

Fayette County St September Court 1849.

"On the motion of Elizabeth L. Todd Widow
and relict of Robert S. Todd Deceased, adminis-
tration of all and singular the goods and chattels
Right and Credits of Robert S. Todd deceased
is granted unto her, and thereupon she took
the oath required by Law; and together with
David W. Humphreys her surety entered into
and acknowledged bond in the penalty of
Sixty thousand Dollars, Conditioned according
to Law "

A True Copy: James A. Grinstead cly

Copy Order
Gual of ~~Chambers~~
Of J. J. Jones Seco
Filed Sept
23^d 1850
Thos. J. Reddick

Fee 12 1/2¢

Examined

For J. J. Jones
Exhibit
in Bill.
Thos. J. Reddick

Thos. J. Reddick attys

The deposition of William H Rainey taken before James L Allen Commissioner in the suit in chancery of George R Todd against R S Todd adm^r and others. Taken on behalf of the administrators.

The deponent being of lawful age and first duly sworn deposes that deponent has been acting as clerk of Oloham Todd His son since 1842. He knows that five shares of Kentucky Bank stock which stands in the name of R S Todd belongs to Oloham Todd Ho. and was kept in the name of R S Todd to qualify him as a Director in the Branch Bank in Lexington.

While I was a merchant in this place, and after the death of Dr Brown, W. R S Todd told me that there was some money which his wife received from Dr Browns estate, which was to be invested in some silver ware. I was requested to purchase it in Philadelphia, and did so. I dont remember the particular articles of silver ware. My impression is that it was engraved on them that they were presents to Mrs Todd by Dr Brown. It has been some time since and my memory is not precise as to the particulars. Whatever engraving is on them was put on at Philadelphia and by the direction of R S Todd. I have heard R S Todd since in conversation allude to what she received from Dr Brown and that it was invested in this silver ware. My impression is that the amount I invested was over two hundred dollars.

Wm. H. Rainey

Also the deposition of George W Stewart Taken at the same time & place for the same purpose.

Deponent being of lawful age & first duly sworn deposes & says,

That about eight or ten years ago Robert S Todd came into my store and purchased a silver Pitcher, which ^{he} told me was a present to his wife, and he desired me to have it engraved and to carry it down to his wife and present to her. W. Todd went that afternoon to Frankfort. Deponent had the Pitcher engraved as desired, and carried it down that evening to Mrs Todd, and

handed it to her as a present from her husband. It was in the winter. On Examining my books I find that he must have been made the purchase ~~the~~ about the 1st January 1843. No entry was made of the purchase, but on W. Todd's return from Frankfurt he came in and gave me a four months note for the price, but told me he would pay it himself. It paid it some weeks afterwards I find the payment was ^{on} the 25 January 1843. The price was \$125⁰⁰

Geo W Stewart

Also the deposition of David C Humphreys taken at the same time & place for the same purpose.

The deponent being first duly sworn deposes that before the death of deponent's mother, Dr Brown promised to give to my mother and my sister ^{then Miss E L Humphreys} Wm E L Todd, a Lot in the town of Florence. In making the deed, he made it to my mother without mentioning my sister at all. After her death, I as her Executor sold the Lot to Joel Percy for \$510 as I think. Knowing the design of Dr. Brown with the intent of the three other heirs of my mother, gave my sister one half the proceeds of said sale. I think I also gave her one fourth of the other half, she being entitled to one fourth of my mother's estate under her will. I am not however certain as to this other fourth, but am as to the half. This money was handed to W. R. S. Todd to be laid out in silver ware for my sister, which he promised to have done. I have frequently seen the silver ware since it was purchased by W. Rainey. The engraving on that purchased by W. Rainey is "E L Todd Presented by Dr. Samuel Brown." This engraving is on the larger pieces of silver ware. I do not know how it was on the spoons & forks, I don't remember to have looked.

I am Executor of my mother. It will appear by her will that all my mother's servants were to be free at a certain age. Jane was one of my mother's servants devised to the use of my

Sister Mrs Todd. Jane is now free by the provisions of ^{the} ~~her~~ Will, and was
free as I think at Mr. Todd's death or about that time. John Jim Lee
and Mary Ellen are children of Jane & entitled to freedom by my mother
will on arriving I think at 21 years of age. Alfred was another of
my mother's slaves, and Mrs Todd was entitled to one fourth of his hire
only. He will be entitled to his freedom ^{on the 23rd December next} ~~next year~~. The Bill of sale
of Lucy and Sam Field are to me as Trustee for Mrs E L Todd, and
purchased with her money.

