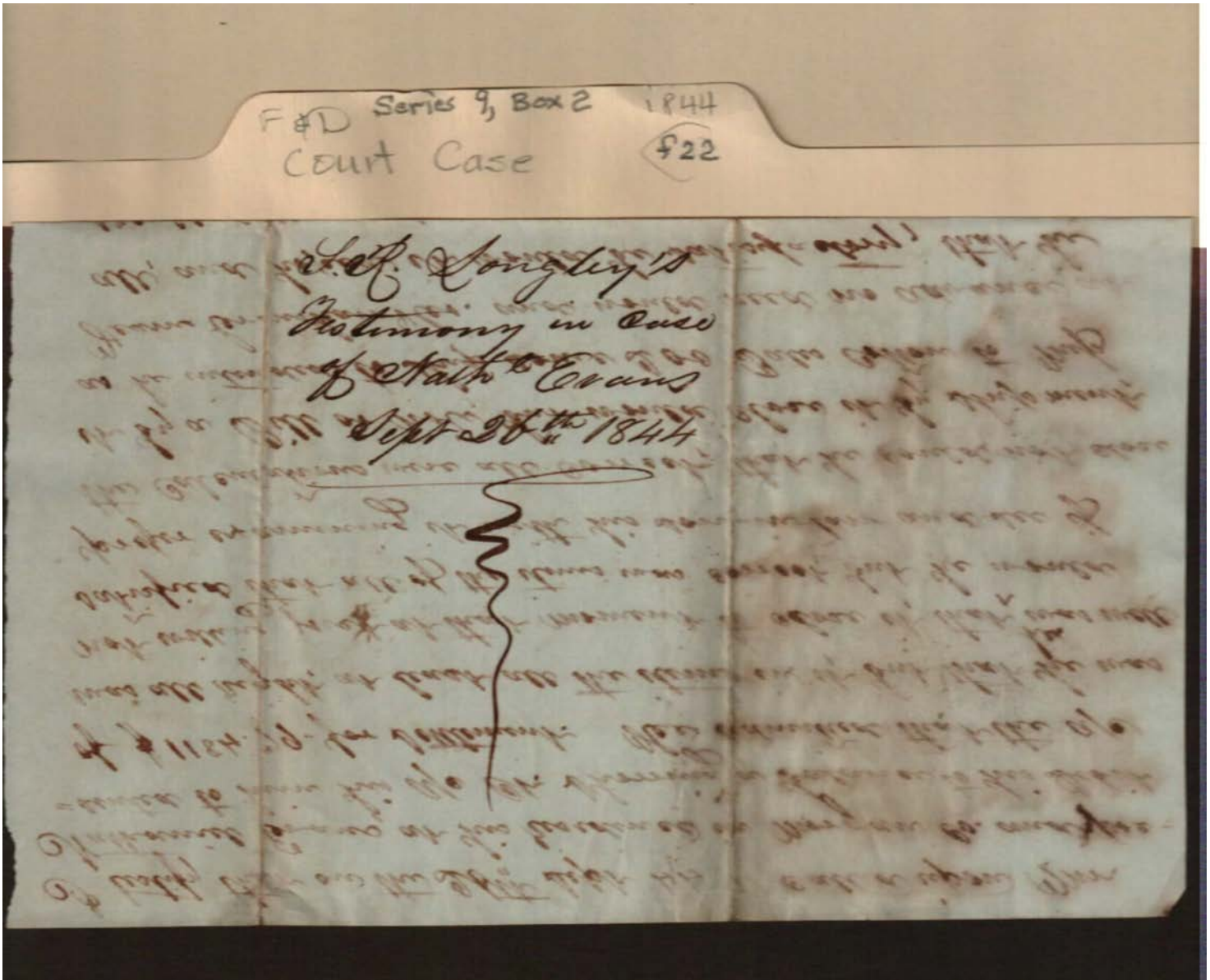


Frances Cabaniss Roberts Collection: Series 9, Box 2, Folder 22

Fearn and Donegan Court Cases - 1844

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Names:

Evans, Nathaniel

Longley, S. R.

