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LENA
11 FEB. 18

Mrs. Hart Gibson
of
Tipton
Missouri

15
MAR
11
P.M.

United States of America



N 1881

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BRE...

12 2
1880
10-11 V

getting his barley - ask him to send "Obey"
Jan. 1850 of the Masses? He wrote to me
to send him Bavarian barley! Now I
wonder if he thinks there is but one
kind of the aforesaid? I, for one, saw
to-day about twenty different sorts
from His Majesty's Kingdom and I
have not the least doubt, that if I should
try, I could find as many more - He
must write me, for what particular
purpose he wants this grain of grain -
I suppose, as he was such a beer drinker
when here, he might want it for some
beverage or other - Please say this to his Colonel
and let him make his conclusions
accordingly - He must write immediately
or I shall be among the missing in
Germany and have taken up my
abode in the land of Jiddip -

Dear my best love to all -

As ever your affectionate
brother
Obey

D. Gibson

stud. jura

1850

Geneva, Suisse, Feb. 10th 1850

My dear Sister

About a week ago
we received three or four letters from
Home, and the one to me I wished to
answer by writing to you for the first
time, but for the life of me I could not
collect enough to make up a letter two
pages long - But I have delayed writing so
long now that it has become a thing of
necessity for me to write to someone
at home; and as I have never written
you since the wedding, I thought it
would not be amiss to devote a short
time to you -

We received a few days ago
a long letter from Pa, in which he writes that
if everything goes right, he will visit us this
summer in Europe - It will be a grand

opportunity for you all to send love, which I
wished for photographs and anything else
you might bring into sending shape.
I was very sorry to hear from Hart
that the music, I sent did not reach
you on Christmas day. But if it reached
you on New Year's day it answered the
same purpose. There will only a few dances
and on pieces of music dedicated to Remmy.
Speaking of dances reminds me to send you
a ball card, which has on it the dance for
the evening and with the whom I engaged
to dance each dance. In the last, which usually
lasts from two to three hours, it is always
desirable to get a partner who possesses some
of the accomplishments of the most refined
circles. However, Hart has experienced a
few if not all of the inconveniences and
self-sacrifices of a so-called Cotillon, and
will be well able to explain the many
difficulties and hardships which attend it.
The card enclosed is one, received at a very
large party given by the Provost (President)

of the University. He is a courteous gentleman,
and consequently, a great many persons
of rank were present. My stay in your
and my connection with the best class
of students has changed my ideas and
opinion of them very much for the better.
I find them very cordial very stiff, to a
high degree humble but exceedingly aristo-
cratic. But notwithstanding all these good
qualities, they possess that strength of
prejudice which degenerates in the very highest
degree.

I hope you enjoyed your visit to
New Orleans. We have formed an
idea of how we of the Sunny South do
things. You no doubt found ~~it~~ ^{it} ~~nothing~~
carried on on an entirely different
scale in N. C. from poor little Lexington.
I hope you will write me a long account
of your stay in Louisiana. What you
could find Hart will fill out (if you
have no objections to his reading the letter).
Please tell him I am on the road to

If there are no more officers to be had in Louisiana or from the Government, West might get one in Kentucky when that state shall have joined the other Southern states. I have no desire whatever to become private in any Army.

I am now situated at Neuchâtel, about one hour from Dijon. We found that we could accomplish my little in being together, hence the separation.

We are both in very good health and are learning French very fast. We find it much easier than German.

Kinney joins me in much love to all.

Your ever affectionate

Son

Tobias.

Dijon (Côte d'Or) France, May 31st 1861

My dear Father

If the postal arrangements still exist between the North and South, you will have received my last letter to you by way of N.Y. I judged it safer to send by N.Y. since that State has not yet joined the South and the Post would be certainly in existence, it being a sort of medium between the two parties, now arrayed in so belligerent ^{an} attitude one against another. In this letter to you I requested that I should be able to return home this Fall. I see no reason why I should remain longer in Europe. After I shall have acquired a tolerable proficiency in the French language, I know of nothing in Europe with which I could occupy myself. The facilities for instruction, study, & gaining valuable information

are moving and great it is true but they
are not of such a nature as that they
could lend a very great aid to whatever
profession I may be engaged in after
I reach home. What I want now is
not accomplishments but a knowledge
of sundry things as they exist with us
at home I have spent nearly four
years in Europe and have learned German
and a little French and that is all.
My preparation for active life in
America has been neglected and
I now begin to feel it. It is late it
is true but I hope not too late.

