

The Answer of Elizabeth L Todd to a Bill in chancery filed against her and others in the Fayette Circuit Court by George H G Todd

Respondent for answer to so much of said bill as she is advised to be material for her to answer. Says, that it is true, H S Todd died in the month of July 1849 leaving Respondent his widow, and the children named in said bill as his heirs and distributees.

Respondent further admits that said R S Tola left the real estate named in said Will, and that it will be difficult if not impossible to divide it among those entitled to it, and that to divide it would greatly impair if not destroy its value. She consents therefore that it be sold and the proceeds divided

It is true that ~~an~~ Respondent administered on said RS Todd's estate, and that an inventory and appraisement was made of ^{the} ~~her~~ estate of decedent in the Counties of Fayette and Franklin, and that the greater portion of said estate on said inventory has been sold

It is true that said inventory and appraisment do not set forth all the personal estate of R S Todd dec^d. There was omitted therefrom the articles which by law are allowed to a widow for her sustenance and that of the family, a list of which will be filed marked A and she is advised that the same does not ^{amount to} ~~exceed~~ the legal & proper amount. That it is not true that said inventory omits any silver ware of the estate of said R S Todd dec^d. The silver ware alluded to by Complainant, belong to Respondent as her separate property, and she claims them in this manner. R S Todd made her a Christmas present of a ~~Pitcher~~ ^{plate} silver Pitcher, ^{also at another time a plate & water} and caused her name to be put thereon as the owner. The other silver ware which she claims was purchased with money which substantially came as a present from Dr Samuel Brown, and her husband had engraved on the ^{Plate} ~~Plate~~ that the same was presented by said ^{Dr} Samuel Brown. Said Brown gave to Respondent and his mother Mary Humphreys a lot of land in Florence Alabama, but the deed was made to said Mary Humphreys alone.

After the death of said Mary Humphreys, her son agreed that
A C Humphreys might, in pursuance of what was believed to be the
intention of Samuel Brown, apportion one half the proceeds of said lot
for her use & benefit, and accordingly, said A C Humphreys with
assent of Respondent, and agreement of R S Todd paid over to said
R S Todd \$1000 to be expended in silver ware for Respondent
and in pursuance of the said agreement and understanding said R S Todd
did send on said money and with it did purchase the silver ware
which she claims as her own separate property, causing the name
of Respondent to be put thereon as owner, and a statement of it
being presented by said Samuel Brown, one Teapot, one sugar dish one cream pot
bowl one plated urn, -

It is true ~~that~~ there was some plate entered on the inventory
which is not credited on the sale bill, which occurred by the
error of the clerk of the sale, and respondent desired to have
it corrected. A part of the silver ware is upon the sale bill
toward the urn & plated baskets. The silver ware put upon
the inventory is all the silver ware which she considers or
believes belongs to the estate of said R S Todd decd.

She states that all the slaves stock cattle & horses belonging
to R S Todd decd. and upon the farm in Franklin, except that
allotted to her as widow and not subject to appraisement, are put down
on said inventory but she admits that there were slaves and cattle
upon said Farm in Franklin which are not in the Inventory.
The slaves belong to her being devised to her by her Mother Mary
Humphreys and for her separate use as she contends. A copy of
the will of said Mary Humphreys under which she claims ^{them}
is filed herewith. The names of the slaves and their ages are
on a list filed herewith marked H. The cattle on said farm which
was not of the estate ^{of R S Todd} aforesaid, were some calves belonging to David
Todd, and some also belonging to Samuel Todd, and consequently
not appraised or inventoried. The only horse on said farm not

on said inventory was a horse belonging to Oldham Todd Decd, which
was sent to them and sold at the sale of said farm.

Respondent further admits that she sold a negro man slave of the
estate of R S Todd, named Kile. He has run off and was in Jail
and has so remained until the charges against him amount to about
\$50. He was put in Jail for sale. It was believed that he would run off
if let out of Jail, and the Coler was prevailing in Lexington. In
addition Mr. Todd on his death bed devised him to be sold. Under
these circumstances he was sold the proceeds applied to pay a debt of
said R S Todd in Bonds.

