

Taken

The Deposition of William H. Rainey, before James L. Allen Commissioner in the Suit in Chancery of George R. C. Todd against R. S. Todd's Admr and others.

Taken on behalf of Complainant

The Deponent being of lawful age and first duly sworn deposeth. That the Firm of Oldham Todd & Co advanced for the estate of Robert S. Todd ^{about} the sum of \$1120.12, which ~~to~~ sum was paid out ^{by Levi C. Todd} in discharging the debts against said estate. No portion of that sum was advanced by the administering out of the estate, but the whole amount was the money of Oldham Todd & Co. It was loaned by them to said Estate. I am the Clerk of Oldham, Hemmingsway & Scott ~~February 16th 1832~~. My knowledge is obtained by examining the Books of Oldham Todd & Co.

Wm. H. Rainey

Deposition of
W. H. Rainey

(A)

The Deposition of David C Humphreys Taken this 27th day of January 1852 before me ~~as~~ Commissioner in the Case of George R. C. Lodd against Lodd's Administrators, to be read as evidence in said case, pending in the Fayette Circuit Court.

The Deponent being of lawful age and first duly sworn deposes and saith - At the sale of the property of Robt S Lodd decd. in Franklin County, a set of chairs was sold to Thomas Lett as perfect, but upon examination of them two were found to be broken and Lett refused to take them without a deduction of \$2.10, which was made. At the sale in Lexington Genl L Combs purchased a bed, bolster and pillows, but upon examination the bolster and one pillow purchased by him could not be found, and said Combs required a deduction of \$3.60 to be made for the loss - which was made, and he paid the balance of the account. A set of chairs was sold to Mr James Henderson as perfect, but upon examination two were found to be broken, and Deponent paid Mr Milward 75 cents for repairing them -

Sworn to before me -

James B. Allen

Commissioner

D. C. Humphreys

Deputation of
H. D. Humphreys -

(No 11)

(11)

Commissioner
James D. Allen
to inform the
H. D. Humphreys

1849		Am't brot over	\$3189	81/4	\$5281	55-
1850	By -	N. L. Finnell	59	1	50	
April 27	"	John R. Cleary	60	2		
1849	"	Josiah Ennis	61	7	12	
Dec 31	"	Peter Elliott	62	1	25	
1850	"	Peter Elliott	62	1	25	
April 2	"	Charles & Edg	63	43	97	
May 7	"	J. S. Reed	64	2	63	
Aug 9	"	J. S. Reed	64	2	63	
Jan 18	"	Rice & Shopshire	65	46	89	
Sept 7	"	Sampson Cots	66	1		
1849	"	N. L. Finnell	67	7	50	
Sept 25	"	J. C. Warby	68	6	50	
1850	"	J. C. Warby	68	6	50	
July 4	"	S. H. Milburn	69	1	70	
" 31	"	J. S. Reed	70		88	
May 28	"	J. S. Reed	70		88	
April 17	"	John Holland	71	8	79	
Oct 21	"	H. Warner	72	24	75	
Aug 9	"	J. S. Reed	73	1	36	
Sept 5	"	H. C. Wickliffe	74	6		
May 25	"	E. A. Telford & Co.	75	86	76	
Jan 23	"	H. Brown	76	8	65	
Mar 19	"	E. Clarke	77	7	50	
1851	"	Deolin & White	78	50	78	
Jan 24	"	James March	79	1	50	
1850	"	James March	79	1	50	
Nov 27	"	C. Reid	80	1		
1849	"	C. Reid	80	1		
July 23	"	J. W. Scott	81	13	77	
1850	"	J. W. Scott	81	13	77	
Jan 12	"	A & B. H. Halls	82	2		
Nov 19	"	A & B. H. Halls	82	2		
1850	"	H. Fischer	83	4		
April 1	"	C. Ashurst	84	10		
Dec 17	"	W. P. Browning	85		62	
April 16	"	N. L. Finnell	86	1	50	
Mar 7	"	Lackson, Co & Co.	87	1	63	
		Am't carried forward.	\$3543	36/4	\$5281	55-

Elizabeth S. Lodd Administratrix

In Account

with Estate of Robert S. Lodd decd

1849	To -	Am't of Sale Bill of property sold			
Sept 29		in Fayette & Franklin counties.			
		See Sale Bill on file			\$2333 33
	"	Additions to Sale Bill, Articles omitted viz			
	"	Sale of negro man Bill	\$600		
	"	Silver Spoons purchased by Admr.	35		
	"	1/3 of the price of an old Piano sold to Paul Schmidt at \$100.	33	33	
	"	Balanced collected from Branch Bank	9	86	
	"	1 Share and \$77.20. Lexington & Frankfort Rail Road Stock at 85°	150	62	
	"	Hind of Harvey and Chaney for balanced of 1849, as per Inventory	25		853 81
	"	Rail Road Stock at 85°			43 09
1850	"	Hind of negro man Harvey, 1850			100 00
	"	" " Chaney "			50 00
	"	" " Penn "			
	+	Levi O. Lodd's note uncollected			15 00
	"	Rent of 38 acres of land retained by the Admr. 1850			50 00
	"	Rent of house in Lexington 1850			250 00
1851	"	Hind of Harvey 1851			100 00
	"	Susan Cook's note for hire of Chaney for the year 1851, paid in part.			60 00
	"	Hind of Penn 1851.			20 00
	"	Rent of 38 acres of land retained by the Admr. 1851			50 00
	+	Rent of house in Lexington 1851, collected by Levi O. Lodd.			
		Am't carried over.			\$4125 23

