

demands payment of draft

Names:

Cenas, Hilary Breton,
Notary Public

Murphy, M. W. A.

Places:

New Orleans, LA

Types:

protest

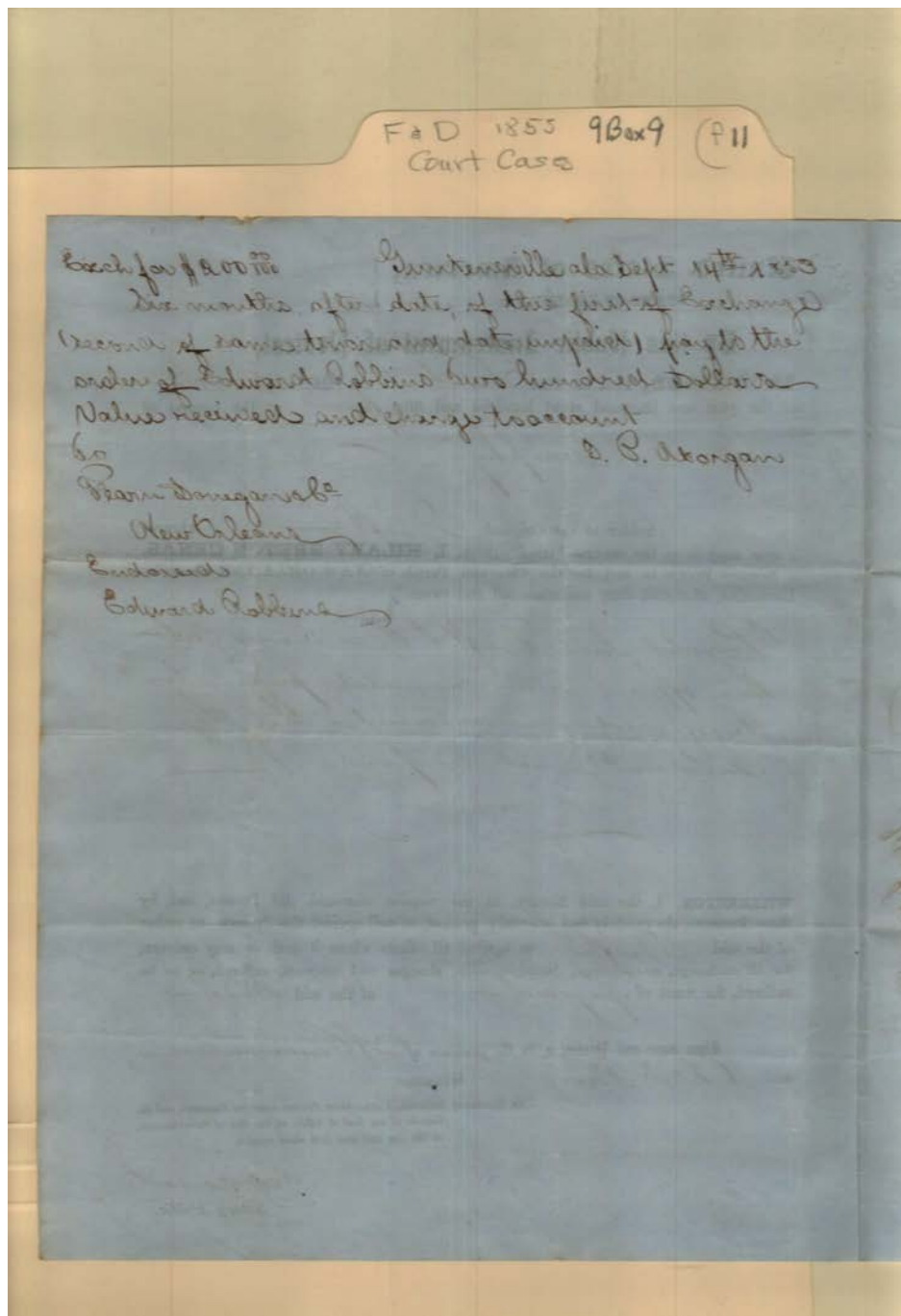
Dates:

Mar 18, 1854

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Fearn and Donegan Court Cases, 1853

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copy of draft unpaid

Names:

Fearn, Donegan &
Co.

Morgan, J. P.
Robbins, Edward

Places:

Guntersville, AL

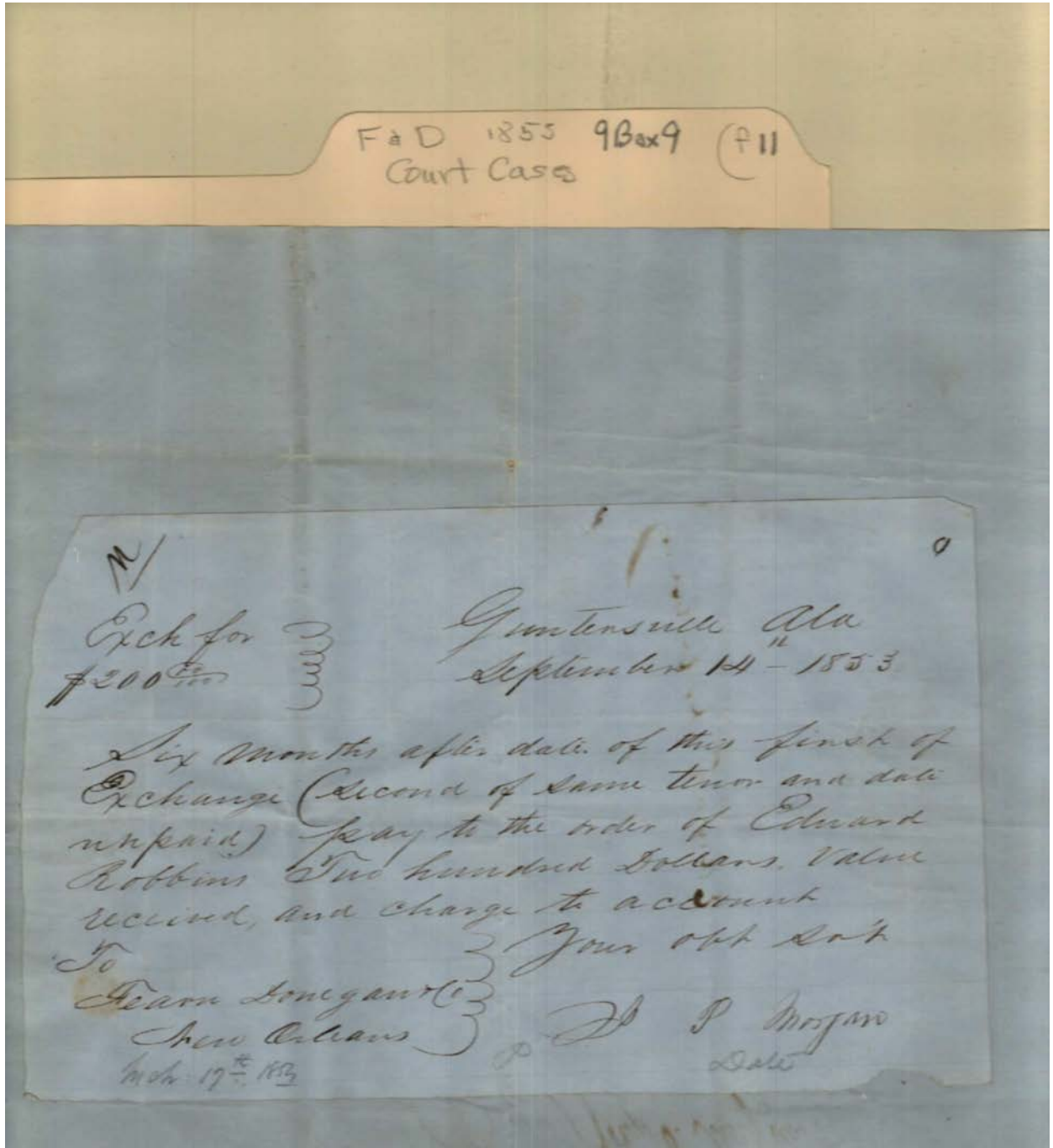
New Orleans, LA

Types:

bill of exchange

Dates:

Sept 14, 1853



Names:

Fearn, Donegan &
Co.

Morgan, J. P.
Robbins, Edward

Places:

Guntersville, AL

New Orleans, LA

Types:

bill of exchange

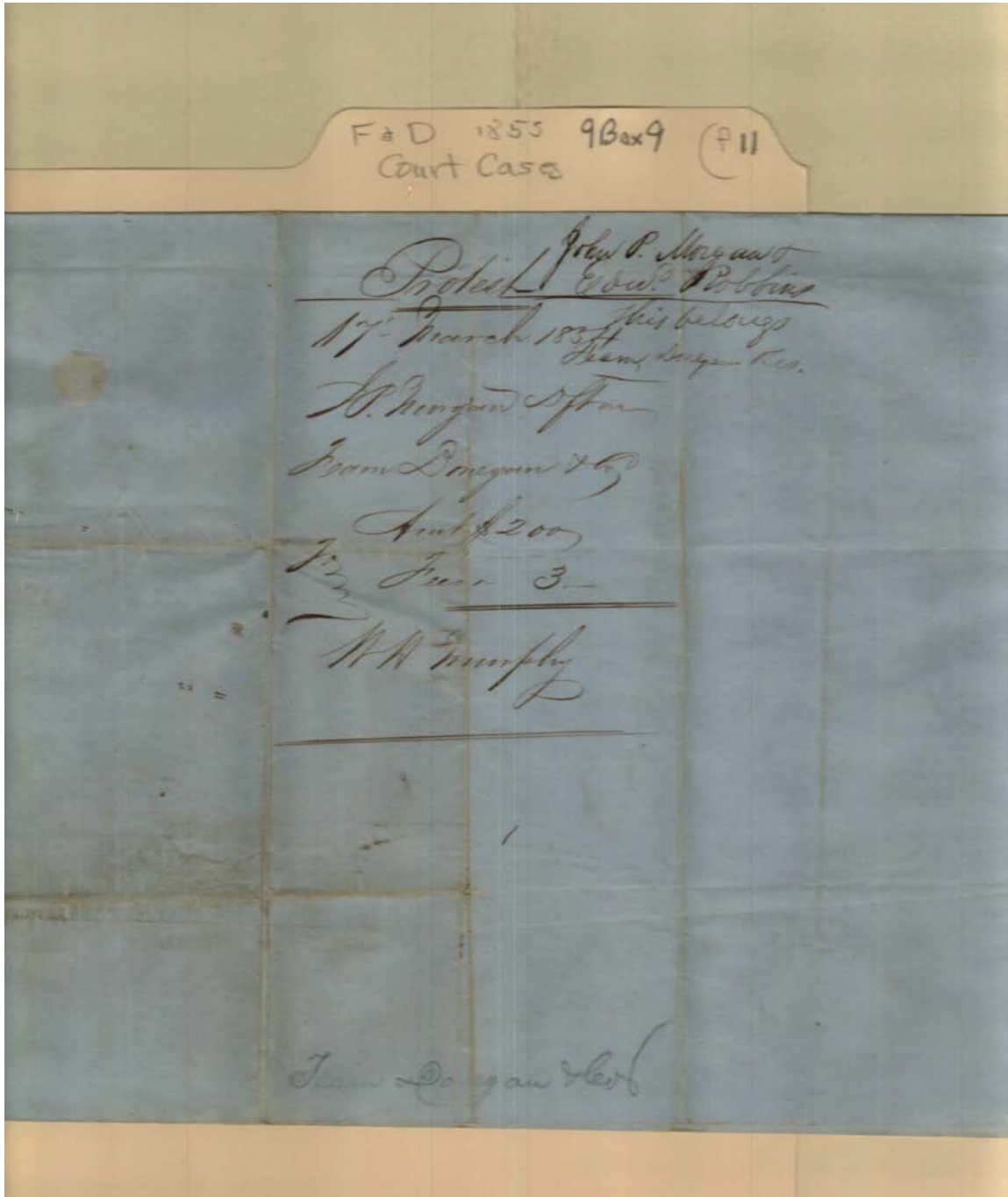
Dates:

Sept 14, 1853

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Fearn and Donegan Court Cases, 1853

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Names:

Fearn, Donegan & Co.

Morgan, John P.
Murphy, W. A.

Robbins, Edward

Places:

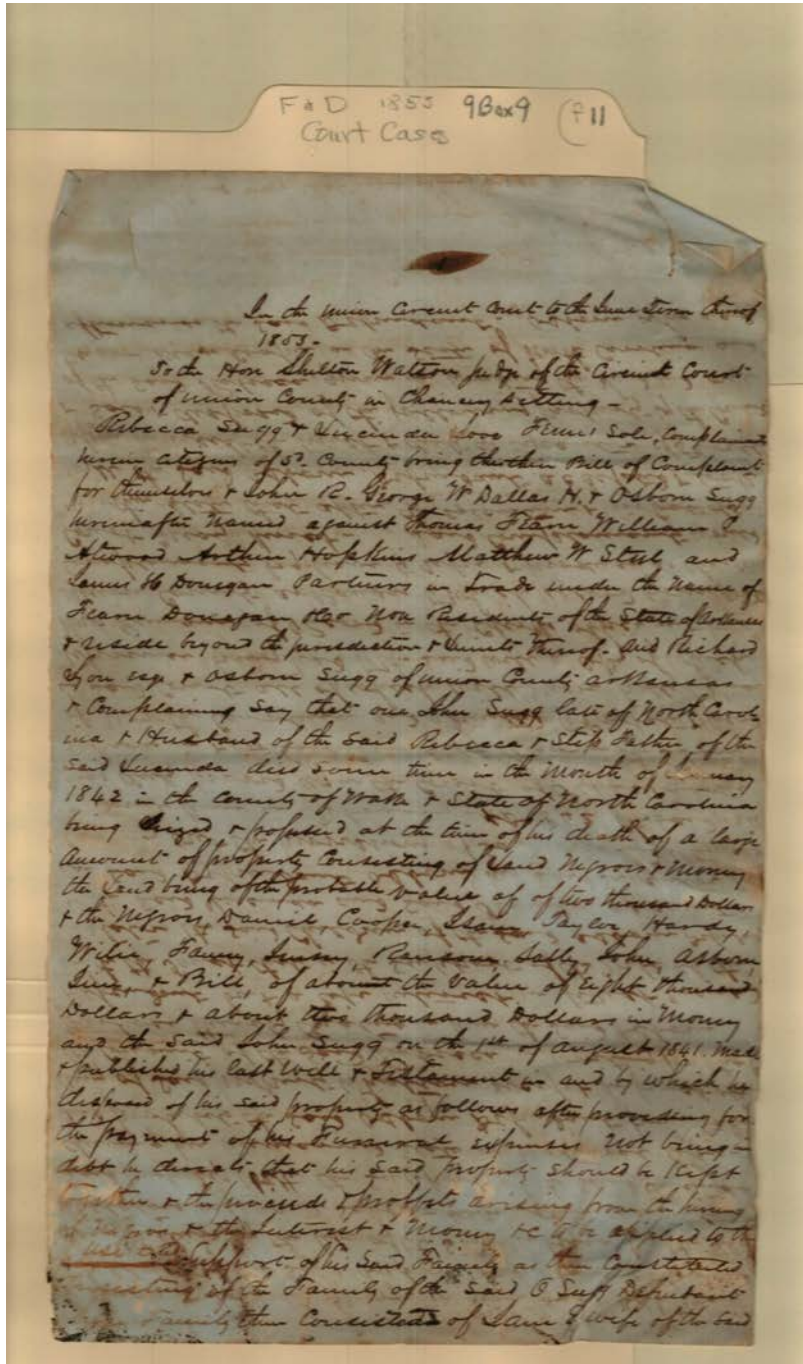
New Orleans, LA

Types:

protest

Dates:

Mar 17, 1854



Names:

, Ashburn (slave)
 , Bill (slave)
 , Cooper (slave)
 , Daniel (slave)
 , Fanny (slave)
 , Hardy (slave)
 , Isaac (slave)
 , Jenny (slave)

, Jim (slave)
 , John (slave)
 , Ransom (slave)
 , Sally (slave)
 , Taylor (slave)
 , Wilie (slave)
 Atwood, William P.
 Donegan, James H.

Fearn, Donegan &
 Co.
 Fearn, Thomas
 Hopkins, Arthur
 Love, Lucinda
 Steel, Matthew W.
 Sugg, Dallas H.
 Sugg, George W.

