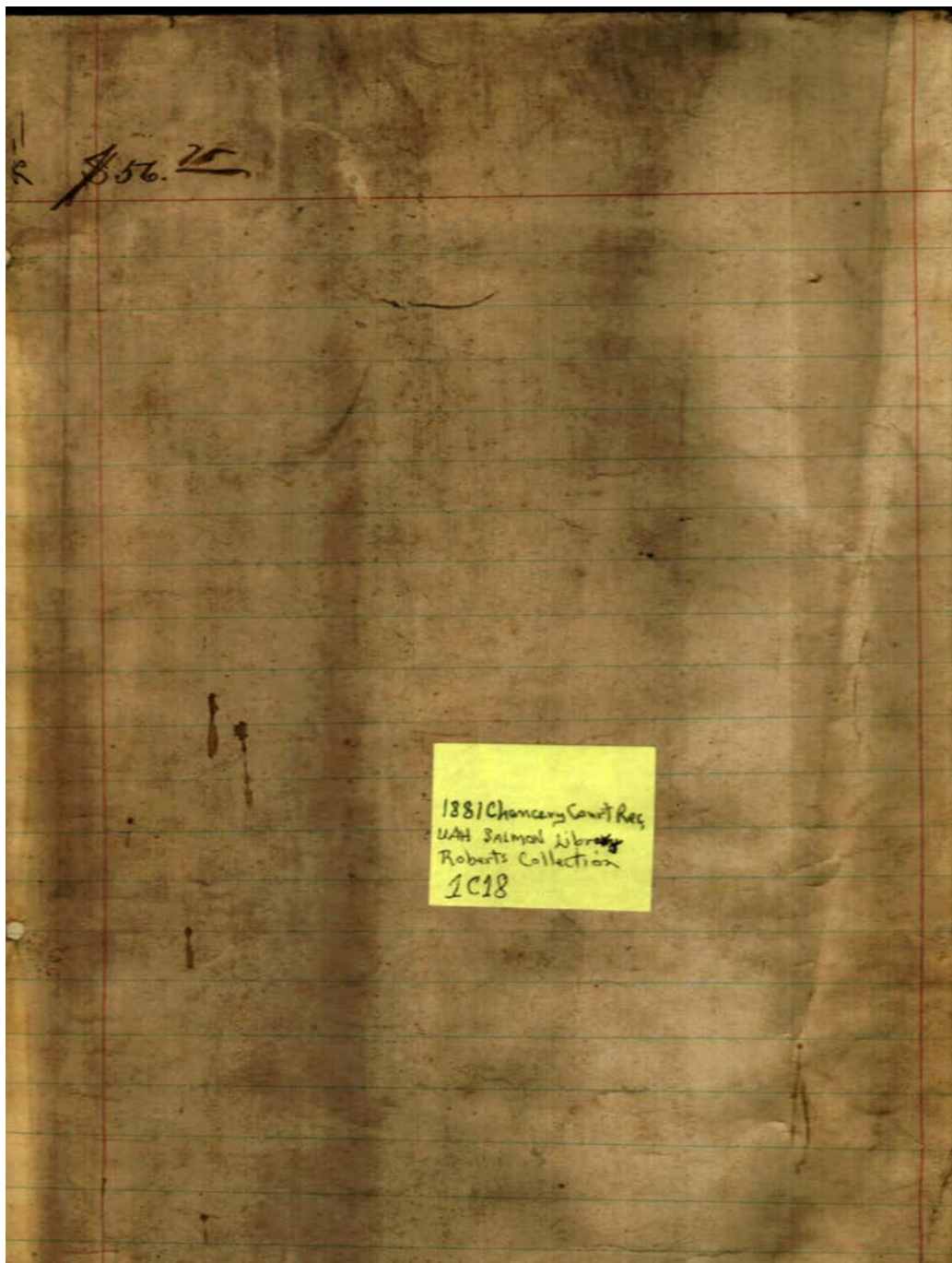


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**Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through September 1881, 156 pages)**

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case 1110

**Names:**

memo

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

1881

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Rison, John L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

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case 1110

**Names:**

Grimball, Moore &  
Rison

Humes & Gordon  
Index

Moore, Samuel H.  
Rison, John L.

Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

1881



1881 Chancery Court Rec  
 UAH Special Library  
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 1C18

1  
 Decretal S. R. Cruise Trustee &c. } In Chancery at  
 orders to as= 1110 vs } Huntsville  
 certain com Martha L. Patton } Madison County, Ala  
 pensation } State  
 for debts + } January Term 1881.  
 Trustee- }  
 This cause comes before me again  
 at this term of the Court on the  
 motion of to allow reasonable com-  
 pensation to Messrs Humes & Gordon  
 + Walker & Shelby for services as  
 Solicitors representing all the defend-  
 ants in this case except John Grim-  
 ball - in such part of said case as  
 have been finally disposed of by the  
 Supreme Court.  
 And also on motion for an allow-  
 ance to the Trustee Samuel R. Cruise  
 for extra services in the management  
 of the trust estate.  
 And also on motion to allow a  
 reasonable compensation to the  
 Solicitors of the Complainant for  
 services in this cause.  
 It is therefore ordered & decreed that  
 it be and is hereby referred to Robert  
 H. Wilson, as Special Register in this

case 1110

**Names:**

Cruise, Samuel R.  
 Grimball, John

Humes & Gordon  
 Patton, Martha L.

Walker & Shelby  
 Wilson, Robert H.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

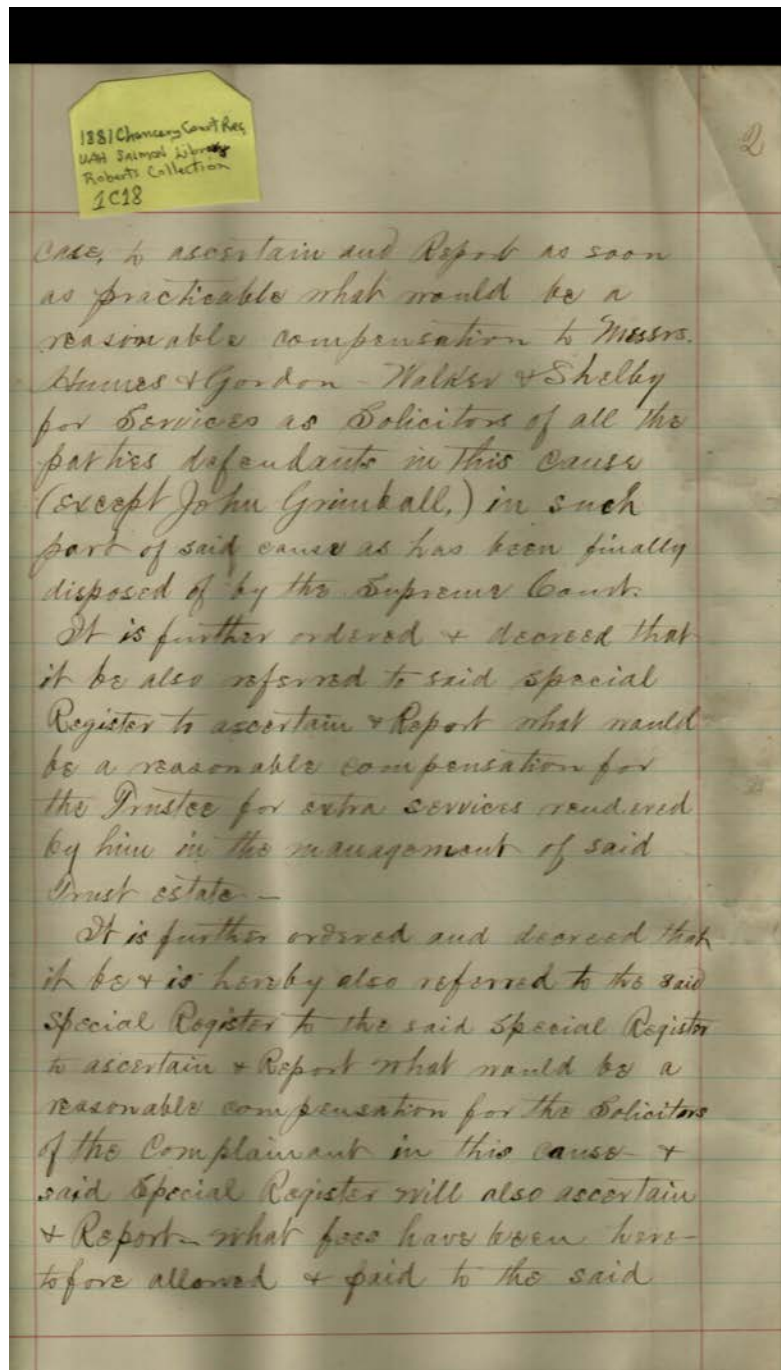
**Dates:**

Jan 12, 1881



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Roberts Collection  
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Case, to ascertain and Report as soon  
as practicable what would be a  
reasonable compensation to Messrs.  
Humes & Gordon - Walker & Shelby  
for Services as Solicitors of all the  
parties defendants in this cause  
(except John Grimball,) in such  
part of said cause as has been finally  
disposed of by the Supreme Court.  
It is further ordered & decreed that  
it be also referred to said special  
Register to ascertain & Report what would  
be a reasonable compensation for  
the Trustee for extra services rendered  
by him in the management of said  
Trust estate -  
It is further ordered and decreed that  
it be & is hereby also referred to the said  
Special Register to the said Special Register  
to ascertain & Report what would be a  
reasonable compensation for the Solicitors  
of the Complainant in this cause - &  
said Special Register will also ascertain  
& Report what fees have been here-  
tofore allowed & paid to the said

case 1110

**Names:**

Grimball, John

Humes & Gordon

Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

Jan 12, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through  
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1881 Chancery Court Rec  
UAH Journal Library  
Roberts Collection  
LC18

Complainants Solicitors or either of them -  
in this cause & said Register in accor-  
ding & Reporting an allowance under this  
order will do so in view of any al-  
lowances & payment heretofore made  
In executing this order of  
reference said Register will give  
the parties the usual notice of the  
place & time of doing so & will  
take the testimony of Attorneys &  
Solicitors learned & experienced  
in the practice in such cases  
& all legal & competent evidence  
that may be offered by the parties  
written or oral - & report his con-  
clusions, if practicable to the  
Court at the present term.  
January 12, 1881 -  
N. S. Graham  
Chancellor.

Endorsed: "Filed in open Court"  
"Jan. 12, 1881"  
"W. P. Newman"  
"Register"

case 1110

**Names:**

Graham, N. S.,  
Chancellor

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

Jan 12, 1881





1881 Chancery Court Rec  
UAH Digital Library  
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1818

In Chancery.  
First District, Eastern Division, State of  
Alabama:  
Samuel R. Emso, Compt.  
Vs.  
Martha L. Patton et al. Defts.  
To the Honorable Neill S.  
Graham Chancellor &c.

Samuel R. Emso, the complainant  
in the above entitled cause, files herewith his  
accounts and vouchers for a final settlement of  
his trusteeship.

The account herewith filed marked exhibit  
"A.A.A," contains a schedule of debts due the trust  
estate which are worthless. Petitioner, since  
said claims came to his hands as trustee has  
been able to collect nothing thereon; all of  
them are utterly worthless, the parties owing  
the same being entirely insolvent.

The account herewith filed marked  
Exhibit "B.B.B," contains a schedule of bonds  
notes & accounts now due the trust estate, all of  
which, in the judgment of petitioner, are perfectly  
good. Said notes and bonds with the interest  
due thereon to January 1<sup>st</sup> 1881, amount to the

Petition account  
paying trustee for  
final settle-  
ment by trustee

**Names:**

Cruse, Samuel R.

Patton, Martha L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

Sum of \$245.<sup>36</sup>/<sub>100</sub>.

The account herewith filed, marked exhibit "C.C.", contains a schedule of stocks, government & Rail Road bonds belonging to the trust estate of the actual value of ..... 7,148.<sup>75</sup>/<sub>100</sub>.

The account herewith filed, marked exhibit "D.D.", contains a schedule of the real estate belonging to said trust estate; all of it belonged to said trust estate when Catharine Gimball died; and was part of said trust estate when petitioners became the trustees thereof, except the house and lot on Madison Street, purchased of Hugh N. Moore. This house and lot was conveyed to petitioners in pursuance of an order of this Court and in compromise of a debt, which said Hugh N. Moore owed said trust estate, in 1876.

The account herewith filed, marked exhibit "E.E.", contains a schedule or statement showing rents received by petitioners and which have accrued from the real property of the trust estate since January 1<sup>st</sup> 1877. This statement shows the amount of rents received and which have accrued each year and the expense incurred by the trustees on account thereof for each year.

Catharine M. Gimball de-

**Names:**

Gimball, Catharine

Moore, Hugh N.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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September 1881, 156 pages)

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1881 Chancery Court Rec  
UAB Special Library  
Roberts Collection  
2C18

parted this life on the 17<sup>th</sup> day of July 1877. Said  
rents including those for 1877 fell due after her death.  
The account herewith filed, marked exhibit  
A & B, contains a statement of cash received and  
cash now on hand & disbursements made by pe-  
titioner since his last settlement, which was on  
the day of 1880, including all matters of  
account up to January 1<sup>st</sup> 1880.  
The statement herewith filed, marked exhibit  
C & D, contains a recapitulation of the foregoing exhibits  
and shows in a condensed form the character & value  
of the assets of the estate, except the real property.  
The foregoing exhibits contain a statement of all  
matters necessary to a final settlement by petitioner  
of his said trusteeship except the item of extra com-  
pensation to him & of compensation to his solici-  
tors of record which have been referred to the Register  
of this Court and not yet reported on by him, and  
the commissions of petitioner as trustee upon final  
settlement and reimbursement of the estate.  
Petitioner has heretofore made settlement with  
this Court of his administration of this trust  
estate with this Court up to the 1<sup>st</sup> day of January  
1880, to which reference is here asked for the pur-  
poses of this final settlement.

**Names:**

Grimball, Catharine  
(estate)

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

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UAI Jaimal Library  
Roberts Collection  
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Petitioner asks that his accounts for a final set-  
tlement of his said trusteeship be audited, passed  
and allowed; and that a final decree be made  
thereon absolving him from all further liabil-  
ity, and directing him how and to whom to  
surrender the assets of the estate.  
And he asks for such other and further order  
in the premises as to the Court may seem  
most proper and right.  
Humes, Gordon & Sheffey  
Sole for Compt.

The State of Alabama  
Madison County } Before me Robert M. Wilson  
Special Register &c, this day personally appeared Samuel  
R. Cruse Trustee &c, who being duly sworn, states  
that the matters & things alleged in the foregoing  
petition as of his own knowledge are true, & those  
things stated on information he believes to be true.  
Sworn to & subscribed  
before me this 13<sup>th</sup> day of July 1881  
R. M. Wilson Spl. Regt.

Endorsed: "Filed July 13/81  
R. M. Wilson Spl. Regt."

**Names:**

Cruse, Samuel R.

Humes, Gordon &  
Sheffey

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881

1881 Chancery Court Rec  
 UAH Special Library  
 Roberts Collection  
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Schedule of Worthless Bonds, Notes and Bills of Exchange  
 Belonging to Estate of Kate Grimball decd. Exhibit  
A A A

Wm. Matthews Mfr on Bradley Wilson & Co. N.O.  
 endorsed by A. M<sup>rs</sup> Donnell dated April 11, 1876  
 for \$ 2749.<sup>75</sup> 2749 75

A. M<sup>rs</sup> Donnell compromised his liability as endorser for \$ 200  
 paid R. W. Walker trustee.

W. J. Studdart Mfr on Bradley Wilson & Co dated  
 May 20, 1861, endorsed S. D. Hale, F. L. Hammond, R. C.  
 Brickell & John Robinson for 8142 21

Fleming Jordan on Bradley Wilson & Co dated  
 April 1<sup>st</sup> 1861 & 15<sup>th</sup> endorsed J. C. Bradley &  
 F. L. Hammond for 8313 29

Geo. W. Drake on Scruggs Donegan & Co, dated  
 March 18, 1861 & 12<sup>th</sup> endorsed Hugh N. Morris  
 & Thos. M. Moseley & F. L. Hammond 3469 07

John Lee Ward on Bradley Wilson & Co  
 dated April 12<sup>th</sup> 1861 & 16<sup>th</sup> endorsed W. D. McCalley 1750 03

Allen Walls on Scruggs Donegan & Co. dated  
 Feb 7, 1861 & 12<sup>th</sup> endorsed F. L. Hammond  
 & D. P. Ellis for 903 00

L. H. Jones on Scruggs & Co dated Jan 15, 1861  
 endorsed Geo. W. Scruggs & Ben Jolley 6342 09

Geo. W. Drake on Bradley Wilson & Co.  
 dated Nov. 24, 1861 endorsed Jas. H. Scruggs, R. S. McCalley 2140 86

**Names:**

Bradley, J. C.	Hale, S. D.	McCalley, W. J.	Studdart, W. J.
Bradley, Wilson & Co.	Hammond, F. L.	Moore, Hugh N.	Walker, R. W.
Brickell, R. C.	Jolley, Ben	Moseley, Thomas M.	Walls, Allen
Drake, George W.	Jones, George W.	Robinson, John	Watkins, William
Grimball, Catharine	Jones, L. H.	Scruggs, Donegan & Co.	Werd, John James
	Jordan, Fleming		

**Places:**

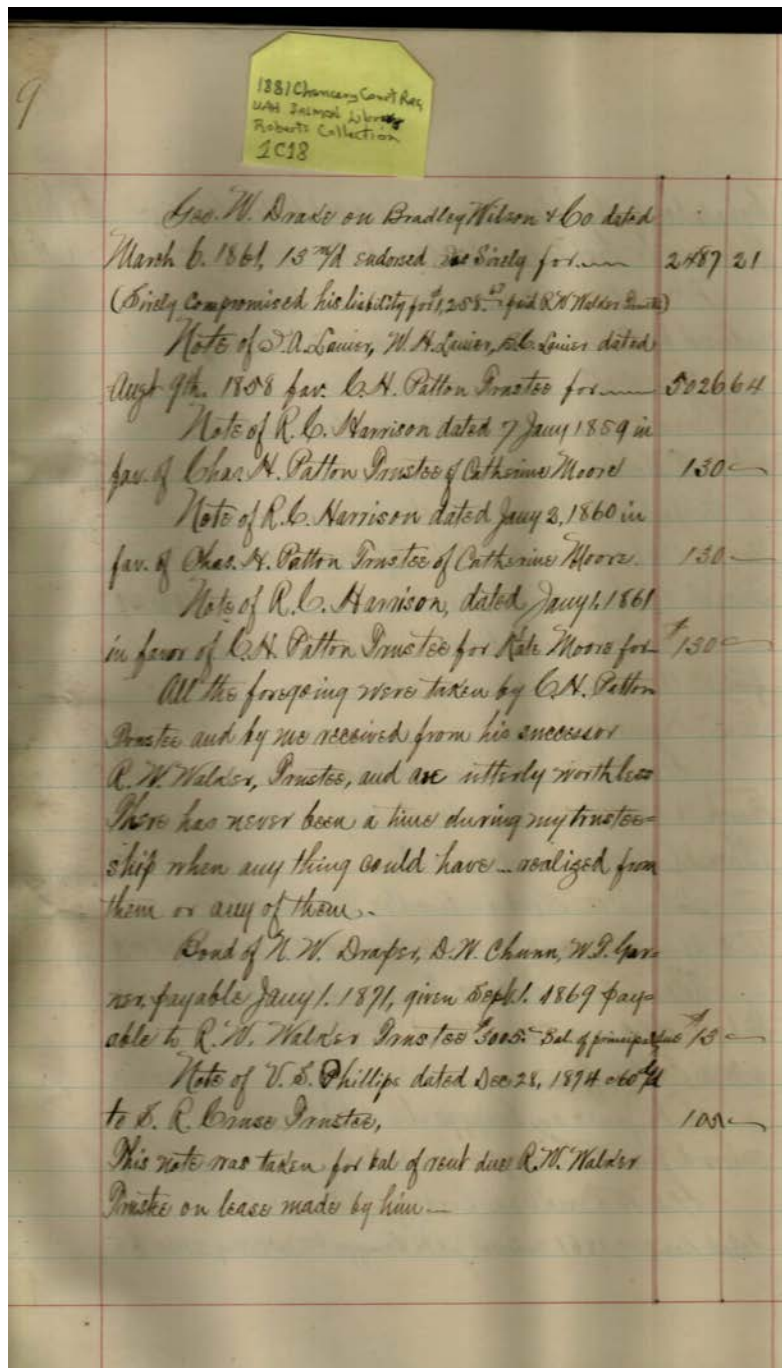
Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881



**Names:**

Bradley, Wilson &  
 Co.  
 Chunn, D. W.  
 Cruse, S. R.

Drake, George W.  
 Draper, N. W.  
 Garner, W. T.  
 Harrison, R. C.

Lanier, B. C.  
 Lanier, J. A.  
 Lanier, W. H.  
 Moore, Catherine

Patton, Charles H.  
 Phillips, V. S.  
 Walker, R. W.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**



Jan 13, 1881

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1881 Chancery Court Rec  
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Bonds of J. H. Brown dated Nov. 21. 1877 & 1 7/11  
 for S. R. Cruse Trustee 330.40  
 42,594.81

Wm. C. & C. N. Vincent Draft on Bradley Wilson & Co.  
 New Orleans favor of Jas. H. Gurley dated Huntsville Ala  
 Jan'y 10<sup>th</sup> 1862 & payable 15 Mo<sup>s</sup> after date 5062.80  
 17,457.69

Endorsed: Filed Jan'y 16<sup>th</sup> 1884  
 W. C. Norman Regt.

Statement of Notes, Bonds & Drafts belonging to the Exhibit  
 66B  
 Estate of Mrs. Kate Grimball examined  
 by J. H. Vincent  
 1877.

Notes of DeLong & Johnston due Jan'y 1. 1875.  
 and dated April 6. 1874 in favor R. W. Walker 1750.  
 Trustee, on which following payments are  
 endorsed Jan'y 7 '75 5,145.40  
 Apl 11 '77 185.  
 Octo 10 '79 100.

Leaving balance due to date of 111.10

Bond of James J. Donegan & Jas. H. Mastin  
 dated Apl 18<sup>th</sup> 1867 and payable 1 day after  
 date to R. W. Walker Trustee for 8,569.00

On which following credits are endorsed  
 Jan'y 1. 1870. 905.70  
 " " 1871 755.00

(over)

**Names:**

Bradley, Wilson &  
 Co.  
 Brown, J. H.

Cruse, S. R.  
 DeLong & Johnston  
 Donegan, James J.

Grimball, Kate, Mrs.  
 Gurley, James H.  
 Mastin, James H.

Vincent, C. H.  
 Vincent, William C.  
 Walker, R. W.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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 Univ. of Alabama Library  
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Sept. 27. 1878	500.00	
Dec. 6. 1878	1,000.00	
Apr. 2. 1879	150.00	
Balance District due 1 Jan'y 1881.		516.39
This bond is secured by a Mortgage upon the lands of the estate of Alex. Erskine deceased in Madison & Marshall Counties Alabama.		
Bond of J. J. Donegan & S. D. Cabaniss dated Aug. 20 <sup>th</sup> . 1878, and payable one day after date to order of R. W. Walker, Trustee, for 500.00		
On which following Credits are endorsed		
Apr. 2. 1874.	500.00	
" 1874	500.00	
Oct. 17 1878	585.00	
Nov 1 "	115.00	
Dec 26 1879	166.67	
" " "	440.56	
" 27 "	440.56	
Apr 10 1880	1494.97	1656.41
Balance due on this Note Mr. Cabaniss is not liable for. This balance is secured by Mortgage of J. J. Donegan on land in Texas.		

**Names:**

Cabaniss, S. D. Donefan, J. J. Erskine, Alexander Walker, R. W.

**Places:**

Huntsville, Madison Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881

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1881 Chancery Court Rec  
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Note of J. C. Hendricks dated Jan'y 18, 1877 due Jan'y 1, 1878, payable to S. R. Cruse Trustee	176.00	1561
Credited Jan'y 1, 1878. \$70.00		15144
Bond of J. C. Hendricks dated Jan'y 2, 1879 due Jan'y 2, 1880, payable to S. R. Cruse Trustee for	96.00	
Credited Octo 20 1879 by Cash \$16.00		8092
Bond of J. C. Hendricks dated Jan'y 1, 1880, due Jan'y 1, 1881 payable to S. R. Cruse Trustee	96.00	96.00
Bond of J. C. Phillips & V. S. Phillips dated April 1, 1877, due Jan'y 1, 1878 payable to S. R. Cruse Trustee	20.00	
Interest to 1 Jan'y 1881	6.00	51.00
Sam H. Moore Bond dated Novem 21 1877 and due one day after date payable to S. R. Cruse Trustee	127.75	
Interest to 1 Jan'y 1881	51.78	159.00
Bond of Sam H. Moore dated Jan'y 1 1878, due one day after date payable to S. R. Cruse Trustee	27.50	
Interest to 1 Jan'y 1881	65.02	588.02
Note of Sam H. Moore dated Jan'y 1 1878 due Jan'y 1, 1879 payable to S. R. Cruse Trustee	150.00	
Interest to Jan'y 1881	2.40	174.00

**Names:**

Cruse, S. R.  
Hendricks, J. C.