My idea
is to return to America in August
or Sept. Kinney proposes that I should
postpone it until Dec. in the interim
time make a flying trip to Italy.
His proposition is a good one, but
under present circumstances, when
everything is on the retreat but trouble
where it may come from.
Should you judge it best for me to

return in August or Sept. I might be
of some service to you on the plantation
at the same time freeing you of a very
great expense. Certainly without doubt,
three months on the plantation and
constantly under your influence, I
could give more than in a year in
Europe. I am convinced that should I
remain over this year abroad, it would
be time lost, unless I could get an
appointment of Legation or Consulate.
And even if I should get either of these
appointments, I should accept with
willing reluctance. I only speak for myself
and not for Kinney. He is younger
and has still time. He might stay
another year. I believe it is his desire.
We both, however, think it best for me
to return in the Fall or winter.

In case
my services should be demanded by the
Government after reaching home,
I might make application now
for a position for me in the Army.

Tanzordnung.

1. Polka. *Fl & Post - pretty*
2. Walzer. *Fl & Klarinetten - pretty*
3. Française. *2 Horn & Klarinetten!*
4. Tyrolienne. *Fl & Klarinetten - pretty*
5. Galopp. *Fl & Klarinetten - pretty*
6. Française.

supper Pause. *Fl & Klarinetten **

7. Polka. *Fl & Klarinetten - pretty*
8. Walzer. *Fl & Klarinetten **
9. Française.
10. Tyrolienne. *Fl & Klarinetten - pretty*
11. Galopp. *Fl & Post - pretty*
12. Cotillon. *Fl & Klarinetten **

* *Is the prettiest lady I have
seen in Europe - What is your
advice - she is just 18*

If not delivered within 10 days, to be returned to

Rye = 23 - 12 = 11
 Wheat = 60 - 32 = 28
 Corn = 60 - 32 = 28
 Hemp = 38 - 18 = 20
 245 - 2575
 200
 2770

Rye = 25-12 = 13
 Wheat = 95-45 = 50
 Corn = 90-45 = 45
 Hemp = 38-18 = 20
 245 - 2855
 40 22 250
 30 35 505
 35 65 120

120 | 245
 45
 290 | 90
 144 30
 7 30
 98 90



Capt. McKinley Gibson
 Versailles - Woodford County
 Ky.

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April 21st 1868

[Extensive scribbled-out text, likely a name and address, rendered illegible by heavy black ink scribbles.]

under which he was trying to move - and but
for the timely and I dare say unexpected and
wholly accidental assistance of her, we should
have been obliged to stop the Linn before it was
completed as well as cease operations on the
plantations - I do not believe they can do for
the places what it is necessary should be done -
The only chance is the merchants - and even the
risk of making crops or give up all -

Tell Lacey

and Gallie, I shall write to them soon - I am
fining up a little Credit pony for Gallie when she
comes down - I want to try to have one for Joe
too -

With best love to all

Your devoted brother
John

Dak Forest April 12. 66

My dear Jimmy,

Whenever I do get a chance to write
to any of you in my letters must always be filled
with excuses for not writing often - but I am going to
stop this, make no apologies and write when I have the
time - This kind of business gives very little time for
play or thought about anything that is not exactly before
you -

Next Friday & Saturday is the election for or against
the Black & Labor Constitution - The people seem to be
aroused but in spite of us I fear the Constitution
will be ratified - A class of men are out for office
that are not known except as frauds or native ad-
venturers - The natives are a little worse, if even be,
than the foreigners - We are trying to get every body to go
to the polls, so as to retard the bad yet not possible -
But I expect after all it will not make much
difference whether we accept or reject the Constitution
as the whole matter has to be referred to Congress for
final action - I think the people are not quite as
much up to the times as they are in Ky - though when
the final issue comes I expect as much would
be effected here as there - It does not seem yet to be
well under the gun - the only advantage here -

Pa is in daily correspondence with Len and parties in the city trying to effect some arrangement by which we can go on and live. Many propositions have been made on both sides but I think the thing is being narrowed down to what both are trying by negotiation to arrive at. There is no getting behind Pa for he is thoroughly honest and is never at his wits end and like Hart is always ready with a counter proposition. If anybody can get good terms out of this man Pa is the one to do it. He knows his & their positions perfectly and handles himself like a general who knows his enemy's force & position.

Len is to be out this week for a few days with Mary - I have seen her but once and was very much pleased with her. Her mother, I think, is as much like the "Dag" as the Baden twins were like each other - except that you see at once that one is a lady the other - well it makes no difference what. But they really do look alike. Mary seemed delighted with the country and had been trying ever since to get Len to make a second visit. I hope we shall not be disappointed in seeing them. Mr. Bontolon was up to day to invite us to the wedding of his daughter Mary with Mr. Smith on the 14th Tuesday. We shall of course go and expect to have a nice time. I am sorry Len will not be out in time to go with us.

