

Edward Strife
Wallan Strife
Smith Strife
Lincoln Strife

Todd's At & Todd's Adm't

Exceptions to Com's Report

Pltfs except to the Com's Report

herein -

He has charged each one of the said parties too much in the shape of advancements -

Edward Strife should not have been charged with the \$400 of land, at all - if it all with only \$225 - instead of \$400 And too much also for the spoons, &c

So also of the advancement to the others

Buckner &c for Pltfs -

In the Hon^{ble} the Judge of the Fayette Circuit Court
in Chancery sitting humbly Complaining your Ora-
tors Amian W. Edwards and Elizabeth his wife
Abram Lincoln and Mary his wife ~~Mark~~ Smith
and Ann his wife William Wallace and Francis his
wife Levi O. Todd and George R. Co. Todd would
respectfully represent that the Children and husband
of the daughters of the late Robert S. Todd now
deceased by his first wife also long since deceased
Their Father dies on the day of 1849
intestate and his widow Elizabeth took out Letters
of Administration on his estate in the County
of Fayette which was the County of his residence
at the period of his death, He left besides
themselves the following persons his heirs at
law, to wit Margaret married to Charles Kellogg Martha
married to Clement White Samuel Todd, David Todd Emily Todd Alexander
Todd & Jane Todd ^{Catharine's Todd} the last seven of whom are still
infants, and the first two of whom ^{& the 5th David} are nonresidents
of the Commonwealth of Kentucky.

That at his death their Father left a large
and valuable estate both real & personal, con-
sisting chiefly of a house and lot in the City
of Lexington worth \$5500. Slaves of the value
of \$ a tract of land in the County of
Franklin of the value of \$ being, also a
tract of land in the County of Barren worth
\$500= One third of the property owned by Aldham
Todd & Co which share was worth \$16000= with-
out including much of the goods on hand accout-
rements &c &c, which latter as they understand were
abundantly sufficient to pay all the debts
due from him whether as one of the Partners or
as an individual.

That their Mother inherited from her Father
a tract of land in the County of Fayette which
was sold and Conveyed by their Father to various
persons, and their Mother failed during her
life time to Convey said land by any Convey-
ances that was binding upon her, and the said
Conveyances so made by their Father of said
land was so far as their Mother was con-
cerned absolutely null and void. They file
herewith a copy of said Deeds & pray that
the same may be considered as part of
this Bill.

That after the death of their Father they
brought suit by an action of ejectment in
the Common Law Side of this Court, against
John Parker William & Mary Edge and Ezra Loomis
the tenants in possession of said land, and
the same coming on for trial they were de-
feated from a recovery by reason of their
having received by descent from their Father
assets to the value of \$8000 that being the
value of ^{the} land sued for, according to the
Statute provided in said Cases.

Your Orators has thus to bear the whole
burden at Common Law of the Warranty
of their Ancestor on said lands, which is
Contrary to equity. Since his whole estate
ought to bear it.

To the end therefore that equality and equity
be done in the premises Your Orators pray that
said Elizabeth Adm'r of Chas Kellogg & Margaret his wife Clement ~~the~~ ^{the} Mother
his wife Samuel Joda David Joda Emily Joda Alexander Joda of Jane Joda
Leatharius Joda
May be made Defendants to this Bill & be compelled

8
true & perfect answer to make to the several
allegations herein contained as fully as if
the same were repeated by way of special in-
terrogatory, and on a final hearing they pray
that the estate of their Father the late Robert L.
Todd may be made to bear the burden of the
warranty under the said debts, and that they
be released & relieved from any loss by reason of
said Statute except their proportionate share &
that the share of the other His of said Robt L. Todd
be paid over to them.

They pray for general & special relief &
will ever pray &c.

Kinshead & Bucknidge

Carr & Atwood pg

John

5
Daddy
Merrill
1844

Bill

David. Adam & Co

Philip and J. C. Chapin placed
apart since 3rd of Feb. 1857.
The Acts of church B.

Ad. 7. 1. 3. 6. 8. 1. 1.
Ed.

The Commonwealth of Kentucky,

To the Sheriff of Franklin County, Greeting:

You are hereby commanded to Summon Elizabeth Todd
Administratrix ^{of Robert V. Todd deceased,} & Charles Kellogg & Margaret his wife
Clement White & wife, Saml Todd, David Todd, Emily Todd, Alexander
Todd & Anne Todd & Catherine Todd

to appear before the Judge of our Fayette Circuit Court, at the Court-House in Lexington, on the
first day of our June Court, to answer a Bill in
Chancery filed against them by Minian W. Edwards
& his wife, Clarke Smith & Ann his wife, William Wallace and
Francis's his wife, Levi O Todd and George R. L. Todd

And this they shall nowise omit, under a penalty of £100; and have then there this writ.