Moore, Sam H.  
Phillips, John

Phillips, V. S.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881

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1881 Chancery Court Rec  
 1881 District Library  
 Roberts Collection  
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Bond of Saml A. Morris & Martha L. Patton dated May 1, 1876, and due 18 mos after date payable to S. R. Cruse Trustee ~	550
Int. from the date	135 55 739 53
Bonds of Martha L. Patton and Saml A. Morris dated Nov. 22, 1877 and due one year after date payable to S. R. Cruse Trustee. Secured by deposit of \$10,000 in 2nd M. bonds of 1864 C. R. R. Co. ~	8208
Int 3 yrs 1 mo 11 ds	2044 71 1025 70
Eight Bk of G. M. Morris Guardian taken in settlement of int. Jan'y '81	2429 72
Bonds of S. M. Morris & D. L. Morris Principal dated May 15, 1874 due May 18, 1875 pay- able to Geo. W. Ward Guardian of Sallie J. Bradford, pri ~	4745 20
Int paid to June 25, 1880.	
Int 6 mos 6 ds	146 04 4939 24
Bond of D. L. Moore & S. M. Morris dated Apr 11, 1875 and due 11 <sup>th</sup> Jan'y 1876 payable to G. M. Morris ~	5281 20
Int. paid to June 28, 1880.	
Int. 6 mo 5 ds	133 40 5414 60
(over)	

**Names:**

Bradford, Sallie J.  
 Cruse, S. R.

Harris, G. M.  
 Moore, D. L.

Moore, Sam H.  
 Patton, Martha L.

Ward, George W.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881

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1881 Chancery Court Rec  
 UAH Internal Library  
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Bond of D. L. Moore dated April 8, 1878, due April 8, 1878, payable to Harriet S. Figures 2750 <sup>00</sup> Int. paid to Harriet 7, 1880, Int 1 mo 24 <sup>00</sup>	54	2784
Bond of D. L. Moore dated Sept 1, 1878, and due Sept 1, 1878 payable to Republic Life Ins. Co. 6000 Int paid to Sept 1, 1880.		
There is due due \$300 being for paid Annis & Gordon for arranging papers as- signing this note to S. R. Humes & Gordon and int. thereon from Sept 31 1877.	300 <sup>00</sup>	
Int on \$6000 - 4 mos. 160 <sup>00</sup> " " 300 - 1 yr. 4 mos. 52 <sup>00</sup>	192	406007 <sup>00</sup>
Note of S. M. Bailey & Co due 1 Jan 1881 1291 <sup>57</sup> Note of J. R. Stegall " " 67 <sup>50</sup>		14913 <sup>06</sup>
Open ac <sup>t</sup> vs Sam H. Moore	300	15243 <sup>06</sup>
Endorsed: Dated Jan 13, 1881 W P Newman Rept		

**Names:**

Bailey, S. M. & Co.  
 Cruse, S. R.

Figures, Harriet S.  
 Humes & Gordon

Moore, D. L.  
 Moore, Sam H.

Stegall, J. R.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881

1881 Chancery Court Rec  
 USAH Digital Library  
 Roberts Collection  
 1C18

Exhibit 666 Schedule of Bonds and Stocks belonging to the  
 Estate of Mrs. Kate Grimball -

39 Extended First Mortgage Bonds  
 of The Memphis & Charleston R.R. Co. of  
 One thousand dollars Each, with Cou-  
 pons attached from No 13 due July 1, 1881  
 to No 80 due Jan'y 1, 1915. 59000 00  
 With prem of 17% 6650 00 ~~49500~~

24 Second Mortgage Bonds of the  
 Memphis & Charleston R.R. Co. of One  
 thousand dollars Each, with Coupons at-  
 tached from No. 29 due July 1, 1881 to No 56  
 due Jan'y 1, 1888. 24000 -  
 With prem of 10% 2500 26500 -

4 U. S. Bonds of One thousand dollars  
 Each due May 1, 1881 with 2 Coupons @ 12%  
 Ea attached to Each bond. 4000 - 4200 -

273 Shares of Stock in the Madison  
 Turnpike Co of \$20 Ea par value ~~total amount due~~ 5467.50  
 75415.75

Entered: Filed July 10, 1881  
 W. Newman Regr.

**Names:**

Grimball, Kate, Mrs.

Madison Turnpike  
 Co.

Memphis &  
 Charleston Rail

Road

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881



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1881 Chancery Court Rec.  
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 Roberts Collection  
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Exhibit  
 D.D.D.

*Schedule of Real Estate belonging to  
 The Estate of Mrs. Kate Grimball*

*In Limestone County Ala*

$\frac{1}{2}$ Sec. 1. P. 2 R 3 W.	Acres	90.64
N.E. 1/4 " 12 " " " "		180.68
$\frac{1}{2}$ N.E. 1/4 " 13 " " " "		88.53
S.E. 1/4 " 12 " " " "		170.68
N 1/2 N.E. 1/4 " 13 " " " "		90.
<i>Acres</i>		<b>630.53</b>

*In Madison County Ala*

N.W. 1/4 Sec 18. P. 2 R 2 W.	Acres	157.01
N.E. 1/4 " " " " "		167.70
N 1/2 " 7 " " " "		515.47
S.E. 1/4 " 7 " " " "		160.
N 1/2 S.W. 1/4 " 31 " " " "		80.
E 1/2 S.W. 1/4 " " " " "		80.
N 1/2 N.E. 1/4 " " " " "		77.29
N 1/2 W 1/4 " " " " "		158.59
<i>Acres</i>		<b>1188.06</b>

*In Huntsville Ala*

*This lot of land and tenements known formerly as the  
 residence of R. J. Manning and as the late residence of David  
 Moore, bounded eastwardly Washington St. Southwardly by Holmes  
 Street and the lot formerly owned by Wm. Wilson, Nov. 1875  
 owned by Jno. A. Erwin, Westwardly by said lot of Erwin's*

**Names:**

Erwin, John A.	Manning, R. J.	Wilson, William
Grimball, Kate, Mrs.	Moore, David	

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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formerly Moore and Jefferson Street, northwardly by the  
 north side wall of a brick stable formerly situated in said  
 lot and a straight line remaining from N. W. corner of  
 said brick stable to Jefferson st.

The lot of land adjoining the residence of the late  
 G. J. LeVert fronting on Washington St. 70 feet, 8 inches, run-  
 ning back 140 ft 1 inch. Its boundaries of said lot rec-  
 orded of N. Sheffield & wife to David Moore, recorded in  
 Madison County Ala. Deed Book "J." page 555 & seq.

The lot of land and hawmunt thornon lying in the  
 northern part of the City of Huntsville Ala, and west of Mad-  
 ison Turnpike road leading to Meridianville beginning  
 at S. E. corner of lot of Estate of Jas. W. Thompson on N. mar-  
 gine of said Turnpike running thence westwardly along said  
 Thompson's Southern line 202 feet, thence South west-  
 wardly 86 1/2 feet, thence at right angle Eastwardly  
 252 feet to said Turnpike thence North Eastwardly along  
 said Turnpike 86 1/2 feet to the beginning. Contain one  
 half acre. The above was received of H. N. Moore  
 June 6, 1876 in compromise of a debt due from  
 him to the Trust Estate \$1320.00

Endorsed: Filed Jan'y. 13. 1881  
 W. P. Newman  
 Regr.

**Names:**

LeVert, F. J.  
 Moore, David

Moore, Hugh N.  
 Sheffield, N.

Thompson, John W.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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**Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through September 1881, 156 pages)**

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Statement of Receipts Received from, and of Disbursements Paid  
 on Real Estate belonging to the Estate of Mrs. Kate Grimball, for

Years 1877, 1878, 1879 & 1880.

1877	Decem 14	S. M. Bailey	cash on acct	1877	247.00	
1878	Decem 7		cash out of plantation	1878	953	
1879	Januy 17	"	bel " " "	1878	12.00	
1880	Januy 1	"	" " " "	1879	1500	
	Decem 31		on acct	1880	508.63	4208.63
1878	Januy 1	W. E. Lynskey	cash		28.50	
	"	Jas. A. Lewis	"		19.00	
	"	J. C. Hendricks	"		65	
	"	V. S. Phillips	"		9	
	"	W. E. Lynskey	"		4.50	
	21	V. S. Phillips	"		18	
	31	J. R. Stegall	"		49.00	
	"	Sam. A. Moore	"		1.55	
1878	July 1	W. E. Lynskey	"		37.00	
		Mrs. W. Smith	"		37.00	
		J. R. Stegall	"		67.00	466.00
1879	Januy 1	W. P. Newman	"		37.50	
	2	W. P. Newman & S. A. Moore	cash		60	
	"	A. H. Bradley	cash		79	
	3	W. E. Lynskey	"		37.50	
1880	July 3	J. R. Stegall	"		97.00	
	Aug 12	do	"		67.00	

**Names:**

Bailey, S. M.  
 Bradley, A. H.  
 Grimball, Kate, Mrs.

Hendricks, J. C.  
 Lewis, James H.  
 Lynskey, W. E.

Moore, Sam H.  
 Newman, W. P.  
 Phillips, V. S.

Smith, F. W.  
 Stegall, J. R.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881



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Octo	23	J. C. Hendricks & Deb.	100.06	
1880		do bush	18.44	495.50
Januy	1	J. R. Stegall	97.50	
"	"	W. P. Newman	60 -	
June	26	J. R. Stegall	67.50	
"	"	do	67.50	
Augt	14	do	67.50	
July	3	do	97.50	407.50
1881				
Januy	7	do	77.50	
"	"	W. P. Newman	60	107.50
		Cash Received		575.08
1877				
Januy		Insurance		98.66
Septm	20	Pass City Huntsville		201.89
1878				
Januy	1	Insurance on store to Januy 79 Repairs		20.40
Januy	9	E. M. Lamb & Co	75.83	
Feb	7	H. Brandon	2.00	
March	1	W. G. Windom	149	
Sept	4	E. M. Lamb	47	295.80
1879		Pass Nelson & Simonsen Dec. 1877		593.10
Januy		Pass Nelson & Simonsen Dec. 1877 & City of Huntsville		699.58

**Names:**

Bailey, S. M. & Co.  
 Brandon, H.

Hendricks, J. C.  
 Lamb, E. M.

Newman, W. P.  
 Stegall, J. R.

Windom, W. G.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

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**Dates:**

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Octo. 16	Insurance to July 1, 1880.		103.75
21	Repairs, Plantation Limber Chimneys	12.00	
25	On Cottage occupied by Hendricks	53	
"	" " " " Phillips	8	
"	" double brick Tenement	50.50	
"	" Plantation	599.00	628.05
1880 Jan 1	Repairs -		
	J. R. Stegall for fence	19.06	
	S. M. Bailey & Co building houses		
	Stables gin houses on plantation	1805.63	1827.69
Jan 27	Insurance to July 1, 1881		103.75
	Jones, Madison, Limberts houses		
	& City of Anniston		426.56
	Cash disbursed		4881.28
	<u>Reconciliation</u>		
	Cash Received on Receipts	5985.18	
	" Disbursed from "	4881.28	
			903.90
	<u>Notes for Rent uncollected</u>		
	S. M. Bailey & Co due to Jan 1881	1291.57	
	J. R. Stegall due to July 1881	97.00	
	J. W. Hendricks " Jan 78 balance	106	
	do " 2 Jan '81	96	
	do " 1 Jan '81	96	
	Dr. Phillips & V. S. Phillips " '78	2.00	

(over)

**Names:**

Bailey, S. M. & Co.  
 Hendricks, J. C.

Phillips, John  
 Phillips, V. S.

Stegall, J. R.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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Sam H. Moore	2 Jan 78	273	
do	" " "	100	
			3008.77
Add open a/c to Sam H. Moore		300	
	Total		3308.77
Endorsed: "Filed Jan 13, 1881 W.P. Newman Repr."			
Exhibit Annual Settlement of Account of S. R. Cruse Trustee for Mrs Kate Grimball 1880			
Jan 1	To Balance of Cash on hand this day as reported to Chancery Court on settlement Account 31 <sup>st</sup> 1879.		958.56
"	1 Coupon 2 <sup>nd</sup> Mortgage to S. R. Cruse 2 <sup>nd</sup> Coupon due this day p. 356 n	840 --	
July 1	2 <sup>nd</sup> " " " " p. 350 "	840 --	
			1680 --
	Less expenses charges on same to 7/14.		511 1675 --
Receipts Received			
Jan 1	S. R. Stegall note bal on acct 1879	97.00	
"	W. P. Newman " " " "	60.00	
July 12	J. R. Stegall note due this day	67.00	
" 14	do " " " "	67.00	
July 15	do " " " "	97.00	
	(over)		

**Names:**

Cruse, S. R.  
 Grimball, Kate, Mrs.

Moore, Sam H.  
 Newman, W. P.

Stegall, J. R.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881

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Augt. 11	Rents Received J. R. Stegall note dusting	67.00	Dr
Janey 1	S. M. Bailey & Co. rent for 1879	1520.00	1907.50
	Bills Receivable		
April 16	Partial payment of Note of Donegan & Cabaniss		1600.00
May 1	Coupons 1% Mortgage N. & C. RR Bonds		
	39 Coupons due this day on 39 mortgage bonds	1360.00	
	Less Express charges to N. Y.	1.04	
		1360.91	
Decem 10	Interest on \$7,000 bonds @ 7% for May & June 1880 - the interest on the new bonds for which these were recharged, beginning to accrue from July 1, 1880	460.00	1819.91
	Coupons N. C. Bonds		
July 1	4 Coupons @ 12.00	50	
May 1	4 " " 12.00	50	
		100	
	Less Express charges to N. Y.	50	99.70
Decem 31	Rents Received Partial payment by S. M. Bailey & Co for rent note for 1880		2808.65
			8190.50
1881			
Janey 1	Balance on hand this day (For book see see over)		4909.50

**Names:**

Bailey, S. M. & Co.

Donegan & Cabaniss

Stegall, J. R.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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Date	Description	Dr.	Cr.
1881	Repairs of Property J. R. Stegall's damaged Mill house S. M. Budge & Co for building gin house & kitchen re- pairing house, Stable Mill on plantation Expenses	19 06	1808 65
" "	Salary of G. R. Cruse Justice for 1877	1000 --	1827 67
June 24	Expenses on 129,000 bonds to N.Y.	58 80	
Dec 10	" " 39,000 - from "	58 80	1117
	Insurance		
July 25	On Cottage on Monroe St.	18 75	
"	" Storehouse, Washington St.	24 --	
"	" Cottage, do "	40 --	
"	" " " " " " " "	18 --	1807 75
	Attorneys Fees & Court costs		
" 27	R. H. Wilson Register in Chancery	249 50	
	Passes		
	On land in Lease Mortgage <sup>Chancery</sup> 677 79	15 60	
	" " " " " " " " " "	26 92	
July 11	" " " " " " " " " "	270 10	
	" " " " " " " " " "		
	Huntsville property for year 1878		
	\$122 - less 2% discount	119 86	442 16
	Investment		
June 25	Note of G. C. Moore & S. H. Moore in favor of M. Norrist due July 11, 1874	328 25	

**Names:**

Bailey, S. M. & Co.  
 Cruse, S. R.

Moore, D. L.  
 Moore, Sam H.

Stegall, J. R.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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	Account Bal to June 28, 1880	562.10	362.65
From \$1	Balance on hand this day		909.80
			1875.50
	Endorsed: Filed July 13, 1881 M. Norman Repr.		

Account of Receipts and Disbursements, during Month of July, 1881. Exhibit

S. R. Cruise Director for Mrs. Kate Linnell D. L. (1881)

July 1	\$100 Cash on hand as reported to Chancery Court on settlement from \$1, 1880.		909.80
	Interest		
"	Recd of G. M. Harris Guardian of Ed. Moore int on sundry notes as follows		
	On note \$6000 to Republic Life Ins Co to Sept 1, 1880.	762.40	
	Int on note to Wm. L. Lewis 4745 <sup>00</sup>		
	and on \$450 <sup>00</sup> account int on same	826.86	
	The above account int refunded -	421.61	
	On note to H. S. Siquero \$2700 <sup>00</sup>		
	on account int \$109 <sup>00</sup> on same	228.75	
	The above account int refunded	109.45	
	Int on \$362 <sup>00</sup> being account int due on note to G. M. Harris paid by Cruise Director	14.75	

**Names:**

Cruise, S. R.	Harris, G. M.	Republic Life
Figures, Harriet S.	Moore, D. L.	Insurance Co.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

Jan 13, 1881

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	Plc above account ink refunded	562.40	292572
	Dividends on Madison Rapid Co Stock		
Jan 1	Collected in Cash		614.25
	Coupons M. & O. R.R. Co Bonds		
"	39 Coupons Extended bonds		
"	24 " 2 Mortgage "		
"	63 " of 1880 due this day	2200.00	
	See Express charges to N.Y.	6.90	2195.10
	Coupons U. S. Bonds		
"	4 Coupons due Aug 1. 1880	50	
"	4 " " " 1881 "	50	100
	Receipts Received		
7	W. P. Newman's cash note	60	
"	J. R. Stegall " "	97.50	107.50
	Collections made by Humes & Gordon		
	On note of DeLong & Johnston 100.00		
	" " Donegan & Cabaniss 440.00		
	" " " " do 1127.20		
	" Bond note of J. S. McCalley 150.00		
	" " " " do 60.60		1906.76
			8012.18
Jan 12	Bal. on hand as per Contra Cash	2406.56	

**Names:**

DeLony & Johnston  
 Donegan & Cabaniss

Humes & Gordon  
 McCalley, T. S.

Newman, W. P.  
 Stegall, J. R.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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1881	Expenses	Co.
Jan		
12	1 Paid S. R. Cruse Justice Salary for 1880	1000
"	2 Paid S. R. Cruse Justice salary for 1881 to date Attorneys Fees & Court Costs Paid Humes & Gordon attys as pr. schedule of here with	466 104 65 2438 25
"	Bal on hand this day to wit Cash on deposit W.R. Rison & Co	2406 06 2406 06
	Bills Receivable - Right dft. of G. M. Harris Guardian on Moore & Young This dft. was taken in payment of District Credits pr. Contra. & is in hands of W.R. Rison & Co. for Collection	2925 72 2925 72
		8812 18

Endorsed "Filed Jan. 15, 1881  
 W. Newman  
 Regn."

**Names:**

Cruse, S. R.  
 Harris, G. M.

Humes & Gordon  
 Moore & Young

Rison, W. R. & Co.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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Exhibit  
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General Summary & Reconciliation of the  
 Property of the Estate of Mrs Kate Grimball

Merchandise Bonds Notes &c Exhibit A.A.A.	12375 50	
Notes Bonds &c &c &c B.B.B.	15225 36	
Bonds & Stocks C.C.C.	11175 75	
Cash on hand	2406 51	
		152775 67

Real Estate

650<sup>ac</sup> acres of land in Winston's county Ala  
 1188<sup>ac</sup> " " " " Madison " "

The lot of land and house thereon known  
 formerly as residence of Dr David Moore  
 The lot of land and house thereon ad-  
 joining the residence of the late Dr J. Le-  
 Vert on Washington Street  
 The lot of land and tenements thereon  
 on the Madison Paraphrase, taken of  
 H. H. Moore in compromise of debt -

Rents Received

Rent since Jan 1. 1877	5985 18	
Disburse	1531 28	902 90
Add Rent notes & acct uncollected		2450 87
		5658 77

Endorsed: Filed Aug. 13. 1881 W. H. Newman Regt

**Names:**  
 Grimball, Kate, Mrs.                      LeVert, F. J.                      Moore, David, Dr.                      Moore, Hugh N.

**Places:**  
 Huntsville, Madison  
 Co., AL

**Types:**  
 chancery court

**Dates:**  
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At a Court of Chancery bequand held on the  
 first Monday in January 1881 - it being the 3rd day  
 term of for the First Dist: Eastern Div. of Ala.  
 Hon. N. S. Graham Chancellor present the  
 following order was made to wit:

Samuel R. Cruse, Trustee } (January 13th 1881)  
 1110 vs. } Come the parties by  
 Martha L. Patton et als } their Solicitors and  
 in Motion Samuel R. Cruse read Report of his  
 Trusteeship in this cause and the same (is) wanted  
 filed and ordered to lie over one day for confirmation.

Cruse Trustee }  
 1110 vs }  
 Martha Patton et als } In this cause John L. Rison  
 as the Administrator of Catharine Grimball deceased, moves the Court to make trustee  
 that all orders be made, directing Samuel R. Cruse, }  
 the Trustee, to pay over to morant, all the personal }  
 assets in his hands, except such a sum as may be }  
 indicated by the Court, as sufficient to meet the }  
 reasonable allowances incident to said trust, yet un- }  
 settled - }  
 David P. Lewis  
 Sol. for Rison as  
 Adm.

Enclosed: "Filed in open Court January 14th 1881. W. H. Newman  
 Rego"

case 1110

**Names:**

Cruse, Samuel R.

Grimball, Catharine

Patton, Martha L.

Rison, John L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

Jan 14, 1881

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1881 Chancery Court Rec  
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Affidavit of Samuel R. Cruise Trustee  
 J. L. Rison 11/15  
 Mrs. v. Martha L. Patton et al  
 Chancery Court Madison  
 County, Northern Chan-  
 cery District of Ala. — Hon. E. D. of Ala.  
 Before me William De Newman Register in  
 Chancery, for said District, personally appears  
 John L. Rison, who is the administrator of Mrs.  
 Kate Grimball, deceased, who makes oath in  
 due form, & says:—  
 That there are debts against the estate of his  
 intestate, which have been duly presented to  
 him, by W. J. Mastin, Hereford & Timberlake  
 and others, the bona fide of  
 which he has no reason to doubt; and that  
 he has no means, nor assets in his hands, with  
 which to pay the same. That no part of the  
 assets of said intestate have come into his  
 hands; and his letters of administration bear  
 date 27th December 1877.  
 That there are debts due said estate, now  
 due, which should be collected;— that the  
 exigencies of the large assets demand the  
 constant and vigilant supervision of the  
 legal representative of the said estate.  
 Sworn to & subscribed before me this the 15th day of Jan. 1881  
 W. De Newman Regr. J. L. Rison Adm.  
 Mrs. Kate Grimball Deed.

case 1110

**Names:**

Cruise, Samuel R.  
 Grimball, Kate, Mrs.

Hereford &  
 Timberlake

Mastin, W. J.  
 Patton, Martha L.

Rison, John L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

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Endorsed: Filed in open Court Jan'y 15, 1881  
 W. Norman  
 Regr. "

In Chancery First District Eastern  
 Division State of Alabama  
 S. B. Cruse  
 vs  
 M. L. Patton et al.

Agreement  
of Parties

In this case it is agreed that the said  
 Cruse as such trustee shall turn over to John  
 L. Rison administrator of Mrs. Grimball all the  
 personal assets in his hands including money, bonds  
 etc, but not to include the rents of the real estate  
 accrued since Mrs. Grimball's death (in his hands)  
 except \$10,000.00 of money or personal assets to  
 be held by him to answer such orders of the  
 Court as may be made on reports of the  
 register under references now pending before  
 him. And said Cruse as such trustee will  
 turn over the real estate to Samuel H. Moore,  
 Harriet M. Rhett and husband R. B. Rhett,  
 and George M. Harris Guardian of David  
 L. Moore and will retain the rents and  
 rent-notes of said real estate which has

case 1110

**Names:**

Cruse, Samuel R.	Moore, David L.	Rhett, Harriet M.
Grimball, Kate, Mrs.	Moore, Samuel H.	Rhett, R. B.
Harris, George M.	Patton, Martha L.	Rison, John L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

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accrued since Mrs. Grimball's death to the  
 amount of \$2000.<sup>00</sup> Dollars to await a refer-  
 ence now pending before the Register.

This agreement does not foreclose the  
 question of who is entitled to the rent for  
 the year of 1877, and the rent for that year  
 is likewise to be retained by said trustee  
 until it is judicially determined to whom  
 it belongs.

Nor does this agreement foreclose the  
 question as to who is entitled to the  
 Moore or Haudrick's lot on the Meridian  
 ville site.

Endorsed:  
 Filed Map 5. 1881  
 W. Newman  
 Register

H. M. Rhett.  
 R. B. Rhett  
 G. M. Harris  
 Guardian of D. S. Moore  
 David A. Moore  
 David P. Lewis ad.  
 for Grimball  
 Walden & Shelby of  
 Counsel for some of  
 the depts.  
 M. L. Patton by  
 David A. Moore atty.

case 1110

**Names:**

Grimball, Kate, Mrs.  
 Harris, G. M.

Lewis, David P.  
 Moore, David L.

Moore, Samuel H.  
 Patton, Martha L.

Rhett, Harriet M.  
 Rhett, R. B.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

Jan 15, 1881



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In Chancery - First District Eastern  
Division State of Alabama.  
Saul R. Cruse Complt.  
vs  
Martha L. Patton et al Defs.  
To the Honorable Neil S. Graham  
Chancellor &c.

Your petitioner, the complainant in the above  
captioned cause, respectfully represents that heretofore,  
to wit; on January 13<sup>th</sup> 1881, he filed in this Court  
in this cause his petition for a final settlement of  
his administration of the trust estate involved in this  
litigation and he accompanied with his said peti-  
tion a detailed statement of the assets belonging to  
said estate in his hands and, also, his accounts  
and vouchers for a final settlement. Said  
petition has never been acted upon by this  
Court. Since the filing of said petition the ap-  
plication for a rehearing, which was made in the  
cause in the Supreme Court, has been refused  
or denied. Since the order refusing said  
application for a rehearing, petitioner in pur-  
suance of an agreement of parties in interest  
made and filed of record in this cause May  
5<sup>th</sup> 1881, turned over to the defendants, John

case 1110

**Names:**

Cruse, Samuel R.

