

(P16) Monroe Calhoun Deposition
 1845

The Execution of this Commission
 appears in a certain schedule
 hereto annexed. dated Feb 7 15. 1845.

Ralph Wood
 Commissioner

Wm H. Gee
 3
 M. Calhoun

Examination adjourned
 to Feb 7 & 8. P. 1845 at
 3 1/2 P. M. — R. Wood
 Comm'r

Feb 8. 1845. John Colhoun the witness
 within named appeared (no one appearing on the part
 of the pt. Wm H. Gee) to Feb 7 11th at 4 P. M. Red
 Feb 7 11. Witness appeared no one on behalf of
 of pt. to Feb 7 10th at P. M.
 Feb. 10th 11th they appeared, they were
 examined. R. L. Court

Names:

Colhoun, John

Colhoun, Meredith

Gee, William H.

Places:

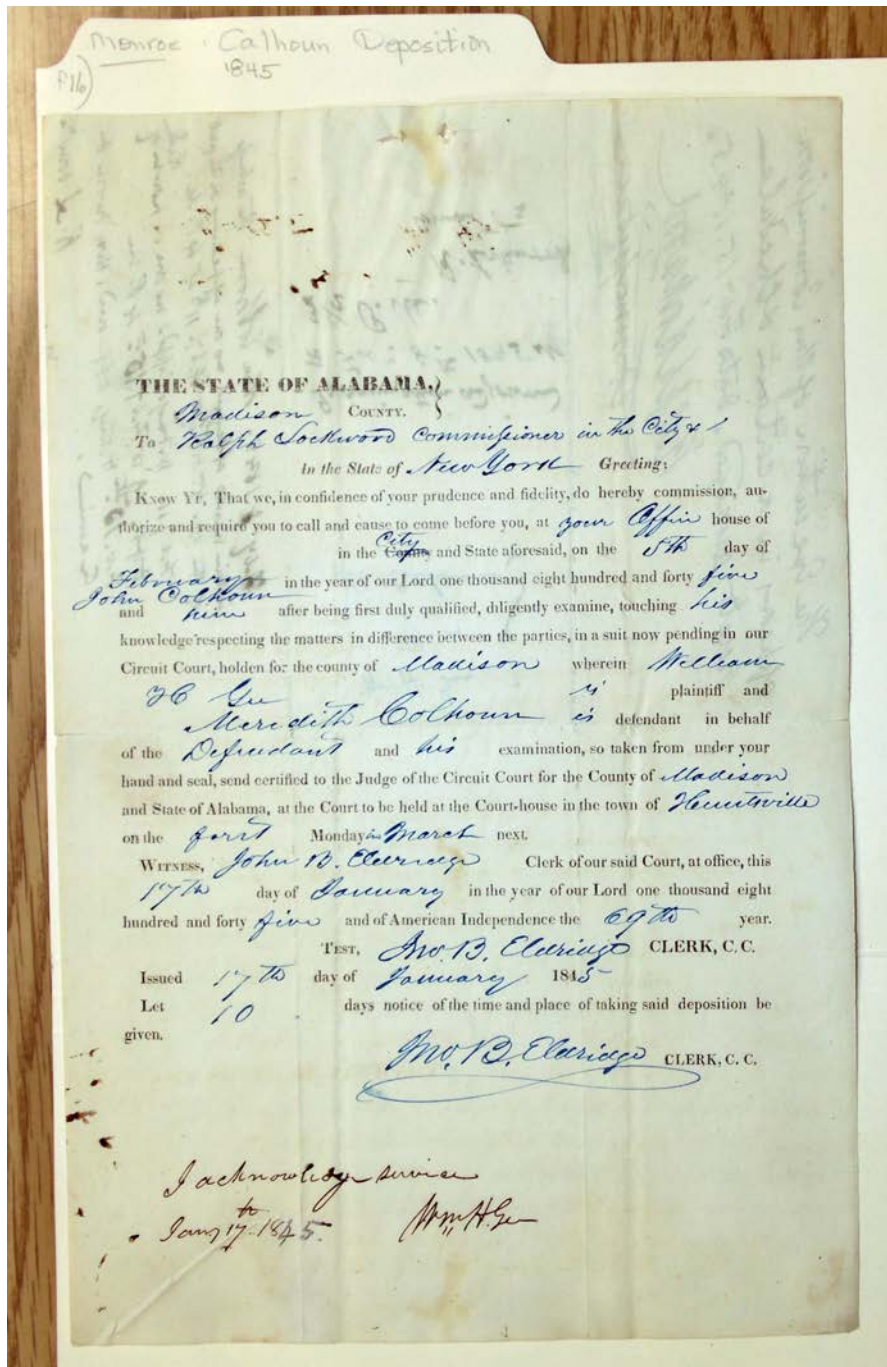
Madison Co., AL

Types:

commission

Dates:

Feb 28, 1845



Names:

Colhoun, John

Colhoun, Meredith

Gee, William H.

Lockwood, Ralph

Places:

Madison Co., AL

Types:

commission

Dates:

Jan 17, 1845

Monroe Calhoun Deposition
1845
P16

1. Deposition of John Colhoun a witness produced sworn and examined the 15th day of February 1845 under and by virtue of the American commission issued out of and under the seal of the Supreme Court for the County of Madison in the State of Alabama, in a certain suit therein pending wherein William H. Gee is Plaintiff and Meredith Colhoun is defendant in behalf of the defendant, by and before me, Ralph Lockwood Commissioner therein named, no one appearing for plaintiff of City and County of New York St. John Colhoun of the United States Navy, now stationed at the Navy Yard in Brooklyn being first duly sworn and qualified by me as Commissioner to testify the truth, the whole truth and nothing but the truth respecting the matter in difference between the parties in and among says that he is acquainted with the above plaintiff and that the defendant is his brother; that in the latter part of September A. D. 1841 he was appointed and constituted by Mrs. Margaret Smith, widow and executrix of the late Judge William Smith of Alabama, her Attorney and Agent by a written power of Attorney from her to this deponent, which power is now in the hands of deponent's brother Meredith Colhoun or his Attorney Mr. Wallace; The above Plaintiff Mr. H. Gee was then at Huntsville Alabama where he resided, and deponent had endeavored without success to collect from him a certain sum of money due to the said Executrix, but the said Gee having refused to pay the same, deponent revised the said Power of Attorney and forthwith proceeded to the plantations of the late William Smith deceased near Selma - which the said