WITNESS THOMAS S. REDD, Clerk of our said Court, at the Court-House aforesaid, this
5th day of June 1851, and in the 60th year of the Commonwealth.

Thos. S. Redd

Todd's Hairs

n) Chy Shoe

Todd's Adm r & d

To Ince Court
1837.

Frau Klu County

Kia Koa & Brickhand
Carr & Alwood

State of Kentucky Franklin County

Mr & L Todd made oath before me ^{police Judge of} ~~a Justice of the~~
City of ~~Frankfort~~ ^{Frankfort} that the statements of the foregoing answer
so far as made from her own knowledge are true and so far
as made from the information of others she believes to be true
Witness my hand this 31st day of Jan'y 1882

James Shannon J. C.

Todd Heirs

Witness of
R. L. Todd
Adm'r &c

Todd Adm'r &c
Filed & noted Feb
3 1882

The Answer Elizabeth L Todd administratrix of Robert S Todd dec'd.
also of Maria Todd, Emily Todd, Jane Todd Alexander Todd and Catharine
Todd by their mother and next Friend Guardian ad litem Elizabeth
L Todd to a Bill in chancery filed against them in the Fayette
Circuit Court by Minnie W Edwards & others.

These defendants for answer say, that it is true that Robert
S Todd departed this life, that the defendant Elizabeth L Todd
administered on his estate, and that complainants and defendants
are his heirs and representatives as stated in the Bill. It is also
true that he did dispose of the property named in the Bill with
the exception of the tract of land stated to be in Warren County.
He has a small piece of land lying in Russell County, but none
in Warren County so far as is known to them.

The defendants further answering say that the deeds referred
to in the Bill will show the land sold by R S Todd, the price
received for it, and the consent actually given by the mother of the
complainants to the sale and conveyance. These defendants believe
that complainants mother approved of and consented to the sale of
the land, and the same appears from the acknowledgment on the
deed, though it is technically defective for signing her full name
title. They are also advised that the record and proceedings in the
equitable suit referred to will show the grounds of the failure
of the complainants in said suit. That these defendants do not
admit that the defendants or other heirs of Robert S Todd dec'd. are
bound in law or equity to contribute anything on the warranty
of said Todd for said land. They contend that his warranty has
never been broken, no recovery of the land having been had. And they
further contend that if liable in equity at all, it would be for
only their proportion of the price received by said Todd for said
land and no more. As a reason for their not being bound in
justice and equity for any part of said warranty, they would state
that said Robert S Todd invested all his means from the sale of
said land, and as they believe, three times as much more in building
a dwelling house and other improvements on a part of a lot
to which the mother of complainants jointly with the other heirs

of her deceased father, was entitled after the life estate of Mrs Parker the mother of Complainants mother. The buildings and improvements were put on said lot at the instance of the mother of complainants, and consent of her mother the other co-heiresses. Said improvements were valuable and expensive, and cost as they believe at least \$10,000. And the complainants have received the entire benefit of said improvements, said Robert S Todd having passed to them his title thereto, and thus vesting them with a good equitable title thereto as against the co-heirs with their mother of said lot. And their equitable title has been acknowledged recognized and perfected by a decree of this honorable Court in the division of the estate of James Parker dead among his heirs. The decree in said suit is referred to as part of this answer.

These defendants further by way of answer and cross bill charge that Robert S Todd during his lifetime made advances to a considerable amount to each of the complainants which should be charged against them and deducted from their shares in the division of his estate.

1. He advanced to all said Complainants the rents and profits of the house and improvements aforesaid, amounting to about two hundred fifty dollars per annum for a period of about years before his death.

2. To Levi O Todd one of complainants, he advanced fifteen hundred dollars in money when he commenced business in Louisville, and afterwards paid for him in relieving said Levi from debt, ^{about} one thousand dollars, besides several smaller debts, such as \$30 to Tod & Pray \$103⁵⁰ to George Stewart, \$160 to G & L Cotton & \$50 to J. Brown.

3. To George R Todd one of complainants, he made many advancements after his arriving of the age of twenty one year, in paying his board and other expenses, in paying for his medical education, purchasing medical books, and otherwise advancing him money, they are unable to state the amount with precision but believe it exceeds \$1000 —

4. To Mrs Ann Smith one of complainants, he made advances in money to her at various times amounting to \$724.⁰⁵

5. To Mrs Francis Wallace, one of complainants, he advanced annually for several years \$120 per annum, which with other sums of money advanced, and 80 acres of land at the price of \$400 make, in all about \$1450⁰⁰ advanced to her

6. To Mrs Mary Lincoln one of complainants, he also advanced for several years \$120 per annum which with other sums of money advanced and 80 acres of land at the price of \$400 make in all \$1137⁵⁰ advanced to her.