There was on the farm in Franklin County a horse which
belonged to the firm of Oldham Todd & Co. and was not inventoried
but sent to the farm, and was sold in the sale of the firm
property.

I have purchased with the money of Mrs E L Todd in my hands as
Trustee, ~~two~~ ^{one} horses, a dog chain, the articles contained in the bill hereto
annexed of \$99³⁰ also a carpet. ^{one of the horses died in} ^{the 5th of the month of} ^{up to the time the other} ^{some of the}
~~the~~ horse, chairs, and other articles
purchased ^{with} ~~of~~ her money, were sold at the sale of Mrs Todd's estate.

The metallic fruit baskets called silver in the bill, were only
plates, were sold at the sale for Eighty ^{seven} cents to W. Harris as appears
by the sale bill. So also a plated horn was sold as appears from the
sale bill at \$3⁰⁰

J. C. Humphrey

Depositions

(B)

[Faint signature]

The deposition of John M Martry taken at the office of the Commissioner Thomas W Bullock in the case of ~~G R C~~ G R C Todd vs against R S Todd's administrator & him and in the case R S Todd's heirs & R S Todd's widow & heirs. on behalf of the defendants

The deponent being of lawful age & first duly sworn deposes the

to Question by defendants. Are you acquainted with the dwelling house & improvements on Short Street in the City of Lexington, which was known as R S Todd's, adjoining the lot on which Mrs Parker resided, if you do state your opinion as to their probable cost at the time they were built, whether or not you are the present owner of said house & the lot on which it stands, and whether or not you are a master builder.

Answer. I do not know the period at which the house was built. I first knew the house in 1833 and lived in it with Gideon Shryock. It then appeared to be ten or fifteen years old. Estimating the costs by the present prices, I don't think that the house out houses & fencing could be put there for less than ~~five~~ five thousand dollars. I think that ~~it~~ would be a low estimate for it. I am the present owner of the house & lot and purchased it from the children of R S Todd by his first wife, to whom it was allotted in the division of Parker's heirs, and in allotting it ~~no~~ the improvements were not taken into estimation. I gave five thousand dollars for the lot & improvements. I am an undertaker for the erection of buildings. Cross examined - States that he does not know what the improvement on the lot would have cost at the time they were erected. The lot without the improvements would be worth now about two thousand dollars, at the time of M^r Todd's death the improvements were worth about twenty-five hundred dollars.

John M Martry
Subscribed & sworn to before me
Thos W Bullock Com^r

Joseph Jackson

Toad Geo. H. C.

Copy Bill

Toad Adm^r &c

(1)

Dec 1. 00

258

$$4 \overline{) 1036} = 259.$$

$$\begin{array}{r} 3 \overline{) 48.000} \\ 3 \overline{) 16.000} \\ 1/3 \overline{) 5.333 \frac{1}{3}} \\ 1 \overline{) 7.77 \frac{2}{3}} \\ 14 \overline{) 3.555 \frac{1}{3}} (258, 93 \\ 28 \cdot \cdot \cdot \\ 25 \cdot \cdot \cdot \\ 30 \cdot \cdot \cdot \\ 55 \cdot \cdot \cdot \\ 42 \cdot \cdot \cdot \\ 1300 \\ 126 \cdot \cdot \cdot \\ 40 \cdot \cdot \cdot \\ 42 \cdot \cdot \cdot \end{array}$$

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To the Hon. Judge of the Jayette Circuit Court in
Chancery sitting. Your Orator George R. C. Todd
would respectfully state that on the day of July
1849, his Father Robert S. Todd died intestate leaving
a Widow named Elizabeth S. Todd, who was on the 11th
day of Sept 1849 appointed his Administratrix by the
Jayette County Court & leaving also the following
Children as his only heirs & representatives. To wit:
Ninian Edwards & Elizabeth P. Edwards his Wife
late Todd - William Wallace & Frances S. Wallace
his Wife, late Todd - Abraham Lincoln & Mary A
Lincoln his Wife, late Todd - Clark A. Smith
& Ann M. Smith his Wife late Todd - Levi C. Todd
These together with your Orator, constituting his
Children & the husbands of his Daughters by first
Marriage - By his Second Marriage he left
the following named Children & representatives
To wit: Charles Kellogg & Margaret Kellogg his Wife
late Margaret Todd - Samuel B. Todd, David V. Todd
Martha K. Todd, Emily Todd, Alexander Todd,
Jane Todd, Catharine Todd, the seven last named
heirs being Infants under the age of 21 years.