Patton, Martha L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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J. Rison, as administrator of Mrs. Grimball,  
all the personal assets belonging to said trust  
estate including money bonds &c., except the  
rents of the real estate which accrued since Mrs.  
Grimball's death and except \$10,000. of said per-  
sonal assets, which said \$10,000. by the terms of  
said agreement petitioner was to hold to receive  
such orders of the Court as might be made on  
reports of the Register under reference pending  
before him: and petitioner in pursuance of said  
agreement turned over the real estate belonging  
to said trust estate to the defendants, Samuel H.  
Moore, Harriet M. Rhett & her husband, R. B.  
Rhett, and George M. Harris, as guardian of  
David L. Morris, retaining of the rents and  
rent notes of said real estate which have ac-  
crued since Mrs Grimball's death to the  
amount of \$4,000 to await a reference pend-  
ing before the Register. It was further pro-  
vided by said agreement that it did not  
foreclose the question of who is entitled  
to the rent for the year 1877, and the rent  
for that year was likewise to be retained  
until it was judicially determined to whom  
it belonged. The said agreement further pro-

case 1110

**Names:**

Grimball, Kate, Mrs.  
Harris, George M.

Moore, David L.  
Moore, Samuel H.

Rhett, Harriet M.  
Rhett, R. B.

Rison, John L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881



1881 Chancery Court Rec  
UAB Palmer Library  
Roberts Collection  
1C18

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vided that the question as to who is entitled to the  
Moore or Standrade lot was left open to be deter-  
mined by the further action of the Court. Said  
agreement is hereby referred to and asked to be  
considered as part of this petition. Petitioner took  
the receipt of said Rison for said personal  
assets turned over to him and the receipt of  
the said Samuel H. Moore, Harriet M. Rhett  
and her husband, R. B. Rhett and George  
M. Harris, as guardian of David S. Moore,  
for the real property turned over to them.  
Said receipts were taken in duplicate &  
one of each is herewith filed marked  
respectively "M M" & "H H" and asked to be  
considered as part of this petition.  
Petitioner, also herewith files and makes a  
part of this, his petition, a statement marked  
exhibit "O O" showing the assets of said estate  
now in his hands. He, also, files herewith and  
makes as part of his petition another state-  
ment marked "P P" showing cash balance  
on hand January 12, 1881, when his said peti-  
tion and account for final settlement was filed  
and his cash receipts and disbursements to July  
1<sup>st</sup> 1881.

(over)

case 1110

**Names:**

Harris, George M.  
Moore, David L.

Moore, Samuel H.  
Rhett, Harriet M.

Rhett, R. B.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881





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The premises considered, petitioner prays a decretal  
order of this Court affirming this petition and his  
said petition filed January 13<sup>th</sup> 1881, to Robert H.  
Wilson as special Register for the purpose of  
stating the accounts of Petitioner for a final  
settlement of his administration of said trust estate.  
Petitioner, also, asks that the Court determine to  
whom the rents of the real estate for the year 1877  
should be surrendered or delivered. Petitioner, also,  
prays that the Court determine who is entitled to  
the Hendricks or Morse house and lot and to  
whom possession of the same should be sur-  
rendered. And petitioner prays for such other  
and further orders as to the Court may seem  
right and proper in the premises.

Sworn to and subscribed by Humes, Gordon & Sheffey  
S. R. Cruse before me this 9<sup>th</sup> day of July 1881  
W. P. Newman Register S. R. Cruse

Endorsed: "Filed July 9, 1881  
W. P. Newman  
Register"

case 1110

**Names:**

Cruse, S. R.

Humes, Gordon &  
Sheffey

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881



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1881 Chancery Court Rec  
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In Chancery First District Eastern Division  
 State of Alabama  
 No. 1110 S. R. Cruse  
 vs  
M. L. Patton et als.

In this case it is agreed that the said Cruse as  
 such trustee shall turn over to John L. Rison  
 Administrator of Mrs. Grimball all the personal  
 assets in his hands including money, bonds etc.,  
 but not to include the rents of the real estate  
 accrued since Mrs. Grimballs death (in his hands)  
 except \$10,000<sup>00</sup> of money or personal assets  
 to be held by him to answer such orders of the  
 Court as may be made on reports of the register  
 under references now pending before him. And  
 said Cruse as such trustee will turn over the  
 real estate to Samuel H. Moore, Harriet M.  
 Rhett and husband R. B. Rhett, and George M.  
 Harris, Guardian of David L. Moore, and will  
 retain the rents and rent notes of said real  
 estate which has accrued since Mrs. Grimb-  
 balls death to the amount of \$4000<sup>00</sup> Dollars  
 to await a reference now pending before the  
 Register.  
 This agreement does not foreclose the question

case 1110

**Names:**

Cruse, S. R.	Moore, David L.	Rhett, Harriet M.
Grimball, Kate, Mrs.	Moore, Samuel H.	Rhett, R. B.
Harris, George M.	Patton, Martha L.	Rison, John L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

May 5, 1881

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1881 Chancery Court Rec  
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of who is entitled to the rent for the year of 1877,  
And the rent for that year is likewise to be retain-  
ed by said trustee until it is judicially determin-  
ed to whom it belongs.  
Nor does this agreement foreclose the question  
as to who is entitled to the Morris or Head-  
ricks lot on the Meridianville side.

A. M. Rhett.  
R. B. Rhett  
G. M. Harris, Guardian of  
D. L. Morris  
Saml. H. Moore  
David P. Lewis Sol  
for Grimball  
Walker & Shelby  
of Counsel for some  
of the depts.  
M. L. Patton by  
Saml. H. Moore atty.

Endorsed:  
"Filed May 5, 1881  
M. P. Newman  
Register"

case 1110

**Names:**

Harris, George M.  
Moore, David L.

Moore, Samuel H.  
Patton, Martha L.

Rhett, Harriet M.  
Rhett, R. B.

Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

May 5, 1881



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Schedule of worthless notes, Bonds and Bills of Exchange Exhibit  
 belonging to the Estate of Mrs Kate Grimball, deceased. "M M"  
 William Matkin's draft on Bradley Wilson & Co  
 New Orleans dated April 11, 1861: endorsed  
 by A. McDonnell for 2749.99 2749.99  
 A. McDonnell compromised his liability  
 as endorser for \$200: paid to C. M. Males Printer  
 W. J. Studdart draft on Bradley Wilson & Co  
 dated May 20, 1861: endorsed by S. D. Hale, D. L.  
 Hammond, B. C. Brickell and John Robinson 8142.21  
 Fleming Jordan draft on Bradley Wilson & Co  
 N. O. dated April 1, 1861, at 13 m/d endorsed by  
 J. C. Bradley and F. L. Hammond 8025.29  
 Geo. W. Jones draft on Scruggs, Donegan  
 & Co dated March 17, 1861, at 12 months after date  
 endorsed by Hugh N. Moore, Thos. M. Moseley & 5469.97  
 F. L. Hammond  
 John James Ward draft on Bradley Wilson  
 & Co dated April 1, 1861 at 13 m/d endorsed by Moseley 1730.93  
 Allen Walls draft on Scruggs, Donegan & Co  
 dated Feb 7, 1861 at 12 m/d endorsed by F. L.  
 Hammond & J. F. Ellis 7133.00  
 L. H. Jones draft on Scruggs, Donegan & Co  
 dated Jan. 13, 1861. endorsed by W. Scruggs, Ben Jolley 6342.59

case 1110

**Names:**

Bradley, J. C.	Hammond, F. L.	Moore, Hugh N.	Walker, R. W.
Bradley, Wilson & Co.	Jolley, Ben	Moseley, Thomas M.	Walls, Allen
Brickell, R. C.	Jones, George W.	Robinson, John	Ward, John James
Ellis, J. F.	Jones, L. H.	Scruggs, Donegan & Co.	
Grimball, Kate, Mrs.	Jordan, Fleming	Scruggs, John W.	
Hale, S. D.	Matkin, William	Studdart, W. J.	
	McDonnell, A.		

**Places:**

Huntsville, Madison Co., AL



**Types:**

chancery court

**Dates:**

July 9, 1881

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Geo. W. Drake draft on Bradley, Wilson & Co  
 dated Nov. 26. 1861. endorsed by H. Scruggs, Esq. McCalley 2110 86

Geo. W. Drake draft on Bradley, Wilson & Co  
 dated March 6. 1861 at 13 m/100 endorsed by Geo.  
 Sivley 2487 21

Geo. Sivley compromised his liability on this for  
 \$1208<sup>42</sup> paid to R. W. Walker Trustee

Note of D. R. Lanier, W. H. Lanier and  
 S. R. Cruse dated August 9. 1868 payable  
 to C. S. Patton Trustee 5026 64

Note of R. C. Harrison in favor of Chas. H.  
 Patton Trustee of Kate Moore dated July 7. 1867 130

Note of R. C. Harrison in favor of Chas. H.  
 Patton Trustee of Kate Moore dated July 2. 1868 130

Note of R. C. Harrison in favor of Chas. H.  
 Patton Trustee of Kate Moore dated August 1868 130

Bond of N. W. Draper, D. W. Chunn and  
 W. D. Garner dated Sept. 1. 1869 payable to  
 R. W. Walker Trustee July 1. 1871. 75000

Balance of principal. divd 130

Note of V. S. Phillips to S. R. Cruse Trustee  
 dated Dec. 8/1874 at 60 1/4 1000

Bond of J. H. Brown to S. R. Cruse Trustee  
 dated Nov. 21. 1877 at 1 1/4 330 40

(over)

case 1110

**Names:**

Bradley, Wilson &  
 Co.  
 Brown, J. H.  
 Chunn, D. W.  
 Cruse, S. R.

Drake, George W.  
 Draper, N. W.  
 Garner, W. T.  
 Harrison, R. C.  
 Lanier, B. C.

Lanier, J. A.  
 Lanier, W. H.  
 McCalley, T. S.  
 Moore, Kate  
 Patton, Charles H.

Phillips, V. S.  
 Scruggs, James H.  
 Sivley, Joseph  
 Walker, R. W.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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W<sup>m</sup> C. Vincent and C. H. Vincent draft  
 on Bradley, Wilson & Co New Orleans in favor  
 of Jas. H. Gurley Jan'y 15. 1862 \$15 m/d 2062 80

Note of De Long & Johnston in favor of  
 R. W. Walker, Trustee dated April 6. 1874 and  
 payable January 1. 1875 1700

Upon which the following payments are en-  
 dorsed:

January 7. 1875	1,424.00
April 11. 1877	185
Octo. 10. 1879	100

Received of S. R. Cruse Trustee of Mrs. Kate  
 Grimball the above described worth less notes,  
 Bonds and Bills of Exchange belonging to said  
 Estate, which are turned over to me by him  
 in pursuance of decretal orders of the Chan-  
 cery Court, and also the decision of the  
 Supreme Court of Alabama.

Signed in Duplicate May 9. 1881  
 John L. Rison Admr.  
 of Est. Kate Grimball.

Endorsed:  
 Filed July 9. 1881  
 W. Newman  
 Regt.

case 1110

**Names:**

Bradley, Wilson &  
 Co.  
 Cruse, S. R.

DeLong & Johnston  
 Grimball, Kate, Mrs.  
 Gurley, James H.

Rison, John L.  
 Vincent, C. H.  
 Vincent, William C.

Walker, R. W.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

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1881 Chancery Court Rec  
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 2C18

Exhibit  
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In Chancery  
 First District Eastern Division - State of  
 Alabama -  
 Saml. R. Cruse Compt.  
 vs.  
 Martha L. Patton et al Defts.

We the undersigned Harriet M. Rhett  
 and her husband, R. Barnwell Rhett, Samuel H. Moore,  
 and George M. Harris as Guardian of David L. Moore, do  
 hereby acknowledge to have received from Samuel R.  
 Cruse the complement in the above entitled  
 matter, all the Property which by the decision of the  
 Supreme Court, the decretal order of said Chan-  
 cery Court and the agreement of parties of record  
 in the above entitled cause, he was authorized  
 and required to turn over to us as the heirs at  
 Law of Kate Grimball deceased, including the  
 following described Tracts of Land:

All that certain tract or parcel of Land lying and  
 being in the County of Summerton, State of Ala.  
 consisting of the following parcels namely, the  
 North east quarter of Section twelve, in Town-  
 ship five of Range three West containing one  
 hundred and eighty acres, and sixty eighth  
 hundredths of an acre, the South east quarter of

**Names:**

Cruse, Samuel R.  
 Grimball, Kate, Mrs.

Harris, George M.  
 Moore, David L.

Moore, Samuel H.  
 Patton, Martha L.

Rhett, Harriet M.  
 Rhett, R. Bennett

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

**Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through  
September 1881, 156 pages)**

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Section one in Township five of range three west containing  
one hundred and eighty one acres and twenty nine  
hundredths of an acre 40 40 20 20 20 20 20 20 20 20  
of R. S. Chambers to David Moore  
Also Deed of N. Sheffield & wife to David Moore,  
Also Deed of Hugh N. Moore to S. R. Cruse  
Cruse, also Deed of Gabriel Moore Gov. of State of  
Ala. to John Lindsay, also Deed of William & James  
Williams to Sarah Blackwell, also Deed of Wm. J.  
Mastin admn. of William Clark & Susan Clark to  
David Moore, also Deed of William Robinson  
Sheriff, to David Moore, also Deed of John Y.  
Bassett, to David Moore, also Deed Nicholas  
Sheffield to Andrew Cross for Lot, also William  
Robinson Sheriff, Deed to David Moore, also  
Deed of U. S. Gov., to John Lindsay assignee of  
Wm. J. Taylor, and the Real Estate being more par-  
ticularly described as follows:

In Limestone County Alabama -

S. half S.E. quarter Section 1. T. 5. N. R. 3. W.	Acres
N.E. 1/4	90.64
S. 1/2 N.E. 1/4	Sec. 12. T. 5. N. R. 3. W. 180.68
S.E. 1/4	Sec. 13. T. 5. N. R. 3. W. 88.08
W. 1/2 N.E. 1/4	Sec. 12. T. 5. N. R. 3. W. 180.68
	Sec. 13. T. 5. N. R. 3. W. 90.00
	Acres = 630.08

(over)

**Names:**

Bassett, John Y.  
Blackwell, Sarah  
Chambers, R. S.  
Clark, Susan  
Clark, William

Cross, Andrew  
Cruse, S. R.  
Lindsay, John  
Mastin, William J.  
Moore, David

Moore, Gabriel,  
Governor  
Moore, Hugh N.  
Robinson, William,  
Sheriff

Sheffield, N.  
Sheffield, Nicholas  
Taylor, William F.  
Williams, James  
Williams, William

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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In Madison County Ala -

N.W. 1/4	Dec. 18. P. O. R 27	1077.09
N.E. 1/4	Dec. 18. P. O. R 27	1077.70
W 1/2	Dec. 7. P. O. R 27	316.47
S.E. 1/4	Dec. 7. P. O. R 27	160.00
W 1/2 of S.W. 1/4	Dec. 31. P. O. R 27	80.00
E 1/2 of S.W. 1/4	Dec. 31. P. O. R 27	80.00
W 1/2 of P.O.	Dec 31. P. O. R 27	79.29
N.W. 1/4	Dec 31. P. O. R 27	108.09
		Acres = 1188.06

In Huntsville Ala -

The lot of land and tenements known formerly as the residence of R. J. Manning and as the late residence of David Moore bounded eastwardly by Washington Street, Southwardly by Holmes Street and the lot formerly owned by William Wilson now 1870 owned by John A. Erwin, Westwardly by said lot of Erwin's formerly Wilson's and Jefferson Street and northwardly by the north side wall of a brick Stable formerly situated in said lot and a straight line running from N.W. Corner of said brick Stable to Jefferson Street.

The lot of land adjoining the residence of the late P. J. Levert fronting on Washington Street 173 feet 8 inches running back 145 feet 1 inch

**Names:**

Erwin, John A.	Manning, R. J.	Wilson, William
Levert, F. J.	Moore, David	

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

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For boundaries of said lot see deed of N. Sheffield &  
 wife to David Morris recorded in Madison County  
 Court Deed Book J. Page 255

The lot near the R.R. on the Penn side run-  
 ning north from Huntsville taken in compromise  
 of a debt due from A. N. Morris.

Signed in duplicate this the 5<sup>th</sup> day of May  
 1881 -

G. M. Morris  
 Guard. of D. L. Morris  
 A. M. Rhett.  
 R. B. Rhett  
 Saul. A. Morris.

Endorsed: "Filed July 9, 1881  
 W. P. Newman  
 Regr."

Statement of debts belonging to the Real Estate retained by Exhibit  
 Order of the Chancery Court. (agreement of parties) OD

J. C. Mendrix	note - bal due on	56
do	"	96
do	"	96
J. V. S. Phillips	"	20
Saul. A. Morris	"	275
do	"	150
do.	bal due on	100

(over)

**Names:**

Harris, G. M.	Moore, David	Phillips, V. S.	Sheffield, N.
Hendrix, J. C.	Moore, Samuel H.	Rhett, Harriet M.	
Moore, D. L.	Phillips, John	Rhett, R. Bennett	

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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1881 Chancery Court Rec  
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Cash in hand appropriated to this fund	2312.87	
Note of Bondy	891.93	4000
Statement of assets belonging to the Personal Estate retained by Order of the Chancery Court (Agreement of parties)		
N. S. Bonds	4000	
Memphis & Charleston R.R. bonds	5000	
Balance of the Cash in Hand	1142.25	10142.25

Indorsed: Filed July 9, 1881  
 W. P. Newman  
 Reqt.

Exhibit  
 "PP"

Statement of Receipts and Disbursements		
Since January 12, 1881		
1881	Jan 12	Balance on hand this day as shown by Exhibit marked P. R. & Co. Petition for final settlement filed
	Jan 13, 1881	246.00
Feb 2		Stogall's Note Collected 67.00
		Bal due on Note of M. Bailey 127.57
		576.57
By Davis paid as follows:		
April 9		in hand in Madison County Ala 209.28
"		" " Winston " " 57.25
"		" " Texas " " 10.62
		511.15
		Leaving bal on hand July 1, 1881 5444.50
(over)		

**Names:**  
 Bailey, S. M. & Co.                      Stegall,                      Toney,

**Places:**  
 Huntsville, Madison  
 Co., AL

**Types:**  
 chancery court

**Dates:**  
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1881 Chancery Court Rec  
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Endorsed: Filed July 9, 1881  
 W. P. Newman Esqr!

Schedule of Bonds, Stocks and Notes belonging to the Estate of Mrs. Kate Grimball, deceased, turned over to John L. Rison Administrator of said Decedent — Receipt of John L. Rison as Adminstr

Thirty nine extended First Mortgage Bonds of Memphis & Charleston Rail Road Company numbered from 474 to 512 inclusive: for one thousand dollars, each: with Coupons attached: from Number 18 due July 1, 1881 to Number 30 due Jan'y 1, 1880

19. Nineteen Second Mortgage Bonds of Memphis & Charleston Rail Road Company numbered as follows: 162, 163, 164, 165, 166, 167, 241, 242, 243, 244, 245, 261, 262, 433, 466, 467, 468, 469 and 470 for One thousand dollars each: with Coupons attached from Number 29 due July 1, 1881, to Number 36 due Jan'y 1, 1880,

273. One hundred and Seventy three Shares of Stock in The Madison Turnpike Company for twenty five dollars for share.

(over)

**Names:**

Grimball, Kate, Mrs.

Madison Turnpike Co.

Memphis & Charleston Rail

Road Co.  
 Rison, John L.

**Places:**

Huntsville, Madison Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

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Bond of James J. Donegan and James H. Mastin dated April 18. 1867 and payable one day after date to R. W. Walker, Trustee for 8369

Upon which the following credits are endorsed

January 1. 1870	905.70
January 1. 1871	756.00
September 27. 1873	500.00
December 6. 1875.	1000.00
April 2 1879.	100.00

This bond is secured by Mortgage executed by J. J. Donegan on certain real Estate in Shelby County Tennessee and also by Mortgage on certain real Estate in Madison & Marshall Counties, Ala. Executed by S. C. Erskine and others.

Bond of James J. Donegan and S. A. Cabaniss dated August 30, 1878 and payable one day after date to the order of R. W. Walker Trustee 3900

Upon which the following credits are endorsed

April 2, 1874 - 300.00	} Dec. 26, 1879 440.56
Oct 17, 1874 300.00	
October 17, 1878. 355.00	} April 15, 1880 444.97
November 1. 1878. 110.00	
Decem 26. 1879 166.67	(over)

**Names:**

Cabaniss, S. D.	Erskine, S. C.	Walker, R. W.
Donegan, James J.	Mastin, James H.	

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

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1881 Chancery Court Rec  
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This Bond is in judgment in Madison County Circuit  
 Court for one half its amount against S. D. Cabaniss  
 which has been paid as the credits shown. For the other  
 half a mortgage was executed by J. J. Donegan on  
 certain lands in Gaudaloupe County Texas.

Bond of Saul H. Moore dated November  
 21. 1877 and payable one day after date to S. R.  
 Cruse Trustee, for 127.74

Bond of Saul H. Moore and Martha L.  
 Patton, dated May 1. 1876 and payable eight  
 ten months after date to S. R. Cruse Trustee, for 000 -

Bond of Martha L. Patton and Saul H. Moore  
 dated November 21. 1877 and payable one day after  
 date to S. R. Cruse Trustee, for 8208 -

Secured by deposit of \$10,000, Second  
 Mortgage Bonds of Memphis & Charleston Rail  
 Road Company; for which bonds the re-  
 ceipt of Geo. L. Rison Adm'r is to be substi-  
 tuted for the receipt of S. R. Cruse Trustee

Geo. M. Harris Guardian of S. D. Moore  
 Knight on Moore & Young Huntsville Ala favor  
 S. R. Cruse Trustee - dated Jan'y. 4. 1881 and  
 payable ten months after date with interest  
 from date. 192072

(1881)

**Names:**

Cabaniss, S. D.	Harris, George M.	Moore, Samuel H.
Cruse, S. R.	Moore & Young	Patton, Martha L.
Donegan, J. J.	Moore, D. L.	Rison, John L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881





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Bond of Saul A. Morris and David S. Morris  
 dated May 10, 1874 and payable May 10, 1878  
 to Geo. W. Ward Guardian of Sallie J. Brad-  
 ford, for 11748.20  
 Interest paid to June 20/1880  
 To secure payment of this bond Saul A.  
 Morris executed Mortgage on real estate  
 in Sumter County Alabama

Bond of David S. Morris and Saul A.  
 Morris dated April 11/1876 and payable January  
 11, 1878 to George M. Harris, for 5292.00  
 Interest paid to June 28/1880  
 This bond is secured by mortgage on real estate  
 in Huntsville Ala executed by Saul A. Morris

Bond of David S. Morris dated April 8, 1876,  
 and payable April 8, 1878 to Harriet S.  
 Figures, for 2790.00  
 Interest paid to Novem 7, 1880  
 Mortgage executed by D. S. Morris on real  
 Estate in Madison County, Ala. to secure  
 payment of this bond

Bond of David S. Morris dated Sept.  
 1, 1876 and payable September 1, 1878 to  
 Republic Life Insurance Company for \$6000  
 purchased for the sum of \$6,000 and the

**Names:**

Bradford, Sallie J.  
 Figures, Harriet S.  
 Harris, George M.

Moore, David L.  
 Moore, Samuel H.

Republic Life  
 Insurance Co.  
 Ward, George W.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881



Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through  
September 1881, 156 pages)

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1881 Chancery Court Rec  
44th Annual Library  
Roberts Collection  
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payment of \$300 additional to Humes & Gordon for  
their fee in arranging the papers transferring the  
said claim to S. R. Cruse, Trustee in  
Mortgage, to secure payment of this bond, executed  
by D. S. Moore on real estate in Madison County  
Alabama.

By order of the Chancery Court the Trustee is  
required to collect only \$6,512 of the principal  
of the foregoing bond of D. S. Moore with the inter-  
est thereon: allowing Mr. Moore the difference  
between that sum and the face of the bond—

In Chancery First District  
Eastern Division State of Alabama  
Saml. R. Cruse Complainant vs Martha L. Patton et al  
Defendants.

In pursuance of Decretal orders rendered  
by said Chancery Court, and the decision of the  
Supreme Court of Alabama, and the agreement of  
parties of record.

J. John L. Rison as Administrator of the Estate of  
Mrs. Kate Grimball, deceased, do hereby ac-  
knowledge to have received of Samuel R.  
Cruse Trustee, the foregoing described property  
belonging to the Estate of said Decedent, which  
is turned over by him to me in pursuance of

**Names:**

Cruse, S. R.  
Grimball, Kate, Mrs.

Humes & Gordon  
Moore, D. L.

Patton, Martha L.  
Rison, John L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

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1881 Chancery Court Rec  
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said Decretal orders. Said decision and said  
 agreement signed in duplicate: this fifth  
 day of May A.D. 1881.

John S. Rison Admr.  
 of Est. Kate Grimball.

Endorsed:  
 "Filed July 9, 1881  
 W. Newman  
 Regr"

Statement Statement of Sums Collected from the Incom-  
puted "A" of the Estate as stated below, & of amounts invested  
 by S. R. Cruse Trustee.