7. To Mrs Elizabeth Edwards one of said Complainants he also made some advances the amount of which the defendants cannot state, but believe the same can be stated accurately by the complainant Minnie Edwards & wife. Said R S Todd conveyed to ~~her~~ ~~daughter~~ the daughter of Mrs Edwards 80 acres of land at the price of \$400, which defendants believe was intended by said Todd as an advancement to equalize ~~the~~ Mrs Edwards with the other daughter. The circumstances under which said land was so conveyed they do not know, but call on Edwards & wife to say if it was not at their instance and with their approbation.

The defendants further say, that the allegations in regard to the advancements are made chiefly from information derived from R S Todd and from his letters, papers and the books of Otham Todd Esq, which papers and accounts and books have not been thoroughly investigated.

They state that the most of the advancements made to Mrs Lincoln Mrs Smith and Mrs Wallace were made by mistake to the complainant Minnie Edwards, who as they believe from his letters kept an account thereof, and that he can produce said account of said payments.

They believe there were advancements other than those already stated, and they therefore call on each of Complainants to answer under oath separately, as to each and every sum of money and every piece of property of every description advanced or given to each of them after they severally arrived of age, also what sums of money he paid each of them in discharging debts due by them or either of them.

And on final hearing may the estate of said R S Todd be divided legally among his heirs and representatives, charging each child with the advancements made to each with such other relief as is equitable.

The Commonwealth of Kentucky,

To the Sheriff of Franklin County, Greeting:

You are hereby commanded to Summon

Alexander Todd

to appear before the Judge of our Fayette Circuit Court, at the Court-House in Lexington, on the
13th day of our present August Court, to answer a Bill
in Chancery exhibited against him & others
by Minnie E. Edwards, Elizabeth Edwards,
Abram Lincoln ~~Wally~~ Lincoln, William Wallace
Frances Wallace, Eliza H. M. Smith, Ann Smith
Levi O. Todd and George R. C. Todd
And this he shall no wise omit, under a penalty of £100; and have then there this writ.

WITNESS THOMAS S. REDD, Clerk of our said Court, at the Court-House aforesaid, this
3 day of August 1852, and in the 61st year of the Commonwealth.

Thos. S. Redd
J. A.

Entered on Alexander Todd
August 11th 1852 -

Wm L. Henderson Esq

Todd's Hrs

2nd } Chy Spoc

Todd's Admⁿ to
To August Term
1852

13th Day.

Franklin Esq

Thomas W Bullock Com^r in the
Case of Todds heirs against Todd & Am^r & C^o
will pay James R Curry ~~for~~ the amount
concerning to me in said Case except ten
dollars

Geo. R. C. Todd
M

accepted to be paid if it
should turn out that
any thing should come
in to my hands as
Com^r in said Case

Thos W Bullock
Com^r

Pay the within to William L Kelchney
J. R. Curry
Jas W
J. R. Curry
J. R. Curry

Wm L Kelchney
J. R. Curry
J. R. Curry

The Commonwealth of Kentucky,

To the Sheriff of *Franklin* County, Greeting:

You are hereby commanded to Summon *Samuel B Todd Emily*
Todd Alexander Todd Jane Todd Catherine Todd

to appear before the Judge of our *Fayette* Circuit Court, at the Court-House in Lexington, on the
1st day of our *next term* Court, to answer an original
Bill exhibited against them by *Marian Edwards*
Elizabeth Edwards Abram Smith Mary Smith William
Wallace Frances Wallace Charles M Smith Ann Smith
Levi C Todd & George R Todd

And this *they* shall no wise omit, under a penalty of £100; and have then there this writ.

WITNESS THOMAS S. REDD, Clerk of our said Court, at the Court-House aforesaid, this
28 day of *April* 184*2*, and in the *60* year of the Commonwealth.

Thos. S. Redd

Executed on Emly. Todds. James Todds.
+ Catherine Todds. May 27th. 1832. After
not found - Jas Robinson D.D. for
W. J. Henderson & Co.