Pa received a letter from Clovia a few days ago. She was at home and all well. She said she would go to the City soon and perhaps make us a short visit. She writes as if she had concluded to return to Pa - to stay with Alice. He seems to have gotten into a good business - I hope he may succeed. We have no signs of high water yet, though as Grand Lake is open we still entertain some fears. The break you know is two miles wide, but the other lines are secure. Counting on no water, we are making grand preparations for a large corn crop. All we have planted so far has been destroyed by worms soon after coming up. We have replanted but the replant just with the same fate. No more will be put in the ground until the weather is hot enough to kill these destroyers or prevent them from eating the corn. Our corn is doing fine and coming up well. We have enough to make 5000 bush and have enough for seed, but this will depend on the arrangements made with the creditors. Len says he can furnish that money Pa needs if he (Pa) can return it in October and not otherwise. Of course this means, he can't furnish a cent for he knows and all of us know that without foreign resources, Pa can not refund advances made in Oct or Nov. Hart seems to feel confident of his ability to furnish, but his failure in March showed the opposition

Lobias Gibson Jr In acct with - Huger & Bin

1868		Cr	Cr	Dr
Dec	29	By Cash	600	00
1869				
March	6	" at exch on New York from H. Gibson	400	00
"	"	" 1/8 % premium		50
April	26	" Balance	4	59
1869		Dr		
Jan'y	5	To draft from Stauffer, Kent & Co		10 10
"	9	" " " McKinley Gibson		69 55
Feb'y	6	" " " Dudley & Nelson		31 41
"	9	" " " L. Gibson		73 16
"	23	" " " L. H. Gibson		30 00
March	2	" " " Stewart & Richardson		203 51
"	23	" " " Martin Hibert		5 25
April	20	" " " Stewart & Richardson		449 45
"	"	" " " J. A. Collins		21 67
"	"	" " " Martin Hibert		111 00
			1005	09
			1005	09
1869	April	26	To balance brought down	4 59
L. Gibson Jr In acct with - Foley, Long & Co				
March	4	Advances for 1868	800	00
June	1	" " "	1000	00
			117	31
1869				
Feb'y	27	Purchase of six mules		1080 00
March	1	Expenses on above & other drafts		82 00
				564 75
			1917	31
			1726	75
June	3	To make up deficit on crop of 1868		190 56
			1917	31
			1917	31

Lobias Gibson Jr.

Greenwood.

June 3. 1868

I could not come down to deliver
your messages to him in person - I
have never seen him, nor have I
met Mr. Peltier - I leave the plantation
so seldom that I have met very few
people in the Parish - Mr. Peltier is looked
upon as one of the wisest gentlemen in the
Country and his daughter as the most
accomplished lady and her marriage
with Tom Shaffer astonished everybody
and I am told begins to attract Mr. Peltier
himself now - It is said he is not very
popular with the family - But for this I
can not say.

I shall answer King's
letter in a few days - The oranges are
not ripe yet, nor will they be until frost
We have no fruit and few vegetables -

With

Much love to all and an apology for
my short letter.

Your devotedly attached brother
Lobe Gibbon

I send enclosed a paragraph from N. O. Times
with original account from Civic Guard.

Oak Point Aug 26. 55

My dear Louie,

Your letter of 16th has reached
me and I am glad to hear you were
all enjoying yourselves so much at the
time it was written - I appreciate it
doubly as it was written while you were
surrounded by so many pleasant persons
and in the midst of pleasure - Just a
year ago I was as much engrossed in
the amusements which the Fairs afford
as you and your companions are
now - I live upon these pleasant
recollections and hope for no pleasant
a future - "But hope deferred maketh the
heart sick."

A few days ago I answered
a former letter of yours and then urged
the propriety of your coming home
with Pa - I based my advice as much
on your earnest desire to come as on the

propriety of your being with Pa - His
age and health require the presence
of a daughter, and I think it but a slight
sacrifice for what he has done - Besides
I appreciate your feelings in not desiring
to remain longer in Ky - and I applaud
your courage in feeling that your
Father's home is good enough for you -
There is no disgrace in a child's taking
change of duties which a mother was
glad to discharge - There is no more
association with negroes here than where
you are and I see no evils here which
do not prevail also in Ky - I have no
doubt some will bring up all sorts of
objections to your being at home, but I
believe they will be founded on whims
rather than good reason - Mr. Kincy feels
just as you do about staying with and
living on his family - There neither you
nor he have anything, while here you
have gone all and though only a pittance
left us by those who are now rich, it is all

you have and on it you have a
right to make your home - I am
aware that it is a mere matter of
pride not to wish to remain for years
a dependant on other people, but with
poor people who have little else than
pride, pride with them becomes paramount
to everything else - Where you are, you
are looked upon as poor, and occupy no
position or one which must be humiliating
to you, while here you would be considered
as rich as anybody and occupy the highest
position in the land -

