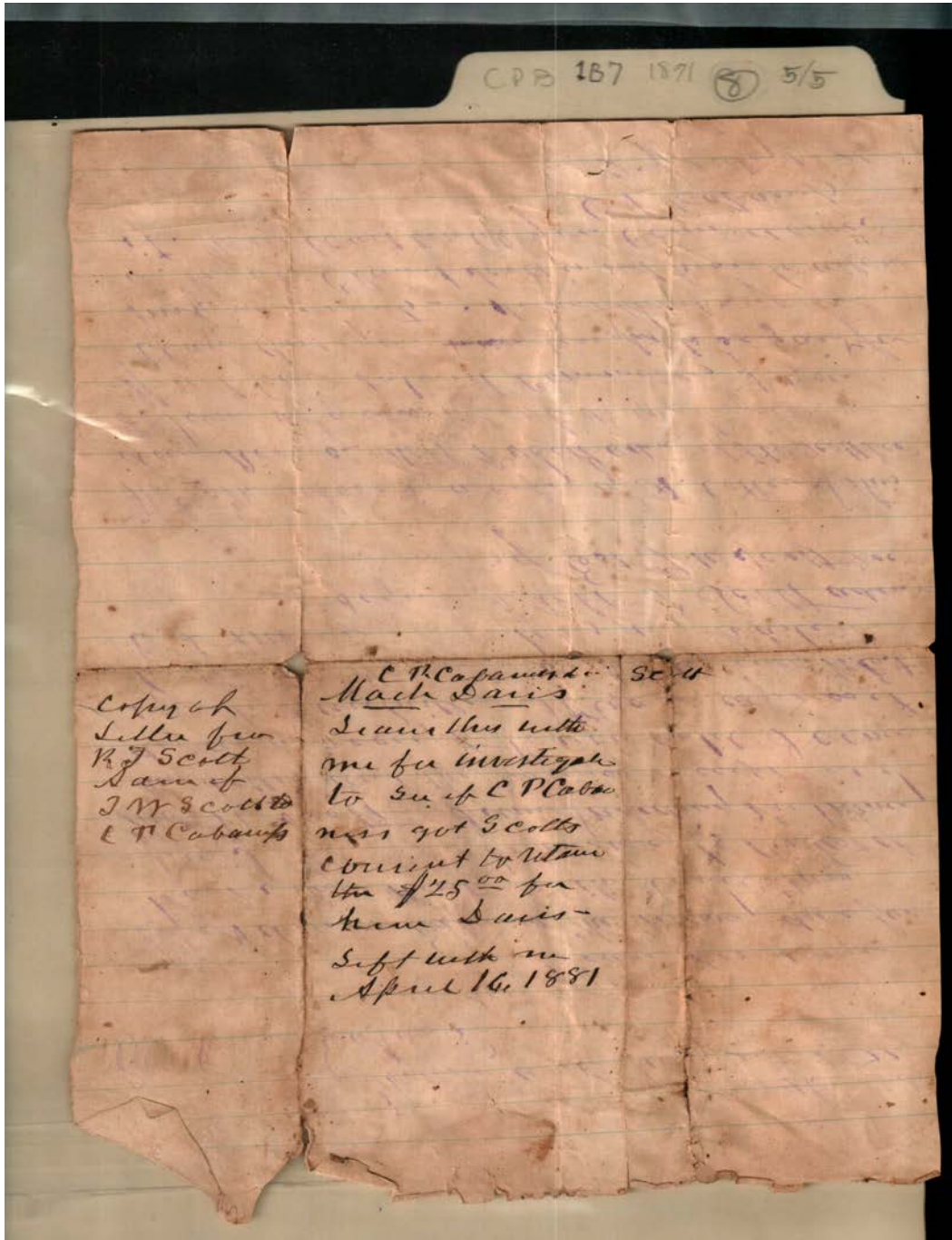
Helena, AR

Types:

letter

Dates:

Jul 25, 1871



Names:

Cabaniss, C. P.
Davis, Adam

Davis, Mack
Scott, R. J.

Scott, T. W.

Types:

memo

CPB 187 1871 5/5

Wm B. Edwards
James P. Springer

Dr		
1871		
July 1	To Amt of A/c for groceries	2105 87
	Int to Dec 1. 1873.	491 36
" "	Stm a/c for 1873	465 01
		109 50
		<u>\$3150.74</u>

James P. Springer
To Wm B. Edwards

1869		
Dec 16.	To Amt of goods sold this a/c	1949 64
	Int to Dec 1. 1873	616 95
1871		
July 1.	To Rent of Store house	150 00
	Int to Dec 1. 1873	35 88
1872		
July 1	To Store a/c goods sold	40 64
		6 23
		<u>2798 46</u>
		<u>\$382.28</u>

2 Notes drawn by to	310 50
with Int from July 1873	973 06
	<u>1283 56</u>
Or by Bal on a/c	382 28
	<u>\$1696.28</u>

\$1696.28

Names:

Edwards, William B.

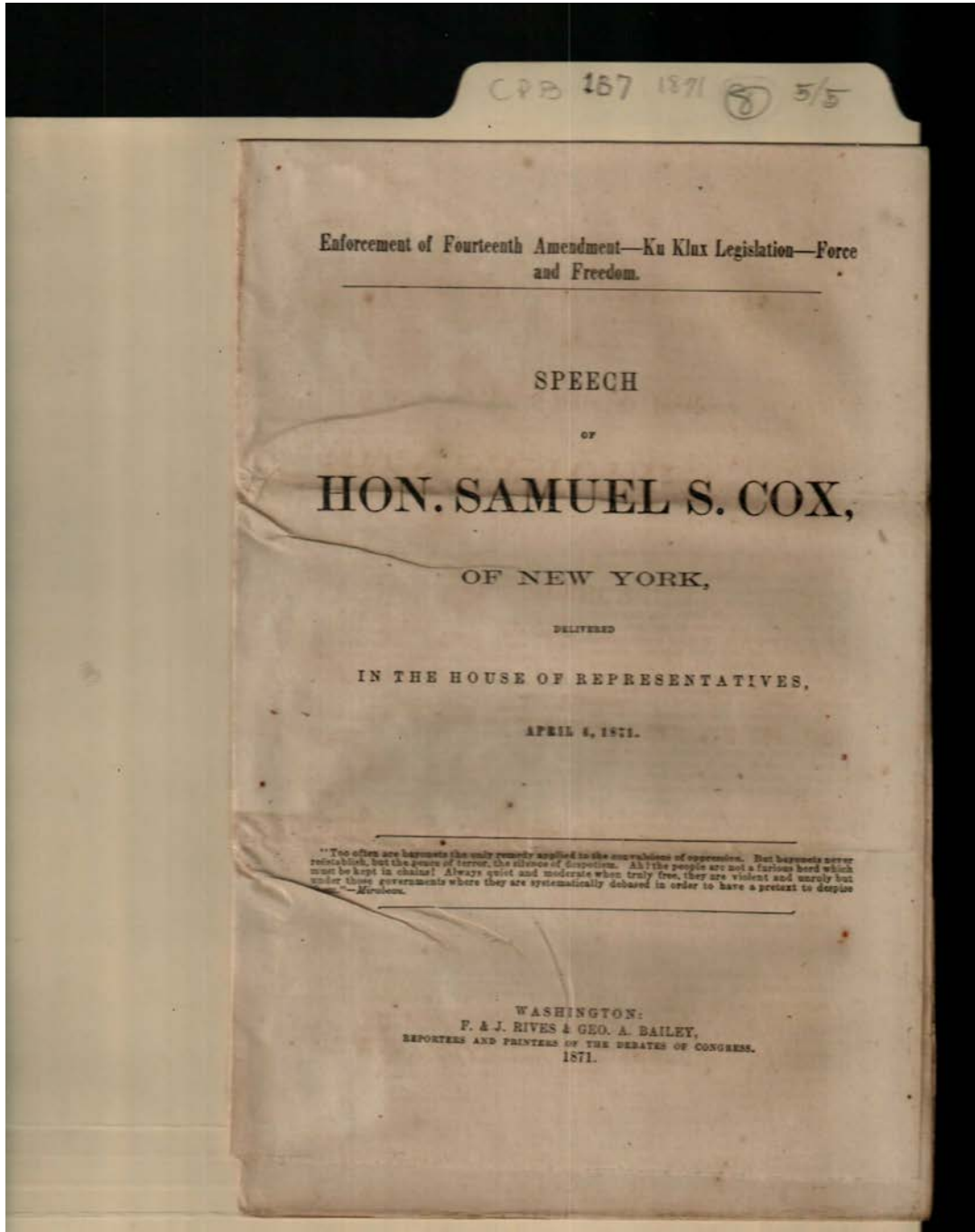
Springer, James P.

Types:

account

Dates:

1869-1871



Senate speech on KKK

Names:

Cox, Samuel S., Hon.

Places:

Washington, DC

Types:

brochure

Dates:

Apr 04, 1871

Enforcement of Fourteenth Amendment.

The House having under consideration the bill (H. R. No. 320) to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes—

Mr. COX said:

Mr. SPEAKER: We have just been listening to an extraordinary speech. It consisted of a philippic against the South, and a good deal of exaggeration about southern outrages. There was also a good deal of gratuitous advice given to the Democratic party. We did not ask for it. The gentleman from Massachusetts [Mr. BUTLER] is the chartered libertine of debate in this House. He has indulged to-day, malice-pretense, in an inflammatory harangue against violence, and yet he is the most violent man in this House. He has given us a speech in which there is not a single glimpse of benevolence to irradiate the gloom of its vindictive invective. He has, in his close, defended his party. It needs it. His ability as a lawyer might have made this debate interesting. But he only opened a door for a most undisciplined rabble of unproven statements and rumors. He appears here as the oracle of persecuted virtue, and yet he would inflame every heart with his own vengeance. He has already issued a "polluted philippic" against this side, charging us with murder and what not. Now he hurls the same at the heads of half the nation. So much for the animus of his speech!

Mr. Speaker, a Scotch chancellor once said:

"By our law in Scotland we clepe him an incendiary who kindleth the coals of contention and raiseth differences in the State to the public damage. He is *tanquam publicus hostis patrie*."

The gentleman from Massachusetts [Mr. BUTLER] comes under this category. He is full of contentions. He is an enemy of the State. He kindleth coals of discontent. I

know no one so thoroughly guilty as a public enemy.

He asked, Mr. Speaker, for one hour to have control of the executive department and of the Army and Navy. What for? To help the right and put down the wrong? Oh! The American people may have fallen from step to step into a large and gaping abyss in their politics, but they have not yet fallen to that lower abyss when the responsible powers of the Executive will ever be confided to the gentleman from Massachusetts.

He would like to lead an army of mercenaries, demagogues, and fanatics against the southern people. As the Speaker once said, the gentleman was in the fore front of the worst wing of secession. I do not know but that if he went out with such an army he would do as they are now doing in France, fraternize with those against whom he marched out to fight. [Laughter.]

He hurls his philippics, based upon thousand-tongued rumor, against better men than himself. He hurls them against men like Senator DAVIS, of Kentucky, and, in defiance of the rules of the House, abuses him not only for his age, but for something else. We all understand the motives of that abuse from the gentleman.

If this bill be, as the gentleman from Ohio [Mr. GARFIELD] says, outside the Constitution—

Mr. GARFIELD, of Ohio, (in his seat.) I did not say that.

Mr. COX. In the respect I consider it, you did. If it be a bill to establish martial law and to suspend the *habeas corpus* illegally, as you say, then it is outside the Constitution. Being so, it leads to pillage, massacre, and murder; but they are disguised by the solemnities of law. That excites in the gentleman from Massachusetts no compunction,

Senate speech on KKK

Names:

Butler, Mr.

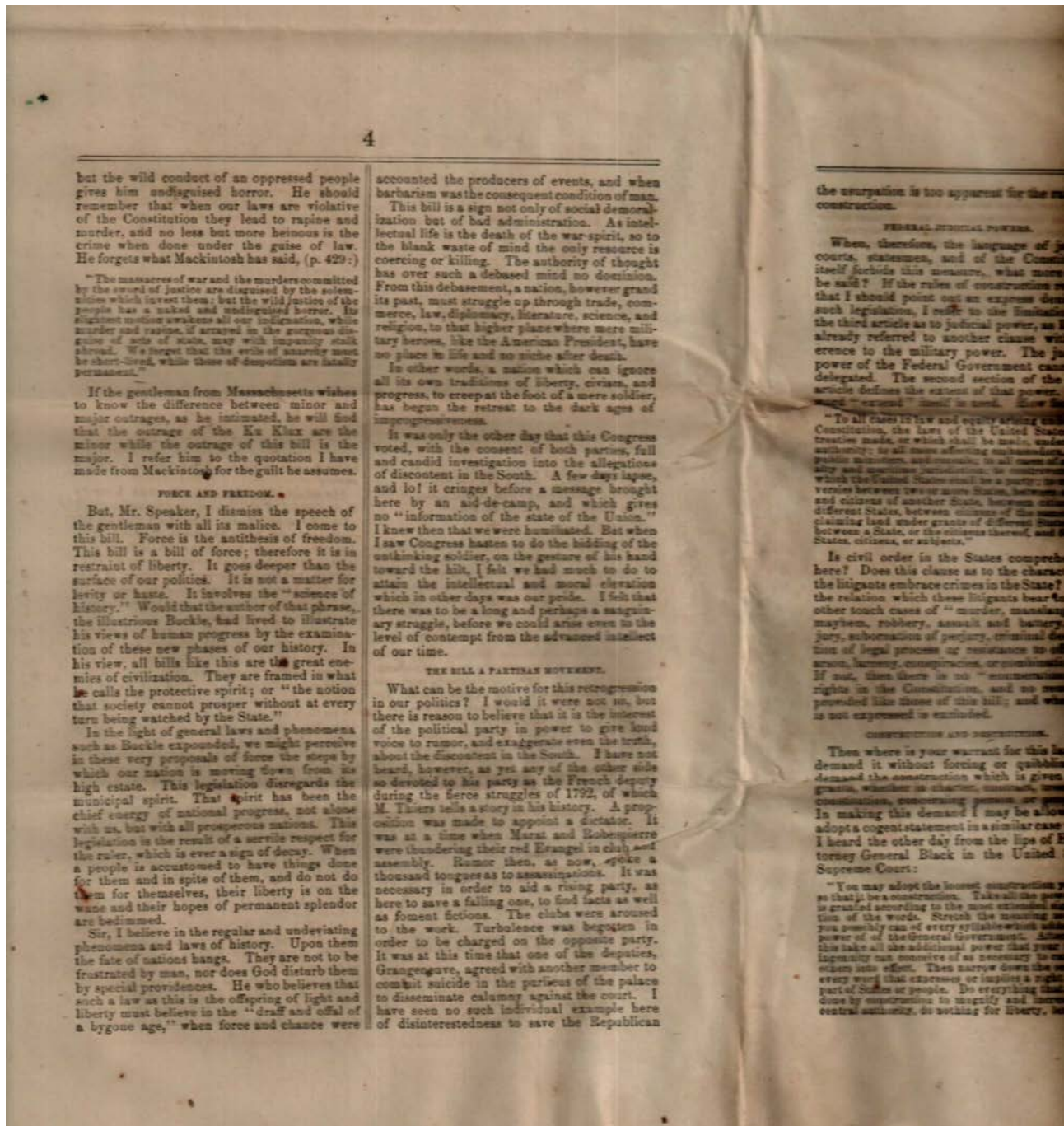
Cox, Mr.

Davis, Sen.

Garfield, Mr.

Types:

brochure



but the wild conduct of an oppressed people gives him undisguised horror. He should remember that when our laws are violative of the Constitution they lead to rapine and murder, and no less but more heinous is the crime when done under the guise of law. He forgets what Mackintosh has said, (p. 429:)

"The massacres of war and the murders committed by the sword of justice are disguised by the solemnities which invest them; but the wild justice of the people has a naked and undisguised horror. Its sternest motion awakens all our indignation, while murder and rapine, if arrayed in the gorgeous disguise of acts of state, may with impunity stalk abroad. We regret that the evils of anarchy must be short-lived, while those of despotism are fatally permanent."

If the gentleman from Massachusetts wishes to know the difference between minor and major outrages, as he intimated, he will find that the outrage of the Ku Klux are the minor while the outrage of this bill is the major. I refer him to the quotation I have made from Mackintosh for the guilt he assumes.

FORCE AND FREEDOM.

But, Mr. Speaker, I dismiss the speech of the gentleman with all its malice. I come to this bill. Force is the antithesis of freedom. This bill is a bill of force; therefore it is in restraint of liberty. It goes deeper than the surface of our politics. It is not a matter for levity or haste. It involves the "science of history." Would that the author of that phrase, the illustrious Buckle, had lived to illustrate his views of human progress by the examination of these new phases of our history. In his view, all bills like this are the great enemies of civilization. They are framed in what he calls the protective spirit; or "the notion that society cannot prosper without at every turn being watched by the State."

In the light of general laws and phenomena such as Buckle expounded, we might perceive in these very proposals of force the steps by which our nation is moving down from its high estate. This legislation disregards the municipal spirit. That spirit has been the chief energy of national progress, not alone with us, but with all prosperous nations. This legislation is the result of a servile respect for the ruler, which is ever a sign of decay. When a people is accustomed to have things done for them and in spite of them, and do not do them for themselves, their liberty is on the wane and their hopes of permanent splendor are bedimmed.

Sir, I believe in the regular and undeviating phenomena and laws of history. Upon them the fate of nations hangs. They are not to be frustrated by man, nor does God disturb them by special providences. He who believes that such a law as this is the offspring of light and liberty must believe in the "draft and offal of a bygone age," when force and chance were

accounted the producers of events, and when barbarism was the consequent condition of man.

This bill is a sign not only of social demoralization but of bad administration. As intellectual life is the death of the war-spirit, so to the blank waste of mind the only resource is coercing or killing. The authority of thought has over such a debased mind no dominion. From this debasement, a nation, however grand its past, must struggle up through trade, commerce, law, diplomacy, literature, science, and religion, to that higher plane where mere military heroes, like the American President, have no place in life and no niche after death.

In other words, a nation which can ignore all its own traditions of liberty, civian, and progress, to creep at the foot of a mere soldier, has begun the retreat to the dark ages of imprudence.

It was only the other day that this Congress voted, with the consent of both parties, full and candid investigation into the allegations of discontent in the South. A few days later, and lo! it cringes before a message brought here by an aid-de-camp, and which gives no "information of the state of the Union." I knew then that we were humiliated. But when I saw Congress hasten to do the bidding of the outthanking soldier, on the gesture of his hand toward the bill, I felt we had much to do to attain the intellectual and moral elevation which in other days was our pride. I felt that there was to be a long and perhaps a sanguinary struggle, before we could arise even to the level of contempt from the advanced intellect of our time.

THE BILL A PARTISAN MOVEMENT.

What can be the motive for this retrogression in our politics? I would it were not so, but there is reason to believe that it is the interest of the political party in power to give loud voice to rumor, and exaggerate even the truth, about the discontent in the South. I have not heard, however, as yet any of the other side so devoted to his party as the French deputy during the fierce struggles of 1792, of which M. Thiers tells a story in his history. A proposition was made to appoint a dictator. It was at a time when Marat and Robespierre were thundering their red Evangel in club and assembly. Rumor then, as now, spoke a thousand tongues as to assassinations. It was necessary in order to aid a rising party, as here to save a falling one, to find facts as well as foment fictions. The clubs were aroused to the work. Turbulence was begotten in order to be charged on the opposite party. It was at this time that one of the deputies, Grangevau, agreed with another member to commit suicide in the parlous of the palace to disseminate calumny against the court. I have seen no such individual example here of disinterestedness to save the Republican

the usurpation is too apparent for the reconstruction.

FEDERAL JUDICIAL POWERS.

When, therefore, the language of a court, statesman, and of the Constitution itself forbids this usurpation, what more be said? If the rules of construction be that I should point out an express grant such legislation, I refer to the limitation the third article as to judicial power, as I already referred to another clause with reference to the military power. The power of the Federal Government cannot be delegated. The second section of the article defines the extent of that power, and "express" shall be used. How is

"To all cases in law and equity arising under the Constitution, the laws of the United States treaties made, or which shall be made, under authority: to all cases affecting ambassadors, consuls, ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies which the United States shall be a party; to controversies between two or more States, between States and citizens of another State, between States and citizens of the same State, between citizens of different States, between citizens of the same State claiming land under grants of different States between a State, or the citizens thereof, and a State, citizen, or subject."

