

1877-001 Chancery Causes: Farmers and Merchants Savings Bank vs Eliza Todd, Everard M. Todd
Isle of Wight County +al

other surnames - Bunkley,
Southall

To the Hon George Blow Judge of the Circuit Court of
Isle of Wight County

The undersigned Augustus Bunker
Receiver in the suit of the Farmers Merchants Savings
Bank Smithfield Va. vs Todd & ap. respectfully reports to
the court that pursuant to the annexed decree of said
court in said suit of October Term 1876, he paid to Eliza
Todd & Eliza Southall jointly the sum of \$47.44 as
will appear from their receipt therefor herewith filed.
That on further pursuance of said decree he collected
the further sum of \$204.67 proceeds of sale of the
crops of farm as per statement A herewith filed.
That after paying there out commissions & expenses
\$19.75 there remained in your Receivers hands the sum
of \$184.92 as per-

Statement "B"

1877 Jan 1	Commissions on \$252.11 @ 5%	12 50	
	Paid for labor	1 25	
	Selling & delivering produce		
	two days @ \$3.00 per day	6 00	19 75
	Bal in hands of Receiver		184 92
			204 67
	Proceeds of sale as per statement A	204 67	
		\$204 67	\$204 67

The said balance of \$184.92 was paid jointly pursuant
to said decree to Eliza Todd & Eliza Southall as shown
by their receipt herewith filed.

All of which is respectfully submitted
Jan 1st 1877

Dee of Right Circuit Court October 21st 1876.

Farmers + Merchants Savings Bank. Plffs.

Against $\frac{3}{4}$ In Chancery

Edward M. Todd, Eliza Todd, John M. Todd, R. A. Todd in his own right, + as Trustee of Edward M. Todd, + of John M. Todd, + Eliza D. Southall, who was Eliza D. Todd. Dfts.

This cause this day came on to be heard on the complainants bill, exhibits filed, the answers of E. M. Todd, Eliza Todd, John M. Todd, Eliza D. Southall and R. A. Todd in his own right, + as Trustee for E. M. Todd and John M. Todd, + the reports of A. Buckley receiver under the order in vacation herein of April 22^d 1876, this day filed by consent of the Court, + was argued by Counsel. On consideration whereof the Court doth a adjudge order + decree that said report to which no exceptions were filed be confirmed + that said Receiver pay the sum of \$47.⁴⁴ shown by said report to be in his hands, + such other funds as may come to his hands as Receiver less of Commissions thereon, jointly to Eliza Todd, + Eliza D. Southall taking their joint receipts therefor, + return the same to Court with his report of his proceedings under this decree, And the Court doth

further adjudge, order & decree that C. F. Day,
W. A. Womble, A. Bunkley, W. S. Simms & James P.
Jordan, who are hereby appointed official
Commissioners for that purpose, any three of
whom may act, proceed to make partition
of the farm whereof John R. Todd died,
seized & possessed in the County of Isle of
Wight & wherein he resided at the time of
his death, and assign 83,120. Eighty
three one hundred & twentieths to E. M. Todd
and assign 37,120 Thirty seven one hun-
dred & twentieths to John M. Todd, setting
of the same by miles & bounds, & employing
at their discretion for that purpose a compe-
tent surveyor; in making said partition
said Commissioners are to have regard to
quantity & quality, but if in the opinion
of said Commissioners, such partition will
be inconvenient, & the interests of share entitled
to ^{the} subject or its proceeds will be promoted
by sale of the entire subject they will so report
with the reasons on which their opinion is
founded, & in any event they will report to
court their proceedings under this decree.
All the parties to this cause having given
in open court their consent hereby
entered of record that this cause shall
be submitted to the judge of the

court in vacation for decision: it
is hereby ordered that the same may
be done.

A Copy Teste

W. A. Canales D.C. for
A. P. Young clerk.

To M. Savin & Co Bank

ps 3

Toad Wals.

Receiver's 2nd Report

Feby. 5th 1847 Filed

partition of the farm whereof John R Toad
did, seized & possessed in the County of
Essex of Right, & whereon he resided at the
time of his death, & assign $83\frac{1}{2}$ eighty
three one hundred & twentieths, to E. M. Toad
& assign $37\frac{1}{2}$ Thirty seven one hundred and
twentieths to John M. Toad setting off the
same by metes & bounds and employing
at their discretion for that purpose a
competent Surveyor, in making said
partition, said Commissioners are to have
regard to quantity & quality, but if in the
opinion of said Commissioners, such parti-
tion would be inconvenient, & the intent
of those who are entitled to the subject
or its proceeds, would be promoted by a
sale of the entire subject, they will sweep,
if the reasons, on which their opinions are
founded, & in any event, they will report
to Court their proceedings under this
decree. All the parties to this cause hav-
ing given in open Court their consent
hereby entered of record that this cause
shall be submitted to the Judge of
this Court in vacation, for decision.
It is hereby ordered that the same may
be done.