Places:

Morgan Co., AL

Types:

testimony

Dates:

Sept 26, 1844

F#D Series 9, Box 2 1844
Court Case 922

I testify that on the 26th Sept '44 I called upon Mr Nathaniel Evans at his residence in Morgan Co. and presented to him his A/c showing a balance to his debit of \$1184.79 for settlement. He admitted that the a/c was all right, at least all the items in it, but that he was not willing just at that moment to close it, that he was well satisfied that all of the items was correct, but he would prefer examining it with his son-in-law and see if the calculations were all correct, that he could not close it by a Bill or Note, but would close it by shipment, as he intended to ship some 200 Bales Cotton to Messrs Fearn, Crenshaw & Co. and would need no advance at all, and hoped it would be satisfactory, that he would call on the House in about ten days and have every thing arranged to their satisfaction. He expressed entire satisfaction to the sales of his Cotton, had no doubts whatever but that it cost its value, as the market at the time was at very low quotations, & his Cotton was in a bad condition, and he could not expect a better sale, than what he rec'd. He expressed much dissatisfaction ^{with} the Freighters, was satisfied that his Cotton could have been delivered in a much better condition, if they had used the proper exertions, that it was delivered to them in a good, dry condition.

Seymour R. Longley

Names:

Evans, Nathaniel

Fearn, Crenshaw & Co.

Longley, Seymour R.

Places:

Morgan Co., AL

Types:

testimony

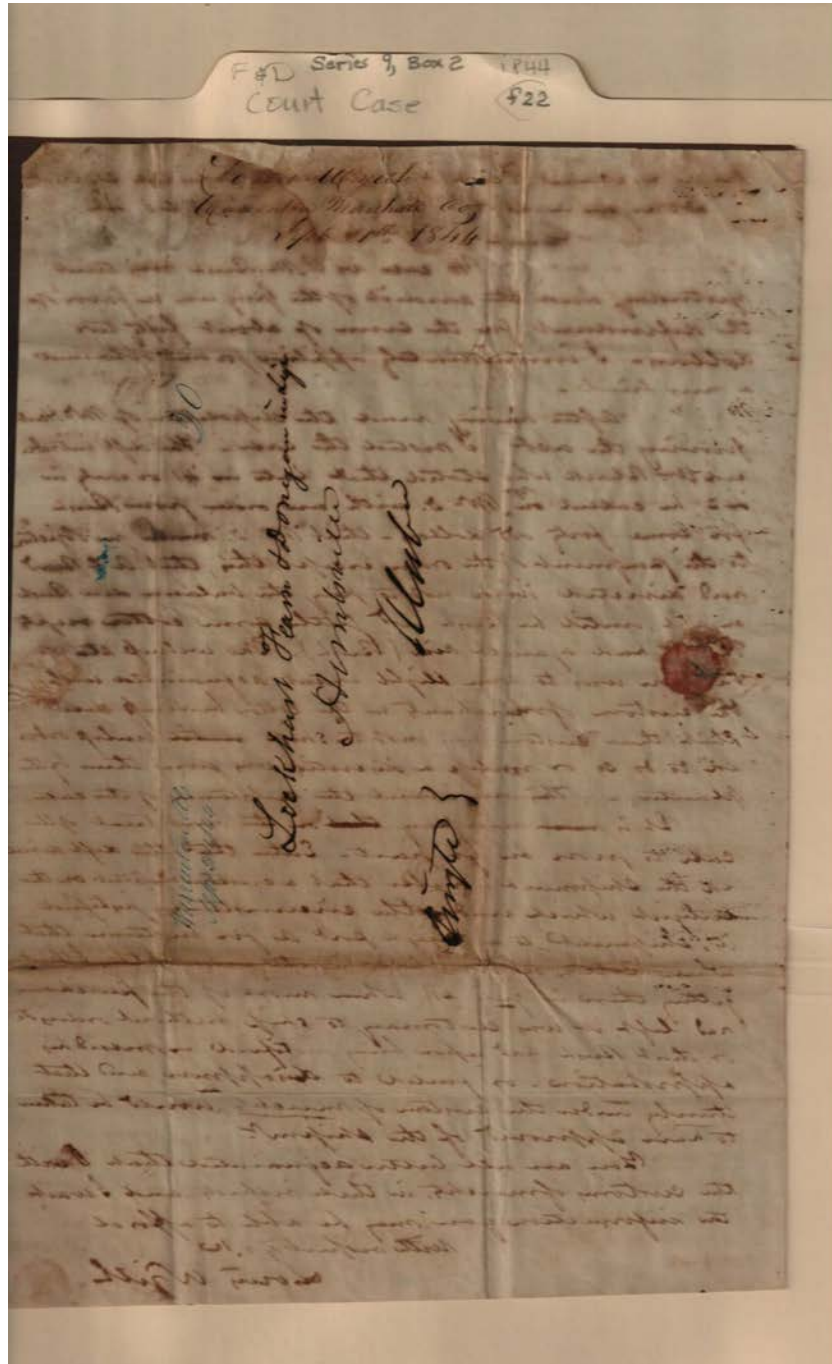
Dates:

Sept 26, 1844

Frances Cabaniss Roberts Collection: Series 9, Box 2, Folder 22

Fearn and Donegan Court Cases - 1844

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Names:

Lockhart, Fearn &
Donegan

Wyeth, Louis

Places:

Huntsville, AL

Warrenton, AL

Types:

letter

memo

Dates:

Sept 20, 1844

F&D Series 9, Box 2 1844
Court Case 422

Mr Jas Donegan
Sir

Mr Kinsman Mr Murphy spoke to me
while in Va. last summer on the subject of buying or
leasing or settling in this County with a view to the
establishment of a rope & sacking factory - I avail
myself of the present opportunity to say that
should he choose to visit us we can find him a
good place on moderate terms

I have heard from our Engineer
after he had succeeded in getting to the top of the
mountain on this side - he writes me briefly
that he has succeeded in finding a place where
he can ascend without the employment of
stationary power, that about 5 miles will be
heavy work, that the balance he had then
made about 17 miles would not exceed (he thinks)
\$500 per mile grading - Since then I have heard
of him, he had descended the mountain with
his corps last Saturday and is by this time I
think on his return.

Having promised this let me suggest that
Mr Kinsman Mr M. could scarcely find a better
place to locate than with us - where living is
cheap - luxury not needed - a market nearer
for his manufactured articles than Huntsville
by some 40 miles and a prospect of advancement
in the character & condition of the County which
I do not attempt to judge of - He could purchase
a farm at any price from \$300 upwards and any
arrangement I can make would be cheerfully accorded
to him -

Yrs truly
L. W. Jett
Mar^r Sept 20 44

Names:

Donegan, James J.

Murphy,

Wyeth, Louis

Places:

Warrenton, AL

Types:

correspondence

Dates:

Sept 20, 1844

F&D Series 9, Box 2 1844
Court Case 922

Wm Lockhart Fearn & Donegan of Warrenton March 20th 1844
Dear you in Regd
Court -

The case vs P. M. Bush was tried yesterday and the verdict of the jury was in favor of the defendant for the sum of about fifty two dollars - I immediately applied for and obtained a new trial -

After having read the deposition of Mr Hart proving the act I noted the case - The deft witness Mr Black who stated that late in 41 or early in 42 he called on Mr B. with an order from Bush for some forty odd dollars - that Mr B. made no objection to the payment of the order except this, that A. C. Beard had directed him not to pay the balance due Bush on a/c, until he Bush had filled some cotton except Beard had against him (Bush). The witness stated that he was to some slight extent acquainted with the custom of merchants in the cotton business and that their custom was not to ship until order was made to do so, or unless a dissent was given them by the planter - This was about the substance of the case.

It is necessary that on the next trial of this case to prove on yr part - Either that the deft denied the shipment - or else that a custom existed on the subject which under the circumstances justified its shipment to a foreign port. As for instance that when cotton arrives late in the season (this I think getting there in July 41), when more of the purchasers had left, it was customary to ship without orders or that Bush had upon being notified expressed his approbation - or failed to disapprove and that thereby under the custom of merchants, would be taken to have approved of the shipment.

You are all better acquainted than I with the customs of merchants in these respects and I wish the information you may be able to afford

With respect y^r s^v 1844
Louis Wyeth

Names:

Beard, A. C.
Black, William

Bush, P. M.
Hart,

Lockhart, Fearn &
Donegan

Wyeth, Louis

Places:

Warrenton, AL

Types:

correspondence

Dates:

Sept 20, 1844

Frances Cabaniss Roberts Collection: Series 9, Box 2, Folder 22

Fearn and Donegan Court Cases - 1844

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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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M. Louis Salmon Library**