Your Orator States that said Robert S. Todd left a large estate real & personal in the Counties of Tanette & Franklin, his Real Estate consisting among other things of a house & lot in the City of Lexington where he resided prior to his death & about 40 acres of land in Franklin County adjoining the tract of land now in the possession of his Widow, this property from its nature & the number of the heirs of said Robert S. Todd, cannot as he believes be divided & that it will be necessary to sell said real estate & divide the proceeds thereof among the persons entitled thereto, subject of course to the Widows Right of dower therein. He further States

an inventory was made out of the personal property in both of the Counties of Fayette and Franklin produced by the Administratrix aforesaid by Commissioners appointed by the Fayette County Court, and a greater portion of the property embraced in said inventories has been sold by the said Administratrix. He files herewith as part of this Bill the order of the Fayette County Court granting Letters of Administration to the said Elizabeth L. Dodd as aforesaid, and also the inventories and Sale Bills above referred to, and makes them as exhibits No 1. 2. 3. 4. 5.

Your orator charges that the inventories and Sale Bills above referred to, do not truly set forth the amount of the slaves & personal property of the said Robert S. Dodd, but are erroneous in this point: that the inventory of the property in Lexington does not contain a quantity of Silver Plate which came into the hands of said Administratrix as part of the personalty of said estate; consisting of Silver spoons, Urns, fruit Dishes, Waiters forks & other articles not now recollected of the value of \$800. All of which said articles the said Administratrix has retained and appropriated to her own use, without in any way accounting for them or their value; and said inventory also contains a small quantity of Silver Plate valued at \$35, bought at the sale by said Administratrix for which there is no Credit there given the estate on the sale bill.

Your orator further charges that a portion of the slaves Stock Cattle and Horses belonging to said Robert S. Dodd and being on his farm in Franklin County were not given in to the appraisers, nor sold at the Sale of his property in said County, nor has any disposition whatever been made of the Slaves, all of whom remain in the possession of the Administratrix. He does not know the name of the Slaves nor the number or description of the Stock, not put upon said inventory nor sold at the Sale, and he requires the Administratrix to set forth specifically the number and names of the Slaves which were upon the Franklin farm, or in any way under the Control of Robert S. Dodd at the time of his death. Also all the Stock

of every description which Robert S. Dodd had either on his farm or any where else at the time of his death, and to set forth her reason for not having said Slaves and Stock appraised as a part of the Estate of R. S. Dodd deceased. And he requires her to set forth and account for all the Silver plate belonging to said Robert S. Dodd's estate, as well that portion of said plate which she has failed to have appraised as that portion which was appraised and sold not accounted for, in the Sale bill, with the Character and description of all of it.

Your orator charges that said Administratrix has made no Settlement of the estate before the Commissioners of the Court. He requires her to make a Settlement forthwith, and to show why she has failed to account for the Silver plate Slaves and Stock as above set forth; and he requires her to set forth specifically the amount of property of every kind which she has retained as the Widow of R. S. Dodd or in any other way and the value of each article specifically, since he charges that the personal property retained by her is much larger in quantity and greater in value than she is allowed by Law to retain. He requires her to state specifically if the Inventory which she has filed as Administratrix contains a full and correct List of the personal property in the possession and under the Control of the said Robert S. Dodd at the time of his death; and if said Inventories and Sale Bills do not contain an account of all of said property, he requires her to set forth each article not contained therein, and the value thereof, and to account for it.

He charges that said Administratrix has since the death of said Robert S. Dodd sold one of his slaves, and he requires her to account for the money received for said Slave, he is informed that it was not necessary to sell said Slave for the purpose of paying off the debts of the Estate and that said Slave ought not to have been sold by her.