A Copy Teste

W. A. Edwards D.C.
for N. P. Young Clerk.

To the Circuit Court of the County of
County

The undersigned C. F. Day
Augustus Buckley and W. S. Guinn, three
of the Commissioners for Partition
under the annexed decree of said
Court at October term 1876, in the
suit of The Farmers & Merchants Savings
Bank vs. J. S. Todd and others respectfully
report to the Court that pursuant
to said decree, they have divided
the land in said decree mentioned
as therein directed, and have
allotted and set apart to E. M. Todd
⁸³/₁₂₀ and to John M. Todd ³⁷/₁₂₀
having regard to quantity and quality
That your Commissioners have
allotted to John M. Todd as his
³⁷/₁₂₀ of said land all that
portion of said farm lying
on Jones Creek, bounded as follows -
Beginning at the mouth of a
small gut, ^{emptying into Jones Creek} between Battery Point
and Mitchells Point. thence up
said gut to the centre of a causeway -
thence up a ravine to a marked
cedar on the centre of a ditch
bank. thence along the said
ditch bank to the end of the

ditch bank. thence about ten steps
in the same course after the ditch
bank to a small pine - thence
in a straight line in the same
course to a ^{Small pine} ~~small~~ - thence in a straight
line to a corner marked on
said ^{Small pine} ~~small~~ to a heart-pine on
the edge of a ravine - thence
up said ravine to a small
marked pine at its head -
thence in a straight line to
a small persimmon at the
head of a ravine on the
Willow Brook road - thence down
a ravine to Jones Creek - thence
along said Creek to the
beginning. That your commissions
allotted the remainder of said
farm which includes all the
buildings to E. M. Todd as his
⁸³/₁₂₀ of said farm.

All of which is respectfully
Submitted.

Nov. 24th 1876. C. F. Day

Wm. J. Grimes

Augustus Bunkley

Farmers & Merchants
Savings Bank
Trs.

Jadd & Co

Report
of
Commissioners
of
Partition.

Decr. 4th. 1896 Filed.

Virginian Newspaper and Job Printing Office.

Norfolk, Va., Dec. 2, 1877

M. C. Hayden, Smithfield Va

To Norfolk Virginian, Dr.

For 25 Papers Sold At 10c each, \$2.50

Received Payment

Dec. 29/77

M. Glennan
per J. S. Cunningham

M. GLENNAN, Proprietor.

Farmers & Merchants Bank

Paid.

vs.

$\frac{3}{4}$ In Chy. in Circuit Court of Shelby & Wight Co.

E. M. Todd & als.

Defts.

Bill of costs to & including De. for sale & cond. bond &c.

Attorneys' fee and writ Tax 16. 50

Clerk Co. let. for copies for exhibits (Paid by self.) . . . 5. 10

Clerk Cir. let. fees in suit [50.] . . . 7. 30

Do. do. (unpaid) Paid A. P. Young - 2. 95

Sheriff's fees 3. 00

Commissioners of Partition, Day, Grimes & Dunkley, Es. & Co., 6. 00

A copy. \$ 41. 87

Teste, A. P. Young clk.

Drum & Merchants Bank

v. 3 Of my bill Costs

Dodd et al.

In the Circuit Court of the County of Westchester.
December 1st. 1876. In vacation.

The Farmers Sellers Merchants Savings Bank . . . Plff.
vs. John Chaucery.

Edward M. Todd, Eliza Todd John M. Todd,
Robinson A. Todd, in his own right and as
trustee for E. M. Todd & John M. Todd;
and Eliza D. Southall who Eliza D. Todd & Heirs:
This cause this day, came on to be again heard
before the Judge of said Court in vacation, in
his chambers in the City of Norfolk, by consent of
all parties entered of record, as appears by the
decree herein of October term, 1876; on the papers
formerly read, and on the report of C. J. Day W. S.
Grimes, and Augustus Brunkley, three of the com-
missioners for partition under the decree herein
of October term, 1876, and was argued by counsel;
on consideration whereof, the Court doth adjudge,
order and decree that the said report, in which
no exceptions are filed, be confirmed, and that
the partition made by said commissioners, as
shown by said report, be held firm and stable
between the parties, and that they be perpetually
bound thereby. And the Court doth further
adjudge, order and decree that, R. A. Todd,
Trustee under the deed of trust from E. M. Todd
in these proceedings mentioned, who is hereby
appointed a special commissioner for that purpose.

shall, proceed to sell at public auction, at Sale
of Wight Courthouse, on some court day, after
having given at least twenty days notice of the
time and place of sale, by advertisement at the
court-house door of said county on some court
day previous to the day of sale, and at other public
places in said county; on a credit of nine
and eighteen months, in two equal payments
with interest from the day of sale, except for
so much cash as shall be necessary to, pay
the costs of suit and sale, that portion of
the farm in these proceedings mentioned
known as "Old Town," of which John T. Todd
did seized and possessed, in the county of Sale
of Wight, being the S^d 1/2 of said farm con-
veyed by the deed of trust from E. W. Todd
in these proceedings mentioned to R. A. Todd
Trustee, containing by estimation four hundred
and fifty acres, be the same more or less allotted
to E. W. Todd by the commissioners of said; and
separated from the portion of said farm allotted
to John W. Todd by said commissioners, by the boundary
line described in said report, to wit: begin-
ning at the mouth of a small gut emptying
into Jones' creek between Battery point and Mitchell's
point; thence up said gut to the centre of a
causeway; thence up a ravine to a marked cedar
in the centre of a ditch bank; thence along

the said ditch bank to the end of the ditch bank; thence about ten steps, in the same course of the ditch bank, to a small vine; thence up a straight line in the same course, to a small pine; thence in a straight line to a corner marked on said small pine to a chest pine on the edge of a ravine; thence up said ravine to a small marked pine at its head; thence in a straight line to a small persimmon at the head of a ravine on the Willow-Crook road; thence down a ravine to Jones' Creek; thence along said creek to the beginning. The said land to be charged in the hands of the purchaser with the payment to Mrs. Eliza Todd of an annuity for life of one hundred and fifty dollars, payable annually, commencing from the first day of January, 1875, and free from the contingent right of dower of the wife of said E. W. Todd. For the credit portion of said sale the Commissioners shall take two bonds in equal amounts, payable, respectively, in 9 & 18 months from day of sale, with interest from date, with sufficient security, and with waiver of the homestead, payable to himself as Commissioner. Which bonds he shall return with his report to court of his proceedings under this decree. But the effect of this decree shall be suspended as to the said sale, until the said Commissioners shall

execute in the Clerk's office of this Court, a bond with sufficient security, and with waiver of homestead, payable to the Commonwealth of Virginia, in the penalty of Five Thousand Dollars, conditioned for the faithful performance of this or any future decree herein. And the Court doth further adjudge, order and decree that this suit be dismissed as to John M. Todd, and Robinson A. Todd, and be under the deed of trust from John M. Todd, in the proceedings mentioned. And that Augustus Funkley, the receiver appointed by order herein of May 3.^d 1846, proceed at once to collect the rents and profits of the farm as therein directed, and pay out the same as directed by decree herein of October term, 1846.
Attest.