Is civil order in the States comprehended here? Does this clause as to the character the litigants embrace crimes in the State? the relation which these litigants bear to other touch cases of "murder, manslaughter, mayhem, robbery, assault and battery, jury, subornation of perjury, criminal distast of legal process or resistance to all arrest, battery, conspiracies, or combinations. If not, then there is no "enumeration" rights in the Constitution, and no new precedents like those of this bill; and who is not expressed to be excluded.

CONSTRUCTION AND INTERPRETATION.

Then where is your warrant for this demand without forcing or quibbling demand the construction which is given, granted, whether in character, content, use, construction, concerning power, or use. In making this demand I may be allowed to adopt a cogent statement in a similar case I heard the other day from the lips of E. Torrey General Black in the United States Supreme Court:

"You may adopt the loosest construction so that it be a construction. Take all the power is granted according to the most extended relation of the words. Stretch the meaning as you possibly can of every syllable which adds power of the Federal Government. Allow this take all the additional power that your ingenuity can conceive of as necessary to an extreme effect. Then narrow down the meaning every word that expresses or implies a right part of justice or people. Do everything thus done by construction to magnify and increase central authority, do nothing for liberty, do

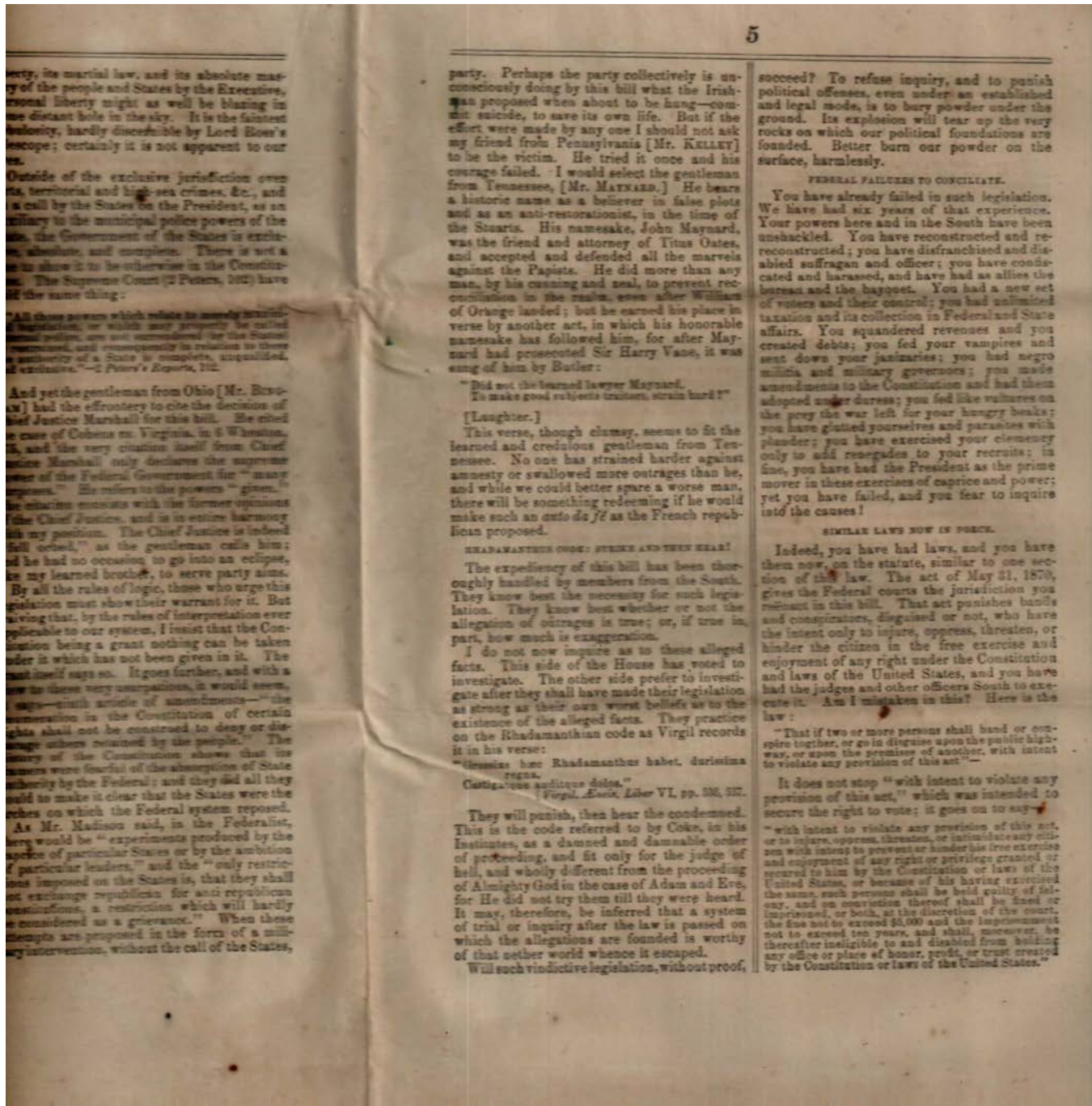
Senate speech on KKK

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Buckle,

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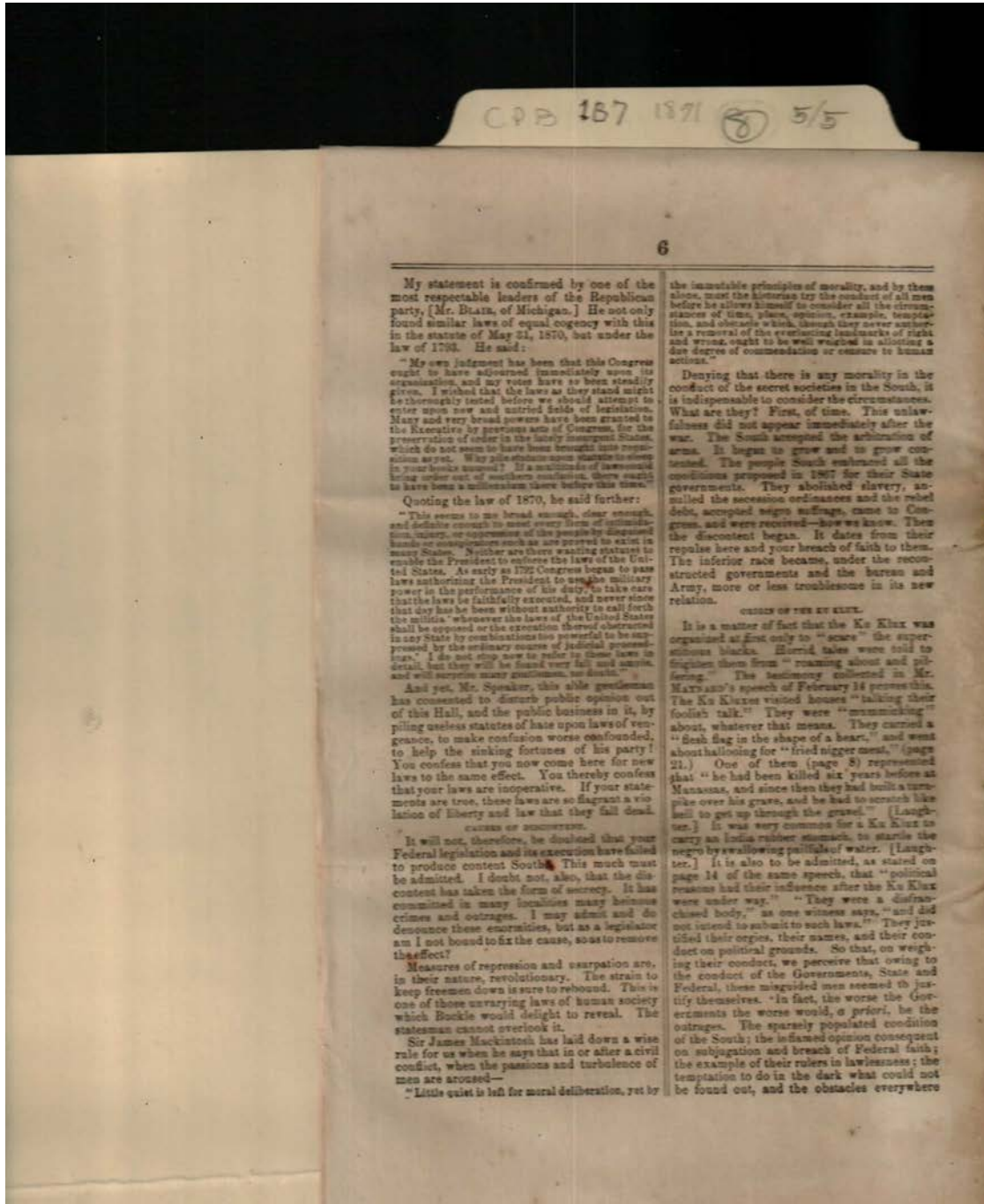
Butler,
Kelley, Mr.

Maynard, John
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Oates, Titius
Vane, Harry, Sir

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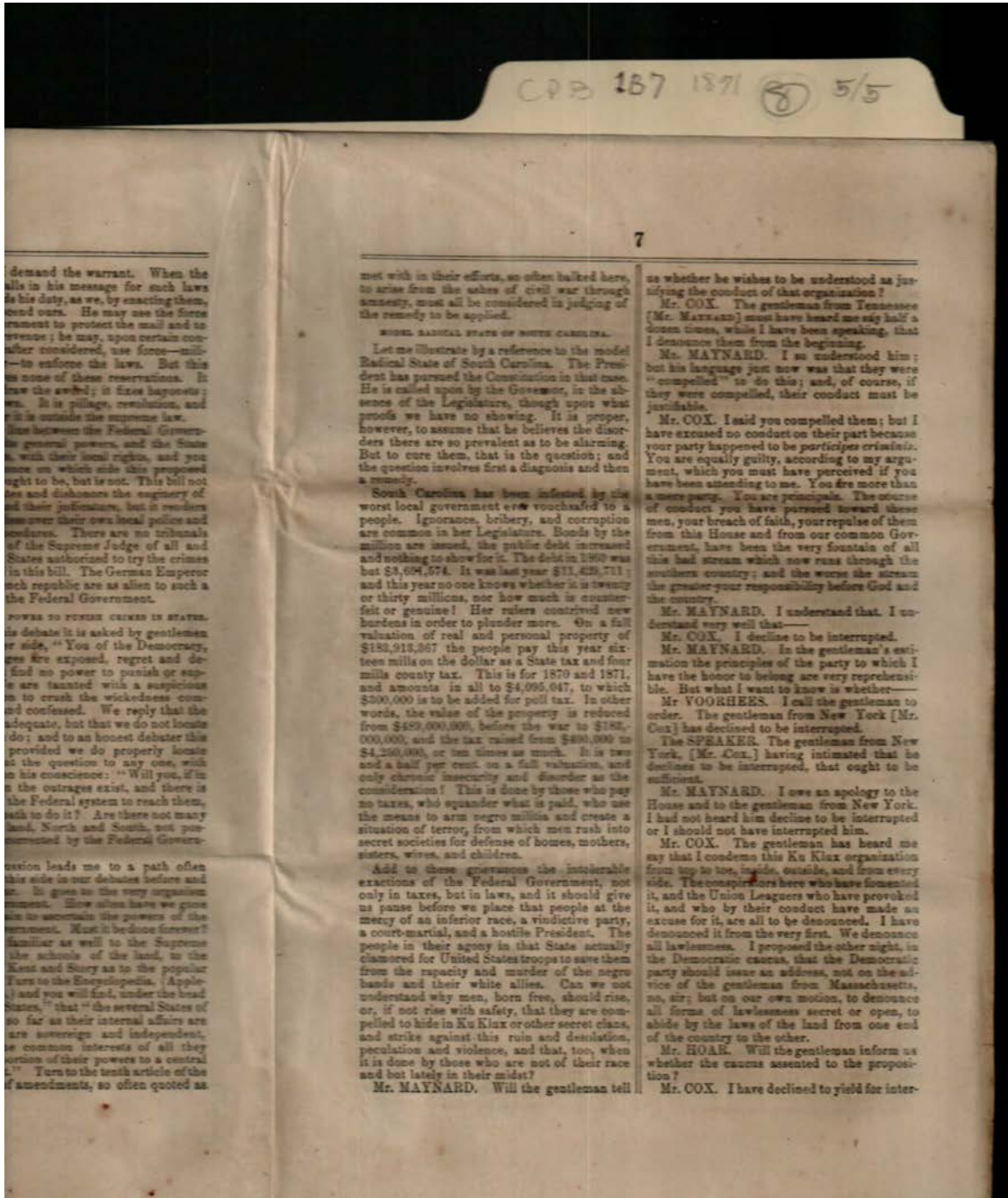
Blair, Mr.

Mackintosh, James,
Sir

Maynard, Mr.

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Senate speech on KKK

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Cox, Mr.

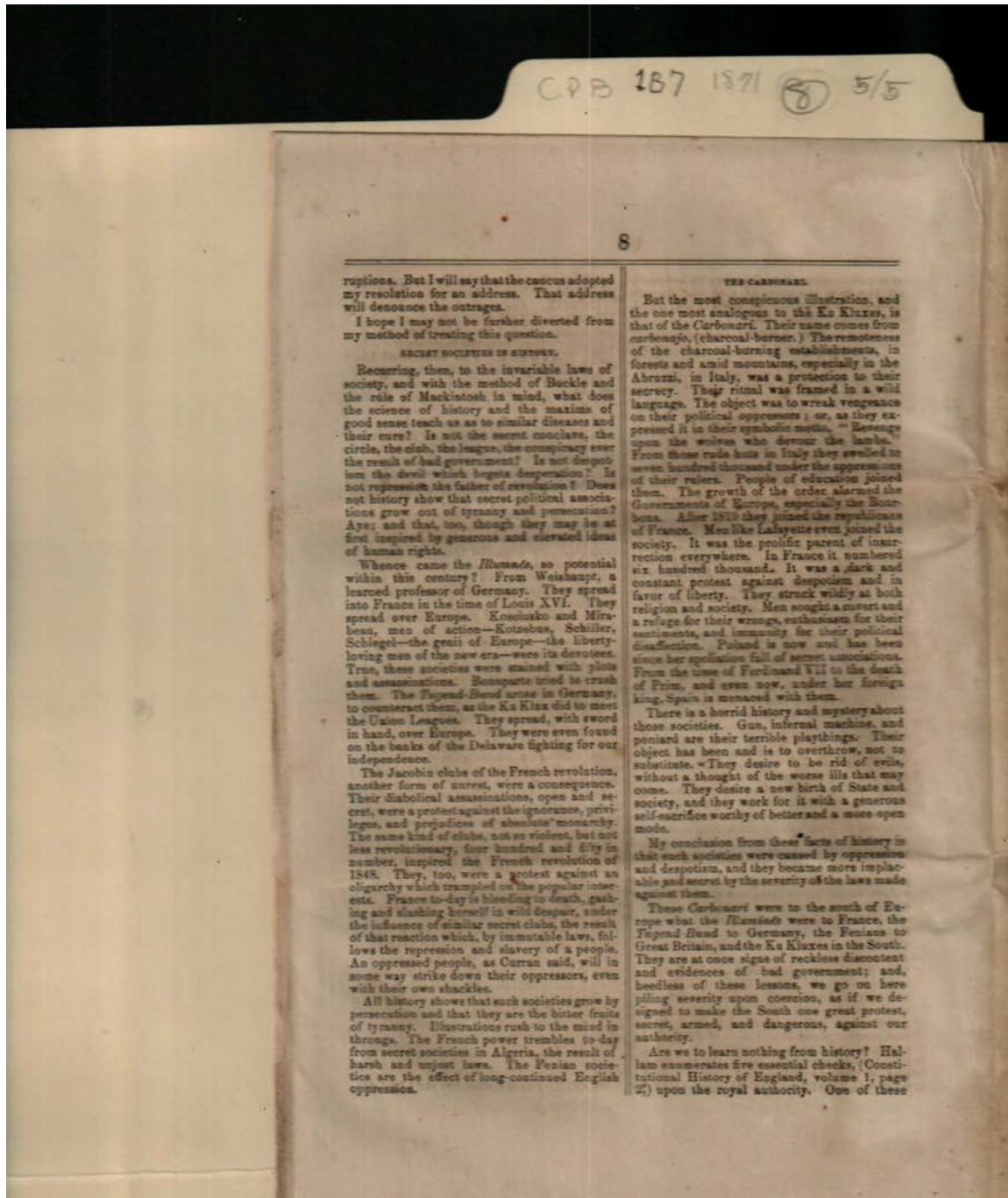
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Maynard, Mr.

Voorhees, Mr.

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Senate speech on KKK

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Curran,

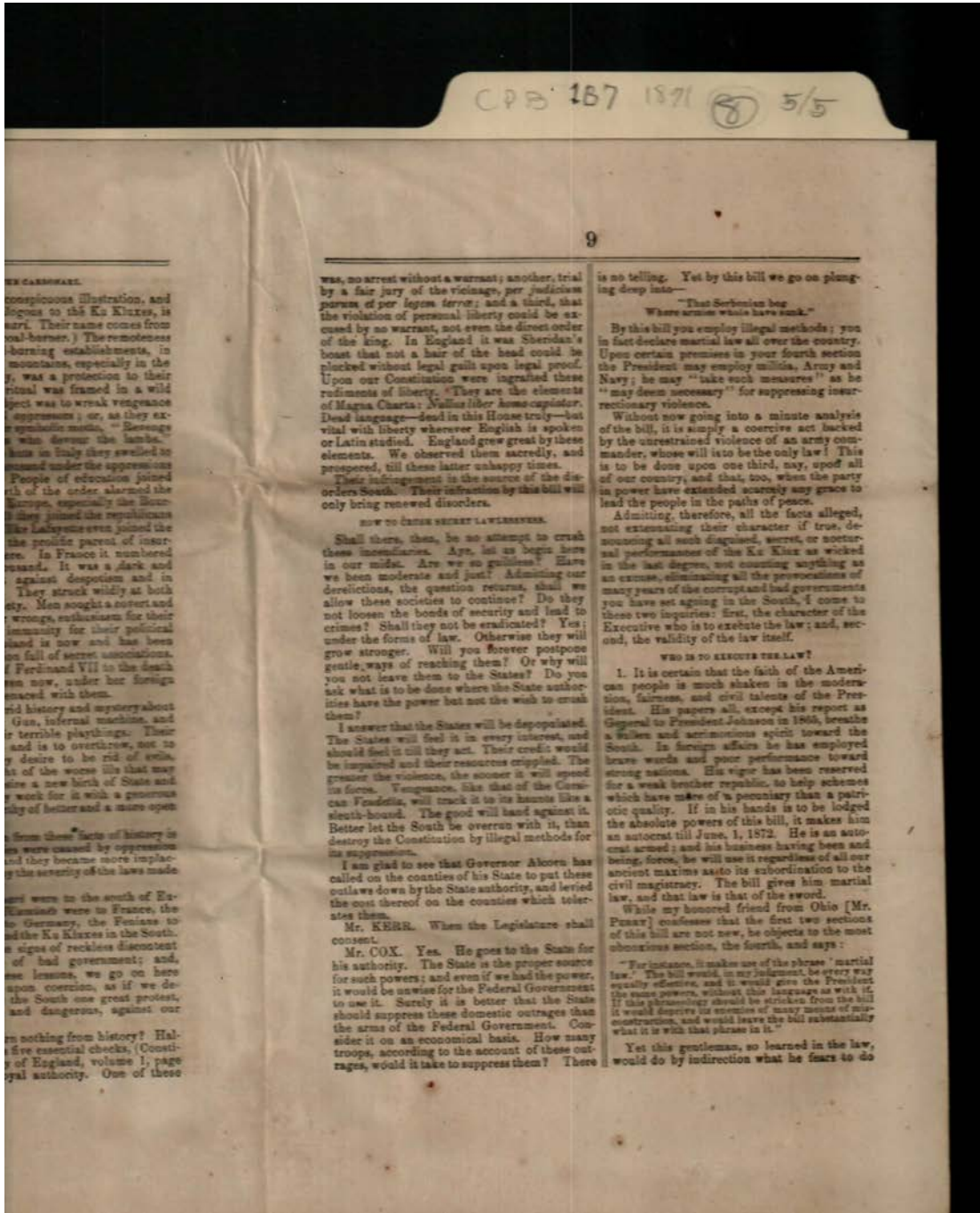
Ferdinand VII,
Hallam,
Kotzebue,

Lafayette,
Mackintosh,
Prim,

Schiller,
Schlegel,
Weishaupt,

Types:

brochure



Senate speech on KKK

Names:

Alcorn, Governor
Cox, Mr.

Johnson, President
Kerr, Mr.

Perry, Mr.
Sheridan,

Types:

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FOURTEENTH AMENDMENT.