1875 Dec. 14	Cash received from R. W. Walker's Receiver this amt. being part of Corpus of Trust Estate	580.00
1876 May 16	Compromise made with Bradley Wilson & Co. of their liability on a bill of Exchange drawn by C. H. Vincent	1098.80
July 29	Cash of W. R. Rison apt. being proceeds of sale in part of Memphis & C. R. R. Stock	47.34
Oct. 16	Cash of Robinson & Walker being a dividend on the Dec. Road Est.	849.87
1877 Jan. 22	Bal due on San Kidman's Note	150.00
" 19	Cash of Robinson & Walker being a dividend on the Dec. Road Est.	807.40
Aug. 18	W. B. Fiquero's acceptance	245.00
		4876.53

**Names:**

Bradley, Wilson &  
 Co.  
 Cruse, S. R.

Figures, W. B.  
 Kirkman, Sam  
 Rison, John L.

Rison, W. R.  
 Robinson & Walker  
 Vincent, C. H.

Walker, R. W.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881



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1881 Chancery Court Rec  
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1875		<u>Investments</u>			
Nov	11	33 shares Madison Turnpike Co. Stock			
		\$5200. par value \$20 per share bought for 3001			
Dec	14	2 U.S. 6% bonds \$1000 Ea		2364	02
Feb	15	Note of S. H. Moore & M. L. Patton		1000	00
"	"	1 U.S. Bond 5% \$1000		1188	16
Nov	5	"		1139	15
Feb	7	2 1st M. bonds Mo & Q.R.R. Co. \$1000 Ea		1703	50
				727	11
In addition to above 1 Home Lot on Turnpike near R.R. in Huntsville Ala, taken at \$1000 & in compromise of Hugh S. Moore's bill of Exchange				1000	00
Endorsed: Filed July 9 1881					
<u>W. H. Sherman Esq.</u>					
Samuel B. Cruse, Trustee &c		} July Term 1881		Order of Ref	
110 vs		} In Chancery at		Huntsville Ala.	
Martha L. Patton et al		} Huntsville Ala.		Patton &c	
This cause comes before me at this time on the petition of Complainant for an order of reference to the Register to state an account for final settlement of said Trust estate & that the Court determine & instruct as to whom the rents of the real estate for					

case 1110

**Names:**

Cruse, S. R.

Madison Turnpike  
Co.

Moore, Hugh N.  
Moore, Samuel H.

Patton, Martha L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881



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1881 Chancery Court Rec  
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the year 1877. Should be delivered or paid & also  
who is entitled to the Houbricks or Thors House &  
Lot referred to in the pleadings & to whom pos-  
session of said House & Lot must be surrendered.  
And on Consideration

It is ordered and decreed that it be & is hereby  
referred to Robert H. Wilson as Special Register,  
(the present Register being incompetent by reason of  
his relationship to the Complainant - petitioner)  
to state the account of said Complainant as  
said Trustee in form of debitor & creditor -  
charging him with all of the assets of said estate  
received by him & crediting him with all he has  
properly paid out, or delivered or surrendered,  
under the orders & decrees of this Court or the  
Supreme Court of this State, to the parties  
entitled, with his receipts & vouchers for such  
payments or surrenders.

It is further ordered and decreed that said  
Special Register, in executing this order, will give  
the parties reasonable notice of the time & place  
of doing so, & will consider the pleadings &  
issues in the file & all such legal & competent  
evidence, whether oral or written that may be  
offered by either party touching the matter

case 1110

**Names:**

Hendricks,

Moore,

Wilson, Robert H.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 11, 1881



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1881 Chancery Court Rec  
 UAH Special Library  
 Roberts Collection  
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herby referred, & all reports heretofore made by said  
 Register in this cause. It is further adjudged &  
 so ordered & decreed that the Heirs at Law of the  
 said Mrs. Grimboll deceased - & not her adminis-  
 trator or executor, is entitled to have & receive the  
 rents of the real estate belonging to said estate, ac-  
 cording for the year 1877, it appearing that said  
 Mrs. Grimboll died some time in the year 1877 - &  
 before rent of the real estate belonging to said Mrs.  
 Grimboll, according for that year, became due &  
 payable. (Taylor's Landlord & Tenant §. 390.)

So also it appearing that the money a part  
 of the corpus of the separate estate of Mrs. Grimboll,  
 was used in the purchase & payment of the Hen-  
 dricks or Moore House & lot (so called) in the life-  
 time of Mrs. Grimboll.

It is adjudged and so ordered and decreed, that the  
 Heirs at Law of the said Mrs. Grimboll are entitled to the pos-  
 session of the same. The said Register will  
 make the report and statement of account herein  
 ordered - as soon as practicable.

July 11th. 1881  
 N. D. Graham  
 Chancellor &c

Endorsed: "Filed in open Court July 11<sup>th</sup> 1881  
 W. P. Newman Regr."

case 1110

**Names:**

Grimball, Kate, Mrs.

Hendricks,

Moore,

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 11, 1881

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1881 Chancery Court Reg  
 UAH Special Library  
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Special Register In Chancery for the first District of the Eastern  
 Division of Alabama  
 Samuel R. Cruse, Trustee &c

1110 vs  
 Martha L. Patton et al.

To Hon: N. S. Graham Chan-  
 cellor of the Eastern Chancery, Division of Alabama,  
 holding Court for said first District at Hunts-  
 ville

Pursuant to Decretal orders of this Honorable  
 Court made & entered in the above styled cause,  
 at the last January Term thereof, referring to me  
 as special Register, the following questions of  
 reference viz:

1<sup>st</sup> "To ascertain & Report as soon as practicable,  
 what would be a reasonable compensation to  
 Messrs Humes & Gordon - Walker & Shelby -  
 for services as Solicitors of all the parties de-  
 feudant in this cause (except John Grimball) in  
 such part of said cause as has been finally disposed  
 of by the Supreme Court"

2<sup>nd</sup> "

"It is further ordered & decreed, that it be  
 also referred to said Special Register to ascertain  
 and report, what would be a reasonable com-

case 1110

**Names:**

Cruse, Samuel R.  
 Grimball, John

Humes & Gordon  
 Patton, Martha L.

Walker & Shelby

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881



1881 Chancery Court Rec  
UAH Samuel Library  
Roberts Collection  
1C18

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prosecution for the Director for extra services rendered  
by him in the Management of said Trust Estate "  
3<sup>rd</sup>" It is further ordered and decreed, that it  
be & is hereby also referred to the said Special Register  
to ascertain and report what would be a reasonable compen-  
sation for the Solicitors of the Complainant in this  
cause & said Special Register will also ascertain and  
Report what fees have been heretofore allowed & paid  
to the said Complainant's Solicitors or either of them, in  
this Cause, and said Register in ascertaining & reporting  
an allowance under this order, will do so, in view of any  
allowances & payments heretofore made.

In executing this order of reference, said Register will  
give the parties the usual notice of the place and  
time of doing so, and will take the testimony of  
attorneys & solicitors learned and experienced in  
the practice in such cases, & all legal and compe-  
tent evidence that may be offered by the parties,  
written or oral & report his conclusions, if  
practicable to the Court at the present term.

It Robert H. Wilson, the Special Register mentioned  
in said order, acting thereunder, beg leave, most res-  
pectfully to submit the following Report - viz:

On the 12<sup>th</sup> day of January 1881, the same being  
a day of said January Term of the Court,

case 1110

**Names:**

Wilson, Robert H.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881

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1881 Chancery Court Rec  
 UAH Jaimon Library  
 Roberts Collection  
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after giving the legal notice of the time & place, I  
 proceeded to execute said writ at the office of the  
 Register of this Court, in the presence of Counsel  
 & the defendants interested, but found it im-  
 practicable to conclude the references so as to report at  
 that term, and have continued the same from time to time  
 until this present date, as will be seen by references  
 to manuscript of *in voce* evidence, & which  
 reduced to writing on the references: of which the follow-  
 ing is a complete onto viz:

Deposition of John D. Brandon Esq.  
 " " Paul L. Jones "  
 " " Samuel R. Lomis Direct, Cross & Rebuttal  
 " " G. M. Harris "  
 " " Samuel H. Morse "  
 " " L. P. Walker Esq. "  
 " " Milton Amos "  
 " " James A. Wiggins "  
 " " Marcus R. Ritch "  
 " " A. S. Fletcher Esq. "  
 " " Sydney J. Mayhew "  
 " " Francis P. Ward Esq. "  
 " " Nathan Brown "  
 " " W. R. Rison "  
 " " J. J. McDavid Esq. "

case 1110

**Names:**

Brandon, John D.  
 Cruse, Samuel R.  
 Fletcher, A. S.  
 Harris, G. M., Dr.

Humes, Milton  
 Jones, Paul L.  
 Mayhew, Sydney J.  
 McDavid, J. J.

Moore, Samuel H.  
 Rison, W. R.  
 Ritch, Marcus R.  
 Walker, L. P.

Ward, Francis P.  
 Wiggins, James A.

**Places:**

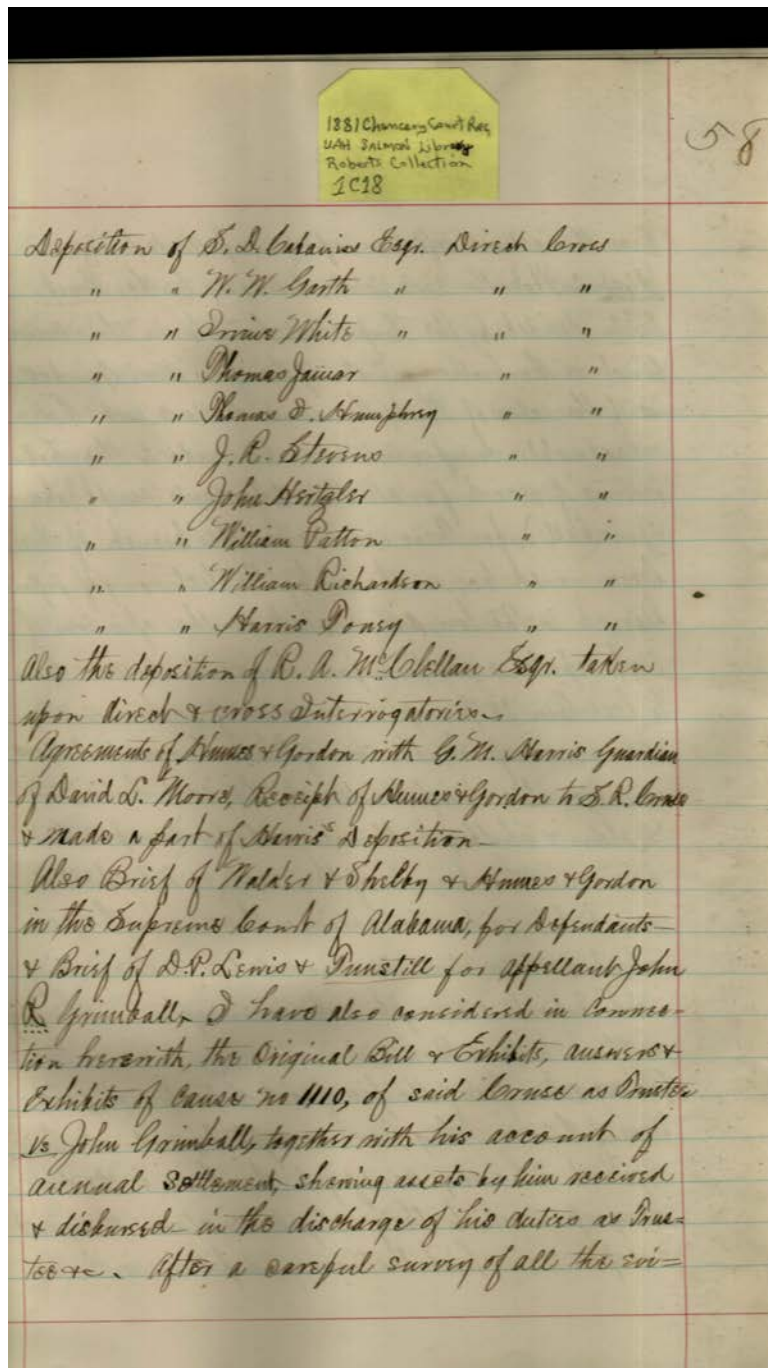
Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881



case 1110

**Names:**

Cabaniss, S. D.	Hertzler, John	Lewis, D. P. &	Richardson, William
Cruse, S. R.	Humes & Gordon	Tunstill	Stevens, J. R.
Garth, W. W.	Humphrey, Thomas	McClellan, R. A.	Toney, Harris
Grimball, John R.	D.	Moore, David L.	Walker & Shelby
Harris, G. M.	Jamar, Thomas	Patton, William	White, Irvine

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881



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1881 Chancery Court Rec  
with Journal Library  
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Hence thus advised, find & report as follows - viz:  
First: That the Real estate belonging to the Trust  
Estate decided by the Supreme Court in this cause  
to not in the brothers & sister of the late Mrs. Grimball  
is of the value of Thirty thousand Dollars and that a  
reasonable compensation to be made to the Sol-  
icitors of record for all the Affidavits (except John  
Grimball), for their services in this branch of the  
Case would be, as shown by the testimony of Experts  
learned in the law, and amount in the opinion of  
such Experts, varying from four thousand Dollars down  
to less than 10% upon the value of such security.  
Hence, I report the sum of Three thousand Dollars,  
as reasonable compensation to the said Solicitors  
Walker & Shelby & Humes and Gordon for their  
services in this branch of the case & said solicitors  
moved that said allowance be the sum of \$4,000  
which said motion is overruled & to this ruling  
said Solicitors except which exception is hereby  
certified to your Honor -  
(By my motion giving the fee of said Solicitors at said  
sum of \$5,000 - they have excepted, and at their  
request I hereby certify to the Court the testi-  
mony upon which they rely to sustain their said  
exception, which testimony is filed with this

case 1110

**Names:**

Grimball, John

Grimball, Kate, Mrs.

Humes & Gordon

Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881

1881 Chancery Court Rec  
W.H. Samuel Library  
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Report & as part thereof, marked Exhibit No. 1. —  
I am also requested by Solicitors Walker & Shelby & Humes &  
Gordon to certify as part of the testimony the agree-  
ment of parties on file in this cause & endorsed filed  
May 5, 1881, by which complainant, it was agreed should  
retain \$4,000 of rents & rent notes of said real estate  
which has accrued since Mrs. Grimball's death to  
await the determination of this reference & refer to  
the same as Exhibit A.)

I am also requested to announce that the defend-  
ant Samuel A. Moore has offered evidence to show  
that no one of said attorneys was authorized to rep-  
resent him in said litigation; that he represented  
his own case, and makes the point that he should  
not be made to share in such expense, or his in-  
terest made to contribute any part thereof. But  
as this is a question not embraced in the order  
of reference, & of course do not presume to con-  
sider it; & have excluded it. In this regard said  
defendant excepts, and at his request I certify  
such evidence to your Honor, which is made a  
part of this report marked Exhibit No. 2. —

As to the question of Compensation for the late  
Pratt, Mr. Samuel R. Cruse, under agreement  
of parties herewith filed. I am required to

case 1110

**Names:**

Cruse, Samuel R.  
Grimball, Kate, Mrs.

Humes & Gordon  
Moore, Samuel H.

Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881



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Wm Samuel Library  
Roberts Collection  
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report inadequate report, that is to say - to 1% accor-  
tain & report what compensation would be due him if  
he were allowed Commissions on receipts & disburse-  
ments as is by law allowed executors & adminis-  
trators. 2<sup>d</sup> If any, what compensation for  
extraordinary services, should be made him over  
& above such commissions.

Also to report a reasonable allowance to him for  
services in the Management of the trust estate since  
the death of Mrs. Grimball in July 1877.

Acting under this agreement I should report that  
if said Trustee were allowed Commissions on his  
receipts & disbursements the same would amount  
to the sum of Nine thousand dollars, and would  
be ample compensation without extra allowance.

In reporting upon the question in the other  
aspect, as to reasonable compensation for said  
Trustee since the death of his best one trust  
which occurred in July 1877, being a period of  
four years that he was forced by reason of the  
character of the litigation between the parties, to  
assume grave responsibilities & during all this  
time could not extricate himself from the  
litigation without danger by reason of the conflict-  
ing claims set up by the parties to the funds in

case 1110

**Names:**

Grimball, Kate, Mrs.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881

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Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through  
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his hands - all of which is disclosed by the record in the  
cause with these facts in view I think he is entitled  
to a fair compensation of at least Five hundred dol-  
lars per annum in addition to the stipulated price of  
\$1000<sup>00</sup> agreed upon by him with Mrs. Grimball as  
compensation during her life time - This sum as  
extra compensation with the agreed Salary of one  
thousand Dollars for four years would amount  
in the aggregate to the sum of six thousand Dollars,  
which is respectfully reported as justly due the said  
Trustee -

To this allowance so reported as due the Trustee, he  
by his Counsel excepts & I respectfully certify to the  
Court the evidence designated by him upon which  
he relies in support of such exceptions & refer to  
it as exhibit No. 3 - as part of this report - Said  
Trustee also moved that I allow him the sum of \$6000  
in addition to the amount received by him which  
is \$35,000 which motion is overruled & said Trustee  
excepts -

The only testimony adduced by the parties bearing upon  
the question of compensation for complainant  
Solicitors Messrs. Humes & Gordon is that of  
Messrs. D. Cabaniss and John J. McDavid solicitors  
of this court and Milton Humes Esq. one of said

case 1110

**Names:**

Cabaniss, S. D.  
Grimball, Kate, Mrs.

Humes & Gordon  
Humes, Milton

McDavid, John J.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881



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1881 Chancery Court Rec  
Walt Samuel Library  
Roberts Collection  
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firm. Upon the evidence I have fixed such com-  
pensation at the sum of Thirty-five hundred Dollars  
as proper compensation for services rendered the  
trust Estate in this cause: this allowance however to  
be subject to credit for all payments heretofore made  
them by the Trustee on account of such services—  
(At the request of said Solicitors I respectfully certify  
said evidence of said Solicitors Cabaniss & McDavid &  
make it Exhibit B to this report.) In this con-  
nection I feel it my duty to report the statements  
of the Trustee taken in the reference, with regard  
to a contract he claims he made with said Solicitors  
in which it was stipulated & agreed at the time of the  
filing of the bill, that they would file such bill, and  
attend to the case to a settlement thereof (which  
at the time was thought would be in a few  
months) for the sum of Five Hundred Dollars.  
On the other hand the testimony of Milton Humes  
shows that the preparation of the bill, was the only  
service he contemplated when he made such  
agreement to charge said fee of \$500 and  
that said fee was alone for that purpose (see  
said statement of Milton Humes marked Exhibit B.)  
This evidence at the request of Counsel represent-  
ing Defendants is also certified to your honor.

case 1110

**Names:**

Cabaniss & McDavid

Humes, Milton

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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as far as I am concerned also Exhibit No. 2. - I have not  
passed upon this question of set-off raised by such  
evidence, believing as I do, that it is not embraced  
within the scope of my authority under the reference.  
My instructions being only to report a suitable fee,  
as may be shown by the testimony of attorneys &  
solicitors learned & experienced in the practice  
in such cases:

Leaving this question of set-off to your Honor &  
acting strictly, as I conceive it, with in the line of  
my duty under the order, upon the evidence  
aforesaid I report said sum of Thirty five hun-  
dred Dollars as suitable & proper compensa-  
tion to Complainant's solicitors Humes & Gordon and  
also report that they have already received from said  
Trustee on account thereof the sum of Five Hun-  
dred Dollars.

I further report that said attorneys have received  
from the Trustee the following accounts as shown  
by his accounts book: January 1, 1878, the sum of  
\$525.00 - Jan'y 12, 1881 - the sum of \$2438.25 -  
which is claimed by said solicitors on account  
of services rendered the trustee in the collection  
of claims due the trust estate, which the trustee  
by order of the court was required to collect.

case 1110

**Names:**

Humes & Gordon

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881



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but which said trustee not being able to collect him-  
 self, after having made the effort to do so placed  
 in the hands of said attorneys, as attorneys for  
 collection - All of which is respectfully submitted  
 July 14/81. R. A. Wilson  
 Special Register

Note of Evidence relied upon by Walker & Shelby  
 & Humes & Gordon, in support of Exceptions to  
 Special Register's Report Diving their fees at Spec.  
 1<sup>st</sup> Statement of Jas. R. Gordon Esq.  
 2<sup>d</sup> " " Paul L. Jones "  
 3<sup>d</sup> " " L. P. Walker "  
 4<sup>th</sup> " " Milton Humes "  
 5<sup>th</sup> Dep " R. A. McClellan "  
 6<sup>th</sup> Direct Examination of Irvine White "  
 7 " " Thomas Jamar  
 8 " " Thos. I. Humphrey  
 9 " " John Hertzler  
 10 2<sup>d</sup> " " Irvine White Esq.  
 Evidence all embraced in exhibit No. 1. to Report

Note of Evidence relied upon by Samuel R. Cruse  
 trustee in support of exceptions to Special Register's  
 Report Diving his compensation at \$10000  
 1<sup>st</sup> Statement of Milton Humes Esq.  
 (over)

case 1110

**Names:**

Brandon, John D.  
 Cruse, Samuel R.  
 Hertzler, John

Humes & Gordon  
 Humes, Milton  
 Humphrey, Thomas I.

Jamar, Thomas  
 Jones, Paul L.  
 McClellan, R. A.

Walker & Shelby  
 Walker, L. P.  
 White, Irvine

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 14, 1881

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 Roberts Collection  
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2<sup>nd</sup> Statement of W. B. Rison  
 3<sup>rd</sup> " " Samuel R. Cruse  
 All embraced in Exhibit No. 1

Notes of Evidence relied upon by Samuel H. Moore  
 through Counsel Gen. D. P. Lewis in support of  
 objections to special Register's Report fixing fees  
 for Walker & Shelby & Humes & Gordon for defend-  
 ants in cases settled by Supreme Court, and also  
 fees of Justice, Samuel R. Cruse, as well as fees  
 of Humes & Gordon as Solicitors for Justice.

1. Accounts of Justice filed in the cases
2. Direct & cross Examination of S. R. Cruse Jus-  
 tice 3<sup>rd</sup> " " " S. H. Moore.
4. Answer of John Grimball filed in the cases
5. Direct, cross & rebuttal Examination of D. P. Ward Esq.
6. Re-Examination of S. H. Moore - Direct
7. " " " S. R. Cruse in full
8. Testimony in full of W. W. Garth
9. " " " " Wm Richardson
10. Brief of Walker & Shelby & Humes & Gordon
11. " " Lewis & Tunstall

All embraced in Exhibit No. 2 to  
 Report

(over)

**Names:**

Cruse, Samuel R.	Humes & Gordon	Moore, Samuel H.	Walker & Shelby
Garth, W. W.	Lewis, D. P.	Richardson, William	
Grimball, John	Lewis. & Tunstall	Rison, W. R.	

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

June, 1881



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1881 Chancery Court Rec  
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First District Eastern Division State of Alabama  
Samuel R. Cruse, Complt  
vs  
Martha L. Patton, et al, Defs.

In this case it is agreed that the  
reference to Robert A. Wilern as Special Register  
as to allowance to the Complainant to enlarged  
and said Register will report in reference to said  
allowance in a double report that is he shall  
Report what Commissions would be due the  
Complainant if he were allowed commissions  
upon receipts and disbursements the same as  
Administrators and Executors are & in this Conser-  
tion report what extra allowance over above  
said Commissions if any should be made to  
the Complainant for extra services  
2<sup>nd</sup> Report what would be a reasonable  
compensation to Complainant for his services  
in the management of the trust estate since the  
death of Mrs. Grimball in July 1877

Humes & Gordon  
Sols. for Complt.

By this agreement the defendants do not waive their  
right to object to any compensation being allowed  
Complainant beyond that stipulated for by

**Names:**

Cruse, Samuel R.

Grimball, Kate, Mrs.

Humes & Gordon

Patton, Martha L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June, 1881

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1881 Chancery Court Rec  
 UAH Samuel Library  
 Roberts Collection  
 1C18

Complaint with the deceased Mrs. Grimball  
 July 11/81 Walker & Shelby  
 for the Rhetts

If the Chancellor considers that the equities of the  
 case render such a reference proper, I do not  
 oppose it. David R. Lewis Sol. for Grimball  
 G. M. Harris Guard. of Ed. Morris

Endorsed: "Filed & read in open Court July 14,  
 1881" W. P. Newman Regr."

Evidence filed upon by Messrs Walker & Shelby Exhibit  
 Number 4 Gordon in support of their exceptions to Special Register's  
 Special Register's, filing fee of Solicitors & Defendants (except John Grimball) at \$300. and referred to Report  
 in said Report as Exhibit No. One

In Chancery first District Eastern Chancery Div-  
 ision of Alabama.

Samuel R. Cruse Justice 3 January 17th 1881  
 to 3 On reference before  
 Martha L. Patton et al 3 R. A. Wilson Special  
 Register

Testimony adduced on Reference  
 John D. Brandon Esq. being duly sworn deposes  
 as follows. - I am a practicing attorney in this

**Names:**

Brandon, John D.	Grimball, John	Harris, G. M.	Patton, Martha L.
Cruse, Samuel R.	Grimball, Kate, Mrs.	Moore, D. L.	Walker & Shelby

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

June, 1881

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1881 Chancery Court Rec.  
Earl Salmon Library  
Roberts Collection  
1C18

Court, & in the Supreme Court of Alabama & from the  
Statement of Counsel representing the defendants in  
the Cause made in regard to the amount involved in  
this branch of the suit, embracing preparation of plead-  
ings, agreements thereon in this & the Supreme Court  
I regard the sum of two thousand dollars as a rea-  
sonable compensation for Counsel composing the  
firms of Walker & Shelby & Humes & Gordon, & mean  
such sum of two thousand to each firm.