Teste, A. P. Young Clerk.

Farmers & Merchants

Savings Bank

vs. Copy decrees.

E. M. Todd & als.

To the Circuit Court of Isle of Wight -
(County, in chancery sitting).

The undersigned R A Todd
Special Commissioner of Sale, under the
annexed decree of said Court of the
1st day of December A.D. 1876, in vacation in
the suit of the Farmers Merchants
Savings Bank of Smithfield vs Todd et
als, respectfully reports to the Court
that pursuant to said decree, after
having given the notice by advertisement
therein required, he offered for sale
at public auction at Isle of Wight Court
House, on Monday the 1st day of January
1877, being Court day, the tract of land
named in said decree. When Eliza C
Southall, being the highest bidder, became
the purchaser of the same for the sum
of \$2500.00. That of said amount -
the said Eliza C Southall paid the
sum of \$108.27, in cash, & for the
balance with Eliza Todd as surety, gave
two bonds for \$1195.81 each, payable respectively
9 & 18 Mos from said day of Sale, with
interest from that date.

That said Cash payment and
said bonds make up \$2500.00

the amount at which said land was

bid off as appears from
Statement A

Cash payment - 108.37
Bond at 9 - Mos fa 1195.81 $\frac{1}{2}$
Bond at 18 " for 1195.81 $\frac{1}{2}$
Sale Price of Land - \$2500.00

The said Cash Payment was applied
in payment of Costs of Suit as per

Statement-B

Atty's fee Suit &c	16.50
Costs of Copies for exhibits. Pl & Def	5.10
Clerks fees in Suit	7.32
do unpaid	3.95-
Sherriff fees - J. B. Edwards Sherriff	3.00
Commissioners for partition C. J. Day	
A. Bunkley & Son	1.00
Printer C. B. Hayden	2.50
Auctioneer J. B. Edwards	5.00
Commissions on \$300.00 at 5 per cent R. A. Loder	5.00
do on \$2200.00 at 2 per cent R. A. Loder	44.00
	<u>\$108.37</u>

The said Bonds & the Receipts of
the parties for said payments are herewith
filed -

All of which is respectfully submitted

Signed - R. A. Loder

Special Commissioner

June 5th. 1877 - Received of the Clerk of the Circuit Court of the State of North Carolina the two Bonds within named of Eliza & Son & Eliza Todd for Eleven Hundred & Ninety Five Dollars & Eighty One Cents each payable respectively nine & eighteen months from the first day of January A.D. 1877 -

Robinson A. Lodge

Commissioner R. A. Todd's

Repossession of Sale

July 6th 1877, filed

James Merchants
Savings Bank & Co

Todd & Sons

To the Circuit Court of Isle of Wight County

The undersigned appointed Receiver by said Court on the 22^d day of April, 1876, in the suit of the Farmers & Merchants Savings Bank of Smithfield vs C. M. Odd et als, respectfully reports to the Court that pursuant to said order he has collected the proceeds of the crop on the Odd farm, amounting to \$47.44, as per

Statement: Grape Crop 20.00

1/4 of sales of Irish potatoes, Peas & a few Sweet potatoes to October 1st, 1876 27.44

Total proceeds of sale \$47.44

Your Receiver would further report that some sweet potatoes have been sold, but the proceeds not collected, and that most of the sweet potatoes are yet to be dug and sold and the oats, corn, and fodder and Peanuts are yet to be sold

All of which is respectfully submitted
October 19th, 1876, Signed C. V. Bushley

Farmers & Merchants
Savings Bank vs
Todd et al

Receivers Report

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON *E. M. Todd and John M. Todd*

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in June next to answer the Bill of injunction of Farmers and Merchants Savings Bank

Capital _____ for \$ _____ Damages \$ _____ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the 2nd day of

May 1876, in the 100th year of the Commonwealth.

L. J. Young clk.

Sherrin & Merchant.
Devs. Bank

3 Juries to ans.
3 Bill with an
"exception."

E. & M. Todd &
Jm. M. Todd.

10 June 1896
Circuit Court.

G. W. Atkinson.

Executed by Attesting
to the within named

E. M. Todd a true
copy of the within

documentary Mary C. H.
1896.

L. B. Edwards. Secy

"An injunction is awarded in accordance with the
prayer of the Bill, restraining E. M. Todd, John M. Todd
and all other persons claiming under or through them
from collecting or causing to be collected the rents &
profits of the farm in the proceedings mentioned
or from selling or disposing of that portion of the crops
made or to be made on the said farm and coming
to the said E. M. Todd & John M. Todd, for the year 1896,
until the further order of the court."

a copy. Test, N. P. Young, Ck.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON *Edward M. Todd, Eliza Todd, John M. Todd, Robinson A. Todd in his own right and as trustee of Edward M. Todd def John M. Todd, and Eliza D. Smith all who was Eliza D. Todd* to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in *March 1876* ~~year~~ to answer *the Bill in chancery of the Merchants & Farmers Savings Bank*

of a plea of *_____* for \$ *_____* Damages \$ *_____* And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *2nd* day of

March 1876, in the *100th* year of the Commonwealth.