Todds Acins

Chy Spoo

Todds Adam & As

To Jane Tera
1832

Carra Alwood
p 2

Respondent states that his said Father
did not advance him money as a gift
but loaned him the amt mentioned
apassaid bond which respondent paid
as appraised - Respondent states that
is determined after payment made to
be expended here in the his
costs -

L A Todd

Personally appeared before me Levi
Boad who made oath that the statements
contained in the foregoing answers are true
to the best of his knowledge & belief and
so far as they are derived from the infor-
mation of others he believes them to be
true - Given under my hand this
26th day of May 1852

Found them
 W. W. of these
 W. of these
 Found again
 Found at
 16th 1852
 The 1st of March

— Respondent for answer to so much of said answer & crop Bill as he is advised is material & suits. That it is true that he & the other coheirs of his mother the first Mrs R Stoddard instituted suits of ejectment against John Edgar & others in the Fayette Circuit Court for the recovery of the tract of land mentioned in said crop Bill but respondent states said suits were decided upon technical grounds ^{only} against the plaintiffs the defendants in said suits being protected by a statute by which the plaintiffs were barred from a recovery to the value of real assets descended to all the coheirs of R Stoddard dec^d and that the amt from which they were so barred was the present value of the land to wit \$8000. & not the price paid for it —

- Respondent was very young at the death of his said mother and knows nothing of the circumstances of the said sale & conveyance of the aforesaid tract of land except what the deeds & records show to all the world -

Respondent states that in 1832 that his de-
ceased father erected a dwelling house on
a lot which has since been divided among
respondents Brothers & sisters and himself
as part of their share of the estate of their
grand Father Robt Parker deceased but
he denies that the dwelling and improve-
ments so erected but he was built entirely

out of the proceeds of the ^{or any part of it} ~~land~~ ~~sold~~ ~~afore~~ and Respondent does not know whether the lot was built upon or the improvements put upon it ~~afore~~ as the instance of his said Mother. Respondent states that the value of said house improvements & lot itself ^{was} ~~was~~ estimated by the ~~com~~ ^{was} appraised to value it at \$ dollars and has subsequently been sold at \$ 4500 dollars.

He states that ~~whether~~ it is true that R S Todd advanced to all the complainants or to any of them the rents and profits of the said house & improvements amounting to \$250 per year for a period of years or to any amt whatever - or for any period of time ^{as his said Father always upto his death} received the said rents himself or through an agent when absent. The lease was always taken in his own name and he ~~at~~ applied the rents all of which he received to the the uparing of said ^{house} ~~or to his~~ own ~~use~~ proper use.

Respondent further answering states that it is true that in the year 1838 his said Father ^{loaned} ~~to~~ respondent \$500 at four months which amt was paid back by respondent to his said Father when he was in Louisville shortly afterwards. Subsequently he loaned the sum of McMain & Todd the further sum of \$1000 Dollars for which ^{when} ~~which~~ said loan became due said Todd received notes & acts and goods to the amt of \$750 Dollars which amt was received in satisfaction of the debt up to the time of

as Respondent was unfortunately in his ^{particular} ~~business~~ ^{business} with said ~~business~~ ^{business} - of his death. Respondent states that after this loan said Todd never ^{loaned} to him one cent in money or otherwise except the amt mentioned hereafter. Respondent admits he owed said Todd & Pray an act of \$30 that Respondent was not able to pay them and R S Todd assumed the payment thereof - but this Respondent believes and so states that it was never collected or paid ^{by R S Todd} but is still due to respondents last knowledge. R S Todd also repaid George Stewart act of \$105 against respondent but respondent states he afterwards paid said Todd the said amt. ^{in full} Louisville when said Todd came there on business.

Respondent denies that R S Todd paid Geo A Coltons rents for \$100 - as respondent paid it himself and has the note in his own possession now. He admits R S Todd paid Jas Cronies act of \$50 or more but it was repaid by Respondent out of his salary when he was a Clerk of Oldham Todd & Hemmingsway and is charged to this respondent on the Book of said company. He states also that his said Father has given him various sums of money such as \$5 \$10 or \$15 ^{\$20} Dollars to be used for his own ^{Todd's benefit} (such as elections) and respondent did as appropriate it. Respondent also admits that since he has been housekeeping his said Father gave him a second handed Coffin worth five dollars and that Respondent

Dodds H^g

Ordered that this cause be
referred to Tho^s S. Redd to as-
certain the amount character
and value of the advancements made
by Robert S. Dodd in his life time to his
Several Children. Also to ascertain the value
of the improvements made by said Robert
S. Dodd on the lot belonging to the late Robert
Parker at the time they were made, and
also their value at the time of his death,
or at the time they were surveyed, and
also the value of a tract of land sold by
the said Robt S. Dodd during his life and
which belonged to his first wife at the
time of said sale and at the death of
the said Dodd.

166
60
99 60
40
100 00

Johns 45

O { Order

Johns 45

Entered June 14

1853

No. 1 of Biddle