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 No State shall make or enforce
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That amendment first de-
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 any person of life, &c.,
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refer to the action of States
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The truth is, no State has
 the privileges of citizens.
 No. 32 of the Federalist,
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 States, and the fifth clause
 does not add to the power
 annot do anything in virtue
 h it could not do without it.

directly—would give the President all the irre-
 sponsible power of martial law, and yet hide,
 like a Ku Klux, its ugly features under a visor!
 He would establish over this land one Will only.
 Electors and elected alike are at its mercy.
 A newspaper article, or a clamorous demand
 from a partisan source, will be its only war-
 rant. Before it will lie prostrate forty millions
 of people with their lives and fortunes. Such
 authority should not be given even to the Father
 of his Country, much less to the unwise soldier
 who holds the destiny of the Republic. With
 strong will and little knowledge of civil proce-
 dure, he perceives only the lightnings flashing
 from the cloud which his past policy has created
 over the South. He would, if wise, dissipate
 the cloud; but being unwise, he seeks to turn
 the gathered fires upon the South.

A MEMBER. He has never said a word for
 amnesty in any of his messages.

Mr. COX. His modes are those of the
 soldier only—the strong hand. Where the
 neck and rope are, the opportunity is apt to be
 seized by the strong hand. I would not trust
 the angels with such irresponsible power.

INVALIDITY OF THE LAW.

I come next to the invalidity of the proposed
 law, under our Constitution.

It is often admitted here in debate by gen-
 tlemen on the other side that the war, with
 its excesses, tore down the partitions between
 the Federal and State Governments in many
 particulars: Partisan advantage and popular
 excitement destroyed the wholesome limita-
 tions fixed by the Constitution and confirmed
 by the highest courts. But in no previous legis-
 lation has this tendency to grasp power here
 been attempted so flagrantly, as in this bill.
 After all our coddling and tinkering with the
 organic law and State rights, you have in this
 bill reached that lower depth below which is
 only the roaring waters of anarchy and revolu-
 tion.

Who will deny that this bill gives the Presi-
 dent power to send troops into any State to
 enforce order, whether the State authorities
 require it or not? Where is the warrant for
 that in the Constitution? Does it not treat
 these bands in the States as if in this District,
 or in the Territories, or in those places of Fed-
 eral occupation where the Federal authority is
 exclusive? Where is the warrant for that in
 the Constitution?

I will not ask, is it wise to go outside of the
 Constitution to repress disorders? Nor will I
 ask if there be occasion. These disorders will
 only become more firmly seated by abnormal
 and vindictive legislation. But I will carefully
 ask, as one sworn to stand by the Constitution
 under all circumstances, for our warrant to do
 even desirable or necessary things?

If Congress has anything to do with passing
 laws for the protection of life and property in

any State, I demand the warrant. When the
 President calls in his message for such laws
 he transcends his duty, as we, by enacting them,
 would transcend ours. He may use the force
 of the Government to protect the mail and to
 collect the revenue; he may, upon certain con-
 ditions hereafter considered, use force—mili-
 tia or other—to enforce the laws. But this
 bill preserves none of these reservations. It
 is a bill to draw the sword; it fixes bayonets;
 it shoots down. It is pillage, revolution, and
 murder; for it is outside the supreme law.

Draw the line between the Federal Govern-
 ment, with its general powers, and the State
 governments, with their local rights, and you
 will see at once on which side this proposed
 legislation ought to be, but is not. This bill not
 only dislocates and dishonors the machinery
 of the States and their judicature, but it renders
 them powerless over their own local police and
 criminal procedures. There are no tribunals
 save those of the Supreme Judge of all and
 those of the States authorized to try the crimes
 enumerated in this bill. The German Emperor
 and the French republic are as alien to such a
 function as the Federal Government.

NO FEDERAL POWER TO PUNISH CRIMES IN STATES.

During this debate it is asked by gentlemen
 on the other side, "You of the Democracy,
 when outrages are exposed, regret and de-
 nounce, but find no power to punish or sup-
 press." We are taunted with a suspicious
 disinclination to crush the wickedness com-
 plained of and confessed. We reply that the
 powers are adequate, but that we do not locate
 them as you do; and to an honest debater this
 is enough, provided we do properly locate
 them. I put the question to any one, with
 his oath upon his conscience: "Will you, if in
 your opinion the outrages exist, and there is
 no power in the Federal system to reach them,
 break your oath to do it? Are there not many
 evils in our land, North and South, not pos-
 sible to be corrected by the Federal Govern-
 ment?"

This discussion leads me to a path often
 pursued by this side in our debates before and
 since the war. It goes to the very organism
 of the Government. How often have we gone
 to the fountain to ascertain the powers of the
 Federal Government. Must it be done forever?
 Our view is familiar as well to the Supreme
 Court as to the schools of the land, to the
 treatises of Kent and Story as to the popular
 literature. Turn to the Encyclopedia, (Apple-
 ton, xv, 785,) and you will find, under the head
 of "United States," that "the several States of
 the Union, so far as their internal affairs are
 concerned, are sovereign and independent,
 while for the common interests of all they
 delegate a portion of their powers to a central
 Government." Turn to the tenth article of the
 first series of amendments, so often quoted as

Senate speech on KKK

Names:

Cox, Mr.

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ble principles of morality, and by them the historian try the conduct of all men lows himself to consider all the circum- lms, place, opinion, example, tempta- sacle which, though they never author- l of the everlasting landmarks of right ought to be well weighed in allotting a of commendation or censure to human

that there is any morality in the the secret societies in the South, it sable to consider the circumstances. hey? First, of time. This unlaw- not appear immediately after the South accepted the arbitration of began to grow and to grow con- people South embraced all the proposed in 1867 for their State ts. They abolished slavery, an- secession ordinances and the rebel ted negro suffrage, came to Con- ent received—how we know. Then ent began. It dates from their and your breach of faith to them. r race became, under the recon- governments and the bureau and or less troublesome in its new

ORIGIN OF THE KU KLUX.

ter of fact that the Ku Klux was first only to "scare" the super- ks. Horrid tales were told to a from "roaming about and pil- be testimony collected in Mr. peech of February 14 proves this. es visited houses "talking their " They were "mummicking" ver that means. They carried a the shape of a heart," and went g for "fried nigger meat," (page of them (page 8) represented been killed six years before at l since then they had built a turn- grave, and he had to scratch like through the gravel." [Laugh- very common for a Ku Klux to rubber stomach, to startle the wing pailfuls of water. [Laugh- o to be admitted, as stated on e same speech, that "political ir influence after the Ku Klux y." "They were a disfran- as one witness says, "and did abmit to such laws." They jus- es, their names, and their con- l grounds. So that, on weigh- ict, we perceive that owing to f the Governments, State and misguided men seemed to jus- . In fact, the worse the Gov- worse would, a priori, be the : sparsely populated condition he inflamed opinion consequent and breach of Federal faith ; their rulers in lawlessness; the lo in the dark what could not and the obstacles everywhere

the key to the inner and true meaning and spirit of the Constitution, and you will find it stated that "all powers not expressly granted by the Constitution to the Federal Govern- ment are reserved to the States respectively or to the people."

Remember that this amendment just quoted was one of the first ten for which Congress, on March 4, 1789, expressed this desire by their proposal: "in order to prevent miscon- struction or abuse of powers, that further and restrictive clauses should be added." And yet the gentleman from Ohio [Mr. BINGHAM] says that—

"These eight articles I have shown never were limitations upon the power of the States, until made so by the fourteenth amendment."

Congress proposed by way of restriction upon the States that their form of government should be republican, and that no law or ordinance should be passed which would conflict with the Constitution and any law of the United States which pursued the Constitu- tion.

The Constitution was a grant of powers by the States. Any of its amendments relied on here to sustain this legislation, especially the first series referred to, are "restrictions" on the powers of the States. They add no new powers to the Federal Government. They have reference to personal liberty, trial by jury, &c., and are an extension of the guaran- tees which the citizen already had under State laws. In the sixth article this is recognized plainly by the clause that the accused shall enjoy the right to a trial by an impartial jury of the State and district wherein the crime shall have been committed. Already, by the fourth article and second section, the "citizens of each State shall be entitled to all privileges and immunities of citizens in the several States;" and its second clause is a warrant for the Fed- eral Government to seize and deliver up fugitives from justice from one State to another State. They shall "be delivered up, to be removed to the State having jurisdiction of the crime."

There is but one exception to this para- mount State power over fugitives and criminals. There are "districts," like that of the District of Columbia, and the Territories, Govern- ment forts, and, I may add, the high seas, as to which the Federal power to punish is supreme.

MILITARY POWERS UNDER CONSTITUTION.

Where the State government is resisted, as in the whisky insurrection and Dorr's rebellion, or as in South Carolina as it is now alleged, so jealous of Federal encroachment is the Con- stitution that it says (section four, article four) that the State authority must first ask for aid. The States are the sole judges, not Congress. Was this ever doubted till lately? What says

Story in his Commentaries on the Constitu- tion?

"It may not be amiss further to observe that every pretext for intermeddling with the domestic concerns of any State, under color of protecting it against domestic violence, is taken away by that part of the provision which renders an application from the Legislature or executive authority of the State endangered necessary to be made to the General Government before its interference can be at all proper."

If this be true, then this legislation is, if any- thing, an attempt to repeal an organic law by a mode not prescribed in the instrument. So greatly impressed was Washington with the right of the people to make and alter their constitutions of government that he made the idea one of the most emphatic of his "fare- well" thoughts. Let the established govern- ment "be changed only by an explicit and authentic act." No act of Congress can change it, unless Congress is prepared to assume the omnipotence of the British Parliament.

EFFECT OF FOURTEENTH AMENDMENT.

As if conscious of the foundation of stubble on which this bill rests, its advocates pretend that it has authority in some parts of the new amendments. It is called a bill to enforce the fourteenth amendment. The first and fifth sec- tions are dragged into service. They read as follows:

"SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No States shall make or enforce any law which shall abridge the privileges or immu- nities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

"SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

While professing to enforce this amendment, the truth is, this bill does not apply to that amendment at all. That amendment first de- clares who are citizens; and then says no State shall make any law which shall abridge their privileges, deprive any person of life, &c., without due process, &c.

This bill does not refer to the action of States at all, with whose actions alone the amend- ment has relation. The truth is, no State has any law abridging the privileges of citizens. Mr. Hamilton, in No. 32 of the Federalist, declares that the clause giving Congress power to make all laws necessary and proper did not confer any power on Congress. He said the powers of Congress are specific powers, and Congress cannot go beyond them. The four- teenth amendment is prohibitory only on the legislation of the States, and the fifth clause of the amendment does not add to the power of Congress. It cannot do anything in virtue of that clause which it could not do without it.

Senate speech on KKK

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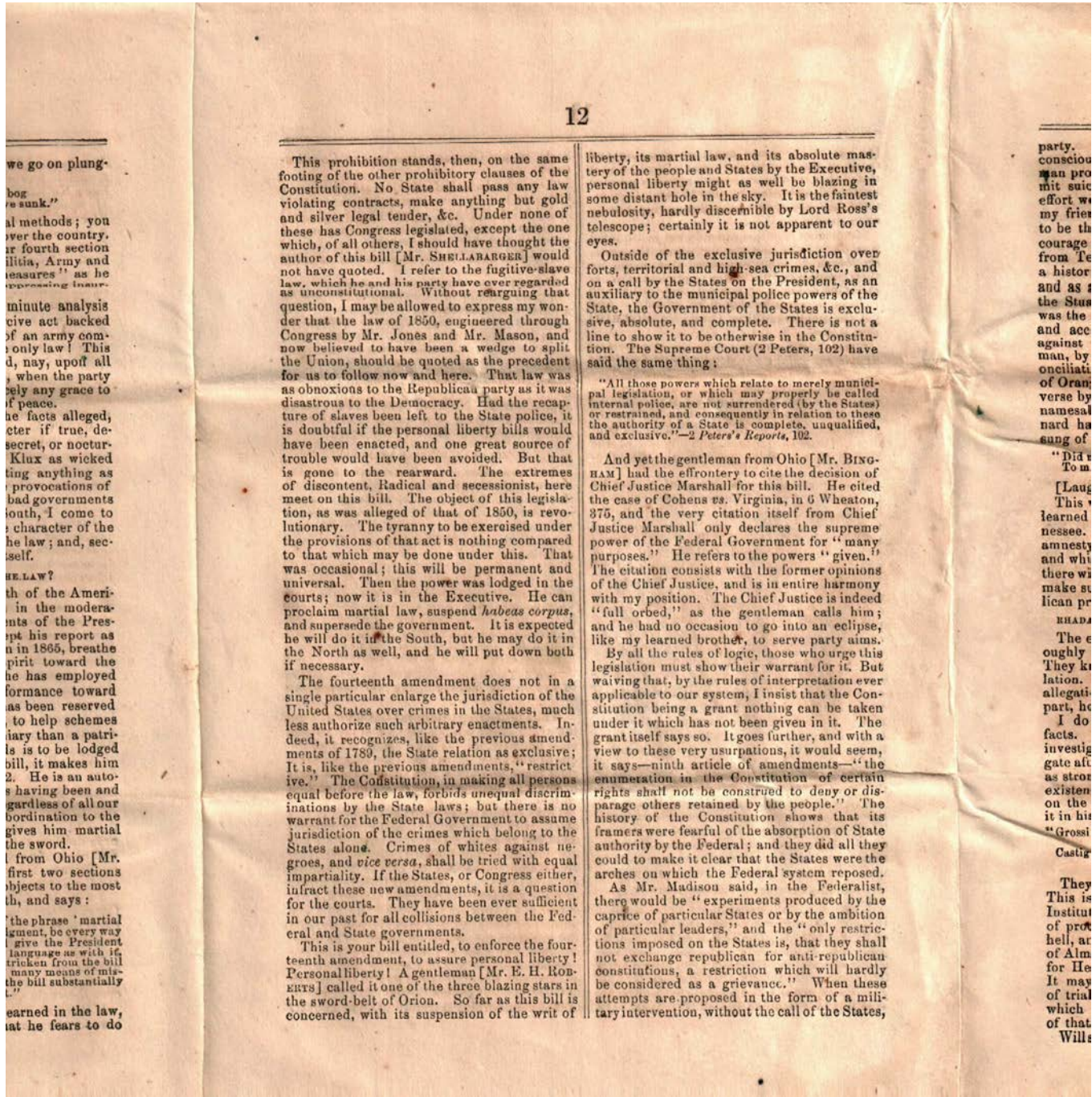
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This prohibition stands, then, on the same footing of the other prohibitory clauses of the Constitution. No State shall pass any law violating contracts, make anything but gold and silver legal tender, &c. Under none of these has Congress legislated, except the one which, of all others, I should have thought the author of this bill [Mr. SHELLABARGER] would not have quoted. I refer to the fugitive-slave law, which he and his party have ever regarded as unconstitutional. Without rearguing that question, I may be allowed to express my wonder that the law of 1850, engineered through Congress by Mr. Jones and Mr. Mason, and now believed to have been a wedge to split the Union, should be quoted as the precedent for us to follow now and here. That law was as obnoxious to the Republican party as it was disastrous to the Democracy. Had the recapture of slaves been left to the State police, it is doubtful if the personal liberty bills would have been enacted, and one great source of trouble would have been avoided. But that is gone to the rearward. The extremes of discontent, Radical and secessionist, here meet on this bill. The object of this legislation, as was alleged of that of 1850, is revolutionary. The tyranny to be exercised under the provisions of that act is nothing compared to that which may be done under this. That was occasional; this will be permanent and universal. Then the power was lodged in the courts; now it is in the Executive. He can proclaim martial law, suspend *habeas corpus*, and supersede the government. It is expected he will do it in the South, but he may do it in the North as well, and he will put down both if necessary.
 The fourteenth amendment does not in a single particular enlarge the jurisdiction of the United States over crimes in the States, much less authorize such arbitrary enactments. Indeed, it recognizes, like the previous amendments of 1789, the State relation as exclusive; it is, like the previous amendments, "restrictive." The Constitution, in making all persons equal before the law, forbids unequal discriminations by the State laws; but there is no warrant for the Federal Government to assume jurisdiction of the crimes which belong to the States alone. Crimes of whites against negroes, and *vice versa*, shall be tried with equal impartiality. If the States, or Congress either, infract these new amendments, it is a question for the courts. They have been ever sufficient in our past for all collisions between the Federal and State governments.
 This is your bill entitled, to enforce the fourteenth amendment, to assure personal liberty! Personal liberty! A gentleman [Mr. E. H. ROBERTS] called it one of the three blazing stars in the sword-belt of Orion. So far as this bill is concerned, with its suspension of the writ of

liberty, its martial law, and its absolute mastery of the people and States by the Executive, personal liberty might as well be blazing in some distant hole in the sky. It is the faintest nebulousity, hardly discernible by Lord Ross's telescope; certainly it is not apparent to our eyes.
 Outside of the exclusive jurisdiction over forts, territorial and high-sea crimes, &c., and on a call by the States on the President, as an auxiliary to the municipal police powers of the State, the Government of the States is exclusive, absolute, and complete. There is not a line to show it to be otherwise in the Constitution. The Supreme Court (2 Peters, 102) have said the same thing:
 "All those powers which relate to merely municipal legislation, or which may properly be called internal police, are not surrendered (by the States) or restrained, and consequently in relation to these the authority of a State is complete, unqualified, and exclusive."—2 Peters's Reports, 102.
 And yet the gentleman from Ohio [Mr. BINGHAM] had the effrontery to cite the decision of Chief Justice Marshall for this bill. He cited the case of *Cohens vs. Virginia*, in 6 Wheaton, 375, and the very citation itself from Chief Justice Marshall only declares the supreme power of the Federal Government for "many purposes." He refers to the powers "given." The citation consists with the former opinions of the Chief Justice, and is in entire harmony with my position. The Chief Justice is indeed "full orb'd," as the gentleman calls him; and he had no occasion to go into an eclipse, like my learned brother, to serve party aims.
 By all the rules of logic, those who urge this legislation must show their warrant for it. But waiving that, by the rules of interpretation ever applicable to our system, I insist that the Constitution being a grant nothing can be taken under it which has not been given in it. The grant itself says so. It goes further, and with a view to these very usurpations, it would seem, it says—ninth article of amendments—"the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." The history of the Constitution shows that its framers were fearful of the absorption of State authority by the Federal; and they did all they could to make it clear that the States were the arches on which the Federal system reposed.
 As Mr. Madison said, in the *Federalist*, there would be "experiments produced by the caprice of particular States or by the ambition of particular leaders," and the "only restrictions imposed on the States is, that they shall not exchange republican for anti-republican constitutions, a restriction which will hardly be considered as a grievance." When these attempts are proposed in the form of a military intervention, without the call of the States,

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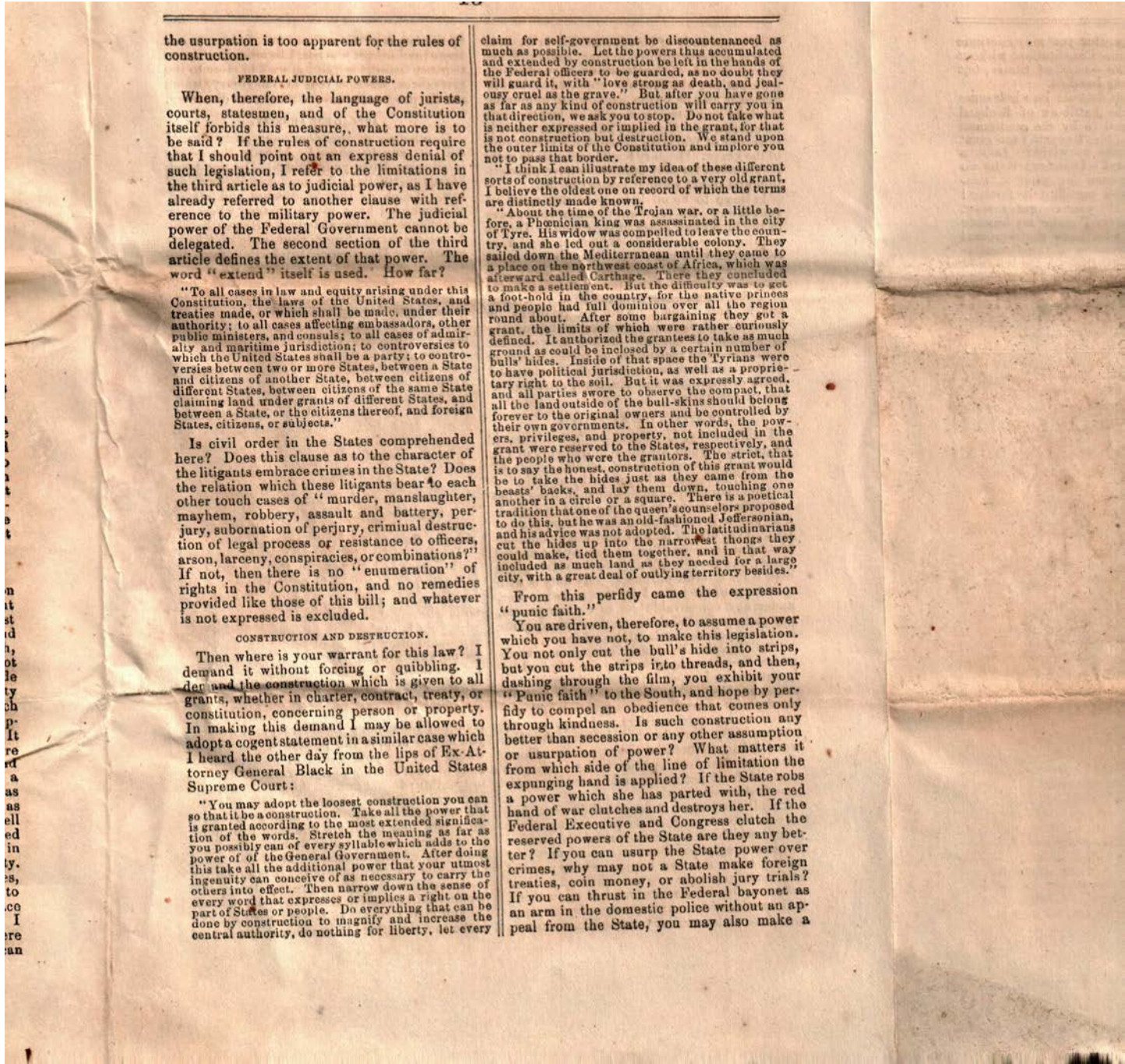
Senate speech on KKK

Names:

- | | | |
|--------------|-----------------|---------------------|
| Bingham, Mr. | Marshall, Chief | Roberts, E. H., Mr. |
| Jones, Mr. | Justice | Ross, Lord |
| Madison, Mr. | Mason, Mr. | Shellabarger, Mr. |

Types:

brochure



the usurpation is too apparent for the rules of construction.