N. P. Young

Farmers & Merchants
Savings Bank

3 June. in
to 3 Aug.

Edward M. Todd

/

To March Rls. 18th 6.

Geo. R. Atkinson per.

Executed by delivering
to the within named

E. M. Todd R. A.

Todd B. Ely Todd R.

Ely D. Southall each

a true copy of the within
Summons March 4th

18th 6.

L. B. Edwards Sheriff

To the Circuit Court of Isle of Wight County;

The joint and several answers of
E. M. Todd, Eliza Todd, John M. Todd, Eliza D
Southall and R. A. Todd in his own right and as
Trustee for E. M. Todd and John M. Todd to the
bill of Complaint in said Court exhibited by
the Farmers & Merchants Savings Bank against
them;

These defendants saving and reserving all
right of exception to the many errors and
imperfections in said bill contained, for answer
thereto on to so much thereof, as they are
advised, it is material or necessary for
them to answering, say that they admit to be true
the general allegations of said bill as to the death
and testacy of John R. Todd, and of the provisions
of his will; the release by said Eliza Todd of her
interest under the Will of said John R. Todd in
consideration of the annuities for life, mentioned
in said bill & secured by the deeds of trust of
said John M. & E. M. Todd to the extent of the annuity
severally due by them; that the interest of said
John M. Todd in said land, is an undivided $(37/120)$
thirty and seven one hundred & twentieths and of the
said E. M. Todd $(83/120)$ eighty three one hundred and
twentieths, the said interest of the latter is subject
to a lien thereon for the payment of the annuity
to Eliza Todd and debt to Eliza D. Southall, the
debt due R. A. Todd by E. M. Todd and secured by

the deed of trust of the latter as mentioned in said bill has been fully paid off and discharged; of the Annuity due from C. M. Todd to Eliza Todd there is due on the 1st of November, 1875, the sum of \$400.00 with interest from that date and the current Annuity at \$150.00 per annum since accruing: that there is due from the said C. M. Todd to the said Eliza D. Southall, secured by his said deed of trust, the sum of \$475.00 with interest from the 1st day of November, 1874, subject to a Credit of \$175.00 paid on November 8th, 1875; That there is a further lien on the interest of the said C. M. Todd in said land for the plaintiffs debt as stated in said bill: that the only lien on the interest of the said John M. Todd in said land is for the annuity of \$150.00 per annum, which has been paid in full except that accruing from the present year which it is expected will be paid at the end of the year.

That your respondents are of opinion that the said land can be divided between the said C. M. & John M. Todd in proportion to their several rights therein, and that they hereby consent to the appointment of Commissioners for that purpose, and have no objection, but desire a sale of the said C. M. Todd's share of said land as early as practicable. That for the purpose of facilitating said sale, they respectfully

suggest that the Commissioners ^{the} for partition of
said land, may report and ~~their~~ report acted
on in vacation, and Your respondents hereby
consent that the Cause may be heard in
vacation. The said John W. Todd hereby protests
against the sale of said land as alike
unnecessary for the purposes of this suit and
calamitous to himself and family, Your respondents
unite in the prayer of the bill that, the receipts
from the profits of said land now in the
hands of the Receiver, and which may
hereafter come to his hands, may be paid
to the said Eliza Todd and Eliza D Southall as
it is their sole dependence for a support;
that for the purpose of preventing any delay
or expense in ascertaining the relative rights
of said Eliza Todd and said Eliza D Southall
in said profits, Your respondents respectfully
ask that, these profits may be jointly paid to
them, and they will settle their rights between
themselves and relieve the other parties from all
responsibility for the same.

And having answered they pray hence to be
dismissed with their cost in this behalf most
unreasonably expended and they will ever pray &c.

E. W. Todd

Eliza D Southall

W. W. Todd

Robinson A. Todd Eliza Todd

Sole of Wright County to wit:

I, C B Hayden a Notary
Public for the County aforesaid do certify that,
John M. Todd, R. A. Todd, C. M. Todd, Eliza Todd
and Eliza D Southall whose answer is above
written, personally appeared before me in my
said County and made oath that the statements
contained in the said answer, so far as made
of their own knowledge are true; and that
such statements as are made therein from
others they believe to be true.

Given under my hand this 23 day of October
1876

C B Hayden

Signed

Notary Public

Answer
of

C M Todd, Eliza Todd,
John M Todd, Eliza D Southall,
and R. A. Todd

Farmers & Merchants
Savings Bank vs
Todd et al

To the Honorable George Wm Judge of the Circuit Court of Ill. of
Hight County.

Handly complaining sheweth unto your honor your orator
the Farmers and Merchants Savings Bank that one John R Todd deposited
his life sometime in the year 1862 after having made and published his
last will and testament whereby he bequeathed and devised to his wife
Eliza Todd during her life all his estate for her support and that of their
daughter Eliza D Todd with remainder to his four children John M. Robi-
son A. Everett M. and Eliza D Todd to be equally divid. between them
with the exception of Robinson A Todd from whose portion three thou-
sand five hundred dollars was to be deducted for advances made to him by
the testator during his life, as will appear by a certified copy of said will with
the certificate of probate ^{in the County Court of Ill. of Hight County} marked A. R. with filed and prayed to be
taken as part of this bill.