Sugg, Jane
 Sugg, John R.
 Sugg, John, dec'd
 Sugg, Osborn
 Sugg, Rebecca
 Watson, Shelton,
 Judge

Places:

Union Co., Arkansas

Types:

circuit court in
chancery

Dates:

June, 1853

F & D 1853 9Box9 (11)
Court Case

John R. Sugg vs Dallas & Osborn
 The said Osborn Defendant who said
 during the life of the said Rebecca the said
 Defendant's wife and said will further incumber
 said property with the support of the said Lucinda
 during her unexpired state or Natural life -
 and prohibits the said Osborn Defendant from taking
 any of said property whatever except in first the
 the Consent of the said Rebecca in writing for that
 purpose thereby creating in favor the said Osborn
 Defendant but a life interest in trust executed
 with the Trust that is the support of the Wife of the
 Deceased the said Children of the said Osborn Deceased
 & the said Lucinda and said Deceased appointed
 the said Defendant Osborn as said Executor to
 carry out the provisions of said will and afterwards
 some time in February A.D. 1842 the said will
 was duly proved up in the Court of Pleas & Sessions
 in & for said County of Wake in the State
 of North Carolina and admitted to Probate Record
 in said Court all of which will more fully appear
 upon being had to the said will a copy of which
 now remains of Record in the Clerk's Office in & for
 Union County Arkansas to which Record your own
 Compliments be given to refer & produce as this Hon
 Court may direct. Said Compliments would
 further state that after the execution & probate of said
 will the said Osborn Defendant accepted & took
 upon himself the trust & duty as executor of said will
 & sold & disposed of the following property by the force
 of the said Rebecca given in writing the land and one
 Negro Man Cooper in the State of North Carolina and
 afterwards the said Defendant Osborn who had

Names:

, Cooper (slave)
 Love, Lucinda

Sugg, Dallas H.
 Sugg, George W.

Sugg, Jane E.
 Sugg, John R.

Sugg, Osborn
 Sugg, Rebecca

Places:

Union Co., Arkansas

Types:

circuit court in
 chancery

Dates:

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Court Case

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himself the ownership of said well, and having
disposed of the property aforesaid, he went
from said Court of South & came to Arkansas
having stopped at some intermediate points, but
landed in Union County, Arkansas about the last
of October 1844, bringing a duly certified copy of
well & the records of said property, not disposed
of as aforesaid, and a few days on the
22nd day of August 1851, the said Defendant
Osborn caused the recording of said well to be
duly recorded in the Clerk's office of said County,
of which all of which said Defendants had full
notice, then & there which will more fully appear
reference being had to the records of said well
now remaining in said court, which the complainant
by leave to refer. Complainant would further
state that the said Defendant Osborn with the
members of the family as aforesaid settled on
the West half of section thirty one Range twenty
west Township seventeen south the east half
of the east half of section thirty six Range twenty
west Township seventeen south & the north west
quarter of section thirty six Range thirteen west
Township seventeen south & said Defendant
Osborn by the labor of the said Negro aforesaid
has since that time made valuable improvements
on said land of great value all made by and are
the legitimate fruits & products of the labor of said
Negro part of the improvements being a fine dwelling
house six rooms horse mill & many other valuable
and necessary buildings with about two hundred
and twenty acres cleared land. Complainant
would further show that the said Defendant Osborn
in his time some time in the early part of the

Names:

Sugg, Osborn

Places:

Union Co., Arkansas

Types:

circuit court in
chancery

Dates:

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Court Case

1852 disposed of all the said Negro hands
 & Mules except them & they are referred
 to the proceeds of said Negro hands not been applied
 to the purposes contemplated & required in said writ
 Complainant would further state that the said
 Defendant Osborn Creditable with the
 said Fearn Donegan Co to the amount of
 Esouther or eighteen hundred Dollars and
 to secure the payment of the same executed
 to the said Fearn Donegan Co a deed of trust
 upon said lands & improvements on the interest
 he had in them and also to three horses &
 Mules which were originally the property of said
 Defendant or the proceeds of the same the money arising
 from the sale of the said being applied to the purchase
 of said horses & Mules all of which were charged
 with the Trust as aforesaid and also the said Negro
 Osters included in said Trust a Negro Girl
 named Lucy which was purchased by the proceeds
 of the sale of Sally & Ann two of the original
 Stock of Slaves willed in manner as aforesaid
 said Defendant is to said Defendant he was
 in Trust for the benefit of said Fearn Donegan
 Co and it is provided by said deed of trust that
 should the said debt not be paid according to
 the terms therein stipulated & agreed upon then
 the said Co was to proceed to sell the said land
 improvements & all other property except some
 Cotton to pay whatsover might then be due on the
 1st day of January 1853. upon giving thirty days
 notice of time & place all of which will more
 fully appear by reference to the Clerk's office of
 Union County Arkansas to which record complete

Names:

, Lucy (slave)
 , Sally (slave)

Fearn, Donegan &
 Co.

Sugg, Osborn

Places:

Union Co., Arkansas

Types:

circuit court in
 chancery

Dates:

June, 1853

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Court Case

by leave to refer. Complainants would further state that the said Defendant Baborn did some time in the winter or spring 1852 ship twenty nine Bales of Cotton the proceeds of the Sale of said Cotton through the said Richard Lyon Esq Trustee as aforesaid to the said Fearn Donegan & Co in part payment and Satisfaction of said Trust the said Cotton being a part of the property mentioned and in said Trust included as by reference thereto will appear. Complainants would further state that the proceeds of said Sale of the 29 Bales of Cotton aforesaid were not by the said Baborn Esq Trustee or by the said Fearn Donegan & Co applied to the satisfaction or payment of the Trust Debt as should have been done each party intending to act in good faith to other but the proceed of the said Cotton amounted upon returns of said Sale by said Fearn Donegan & Co made to the said Trustee Richard Lyon Esq to the sum of seven hundred eighty eight Dollars & two cents but were applied to the payment of private bills drawn by said Defendant Baborn upon said Fearn Donegan & Co after the execution of said Trust and this application made without any authority from the said Defendant Baborn or the said Richard Lyon Esq as Complainants believe but in violation of the said Trust & made by the said Fearn Donegan & Co and that application of the Trust funds being the proceeds of the said twenty nine Bales was not to the full extent of said proceed but to the amount of about four hundred Dollars as will more fully appear

Names:

Fearn, Donegan &
Co.