Respondent believes that with the exceptions ~~stated~~ ^{named} above herein
before, the said Inventory does contain a true account of the personal
estate and slaves of R S Todd decd. which have come into her
hands ^{as} administratrix. She does not remember any other omission
and does not believe there is any of ~~any~~ value.

She has no objection to the sale of the farm & real estate
and slaves of said Decedent for the purpose of division. She has
no objection to settling her accounts as administratrix before an
Auditor of the Court, before whom she will exhibit her receipts
and expenditures of the estate and the vouchers in support
thereof.

State of Kentucky Fayette County

The foregoing answer was sworn to before me a Justice of the peace
for the County aforesaid by Elizabeth L Todd

M C Johnson JP

all debts due me and of all and every Species of estate
real personal or mixed to which I may be entitled tall
Money or land be divided into four equal parts -

20. It is my will and desire and I hereby bequeath one of said
last mentioned four equal parts to my grand daughter
Mary Ann Sproule -

21. I hereby bequeath one other of said last mentioned four
equal parts to my Grand daughter Margaretta B Sproule

22. I hereby bequeath one other of said last mentioned four equal
parts to my Grand daughter Elizabeth Humphreys

23. The remaining one fourth of the above last mentioned
four equal parts I hereby bequeath to my executor David
C. Humphreys in trust for the sole and separate use of my
daughter Elizabeth L Todd during her life and after her
death for her Children. That is to say the said Elizabeth
is to receive during her life whatever interest may be

realised on said share the same to be paid when
Annually, and after ^{her} death the whole of the principal
is to be paid over to her Children - And for the purpose
of executing this trust to the best advantage I hereby authorize
my said executor to loan out the whole or any part of said
share that he may deem expedient - or to vest the same
or any part thereof in Stocks of any description, and afterwards
from time to time as he may deem expedient to sell the said
Stocks and reinvest or loan the proceeds as he may think
beneficial to the purposes of the trust

24. I hereby nominate and appoint my Son David C
Humphreys sole executor of this my last and only will &
testament and I declare and will that he shall not
be required or called on to give any security as
executor - The word "That" on the fourth page
intended before Signing

In witness whereof I
have hereunto set my hand and signature and

1 In the name of God Amen. I Mary Humphreys of the town
of South Frankfort and County of Franklin and State of Kentucky, do
make and ordain this my last will & testament -

1. I commend my Soul to my maker and trust in his mercy for
a glorious resurrection -

2. I give & bequeath unto my Grandson Joseph Sproule the sum
of five hundred dollars -

3. I give and bequeath to my Grandson John B Sproule
the sum of One thousand dollars

4 - I give and bequeath to my grand daughter Margaretta
Todd the sum of One hundred dollars with the interest that
may accrue thereon to be paid her when she arrives at age or
marries

5 - I give and bequeath to ^{my Grand daughter} Mary B Humphreys the sum
of One hundred dollars with the interest that may accrue thereon
to be paid her when she arrives at age or marries

6 - I give and bequeath to my grand daughter Mary
Monon Humphreys the sum of One hundred dollars with the
interest that may accrue thereon to be paid her when she arrives
at age or marries

7 - I give and bequeath to my grand daughter Elizabeth L
Humphreys the sum of One hundred dollars with interest
that may accrue thereon to be paid her when she arrives
at age or marries And I request my executor to loan out
the above last mentioned four legacies until they are to be paid
or vest them in bank or other Stock at his discretion -

8 - I direct my house hold & kitchen furniture to be divided into
four equal shares by my executor and one of said shares
to be given to my daughter Elizabeth L Todd - one to my grand
daughter Mary Ann Sproule one to grand daughter Marg-
aretta B Sproule and the other to my grand daughter Elizabeth
Humphreys