That the said Eliza Todd by and with the advice and consent of the said Eliza D
Todd, by her deed bearing date on the first day of November 1865 and re-
corded in the Clerk's office of the County of Hight a duly certified copy
of which marked B is herewith filed and prayed to be taken as part of
this bill granted the said estate to the said John M. Robinson A. Eliza D.
and Everett M Todd, and in consideration thereof the said John M.
Robinson A. Eliza D and Everett M Todd have all agreed to pay annu-
ally to the said Eliza Todd during her life a sufficient sum for
an ample support not to exceed annually one thousand and fifty
dollars as is also shown by said exhibit B.

That the said Robinson A Todd and Eliza D Todd by their deed bearing
date the 1st day of November 1865 and recorded in the Clerk's office of the
County of Hight a duly certified copy of which marked C is herewith filed
and prayed to be taken as a part of this bill, granted their interest in the said

That Richard Eliza Todd John McTodd, As executor of Todd in his own right
as trustee in the last of trust from John McTodd, and as trustee in the
deeds of trust of November 24th 1865 and of October 1, 1872 from Richard
Everard McTodd, the said Everard McTodd, and Eliza B Southall
who was formerly Eliza B Todd be made parties defendant to this
bill, and be required on their corporal oath to answer the same
according to the best of their knowledge, remembrance, information
and belief as fully and particularly as if the statements of the bill
were there again repeated and the said defendants thereto, specially inter-
posed, that the said real estate be divided between the parties afore-
mentioned entitled thereto, and the said Everard McTodd if some thing
be sold, and in case the said real estate be indivisible in kind, that
the same be exposed to sale, and the proceeds of sale of the said Everard
McTodd if some thing be sold, be applied to the satisfaction of the said debts in the
order of their priority, That an account may be taken of how much of
any of the annuity due by the said Everard McTodd to the said Eliza Todd
is unpaid, and accounts of the annuities due respectively to Robinson
A Todd and Eliza B Southall formerly Eliza B Todd of the said
Everard McTodd secured by the deed of November 24th 1865. That the said John
McTodd and Everard McTodd may be restrained by injunction from
collecting or causing to be collected the said debts of the said James, that
the said debt may be collected by a receiver appointed by your honor
for that purpose, and Richard Everard McTodd's debts, and of application
to the satisfaction of the said debts due by him in the order of their priority,
That a reasonable allowance be made out of said proceeds of sale of said
real estate and said debt to the attorney in this cause for his services thereon
and that such other further and general relief be afforded your ora-

^{Johnson}
Farmers & Merchants
Savings Bank

vs. ^{3/4} Bell

Todd & Co.

March Rules, 1876.

Bill filed, Jan^y. exp.

I de: nisi n: all ~~defts.~~
defts. except Jno. M. Todd &
ord. of public. n. him on
aff. of non residence &c.

" April. Rules - Bill taken
for cons^{ts}. as to all other
defts. except Jno. M. Todd
& de for hearing as to them

" October 76 de. for partition
&c.

" Dec 1st de for sale in execution

" April 77. Rept of sale cons^{ts}.
de to collect & more de.

"

We the undersigned Eliza Todd & Eliza S
Southall have jointly received from Augustus
Bunkley Receiver in the suit of the Farmers
Merchant Savings Bank Smithfield as
Todd et al the sum of \$184.92 (One
Hundred & Eighty Four Dollars Ninety Two.
Cents under the decree in said suit of
October Term 1876

Jan 1st - 1876 -

Eliza Todd
Eliza S. Southall

Decr 30th 1876

Mr E. M. Todds Estate
To A. Bunkley Dr
To Services rendered in
Selling and delivering
portion of crops two days
6.00

Labour hired to measure crops 1.25

Commission on rect. from
farm

12.60

12.75

Sales from E. M. Todds farm

Net proceeds of 4/11	bbles Sweet Potatoes	Pears and
1/4 of Oat Crop		31.72
1/4 " Black peas		30.00
1/4 " P. Slips		2.68
1/4 of Cabbage		2.75
1/3 of rotten corn		4.00
1/4 " Shucks		1.17
1/3 " fodder		5.25
1/3 " corn 36 bbles		13.00
		119.10
		204.67

20467
 1973
 18492

4744
 20467
 23211
 6053

850

187

1037

18492

1837

17455

120

10

1200

1800

91

1800

17555

850

187

937

We the undersigned Eliza Todd & Eliza
Southall have jointly received from
Augustus Beunkley Receiver in the suit
of the Farmers & Merchants Savings
Bank Smithfield as Told to the sum
of \$47.44 (Forty Seven Dollars & Forty
Four Cents) under the decree in said
suit of October Term 1876 -

Eliza Todd
E. J. Southall

At Rules held in the Clerk's office of the Circuit
Court of Isle of Wight County, on the 7th day of
March, 1876.

The Farmers & Merchants Savings Bank. . . Plffs:

vs.

$\frac{3}{4}$ In Chancery.

Edward M. Todd, Eliza Todd, John M. Todd,
Robinson A. Todd in his own right and as
trustee for Edward M. Todd and for John M. Todd,
and Eliza D. Southall, who was Eliza M. Todd. Defts.

The object of this suit is to effect a partition of
the lands of which Jno. R. Todd decd. died seized
between the defendants, and to foreclose the deeds
of trust of the defendant Edward M. Todd made
to the defent. Robinson A. Todd as trustee, in the
Bill mentioned. And to enjoin the collection
of the rents of the farms, conveyed as aforesaid, by
said E. M. Todd and that the same may be collected
by a receiver to be appointed. And affidavit
having been made and filed that the defendant
John M. Todd is a non resident of the State of
Virginia, it is ordered that the said defendant
John M. Todd do appear here, within one month
after due publication of this order and do
what may be necessary to protect his interests.