You must write
me all about the Fair in Woodford -
who was there and who had the finest
and fashiest dresses - I know Pa enjoyed
everything, especially the good dinners
in spite of his lost appetite & perverted
taste -

I sent word by Mr. Routledge to Miss
Chaffin yesterday that you had made
inquiries for her and that I was sorry

Oak Forest. Monday 16th 1874.

Dear John,

Yesterday I received a letter from
Gode & Milder, about getting out the injunc-
tion against the Merchants seizure. Asking
me if I had any satisfied Bills acts as my
agent in giving the mortgage for \$8,500
to Abley, Conyer & Co. - I don't know whether
I am here or not, for I am sure I don't
know - Whilst lying awake last night
and sucking my brain to try to bring to
mind what papers I have signed, I
remembered going with them to the
Notarys in New Orleans last winter and
signing notes for the merchants, but
I suppose they must have been for
advances made for last year, but
I don't know - I thought that matter
had been looked into long ago. Wouldn't
any paper of value be on record?

Change the business. I wish it was done
with I am so sick of hearing of forecloses
notes, mortgages, sales, seizures and
injunctons that I feel like picking
up my "clubs" and running off to where
I can by no possibility hear of them again
and now I have to ask some body

to go on my back, and it will be just
like pulling out an eye tooth -

You wrote me not to worry about that
it would be fixed - Did you ever
speak to Mr. Minin or Mr. Colman
about it? Please answer - If not
I think I shall ask old Mr. Schaffu
won't feel as badly if he refuses -

John Minin wrote me a very polite
note inviting me to come up and
stay with them and attend to the
business there, but I don't see what there
is for me to do -

I suppose you are like a pen on a
hot shovel about this time - Well,
I wish I could help you in some way
than me, but poverty makes me
one without resources of any kind, mental
or physical - If you get pushed
and that Mr. Davis who owes me money on my
rental notes, he must let you have
enough to save you, and we must have
sufficient to pay the expenses of our seat
down here - Don't forget that -

LAW OFFICE
—OF—
TOBIAS GIBSON,
26 CARONDELET STREET.

New Orleans, Dec 18. 1875-

Mr R. L. Gibson
Washington City-

My dear Sir,

Yours of a recent date is received - I thank you for the very high and well deserved compliments you are kind enough to pay, and she appreciates them - The fault you speak of, is a fault of which I hoped with time to break her of and now since you have mentioned it, I think it will exist no more - She became very fond of you during your visit to New Orleans and I see no reason why this should not be the relation amongst us all - It shall be as far as I am able to effect and sustain it whatever others may say or do to the contrary - Now I want to mention a little matter of business to you, which is the object of my writing this morning - I suggest that every proceeds in the Court here to franchise be

Mortgage on the Greenwood property
and as soon as judgment is rendered
that you by power of attorney transfer
the title to me in satisfaction of the judgment
and then that should a party to be selected
in his place assign to Hart and Louie
or their representatives two thirds of the
place subject to the amount of the
mortgage now held by you - In this
way the whole matter can be settled at
little expense and to the satisfaction of
all parties and at the same time
prevent further efforts on the part of
Mr Duncan and Henry Duncan to get
the property - a public sale in execution
would amount to a payment of the
mortgage by them and a change of title
to them - Let me know what you think
of the proposition - You are highly commended
on all sides for your benevolent views -
God be with you in your efforts -

My business here
continues to improve some - With much
love and kisses to all - Your brother affly,
Lobias Libron

LAW OFFICE
—OF—
TOBIAS GIBSON,
26 CARONDELET STREET.

New Orleans, Dec 26 1873-

Wm R. L. Gibson
Washington

My dear Sir,

I received your letter yesterday with enclosure for Cassard. It came too late and even if it had come sooner I don't know that it would have done any good. Brampton, Buck & Dubelapic got the attorneyship of the Bank.

I have to try and make this proposition to Hart & Soule since you were unwilling to act. That my wife foreclose her mortgage and hold the title to the property till she is paid or, that she foreclose her mortgage buy in on it and then immediately convey to Hart & Soule or their representatives their respective interests subject to their respective proportions of the mortgage - the taxes and the expenses of foreclosure.