Lyon, R.
Sugg, Osborn

Places:

Union Co., Arkansas

Types:

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chancery

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reference to said Sale Bill & return to which
said Complainant by leave to refer & produce in
fact of said cause - Complainant would
further state that if said application was made
to the said Defendant before R. Lyon &
Francis Donegan the said application was
a further proof upon the rights of said Complainant
and the Beneficiaries under said will
or deed of trust made by the said John Sugg as
afforssaid - the said Trust yet remains
open with no credits thereon for any amount
whatever and the parties the said R. Lyon &
the said Francis Donegan the said Complainant insist
that there should not be a further credit upon
said deed of trust than the residue of said
proceeds of said Sale after deducting therefrom
four hundred Dollars applied to the payment
of the Drafts as afforssaid which is against the
express provisions of said Trust and against
Equity & Good Conscience & Fund to the Manifest
injury & wrong of said Complainant & the
Beneficiaries under said will.

Complainant further state that by the
provisions of said Trust Deed executed by the
said Defendant before as afforssaid the said
R. Lyon & Sugg as trustee in said deed was to advise
in said property in said deed mentioned the
Cotton executed in the event said deed should
unpaid after the application of the proceeds
of said Cotton thereinto giving thirty days notice
& then proceed to sell on the proceeds in said
deed mentioned on the 1st day of January 1853
which time has now elapsed & said Complainant
insist that inasmuch as said trustee did not

Names:

Fearn, Donegan &
Co.

Lyon, R.
Sugg, John, dec'd

Sugg, Osborn

Places:

Union Co., Arkansas

Types:

circuit court in
chancery

Dates:

June, 1853

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F & D 1853 9Bx9 (11)
Court Case

give the Notice & proceed to sell as is said & is
 specified he cannot now advise to sell & the
 act the determination of a Court of Equity would
 is then for in Default all of which will
 appear by reference to said Decd.

Complainants would further state that
 said will of the said John Sugg made as above
 in provides that the said Defendant Osborn
 shall not have power to sell or dispose of
 any property in said will mentioned without
 the written Consent of the said Rebecca Sugg
 one of said Complainants & wife of the said
 John Sugg now deceased as will appear by refer-
 ence to said will which is prayed to be taken as a
 part of this Bill of Complaints and said
 Complainants aver & say that the written Con-
 sent or the Consent of the said Rebecca in any
 other way was never obtained from her or by her
 given thereon said Complainants subject to
 this Hon. Court of the said Defendant Osborn
 could not sell without the Consent of said Re-
 becca could he give that power to another -

said Complainants state that the said land upon
 & more mentioned as being given & disposed
 of by said will in North Carolina as shown
 in this Bill stated were not mentioned specifically
 by name in said will but Complainants aver
 & state that said property was the property of the
 said John Sugg & disposed of by him by his said will
 in Mason & from as in said Bill heretofore set
 out Complainants state that the property mentioned
 in said Decd of Trust made by the said Defendant
 Osborn in of the property of said John Sugg & more
 will by the said John her 99. in the State of North

Names:

Sugg, John, dec'd

Sugg, Osborn

Sugg, Rebecca

Places:

Union Co., Arkansas

Types:

circuit court in
 chancery

Dates:

June, 1853

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Court Case

Caroline & that the said Defendant Negro Girl
 named Lucy in said Dec of the said Defendant
 Osborn to the said Rejoice in Trust for
 said Fearn Donegan Co. was purchased
 by the said Defendant Osborn with two hundred
 & 25 dollars of the proceeds of the sale of some
 of the Negroes in this Bill mentioned and
 embraced & included in the will aforesaid
 & the residue of the purchase money was
 the proceeds of the labor of the other slaves,
 the said Negro girl Lucy is of the value of about
 seven hundred dollars.

Complainants aver & state that the houses
 & Mills & every other species of property
 mentioned in said Dec of Trust of the said
 Osborn to the said Rejoice as Trustee were
 purchased by the proceeds of the labor of said
 slaves & what property was purchased & what
 was not was the labor & the produce of the
 labor of said slaves.

Complainants aver that the lands
 & the improvements in said Dec of Trust
 named are worth at a fair valuation
 twenty five hundred dollars and the
 residue of property included in said
 Dec of Trust of the said Osborn is worth
 about eight hundred dollars including
 all the property on the place set in the property
 of the said Defendant Osborn except
 the household & kitchen furniture you
 Hon. will see that if the Trust executed
 by the said Osborn as aforesaid is to be enforced
 against said property & said property sold
 the object of the Statute above said is defeated

Names:

, Lucy (slave)

Fearn, Donegan &
Co.

Lyon, R.
Sugg, Osborn

Places:

Union Co., Arkansas

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chancery

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Court Case

cannot nor will not be carried out and
 then Plaintiff will be deprived of the support & comfort
 intended by the testator to be secured to them
 by his said will. The land included in said
 will of the said Osborn is greatly less & not paid out and
 is now all liable to be forfeited the term for payment
 having expired & the purchase money not paid
 and the said Osborn has no means to meet said
 payment. The Board of the Defendant Osborn
 the said R. Lyon Esq. Trustee as aforesaid
 wants pray may be taken as a part of the
 Bill of Complaint.

Complainant state that the said Pease & Co
 have instructed the R. Lyon Esq. Trustee in
 said will of the said Defendant Osborn to sell
 without delay as they are informed to sell
 property in said will mentioned and they are informed
 and know that the said Trustee states that he will
 immediately advertise said property for sale
 & sell the same which Complainant know he will
 do without your Honor interference by request.