A copy.

Teste

A. J. Young Clk.

Geo. R. Atkinson sig.

F. & M. Banks

m. 30rd. of publ.

Good to h.

March 7. 1876

St. Louis

Know all Men by these Presents, That we, Robinson C. Todd
Eliza Todd and Eliza D Southall,
are held and firmly bound unto the Commonwealth of
Virginia in the Sum of Five Thousand dollars
to the payment whereof, well and truly to be made, we bind
ourselves, our Heirs, Executors and Administrators, jointly and
severally, firmly by these presents. And witness our Hands and
Seals, this, — day of December in the year of our Lord,
one thousand eight hundred and eighty Six, And we
recede our respective homesteads as to this obligation.
The Condition of the above Obligation is such,
That whereas, by decree of the Circuit Court of Isle
of Wight County, pronounced on the first day of December
1886, in a cause depending in the said Court, in which
The Farmers and Merchants Savings Bank was

Plaintiff and
E. M. Todd, R. A. Todd Trustees & others are
Defendants

The above bound R. A. Todd was appointed a Special
Commissioner to see that portion of the farm, in
the proceedings mentioned, known as "Old Town" of
which John R. Todd and Liza & possessors in the
County of Isle of Wight, being the $83\frac{1}{2}\%$ of said farm,
conveyed by the acts of trust from E. M. Todd in
these proceedings mentioned to R. A. Todd Trustee, and
to take bonds re, from the purchaser, and make
report to Court re, . . .
Now, if the above bound R. A. Todd shall faithfully

discharge his duties as Commissioner under said
decre, or any future decree in said cause, then the
above obligation to be void, otherwise to remain in
full force & virtue

Signed, Sealed and delivered }
in the presence of

Robinson A. Todd Seal
Eliza Todd by N. P. Young her Seal
attorney in fact,
Eliza Southall by Seal
N. P. Young her attorney in fact.

James & Merchants, Bank

vs. J. Board,

Todd et al

In the Clerk's office of
the Circuit Court of the
of Wright County, the
at day of Jan'y 1877.

This bond was signed
sealed and acknowledged
by the obligors and
admitted to record.

Teste

N. P. Young
per W. A. Edwards D.C.

Know all Men by these Presents, That we *Augustus Bunkley*

are held and firmly bound unto the Commonwealth of Virginia in the sum of *Five Hundred -*
to the payment whereof, well and truly
to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly
by these presents. As witness our Hands and Seals, this *10th* day of *August*
in the year of our Lord, one thousand eight hundred and *seventy six*

The Condition of the above Obligation is such, That whereas, by an *order Judge of the* Decree of the Circuit
Court of Isle of Wight County, pronounced on the _____ day of _____
in a cause depending in the said Court, in which *The Farmers & Merchants*
Savings Bank, Smithfield Va is

Plaintiff, and

Edward M. Todd, & others are

Defendant, the

above bound *Augustus Bunkley* was appointed a *special*
~~Commissioner~~ as receiver in said cause

Now, if the above bound *Augustus Bunkley* shall faithfully discharge
his duties as ~~Commissioner~~ *Receiver* under the said *order* Decree, or any future Decree in said cause, then the above
Obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

A. Bunkley
J. L. G. G. G. G. G.

[SEAL.]

[SEAL.]

[SEAL.]

Farmers & Merchants

Savings Bank.

3 Receivers

vs. 3 Bond

Sold to.

Know all men by these presents, that we
Kena A. Bhopue are President of the Farmers and
Merchants Savings Bank and N. P. Young are
trusts & firmly bound unto The Commonwealth
of Virginia in the sum of Two hundred &
fifty dollars to the payment whereof, we
jointly to be made, we bind ourselves, our heirs,
Executors and Administrators, jointly & severally
firmly by these presents. As witness our
hands & seals. This 3^d day of May in the
year of our Lord, one thousand eight hundred
& seventy six. And we hereby respectively waive
our homestead as to this obligation.

The condition of the above obligation is
such, That whereas by an order of the
Circuit Court of Lee & Wright County
pronounced on the 22^d day of April 1876.
an injunctive was awarded in accordance
with the prayer of the bill in the suit
of the Farmers & Merchants Savings Bank &
Plaintiff and E. M. Todd & John M. Todd,
defendants restraining E. M. Todd and
John M. Todd and all others claiming under
& through them, from collecting or causing
to be collected the rents & profits of the four
percentages mentioned, or from receiving
or disposing of that portion of the crops
made or to be made on the said farm

me coming to the said, E M Todd and
John M Todd, for the year 1876, until
the further order of the Court. Now
if the said Farmers & Merchants Savings
Bank, shall pay all costs & damages
that may be incurred, in case the said
injunction be dissolved, then the above
obligation to be void, otherwise to remain
in full force & virtue.

Signed, sealed & Delivered
in the presence of

R. K. Chapman Pres. Seal
A. P. Young Seal

In the Clerk's office of the Circuit Court
of Salt Lake County May 3rd 1876. This
bond was executed & admitted to record.

Teste

A. P. Young Clk.

Copy Teste.