This is the proposition, bare without

giving the whys or the wherefores - and I think
it is fair to all the parties - It is impossible
for me to undertake to stay under the
load of a plantation tied up in the hands
of others who dont and cant manage it
and yet pay taxes and expenses of every
kind - It is unjust to myself and uncharitable
for others to expect it of me -

I am now in a
fair way of sailing in the broad seas and
begin to feel that I am not utterly lost without
redemption - But I must move in the
Greenwood business, for it is a business which
if not attended to now will swamp us
all in the end if not in pocket them
certainly in reputation - The miserable property
has already cost you much money and
your good name among the people where you
were raised and I intend to profit by the
severe lesson - We must not and not like
men and stop this everlasting quarreling
and whining - I presume Hark or Louie
will send you my letters as soon as received,
but you know the proportion as made them - Love to
all - In haste - Your brother - Tobias Paine



G. H. Brown
Tigerville Station
Texas & Louisiana R. R.
Louisiana



Livingston
March 19th
1877

Dear Mattie & Puddie

Auntie would have
written to you sooner but
has been laid up with
rheumatism ever since
you left, and am still
limping around the house

For left days I could not
walk, it was in my hip,
I managed to get up in
morning and dress, would
then with assistance ~~would~~
trudge down stairs and lie on
the sofa until bed time -

Louie had to stay up with
us, to keep house and run
around, as Grandma is
still troubled with her rheumatism
too. I am so much better
this morning, thought I would
add a note to Tobias's letter -
Grandpa will be seventy seven
tomorrow, he is going to have
a family dinner. Paris & all.
You must write often and
tell us everything, write for
Tobias too.

Your Mamma & Papa are going
home to-day, will come off
tomorrow to dine with Grandpa.
Your Papa's Washington visit
has made him dislike farm
life more than ever, he was
delighted with his visit.

I had a letter from your cousin Virginia
the other day, she says when her
Mamma read my letter saying your
aunt Sarah had gone South she
gave right up, she says their
troubles are beginning to tell upon
her Mother's health. She is begging
some of us to come over and
make them a visit.

Tell Joe that Aunt has
commenced his studies with
Col. Ford.

Duncan came up the other
day to see what had become
of every body, he was very
much surprised to find
you and Tobias both gone,
and wants to go down
himself by boat, and bring
you Louie late in the party.

With much love and many
kisses for both of you, love
to Aunt & back to household
Always your devoted aunt
Dorothy

SUPREME COURT
OF LOUISIANA.

No. 7,855.

MRS. F. G. HENRY.

vs.

J. R. ALCEE GAUTHREAUX, SHERIFF ET. ALS.

BRIEF OF TOBIAS GIBSON, ATTORNEY OF PLAINTIFF AND APPELLANT.

On the 9th day of December, 1876, Mrs. Barton became Mrs. Francis G. Henry by marriage to Arthur C. Henry, and on the 19th of December, 1876, the record of the marriage was duly published to the world at the office of Recorder of Marriages of the City of New Orleans, (see certificates, pages 114 and 115 of Transcript.)

Nothing has occurred to alter the marriage relation as far as the record shows. Mrs. Henry from that day to this has been a married woman pure and simple and is subject to all the disabilities and disqualifications of married women under the laws of Louisiana.

It appears by the record that Mrs. Henry while a married woman without either the authority of her husband or the Judge, appeared before M. T. Ducros, Esq., a Notary Public of the City of New Orleans, on the 30th day of December, 1876, and mortgaged her separate property for the sum of fifteen hundred dollars and on the 2d day of January, 1877, gave an additional mortgage on the same property situated in this city for the sum of five hundred dollars.

We contend and submit to the Court that these two mortgages were invalid, and were not binding on the plaintiff in this injunction. Before, however, going into a discussion, we will proceed to give a history of the case as it presents itself to us, confining ourselves as nearly as possible in every particular to the record.

On the 21st day of July, 1877, it seems Mrs. Henry gave another mortgage on the same property for the sum of twenty-five hundred dollars to M. T. Ducros, Esq., Notary Public and agent of Mrs. N. V. Mioton, and this Act of Mortgage appears to have been given for the double purpose of correcting and validating the errors of the first two mortgages dated December 30, 1876, and January 2d, 1877, and to procure an additional sum of five hundred dollars for repairs on her property. When this last mortgage was about to mature or had matured a seizure and sale was sued out—the property advertised for sale, and before the sale took place Mrs. Henry enjoined it. The Court below gave judgment

dismissing the injunction, and we have appealed. It is upon the merits of this injunction we ask an investigation and decision of this Honorable Court.