FEDERAL JUDICIAL POWERS.

When, therefore, the language of jurists, courts, statesmen, and of the Constitution itself forbids this measure, what more is to be said? If the rules of construction require that I should point out an express denial of such legislation, I refer to the limitations in the third article as to judicial power, as I have already referred to another clause with reference to the military power. The judicial power of the Federal Government cannot be delegated. The second section of the third article defines the extent of that power. The word "extend" itself is used. How far?

"To all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming land under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

Is civil order in the States comprehended here? Does this clause as to the character of the litigants embrace crimes in the State? Does the relation which these litigants bear to each other touch cases of "murder, manslaughter, mayhem, robbery, assault and battery, perjury, subornation of perjury, criminal destruction of legal process or resistance to officers, arson, larceny, conspiracies, or combinations?" If not, then there is no "enumeration" of rights in the Constitution, and no remedies provided like those of this bill; and whatever is not expressed is excluded.

CONSTRUCTION AND DESTRUCTION.

Then where is your warrant for this law? I demand it without forcing or quibbling. I demand the construction which is given to all grants, whether in charter, contract, treaty, or constitution, concerning person or property. In making this demand I may be allowed to adopt a cogent statement in a similar case which I heard the other day from the lips of Ex-Attorney General Black in the United States Supreme Court:

"You may adopt the loosest construction you can so that it be a construction. Take all the power that is granted according to the most extended signification of the words. Stretch the meaning as far as you possibly can of every syllable which adds to the power of the General Government. After doing this take all the additional power that your utmost ingenuity can conceive of as necessary to carry the others into effect. Then narrow down the sense of every word that expresses or implies a right on the part of States or people. Do everything that can be done by construction to magnify and increase the central authority, do nothing for liberty. let every

claim for self-government be discountenanced as much as possible. Let the powers thus accumulated and extended by construction be left in the hands of the Federal officers to be guarded, as no doubt they will guard it, with "love strong as death, and jealousy cruel as the grave." But after you have gone as far as any kind of construction will carry you in that direction, we ask you to stop. Do not take what is neither expressed or implied in the grant, for that is not construction but destruction. We stand upon the outer limits of the Constitution and implore you not to pass that border.

"I think I can illustrate my idea of these different sorts of construction by reference to a very old grant, I believe the oldest one on record of which the terms are distinctly made known.

"About the time of the Trojan war, or a little before, a Phœnician king was assassinated in the city of Tyre. His widow was compelled to leave the country, and she led out a considerable colony. They sailed down the Mediterranean until they came to a place on the northwest coast of Africa, which was afterward called Carthage. There they concluded to make a settlement. But the difficulty was to get a foot-hold in the country, for the native princes and people had full dominion over all the region round about. After some bargaining they got a grant, the limits of which were rather curiously defined. It authorized the grantees to take as much ground as could be inclosed by a certain number of bulls' hides. Inside of that space the Tyrians were to have political jurisdiction, as well as a proprietary right to the soil. But it was expressly agreed, and all parties swore to observe the compact, that all the land outside of the bull-skins should belong forever to the original owners and be controlled by their own governments. In other words, the powers, privileges, and property, not included in the grant were reserved to the States, respectively, and the people who were the grantors. The strict, that is to say the honest, construction of this grant would be to take the hides just as they came from the beasts' backs, and lay them down, touching one another in a circle or a square. There is a poetical tradition that one of the queen's counselors proposed to do this, but he was an old-fashioned Jeffersonian, and his advice was not adopted. The latitudinarians cut the hides up into the narrowest things they could make, tied them together, and in that way included as much land as they needed for a large city, with a great deal of outlying territory besides."

From this perfidy came the expression "panic faith."

You are driven, therefore, to assume a power which you have not, to make this legislation. You not only cut the bull's hide into strips, but you cut the strips into threads, and then, dashing through the film, you exhibit your "Panic faith" to the South, and hope by perfidy to compel an obedience that comes only through kindness. Is such construction any better than secession or any other assumption or usurpation of power? What matters it from which side of the line of limitation the expunging hand is applied? If the State robs a power which she has parted with, the red hand of war clutches and destroys her. If the Federal Executive and Congress clutch the reserved powers of the State are they any better? If you can usurp the State power over crimes, why may not a State make foreign treaties, coin money, or abolish jury trials? If you can thrust in the Federal bayonet as an arm in the domestic police without an appeal from the State, you may also make a

Senate speech on KKK

Names:

Bingham, Mr.
Jones, Mr.
Madison, Mr.

Marshall, Chief
Justice
Mason, Mr.

Roberts, E. H., Mr.
Ross, Lord
Shellabarger, Mr.

Types:

brochure

an entirety, that you may continue it. Save the Constitution, without which the Union is not a band of States, but a mere confederation of roving banditti. The instrument lost all its wholesome character as it like the battle-ax of Richard Lion, referred to by the gentleman from Massachusetts, [Mr. BUTLER,] too great a modern pigmy to wield? Is it a mere sanctuary? If indeed it be an object of reverence for what it was, before you mutilate it further! Is it its rust if you cannot respect it? For its safety I make my humble appeal to you, who have the temporal power in your hands, to prevent your flood-tide of blood, faction, and anarchy from the execution of this act. In this appeal, I then appeal to the God for that mercy, in its abundance we shall need when such vindication is the law of our land.

Draconian code of blood, establish drum-head courts, and erect gibbets in every county. When you go outside of the Constitution you become a despotism, absolute and cruel, however disguised it may be by the language of humanitarianism, and however merciful it may seem in its execution. You may have order, but it is the order of Warsaw; peace, but it is the peace of the grave. The very Ku Kluxes will be more respectable, for they pretend to have provocation and to act without pretext of law.

Is there to be no halting in this spirit of your laws? Do you want to renew your power in the blood and ashes of the South? Do you require more plunder? When you shall have reasserted your sway once more, after many stormy scenes, will the union be different from that which has been so often referred to here; of Poland with Russia, or Ireland with England? And if you thus pin the South by the bayonet, will there be any more real sympathy or substantial national feeling between the sections—*idem sententiam de republica*—than that which exists to-day between Flanders and Spain or Aquitaine and England, after centuries of separation?

AN APPEAL FOR MODERATION.

I will not say, Mr. Speaker, that this reach of power, beyond all the requirements of the time, and to meet extravagant allegations of disorder, is inspired by unworthy motives. I will not charge upon the gentleman from Ohio any sinister design in seeking thus to aggrandize power in the hands of our military Executive. That official may or may not be contemplating an invasion of our system by the mailed hand; and yet this bill may be the velvet glove over it for ulterior purposes. My duty is with the effects of the bill. I say that there is never, under any conceivable set of circumstances, any authority to break our oaths or the organic law, to suppress any local disorders.

The inexperienced and profligate governments South, so long as they are inspired by ignorance and rapacity, will meet open and secret enemies. This bill will intensify such enmity until Mexico shall appear in all her chaos within our borders. I say, on my responsibility here, and if it were the last word I had to breathe about public affairs, that these disorders can never be eradicated while Federal patronage and executive ambition feed those disorders.

By all the lessons I have culled from history as to the wrongs of the people; by all the graces which in better Governments pacified the unresting populations after civil wars; by all the worst that can happen where a proud and intelligent race are subordinated to their inferiors; by the perils which belong to secret and smothered hate and revenge; by the common love we bear to our venerable institutions;

by the hopes of the millions yet, I trust, to call these institutions blessed, I beseech gentlemen to pause before they add more and more to the grievances, whether real or imaginary, which are the procreant cause of these civil disorders.

APPEAL FOR AMNESTY.

Gentlemen of the dominant party here, I call on you to pause! Already the power is slipping from your grasp. Do not teach bloody instructions for your successors to follow. Teach us that gentleness and moderation which I hope to see pursued when your opponents shall have control. Remember the divine teaching; forget your code of Rhadamanthus. Draw your inspiration from the Saviour of mankind, who taught us Love—and that we "should love Him because he first loved us." This is the pure, ethereal spirit of our Master; our guide in life, our hope in death. If there be anything worth remembering or practicing in the codes of mankind it is the wonderful magic of gentleness, which I have so often urged here as our remedy. Again, I beseech the House, by virtue of old and pleasant relations long cemented by service here, to try at least the experiment of grace. It is not force that we need. It is not arms. We need kindness, comity, confidence. Then our States will stand in their best old relations to each other—self-reverencing each, even as those who love. Turn away from the dark and bloody commands of the soldier to the gentle and benign precepts of the Saviour. Do not, oh! do not make of our river of Salvation an Acheron!

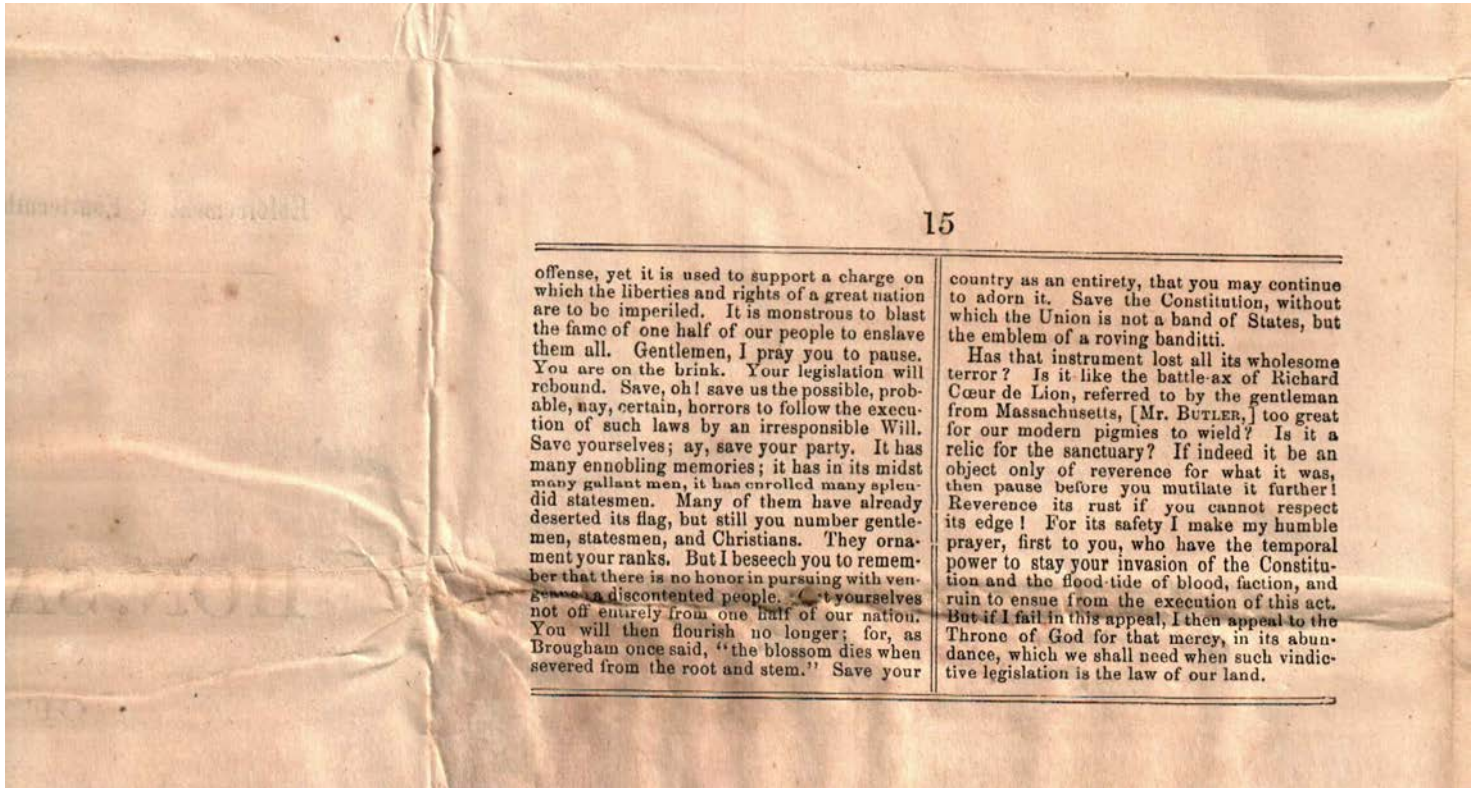
Do you not perceive that your neglect of pressing duties here, within your admitted province of legislation, is preparing your political shroud? Do you not see that your taxes, so inordinate, and your prodigalities so corrupt, your failure to revive commerce, and inattention to other objects of great utility are preparing your graves. Know that the Connecticut election, so triumphantly trumpeted here, is but a little halt on the grand march. We lose no member here by it. If you will put your ear to the ground you will hear the tramp, tramp, tramp of the coming Democracy! I beseech you not to cripple the powers of the States, which may be your guard in some perilous hour of that coming party. Lead us not into temptation; deliver us from these evils, whether open or concealed. Do not take from this people that municipal spirit and local government which are their birthright and their safeguard.

Yet such, Mr. Speaker and gentlemen, is the effect of this measure. It is supported here without authentic proof. It is supported on evidence inadequate to prove a debt, yet it is potential to deprive a nation of its municipal and civil rights. It is supported on evidence too ridiculous to convict of the lowest

Senate speech on KKK

Types:

brochure



Senate speech on KKK

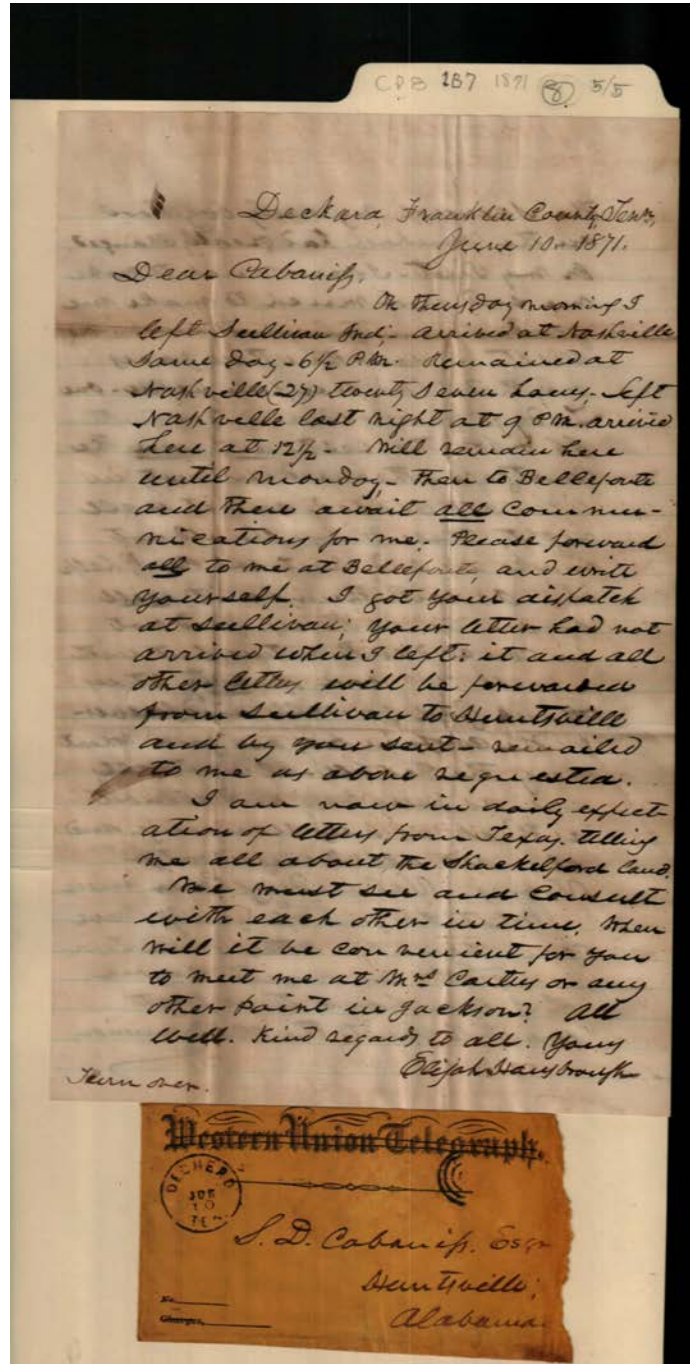
Names:

Butler, Mr.

Richard, Coeur de
Lion

Types:

brochure



actually Decherd

Names:

Cabiniss,

Carter, Mrs.