Complainant state & charge that the said Defendant
 Osborn not sufficiently regarding his duty in carry-
 ing out the provisions of said will has already sold
 and disposed of nearly all of the property included
 in said will and has now attempted by Board of Trust
 to encumber the residue of said property & without timely
 interference the remaining property bequeathed by the will
 of the said Osborn Sugg as aforesaid for the support and
 maintenance of the said Plaintiff's said will
 permit R. Lyon Esq. Trustee of Pease & Co
 to sweep away the last remaining prop of an old
 & infirm & helpless woman and an unfortunate

Names:

Fearn, Donegan &
 Co.

Lyon, R.
 Sugg, Osborn

Places:

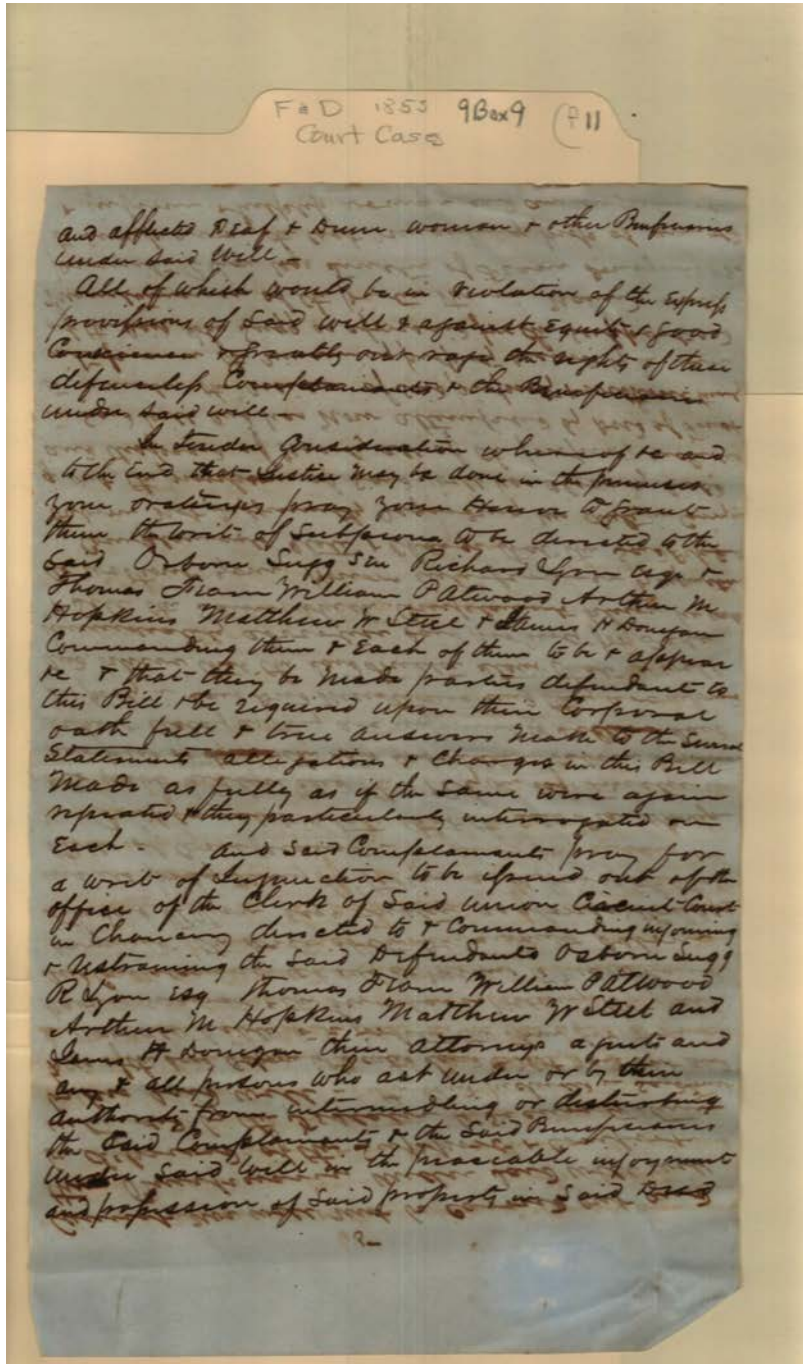
Union Co., Arkansas

Types:

circuit court in
 chancery

Dates:

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Names:

Atwood, William P.
Donegan, James H.

Fearn, Thomas
Hopkins, Arthur M.

Lyon, Richard
Steel, Matthew W.

Sugg, Osborn

Places:

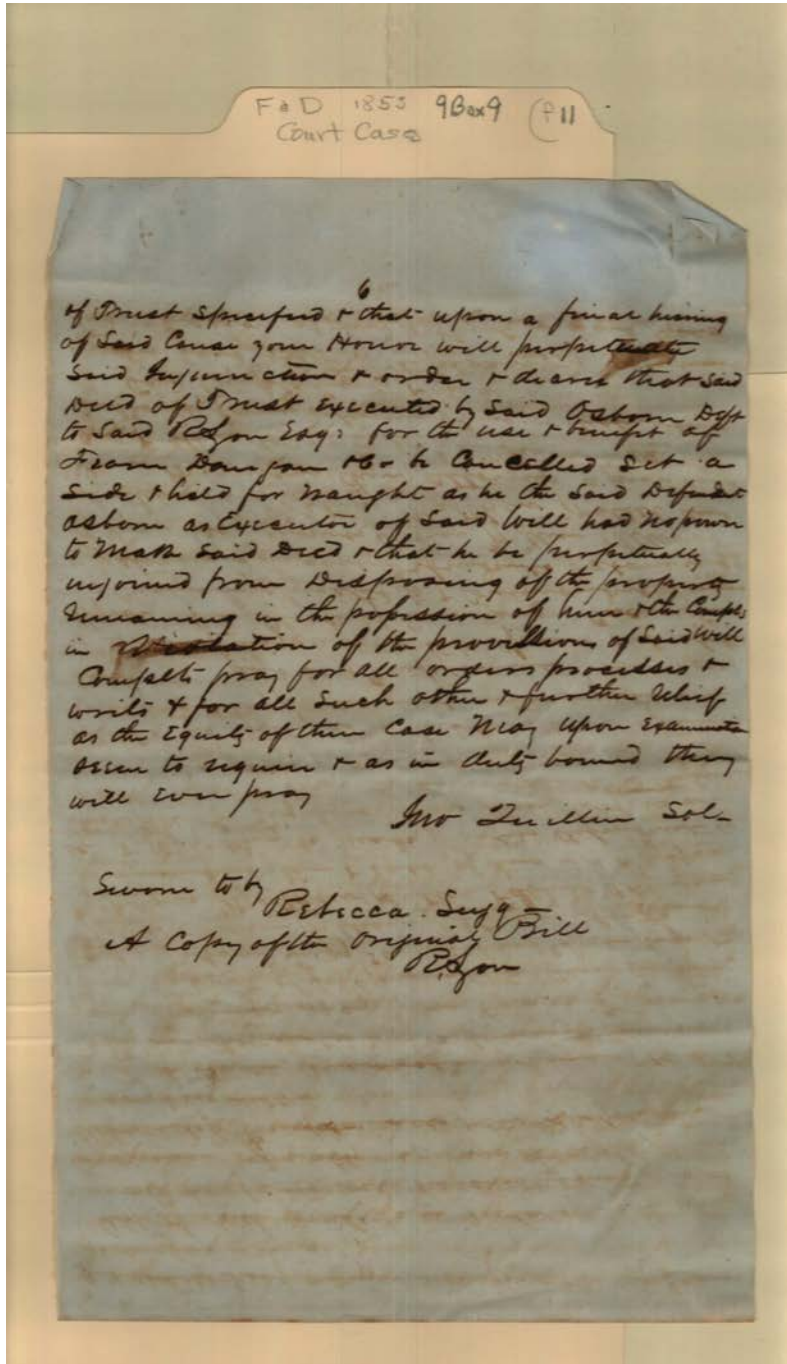
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Names:

Fearn, Donegan &
Co.

Lyon, R.
Quillin, John

Sugg, Osborn
Sugg, Rebecca

Places:

Union Co., Arkansas

Types:

circuit court in
chancery

Dates:

June, 1853

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Court Case

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Union County, In the Union Circuit Court to the
Says term through 1853
To the Hon. Shelton Watson Judge
of the Circuit Court of Union County in Chancery
Setting Humbly Complaining your orator Rebecca
Sugg Lucinda Love James Cole & Citizens of said
County & John Rufus & George W. Sugg who are
Minors over the age of fourteen & under the age of twenty
one year & Dallas H. Osborn Esq. John L. Carnes
H. C. Williams D. & Ella S. Sugg Minors under the
age of fourteen years and Children of John
Sugg Minors after mentioned by their next friend
John W. Sugg bring this their amended Bill
of Complaint against Thomas Fearn William P.
Hopkins Arthur M. Hopkins Matthew W. Steel and
James H. Donegan partners in Trade & Commission
Merchants in the City of New Orleans in the State
of Louisiana doing business under the firm
Name & style of Fearn Donegan & Co. Richard
Sugg & John Sugg both Citizens of the County
of Union and State of Arkansas & Complaining
Say that the said Negro Girl Lucy mentioned in
the Original Bill of these Complainers was purchased
by Defendant Osborn Sugg in the first of the year 1846
or in the latter part of the year 1845 for the sum
of three hundred & eighty five dollars two hundred
of which were of the proceeds of the Sale of two other
Negroes called & Sum included in the will of the said
John Sugg in said Original Bill mentioned and the
residue was hundred & eighty seven dollars of the
said share Money of the said Girl Lucy was the
proceeds of the Cotton Crop raised & cultivated by
the other Negroes included in said will in the year
1846. Complainers would further state that

Names:

, Jim (slave)
, Lucy (slave)
, Sally (slave)
Atwood, William P.
Carnes, Love G.
Donegan, James H.

Fearn, Donegan &
Co.
Fearn, Thomas
Hopkins, Arthur M.
Love, Lucinda
Steel, Matthew W.

Sugg, Dallas H.
Sugg, Ella I.
Sugg, George W.
Sugg, H. C.
Sugg, John, dec'd
Sugg, Osborn A.

Sugg, Rebecca
Sugg, Rufus
Sugg, William
Watson, Shelton,
Judge

Places:

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The indebtedness for which said Bill of Trust in said Deponent Bill mentioned was made to secure a loan during the year 1853 & 1854 and not exceeding one thousand dollars of said indebtedness accrued on account or for the benefit of said Family as provided for under and by the will of the said John Sugg dec'd. but account and was made by said Deponent one of the said Defendants on their & some defendant account under account Complainants and said Complainants would further state that during said year 1851 & 1852 there was shipped to the said Fearn Donegan & Co or rather landed in those years & shipped in 1851 & 1852 on account of the indebtedness of said Deponent to said Fearn Donegan & Co of the proceeds of the labor of said slave Cotton to the amount of about eighteen hundred & sixty eight dollars the precise amount not known but far beyond enough to pay for all the family supplies purchased from said Fearn Donegan & Co and said Fearn Donegan & Co should in equity & good conscience stand charged to said Deponent under said will for the residue of said Cotton beyond the necessary amount to pay for supplies and necessaries for the support of the said family they well knowing the provisions of said will and therefore an account should be taken between Complainants & Defendants and equity made out. Complainants would further state that the Negroes mentioned in the Original Bill as being inferior & not sold are Ransom Denny & the Girl Mary mentioned in the Amended Bill the Negroes Ransom & Fanny are of the number included in the will of said John Sugg dec'd and have been some time since incumbered

Names:

, Fanny (slave)
, Lucy (slave)

, Ransom (slave)

Fearn, Donegan &
Co.