It is conceded by opposite counsel that Mrs Henry was a married woman laboring under all the incapacities of married women at the time the mortgages, dated December 30, 1876, and January 2d, 1877, were entered into. The Honorable Judge of the Court a quo in his decision after hearing all the evidence and confronting the witnesses, says: "When the first mortgages," referring to those of December 30, 1876, and January 2, 1877, "was given by Mrs. Henry, it is true that it appears from the act she was unmarried. It is the fact that she was married at the time." The law prescribes that certain persons shall not contract or encumber their property, except in the manner laid down in the Acts of 1855. Married women are included in the prohibition.

At the time these mortgages were given there was no authorization either from the husband or the Judge for Mrs. Henry to encumber her property. We have alleged fraud, and in these transactions there is a shadow of fraud hovering over every step and giving it direction.

The learned Judge of the District Court in his decision states that "While it is true her husband did not in the act authorize her, yet he was actually present, assisted by his presence, and that was sufficient." The intimidation under which Mrs. Henry was laboring, the fear of life which possessed her,

proved strong enough to induce her to alienate the last vestige of a support she had, but we do not believe she would have entered into such an obligation, considering her evidence, had her husband not dogged her every step and kept her constantly under his eye. He felt no doubt that to permit her to be alone or where she might get counsel of fearless and wise friends, she might thwart him in his diabolical designs. This dogging and this shadowing and this peculiar presence, the Judge *a quo* interprets, "assistance, and sufficient to bind her." Not one moment was she permitted to get out of the clutches of the man who had told her in his violence he would "so disfigure her as to make her a loathsome object," but kept her under the spell lest she might take courage and save her house for herself and child. He needed money for his unhallowed purposes, she must be the unwilling instrument to carry out his designs. He witnessed an act signed by the trembling, fragile hand of a wife, whose real fears and miseries have not come before the court for they cannot be expressed. She stated that she never received one dollar of benefit or advantage from these two acts of mortgage.

Act 200 of the legislature of 1855, which is called the enabling Act, requires that in carrying out the power to borrow money or contract debts, the wife in order to bind herself or her separate dotal property, must be examined at Chambers by the Judge of the District or Parish in which she resides, sep-

arate and apart from her husband, and if he finds the money to be borrowed is for her separate benefit then he shall give his sanction. In this case no such ordeal was conformed to and no sanction of the Judge was given, and Mrs. Henry did not appear before the Judge of the District. As the general law prohibits married women from giving mortgages, the enabling act referred to must be construed strictly as it is a special exception.

It is not proven that the money obtained on the mortgages of December 20, 1876 and January 2, 1877, inured to the separate benefit of the wife in this case. The burthen of proof was on the defendant in injunction to make this proof. She has failed to do it—while the plaintiff has conclusively proven that the money did not inure to her separate advantage, but that of her husband.

On the 21st of July, 1877, the Judge gave his sanction for Mrs. Henry, the plaintiff in injunction, to borrow \$500. We desire especially, to call the attention of the Court to the testimony of Mrs. Henry, bearing on this part of the \$2,500. To obtain this mortgage of July 21, 1877, the sanction of the Judge was given to borrow money. The evidence shows that \$2,000 of the amount was *not borrowed*, but the mortgage was entered into by the defendant in injunction, Mrs. N. V. Mioton, with not even a pretext of loaning money, but to cancel the two first mortgages of December 30, 1876 and January 2, 1877. It is not pretended, nor will it be

contended, that more than \$500—first deducting extraordinary and illegal interest—ever passed. The remaining \$2,000 was not borrowed and not loaned, but that feature of the mortgage was brought into play to cancel the antecedent mortgages of December 30, 1876 and January 2, 1877. This was not a compliance either with the law or the sanction of the Judge. Moreover, if the District Judge had given his sanction, not to borrow money, but to cancel antecedent mortgages, he would have overreached his authority and his act been a nullity, and any obligation given in pursuance of it, would have been stricken with instant death.

The law prescribes in exact terms what the Judge may do. He can not exceed his authority and by it infuse life into obligations which the law reprobates, nay prohibits, and which never had an existence in law. If the forms of law had not been complied with in the acts of mortgage of December 30, 1876 and January 2, 1877, and they were nullities, it was not possible to give them vitality by the subsequent act of mortgage of July 21, 1877.