Wherefore in as much &c to the end &c he makes Elizabeth L. Dodd Administratrix of Robert S. Dodd deceased, and

Ninian W. Edwards and Elizabeth P. Edwards his Wife, William Wallace and Frances J. Wallace his Wife, Abraham Lincoln, and Mary A. Lincoln his Wife, Clarke M. Smith, & Anna M. Smith his Wife, Charles E. Kellogg and Margaret S. Kellogg his Wife and Daniel F. Dodd all of whom except the Adams are nonresidents of the State of Kentucky, and the last named an infant; Levi A. Dodd, Samuel B. Dodd, Martha K. Dodd, Emily Dodd, Alexander Dodd, James Dodd, Catharine Dodd, the last five infants, defendants to this Bill, and requires them and particularly the said Administratrix Elizabeth L. Dodd to answer upon oath all and singular the Statements allegations and Charges therein contained, as if again put by way of special interrogatory - He prays that the House and Lot and the Tract of Land above set forth be sold and the proceeds thereof divided, and that the Widow be allowed her dower therein which he prays may be allotted to her, unless she consents to a sale of the whole, in which event he is willing that a sum equal to her dower may be paid her in lieu thereof, he prays that she be required to account for all the slaves and their value, the Stock of every description, the Silver Plate and other personal property of Robert S. Dodd which she had failed to return an account for in the inventories and Sale Bills of the Estate returned by her, and on final hearing he prays that his portion of the estate be paid over to him, He prays process, Warring orders, Guardian Ad Litem &c and for such other and further relief general & special as the equity of his Case entitles him to & as in duty bound he will ever pray &c. Thy & Rich. P2

A. Copy Att Tho. S. Read & Co

Prayer may be allowed. When under the consent of a sale of the whole, in which must be a unity that a sum equal to his down may be paid for in time though he pray that this be required to account for all the claims & the residue. The stock of money described the return of the estate & the personal property of Robert S. Todd, which she has failed to return an account for in the inventory & sale bills of the estate returned by her. & on final hearing he pray that his portion of the estate be paid over to him. He pray process, warning, order, guardian of the person & go such other & further relief general & special as the equity of the case entitles him to. & as in duty bound he will ever pray &c.

Deponent
Elizabeth S. Todd
James B. Todd
Wm. A. Todd
Emily Todd
Abraham Todd
Sam. Todd
Catharine Todd
Mary Todd
John A. Todd
Mary Todd

Chas. Beck P.

Todd G. R. C.

Bill
of
Prayer

Todd's Men &c

John G. D. Chas. Beck

James Lloyd 19th

1830 Wm. S. Todd

Chas. Beck P.

At the Hon. Judge of the Payette Circuit Court in Chancery sitting.
Now Crata George H. C. Todd would respectfully state that on the day of July 1849 his father Robert S. Todd died intestate leaving a widow named Elizabeth S. Todd who was on the 11th day of Sept 1849 appointed his administratrix by the Payette County Court. & leaving also the following children as his only heirs & representatives: Court Minnie Edwards & Elizabeth P. Edwards his wife late Todd. William Wallace & Francis J. Wallace his wife late Todd. Abraham Lincoln & Mary A. Lincoln his wife late Todd. Clark A. Smith & Ann M. Smith his wife late Todd. Levi O. Todd. These together with your Crata constitute his children & the heirs of his daughter by his first marriage. By his second marriage he left the following named children, Court Charles Kellogg & Margaret Kellogg his wife late Margaret Todd. Samuel B. Todd. David T. Todd. Martha K. Todd. Emily Todd. Alexander Todd. Sam. Todd. Catharine Todd. The sum last named being infant under the age of 21 years.
Now Crata states that said Robert S. Todd left a large estate real & personal in the Counties of Payette & Franklin. his real estate consisting among other things of a house & lot in the city of Shoshone where he resided prior to his death. & about 40 acres of land in Franklin County adjoining the tract of land now in the possession of his widow. the property from its nature & the number of the heirs of said Robert S. Todd cannot as he believes be divided & that it will be necessary to sell said real estate & divide the proceeds thereof among the persons entitled thereto. He further states that an inventory was made out of the personal property in both the counties of Payette & Franklin produced by the administrative officers by commissions appointed by the Payette County Court. & the greater portion of the property embraced in said inventories has been sold by the said administratrix. He files herewith as part of this Bill the order of the Payette County Court granting letters of administration to the said Elizabeth S. Todd, as before mentioned, also the inventories & sale bills above referred to &c. &c. as exhibits No. 1, 2, 3, 4, 5.