Sugg, John, dec'd
Sugg, Osborn

Places:

Union Co., Arkansas

Types:

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chancery

Dates:

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Court Case

by a deed of trust made and executed by the said defendant Osborn & Rebecca Sugg one of the Complainants for nearly their value and the full survey is included in the deed of Trust to said Fearn Donegan & Co. - thus including all the Negroes in said will have been either sold or unincumbered by deed of trust Complainants further state that the matters of Amendment in this said Amended Bill were not recollecting and some were not known by Complainants at the time of filing of said Original Bill the said Original Bill was filed in a haste & hurry and it was not convenient to make the proper parties to said Original Bill and this Amended Bill is not filed for the purpose of evasion or delay but in good faith and Complainants pray that this Amended Bill may be taken from a part & parcel of the Original Bill and be considered as incorporated therein and that the Minors in the Original Bill be permitted through their next friends in this Bill to become legal and proper parties to said Original Bill and that process issue & defendants be required to file & perfect answers thereto to all and singular the matters & things herein and that said Defendants Osborn Sugg and Fearn Donegan be required to tell the amount of the indebtedness in said deed of trust on account of Missions & how much Cotton the proceeds of the labor of said Slaves was applied to that purpose and on what account the other indebtedness accrued and that the Defendants each be required to file & perfect answers thereto to all & singular the matters

Names:

, Lucy (slave)

Fearn, Donegan &
Co.

Sugg, Osborn
Sugg, Rebecca

Places:

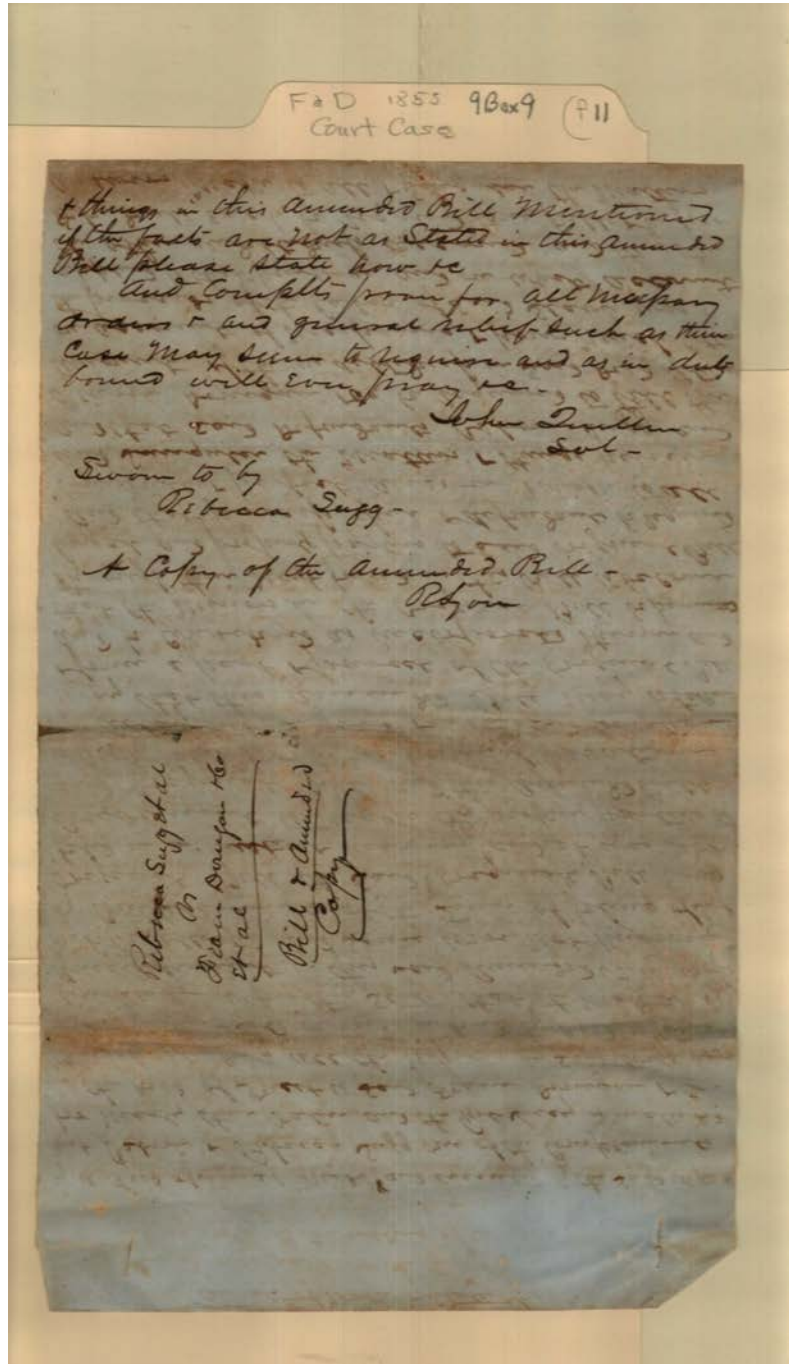
Union Co., Arkansas

Types:

circuit court in
chancery

Dates:

June, 1853



Names:

Fearn, Donegan &
Co.

Lyon, R.
Quillin, John

Sugg, Rebecca

Places:

Union Co., Arkansas

Types:

circuit court in
chancery

Dates:

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Fearn and Donegan Court Cases, 1853

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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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