John D. Brandon

Paul L. Jones Esqr. being sworn says: After  
reading the Statement of Capt. Brandon, & from  
the facts of the case as stated to me I concur  
in what he states that two thousand dollars  
would be reasonable compensation to each of  
the firms representing defendants.

Paul L. Jones

Monday June 6th. 1881.

Reference resumed.

L. P. Walker Esqr. Justifies as follows:  
This cause has been twice  
argued in the Chancery Court of Madison County  
and in the Supreme Court at Montgomery,  
by the law firms of Humes & Gordon, and  
Walker & Shelby, representing the interests of all the

**Names:**

Brandon, John D.  
Humes & Gordon

Jones, Paul L.  
Walker & Shelby

Walker, L. P.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through  
September 1881, 156 pages)

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1881 Chancery Court Rec  
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Roberts Collection  
1C18

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defendants, except John Grimball, and Martha L. Patton.

The questions involved were complicated and considered of doubtful solution. The case so far, as the firm of Walker & Shelby is concerned was under my management & control, and in the consideration of the authorities, and in the preparation of the joint brief of Humes & Gordon, and Walker & Shelby, (a copy of which, I herewith file as a part of this my deposition, marked "which No. 1"), I devoted not less than two months.

The records of the case shows, the amount involved in this litigation to be between one hundred and twenty five, and one hundred and forty three and dollars, and for that portion of the estate, which by the opinion of the Supreme Court is decided to rest absolutely in the defendants, Geo. M. Harris as guardian of David L. Moore, Samuel H. Moore, and Mrs. Rhett, I think \$2000 each, to Humes & Gordon, and Walker & Shelby, would be a fair price, to be charged under this reference, upon the notes thereof. No retainers were ever paid by anyone to Walker & Shelby, and I do not think any retainers were paid by any one to Humes & Gordon, and no special agreement or contract was made by

**Names:**

Grimball, John  
Harris, George M.

Humes & Gordon  
Moore, David L.

Moore, Samuel H.  
Patton, Martha L.

Rhett, Harriet M.  
Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June, 1881



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1881 Chancery Court Rec  
UAB Palmer Library  
Roberts Collection  
1C18

Walker & Shelby for a fee. The fees in this case were largely contingent, depending upon the result. If no recovery had been made, the fee which the parties would have been expected, or required to pay, would have been greatly disproportioned to the labor performed; that is to say, would have been much less than such services were reasonably worth.

On Cross Examination

The said Witness states:  
That he is not acquainted with the Real estate, which under the opinion of the Supreme Court is declared to be the property in fee of the aforesaid defendants, heirs of Mrs. Grimball, and therefore he is unable to state its value, or its annual value by way of rents.

In reply to questions propounded by counsel conducting the cross examination, as to whether the fee simple in the lands was involved in the litigation, he states that the entire will of Dr. David Moore was submitted to the Court for construction, and as he understands it, the question of where the title to the real estate was, was one of the questions submitted for decision, and was in fact, decided by the Supreme Court. To show what questions

**Names:**

Grimball, Kate, Mrs.

Moore, David, Dr.

Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June, 1881

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1881 Chancery Court Rec  
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Roberts Collection  
1C18

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was considered as invalid and what propositions  
of law were insisted upon in the argument, &  
herewith file a copy of the brief of Gov. Lewis  
and Mr. Tunstall, counsel for John Grimball,  
Marked "A" no. 2, as part of this deposition.

In answer to further cross-examination by Goodwin,  
I state that I was not employed by Gen. Moore, nor  
did he ever have any conversation with me  
with reference to being so employed, but in rep-  
resenting the interests of Rhett & wife, I necessarily  
represented the interests of David L. Moore, and  
Samuel H. Moore, and Samuel H. Moore derived  
precisely the same benefit from my services, as did  
David L. Moore and Mrs. Rhett, and my opinion is  
that the common interests of these three defend-  
ants, should be made to contribute equally to the  
payment of Counsel fees. — (The last part of  
this sentence as to the opinion of the witness is objec-  
ted to by Gov. Lewis; upon the ground — 1<sup>st</sup> That  
it is not responsive to the question propounded:  
2<sup>nd</sup> That it is an opinion merely.  
3<sup>rd</sup> That it is not relevant evidence and  
4<sup>th</sup> That it is not pertinent evidence.

Which said objections were sustained by Register.  
Witness upon further cross-examination states,

**Names:**

Grimball, John  
Lewis, Gov.

Moore, David L.  
Moore, Gen'l

Moore, Samuel H.  
Rhett, Harriet M.

Tunstall,

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June, 1881

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1881 Chancery Court Rec  
UAI Digital Library  
Roberts Collection  
1C18

that he did not intend in his examination in chief to convey the idea that even if the case had been lost, that Samuel N. Moore, would have been unable to have paid a reasonable fee if he had employed counsel to individually represent him.

Milton Humes Esq.

Being next introduced in his own behalf, testifies as follows:

I am a member of the law firm of Humes & Gordon; This firm in connection with the law firm of Walker and Shelby, represented the interests of the brothers and sister of Mrs. Grimball in the contest between them & her husband John Grimball in this suit. We devoted at least two months to the investigation of the case and preparation of the joint Brief, a copy of which is attached to the deposition of L. P. Walker, in this reference and we argued the case in connection with Walker & Shelby before the Chancellor, and in the Supreme Court. No other counsel represented the interests of the brothers & sister of Mrs. Grimball, except said firms, in this litigation. And in this connection I will state that I heard Gen. Moore say that he had not employed counsel to represent him.

**Names:**

Grimball, John  
Grimball, Kate, Mrs.

Humes & Gordon  
Humes, Milton

Moore, Gen'l  
Moore, Samuel H.

Walker & Shelby  
Walker, L. P.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June, 1881

1881 Chancery Court Rec  
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Roberts Collection  
1C18

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in the matter; this was upon the occasion of his  
examination in this reference. At my request  
Gen'l Moore paid one half of the charges of the  
Printer for printing the brief of Walker & Shelby  
and Humes & Gordon. The latter part of the names  
as to printer's bill excepted to by Gov. Lewis upon  
the ground as irrelevant, & incompetent evidence  
which exception is sustained.

Witness further states, that considering the amount  
of property involved in this dispute, which is shown  
by the records in the case, and the questions of law  
and the labor necessarily bestowed by counsel in  
their investigation, I think that a fee of four thousand  
dollars is about reasonable compensation to said  
firms for their services, as counsel for said  
defendants. The firm of Humes & Gordon made  
the special arrangement with Dr. Harris as guardian  
of David L. Moore, which the said Harris has  
testified to use in this reference. This ar-  
rangement was made with said guardian of  
David Moore, after Humes & Gordon had been  
employed by said David Moore personally, and  
before the appointment of any guardian to  
represent his interest. There was no special  
agreement between D. L. Moore & said firm

**Names:**

Harris, G. M., Dr.  
Humes & Gordon

Lewis, Gov.  
Moore, David L.

Moore, Gen'l  
Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June, 1881

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1881 Chancery Court Rec  
 U.S. National Library  
 Roberts Collection  
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of Humes & Gordon as to what they would charge  
 for their services - The pleadings in the case  
 will show the answer of David L. Moore to have  
 been filed in his name, and by Humes & Gordon  
 as his counsel.

After the appointment of Dr. Harris as the  
 guardian of David L. Moore, at said Harris'  
 request we made the special arrangement  
 about which Dr. Harris has testified, and upon  
 his representations, and our knowledge of the  
 facts, that the estate of David Moore was very  
 much embarrassed. Under other & ordinary  
 circumstances, the firm of Humes & Gordon  
 would not have made the agreement, which  
 they did, with G. M. Harris as guardian of David  
 L. Moore, as his counsel in this matter.

Cross Examination of Milton Humes

The firm of Humes & Gordon was not employed by  
 Genl. Moore - I will state, that practically the  
 fee simple to the real estate was not involved  
 in the litigation, but in fact and in law it was,  
 because the brother & sister of Mrs. Grimball  
 claimed that they became the owners of the  
 property at her death, as the heirs & distrib-  
 utees of her father's estate. On the other hand

**Names:**

Grimball, Kate, Mrs.  
 Harris, G. M., Dr.

Humes & Gordon  
 Humes, Milton

Moore, David  
 Moore, David L.

Moore, Gen'l

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

June, 1881

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September 1881, 156 pages)

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Roberts Collection  
1C18

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it was contended, that if they were entitled to any  
interest at all, in the real estate, it would be  
simply as the heirs of their sister Mrs. Grimball,  
and her husband in that view claimed that  
he was entitled to the property during his life as  
surviving husband of Mrs. Grimball. In no con-  
tingency did the said John Grimball, claim a part-  
or interest in the real property, than an interest  
for his life. I know nothing of the prop-  
erty value, or the rental value of the plantation, nor  
than is shown by the records in the case, which  
show the valuation fixed upon it by the trustees,  
and what it has rented for. I will further  
state, that it was at my request, that Genl. Wood  
paid two one half costs of printing this brief, and  
that his Dr. Harris paid for the same, because  
I understood at the time, that it was inconsi-  
derable for Col. Rhett to advance the money for the  
same, or any part of it.

Examination adjourned until Wednesday  
June 15th 1881 at 10 o'clock.

Wednesday June 15th 1881 Examination  
adjourned by agreement until tomorrow  
June 16th. 1881 at 10 o'clock.

(over)

**Names:**

Grimball, John  
Grimball, Kate, Mrs.

Harris, G. M., Dr.  
Moore, Gen'l

Rhett, Col.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June, 1881

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1881 Chancery Court Rec  
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Roberts Collection  
1C18

Huntsville Ala June 25. 1881  
Examination of Irvine White Esqr. a witness on  
behalf of complainants in the above entitled case  
who being first duly sworn to the deuce and say  
as follows:

By General L. P. Walker

Qnt. 1. Where do you reside Mr. White?  
Ans. I reside in Huntsville Ala.

Qnt. 2. Are you the owner of any real estate in Madison  
County or is your wife the owner of any real estate?  
Ans. I am through my wife.

Qnt. 3. Your wife owns real estate in this County?  
Ans. Yes sir.

Qnt. 4. Do you know the plantation of Mrs  
Kate Grimball lying partly in Madison and  
partly in Limestone Counties?  
Ans. I am acquainted with the place, Yes  
sir I am acquainted with the place.

Qnt. 5. What in your opinion is the value of said  
plantation What is it worth?  
Ans. Well the place consisting of twelve  
or fourteen hundred acres lying  
partly in Madison and partly in  
Limestone County I would say was  
worth twenty dollars an acre.

**Names:**

Grimball, Kate, Mrs.

Walker, L. P.

White, Irvine

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 25, 1881

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1881 Chancery Court Rec  
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Qnt 6. Have you purchased within the last year or  
 two any real estate either in Madison or Lincolnton  
 Counties?

Ans. I have in Lincolnton County

Qnt 7. Within the vicinity of this plantation?

Ans. About 8 miles from it

Qnt 8. How much did you purchase?

Ans. I purchased 2000 acres.

Qnt 9. What price did you pay for it?

Ans. I paid \$7,000<sup>00</sup> for it

Qnt 10. That would be how much for 2000 acres?

Ans. Something over \$27<sup>00</sup> per acre

Qnt 11. Since your purchase have you been  
 offered an advance price for it?

Ans. Yes sir.

Qnt 12. How much for 2000 acres by way of advance?

Ans. I have been offered — I  
 have put upon that place a-  
 bout \$500<sup>00</sup> worth of improve-  
 ments and I have been offered  
 \$2,000<sup>00</sup> advance upon the pur-  
 chase.

Qnt 13. That would be how much for 2000 acres?

Ans. \$5<sup>00</sup> for 2000 acres advance,  
 which would make \$2<sup>00</sup> per acre.

**Names:**

White, Irvine

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

June 25, 1881



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Special Collections  
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Roberts Collection  
(c.18) 1881 Chancery Ct Rec.

Qnt 14 Did you decline or said offer?  
Ans I declined it.

Qnt 15 Do you know the 400 acre tract be-  
longing to Mrs. Grimball's estate lying on the  
river?  
Ans No Sir.

Qnt 16 You state that you don't know that tract?  
Ans No sir I don't know that I  
ever saw it.

Qnt 17 State whether or not timbered land is scarce  
otherwise in the neighborhood of the  
plantation of Mrs. Grimball, about which you testify?  
Ans Well sir I know it is particularly  
scarce upon the place adjoining  
hers or immediately in the vicinity.

Qnt 18 State whether or not in that neighborhood  
land singly for timber is or is not of great  
value?  
Ans Yes sir, Of course that depends  
upon the quality of the timbered  
land whether it is very valuable  
or not. If it is good timbered  
land it is valuable.

Qnt 19 Suppose the timbered land to be susceptible  
of cultivation, would that kind of land, being

**Names:**

Grimball, Kate, Mrs.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 25, 1881

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Special Collections  
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Roberts Collection  
(1818) 1881 Chancery Ct Rec.

timbered, in that neighborhood be worth more  
or less than land already cleared and open?  
Ans. Will sir if to lay well I should  
think it would be worth as much  
as land that is now in cultivation,  
the same quality of land after  
it is cleared.

Saturday June 25<sup>th</sup> 1881

Examination of Thomas James Esqr. a witness on  
behalf of Complainants in the above entitled  
cause, who being first duly sworn doth depose  
and say as follows.

By Judge S. P. Walker.

Q<sup>1</sup> Where do you reside Mr. James?  
Ans. Right here in Huntsville.

Q<sup>2</sup> How long have you resided in Madison County  
Ans. Will I may say here -

Q<sup>3</sup> About how long?  
Ans. Fifty years.

Q<sup>4</sup> How long have you resided in Huntsville,  
Ans. About 18 months sir.

Q<sup>5</sup> Except the time that you have resided in  
Huntsville you have resided in Madison County  
have you not?  
(over)

**Names:**

Jamar, Thomas

Walker, L. P.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 25, 1881

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Special Collections  
UAH Salmon Library  
Roberts Collection  
(1815) 1881 Chancery Ct Rec.

Ans. No Sir. I have resided some part  
of the time in Marsingo County  
Alabama.

Qnt 6. What is your occupation?  
Ans. My occupation Sir is farming and  
merchandising. Have been a farmer  
ever since I was a young man.

Qnt 7. Do you own lands in Madison County?  
Ans. I do.

Qnt 8. Do you know the two tracts of land belonging  
to Mrs. Grimball, one tract lying in Madison  
and Lincoln Counties and containing about  
fourteen hundred acres and the other tract  
lying near the Tennessee river in Madison County  
containing about four hundred acres.  
Ans. Yes Sir.

Qnt 9. How long have you known these lands?  
Ans. Well I have known them thirty  
years I reckon Sir.

Qnt 10. What in your opinion are said lands worth  
per acre?  
Ans. Well I have been called upon  
and have been studying and I think — I put  
the estimate at twenty dollars an acre.

**Names:**

Grimball, Kate, Mrs.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 25, 1881

Special Collections  
UAH Selman Library  
Roberts Collection  
(1818) 1881 Chancery Ct Rec.

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Huntsville June 25, 1881

Examination of Thomas D. Humphrey a witness on behalf of Complainants in the above entitled cause who being first duly sworn doth depose and say as follows:

Qut 1 How long have you lived in Madison County?  
Ans. About 25 years sir.

Qut 2 Where do you live now?  
Ans. In Huntsville.

Qut 3 Do you know the property situated in the City of Huntsville belonging to the estate of Mrs. Grimball?  
Ans. Yes sir, I think I do, I suppose I know it all.

Qut 4 Have you recently examined this city property for the purpose of expressing an opinion as to its value?  
Ans. Yes sir. That is a portion of it. I didn't go out to the house on the side.

Qut 5 Well you know the property on the side do you not?  
Ans. I do not know how it is situated inside. I don't know its condition inside. I have seen the house when passing

**Names:**

Grimball, Kate, Mrs.

Humphrey, Thomas  
D.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 25, 1881

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Special Collections  
UAH Gilman Library  
Roberts Collection  
(E 18) 1881 chancery Ct Rec.

Along the road -

Dist 6. What value do you place upon this city property taking it item by item?

Ans. Well the whole of it about \$1,000.00 is my estimate.

Dist 7. Do this its cash value or its value if sold for one third cash and the balance on ones and two years time?

Ans. Well it would hard to be sold on ones and two years time, at forced sale it probably wouldn't bring so much for cash, but that is what we figured up as a fair valuation on each lot.

Dist 8. Do you know the plantation belonging to Mrs. Grimball's estate situated in Madison and Lawrence Counties and consisting of about 1400 acres and another tract of land lying in Madison County near the Tennessee River consisting of about 400 acres?

Ans. I know the 1400 acre tract I don't know the other property. If ever I saw it I didn't know it. Of course I have seen it but don't own the land.

Dist 9. What valuation do you place upon the plantation consisting of about 1400 acres, per acre?

Ans. Well I have thought right enough

**Names:**

Grimball, Kate, Mrs.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

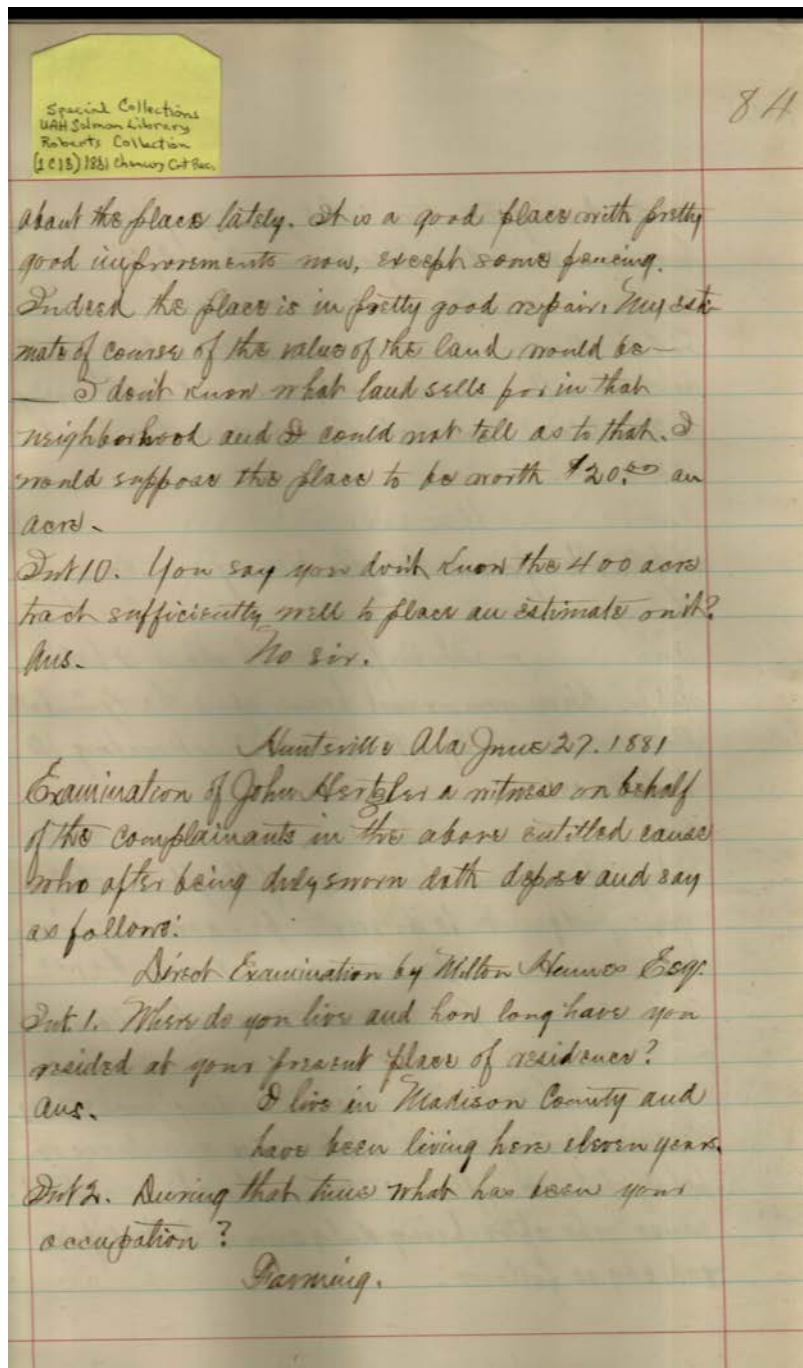
chancery court

**Dates:**

June 25, 1881

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Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through  
September 1881, 156 pages)

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**Names:**

Hertzler, John

Humes, Milton

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881

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Special Collections  
UAH Wilson Library  
Roberts Collection  
(1818) 1881 Chancery Ct Rec.

Qnt 3. During that time what quantity of land if any  
have you owned in Madison County?  
Ans. We have 1600 acres.

Qnt 4. Do you know the plantation situated partly  
in Madison County and partly in Laurens belonging  
to the estate of Mrs. Kate Grimball containing about  
1400 acres?  
Ans. Yes sir.

Qnt 5. How far is that plantation from the one  
that you own?  
Ans. It is five miles about I believe.

Qnt 6. Have you or not been upon this Grimball  
plantation recently with a view of estimating its  
probable value.  
Ans. I have.

Qnt 7. From your knowledge of the place what in  
your judgment is its worth per acre intrinsically  
Ans. Its intrinsic value is \$20.00  
per acre in my estimation.

Huntsville Ala Monday June 27 1881  
Examination of Irvine White Esqr a witness on  
behalf of the complainants in the above entitled  
cause who after being duly sworn hath deposed  
and say as follows;

**Names:**

Grimball, Kate, Mrs.

White, Irvine

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881

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Re-called

Direct Examination by Milton Humes Esq.  
Q. Do you know of any land near the plantation of Mrs. Kate Grimball having been recently sold?

A. I know of a large tract of land in that neighborhood. I don't know exactly how far the two places are apart. One place lies on one side of Beaver Dam Creek and the other on the other. I don't know how far the two places are apart. The place was formerly owned by Mr. Grant of Athens and was sold to Mr. Frank Peebles last year.

Q. How much did he pay for it?

A. I only know upon information. He paid \$17.<sup>50</sup> per acre for the 1540 odd acres.

Evidence relied upon by Genl. S. H. Moore through Exhibit his Counsel A. P. Lewis Esq. in support of Exception No. 2. to Special Register's Report making allusion to Samuel R. Bruce Trustee, and also to Counsel R. H. Wilson and referred to in said Report as Exhibit Report No. 2.

**Names:**

Cruse, Samuel R.  
Grimball, Kate, Mrs.

Humes, Milton  
Lewis, A. P.

Moore, S. H., Gen'l  
Peebles, Frank

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881



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Special Collections  
 UAH Salmon Library  
 Roberts Collection  
 (S 15) 1881 Chancery Ct Rec.

S. R. Cruse Introduces } On Reference before the  
 the } Register as for agreement  
 Martha L. Patton et al } herewith filed.

Genl. S. H. Moore introduces Capt. S. R. Cruse as  
 Introduce in his behalf who testifies as follows:

Mr. Cruse states, when he determined to  
 file the bill in the case of Cruse vs. Patton, Moore  
 et al that he made a contract with Humes & Gordon  
 in respect to their compensation for the same and  
 that they agreed to file the bill and attend to the  
 case for \$500.00 and that sum has been paid  
 by him to them, that he has been of the opinion  
 that the contract was seduced to writing that he  
 has searched diligently among his papers con-  
 nected with the tract, but that he has been un-  
 able to find such papers.

Cross-Examined

Witness contemplated the service which would be  
 rendered by Humes & Gordon in consideration of said  
 \$500.00 would be the preparation of a bill in  
 Chancery and that the whole matter would be set-  
 tled up in the course of two or three months.

My idea of it was that this sum of \$500.00  
 was in payment of the preparation and filing of the  
 bill and that I would be able to make a settlement

**Names:**

Cruse, S. R.

Humes & Gordon

Moore, S. H., Genl.

Patton, Martha L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

May 4, 1881

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 Roberts Collection  
 (L 115) 1881 Chancery Ct Rec.

to get out of it by the first term of the next court.  
 But I had no idea at the time that I would be in-  
 volved as a party in this litigation which has  
 since ensued. Witness states that his ideas were  
 at the time, of said contract, that said attorneys would  
 file said bill and that he would get out of it by the  
 next term of court either by resigning or settling  
 his trust. Witness herewith files his said receipt  
 for \$500.00 to Miss Humes & Gordon the body of  
 which is in the hand writing of Capt. Pruett  
 which said witness identifies as "This is the  
 receipt as mentioned in my testimony to day  
 given May 5, 1881 - S. R. Cruise."  
 May 6, 1879.  
 Received of S. R. Cruise trustee of Kate Grimball,  
 estate five hundred dollars on account of  
 our fees as his attorneys in said trust matter.  
 Humes & Gordon.  
 Endorsed: "Cash Voucher No. 9."  
 "This is the receipt as mentioned in  
 my testimony to day given May 5, 1881. S. R. Cruise."  
 Agreement marked "G. M. Harris"  
 The agreement between Geo. M. Harris as guardian  
 of David Moore & ourselves in reference to our  
 fee for representing him in court as to price

**Names:**

Cruise, S. R.  
 Grimball, Kate, Mrs.