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1857	Amt brot over			\$4125 23
+	To - Levi O. Loomis note			36 20
"	Amt rec ^d of Oldham Loomis & Co pr vouchers & Recps of W. H. Rainey			11 20 12
	Total Assets			\$5281 55
1849	Disbursements			
Sept 14	By - R. S. Loomis & P. Bishop's note	1	\$400	
" 13	" L. C. Roberts	2	24 75	
Oct 8	" J. Delph	3	30	
" 5	" H. A. Humphreys	4	7 50	
Nov -	" J. T. Davidson	5	13	
May 3	" Sheiff Fayette Co.	6	2 25	
1852 June 29	" Letcher & Bell	7	9	
	" Rail Road Tax	8	102 42	
	" J. Swigert	9	75	
1849	" Sheiff Fayette Co	10	39 23	
	" D. Warner	11	40 57	
1852 Mar 19	" S. Wolverson	12	10 50	
	" Leonard Taylor	13	4	
1850 Mar 30	" David Tweedie	14	3 45	
1850	" Sheiff Franklin Co	15	8 30	
"	" R. S. Loomis note to John Loomis			
"	usury deducted,	16	887 12	
July 19	" Taylor & Shelly	17	14 18	
June 24	" William Short	18	1 50	
	" Bodley & Cords	19	8 25	
1857 June 8	" John Smith	20	6	
Mar 7	" C. W. & W. Poindester	21	2 95	
	" James A. Grinstead	22	1 62 1/2	
1849 Oct 9	" H. Leter	23	60	
1857	" J. T. Willon	24	11 27 1/2	
Feb 17	" William Risk	25	1 92	
May 12	" E. M. Ayres	26	29 05	
	Amt carried forward			\$1660 19 55

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1850	Amt brot forward			\$1660 19 55
Oct	By R. H. Davenport	27	1 50	
"	James A. Grinstead	28	10 25 1/2	
1850 April 8	" John P. Cannack	29	53 50	
1857 June 4	" Kentucky Penitentiary	30	5 60	
	" F. McLean	31	4	
1850	" W. L. Price	32	10	
"	" W. Robertson	33	47	
1857 Feb 7	" A. W. Macklin	34	8 84	
	" Joseph Milward	35	26 50	
1857	" Sheiff Franklin Co	36	17	
Aug 7	" D. Warner	37	22 50	
Nov 25	" Kellogg & Clarke	38	42 54	
1849 Dec 22	" A. Harwood	39	39 03	
1850 May 20	" Mc. B. Morrison	40	29 75	
1849 Aug 20	" Mc. B. Morrison	40 1/2	58 25	
1850 July 24	" Swift & Robbins	41	23 95	
1850 June 14	" G. B. & A. H. also	42	20 25	
1850 June 4	" Sheiff Fayette Co	43	760 99 3/4	
Sept 23	" J. Lanchart	44	131 34	
Aug 27	" Office New York Albion	45	18	
June 4	" C. C. Norton	46	5 26	
1849 Aug 15	" W. C. Wickliffe	47	15 50	
1850 Aug 21	" William Poindester	48	3 87	
	" Pew Rent	49	15	
1850 Dec 18	" W. H. Higgins	50	37 78	
Nov 20	" Mc. Pruden	51	22	
Feb 14	" J. F. Miller	52	3 60	
June 29	" B. Martin	53	3 50	
1850 April 11	" Mrs. A. Reals	54	10 64	
" 18	" Frazer & Gaugh	55	50	
1857 June 3	" H. C. Shaw	56	3 25	
1850 " 4	" Dudley & Cartey	57	14 60	
" 9	" John B. Allen	58	3 82	
	Amt carried over			\$3189 81 1/4 55

Report of Comrs
Returned & noted
July 1852
Wm of Reddell
George R. D. Wood
against
of
James Adams