You Crata charges that the Inventory & sale bill above referred to, do not truly set forth the amount of the slave & personal property of the said Robert S. Todd, but are erroneous in this, that the inventory of the property in Lexington does not contain a quantity of silver plate which came into the hands of said administratrix as part of the personal property of said estate, consisting of ^{silver} spoons, urns, fruit dishes, waiters, forks & other articles not now recollected of the value of \$800. all of which said articles the said administratrix has retained & appropriated to her own use, without in any way accounting for them or their value. & said inventory also contains a small quantity of silver plate valued at \$35. bought at the sale by said administratrix for which there is no credit given the estate on the sale bill.

You Crata further charges that a portion of the Slaves, Stock, Cattle & horses belonging to said Robert S. Todd & being on his farm in Franklin County, were not given in to the appraisers, nor sold at the sale of his property in said county, nor has any disposition whatever been made of the slaves, all of whom remain in the possession of the administratrix. He does not know the name of the slaves nor the number or description of the stock, not put upon said inventory nor sold at the sale; & he requires the administratrix to set forth specifically the number & names of the slaves which were upon the Franklin farm & in any way under the control of Robert S. Todd at the time of his death, also all the stock of every description which Robert S. Todd had either on his farm or any where else at the time of his death & to set forth the reason for not having said Slaves & stock appraised as a part of the estate of R. S. Todd & he requires her to set forth & account for all the silver plate belonging to said Robert S. Todd's estate as well that portion of said plate which she has failed to have appraised as that portion which was appraised & sold but not accounted for in the sale bill, with the character & description of all of it.

You Crata charges that said administratrix has made no settlement of the estate before the Commissioners of the court. He requires her to make a settlement & to show

Why she has failed to account for the silver plate, Slaves & Stock as above set forth, & he requires her to set forth specifically the amount of property of every kind which she has retained either as the widow of R. S. Todd or in any other way, & the value of each article specifically, since he charges that the personal property retained by her is much larger in quantity & greater in value than she is allowed by law to retain. He requires her to state & specify if the Inventory which she has filed as administratrix contains a full & correct list of the personal property in the possession & under the control of the said Robert S. Todd at the time of his death, & if said Inventory & Sale Bill do not contain an account of all of said property, he requires her to set forth each article ~~not~~ contained therein & the value thereof & to account for it.

He charges that said administratrix has since the death of said Robert S. Todd sold one of his slaves, & he requires her to account for the money received for said slave, he is informed that it was not necessary to sell said slave for the purpose of paying off the debts of the estate & that said slave ought not to have been sold by her.

Wherefore, inasmuch as to the end as she makes Elizabeth L. Todd administratrix of Robert S. Todd dec'd. Minian W. Edwards, & Elizabeth P. Edwards his wife, William Wallon & Francis J. Wallon his wife, Abraham Lincoln & Mary A. Lincoln his wife, Melark M. Smith & Ann M. Smith his wife, Charles Kellogg & Margaret S. Kellogg his wife & Daniel W. Todd, all of whom except the last are non residents of the State of Kentucky, & the last named an infant, Levi O. Todd, Samuel B. Todd, Martha K. Todd, Emily Todd, Alexander Todd, James Todd, Nathaniel Todd, the last six infants, defendant to this bill & require them & particularly the said administratrix Elizabeth L. Todd to answer upon oath all & singular the statements, allegations & charges therein contained as if again put by way of special interrogatory. We pray that the house & lot & the tract of land above set forth be & the proceeds thereof divided & that the widow be & her dower therein which he

The amended bill of George N. C. Todd & the bill
in Chancery heretofore filed by him in the Fayette Circuit
Court against the executor & heirs of Robert S. Todd dec'd.

Your Orator would state that since the filing of his
original bill in this cause & since process was served upon
her & since her answer was filed by her Guardian ad litem
Martha N. Todd an infant daughter of said Robert S. Todd
has married one Clement B. White, a resident of the State
of Alabama & she & her husband have left the State
of Kentucky & are now nonresidents thereof. Your Orator
makes the said Clement B. White a defendant in this
& his original bill herein. He prays that he be
required to answer all the allegations thereof, as if
herin again specifically set forth. He prays process
writs order &c. against him & he prays as in
his original bill.

S. J. Beck Jr.

Toad

² Amended Bill

Toads Adm^r &c

Layed 18. Nov 1830.
Filed & noted
Nov 25th 1830
Thos. J. Radd clerk