Harris, G. M.  
 Humes & Gordon

Moore, David

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

May 4, 1881

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Roberts Collection  
(1818) 1881 Chancery Court Rec.

all property is that he is to pay no ten per cent  
of what he recovers with a certain fee of  
five hundred dollars which in the event of re-  
covery is to be charged to the ten per cent com-  
ing to us. May 4. 1881  
Humes & Gordon.  
Endorsed: "G. M. Harris."

In the execution of the reference by the Register  
of fees of the heirs of Mrs. Grimball the one third  
which David Moore is liable for has been arrange-  
d between his Guardian & ourselves by private  
agreement as to what our fee should be for  
representing him.  
May 4. 1881. Humes & Gordon  
Endorsed: "G. M. H."

Witness states further that when the contract was  
being negotiated Capt. Beuce told him that he had  
consulted with Genl. Walker who was of the  
opinion that \$500.<sup>00</sup> was a reasonable fee for  
the service to be rendered and therefore that  
was the amount agreed upon.  
My understanding of the contract with Humes  
& Gordon was that they were bound to attend  
to the case through, for the \$500.<sup>00</sup>

**Names:**

Cruse, S. R.  
Grimball, Kate, Mrs.

Harris, G. M.  
Humes & Gordon

Moore, David  
Walker, Gen'l

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

May 4, 1881

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(1818) 1881 Chancery Ct Rec.

Genl. S. H. Moore being introduced says:  
That no attorney has been employed by him  
to represent him in this case: that his answers  
was written by himself, that no attorney has ever  
been authorized by him to represent him and that  
no one has represented him.

Cross-Examination

Witness states that he is not an attorney at Law &  
never has been. The witness is now shown a  
copy of the printed brief of Counsel for Appellee  
in the Supreme Court of Alabama in this case  
and as is asked if he has seen the printed  
brief before. Witness states that Capt. Humes of the  
firm of Humes & Gordon gave him a copy of said  
brief and asked him to pay for part of the print-  
ing of it on the ground that it was inconve-  
nient for Col. Rhett to do so & that Dr. Harris  
could pay for the rest which he did. The  
printer's bill was equally divided between Dr.  
Harris & myself. A copy of said brief is her-  
ewith filed and made a part of this examination.

Cross-Examination by Genl. Walker

Witness States he never wrote an answer in  
Chancery before the one he filed in this case.  
The witness says he never wrote a bill in

**Names:**

Harris, G. M., Dr.  
Humes & Gordon

Humes, Milton  
Moore, S. H., Genl.

Rhett, Col.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

May 4, 1881

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Roberts Collection  
(1815) 1881 Chancery Ct Rec.

Chauncy  
Witness states in answer to the question which  
of the answers filed by other defendants in this  
cause he examined at the time of preparing his  
own answer, that he took the answer prepared by  
Humes & Gordon for his brother David and the  
answer prepared by Genl. Walker for Rhett & wife  
and copied such parts as he thought proper be-  
lieving they were public documents & that he  
had a right to use them.  
The witness states that he employed no lawyer to  
represent him in this case. Witness states that  
he has had law suits heretofore and that he  
has always employed a lawyer to represent  
him in them. It is true that the witness's  
interests in this suit was identical with that  
of David L. Moore & Mrs. Rhett, but he knew  
this to be so at the time he filed his an-  
swer. If his interest had not been identi-  
cal with that of David L. Moore & Mrs.  
Rhett, he would have employed counsel if he could  
not have compromised this case. At the time  
witness filed his answer in this cause he knew  
that Walker & Shelby & Humes & Gordon which  
representing the interests of Rhett & wife & David

**Names:**

Humes & Gordon  
Moore, David L.

Rhett, Harriet M.  
Rhett, R. B.

Walker & Shelby  
Walker, Gen'l

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

May 4, 1881

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Special Collections  
 UAH Gilman Library  
 Roberts Collection  
 (c.18) 1881 Chancery Ct Rec.

L. Moore necessarily represented his interests in the questions involved. At the same time if he had been consulted by David L. Moore & Col. Rhett he should have advised that one party employ a lawyer to represent his interests and made a contract with him for this I saw as he did not regard it necessary for more than one of the heirs to be represented by an attorney and by but one attorney or firm.

Examination adjourned until  
 Monday May 17th. 1881 -  
 Adjourned until May 18th 1881 - 10 o'clock -  
 " " " 20th " " "  
 " " Monday June 6th 1881 " "  
 Monday June 6th 1881 - Examination resumed  
 F. P. Ward Esqr. Examined in behalf  
 of Mr. & Gen. Moore  
 Q. Are you a practicing attorney? If so, for  
 how long?  
 Ans. I am, and have been for 20 years or  
 more.  
 Q. Do you reside in Huntsville.  
 Ans. I do.  
 Q. What would be a reasonable compensa-  
 tion for the successful defence of a suit

**Names:**

Moore, D. L.	Moore, Gen'l	Ward, Francis P.
Moore, David L.	Rhett, Col.	

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

June 6, 1881	May 4, 1881
--------------	-------------

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Roberts Collection  
(2018) 1881 Chancery Ct Rec.

brought for the recovery of the fee simple estate, in  
real estate worth \$20,000?

Ans. Generally 10% on its value.

Qnt 4. If the value of the said property should be  
one fourth less, or as much as 50% more in  
value? If you would vary the per cent, state  
how much?

Ans. It would be governed alone by  
its value.

Qnt 5. If the estate involved in the litigation was  
only the life estate of a person, who was 38 years  
old, what would be a fair compensation for  
such service?

Ans. Five per cent.

(Cross-examination by Gen'l Walker)

Qnt 1. What is the usual professional charge of the  
Huntsville Bar, for collections without litigation?

Ans. I think 10%

Qnt 2. Have you not often in your professional  
practice collected more than 10% upon the value  
of the recovery?

Ans. I think not unless the com-  
pensation was contingent upon recovery.

Qnt 3. Do you mean entirely contingent with  
no fee, without recovery?

**Names:**

Walker, Gen'l

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 6, 1881

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Roberts Collection  
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Ans. Yes.

X Qnt. 4. Do you know any thing of the character  
of the litigation involved in this suit?

Ans. Scarcely any thing.

X Qnt. 5. Have you ever read the pleadings?

Ans. No.

X Qnt. 6. Have you ever examined any of the  
legal points involved in it for the purpose  
of reaching the conclusion which you have an-  
nounced?

Ans. I have not.

X Qnt. 7. Do you know any thing of the extent  
of the work done by the Counsel, whose fees  
are now before the Register, or of the argu-  
ments they submitted in the case?

Ans. I do not.

X Qnt. 8. Do it not true, that fees very often de-  
pend upon the character of the case: the diffi-  
culty of the points, & the extent of the service  
rendered a part from the actual value of  
the property involved?

Ans. Yes I think so - I desire to say  
further in my answers, I speak of  
what I think ought to be the fees,  
in an average number of cases with-

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 6, 1881



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Special Collections  
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Roberts Collection  
(1818) 1881 Chancery Ct Rec.

out any reference to any particular case.

Genl. S. H. Moore, recalled by Gov.  
Lewis

Int. 1. State if you please, Mr. Grimball's age at  
the time of the death of his wife?

Ans. He told me this Spring, that he  
was between 39 & 40 years of age  
which would make him about 36  
years old at the death of his wife.

Int. 2. How long have you known Mr. Grimball

Ans. Five years.

Examination adjourned until to morrow  
June 17th. 10. o'clock

Cross Examination of Samuel R. Cruse  
by D. P. Lewis Esq.

Int. 1. When you became Justice in this case, was  
there not an agreement of what your compensa-  
tion should be per annum?

Ans. Yes six

Int. 2. State what it was?

Ans. It was to be a thousand dollars a year  
and I expected the trustee ship to last  
about six months and then I would

**Names:**

Cruse, Samuel R.

Grimball, John

Lewis, Gov.

Moore, S. H., Gen'l

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881

June 6, 1881

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(1815) 1881 Chancery Ct Rec.

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be relieved of it. At her marriage I wrote  
to Mr. Grimball as to his intentions about  
the matter and when he would relieve  
me of the trust. He wrote me back  
that he would be ready to do it at the time  
and wished that I would wait a few  
months longer. In the meantime she  
died and I made strenuous efforts to  
get rid of it and only consented to  
hold on to it on the representation of  
my attorney Ames & Gordon that it  
was customary for the courts to allow  
a reasonable compensation, whatever  
that might be.

Rebuttal, by Milton Ames Esq.

Rebuttal 1. You were asked a question by your Honor  
as counsel for the parties in this case as to whether you  
had an agreement as to your services; is it not a fact  
that the agreement which you had was made with  
Mrs. Grimball during her life?

Ans. Yes sir.

Rebuttal 2. And had reference to the management  
of the trust estate by you during her life?

Ans. Yes sir certainly.

Rebuttal 3. Since her death have you had any

**Names:**

Grimball, John

Grimball, Kate, Mrs.

Humes & Gordon

Lewis, Gov.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881

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Special Collections  
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Roberts Collection  
(LC15) 1881 Chancery Ct Rec.

agreement with any one in reference to what your  
charges would be or with reference to what you were  
to be paid for your services?

Ans. None that I know of, verbal or  
written with any body.

Rebut. Int. A. Did you understand the agreement that  
you had with Mrs. Grimball to be binding upon you  
as to what you were to receive for the management  
of this estate after her death?

Ans. No I didn't because you know I  
wrote you letter after letter to advise  
me of this business as I was tired  
of it and you informed me that  
in the settlement of a trust like this  
that the Chancery Court would  
fix the fees.

By L. P. Walker Esqr.

Rebut. Int. B. After Mrs. Grimball's death Mr. Cruse did  
you ever inform any of the heirs at law of Mrs.  
Grimball that you were dissatisfied with the com-  
pensation which by agreement with her you were  
to have and that you wouldn't continue to act  
as trustee unless the compensation was increas-  
ed?

Ans. I don't remember that I ever did say

**Names:**

Cruse, S. R.

Grimball, Kate, Mrs.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881

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Roberts Collection  
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Exhib. 1. By D. P. Lewis Esq.

Ques. Did I understand you to say that by the terms of your agreement with Mrs. Grimball that this compensation was limited to her life?

Ans. No Sir.

By Milton Munroe Esq.

Ques. With whom did you make the agreement in reference to the annual salary you were to receive for your services in the management of this trust estate?

Ans. It was with Mrs. Grimball.

Ques. Did this agreement have reference to what services you were to render in the course of her death in the administration and settlement of this trust estate?

Ans. No it had no reference to that.

By D. P. Lewis Esq.

Ques. Was this compensation of (\$1000<sup>00</sup>) One Thousand Dollars per annum agreed upon by you and Miss Kate Moore (that was then) limited to the time that she lived by the terms of the contract?

Ans. No, it was just to take the estate and manage it for a few months.

**Names:**

Grimball, Kate, Mrs.

Moore, Kate, Miss

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881

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Special Collections  
UAB Simon Library  
Roberts Collection  
(1818) Chancery Ct Rec.

Int. At (\$1,000.<sup>00</sup>) One Thousand Dollars per annum?  
Ans. Yes Sir at a Thousand Dollars  
per annum.

By Milton Amos Esq.

Int. Then it was contemplated that you would  
only have the management of this estate for a  
few months?  
Ans. Yes Sir that was in contempla-  
tion in the original contract.

Int. And you were to be paid at the rate of a  
Thousand Dollars a year?  
Ans. Yes Sir.

By L. P. Walker Esq.

Int. You say, at the time you made the con-  
tract with Miss Moore, it was contemplated  
by you that your relations to her estate as  
trustee were only to continue for a few months?  
Ans. Yes Sir.

Int. Was that your contemplation or was it a  
part of the contract between you?  
Ans. There was no contract about it  
at all. I never said any thing  
to her about it but that was  
my understanding about it.

Int. With whom, with yourself or with Miss Moore?

**Names:**

Moore, Kate, Miss

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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Special Collections  
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Roberts Collection  
(1815) 1881 Chancery Ct Rec.

Ans. With Miss Morris I think it was  
she made the contract for her.

Dist. Was any thing said about the length of time  
that you were to serve as trustee?

Ans. No I don't know that there was.

Dist. As I understand you then, the contract was  
simply this that you were to assume the respon-  
sibility of trustee of her estate at a compensation of  
\$1000.00 One thousand dollars per annum?

Ans. Yes sir with this understanding  
that it was to end in a few  
months.

Dist. By this word understanding as you used it  
do you mean that it was an agreement be-  
tween yourself and Miss Morris or that it was  
simply your impression and your expectation  
that your services would not continue for  
any length of time?

Ans. Yes sir that is what I meant  
simply my expectation.

Direct Examination of Hon. W. W. Garth  
By Gov. D. P. Lewis

Dist. Mr. Garth state where you reside if you  
please?

**Names:**

Garth, W. W.

Moore, Kate, Miss

Moorte, Sam

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881

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Special Collections  
UAH Selman Library  
Roberts Collection  
(1818) Chancery Ct Rec.

Ans. I reside in Huntsville Sir.

Int. 2. Are you a lawyer, licensed?

Ans. I am not a practicing lawyer,  
I am a licensed lawyer.

Int. 3. Are you familiar with the business of  
managing an estate or trustee?

Ans. Well sir I have acted in that ca-  
pacity.

Int. 4. State whether or not it is an estate of  
considerable size, involving fifty or seventy  
five thousand dollars in assets more or less?

Ans. I have charge of an estate of  
quite that value.

Int. 5. Is there a large landed estate connected  
with it, if so state the size of it.

Ans. Well there is a large landed  
estate connected with it  
several thousand acres.

Int. 6. Is that estate out and managed by you as  
trustee?

Ans. No sir I don't feel responsible  
for that as trustee. I give a gen-  
eral supervision to it but  
don't consider it embraced  
in my trust.

**Names:**

Garth, W. W.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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Roberts Collection  
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Int. 7. Do you know the size of this estate?  
Ans. Which estate?  
Int. 8. Mrs. Grimball's estate?  
Ans. No sir, nothing more than the  
general rumor.  
Int. 9. Well the floodings show that this estate comprises  
heads about 1800 acres of land, and town property  
amounting to eight or ten thousand dollars in value  
and bonds and mortgages, town fire stock, cash as-  
sets, amounting to from \$110,000.<sup>00</sup> to \$120,000.<sup>00</sup>  
I don't know the exact amount I believe it is put  
down here at \$131,000.<sup>00</sup> Will you state what  
you think would be a reasonable compensation  
for managing such an estate?  
Ans. Well I would have to know with  
a little more particularity than I  
now do the precise condition of  
the estate. If the various assets  
are invested and invested any great  
length of time, it would as a  
matter of course involve less  
trouble less labor. If it is to be  
invested year after year and bills  
collected what that would involve  
more trouble.

**Names:**

Grimball, Kate, Mrs.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881



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UAB Salmon Library  
Roberts Collection  
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Q. Now on the statement you have before you (which is handed a statement of the amounts of stocks, bonds, mortgages, cash &c &c embraced in the Greenhall estate) and of the real estate that has been heretofore stated what would be a fair compensation to a trustee for an annum for managing that?

Ans. Well I cannot say only in so far as I would feel willing to undertake it myself. I notice here 70 odd thousand dollars of permanent investment that would give me really no trouble, only the taxing care of it. There is \$21,000<sup>00</sup> in mortgages that perhaps lasted for a short time, that would have to be watched, and then ten or twelve thousand dollars of notes and open accounts. I should think that a thousand dollars would — where a thing of this sort was to run from year to year I should feel willing to undertake it for a salary of a thousand

**Names:**

Garth, W. W.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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Roberts Collection  
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1000 dollars. Other persons might not be willing though.  
That is what I would be willing to undertake if for.

Dep. 11. In the management of the trust estate that  
you have charge of did you have any Memphis and  
Charleston Rail Road bonds?

Ans. Yes Sir I have made the invest-  
ments myself and invested in Mem-  
phis and Charleston Rail Road  
bonds, government bonds, Cash  
East Tennessee, Virginia and Geo-  
gia bonds &c and having them  
once invested they gave me very  
little trouble.

Dep. 12. Please state whether or not you re-invested  
them on laying the new line of bonds on the Mem-  
phis & Charleston Rail Road and did you charge  
any extra compensation for that.

Ans. Oh no Sir, No Sir. It was my  
duty under the order of Court  
or rather my privilege to  
make the investment and  
I did that in the line of duty.

Cross Examination of Hon. W. W. Garth  
By Milton Hunter Esq.

x Dep. 1. What relationship do you bear to the

**Names:**

Garth, W. W.

Memphis &  
Charleston Rail

Road

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881

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UAH Simon Library  
Roberts Collection  
(1818) 1881 Chancery Ct Rec.

cestui que trust?  
Ans. I am the brother of the cestui  
que trust.

X Qnt 2. How the cestui que trust as I understand  
it is your sister?  
Ans. Yes Sir.

X Qnt 3. What is the trust that you have, of which you  
have spoken?  
Ans. Yes Sir.

X Qnt 4. Do you know or have you been inform-  
ed of the character of services and responsibilities  
assumed by Mr. Cruse as trustee in this matter  
since Mrs. Grimballe's death?  
Ans. Nothing about his responsibil-  
ity more than the general  
responsibility of a trustee.  
I know of no special respon-  
sibility.

X Qnt 5. Have you read the statement of Mr.  
Cruse made in this matter?  
Ans. No Sir.

Rebuttal  
By Geo. D. Lewis

Rebut Qnt 1. I will ask you what compensation  
you receive for managing the trust estate of

**Names:**

Cruse, S. R.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881

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UAH Selman Library  
Roberts Collection  
(c.18) 1881 Chancery Court Rec.

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your sister.  
Ans. Well holding cash assets and  
invested money and nearly all in-  
vested outside of the realty it is  
about (60) sixty odd thousand dollars  
or \$60,000. Sixty five thou-  
saud dollars. I make annual set-  
tlements and I have generally  
asked an allowance of what I  
conscientiously believed, the la-  
bor I had devoted to it entitled  
me to for which allowance an  
order has always been made, I  
think for about One hundred and  
Fifty Dollars per annum. I don't  
think I have ever asked a larger  
allowance than One hundred and  
fifty Dollars.

Reb'd Mt. S. Are your settlements with the Chan-  
cery Court?  
Ans. Yes Sir.

Reb'd Mt. S. Of Morgan County?  
Ans. Of Morgan County.  
But understand me greater  
men I don't mean to say

**Names:**

Garth, W. W.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 17, 1881

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(1815) 1881 Chancery Ct Rec.

that I would save that much money and invest  
it in notes and bonds as we did here before  
the war and be obliged to collect it annually  
and feel that that was a compensation. I think  
that that 100 hundred and fifty dollars is ample  
compensation, that is about what I would charge  
any one. It takes me about four or five days in  
the year to attend to it.

Huntsville Ala Monday June 27/81  
Examination of Judge Wm Richardson a witness  
on behalf of the defendant in the above entitled  
cause who after being duly sworn doth depose  
and say as follows:

Direct Examination by A.P. Lewis Esq.  
Q. Judge, state whether Genl. Moore when he  
was about to answer the bill in the case of  
Cruse vs. Patton et al, whether or not Judge  
Moore consulted you as to what course  
he should pursue in reference to that de-  
fence?  
Ans. Yes sir he did.

D. 2. State if you please what you gave him  
as your judgment for his best course to  
pursue?  
Ans. He had several interviews

**Names:**

Cruse, S. R.  
Moore, Gen'l

Moore, Judge  
Patton, Martha L.

Richardson, William,  
Judge

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881

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Roberts Collection  
(1815) 1281 Chancery Ct Rec.

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with me. One or two at my house  
according to my recollection and  
after discussing the character of  
the litigation with him I remem-  
ber very distinctly that I told him  
that I didn't see any occasion what  
ever for him to employ an attorney  
that I thought he could draft and  
prepare the answers. He told me  
the outlines of the different points  
that he expected to make and I  
suggested to him the mode and way  
I thought it ought to be shaped  
and we talked freely and reason-  
ably about it.

Q. What did you advise him to do in  
the matter?

A. I told him that I thought  
it was right and proper for  
him to get the answers of the  
other parties, examine them  
carefully and shape his own  
answers accordingly with  
the alterations that were  
necessary to be made, his

**Names:**

Richardson, William,  
Judge

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881

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Answers differing from the others  
in some respects and that I would  
aid him in doing it.

Dub. 4. Were you a practicing attorney before  
you were elected Probate Judge?  
Ans. Oh yes Sir.

Dub. 5. How long had you been practicing  
law before you were appointed Probate Judge?  
Ans. Well I commenced the practice  
of law in 1867 and I was appoint-  
ed Probate Judge in March 1874.

Dub. 6. Where did you practice law at, where  
did you reside?  
Ans. Here in Anniston. I never did  
any practice in Limestone. At  
least I didn't consider I had  
commenced my practice until  
I came here.

Dub. 7. In the interviews you had with Genl.  
Moore in respect to the defence of that case  
you discussed with him fully the points  
in the answer?  
Ans. Yes Sir I did.

Dub. 8. And you gave your opinion as to the best  
points to present in the defence?

**Names:**

Moore, Gen'l

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881

Special Collections  
UAH Simon Library  
Roberts Collection  
(1815) 1881 Chancery Ct Rec.

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Ans. Yes sir I did.

July 9. Judge Richardson what would be a fair com-  
pensation for a successful defence by an attorney  
of a suit involving the life estate of a man who was  
36 years old in a suit for real estate worth  
\$30,000?

Ans. Well Governor that is a diffi-  
cult question for me to answer  
unless I could know the trouble  
that was involved and the work  
that was done. I don't think I  
am prepared to answer that.

July 10 What would it be worth if the fee simple  
estate of the lands were involved in such a case, the  
land worth \$50,000.00?

Ans. Well I would say not less  
than \$1,000.00.

July 11 Well would you say that ten for one  
was too much?

Yes Sir I would think it was too  
much unless it involved  
more I am speaking just hypo that  
isally. It might involve a great  
deal of litigation and things that  
might come up in a law case,

**Names:**

Richardson, William,  
Judge

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881



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Special Collections  
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Roberts Collection  
(1818) Chancery Ct Rec.

unless the note was just laid out before me so  
I could tell something about it — but I  
should think it ought to be worth \$1,000. not  
less than that.

Q. Do you mean to say that \$1,000.<sup>00</sup> would be  
enough?

A. No. I don't mean to say that it  
would be enough.

Q. Well, state how much it ought to be then?

A. Well if I have to give an answer  
I should say \$2,500.<sup>00</sup>  
If I am to give an answer, if the  
title to the property was involved  
and the fee simple interest and  
all those things come up in that  
my I should say that it would be  
worth that amount of money.

Q. At \$2,500.<sup>00</sup>

A. Yes Sir.

Q. Suppose the land was valued at \$1,000.<sup>00</sup>  
how much would it be worth?

A. Well I would be willing to pay  
a lawyer \$5,000.<sup>00</sup> if it was mine  
if he would win through successful-  
ly. \$3,000 to \$5,000.

**Names:**

Richardson, William,  
Judge

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881

Special Collections  
UAB Simon Library  
Roberts Collection  
(1818) 1881 Chancery Ct Rec.

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Int. 16. Suppose this land should be worth \$20,000.  
only, what would be a fair compensation for  
such a suit?

Ans. Well \$1,000 would be a  
fair reasonable compensation. I  
think that is a good fee in these  
cases. Irish case.

Int. 17. What difference would you make between  
the fee to be charged for the fee simple title and  
for the life estate of a party who was 36 years old?

Ans. Well I would make a deduction  
in a case of that kind. Not less  
than one half of the estimate that  
I make of fees, not less than one half.

Cross Examination by Milton Sumner Esq  
& Int. 1. Judge, in the interviews that you had with  
Genl. Moore and in the advice that you gave him  
was the fact considered that Walker & Shelby and  
Sumner & Gordon represented the interests of Mrs.  
Rhett and David L. Moore in the suit, which were  
identical with Genl. Moore?

(Outragedly objected to by counsel for  
defense. Objection overruled &  
excepted to.)

It was known to Mrs. Genl. Moore

**Names:**

Humes & Gordon  
Moore, David L.

Moore, Gen'l  
Rhett, Harriet M.

Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881

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Special Collections  
UAH Simon Library  
Roberts Collection  
(1881) Chancery Ct Rec.

told me and I may have derived the  
information from other sources.

Qnt 2. It was known to you and the fact was con-  
sidered in the advice that you gave him that those  
interests were represented by counsel?

Ans. Well I don't know whether the  
fact was considered at all in the  
advice that I gave him but it was  
known to me that those gentle-  
men were acting as their attorneys.

Qnt 3. Did you advise Genl. Moore not to employ  
counsel in the matter?

Ans. I did.

Qnt 4. Would you have so advised him if you had  
known the facts to be and such had been the fact  
that there was no counsel in this case, represent-  
ing any interest which was identical with his?  
(Defendant by counsel objects to this ques-  
tion and asserts as being irrelevant and  
illegal over ruled.)  
My advice was based upon this that the  
case was in Court and that the Court  
would decide it according to the law, and  
that the issue was raised between  
these parties and that I saw no occa-

**Names:**

Moore, Gen'l

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881

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Roberts Collection  
(c18) 1881 Chancery Court Rec.

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sion in the world for you. Now to go and employ  
attorneys. That you, Morris' rights would be protected  
by the Courts without counsel or his incurring  
any expense. That was the sole basis of my  
advice.