Harybrough, Elijah

Places:

Deckard, TN

Types:

letter

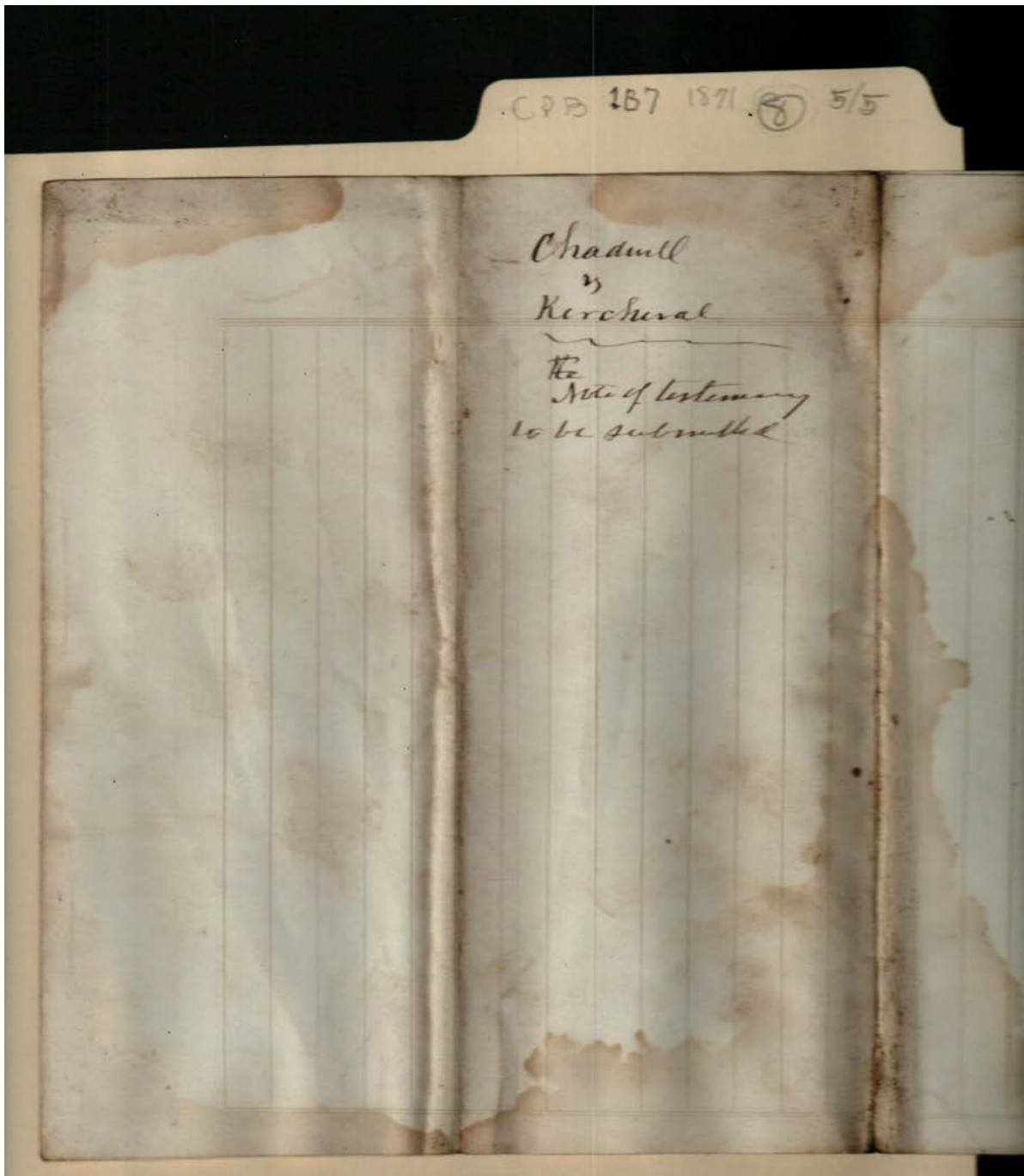
Dates:

Jun 10, 1871

CPB 187 1871 (5) 5/5

The scenes of my early boy-hood
 on the Wauhatch had greatly changed;
 On my visit - I saw much to make
 me sad and much to make me
 glad. I am truly glad of my the
 visit. I saw there three faces
 only that I had ever seen before - one
 Lady 75 years old and two gentlemen
 66 & 68 - The rest - all gone. The
 mortgage - the deed in trust, in
 life - all closed. and it is all
 right. These things should not
 make us sad - but we can't help
 it. As with them, so it will
 soon be with us. and not
 in concord with nature, but with
 a full concord of duty. Let us
 thank God for all and forever.
 The crops in Ind. are good - wheat
 very. The people - almost all,
 are as busy as bees, and almost
 as thick as bees swarming - and
 almost all Democrats -
 Nooey - Valandingham men.
 What do you ^{think} of Gaily? Have
 you seen his letter from Texas?
 Let us meet soon.
 If I can have time, I yet
 want to visit the old Dominion.
 H

Types:
 letter



Names:

Chadwell,

Kercheral,

Types:

memo

CPB 157 1871 8 5/5

The defendant offers ~~as~~ evidence in
the cause to be noted by the Register
the Commencement and Section
1. of the Original Bill of Complaint
of the case No 79 in this Court and
of the Exhibit mentioned in said
Section under A. B.

Also Section 6. of said bill
The prayer of said Original Bill
including signature of Solicitor
for Compt.

Also the following parts of the record
of said cause number 79

So much of the decree of date
June 16 1870 as directs an order
a reference to the Register & the
means of accounting at Account
& including the signature of the
Chancellor ^{on the 4th of March last} ~~being the first record~~
Report of Isaiah Dill Special Register
filed June 16 1870 - ascertaining
balance of purchase money in a
best manner of selling the lands
~~being the first part~~
Decree of the Court signed by the
Chancellor & date of file June 17 1870

Names:

Dill, Isaiah

Types:

legal notes

CPB 187 1871 (8) 5/5

and entered on pages 44, 45 & 46
of minute book of June Term 1870
A copy of
Order of December Term 1870. was
found on page last seven lines of
page 96 & ending on page 97 of minute
book -
Register Patrick Ragland's report of sale
Filed June 15 1871.
Order June 16 1871. Confirming Register's
Report page 115.
Deed from Register Patrick Ragland
to

Names:

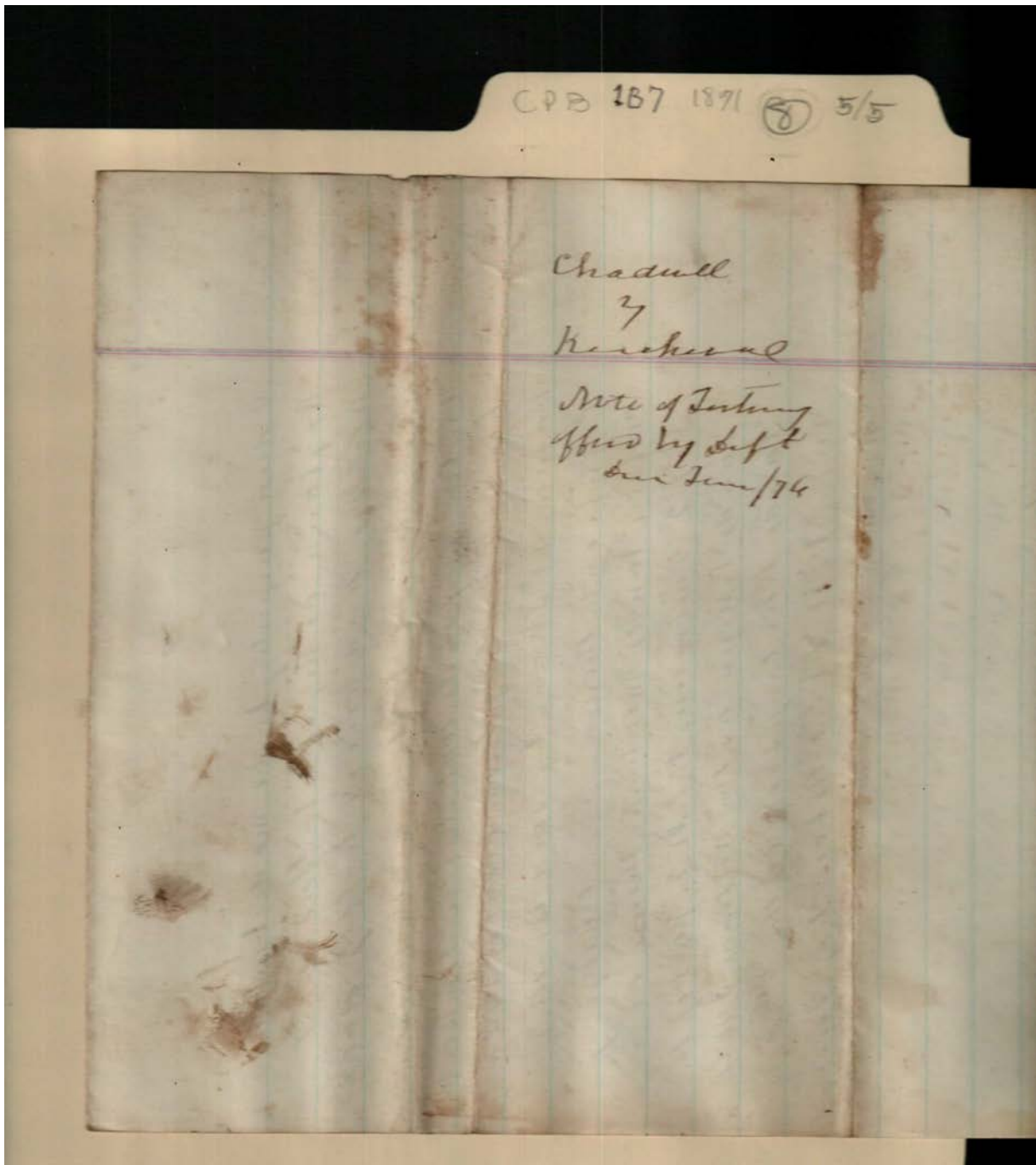
Ragland, Patrick

Types:

legal notes

Dates:

Jun 16, 1871



Names:

Chadwell,

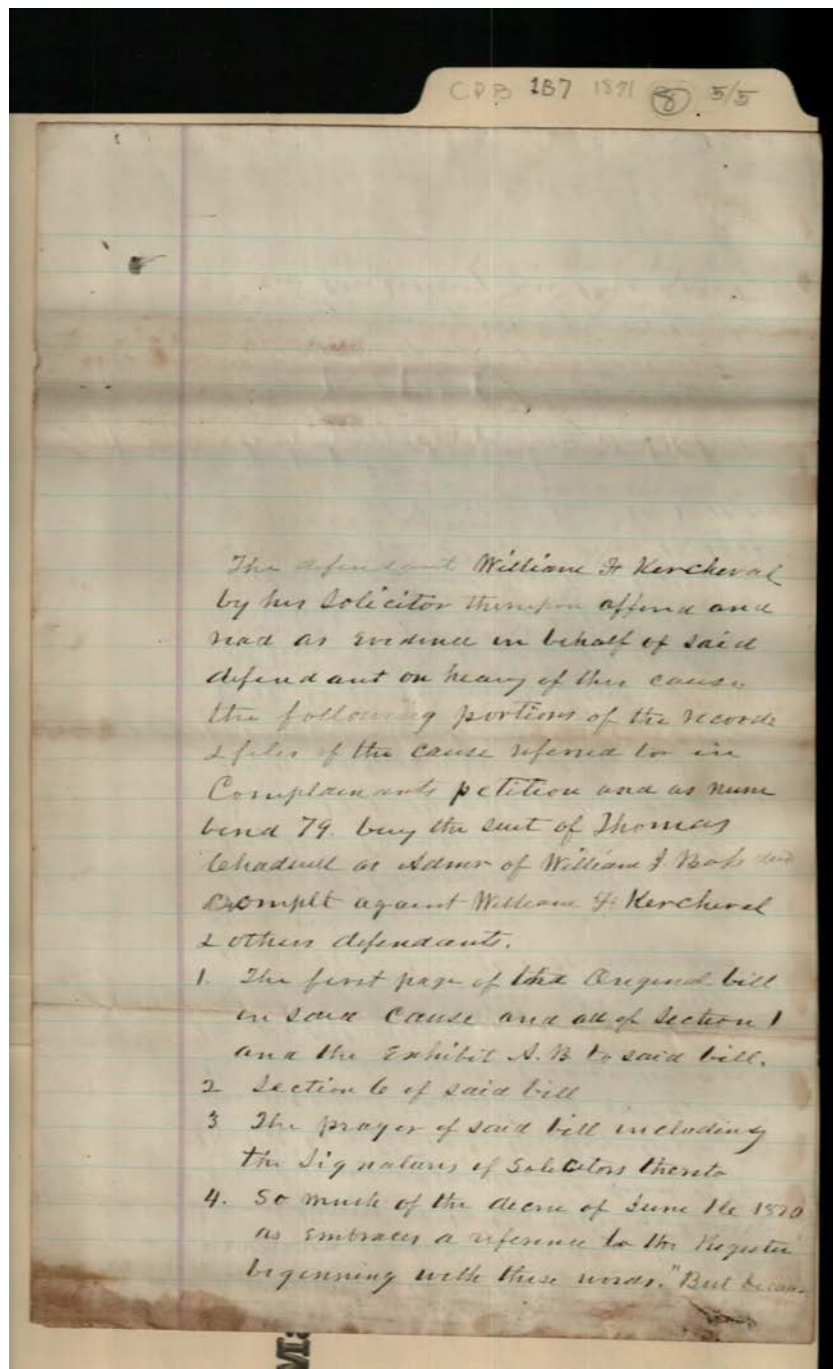
Kercheral,

Types:

memo

Dates:

Jun 1876



Names:

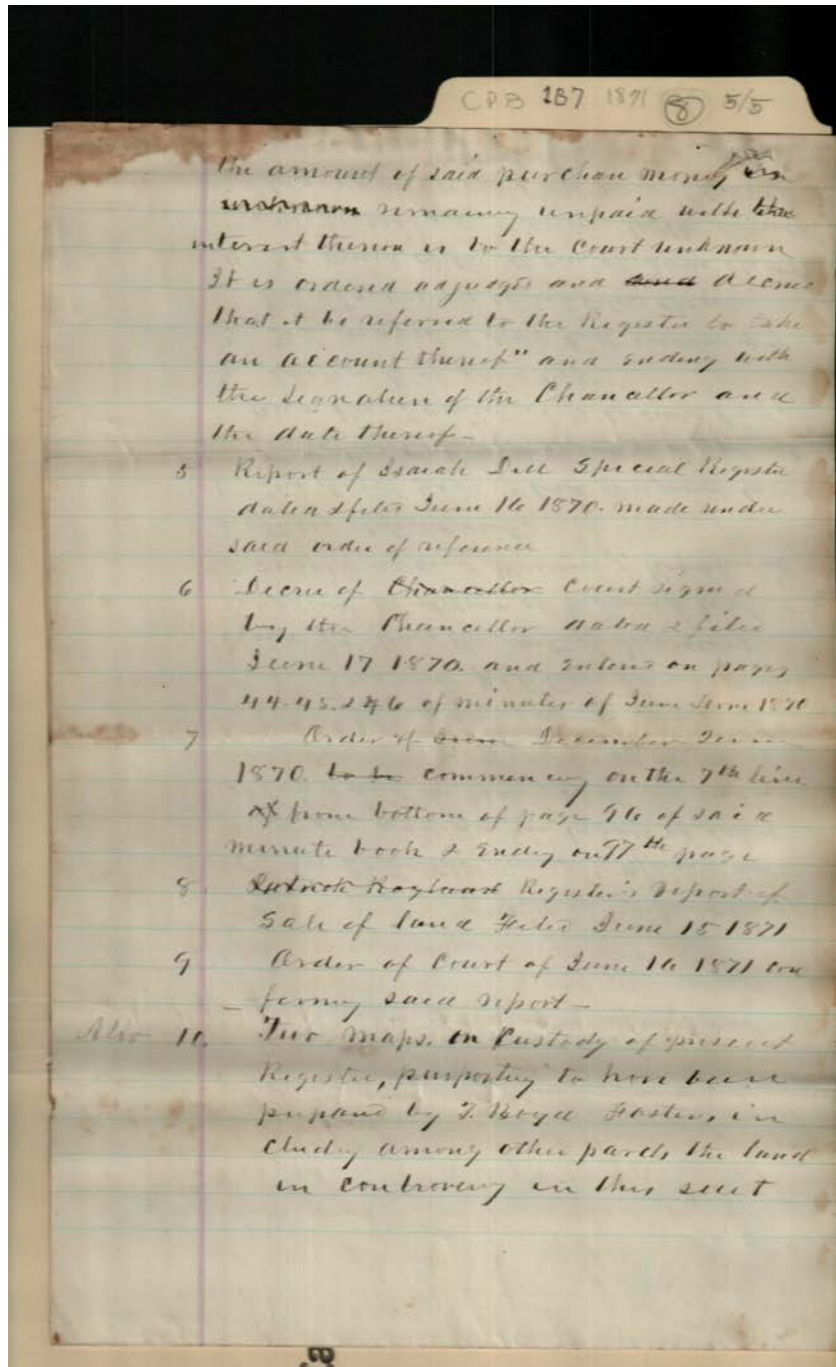
Bass, William J.

Chadwell, Thomas

Kercheral, William F.

Types:

legal notes



Names:

Dill, Isaiah

Foster, T. Boyd

Types:

legal notes

C.P.B. 187 1871 (8) 5/5

Also A deed purporting to be made by Patrick Ragland as Register to Jacob T Walker and Will A Coffey dated February 20 1871. and acknowledged on the day of its date before J. B. Booth Clerk of the Supreme Court of Alabama as shown by said Booth's Certificate thereon - and conveying certain lands mentioned therein as being Lot 2 embracing the N. E. part of the lands known as the William J. Bass lands & as being sold to the 6th Feb^y may 1871 at Scottsboro by said Register -

Names:

Bass, William J.

Booth, D. B.

Ragland, Patrick

Walker, Jacob T.

Types:

legal notes

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Legal and court documents, 1871 (5 of 5)

Image 66 r01b07-08-000-0117 [Contents](#) [Index](#) [About](#)

CPB 187 1871 (5) 5/5

1871 May 31	Balance on deposit with F.D.S.	\$10345 27
	Cash of W. A. Caffey & J. K. Caffey	405 35
		<u>\$10753 62</u>
	Checks out on Revenue Stamps	10 00
	Cash of W. A. Griffith	500 00
		<u>11,253,62</u>
	By Cash paid for Stamps	10 00
	" " " Wetherforce Warrant	941 26
	" " " Patton Longwood	1565 00
	" " " R. C. Brickell	500 00
	" " " Leaton's Ward	400 00
	" " " J. J. Jones	75 67
		<u>\$3491 95</u>
		<u>\$7761 67</u>
	To be paid to Legals of 2 nd class	7080 89
		<u>\$6680 78</u>
	To be paid to R. Chapman about	380 78
		<u>\$6300 00</u>
	Will probably be collected of Drake	1000 00
		<u>\$7300 00</u>

Names:

Brickell, R. C.
Cabiniss,
Caffey, J. K.

Caffey, W. A.
Chapman, R.
Donegan,

Drake,
Jones, J. J.
Patton,

Ward,

Types:

account

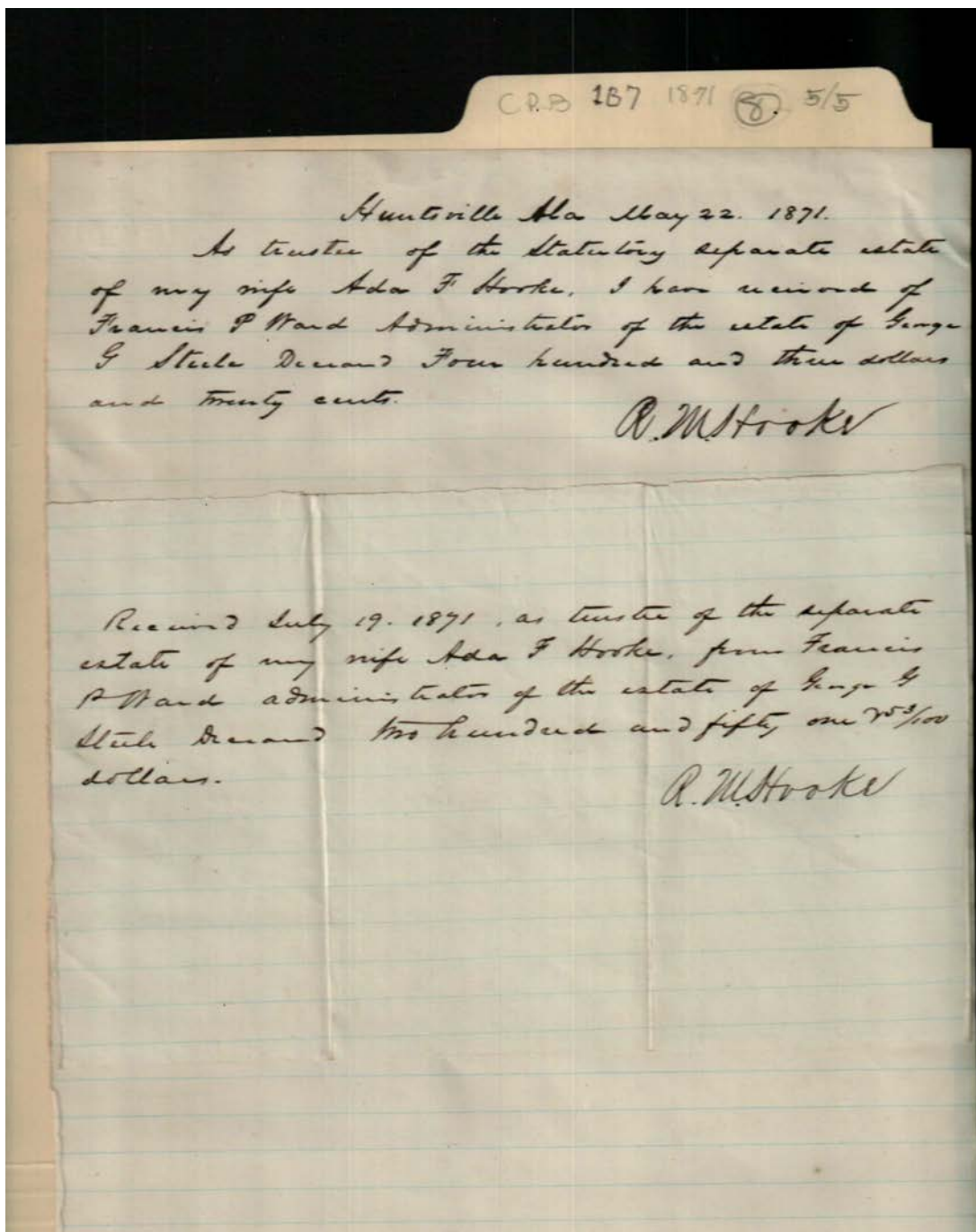
Dates:

May 31, 1871

CPB 187 1871 (8) 5/5

Jerome Minner		Case	500.00
1871			
			200.00
			100.00
			200.00
			100.00
			100.00
			100.00
			100.00
			100.00
			100.00
			100.00
			100.00
			100.00
			100.00
			100.00
			100.00

Geo. Steele estate
Names:
 Minser, Jerome
Types:
 memo



Geo. Steele estate

Names:

Hooks, A. M.