The judge a quo in his written opinion states: "The merits of this case and the law applicable thereto have meet with a very full exposition in the case of Mrs. Rosanna O'Keefe vs. Handy, Sheriff, et als, recently decided by the Supreme Court, and is sufficient authority to this Court in dismissing plaintiff's claim and the injunction herein issued with costs." A very casual examination of the

case referred to will show that the facts are not similar. Mrs. O'Keefe became a widow and during her widowhood, ratified her acts. Besides this, when Mrs. O'Keefe entered into the act of mortgage sued on, she was authorized by Judge Léaumont, by certificate after she had appeared before him, in Chambers, on the day the mortgage act was passed, December 27th, 1871, and after due examination conformably to Sections 2432, 2433 and 2434, of the Revised Statutes of 1870, or Articles 126, 127 and 128 Revised Civil Code. This appears to have been done in accordance with the requirements of the law, and was a valid act and good, and it was competent for her when her incapacities were removed to ratify the act and bind herself. No such facts exist in the case at bar. Mrs. Henry is still a married woman and the law does not provide a mode by which she could ratify an act of hers, which is stricken with nullity, by reason of its having been committed in the face of a prohibitory law. Her husband could not authorize her to do it, nor could the Judge of her District give his sanction to it under the law as it exists, except to see the authority and the sanction hurled back in their faces as incroachments upon the fundamental principles of our law and our jurisprudence.

We contend then, and think we have established that Mrs. Henry, plaintiff in this injunction, is not bound because the mortgages of December 30, 1876 and January 2, 1877, were given without authoriza-

tion, and the money did not inure to her separate benefit, and if these mortgages were nullities and had no binding force, then while she was still a married woman, laboring under every incapacity, she could not ratify them by giving a new mortgage nor could the Judge give his sanction for her to commit such an act. That the only money borrowed under the act of July 21, 1877, was \$500, which went to redeem her jewelry pawned by her husband to raise money for his own purposes. That the whole evidence shows exorbitant but indefinite charges of interest, and look at the whole transaction as we may, from its incipiency to its conclusion, we find fraud in every feature.

In view of the law and the facts of this case, we respectfully ask for a reversal of the judgment of the District Court, and that our injunction be made perpetual.

Respectfully Submitted,

TOBIAS GIBSON,

Of Counsel for Mrs. Henry, Plaintiff in Injunction.

LAW OFFICE

—OF—

TOBIAS GIBSON,

170 Common & 24 $\frac{1}{2}$ Carondelet Streets

There is one sister
 53-Cl^o which I can not send New Orleans, Dec 24. 1879
 by mail, but is subject to the order -
 My dear Nancy,

At last, I am much relieved by the
 appearance of the long wished-for letter from you -
 I am glad you have arrested the progress of the
 disease. Motion is the natural and necessary
 condition of everything, and since your complaint
 is not making inroads, it must be giving way to the
 shift or change of atmosphere at Lividuk. With
 the proper care of yourself, together with such outdoor
 exercise as you can take, this winter ought to bring
 you out -

Dec 30 - at the above period I was called off and
 the next morning went to Houma, where I spent a
 week Christmas and returned the next day 26th - Since
 then, I have been busy in my office and out, first
 with Sallie and since with Lu - I was glad to see Sallie
 looking so well after her trip - Tell her Miss Lyle made
 a decided conquest of Sam Todd - I never saw a young
 man so seriously and so utterly beside himself - He told
 me last evening, if he could not marry Miss Lyle he

had no further use for life - He was dead serious
and is in earnest and will probably remain so for
two weeks at least - This morning Capt Woolfork
called in to enquire after the wellbeing of Sallie and
Miss Lyle and expressed much regret that they had
not remained longer in the City - Young Barton
looks disconsolate and in meeting me on the street
conducted himself as if something strange had
happened to him - Girls ought to be kept at home
if they go about smashing people's hearts and disturbing
their minds -

I send enclosed six dollars Sallie's balance
after deducting, as Sallie requested, \$1.⁷⁵/₁₀₀ advanced
by me for her - the whole balance being \$8.⁴⁰/₁₀₀ -

I have

not yet examined the question of lease of undivided
property, but will do so and give you a report - Now
having had a case of the kind, I have no experience, and I
will not trouble you with my reasoning of abstraction -
Drop me a line when at leisure - Lys's canvass for the
U. S. Senate looks favourable, but you know how it is in
these matters - Appearance of the decision - With much love
Yours devotedly attached brother - Tobias Tibbon

LAW OFFICE
—OF—
TOBIAS GIBSON,

170 Common & 24 $\frac{1}{2}$ Carondelet Streets

New Orleans,

18

yourself again. When we get located, as I soon
shall be, and you feel able, you must come
down and let us touch you a little and stir up
the bill. My family will probably be down after
Christmas, and I shall locate with due regard
to their comfort and with an eye to having you
with us whenever you can come down.

