

G. R. C. Todd

or

R. S. Todd's Att & others

G. R. C. Todd, filed his own affidavit
to which they have before made oath in the Clerk's office
& that of M. S. McChesney & Thompson moved the Court to
set aside the order made herein on the day of
October 1852 granting the sale of the slaves, from
& Harvey to him, & to require the Commissioners to carry
said sale into effect. Said Todd also offered to pur-
chase the slaves at the residence of the slaves at \$5. above
the appraisement, and to execute his bonds for
the same with good security. He also moved
the Court, in case the foregoing motions should
be overruled, to make him an allowance
for his expenditures upon said slaves since his
purchase. All of which motions are by consent of
parties submitted to D. McLe Payne Esq. to sit as
Judge of this Court, who will ^{decide} ~~decide~~ the motions
on Saturday next, when either party may produce
further affidavits in support or defence of their ~~positions~~ ~~positions~~.

Arrison Agent for Todd

Robinson & Johnson for

Todd's agent & him

Toad

ⁿ J. Consent Order

Toads Admⁿ Go
Entered 23. October
1832

David C Humphrey states that after the slaves in controversy had been appraised, he informed the Commissioner W S Read, that Men E & L Todd would give the valuation for them. W. Read closed with the offer, and informed him that he would prepare the bond in a short time. This affiant agreed to be security for Mrs Todd and was accepted as such. Affiant considered the purchase as having been made and only requiring some formalities to consummate it, which this affiant was ready at any time to complete - Affiant never heard of any change in this matter, until on his arriving at home one evening, his wife informed him that George H C Todd had been at his house during his absence, and had got the slaves Harvey & Penn. This affiant immediately followed on to the place where he learnt that George H C Todd ~~was~~ had stopped for the night, and from him learnt that he had purchased the slaves Harvey & Penn of W. Read the Com^r. Affiant then proposed to George that he should also take Chancy & her children, which George refused saying they would not suit him.

Affiant is Guardian of ~~one~~ ^{one} of H. S. Todd's children and he considers it the fairest & best mode of settling the matter that they should be set up at public auction as ordered by the Court. - This affiant thought that Chancy & her children were valued ~~too low~~ too high and Harvey & Penn too low. This affiant also states that Harvey & Penn had good & sufficient clothing for farm hands, that is he furnished Harvey with 3 pair pants 2 shirts a pair shoes & a hat. that Penn had 2 pair pants 2 shirts a hat & a pair shoes all given them in the month of May, that they returned to his house without any clothing as I have been informed & taken except the clothing as then

their backs & that if said Todd furnished
them with bad clothing, the boys did not
bring any to ~~my~~ his house.

J. Humphreys

Sworn to before me

this 27th day of October 1852.

James L. Allen Examiner for Fayette County.

Mr. E. S. Todd states that when George K. Todd came to her house to see the slaves of R. S. Todd's estate, he enquired of her if she had purchased the slaves, that Mr. Reed being absent he could not learn it from him, and had concluded to come down and see the slaves. She informed him that she considered and thought she had purchased them. George stated that his means were limited and he wished to buy a servant as a nurse. On looking at Chaney and her eldest child he stated that ~~she nor her child~~ ^{they} would ^{not} suit him, and he thought they were valued high, to which she agreed that they had been valued very high. George then enquired for Harvey and Penn, and she informed him that they were at Mr. Humphreys. George enquired of her what kind of a looking boy Harvey was, she informed him that he was a stout looking person. He enquired if Harvey was as ~~the~~ tall as himself, she told him that Harvey was as tall and stouter and had a scar on his forehead. He then enquired about Penn when she told him that he must know Penn as he had lived with Levi, and had been whipped a good deal. George replied that he did remember him, and had heard that he was of no account. She mentioned ~~that~~ that Penn had been subject to a bleeding at the nose; ~~where~~ ^{which} George seemed to remember Penn, by the circumstances she named to him. This was the substance of the conversation, she did not state that Harvey or Penn were valued too high, nor was anything said about their value, nor did George express any wish to

purchase them. ~~the further~~ ^{nor did she} ~~state~~ ^{she did not understand} George
as wishing to purchase Harry or Penn. and did not mention
the fact of the scar on Harry's forehead, or Penn's liability to bleeding
at the nose for the purpose of disparaging the slaves, but of describing
them truly.

Octo. 26. 1852.

E. L. Todd

Sworn to before me

this 27th day of October 1852.

James L. Allen Examiner, Fayette County

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G. R. C. Todd

R. S. Todd's admr &c

The motions of G. R. C. Todd as entered on the 23^d day of October coming on to be heard, The said George R. C. Todd read in evidence the order appointing J. R. Sloan & Walter Rodes com^s to appraise the negroes in the Petition mentioned - also their appraisement returned & approved Sept^r 4. 1852 - the decree of sale entered the same day - the report of Tho^s. S. Reed & com^r. entered ~~at~~ ^{on} Oct^r 16. 1852 - also the affidavit of William McChesney & of himself on file among the papers - also his written offer to take the woman & children at the appraised price & in connection therewith his bond to the com^r with Dr J. R. Desha as security for the appraised price of said negro woman ^{& children} payable according to the provisions of the decree of the 4th Sept^r 1852 - which bond was offered to the Court as the purchase price of said negro woman & children - The s^d Geo. R. C. Todd also read the Petition of G. Remington sworn to - all which papers are on file in this cause and are now referred to & made a part of this Bill of Exceptions -

Then read the
The defendant ~~Elizabeth R. Todd~~ ^{Elizabeth R. Todd} then read her affidavit ~~of~~ ^{of} D. C. Humphreys - both on file in this suit - also made part of this Bill of Exceptions - which being all the evidence offered on the hearing of the said motion of Geo. R. C. Todd, the said motion was then & there over-ruled - to which order & judgment overruling his said motion the said Geo. R. C. Todd then & there excepted & caused this his

Filed
J. R. Sloan
Entered by Clerk
November 1852
J. R. C. Todd

Bill of Exceptions to be then & there signed &
Sealed & made part of the record

Commissioner's Sale.

George R. C. Todd, complainant,
against
R. S. Todd's, adm'r and heirs, def'ts. } In Chancery.

BY virtue of the decree of the Fayette Circuit Court, rendered at the August term, 1852, in the above cause, I will sell to the highest bidder, on **Thursday, the 3d day of February, 1853, the TRACT OF LAND** directed to be sold by said decree, lying and being in Franklin county, on the Waters of Dry Run, containing about forty acres, adjoining the farms occupied by Mrs. E. L. Todd, and the farm formerly owned by E. M. Ayres. The sale will be made on the premises, commencing about 11 o'clock A. M., on said day, on the following terms: Credits of 6, 12 and 18 months, equal installments; bonds with good security, payable to the Commissioner, having the force and effect of a promissory note, but without interest, until maturity. Possession given 1st March, 1853.

W. T. HERNDON, Com'r.

Jan. 12, 1853—weekly td.

Lex. Observer & Reporter insert weekly to amount of \$2 and charge this office.

Mr J Herndon, Com'r.
To Advs Hodge & Co Lx
To publishing the aforesaid notice
of Sub. & terms Weekly in
the Frankfort Commonwealth
commencing 12th January 1853. 2.00
Paid Lexington Observer and
Reporter for Adv. Same 2.00
Feb 4th 1853 \$ 4.00

Hodges H²

ap^e
advertising

\$4.50