Hooks, Ada F.

Steele, George G.

Ward, Francis P.

Places:

Huntsville, AL

Types:

legal notes

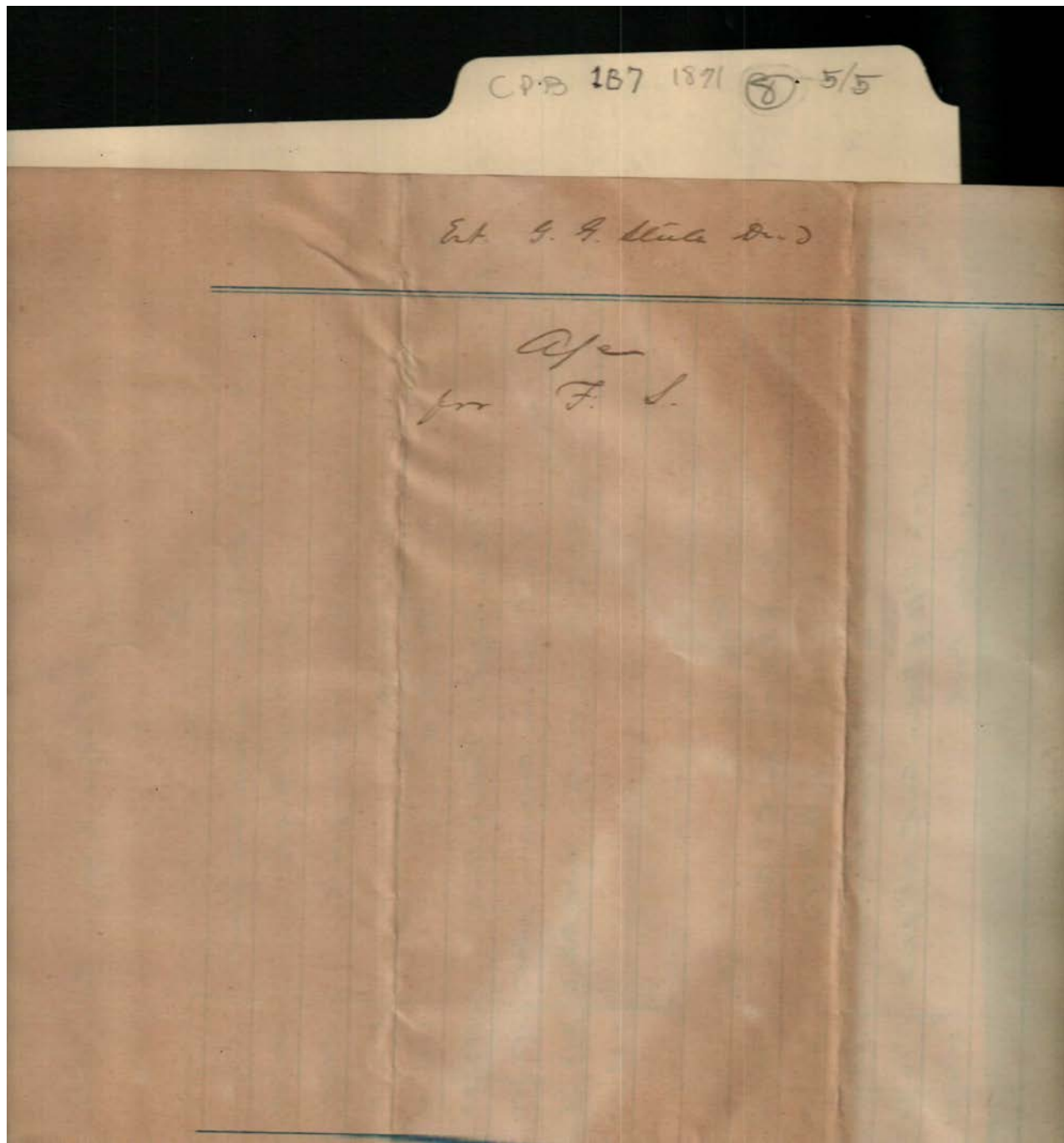
Dates:

May 22, 1871

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Legal and court documents, 1871 (5 of 5)

Image 69 r01b07-08-000-0120 [Contents](#) [Index](#) [About](#)



Geo. Steele estate

Names:

Steele, G. G.

Types:

memo

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

Image 70 r01b07-08-000-0121 [Contents](#) [Index](#) [About](#)

CRB 187 1871 (8) 5/5

F. P. Ward admr of G. G. Steele Esq for Final Settlement

Dr.

1868 July 3	To amt received of L. F. Pyncheon in compromise of suit against C. W. J. Facklin	100	00
1869 Jan 15	" " " L. F. Facklin in compromise of suit	50	00
1870 Jan 20	" " " L. G. Mead	100	00
1871 July 1	" " " R. C. Brickell	100	00
" Aug 9	" " " Bal on budget in Porter Mead	129	23
" " "	" " " J. L. Cooper in compromise of suit	100	00
" Aug 18	" " " Cabaniss Ward on collection - Parody Wilkins	264	76
		843	99
Cr.			
1868 July 3	By amt sent Mr. L. F. Hook for C. E. Cabaniss	100	00
1869 Jan 15	" " " Mr. W. Steele	50	00
" Apr 1	" " " handed in J. W. Cooper's store	50	00
1870 Jan 30	" " " paid Sheriff of Madison County - costs of suit	14	90
1871 May 22	" " " Judge Hook	402	20
" July 19	" " " amount in check on Facklin	251	53
" Aug 30	" " " cost in suit on Geo. Steele estate	11	70
1874 Aug 7	" " " Isaiah Dill comr	10	00
	" 2 1/2 % Com on \$17441.00	43	60
	" Cost of this settlement		

Geo. Steele estate

Names:

Brickell, R. C.
Cabaniss, C. E.
Cooper, J. L.
Cooper, J. W.

Dill, Isaiah
Facklin, J. J.
Hook, Judge
Hooks, Ada F.

Mead, L. G.
Pyncheon, L. F.
Steele, George G.
Steele, W., Mr.

Ward, F. P.

Types:

account

Dates:

May 7, 1874

C.P.B. 187 1871 (8) 5/5

In the District Court of the United States
for the Northern District of Alabama:
Robert H. Wilson Attorney of
Fleming Jordan Bankrupt
vs
Fleming Jordan & wife
Lucy J. Jordan and
Frederick B. Moore } In Equity

Rec'd December 15. 1871 of the
complaint in this cause of \$5
dollars, under an order of the court
granting leave to amend the bill.
Lionel W. Day
per Barrard Depter

Names:

Day, Lionel W.
Jordan, Fleming

Jordan, Lucy J.
Moore, Frederick B.

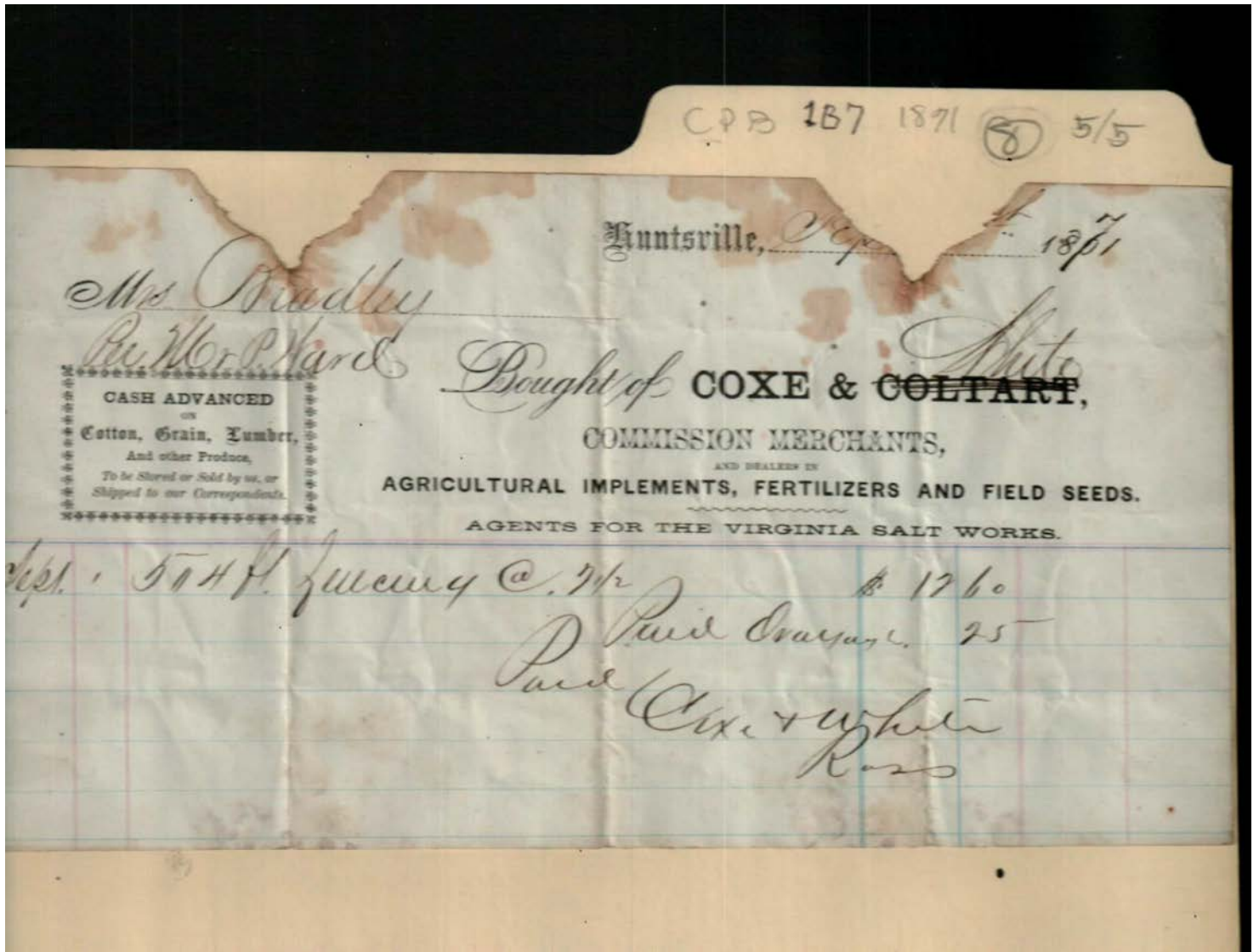
Wilson, Robert H.

Types:

legal notes

Dates:

Dec 15, 1871



Names:

Bradley, Mrs.

Coxe,

Ward, P., Mr.

White,

Places:

Huntsville, AL

Types:

receipt

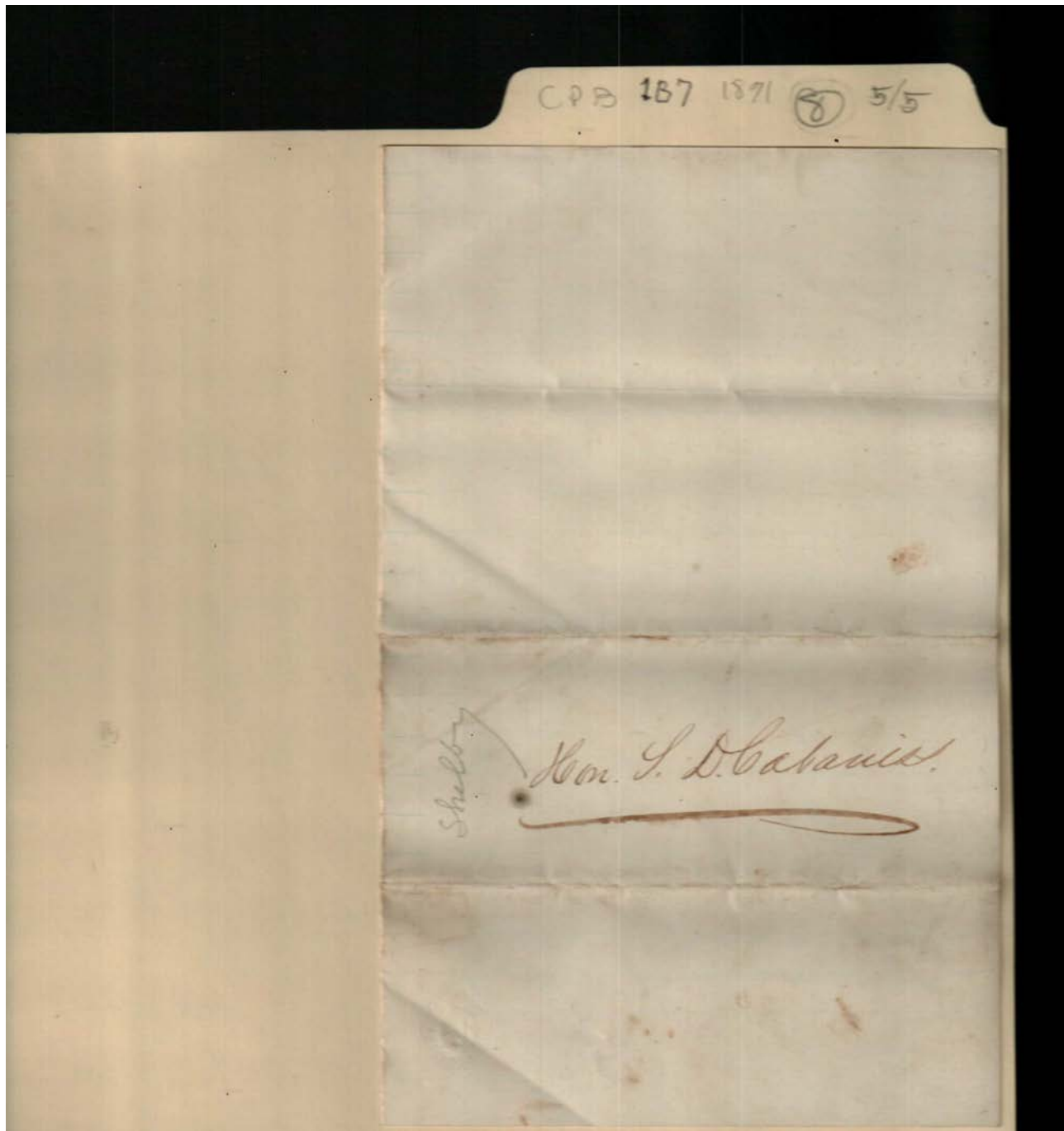
Dates:

Sep 01, 1871

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

Image 73 r01b07-08-000-0124 [Contents](#) [Index](#) [About](#)



Names:

Cabiness, S. D.

Shelby,

Types:

scrap

CPB 187 1871 (8) 5/5

Hon. S. D. Cabaniss
Dr. Sir
We have exam-
ined ~~us~~ the papers left
with us showing your
proposed partial^{ly} distribu-
tion - and we are en-
tirely satisfied with it.
Yr. Friends,
Shelby & Taylor
Huntsville,
Ala.
June 24th 1871.
We or one of us, will
meet you at any time
to-day - at your office,
or at your home - as is
most convenient to you.

Names:

Cabaniss, S. D.

Shelby,

Taylor,

Places:

Huntsville, AL

Types:

letter

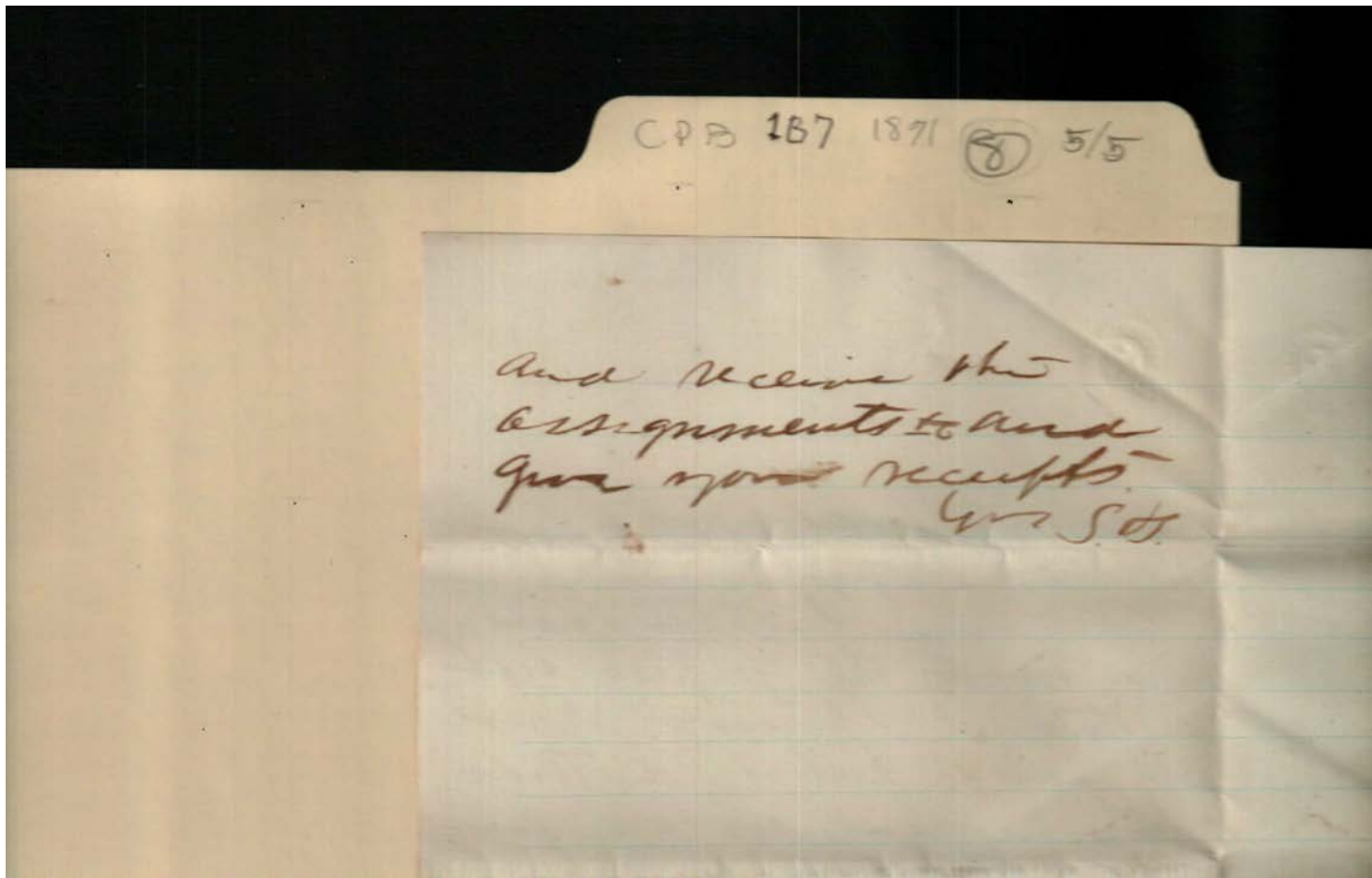
Dates:

Jun 24, 1871

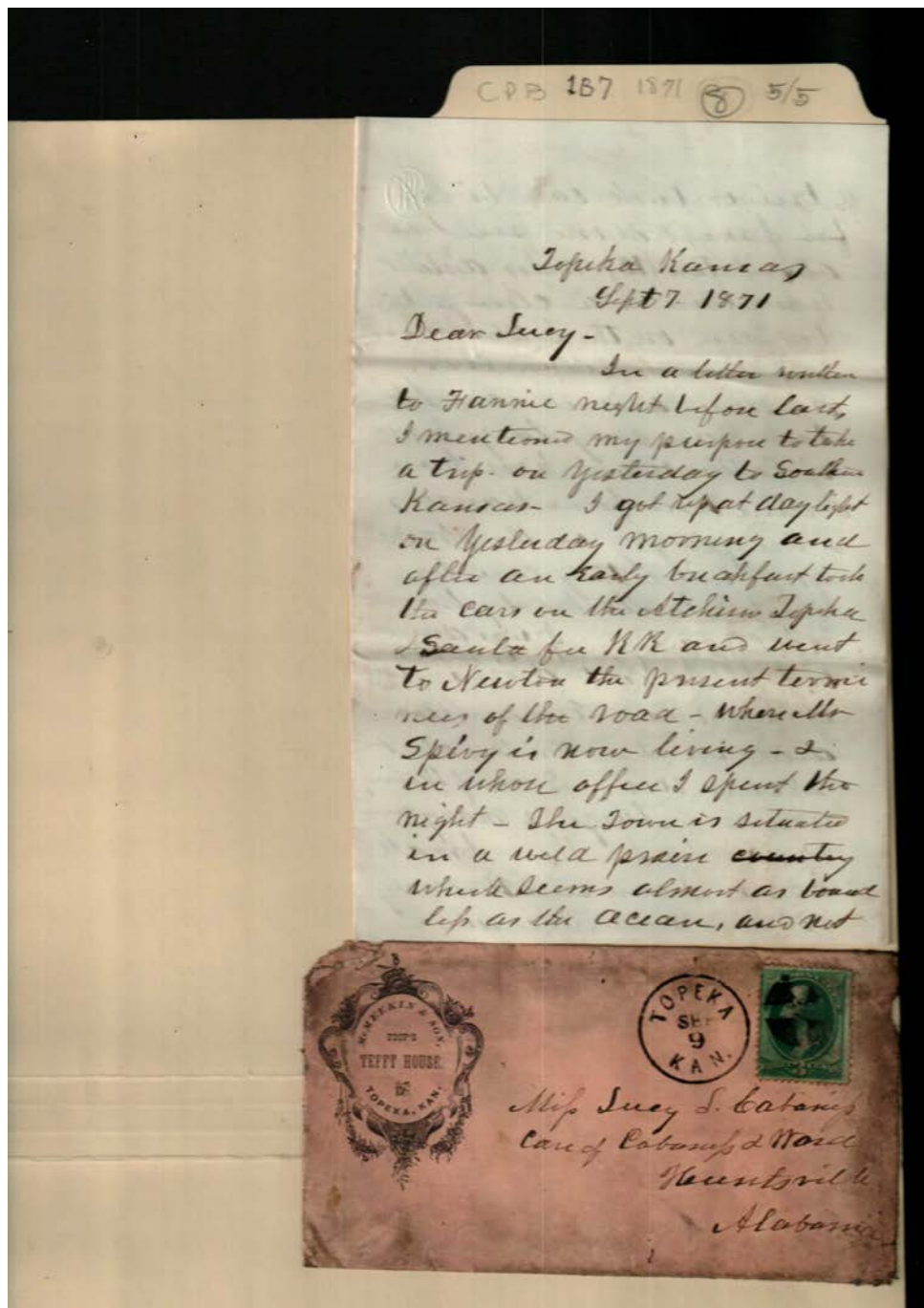
Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

Image 75 r01b07-08-000-0126 [Contents](#) [Index](#) [About](#)



Types:
letter



Names:

,Fannie
Cabiness,

Cabiness, Lucy L.
Spivey,

Ward,

Places:

Topeka, KS

Types:

letter

Dates:

Sep 07, 1871

a tree or bush can be seen
 for / except at one point at
 about ten (10) miles distant
 where there is a clump to
 be seen on the Little Arkansas
 river. But in every
 direction around and to
 been seen very large herds
 of cattle which have been
 driven there from Kansas
 & are grazing on the prairie
 grass until they can be
 shipped to market by the
 Rail Road. I was driven
 out to several drives - one
 of them had Elers been
 died in it - another about
 2500 or 3000 - Some of them
 were very large & many very
 remarkable for their broad
 horns. I am sure that many
 of these would measure
 more than four feet between
 the points or extremities of
 their horns - Near this large
 herd - I had the pleasure
 of seeing a prairie dog town.
 But the herd had been
 recently over the town and
 there were not a great many
 of the dogs to be seen.
 When we would approach
 them which men out they would
 run to their houses, (holes in
 the ground with a small
 wooden vault around them
 each of them) - Stand you
 their hind feet they would
 take a look at us. I then dis
 appear - Some of them would
 would descend a short way
 leaving their tails or part
 of it above ground & wagging
 it - One of them after
 a while they came up again

CPR 1871 5/5

Types:
 letter

C.P.B. 167 1871 (8) 5/5

and lying across his side looked
pretty fiercely at us - before dis-
appearing - They are about the
size of James Fox Squirrel
& somewhat of that color per-
haps more yellow -

You are aware of the singu-
lar friendship existing be-
tween the prairie dog - the
owl and Rattlesnake & that
a family of each occupies
the same tenement - I saw
a number of the owls sitting
the mouth of the holes - I
could approach within
thirty steps of them, when
they would arise & fly off
a short distance & alight on
another little mound. They
are about the size of the Ala-
bama Screech owl

I did not see any Snakes
I am informed that in the
Summer time they go into

Types:
letter

C.P.B. 187 1871 (8) 5/5

the country & stay out un-
til the weather grows cold
enough to drive them home.
Newton is a remarkable
place - The first house was
built about the last of
April of this year, and
there was no farms in culti-
vation for a considerable
distance until ~~this~~ year
and they are ^{now cultivated} few and for
billion & without fences.
(The owners ~~of~~ stock being
required by law to fence their
cattle) There are now not
less than two hundred
houses - indeed I expect
300 - but many of them are
frame shacks of small
dimensions - There is a great

Types:
letter

many
I was about then and
it is the Wildcat population
I have not encountered
There are many drinking
Saloon and gambling
houses kept open day
& night - There has been
seen persons killed there
within the last six weeks
but at that time there was
no town organization -
They were recently
organized a municipal
government & elected
Mr Spevy mayor - He
got 375 votes out of 500 -
On reaching Lopez a
I found a letter from Charlie
He was getting along well -
& contented - If he continues
to enjoy himself I suppose
he will be absent several
days longer from me -
I send you a pamphlet of
Music The Heathen Chinee & other
songs which may amuse you
and Elvya Stee - Show it
to your Uncle Charles -
Don't understand me
as endorsing the sentiment
of all the songs -
Why have you not written
to me? Is it because you
do not love me, or has you
been prevented by "a poor
keepers woes" - My love to
all the folks at home
Affectionately
C. Cabaniss

C 22 187 1871 5/5

Names:

,Charlie

Cabiniss, S. D.

Spevy, Mr.

Steele, Elvya

Types:

letter

CPB 187 1871 (8) 5/5

St. Louis Apr 10 1871

Mr S. J. Cabaniss
 Mount Airy
 Missouri

We have from
 Messrs Dodge & Kim of the 1st circuit
 coming for credit your 1st invoice
 for dollars and take pleasure in
 informing you that we have placed
 the amount to your credit.

We do not keep accounts,
 your order for samples are handed
 over to Messrs Kercheral & Rison who are
 exclusively in that line and are entirely
 reliable. They promised to forward
 samples at once by express. (It is impossible
 to send samples by mail that would give
 you a full idea of the patterns) you
 paying the express charges to and they
 paying for return of same, this they
 tell us is the usual custom. They particu-
 larly request to have the samples returned
 to them without fail.

Very Respectfully
 George Vandervoort & Barney

Names:

Barney,
 Cabaniss, S. D.

Fordyce,
 Kercheral, J.

Rison,
 Scruggs,

Vandervoort,

Places:

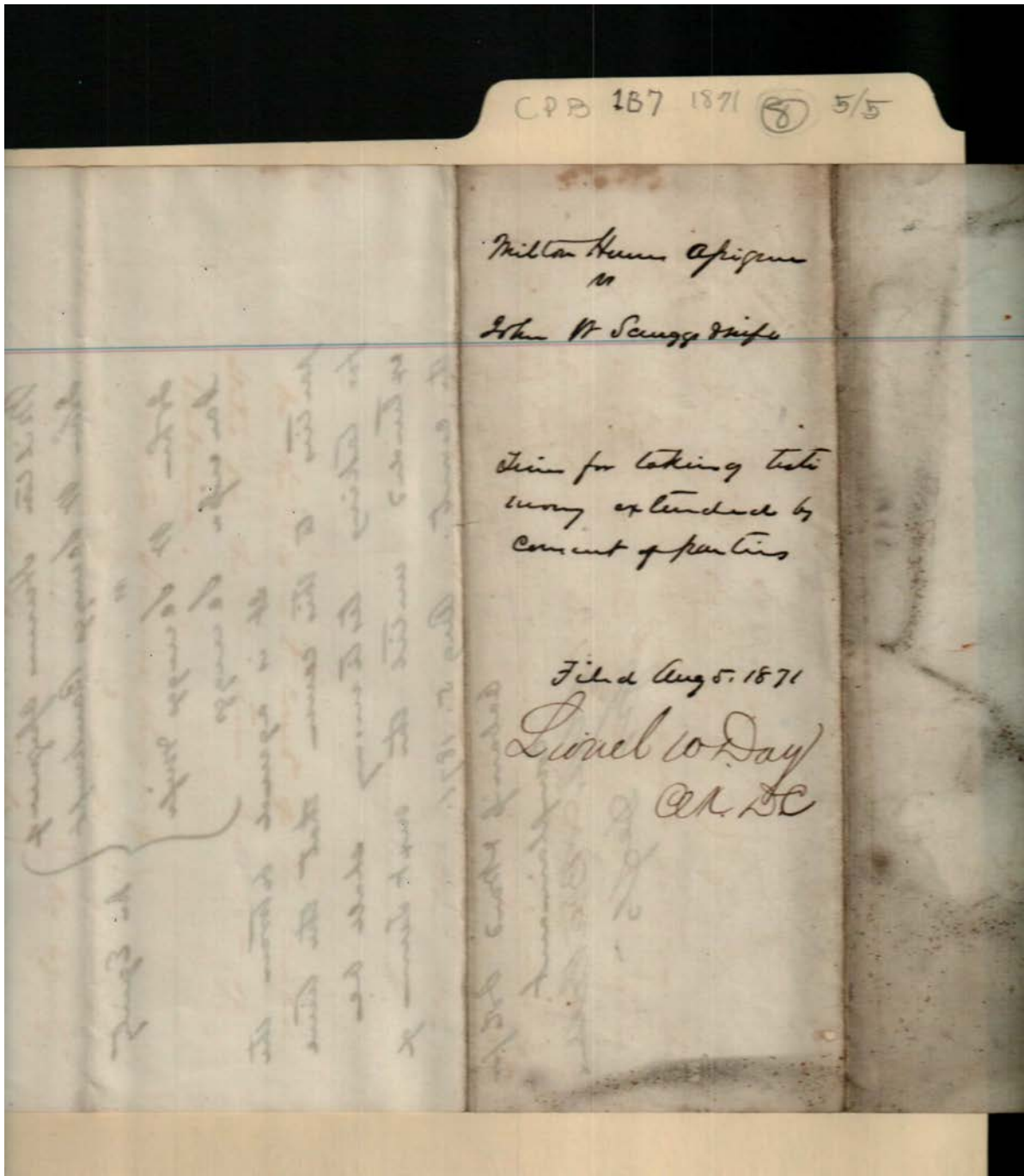
St. Louis, MO

Types:

letter

Dates:

Apr 10, 1871



Names:

Day, Lionel W.

Humes, Milton

Scruggs, John W.

Types:

memo

Dates:

Aug 05, 1871

CPB 187 1871 (8) 5/5

In the District Court of the United States for the Northern District of Alabama.

Milton Humes assignee of
John W Scruggs Bankrupt
" "
John W Scruggs wife
Narcissa Scruggs } In Equity

It is agreed between the parties to this cause that the time for taking testimony shall be extended until the next Term of the court. Aug 5. 1871.

Cabaniss & Ward Attys for Complainant.
Walker & Brickell
for Defts

Names:

Brickell,
Cabiness,

Humes, Milton
Scruggs, John W.

Scruggs, Narcissa
Walker,

Ward,

Places:

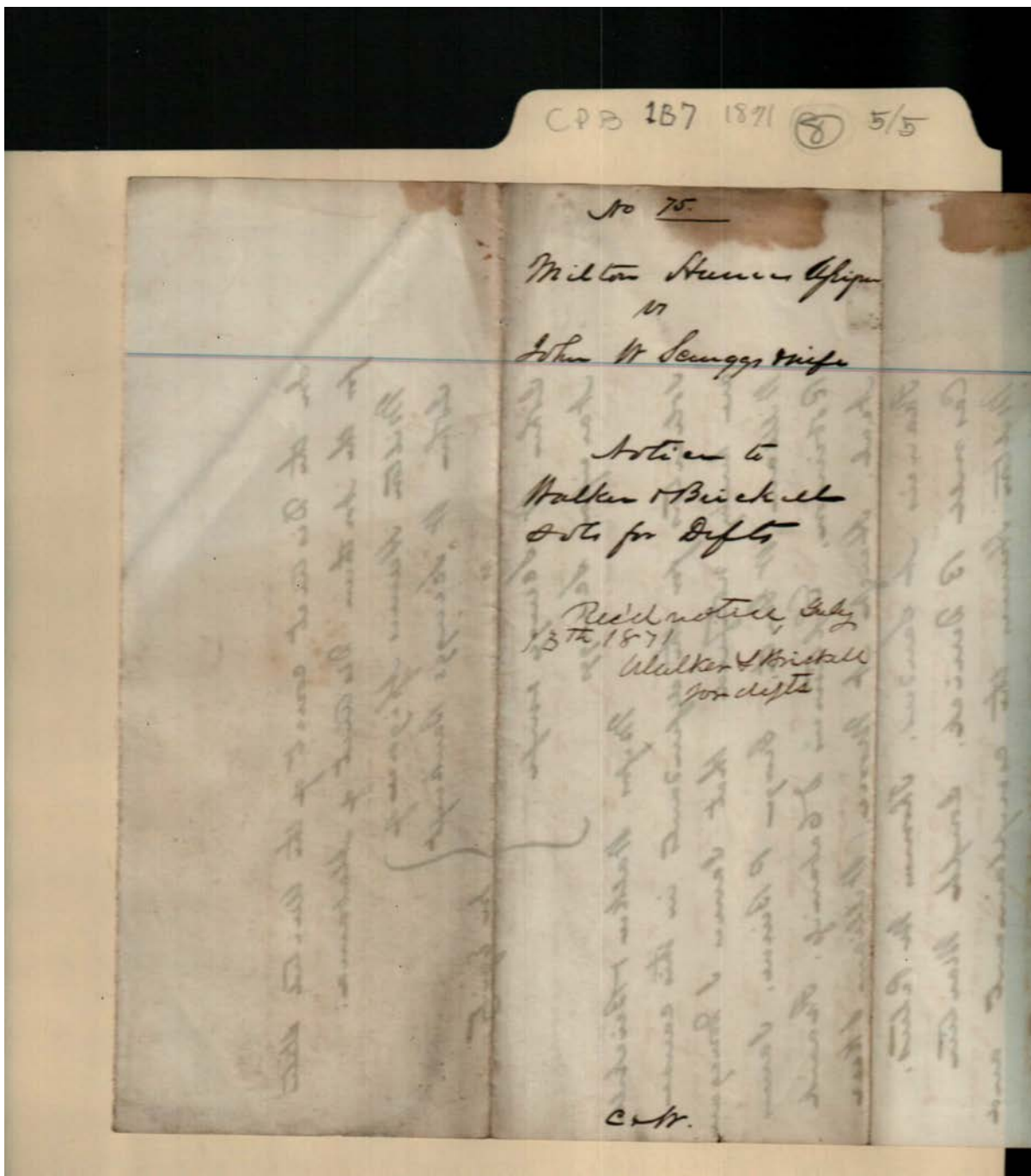
Northern District of
AL

Types:

legal notes

Dates:

Aug 05, 1871



Names:

Brickell,

Humes, Milton

Scuggs, John W.

Walker,

Types:

memo

CPB 157 1871 (8) 5/5

In the District court of the United States
for the Northern District of Alabama:
Milton Humes Higinson of
John W. Scroggs Bankrupt }
" } In Equity
John W. Scroggs wife
Narcissa Scroggs
Messrs Walker & Brickell
Solicitors for the defendants in this cause
are hereby notified that James J. Donegan,
William W. Garth, George P. Bierne, James
Robinson, Septimus D. Cabaniss, Frank
Neal, Hugh N. Moore, William S. Kerr,
Francis A. Sanders, Thomas M. Peters,
Caswell B. Derrick, Joseph Martin
Milton Humes the complainant and
others will be examined as witnesses
for the complainant, before Lionel W.
Day examiner of the court, at the office
of the clerk of said court in Huntsville
Alabama; and that the examination
of said witnesses will commence on
Monday August 7, 1871 and continue
from day to day until completed.
Cabaniss & Sanders Attys
for Complainant

Names:

Bierne, George P.
Brickell,
Cabaniss, Septimus
D.
Day, Lionel W.

Derrick, Caswell B.
Donegan, James J.
Garth, William W.
Humes, Milton
Kerr, William S.

Martin, Joseph
Moore, Hugh N.
Neal, Frank
Peters, Thomas M.
Robinson, James

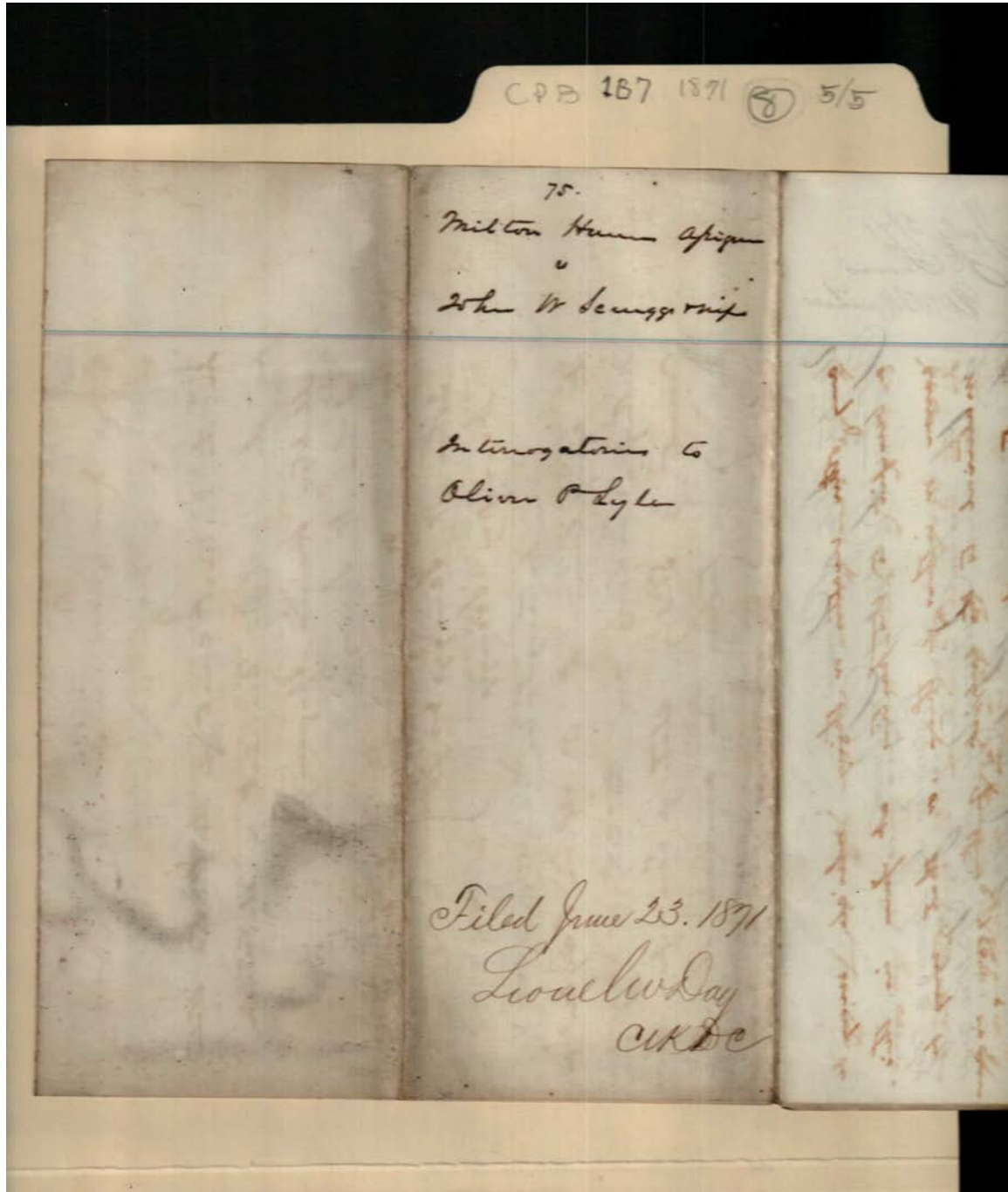
Sanders, Francis A.
Scroggs, John W.
Scroggs, Narcissa
Walker,
Ward,

Places:

Northern District of
AL

Types:

legal notes



Names:

Day, Lionel W.