Q. Wasn't this view of yours based upon the  
fact that the other parties had employed Humes  
& Gordon and Walker & Shelby to represent  
them?

Ans. Well my advice was based upon  
the fact that these attorneys would  
raise all the questions necessary  
to protect him as well as the in-  
terests of the other parties.  
(Question and answer objected to  
by counsel for defense on  
grounds of irrelevancy and illegality  
objections overruled and  
accepted to.)

Q. You wouldn't have advised Mrs. Rhett,  
David L. Moore and Samuel H. Moore at the com-  
mencement or the inception of this litigation  
not to have employed counsel to represent  
them in the matter named you?

(Defendant by counsel objects to this

**Names:**

Humes & Gordon  
Moore, David L.

Moore, Gen'l  
Moore, Samuel H.

Rhett, Harriet M.  
Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881

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Roberts Collection  
(1818) 1881 Chancery Ct Rec.

question as irrelevant and illegal.)  
(Objection sustained)  
Mrs. Rhett nor David L. Moore didn't  
consult me. They didn't ask me  
any thing -

Qnt 7. My question is on a hypothetical basis  
altogether and it is this, Suppose that the parties  
in interest in the matter whose interests were  
opposed to those of Mr. Grimball had come to you  
for advice in reference to whether they should  
employ counsel in the matter or not what would  
your advice have been to them?  
(Question objected to by counsel for  
defence, as irrelevant and illegal  
(sustained))

Ans. My advice would have been to  
those parties just as it was to Genl.  
Moore, to keep out of the courts,  
with that matter and to try and ad-  
just it and settle it among  
themselves, without going to law.

Qnt 8. Suppose that the litigation was inevitable  
would you have advised them not to have  
employed counsel to represent them in the  
case?

**Names:**

Grimball, Kate, Mrs.

Moore, David L.

Moore, Gen'l

Rhett, Harriet M.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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Roberts Collection  
(1815) 1881 Chancery Ct Rec.

Ans. I would not.  
(Defendant by counsel objects to this question and answer on the grounds that they are irrelevant and illegal objection sustained.)

Q. Would you have advised them under such circumstances to employ counsel to represent them?  
(Defendant interposes same objection to this question as to the question immediately preceding.) Sustained.

Ans. Yes sir.

Q. Judge did you know that the law was at that time in chancery that where counsel represented the interests of parties in a common fund that the interests of all parties in that fund were chargeable each with its pro rata of a reasonable fee to the lawyer, whether the lawyer was employed by the party or not?  
(Defendant interposes his objection to this question on the grounds that it is irrelevant and illegal) Sustained.)

Ans. I didn't know that there was any such law.

Q. How long has it been since you have engaged in the practice of the law?

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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Ans. Since March 1875 I quit the practice. Being Probate Judge of course I am forbidden by law to practice.

X Q. 13. How long had you engaged in the practice before that time?

Ans. Between seven and eight years active practice.

X Q. 14. During your practice were you ever employed or did you ever have any experience in reference to a case such as that stated by the examination in chief in this case in reference to the fee that would be charged in such cases?

(Defendant objects to this question as being irrelevant) Sustained.

Ans. Yes sir, I have had some experiences and some practices in reference to life estates in the Chancery Court.

X Q. 15. What case was it and what was the amount involved and when was the case brought and was it settled during your connection with it?

(Defendant objects to this question as irrelevant) Sustained.

Ans. I remember to have been engaged

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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(1881) Chancery Ct Rec.

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with Major Robinson in the settle-  
ment of the estate of Watkins of  
Lawrence County for several years  
embracing a good deal of my time.  
There were a great many questions  
that came up in that estate, and  
I remember distinctly about an  
annuity, I couldn't undertake to  
give a history of that case. I went  
to Montom specially on the sub-  
ject of that case. The case was the  
Estate of Paul J. Watkins.

Q. 16. Was the case finally disposed of during  
your connection with it?

A. It was not so.

Q. 17. What interest did Major Robinson and  
yourself represent?

A. I cannot say now what interest  
the Major represented, I repre-  
sented Mrs. Lowe, Judge Clark  
represented some, Mr. Phinizy  
was one and represented him-  
self.

Q. 18. Do you know what fee was allowed  
to Major Robinson in that matter?

(over)

**Names:**

Clark, Judge  
Lowe, Mrs.

Phinizy, Mr.  
Robinson, Major

Watkins, Paul J.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

June 27, 1881



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Roberts Collection  
(1818) Chancery Ct Rec.

Ans. I do not.

Exhibit Evidence relied upon by Samuel R. Cruse  
No. 3 to Trustee in Support of his exceptions to speci-  
fied Register's Report, fixing an allowance of  
Report \$600.00 and referred to in said Report  
as Exhibit No. 3.

Statement of Milton Humes upon  
reference to Register to ascertain and report a  
reasonable compensation for Humes & Gordon, on  
account of their services as Solicitors for the Com-  
plainant in this cause.

Shortly after Mrs. Grimball's death,  
the complainant employed Humes & Gordon to  
file the bill for him in this cause.

I am a member of said firm, and the agree-  
ment in reference to the filing of the bill was  
with me. I stated to the complainant that  
we would prepare the bill for whatever L. P.  
Walker, who represented some of the parties in  
interest, might say the service was reasonably  
worth. I saw the said Walker in reference to  
the matter and he suggested that five hundred  
dollars would be a reasonable compensation  
for the preparation of the bill. The firm of Humes

**Names:**

Cruse, Samuel R.  
Grimball, Kate, Mrs.

Humes & Gordon  
Humes, Milton

Walker, L. P.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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(c.18) 1881 Chancery Ct Rec.

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& Gordon, then, agreed & acting for it, to prepare  
the bill for five hundred dollars.

The service which we have rendered the Com-  
plainant since, in his annual and final settlements  
and in preparing reports accompanying the same,  
and the advice we have given him in reference  
to the general conduct of the business of the trust  
estate, which will be stated more in detail here  
after, was not contemplated, intended or under-  
stood to be any part of the service for which we  
were to receive said five hundred dollars. It is  
for the service that we have rendered to the Com-  
plainant, as his solicitors in this cause, other than  
the preparation of this bill which we desire a rea-  
sonable compensation for: and it is for this service,  
and understand it that this reference is made to  
ascertain what would be a reasonable compen-  
sation. After the bill was filed, the firm of Humes  
& Gordon prepared annually, the first report be-  
ing filed for the year 1877, reports in detail in  
reference to the management of the trust estate  
by the complainant accompanying such reports  
with an itemized statement of the receipts and  
disbursements for the current year; and we  
made annual settlements in the court for

**Names:**

Humes & Gordon

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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Roberts Collection  
(J.C.R.) 1881 Chancery Ct Rec.

the complainant, obtaining decrees thereon at the  
January term of the court of each year. All of  
which is shown by the papers on file in this  
cause. We also prepared for the complainant  
a report, containing a detailed statement of the  
assets of the estate, and all matters necessary to  
a final settlement thereof, which accompanied  
this account of the Complainant filed in the  
cause for a final settlement. And we represented  
the Complainant when his said account for final  
settlement was passed upon by the Register, and  
will represent him in procuring a decree  
disposing of the entire matter. The personal assets  
of the estate when the original bill of Complaint in  
this cause was filed, as is shown by a schedule  
thereof, which is made part of said bill, consist-  
ed of sundry bonds, notes, stocks and other se-  
curities of the value of about \$75,652.14.

Shortly after the original bill of complaint  
in this case was filed, John Grimball, one of the  
defendants, filed in this case, in this Court a  
petition for the removal of the cause to the Fed-  
eral Court, under the act of Congress provid-  
ing for the removal of causes from the state  
to the federal court on account of the cit-

**Names:**

Grimball, John

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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izenship of justice. In the matter of this application we represented the complainant and made objection to this effort to remove the cause to the federal court, because, in our judgment, the case was not such an one as the act of Congress conferred upon the federal court jurisdiction of. This question of removal we argued in this court and the Chancellor refused to permit the removal. The defendant John Grimball, then instituted proceedings in the Supreme Court of this State, to prohibit this Court from proceeding further with this case, and to compel its removal to the federal court. In this proceeding we made arguments before the Supreme Court of this State, and that Court sustained the action of the Chancellor. The defendant, John Grimball, also, filed a transcript of the record of the case in the federal court, and had the case docketed there. We appeared in that Court for the complainant, and signed a motion to strike the case from the docket. That Court declared, by an oral opinion, that in its judgment the action of this Court and the Supreme Court in refusing the removal was right. The transcript was filed in the federal court and the cause

**Names:**

Grimball, John

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

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Roberts Collection  
(1818) 1881 Chancery Court Rec.

doctored there in the earlier part of 1878. Not  
until the recent term of the federal court, in  
April of this year, did the judge of said court  
announce his opinion concurring in the views  
of this and the Supreme Court, in reference to  
the question of removal. During the pendency  
of this case it has become necessary in the preser-  
vation of the estate, and to its protection, and  
keeping it intact and increasing it, as far as  
practicable, to make investments of a conservative  
and reinvestment of funds and other securities  
which have matured. A large amount of the fund  
thus disposed of was invested in the purchase of  
claims against David L. Morris, one of the def-  
endants, which were secured by mortgage upon  
real estate. For these investments we procured  
for the Complainant an order of the court  
authorizing them, and in every instance, we  
made an examination of the title of the prop-  
erty mortgaged, and certified the result of  
our investigation. During the pendency of this  
suit \$39,000 of the first mortgage bonds of the  
Memphis & Charleston Rail Road Company  
matured, and it became necessary to seek a  
reinvestment of the amount represented by

**Names:**

Moore, David L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

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these bonds. They matured May the 1<sup>st</sup> 1880. An arrangement was made by the complainant by and with the advice of Humes & Gordon for the reinvestment of the amount represented by these bonds, in renewal bonds of the M. & O. R.R. Co. at their face value. Said renewal bonds bearing seven per cent interest payable semi-annually and running for thirty five years. Application was made to this court for an order authorizing said re-investment, which was resisted by the defendant, John Grimball, and the action of the court was postponed or delayed on account of said objection until after the time when the complainant was required by its terms either to comply with his said agreement or repudiate it and collect the amount due on said bonds, the money \$27,000. The complainant by the advice of Humes & Gordon, complied with his agreement. After he had done so, said renewal bonds increased in value until they were at a premium of from 17 to 20 percent. After this the said John Grimball withdrew his objections to said reinvestment being made, and the order was obtained. In this matter the complainant made for the estate a net profit of

**Names:**

Grimball, John

Humes & Gordon

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

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about \$7,000. besides securing a permanent interest  
in a large amount of the property of the estate  
in State securities which have a cash market  
value at all times, and yield a good interest  
payable semiannually. The said report accom-  
panying the account of Complainant filed for  
a final settlement shows the personal assets  
of the estate at the cash valuation of \$130,204.<sup>00</sup>

The said schedule accompanying the said  
original bill of complaint in this case, shows the  
cash value of the personal assets then on hand  
to have been \$13,652.<sup>14</sup>. The personal assets  
of the estate are there shown to have been in-  
creased during the pendency of the suit  
\$36,552.<sup>10</sup> net - i.e. over and above all ex-  
pense, except the compensation claimed by  
complainant & ourselves on this reference.

The real estate remains intact and has been  
added to by purchase of one house and lot in  
the City of Huntsville, in compromise of a bad  
debt due the estate. The records in the case  
show that the larger amount of personal as-  
sets, during the pendency of this suit, the  
complainant has had to seek investments for, and  
in seeking and making these investments the

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

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(1818) 1881 Chancery Ct Rec.

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Complainant has secured the best and most desirable securities. In every instance he has acted upon our advice and directed, and we have obtained the orders of this Court authorizing, confirming and approving his action. The Complainant has advised with us, and gotten our counsel in reference to all matters relating to the management of the trust estate, and, in every instance, has refused to do any thing without our legally advised it. And in acting we have been greatly embarrassed in our legal advice and direction of the Complainant in the management of the trust estate by said application of said John Grimball to remove the same to the federal Court. For fear we suppose, of raising this right of removal or effecting it in some way Counsel for John Grimball, ever since said petition for removal was filed in this Court, has not only refused to consent to any order being made for the protection of Complainant, but has protested against every act of this Court at every step of the proceeding until since the final decision of the Supreme Court construing the will. Humes & Gordon have never received any thing on account of their services embraced

**Names:**

Grimball, John

Humes & Gordon

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881



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Special Collections  
UAH Simon Library  
Roberts Collection  
(2018) 1281 Chancery Ct Rec.

by this reference, and the whole amount they  
may be entitled to is due them. In my judg-  
ment the firm of Humes & Gordon should re-  
ceive for their services, at least, the sum of four  
thousand dollars.

The foregoing statement I, also, made as my  
testimony in this matter upon the reference as to  
the extra allowance to the complainant, so far  
as the facts therein stated and statements I fur-  
ther state that I am thoroughly acquainted with  
the management of this estate by the Complainant  
since Mrs. Grimball's death, in all of its details, in-  
cluding all the duties & responsibilities devolving  
upon him. From a pretty extensive experience  
and observation in reference to such matters  
in my judgment, an extra allowance of, at  
least, six thousand dollars should be made  
to the Complainant.

sworn to and subscribed } Milton Humes.  
 before me this 9th July 1881. }  
 R. A. Wilson Spch. Rsp.

First District Eastern  
Division State of  
Alabama

**Names:**

Grimball, Kate, Mrs.

Humes & Gordon

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

Special Collections  
UAH Selman Library  
Roberts Collection  
(2015) 1881 Chancery Ct Rec.

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Samuel R. Cruse } Complainant  
vs }  
Martha L. Patton et al } Defendants

Statement of William R Rison as  
witness for Complainant on preferences to Register  
as to Allowance to Complainant, for his Services  
in taking care of trust estate since Mrs. Grim-  
ball's death:

I am a resident citizen of Huntsville Alabama  
and have been such since before the late war,  
for the past fifteen years I have been engaged  
in the Banking business in Huntsville. I am  
well acquainted with the amount and character  
of service performed by the Complainant Mr.  
Cruse, in taking care of this trust estate since  
Mrs. Grimball's death, Mr. Cruse kept on deposit  
at my Bank, the money, notes, bonds and other  
securities belonging to the estate, and he has had  
frequent conversations with me about the trust  
property, and his management of it. From my  
knowledge thus acquired, I can say that he has  
managed the estate skillfully & faithfully.

At the death of Mrs. Grimball which I think  
occurred in the summer of 1877, the personal  
assets were valued at about \$103,500<sup>00</sup> this

**Names:**

Cruse, Samuel R.

Grimball, Kate, Mrs.

Patton, Martha L.

Rison, William R.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

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Special Collections  
UAH Simon Library  
Roberts Collection  
(c18) 1881 Chancery Ct Rec.

is shown by the statement of the assets in the Original bill in this case; On the 1<sup>st</sup> of January last, the personal assets were valued at \$131,591.<sup>00</sup> this appears from the report of Mr. Orner on his final settlement; I know he reinvested at one time for the estate \$59,000.<sup>00</sup> of the 1<sup>st</sup> Mortgage bonds of the Memphis & Charleston Rail Road due 1<sup>st</sup> May 1880, but obtained for them \$59,000.<sup>00</sup> of the occasional gold bonds of the same Rail Road due 1<sup>st</sup> Jan'y 1910, which are now worth in the market from 10 to 20 per cent premium, I know that he invested money of the estate to a considerable amount probably \$12,000.<sup>00</sup> to \$15,000 in purchase of Claims against David L. Moore, and I know he secured or obtained by the assistance of his Solicitors in this case, security for Claims due the estate amounting with interest to probably upwards of \$20,000.<sup>00</sup> One of these Claims was against James St. Martin and others, and another was against Genl. Samuel H. Moore & Mrs. M. L. Patton. Besides he has collected & reinvested other Claims due the estate.

In addition he has taken care of all the Real Estate, rented it out every year & attended to having it repaired, and kept in

**Names:**

Cruse, Samuel R.  
Mastin, James H.

Moore, David L.

Moore, Samuel H.,  
Gen'l

Patton, Martha L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

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Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through  
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Special Collections  
UAH Salmon Library  
Roberts Collection  
(1815) 1881 Chancery Ct Rec.

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repair. Considering the responsibility assumed  
by Mr. Cruse in the management of this estate,  
the labor he has bestowed upon it, and the skill, full-  
ness & faithfulness with which he has watched  
& managed the estate in my judgment, he should  
receive for his services, and they are reasonably  
worth an annual amount of One Thousand dollars.  
Signed & subscribed W. B. Rison  
before me this 9th day  
July 1881.  
C. W. Wilson Spl. Reg.

In Chancery - First District Eastern Division  
of the State of Alabama.  
Samuel R. Cruse, Complainant.  
vs.  
Martha L. Patton et al. Defendants.  
Statement of Samuel R. Cruse  
upon reference to Special Register to report  
reasonable allowances to Complainant for  
his services in taking care of the trust estate  
since Mrs. Grimball's death.  
At the death of Mrs. Grimball, which oc-  
curred in the Summer of 1877, I, as her  
trustee under the will of her father, Dr.

**Names:**

Cruse, Samuel R.

Grimball, Kate, Mrs.

Patton, Martha L.

Rison, W. R.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
Estate and Trust Record Book for the first District, Eastern Division, State of Alabama (January through  
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Special Collections  
UAB Simon Library  
Roberts Collection  
(1818) 1881 Chancery Ct Rec.

Moore had charge of the estate which was given  
her by her father in his will. The property of this  
trust estate at this time, consisted of real estate in  
the city of Huntsville, Alabama, of the value of about  
\$10,000; a plantation partly in Madison and partly in  
Lincolnton County, containing about 1400 acres  
& of the value of about \$25,000; also another tract  
of land in Madison County, Alabama, near the Pen-  
naces river and three or four miles from the  
plantation, containing about 400 acres, and worth  
about \$5,000, and personal property of the val-  
ue of about 100,000. This personal property con-  
sisted of Government and Rail Road bonds,  
Savings Stocks (small amount) and claims against  
individuals. The original bill in this case con-  
tains a detailed statement of all this property.  
The real estate in Huntsville, and the plantation  
and the other tract of land, since Mrs. Grimsball's  
death, I have rented out and kept in good re-  
pair, and the general condition of all the real  
estate is as good now, if not better than it was  
at her death. The real estate I rented for  
about \$2,500. a year. The personal property  
I have managed so as to increase its value  
to about one hundred and thirty-one thousand

**Names:**

Moore, David, Dr.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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Special Collections  
UAH Soliman Library  
Roberts Collection  
(c.18) 1881 chancery Ct Rec.

dollars, as estimated on the first of January 1881,  
that is, after paying all expenses, including that  
of this litigation except the allowance which  
is claimed by me and my Solicitors of record upon  
this reference. Since Mrs. Grimball's death, the  
greater portion of the Rail Road and Government  
bonds have matured. This necessitated a rein-  
vestment of the \$39,000 of the first mortgage bonds  
of the Memphis & Charleston Rail Road Company  
thus maturing & I secured a reinvestment in  
the same amount of renewal gold bonds of the  
Rail Road Company. These gold bonds at the  
time of this reinvestment were, and now are,  
worth from 10 to 20 per cent premium. In  
securing this reinvestment of this \$39,000, I made  
for the estate a net profit of about \$7,000.  
I made this investment upon my own res-  
ponsibility, without any order of Court for it be-  
ing first obtained, and when Mr. Grimball was op-  
posing in this case an application made by me  
for authority to make the investment. All  
the claims against individuals which were good  
and some that were doubtful, I have either  
collected and reinvested the money in sal-  
vant securities under the order of this Court,

**Names:**

Grimball, Kate, Mrs.

Grimball, Mr.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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Special Collections  
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Roberts Collection  
(2015) Chancery Ct Rec.

we have procured such securities for the claims  
themselves, by way of mortgage upon real estate  
or pledge of Rail Road bonds, as made them  
undoubted and easily convertible into money at  
any time by sale or collection. The claim against  
James H. Mastin and others, which now amounts  
with interest to more than \$12,000 I thus secured  
by mortgage on real estate. The claim against  
Samuel H. Moore and Martha L. Patton for  
about \$10,000 I secured by a deposit or pledge  
with me of \$10,000 of the 2<sup>nd</sup> Mortgage bonds  
of the Memphis & Charleston Rail road Com-  
pany. The claim against James J. Donegan  
and S. D. Cabaniss for about \$9,000 I collec-  
ted one half from Mr. Cabaniss and the other  
was secured by Mr. Donegan by mortgage upon  
real estate in Texas, which, I am informed, is  
amply sufficient for its payment. Three claims  
were thus collected and secured and these  
reinvestments made through my Solicitors  
of record in this case, and by their assistance  
advice and direction. I also, invested, under  
the orders of this Court, about \$17,000 in the  
purchase of claims against David S. Morris were  
amply secured by mortgage, and purchased

**Names:**

Cabaniss, S. D.  
Donegan, James J.

Mastin, James H.  
Moore, David L.

Moore, Samuel H.  
Patton, Martha L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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Special Collections  
UAH Samuel Library  
Roberts Collection  
(615) 1231 Chancery Ct Rec.

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by me under the order of this Court and at the  
request of the parties in interest in this litigation.  
Since Mrs. Grimball's death it has become ne-  
cessary for me to reinvest the greater portion  
of the personal assets of this estate. In making these  
reinvestments and in every thing I did in refer-  
ence to the property I had to assume a personal  
responsibility, not ordinarily imposed upon a  
person occupying the relation which I did to  
this property. The reason I had to assume this  
extra personal risk or responsibility was the  
following: Shortly after the original bill of com-  
plaint in this case was filed, John Grimball,  
one of the defendants, filed a petition for its  
removal to the federal Court; this application  
was refused by this Court and its action af-  
firmed by the Supreme Court. Mr. Grimball,  
though, shortly after filing his petition for re-  
moval, obtained a transcript of the record in  
the case which he filed in the federal Court  
and had the case docketed there. A motion  
was made by my counsel in the federal Court  
to strike the case from the docket and this motion  
was submitted, but never, in fact, decided by  
the Court. Mr. Grimball claimed through his

**Names:**

Grimball, John

Grimball, Kate, Mrs.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881



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Special Collections  
UAB Gilman Library  
Roberts Collection  
(1815) 1881 Chancery Ct Rec.

counsel that by filing the petition for removal  
this Court was ousted of its jurisdiction, and  
to none of the orders obtained during the progress  
of the cause, in reference to the property,  
would he consent; but on the contrary, pro-  
tested to the orders being made or any action  
being had by the court. I was thus greatly em-  
barrassed and forced to assume unusual per-  
sonal responsibility in reference to my admin-  
istration of the estate. The estate at Mrs. Grim-  
ball's death consisted of real estate worth a-  
bout \$40,000 and personal property worth  
about \$100,000. I have kept the estate in-  
tegral, and its value by reason of accretions and  
judicious investments has been increased  
about \$40,000.00 and above all expenses  
except the allowance claimed by me and my  
Solicitors in this reference, besides I have  
converted claims against individuals  
amounting to \$30,000 or 40,000, which  
though regarded good were unsecured,  
into perfectly solvent credits which are  
easily & quickly convertible into money  
by sale or collection.  
On account of my services in the manage-

**Names:**

Grimball, Kate, Mrs.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

136

Special Collections  
 UAH Simon Library  
 Roberts Collection  
 (C18) 1881 Chancery Ct Rec.

ment of this estate since Mrs. Grimball's  
 death, I have received \$3,500 bank. I  
 think I am entitled to the additional compen-  
 sation for these services, of the sum of at least  
 \$6,000.<sup>00</sup>  
 Executed & subscribed } S. R. Cruse  
 before me this 9th July 1881 }  
 R. A. Wilson Spl. Reg.

Exhibit "B" to Register's Report filed July 14, 1881. Exhibit  
 "B" to  
 In Chancery 1<sup>st</sup> District Eastern Chancery Division State of Alabama: Special Rep  
 Samuel R. Cruse Trustee } Compl't. R. A. Wilson  
 vs } Depts. Report  
 Martha L. Patton et al }

In this cause a Decree of Refer-  
 ence made at the last Term January 1881 of  
 this Court to ascertain what is a reasonable  
 compensation for Humes and Gordon Solicitors  
 for complainant for services rendered in the  
 management and conduct of said suit  
 and the undersigned Solicitors in said Court  
 & witnesses in behalf of said Humes & Gordon

**Names:**

Cruse, Samuel R.

Humes & Gordon

Patton, Martha L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 9, 1881

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Special Collections  
UAB Simon Library  
Roberts Collection  
(1818) 1881 Chancery Ct Rec.

have after a careful examination of the papers in  
this case, and the work done by them and the Proce-  
dure before the Register on this reference and having  
taken into consideration all of said matters and  
the management and responsibility of such a  
suit say that the sum of three thousand, five  
hundred dollars is a reasonable fee and allow-  
ance to said attorneys Humes & Gordon for their  
services. This amount includes services render-  
ed in Supreme Court of Alabama for Com-  
plainant to which reference is made but does  
not include any fees paid said attorneys for  
collections of claims due said estate. This  
is our testimony as though we were under  
oath & duly qualified.

June 15<sup>th</sup> 1881. John J. McDavid  
S. D. Cabaniss

To R. A. Wilson Esqr.  
Special Register &c

Cross Examination of John J. McDavid Esqr.  
By Gov. D. P. Lewis,  
Q. Mr. McDavid you say here that the  
amount of compensation, you state, is not including  
any fees paid said attorneys for the collection  
of claims due said estate. Do you mean to say

**Names:**

Cabaniss, S. D.