A. P. Young Clk.

Todd and
May 12th 1876. Filed

Lawrence & Merchants
Savings Bank
D. W. Ferguson
copy of
bond

Know all men by these presents, that whereas I, John M. Todd now residing in the County, Charles in the State of Maryland have by a deed of even date with these presents, to be recorded in the Clerk's Office of the County Court of Lee of Wight County, in the State of Virginia, become bound unto my mother Eliza Todd of the County last aforesaid for the payment of an annuity during her life, for her support, not to exceed one hundred and fifty dollars annually, the payment of which I am desirous to secure, Now I, the said John M. Todd do hereby grant unto Robinson A. Todd of the County of Lee of Wight, in the State of Virginia, in trust to secure to the said Eliza Todd the payment of the said annuity, with general warranty all of my estate right title and interest in the farm whereof my father died seized and possessed in the County last aforesaid, and whereof he resided at the time of his death, being an undivided interest in $37/120$ ths. of said land, Antestimony whereof I the said John M. Todd, have hereunto set my hand and seal this 1st day of November 1865. John M. Todd, Seal

Lee of Wight County (Towit:)
I, John C. Thomas a Justice of the Peace for the County aforesaid, in the State of Virginia, do certify that John M. Todd whose name is signed to the writing annexed, bearing date the 1st of November 1865, has acknowledged the same before me in my County aforesaid. Given under my hand this 7th day of November 1865. John C. Thomas, J.P.

In the Clerk's office of the County Court of Isle of Wight
County, February 5th 1866, This Deed was admitted
to record upon the annexed certificate of its ac-
knowledgement before John C. Thomas a Justice of
the peace, the required Stamps being affixed and
Cancelled,

Teste

N. P. Young, clk.

Attest

John C. Thomas, J. P.

N. P. Young, clk.

John M. Todd

Deed of Trust

Robinson A. Todd, Trustee

Attest

(Signature)

This Deed, made the 4th day of October, in the year one thousand eight hundred and Seventy two, between Everard M. Todd and Nancy S. his wife of the one part, and Robinson A. Todd trustee of the second part, Witnesseth: that the said Everard M. Todd and Nancy S. his wife do grant unto the said Robinson A. Todd that certain tract of land called "Red Town" containing between Six and Seven hundred acres, situated in Seale of Wight County, and State of Virginia, and bounded by Pagan Creek, Jones Creek and the land of Robinson A. Todd, in trust to secure to the Farmers and Merchants Savings Bank (Smithfield) the payment of a certain bond executed by the said Everard M. Todd, bearing even date herewith, and being for the payment to the said Farmers and Merchants Savings Bank on or before the 4th day of October 1873, of the sum of Two Thousand Dollars with interest thereon at the rate of ten per cent per annum payable every Sixty days in advance, without grace, And it is covenanted and agreed that in case of a sale the same shall be made after giving at least thirty days notice of time and place thereof by advertisement published in some Newspaper published in the City of Norfolk, and by Notice posted at two or more public places in the said County, and upon the following terms to wit: for cash as to so much of the proceeds as may be necessary to defray the expenses

of executing this trust, the fees for drawing & recording
this deed, if then unpaid, and to discharge the
amount of money principal and interest, then due
and payable upon the said bond; and if at the time of such
paid any installment of interest or the principal of said
bond shall have become due and payable, and
the purchase money be sufficient, such part of the
said purchase money as will be sufficient to pay
off and discharge the principal of said bond and
such remaining installments of interest shall be
made payable at such time or times as the said
principal and said remaining installments of interest
will become due; the payment of which part shall
be properly secured; And if there be any residue
of said purchase money the same shall be made
payable at such time and be secured in such man-
ner as the said Everard M. Todd, his personal
representative or assigns shall prescribe and direct,
or in case of his or their failure to give such directions,
at such time and in such manner as the said Ro-
binson A. Todd shall think fit, The said Everard
M. Todd covenants to pay taxes, dues, assessments
and charges upon the said property hereby conveyed
so long as he or his heirs or assigns shall hold
the same. Witness the following signatures and seals,

E. M. Todd. (Seal)

Nannie S. Todd (Seal)

Essex Wright County, to wit:

I, George R. Atkinson, a Commissioner in Chancery of the Circuit Court of said County, do certify that Everard M. Todd whose name is signed to the writing above bearing date on the 4th day of October 1872, has acknowledged the same before me in my said County. And I do further certify that Nancy S. Todd the wife of the said Everard M. Todd whose names are signed to the writing above bearing date as aforesaid, personally appeared before me in my County aforesaid, and being examined by me privily and apart from her said husband, and having the writing aforesaid fully explained to her, she, the said Nancy S. Todd acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it. Given under my hand this 4th day of October 1872,

Geo. R. Atkinson, Commr.

Virginia.

In the Clerk's Office of the County Court of Essex Wright County, the 7th day of October 1872, this Deed of Trust from Everard M. Todd & wife to Robinson A. Todd Trustee for the benefit of the Farmers and Merchants Savings Bank, Smithfield, was received, and admitted to record upon the annexed Certificate.

of the acknowledgement of said Everard M. Todd,
and the privy examination and relinquishment of
Minnie S. Todd wife of the said Everard M. Todd,
before George T. Atkinson a Commissioner in
Chancery of the Circuit Court of Seaboard County.

Teste, W. P. Young, clk.

By A. S. Hart & Co,

Attest, Teste,

A. S. Hart & Co, for
W. P. Young, clk.

E. M. Todd wife

To { Deed of Trust
R. A. Todd Trustee

2

Know all men by these presents, that whereas, I Everitt
M. Todd of the County of Lee, in the State of Virginia,
have by a deed of conveyance with these presents, to be recorded in
the Clerk's Office of the County Court of the said County,
become bound to my mother Eliza Todd of said
County for the payment to her of an annuity for her
support during her life not to exceed one hundred and
fifty dollars annually, and whereas, I am indebted
to Eliza D. Todd of said County by bond of conveyance
with these presents payable on demand for the sum
of Forty Six hundred and Twenty five dollars; and to
Robinson A. Todd of said County by bond of conveyance with
these presents payable on demand for the sum of one
Thousand one hundred and twenty five dollars, the
payment of which annuity and bonds I am desirous
to secure. Now I, the said Everitt M. Todd do hereby grant
unto Robinson A. Todd, of the County aforesaid, in
trust to secure the payment of said annuity and
bonds all my estate, right, title and interest, in the
land whereof my father the late John R. Todd, died, seized
and possessed in the County aforesaid, and whereon he
resided at the time of his death, inclusive of the interest
therein this day conveyed me by a deed of conveyance
with these presents, from Robinson A. Todd and Eliza
D. Todd to be recorded in the Clerk's Office of the County
Court of the County aforesaid, and the interest therein de-
vised me by the will of the said John R. Todd, being in
all $\frac{3}{20}$ ths. (Eighty three, one hundred and twentieths)
of said land. The said Everitt M. Todd covenants