1851		Am ^t brot forward	\$3543	36 1/4	\$5281	55-
Jan'y 24	By -	Henry Watt	88	35		
" 11	"	James C. Butler	89	14	31	
" 17	"	Bailey & Ferguson	90	35	32	
	"	Mo. P. Ellis	91	1	25	
1850						
Jan'y 4	"	J. R. McGowan	92	34		
	"	A. T. Skilman	93	4	66	
	"	W. H. Holmes	94	99	30	
July 25	"	J. Huggins	95	2	60	
Nov 21	"	J. F. Miller	96	3		
1851						
Jan'y 29	"	J. W. Cochran & Co	97	57	33	
1850						
Mar 20	"	J. B. Houston	98	12		
1852						
Jan'y 28	"	Elley & Sheppard	99	1	13	
" 27	"	Henry Bell	100	47	60	
1850						
Dec 12	"	W. Pullen	101	5	25	
" 25	"	L. P. Young	102	8	60	
1852						
Jan'y 29	"	J. H. McLaughlin	103	10	50	
1849						
May 23	"	W. S. Goodloe & Co	104	49	64	
1852						
Jan'y 28	"	J. S. Wilson	105	1	50	
" 31	"	B. F. Johnson	106	4	76	
1849						
May 1	"	W. C. Humphreys	107	6	87	
1849						
Aug 19	"	Grant & Miller	108	19	25	
	"	Mo. C. Johnson	109	100		
	"	Am ^t to be deducted (See Deposition, Vol. of W. C. Humphreys)				
	"	viz 2 broken chains sold to Jett		2	10	
	"	3 Calves sold to Mr Allen		21		
	"	Bolster & Pillow sold to L. Combs		3	60	
	"	Am ^t paid J. Milwauk for mending 2 chains sold to J. Henderson			75	
	"	5 per cent Com ^r on \$4118.68 1/4		205	94	
		Am ^t carried over		\$4324	61 1/4	\$5281 55-

Amts brot over
Balances in the hands of Admr^r

\$4324 61	\$5281 55
956 94	
\$5281 55	\$5281 55

1852

Feb 17 To Balance in the hands of Admr^r

\$ 956 94

George R. C. Todd
against Report of Comr^r
R. S. Todd's Admr^r

The undersigned as Commissioner in this suit, has stated and settled the Accounts of the said Admr^r, and finds, that there has come into her hands the sum of \$4161.43- that there was advanced to said Estate by the firm of Oldham Todd & Co. the sum of \$1120⁰⁰ - with all of which, said Admr^r is charged. It appears, she disbursed the sum of \$4118.64, upon which your Commissioner has allowed her a Commission of 5 per cent, amounting to \$205.94. The Amount advanced by Oldham Todd & Co was not received or disbursed by her, but was disbursed by Levi O Todd. Your Commissioner has allowed her Credit for the said sum so disbursed, but has not allowed her Commission on that Amount. He refers this question together with the Deposition of Wm H. Rainey on that subject, marked (A) Your Commissioner would further state, that Compt sought to charge the Admr^r with some silver ware, which he has not included in the settlement, and he refers this question to the Court, together with the proof taken in relation to the same, marked (B) He has also allowed the Admr^r Credit for certain deductions from the Sale Bill, at the end of the

Settlement, and he submits this question also to the Court on the Deposition of W. C. Humphreys marked (D) The Commissioner would state, that the foregoing Settlement with the Admr^r was commenced on the 29th of January 1852, and continued at intervals, until the same was completed, and which, together with this Report, is respectfully submitted to the Court.
February 17th 1852
James L. Allen

Decr 6. Aug 1852

Wm. Allen &
Carter August 23rd
1857.

Wm. Allen

Wm. Allen

Wm. Allen

Wm. Allen & his { The cause coming on for being upon
that branch of the case which prays for a sale of the
house & lot in Lexington lately occupied by Robert S. Todd
upon the bill answer & exhibits of the parties & the Commission
report which has been heretofore returned & approved, & the
Court being advised is of opinion that a sale of said
house & lot is necessary for the purpose of division, & to the
interest of the heirs of said Robert S. Todd. At the widow of
said Robert S. Todd having consented to a sale of her dower interest
absolutely, & the Commission of the Court having allowed her the
sum of \$19⁵⁰ out of each \$100. of the sale money, absolutely in
lieu of her dower, it is therefore decreed & ordered that the house
& lot above mentioned be sold on the premises at public auction
to the highest bidder, after being first advertised for at least
four weeks in one of the newspapers published in Lexington, setting
forth the time, terms, & place of sale.

Wm. S. Redd is appointed Commissioner to make said sale
upon a credit of 6-12-18 months, taking bond with good security for the payment
of the purchase money, having the form & effect of a plain bond, & being interest from the day of sale.
He is directed to make a deed to the purchaser conveying all
the right title & interest of the widow & heirs of Robert S. Todd,
to the purchaser, & after the expiration of the present lease deliver the
possession of the property to him, he is directed to pay over the
portions of the sale money which belong to them to the widow ~~there~~
and adult heirs as it falls due, & to pay over that portion then
of which belongs to the infant heirs to their guardian as soon as
a bond with sufficient security to be approved by the ~~Court~~
~~the~~ Court shall have been filed in this suit, in the penalty of
twice the amount of the money belonging to said infants from said
sale, conditional according to the requirements of the ~~statute~~ ^{provisions} of the
the sale of infants real estate. Approved February 3rd 1813.

The Court reserves the power to affirm or set aside said sale
& to dispose of the portion of the money belonging to the infants
as may seem best for their interests. The Commissioner is directed

I report his proceedings under the decree I could