Humes, Milton

Lyle, Oliver, P.

Scruggs, John W.

Types:

memo

Dates:

Jun 23, 1871

CPB 167 1871 5/5

In the District Court of the United States
for the Southern District of Alabama.
Milton Humes Plaintiff
John W Scruggs Bankrupt
vs
John W Scruggs & wife
Narcissa Scruggs } In Equity

Interrogatories propounded by
the complainant to Oliver P Lyle a
notary residing in the City of Memphis
County of Shelby State of Tennessee, whose
deposition taken in answer thereto
will be read as evidence for the compl-
ainant on the hearing of this cause viz:

- 1 Are you acquainted with the parties
to this suit?
- 2 Did you or not as attorney in fact for
the defendant John W Scruggs execute
a deed of conveyance of land near
Macon in Cullenden County Arkansas
known as the deland place to Francis
A Sanders as trustee of date February 7, 1866?
- 3 Had you or not a power of attorney
from said Scruggs to execute the said
conveyance of date February 6, 1866? If
yes make such power of attorney an
exhibit to your deposition in this cause.
- 4 Do you know or can you set forth

Scruggs bankruptcy

Names:

Humes, Milton
Lyle, Oliver, P.

Sanders, Francis A.
Scruggs, John W.

Scruggs, Narcissa

Places:

Northern District of
AL

Types:

interrogatory

CPB 187 1871 (8) 5/5

any other matter or thing which may be
a benefit to the parties at issue in this
cause or either of them, or that may be
material to the subject of this your or an
inaction or the matters in question in this
cause? If you set forth the same fully
and at large in your answer.

Cabaniss & Ward Att.
for Complainant.

Scruggs bankruptcy
Cabiniss, Ward,
interrogatory

Scruggs bankruptcy

Names:

Cabiniss,

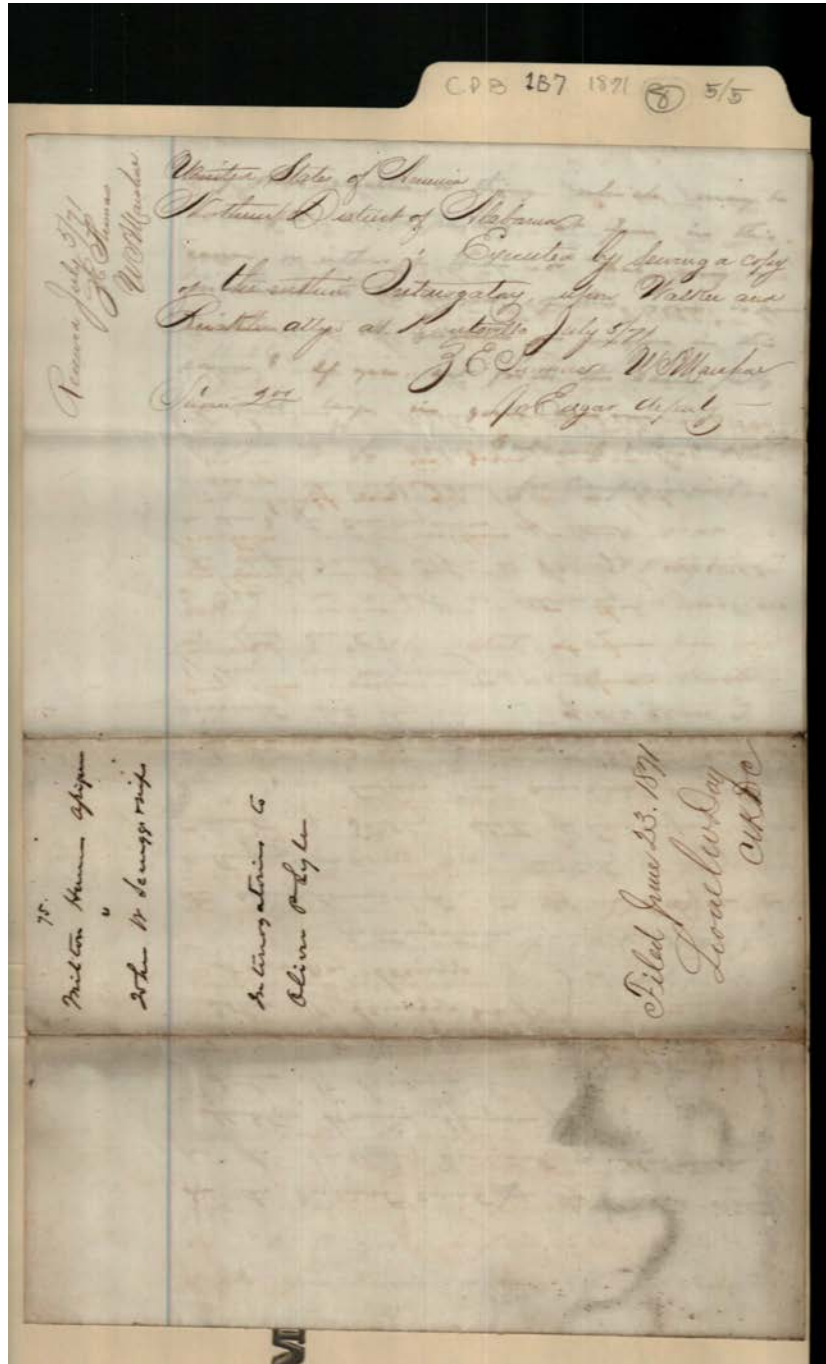
Ward,

Types:

interrogatory

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8
Legal and court documents, 1871 (5 of 5)

Image 89 r01b07-08-000-0140 [Contents](#) [Index](#) [About](#)



Scruggs bankruptcy

Names:

Brickell,
Edgar, John

Marshal, W. S.
Thomas, Z. E.

Walker,

Places:

Northern District of
AL

Types:

legal notes

Dates:

Jul 05, 1871

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8
Legal and court documents, 1871 (5 of 5)

[Contents](#) [Index](#) [About](#)

Table of Contents

[Image 1](#) (r01b07-08-000-0052)
[Image 2](#) (r01b07-08-000-0053)
[Image 3](#) (r01b07-08-000-0054)
[Image 4](#) (r01b07-08-000-0055)
[Image 5](#) (r01b07-08-000-0056)
[Image 6](#) (r01b07-08-000-0057)
[Image 7](#) (r01b07-08-000-0058)
[Image 8](#) (r01b07-08-000-0059)
[Image 9](#) (r01b07-08-000-0060)
[Image 10](#) (r01b07-08-000-0061)
[Image 11](#) (r01b07-08-000-0062)
[Image 12](#) (r01b07-08-000-0063)
[Image 13](#) (r01b07-08-000-0064)
[Image 14](#) (r01b07-08-000-0065)
[Image 15](#) (r01b07-08-000-0066)
[Image 16](#) (r01b07-08-000-0067)
[Image 17](#) (r01b07-08-000-0068)
[Image 18](#) (r01b07-08-000-0069)
[Image 19](#) (r01b07-08-000-0070)
[Image 20](#) (r01b07-08-000-0071)
[Image 21](#) (r01b07-08-000-0072)
[Image 22](#) (r01b07-08-000-0073)
[Image 23](#) (r01b07-08-000-0074)

[Image 24](#) (r01b07-08-000-0075)
[Image 25](#) (r01b07-08-000-0076)
[Image 26](#) (r01b07-08-000-0077)
[Image 27](#) (r01b07-08-000-0078)
[Image 28](#) (r01b07-08-000-0079)
[Image 29](#) (r01b07-08-000-0080)
[Image 30](#) (r01b07-08-000-0081)
[Image 31](#) (r01b07-08-000-0082)
[Image 32](#) (r01b07-08-000-0083)
[Image 33](#) (r01b07-08-000-0084)
[Image 34](#) (r01b07-08-000-0085)
[Image 35](#) (r01b07-08-000-0086)
[Image 36](#) (r01b07-08-000-0087)
[Image 37](#) (r01b07-08-000-0088)
[Image 38](#) (r01b07-08-000-0089)
[Image 39](#) (r01b07-08-000-0090)
[Image 40](#) (r01b07-08-000-0091)
[Image 41](#) (r01b07-08-000-0092)
[Image 42](#) (r01b07-08-000-0093)
[Image 43](#) (r01b07-08-000-0094)
[Image 44](#) (r01b07-08-000-0095)
[Image 45](#) (r01b07-08-000-0096)
[Image 46](#) (r01b07-08-000-0097)

[Image 47](#) (r01b07-08-000-0098)
[Image 48](#) (r01b07-08-000-0099)
[Image 49](#) (r01b07-08-000-0100)
[Image 50](#) (r01b07-08-000-0101)
[Image 51](#) (r01b07-08-000-0102)
[Image 52](#) (r01b07-08-000-0103)
[Image 53](#) (r01b07-08-000-0104)
[Image 54](#) (r01b07-08-000-0105)
[Image 55](#) (r01b07-08-000-0106)
[Image 56](#) (r01b07-08-000-0107)
[Image 57](#) (r01b07-08-000-0108)
[Image 58](#) (r01b07-08-000-0109)
[Image 59](#) (r01b07-08-000-0110)
[Image 60](#) (r01b07-08-000-0111)
[Image 61](#) (r01b07-08-000-0112)
[Image 62](#) (r01b07-08-000-0113)
[Image 63](#) (r01b07-08-000-0114)
[Image 64](#) (r01b07-08-000-0115)
[Image 65](#) (r01b07-08-000-0116)
[Image 66](#) (r01b07-08-000-0117)
[Image 67](#) (r01b07-08-000-0118)
[Image 68](#) (r01b07-08-000-0119)
[Image 69](#) (r01b07-08-000-0120)

[Image 70](#) (r01b07-08-000-0121)
[Image 71](#) (r01b07-08-000-0122)
[Image 72](#) (r01b07-08-000-0123)
[Image 73](#) (r01b07-08-000-0124)
[Image 74](#) (r01b07-08-000-0125)
[Image 75](#) (r01b07-08-000-0126)
[Image 76](#) (r01b07-08-000-0127)
[Image 77](#) (r01b07-08-000-0128)
[Image 78](#) (r01b07-08-000-0129)
[Image 79](#) (r01b07-08-000-0130)
[Image 80](#) (r01b07-08-000-0131)
[Image 81](#) (r01b07-08-000-0132)
[Image 82](#) (r01b07-08-000-0133)
[Image 83](#) (r01b07-08-000-0134)
[Image 84](#) (r01b07-08-000-0135)
[Image 85](#) (r01b07-08-000-0136)
[Image 86](#) (r01b07-08-000-0137)
[Image 87](#) (r01b07-08-000-0138)
[Image 88](#) (r01b07-08-000-0139)
[Image 89](#) (r01b07-08-000-0140)
[Table of Contents](#)
[Name & Place Index](#)
[About the Collection](#)

Frances Cabaniss Roberts Collection: Series 1, Subseries B, Box 7, Folder 8

Legal and court documents, 1871 (5 of 5)

[Contents](#) [Index](#) [About](#)

Name & Place Index

,Barney [22](#)
,Charlie [80](#)
,Fannie [76](#)
Alcorn, Governor [50](#)
Anderson, Charles W. [18](#)
Anderson, John M. [12](#), [14](#), [29](#), [30](#), [31](#), [32](#), [33](#), [34](#)
Anderson, R. W. [18](#)
Anderson, Riichard W. [32](#)
Anderson, William [18](#)
Anderson, [6](#), [17](#), [28](#)
Austin, Ida [18](#)
Austin, Julia W. [18](#)
Austin, Lula [18](#)
Austin, Walter [18](#)
Barney, [81](#)
Bass, William J. [63](#), [65](#)
Beard, A.C. [26](#)
Bierne, George P. [85](#)
Bingham, Mr. [52](#), [53](#), [54](#)
Blair, Mr. [47](#)
Bonaparte, [49](#)
Booth, D. B. [65](#)
Bowen, Mrs. [3](#)
Bowen, Samuel [3](#), [5](#)
Bowens, Hattie [4](#), [5](#)
Boyd, James A. [37](#)
Boyd, [38](#)
Bradford, A. [18](#)
Bradford, D. M. [8](#)
Bradford, Dell [7](#)
Bradford, H. C. [18](#)
Bradford, Isabelle [20](#)
Bradford, [9](#), [20](#)
Bradley, Isabelle, Mrs. [32](#)
Bradley, Mrs. [11](#), [72](#)
Bradley, [13](#), [29](#)
Brickell, R. C. [66](#), [70](#)
Brickell, [83](#), [84](#), [85](#), [89](#)
Brown, [34](#)
Buckle, [45](#), [49](#)
Butler, Mr. [44](#), [56](#)
Butler, [46](#)
Cabiness, C. E. [70](#)
Cabiness, C. P. [40](#), [41](#)
Cabiness, Charles [40](#)
Cabiness, Lucy L. [76](#)
Cabiness, S. D., Col [36](#)
Cabiness, S. D. [21](#), [22](#), [24](#), [25](#), [37](#), [73](#), [74](#), [80](#), [81](#)
Cabiness, Septimus D. [85](#)
Cabiness, [2](#), [3](#), [4](#), [5](#), [9](#), [10](#), [11](#), [13](#), [15](#), [16](#), [17](#), [27](#), [28](#), [29](#),
[30](#), [32](#), [34](#), [35](#), [38](#), [57](#), [66](#), [76](#), [83](#), [88](#)
Caffey, J. K. [66](#)
Caffey, W. A. [66](#)
Cala, Jan-Jose [18](#)
Carter, Mrs. [57](#)
Chadwell, Thomas [63](#)
Chadwell, [59](#), [62](#)
Chapman, R. [66](#)
Chase, Larkin, Miss [35](#)
Clay, H. L. [11](#), [18](#)
Cook, Mary [18](#)
Cook, Robert F. [18](#)
Cooper, J. L. [70](#)
Cooper, J. W. [70](#)
Cox, Mr. [44](#), [48](#), [50](#), [51](#)
Cox, Samuel S., Hon. [43](#)
Coxe, [72](#)
Cross, J. M. [2](#)
Curran, [49](#)
Davis, Adam [41](#)
Davis, Mack [41](#)
Davis, Mrs. [40](#)
Davis, Sen. [44](#)
Day, Lionel W. [71](#), [82](#), [85](#), [86](#)
Deckard, TN [57](#)
Derrick, Caswell B. [85](#)
Dill, Isaiah [60](#), [64](#), [70](#)
Donegan, James J. [85](#)
Donegan, [66](#)
Dorr, [52](#)
Drake, [66](#)
Edgar, John [89](#)
Edwards, William B. [42](#)
Facklin, J. J. [70](#)
Fant, Arthur [15](#), [27](#), [28](#), [30](#), [31](#), [32](#)
Fant, James T. [15](#), [27](#), [28](#)
Fant, James W. [18](#)
Fant, [16](#), [17](#)
Ferdinand VII, [49](#)
Florence, AL [3](#), [4](#), [5](#)
Fordyce, [81](#)
Foster, T. Boyd [64](#)
Garfield, Mr. [44](#)
Garth, William W. [85](#)
Gibbs, [36](#)
Hallam, [49](#)
Hamilton, Mr. [52](#)
Harybrough, Elijah [57](#)
Helena, AR [40](#)
Hoar, Mr. [48](#)
Holly Springs, MS [12](#), [13](#), [15](#), [16](#), [17](#), [18](#), [27](#), [28](#), [29](#), [30](#),
[33](#)
Hook, Judge [70](#)
Hooks, A. M. [68](#)

Hooks, Ada F. [68](#), [70](#)
Humes, Milton [82](#), [83](#), [84](#), [85](#), [86](#), [87](#)
Huntsville, AL [2](#), [32](#), [34](#), [68](#), [72](#), [74](#)
Jay, M. K. [39](#)
Jefferson, MO [37](#)
Johnson, President [50](#)
Jones, J. J. [66](#)
Jones, Mr. [53](#), [54](#)
Jordan, Fleming [71](#)
Jordan, Lucy J. [71](#)
Kelley, Mr. [46](#)
Kercheral, J. [81](#)
Kercheral, William F. [63](#)
Kercheral, [59](#), [62](#)
Kerr, Mr. [50](#)
Kerr, William S. [85](#)
Kotzebue, [49](#)
Kyle, Nelson [6](#)
Lafayette, [49](#)
Lewisburgh, TN [21](#)
Lilly, G. G. [35](#)
Lorance, Harriet [3](#)
Lyle, Oliver, P. [86](#), [87](#)
Mackintosh, James, Sir [47](#)
Mackintosh, [49](#)
Madison, Mr. [53](#), [54](#)
Marshal, W. S. [89](#)
Marshall, Chief Justice [53](#), [54](#)
Martin, Joseph [85](#)
Mason, Mr. [53](#), [54](#)
Maynard, John [46](#)
Maynard, Mr. [46](#), [47](#), [48](#)
McCrary, Thomas [39](#)
Mead, L. G. [70](#)
Minser, Jerome [67](#)
Moore, C. L. [40](#)
Moore, Frederick B. [71](#)
Moore, Hugh N. [85](#)
Moore, W. E. [40](#)
Mosely, [36](#)
Nashville, TN [9](#)
Neal, Frank [85](#)
Northern District of AL [83](#), [85](#), [87](#), [89](#)
O'Neal, [4](#)
Oates, Titius [46](#)
Paint Rock Station, AL [35](#)
Patterson, [8](#)
Patton, [66](#)
Peabody, Adams [37](#)
Perry, Mr. [50](#)
Peters, Thomas M. [85](#)
Prim, [49](#)
Pyncheon, L. F. [70](#)
Ragland, Patrick [61](#), [65](#)
Rayburn, S. J. E. [26](#)
Rice, Harriet [18](#)
Richard, Coeur de Lion [56](#)
Rison, [81](#)
Roberts, E. H., Mr. [53](#), [54](#)
Robinson, James [85](#)
Robinson, [13](#), [34](#)
Ross, Lord [53](#), [54](#)
Sanders, Francis A. [85](#), [87](#)
Schiller, [49](#)
Schlegel, [49](#)
Scott, R. J. [41](#)
Scott, Robert T. [40](#)
Scott, T. W. [40](#), [41](#)
Scott, Thomas W. [40](#)
Scruggs, John W. [82](#), [83](#), [84](#), [85](#), [86](#), [87](#)
Scruggs, Narcissa [83](#), [85](#), [87](#)
Scruggs, [22](#), [81](#)
Shelby, [73](#), [74](#)
Shellabarger, Mr. [53](#), [54](#)
Sheridan, [50](#)
Simpson, B. T. [3](#)
Snodgrass, John [23](#)
Snodgrass, [19](#)
Spevy, Mr. [80](#)
Spivey, [76](#)
Spotswood, L. [7](#)
Spotswood, Martha E. [18](#)
Spotswood, W. E. [8](#)
Spotswood, [9](#)
Springer, James P. [42](#)
St. Louis, MO [81](#)
Steele, Elvya [80](#)
Steele, G. G. [69](#)
Steele, George G. [68](#), [70](#)
Steele, W., Mr. [70](#)
Taylor, [74](#)
Thomas, Z. E. [89](#)
Thompson, M. H. [36](#)
Thompson, [36](#)
Tidwell, A. J. [26](#)
Topeka, KS [76](#)
Tuscumbia, AL [36](#)
Vandervoot, [22](#), [81](#)
Vane, Harry, Sir [46](#)
Voorhees, Mr. [48](#)
Walker, Jacob T. [65](#)
Walker, [13](#), [83](#), [84](#), [85](#), [89](#)
Ward, F. P. [70](#)
Ward, Francis P. [68](#)
Ward, P., Mr. [72](#)
Ward, [2](#), [3](#), [4](#), [5](#), [9](#), [10](#), [11](#), [13](#), [15](#), [16](#), [17](#), [27](#), [28](#), [29](#), [30](#),
[32](#), [34](#), [35](#), [66](#), [76](#), [83](#), [85](#), [88](#)
Washington, DC [43](#)
Watkins, Daniel [18](#)
Watkins, J. W. [7](#), [9](#)
Watkins, John W. [8](#), [18](#)
Watkins, Mary [18](#)
Weishaupt, [49](#)
White, [72](#)
Wilson, Robert H. [71](#)

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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ALABAMA IN HUNTSVILLE

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M. Louis Salmon Library**