Ralph Lockwood
Commissioner

Names:

Colhoun, John
Colhoun, Meredith

Gee, William H.
Smith, Margaret

Smith, William,
Judge

Wallace,

Places:

New York, NY

Types:

deposition

Dates:

Feb 15, 1845

Memorandum - Calhoun Deposition
1845 (re: William Smith Estate)
Judge, Houl, AL

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I Geo had bought of William Smith in his life time in the year 1839 for the sum of \$100,000 and entered into a bond for that sum to Judge Smith by which he agreed to pay the proceeds of the cotton crop raised on the said ^{plantations} ~~plantations~~, which bond is in the possession of deponent's brother Meredith Colhoun who resides in Huntsville Alabama, and which will show the terms more particularly. This deponent on his arrival at Selma went to the Chief Justice of the State of Alabama and duly obtained from him on good cause shown, a writ the particular name of which this deponent does not recollect - authorizing the Sheriff of Amcanga Dallas and Mobile Counties or the County where Mobile is situated to seize what cotton might be found on either of the plantations before mentioned or in the City of Mobile belonging to said Geo that had been produced or either of those plantations. At the plantation in Dallas ^{deponent} caused the Sheriff to seize about fifty bales of cotton, which were left in the hands of the Sheriff of Dallas County. On deponent's return to Huntsville about the 15th of October he found that a compromise had been effected during his absence between Mr Smith and the said Geo, by which Geo was to pay to her fifteen of the negroes of the said plantations and \$10,000 drafts on E. L. Andrews & Co, ^{at Mobile} payable on demand. A draft was soon after drawn for the said amount by the ^{plaintiff} ~~deponent~~ in this suit as agent for Mr Smith on said E. L. Andrews & Co. at Mobile who refused to accept the same. Whereupon this deponent proceeded to Mobile and under and by virtue of the said Power of Attorney of Mr Smith and the writ or process before mentioned process