My letters
are full of Louisa's rapid improvement. She
will be two years old on the 23^d of January and
is already, so I am told, as advanced as a child
three years old. I am anxious to see her and
shall be delighted when the day comes for her
to arrive.

There is little or no business here of any
kind. I declare, the city has on its summer side
of dullness. An all work for a season, but this has
been the case for two years. I often wonder if we
shall ever take a start forward like other cities in
the work & work week. I fear not. We seem to sleep

the sleep which surpasseth all understanding -
at least it does mine -

I have no news of Lu
since he left for Washington, but presume he
arrived safely - I am glad Lucy is with him
and out of Harris' way for a while at least -
He will keep her straighter as she never was before -
No scrub born scandal around him, but I fear
it will be the death of Lucy entirely - Lu & Washington
will open the eyes which Dr. stored so effectually -

Dec 17, 79,
I began this letter yesterday, but was interrupted
& so could not finish - I am glad it was so as I
was getting on a forbidden topic -

What a splendid day -
The very kind of weather for you to be out in
and on the road -

Write soon -

Affectionately yr. brother
Thomas Gibson

—OFFICE OF—
TOBIAS GIBSON,

English, German & French
Spoken.

Attorney-at-Law, 74 Sheridan Bldg

Room 5, WATWORTH BUILDING,
6th & Delaware Sts.

9th & Main Sts Kansas City Mo

Kansas City, Mo., Feb. 27 1889

My dear Evy,

You will be, I was going to say surprised,
when you read the enclosed, but I don't think you
will, for the part of it is no more than I predicted
long, long ago. It is a rule of life that when the Devil
steps in at the front door, righteousness goes out at
the back door. I am amazed at the conduct of Mrs
Betty Winder. She appeared to be a decent, good woman
what a break up. There seems to be a fatalism con-
-nected with that house. It is a veritable tomb
for the living, if what its inmates do might be called
living. I feel sorry for poor Mrs Lou Winder, for I think
she is a good woman. For the present, should
you be writing to Louisiana, I would not mention
the matter, for it may be an error. I shall be
getting letters and will send them to you so
that you may know how matters stand.
I tell you, we have had some bitter cold weather
and I did not like it a bit. To day everything is
slush and a disagreeable day.
I got Louie's letter and intended to answer it

to-day, but when I got the enclosed, I knew
you would want the news, so postponed writing
to him to another day. What little thing am I
send him. I hate to write without always sending
something - Can't you suggest something - with
much, but just any little token of remembrance -
I must hurry so as to get my letter off in
to-day's mail -

With love & kisses for yourself & the baby
and love to the household -

Devotedly yours
Lillian Gibson

Let me know if you
paid any express on the box - for I prepaid it
here at the store -

Dear Brother Hart - Tell Fannie to be a good girl
I enclose you these letters
received yesterday. Did you ever hear of such
carelessness in your life? We are well - Louisa is so
bright and quick at school - Love to all
Be certain to write to Lobe Aff. Eva B. G.

interested in. I guess
I'll not be a patron
for some time yet
as I can't raise the
"wherewith" which is
the necessary string
for me to have to be
a patron. I'm not
at all for dinner is ready.
I have brought you tea
with a hot drink
Loving

I have written for

Wishing all a
very happy New Year.
Let Sister I will write
to her in a few days.
"Love"

Englewood
Jan 14 1890

My dear Mother.

I feel
very much ashamed
of myself for not writ-
ing earlier and thanked
you & Harry for the
kind remembrance of
I was. It seems as if
one always gets just what
they need and want-
ment. at least it has
been so with me.
We all wished for
the St-Paul crowd.
that we could have a
big old time together.
but it was in vain.
It did seem quiet.

to a Mr Bayd. of
Richmond Va.
We only get invitations
to the Church.

"Turn about is fair play"
I should have liked
to have gone. But
just to the Church
would not have
paid for the trouble.

I guess you have heard
Miss Weston's announce-
ment? By this time
for many generally till
all the news.

I have been quite busy
for the past few days
as if had been expecting
to go into business in
manufacturing Cigars.
or in other words.

salasman for the same
house I expected to be

Well now for what
we have been doing.

I have been on the
go constantly, first to
another during
the holidays. I went
to a trip in Cyrtiana
& one at Paris. and had
invitations several.

others, but strong to
those would do me
for you to send it takes
so much "man" and
I am not a "millionaire"

as any means.
Miss Swager gave
Mary and myself both
went to it. had a grand
time indeed.

Basin Wallau was
married last Tuesday