Humes & Gordon

Lewis, D. P., Gov.

McDavid, John J.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

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Special Collections  
UAH Wilson Library  
Roberts Collection  
(2015) 1881 Chancery Ct Rec.

that the sum of thirty five hundred dollars should  
be in addition to other compensation, what they  
have received for other matters.

Ans. Yes Sir, that was all our conclu-  
sion except as to (\$500.00) Five hun-  
dred dollars I believe that had been  
paid him, or had been paid him  
upon the general account of his  
administration.

Q. Do you know how much has been paid  
for their services during this trust?

Ans. We don't Sir - I don't.

Q. Now then can you say that \$3500.00 thirty  
five hundred dollars should be allowed besides  
all other compensation made.

Ans. The exception that was made in  
Mr. Cabaniss' Report & mine was  
as to fees for the collection of  
claims which the trustee could  
have given to other parties to  
collect. That compensation  
was not to be included in the  
allowance that was made. Any  
fees that were paid him of  
course for the general admin

**Names:**

Cabaniss, S. D.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

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Special Collections  
UAH Selman Library  
Roberts Collection  
(1815-1881) Chancery Ct Rec.

istation of the estate would have to be deducted from this \$300.00. Thirty five hundred dollars which we thought was the compensation we ought to have. That is my recollection of what we agreed upon.

X Dnt H. How if he has been made allowance each year in the settlement of the accounts, that should be deducted from the \$300.00. Thirty five hundred dollars?

Ans. I think that was our understanding sir.

X Dnt D. You don't mean to say here then that Humes & Gordon should have \$300.00. Thirty five hundred dollars for attending to this case merely?

Ans. Yes sir, that is exactly what we did mean, \$300.00. Thirty five hundred dollars for their services in superintending and managing the case for the trustee.

X Dnt C. Was your attention called to an amount of \$24.00. Twenty Four Hundred Dollars paid him by trustee since this case was brought?

Ans. No sir we saw no payments that December.

**Names:**

Humes & Gordon

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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Roberts Collection  
(2018) 1881 Chancery Ct Rec.

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Q. Well suppose there had been that amount or  
other amounts paid him since this suit was brought  
would you say that that should be deducted from  
this \$3000.<sup>00</sup> Thirty five hundred dollars or is this  
\$3000.<sup>00</sup> Thirty five hundred dollars in addition?  
Ans. The \$3000.<sup>00</sup> Thirty Five hundred  
dollars was the fee that was fix-  
ed upon for his whole ser-  
vices from the beginning to the  
ending of this matter, in his  
administration and his aid to  
the trustee in the settlement  
of this estate not including  
other fees that he had been  
paid for collections in the  
settlement of claims.

x Q. If Mr. Cruse had paid him a fee since  
this suit was commenced for negotiating a  
mortgage, or ~~note~~, or that sort of thing, in the  
amount of \$2400.<sup>00</sup> Twenty Four Hundred dol-  
lars you say that that should be in addition  
to the \$3000.<sup>00</sup> Thirty Five hundred dollars?  
Ans. Yes Sir of course, because  
we didn't understand that  
that was in the nature or in

**Names:**

Cruse, S. R.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

141

Special Collections  
UAH Solman Library  
Roberts Collection  
(1818) 1261 Chancery Ct Rec.

the line of the trustee's management  
of his estate so far as his attorney  
was concerned, the advice of  
counsel.

Cross-Examination of S. D. Cabaniss Esqr  
By D. P. Lewis Esqr.

Q. Did Mr. Cabaniss see a paper here signed by  
you and Mr. McDavid. You say that \$5000.<sup>00</sup>  
Thirty Five hundred dollars would be a reasonable  
allowance for Humes & Gordon as Solicitors for  
Cruse. You say that this amount includes  
services in the Supreme Court of Alabama for  
complaint to which reference is made, but does  
not include any fees paid said attorney for  
collections of claims due said estate. Do you  
mean to say that this \$5000.<sup>00</sup> Thirty five  
hundred dollars was not to include any  
of the fees paid him since this bill was  
filed?

A. Yes. Well I think that I meant this,  
There were fees as I understood  
that he was entitled to. My un-  
derstanding was that there were  
fees that he had received or

**Names:**

Cabaniss, S. D.  
Cruse, Samuel R.

Humes & Gordon  
Lewis, D. P.

McDavid, John J.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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UAB Simon Library  
Roberts Collection  
(2018) 1881 Chancery Ct Rec.

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was entitled to for the collection of  
claims, services rendered - but that  
this compensation related to the  
filing of this bill and the conduc-  
ting of the case and to any litiga-  
tion resulting out of it, such as,  
as I understood there was a  
controversy as to the jurisdiction  
of Courts. It was intended  
to embrace all litigation arising  
out of that and any services in the  
Supreme Court in relation to it  
or in the United States Courts.  
That it was to cover that. Where a  
claim was placed in his hands  
for collection, it was not intended  
to embrace that because that was  
not necessarily connected with  
the suit -

x Q. Do you know what fees have been paid  
Humes & Gordon since this bill was filed?  
Ans. No sir I don't. I may have  
known at the time, but I can't  
recall it just now, but I  
understood that he had made

**Names:**

Humes & Gordon

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881



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Special Collections  
Utah Salmon Library  
Roberts Collection  
(1818) Chancery Ct Rec.

Some collections and perhaps had brought some suits, indeed I know of one case. I don't know whether the suit was brought before or after the commencement of this suit. I don't remember that but it was in relation to this suit in the Chancery Court and on the litigation in other Courts.

X Debit. Was your attention called to Insure four hundred and add dollars paid these attorneys by Cruse since this suit was brought?

Ans. What was that for? I don't remember now?

X Debit. I will get you to answer my questions if you please and not propound questions to me.

Ans. Well Sir I don't remember any particular amount of \$2,400.00 Insure Four Hundred Dollars now.

X Debit. Was not your attention called to five hundred dollars paid when the bill was filed?

Ans. At that time. I don't remember Sir that that was to be deducted.

**Names:**

Cruse, S. R.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

Frances Cabaniss Roberts Collection: Series 1, Subseries C, Box 18, Item 3  
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September 1881, 156 pages)

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Special Collections  
UAH Edmon Library  
Roberts Collection  
(1815) 1881 Chancery Ct Rec.

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That was clearly our intention. If  
it was for the filing of the bill it  
was to be deducted.

Q. And b. Do I understand you to say then that  
this (\$3000.00) Thirty Five Hundred Dollars was  
for all services rendered after the filing of the bill  
except for the collection of claims?

Ans: My recollection is that Mr. McDavid  
and myself looked into the matter  
more particularly sometime last  
fall I believe or last December or  
January and that was our conclu-  
sion that it was for the conduct  
of the case, the filing of this bill and  
the conducting of the case and attack-  
ing to it in the Chancery Court and  
also for my litigation resulting out of  
that in the United States Courts  
and in the Supreme Court as to the  
jurisdiction of the Courts in this par-  
ticular case.

Q. And c. Then if allowances had been made at some  
term of the Court in each year since the filing of  
the bill would you or not deduct that from this sum-  
ment of \$3000.00, Thirty Five Hundred Dollars?

**Names:**

McDavid, John J.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

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Special Collections  
 UAH Simon Library  
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 (1815) 1881 Chancery Ct Rec.

And the said John Grimball, Samuel H. Moore, and John L. Rison, as the Administrators of Catharine Grimball deceased, move the Court to discharge the order of reference to the Register directing him to report a reasonable compensation to Humes & Gordon, Solicitors for Samuel R. Cruse, as Trustee, for their services, since the institution of this suit, because the said compensation was fixed by a contract, as shown by the proof, entered into between the said Humes & Gordon & Cruse Trustee, before the filing of this bill in this case, that they should receive the sum of Five hundred dollars for their services throughout this suit; and that the said Cruse as said Trustee has paid the said Humes & Gordon the said sum of Five hundred dollars, in pursuance, & in fulfillment of said Contract.

David P. Lewis Sol. for Grimball  
 S.H. Moore, <sup>and</sup> John L. Rison as adms. of  
 Mrs. Grimball.

(1881)

**Names:**

Cruse, Samuel R.	Grimball, John	Lewis, David P.	Patton, Martha L.
Grimball, Catharine	Humes & Gordon	Moore, Samuel H.	Rison, John L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

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(1815) 1881 Chancery Ct Rec.

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Entered: Filed in Open Court July 15, 1881  
"W. P. Newman Repr."

Exceptions filed to the account of Samuel R. Cruse, as Exceptions to the  
minutes of Catharine Grimball, on final settlement of SR Cruse  
said Trust.

Except— says that the said account is  
erroneous—

1) In not charging himself with interest each year to  
the full sum of the interest thereon on the debt owing  
by James J. Donegan, and James H. Mastin, for the  
sum of \$8,369.00 due April 19th. 1867. And in  
charging himself with interest on the said interest  
from & after a reasonable time elapsed for reinvesting  
the said interest that had accrued, & was not col-  
lected.

2) Exceptant presents the same objections, as though the  
same were written down at length, to the debt evidenced  
by the bond of Martha L. Patton, and Samuel H. Moore  
due November 22<sup>nd</sup> 1877 for \$8208.00—

3) To credit January 12<sup>th</sup> 1881 paid Humes & Gordon,  
attorneys fees \$2438.25<sup>00</sup> Jan'y 12. 1881 the proof in the  
case shows (Cruse's Deposition) that said Humes &  
Gordon agreed to conduct said suit, & perform all  
the professional services connected with the same.

**Names:**

Cruse, Samuel R.  
Donegan, James J.

Grimball, Catharine  
Humes & Gordon

Mastin, James H.  
Moore, Samuel H.

Patton, Martha L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

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Special Collections  
UAH Salmon Library  
Roberts Collection  
(1818) 1881 Chancery Ct Rec.

for a fee of \$600.<sup>00</sup> And that the same had  
been paid, before the 12<sup>th</sup> July, 1881.

(4) To the allowance on the credit side of ac-  
count of Saml. R. Cruse of the sum of fifty  
dollars paid Humes & Gordon, as fees on January  
18, 1877.

(6<sup>1</sup>) To the allowance to the credit of said  
Trustee of the sum of Five hundred and twenty  
five dollars, on the 1<sup>st</sup> of January 1878.

The three last items of credit are objected to, be-  
cause by the contract of Cruse as Trustee, with  
Humes & Gordon he was to pay them, for attend-  
ing to his ears, the sum of five hundred dollars,  
for which he has paid them as appears by  
their receipt to him, in the fees, for the sum  
of Five hundred dollars dated May 6, 1877.

Wherefore John Grimball, & Samuel H. Moore,  
and John L. Rison as administrators of Catha-  
rine Grimball deceased, except & ask the  
Court to disallow the said items of credit.

6. To the allowance by the Register to said Saml.  
R. Cruse of the additional compensation of  
Five hundred dollars per annum over, & above  
the sum of one thousand dollars per annum,  
which was agreed on between the said Cruse

**Names:**

Cruse, Samuel R.  
Grimball, Catharine

Grimball, John  
Humes & Gordon

Moore, Samuel H.  
Rison, John L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881

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Catharine Moore, (after name Mrs. Grimball)  
 when he was appointed as said Orator.  
 David P. Lewis Sol for Grimball,  
 Saul N. Moore, & Rison as Advs.  
 of Mrs. Grimball dead.  
 Endorsed: "Filed in Open Court July 15, 1881  
 W.P. Newman Regr."

Samuel R. Cruse Doctor }  
 110 to } Exceptions of  
 Martha L. Patton et al } S.A. Moore  
 of the Register to the allowance of fees to defendants } to allowance of  
 solicitors Walker & Shelby & Humes & Gordon for } fee to 700.00  
 defending the real estate, & its rents, in value, and } 444.00  
 which have been finally decided.  
 Exceptant excepts to the allowance to Humes & Gor-  
 don & Walker & Shelby, of ten per cent on the  
 value of the lands recovered by them.  
 2. To any sum over 5 percent of the value  
 of the said lands so recovered.  
 3. To the allowance of any amount, as again-  
 st this exceptant, the proof showing that he  
 appeared for himself, & paid his own costs  
 that he never employed neither Walker & Shel-  
 by, or Humes & Gordon; that he never ad-

**Names:**

Cruse, Samuel R.	Humes & Gordon	Patton, Martha L.
Grimball, Catharine	Moore, Catherine	Rison, John L.
Grimball, John	Moore, Samuel H.	Walker & Shelby

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881



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 UAH Gilman Library  
 Roberts Collection  
 (S 18) 1881 Chancery Court Rec.

vised with them; & that they never represented  
 him; & more in no sense his lawyers in this  
 case. David P. Lewis Sol.  
 for S. H. Moore.

Endorsed: Filed in open Court July 15, 1881  
 W. P. Newman Req. n.

Motion to Samuel R. Cruse Trustee 3 Chancery Court of  
 discharge do 1110 vs 3 Madison County Alabama  
 etal order by Martha L. Patton et al 3 July Term 1881.  
 S. H. Moore Samuel H. Moore, one of the defen-  
 ants in the Reference to the Registrar, on the decrete  
 order in this case to determine a reasonable  
 fee to be paid to the defendant & Solicitors  
 (excepting John Grimball, and John L. Rison  
 as Administrator Catharine Grimball decd.)  
 moves the Court to discharge him from the or-  
 der of reference in this case, so far as the com-  
 pensation of the said Solicitors is concerned  
 for the following reasons:

1. Because the Court has no jurisdiction, on the  
 facts contained in the record, to adjudicate the  
 question of Compensation, as between himself & the  
 Solicitors in this case.
2. That the determination of the compensation

case 1110

**Names:**

Cruse, Samuel R.  
 Grimball, Catharine

Grimball, John  
 Moore, S. H.

Moore, Samuel H.  
 Patton, Martha L.

Rison, John L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881





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 Roberts Collection  
 (c. 18) 1881 Chancery Court Rec.

offered, is the adjudication of a question of law  
 without giving this morant the opportunity of  
 defending his cause.

3. That judgment of the Court announced in said  
 decretal order is a decree against the rights of  
 morant, without due course of law; not in ac-  
 cordance with the common law; in a manner  
 repugnant to the constitution of the the United  
 States; and should be revoked.

David P. Lewis  
 Sol. for S. H. Moore.

Endorsed: "Filed in open Court July 15, 1881  
 W. Newman Reg. r."

Samuel R. Cruse Trustee } Madison Chancery  
 1110 No } Court Ala  
 Martha L. Patton et al } July Term 1881

And now John Grimball, Samuel H.  
 Moore, John L. Rison as adms. of Catharine Grimball  
 heirs.

Motion to dis-  
 charge decretal  
 order by Grim-  
 ball, Moore &  
 Rison as adms

Move the Court to discharge the said decretal  
 order in this case, that directs the Register to report  
 an allowance to the Trustee Samuel R. Cruse, in  
 this case, over, and above the sum of one thou-  
 sand fr. annum, which this proof shows, that

case 1110

**Names:**

Cruse, Samuel R.	Grimball, John	Moore, Samuel H.	Rison, John L.
Grimball, Catharine	Moore, S. H.	Patton, Martha L.	

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 15, 1881



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 Roberts Collection  
 (L 015) 1881 Chancery Ct Rec.

agreed on as a compensation with Catharine  
 Moore, (afterwards Grimball) when he under-  
 took said trust; And that his compensa-  
 tion be confined to said sum of One thousand  
 for each year, that he has acted as such trustee.  
 David P. Lewis Sol. for  
 Grimball, Moore &  
 Rison as admrs. —

Endorsed: "Filed in open Court July 16. 1881  
 W.P. Herrman Regr."

Decree on Samuel R. Cruse Trustee vs } July Term 1881  
 Martha S. Patton et als } In Chancery at  
 Huntsville Ala.

This cause coming on to be heard was  
 submitted for decree on the Report of the Speci-  
 al Register (R. H. Wilson) read on a former day of  
 this term & on exceptions thereto and on motions of  
 S. H. Moore and others to discharge the order of  
 reference heretofore ordered, & under which said  
 Report was made, on grounds set out in said  
 motions.

And now on consideration, and careful read-  
 ing of said Report & the evidence offered & certifi-  
 ed by the Register on the matter of said ex-

case 1110

**Names:**

Cruse, Samuel R.

Grimball, Catharine  
 Moore

Grimball, John  
 Moore, Samuel H.

Patton, William  
 Rison, John L.

**Places:**

Huntsville, Madison  
 Co., AL

**Types:**

chancery court

**Dates:**

July 16, 1881



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(1818) Chancery Ct Rec.

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Captions - as well also the motions to discharge  
said order of reference.

It is ordered and decreed that each of said mo-  
tions to discharge be & is hereby overruled.

The contest in this case has not been so much  
to ascertain & declare mere individual claims, or  
rights to property, as to ascertain & declare the rules  
& principles of Law that must govern the dispo-  
sition to be made of Trust property both real & per-  
sonal, in the hands of the Complainers, and this  
contest was invited by the said Trustee for ad-  
vice in the premises, as shown by his Bill. It is  
necessary & proper therefore that that property is  
the common fund of said estate, should be  
used to pay the expenses incident to said  
litigation, the litigation being bona fide & for  
the benefit alike of the certain quo Trusts.

The Court will charge the trust property with  
attorney's fees - Trustee's compensation, & costs of suit,  
so long as it shall appear  
that parties act in good faith & seek only in le-  
gal modes, to ascertain the law & Equity that  
should determine the conclusions & decree  
of the Court. It is therefore adjudged

case 1110

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 16, 1881

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(c.18) 1881 Chancery Ct Rec.

& decreed that the motions to discharge the orders of  
reference as made by S. H. Moore & others be  
overruled.

It is also further ordered & decreed that the  
motion of John Grimball & others to discharge  
said order, as to the compensation of S. R. Cruse  
be also overruled.

It is manifest & so declared & adjudged  
that the Trustee, Samuel R. Cruse has rendered  
an extraordinary & valuable service to said Trust  
estate under circumstances of real embarrassment  
& risk, & that for such service he is entitled un-  
der the proof to the sum of six thousand Dollars  
for the four years since the death of Mrs. Grim-  
ball in addition to the sum of thirty-five hun-  
dred Dollars shown to have been received  
by him heretofore.

The exception to said Report by the Trustee  
as to the allowance is therefore sustained & it  
is ordered & decreed that said Samuel R.  
Cruse be allowed six thousand Dollars for  
his compensation as above & that on final  
settlement of his account as such Trustee  
he be allowed said sum.

It is further ordered & decreed that the

case 1110

**Names:**

Cruse, Samuel R.

Grimball, Kate, Mrs.

Moore, S. H.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 16, 1881

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(1818) 1881 Chancery Ct Rec.

exceptions to the Register's Report as to the allow-  
ance of \$5000 to Messrs. Walker & Shelby &  
Humes & Gordon attorneys &c for their services  
as shown be also sustained & their motion  
to be allowed the sum of Four thousand  
Dollars as a reasonable fee ought to have  
been allowed.

It is therefore ordered & decreed that the  
said Solicitors Walker & Shelby & Humes & Gordon  
have & recover the sum of four thousand Dol-  
lars for their services, in the premises & that  
said S. R. Cruce as Trustee pay to them, or  
two thousand Dollars to each of said firms  
whose receipts therefor shall be allowed as  
vouchers to that extent on final settlement  
of said Trust estate.

It is further ordered & decreed that said  
Report be and is hereby in all other respects  
confirmed & all other exceptions or objec-  
tions thereto be & is hereby overruled & held  
for naught.

And it appearing from said Report that thirty  
five hundred Dollars would be a reasonable com-  
pensation under the proof adduced before him  
for the services of the Solicitors of the Trustee.

case 1110

**Names:**

Cruce, S. R.

Humes & Gordon

Walker & Shelby

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

July 16, 1881



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UAH Gilman Library  
Roberts Collection  
(1818) 1881 Chancery Court Rec.

It is therefore ordered & decreed that the said Solicitors of the Trustee - Messrs. Humes & Gordon have & recover of the said Trustee as much to be paid by him out of said Trust funds in his hands the said sum of Thirty-five Hundred Dollars, & their receipts for the same shall be held a voucher on final settlement of said Trust estate by said S. R. Cruse.

It is further ordered & decreed that said Trustee S. R. Cruse pay all the costs now due on account of this suit - & the receipts therefor by the proper officers entitled to the same or any part thereof shall be vouchers for said Cruse on his said settlement.

It is further ordered that all other orders be postponed for the present.

July 16, 1881.

N. S. Graham  
Chancellor.

Endorsed: "Filed in open Court July 16th. 1881  
M. Newman  
Regist."

case 1110

**Names:**

Cruse, S. R.

Humes & Gordon

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

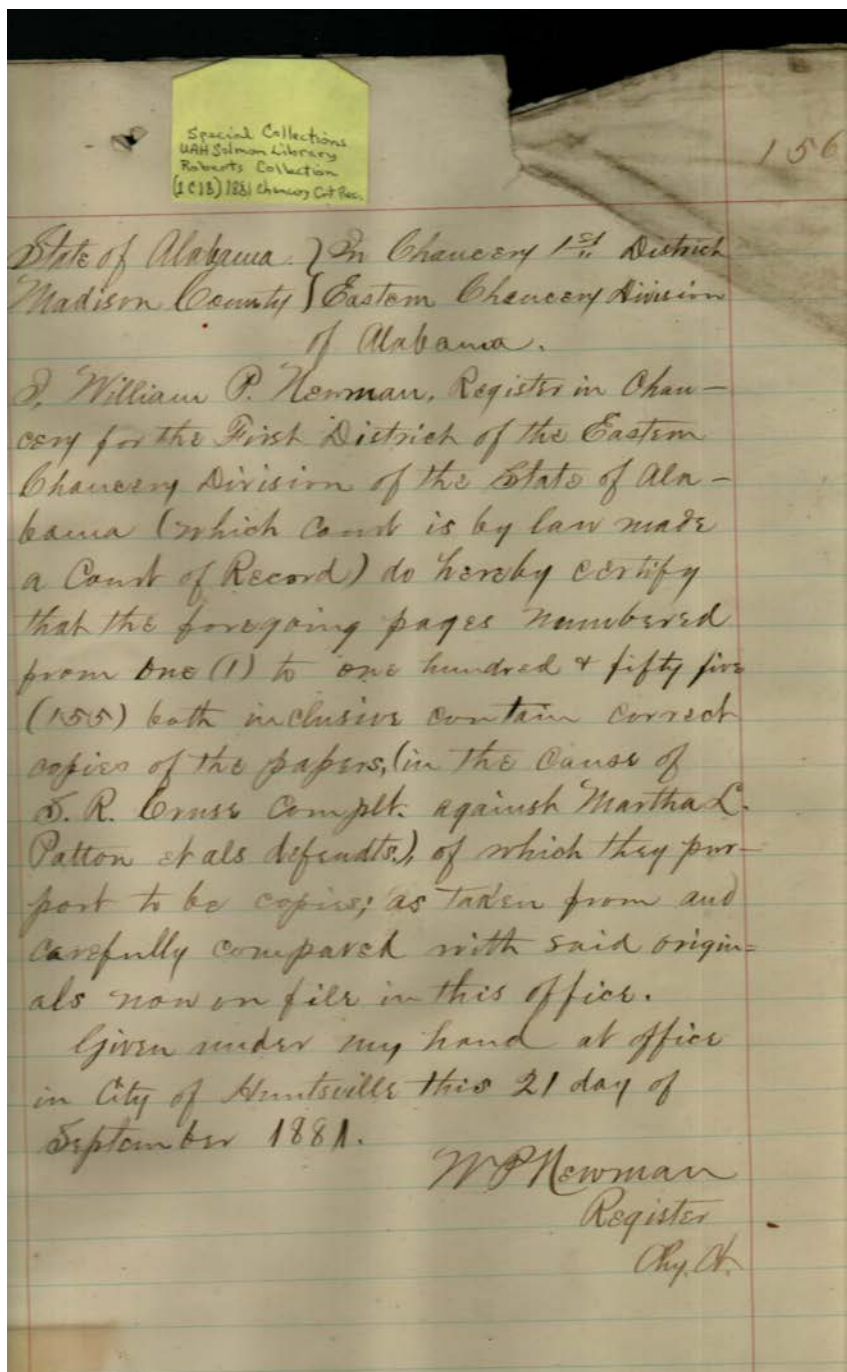
chancery court

**Dates:**

July 16, 1881

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(1 C 18) 1881 Chancery Cert Rec.

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State of Alabama } In Chancery 1<sup>st</sup> District  
Madison County } Eastern Chancery Division  
of Alabama.

I, William P. Newman, Register in Chan-  
cery for the First District of the Eastern  
Chancery Division of the State of Ala-  
bama (which Court is by law made  
a Court of Record) do hereby certify  
that the foregoing pages numbered  
from one (1) to one hundred & fifty five  
(155) both inclusive contain correct  
copies of the papers, (in the Cause of  
S. R. Cruse Complt. against Martha L.  
Patton et als Defendants), of which they pur-  
port to be copies; as taken from and  
carefully compared with said origin-  
als now on file in this office.

Given under my hand at office  
in City of Huntsville this 21 day of  
September 1881.

W P Newman  
Register  
Chy. Ct.

**Names:**

Cruse, S. R.

Patton, Martha L.

**Places:**

Huntsville, Madison  
Co., AL

**Types:**

chancery court

**Dates:**

Sept 21, 1881

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# Frances Cabaniss Roberts Collection

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

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

**Archives/Special Collections Access Restrictions:** None

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