Names:

Andrews, E. L. & Co.
Colhoun, Meredith

Gee, William H.
Smith, Margaret

Smith, William

Smith, William,
Judge

Places:

New York, NY

Types:

deposition

Dates:

Feb 15, 1845

Monroe Calhoun Deposition
1845 (re: William Smith Estate)
Judge, U.S. AL

with the Sheriff of Mobile to seize about one hundred and eight bales of cotton which were also left in the said Sheriff's hands. A few weeks after, Andrews & Co. agreed to pay the drafts of \$10,000 and the compromise before mentioned was then agreed to be restored by and between the said Brother of deponent and the said Geo. Gee. Upon which deponent and his said brother proceeded to the plantations above mentioned and Meredith Colhoun received from the said Gee the fifteen negroes before agreed upon; which were accordingly delivered to him in presence of deponent, and the said Geo. Gee then declared himself fully satisfied with the arrangement; the papers relating to which should be in the hands of said brother of deponent or of his Counsel at Mountville. Deponent has testified as above entirely from memory, having no papers to refer to, to guide him as to dates &c. but verily believes the above to be a correct statement of his Agent in the affair to which his evidence refers, and all that he recollects in relation to the same. And further deponent saith not.

Examination taken, reduced to writing, the within being sworn, before me the 15th day of February A.D. 1845 of the above named witness and the acceptance in my presence submitted his name as set to.

Ralph L. Woodward
Commissioner under the Commission.

The original of this deposition is in the hands of the Clerk of the Court.

Names:

Andrews, E. L. & Co.

Colhoun, John

Colhoun, Meredith

Gee, William H.

Places:

New York, NY

Types:

deposition

Dates:

Feb 15, 1845

Monroe Calhoun Deposition
 1845 (re: William Smith Estate)
 Judge, 4th Cir, AL
 (File)

City & County of New York, I, Ralph Lockwood
 of the City of New York, Counsellor at Law
 the Commissioner named in the within
 Deposition and authorized & appointed by
 the annexed Commission to take the
 deposition do hereby certify & declare
 to the Judge of the Circuit Court for
 the County of Madison & State of
 Alabama ^{in all respects it may concern} that the within is the original
 Deposition of John Colhoun the witness
 therein named taken before me under the
 said ^{Commission} & in my presence subscribed by
 him ^{after he had solemnly examined him.}
 In witness whereof I have
 hereunto set my hand & affixed my
 seal this 15th day of February A.D.
 1845. at the City of New York aforesaid
 Ralph Lockwood
 Commissioner

State of Alabama
 Madison Co. Circuit Court
 Yes

Names:

Colhoun, John

Lockwood, Ralph

Places:

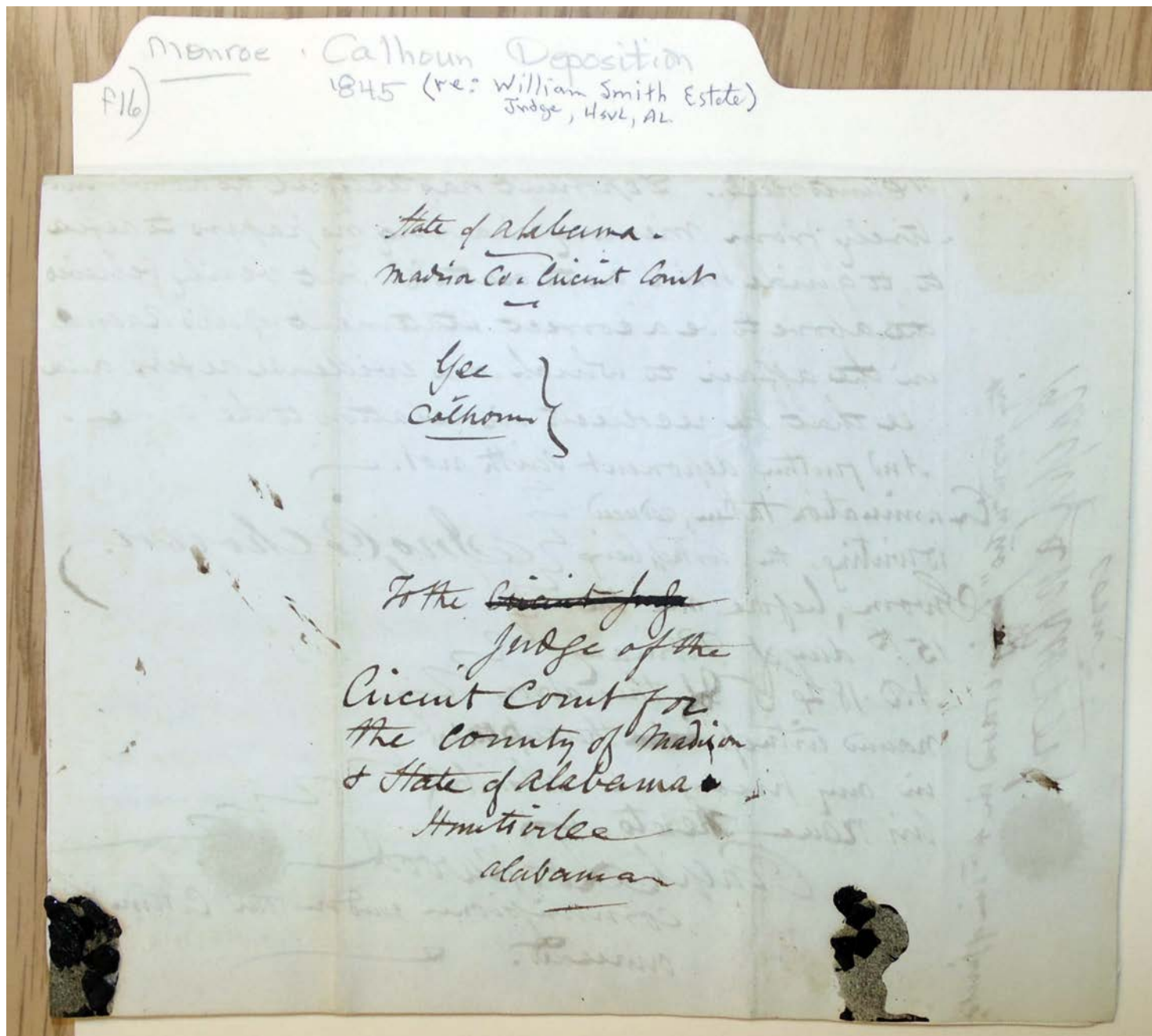
New York, NY

Types:

certification

Dates:

Feb 15, 1845



Names:

Colhoun, Meredith

Gee, William H.

Places:

Madison Co., AL

Types:

circuit court

Dates:

1845

Frances Cabaniss Roberts Collection: Series 8, Box 1, Folder 16
Colhoun/Calhoun, John C. Deposition, 1845

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Frances Cabaniss Roberts Collection: Series 8, Box 1, Folder 16
Colhoun/Calhoun, John C. Deposition, 1845

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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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Provenance: Gift of Johanna Shields on October 28, 2006.



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ALABAMA IN HUNTSVILLE

**The UAH Archives and Special Collections
M. Louis Salmon Library**