9 - I devise my negro man slave John Waley unto my son
David C Humphreys until the 25th day of December 1840

on which said day the said John Wale, is to be free and emancipated from all kind of servitude 2

10. I devise my negro girl Jane to my daughter Elizabeth L Todd until the 25th day of December 1844 on which said day the said Jane is to be free and emancipated from all kind of servitude. Should the said Jane have any children before the day on which she is to be free the said child or children, if boys are hereby devised to the said Elizabeth L Todd until they respectively attain the age of twenty eight years when they are to be free and emancipated from all manner of servitude - if girls they are hereby devised to the said Elizabeth L Todd until they respectively attain the age of twenty one years when they and any increase they may have are to be free and emancipated from all manner of servitude -

11 - It is my will and desire that my negro man Slave Westly be free and emancipated from all kind of servitude on the 25th day of Decr 1841.

12. It is my will and desire that my negro boy Abraham be free & emancipated from all kind of servitude on the 25th day of Decr 1846 -

13. It is my will and desire that my negro boy Alfred be free and emancipated from all kind of servitude on the 25th day of December 1852.

14. It is my will and desire that my negro woman Judy be free and emancipated from all kind of servitude on the 25th day of Decr 1839. - If before that time she has any increase, the said increase of males are to serve until they are respectively twenty eight years old and as they respectively attain that age they are to be free and emancipated from all kind of servitude - the said increase of females are to serve until they are respectively twenty one years old, and as they respectively attain that age they and any increase they may have are to be free and emancipated from all kind of servitude -

15. It is my will and desire that my negro woman Alice be free and emancipated from all kind of servitude on the 25th day

3. day of December 1842. If before that time she has any increase the said increase of males are to serve until they are respectively twenty eight years old and as they respectively attain that age they are to be free and emancipated from all kind of servitude, the said increase of females are to serve until they are respectively twenty one years old, and as they respectively attain that age they and any increase they may have are to be free and emancipated from all kind of servitude.

16 - It is my will and desire that my negro girl Mary Jane be free and emancipated from all kind of servitude on the 25th day of Decr 1855. If before that time she has any increase the said increase of males are to serve until they are respectively twenty eight years old and as they respectively attain that age they are to be free and emancipated from all kind of servitude whatever the said increase of females are to serve until they are respectively 21 years old, and as they respectively attain that age they and any increase they may have are to be free and emancipated from all kind of servitude whatever -

17 It is my will and desire that my executor hire out or profitably employ all of the ^{above} Slaves (except John Wale & Jane) and their increase until the periods respectively arrive, at which they are to be free and I further authorize & empower my said executor to make any contract he may think proper with the said Slaves or their increase for the purchase by them of the time that they ~~are~~ or their increase may have to serve -

18 It is my will and desire that my executor rent out or sell as he may deem most expedient all my real estate wherever the same may be and also any legal or equitable right that I may have to any interest in any real estate and I hereby Vest him with full power and authority so to do -

19. It is further my will and desire that after the payment of my just debts and the foregoing Legacies that all the proceeds of the rent or sales of my real estate and the proceeds of the hire or sale of the time, of the said Slaves, and the proceeds of all

5

and affixed my Seal this 4th day of December 1835

Signed Sealed and acknowledged
by the testator in our presence and
witnessed by us at the request of the
testator and in her presence and in the
presence of each other

Also the word fifty on the
fourth page interlined
before Signed

J. Brown

Mason Brown

Mary Humphreys (Seal)

Franklin County April 1836

The Last will and testament of Mary Humphreys
deceased produced in Court and proven by the Oaths of
Mason Brown & John Brown Subscribing Witnesses thereto
and ordered to be recorded which is done accordingly

at A. H. Kennick C. J. C.

Attest

A. H. Kennick Clerk
Franklin County Court

Copy of

from Mary Humphreys

Will

Recorded

Test. M. H.

Witnesses in
her last
will

Recorded
at the
Court of
Franklin County
April 4th 1836

per J. S. D. Not

and after the 1st of May 1811
 the vessel was at the
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