That he will warrant generally the property hereby
conveyed, in testimony whereof & the said
Everitt M. Todd have hereunto set my hand and
seal, this first day of November Eighteen hundred
and sixty five, E. M. Todd Seal

Salisbury County (To wit:)

I, John C. Thomas a Justice of the Peace for the County
aforesaid in the State of Virginia, do certify that E.
M. Todd, whose name is signed to the writing above
bearing date November 1st 1865, has acknowledged
the same before me in my County aforesaid,

Given under my hand this 7th day of November 1865,
John C. Thomas, J.P.

In the Clerk's office of Salisbury County Court,
the 5th day of February 1866, this deed of trust, was
admitted to record upon the annexed certificate of its
acknowledgement before John C. Thomas a Justice
of the Peace, the required Stamp being affixed and
Cancelled.

Teste, N. D. Young, Clerk,

Copy

Teste Geo. H. Hart, J. D. for
N. D. Young, Clerk,

E. M. Todd

To { Deed of Trust

Robinson A. Todd, Trustee

Copy

(S)

Know all men by these presents, that we Robinson
A. Todd and Eliza D. Todd of the County of Isle of
Wight and State of Virginia, for and in consideration of
the bond of Everett M. Todd for the sum of Eleven hun-
dred and Twenty five dollars payable on demand to
the said Robinson A. Todd, and the bond of the said Everett
M. Todd for the sum of Forty Six hundred and Twenty
five dollars payable on demand to the said Eliza D. Todd
of even date with these presents, the execution and delivery
of which bonds by the said Everett M. Todd is hereby respec-
tively acknowledged by the said Robinson A. Todd &
Eliza D. Todd, do hereby granted with general
warranty unto the said Everett M. Todd the estate
right, title and interest of the said Robinson A. Todd
(being $9/120$ ths. thereof, and of the said Eliza D. Todd, being
 $37/120$ ths. thereof, in the farm of which their father
the late John R. Todd died seized and possessed in
the County aforesaid, and whereon he resided at the
time of his death, with such of the farming
utensils and implements as are now remaining
on said farm, in testimony whereof the said
Robinson A. Todd and Eliza D. Todd have herunto set
their hands and Seals, this 1st day of November 1865,

Robinson A. Todd *Real*

Eliza D. Todd *Real*

Isle of Wight County (To wit:)

I, John C. Thomas a Justice of the Peace for the County
aforesaid, in the State of Virginia, do certify that Robinson

A. Todd and Eliza D. Todd whose names are signed to the writing
herewith annexed, bearing date the 1st Novr 1865, have ac-
knowledgeed the same before me in my County aforesaid,
Etc. under my hand this 7th day of November 1865,
John C. Thomas, J.P.

In the Clerk's Office of Essex County Court,
February 5th 1866, This Deed was admitted to record
upon the annexed certificate of its acknowledge-
ment before John C. Thomas a Justice of the Peace,
the stamps required being affixed and cancelled,
Teste, W. P. Young, Clk.,
Attest - Teste,

W. P. Young, Clk.,
W. P. Young, Clk.,

Robinson A. Todd & Co.

To Deed
E. M. Todd.

Attest
(S)

Know all men by these presents, that Whereas John E. Todd of the County of Schofield in the State of Virginia, by his last will and testament duly admitted to probate in the County Court of the County last aforesaid, on the 3rd day of February 1862 bequeathed and devised his whole estate to his wife Eliza Todd during her natural life, charged with her own support and that of her daughter Eliza D. Todd during the single life of the latter with remainder in fee on the death of his wife to his four children John M. Todd, Robinson A. Todd, Eliza D. Todd and Everard M. Todd, in equal portions subject to a deduction of Thirty five hundred dollars from the share of the said Robinson A. Todd on account of advancements made him by the Testator in his life time. Now for the said Eliza Todd widow and next of the said Testator, for and in consideration of the herein after recited agreements and undertakings of the said John M. Todd, Robinson A. Todd, Eliza D. Todd and Everard M. Todd have surrendered and released, bargained sold, and by these presents forever surrender, release, bargain sell and grant with special warranty unto the said John M. Todd, Robinson A. Todd, Eliza D. Todd and Everard M. Todd all my interest legal and equitable in and to the estate of the said Testator under the will aforesaid, as will aforesaid, as well that held in my own right as that held in trust for the said Eliza D. Todd, by and with her consent as evidenced by her signature hereto, to be held and enjoyed by the said John M. Todd, Robinson A. Todd, Eliza D. Todd and

Everard M. Todd according to their respective rights trusts
in the will aforesaid in the same full and ample
manner as they are entitled thereunder on the death
of the said Eliza D. Todd. And I, the said Eliza
D. Todd, in consideration of the surrender aforesaid
by I am enabled immediately to enjoy in possession
my rights in remainder under the said will, do hereby
release and surrender unto the said John M. Todd, Ro-
binson A. Todd and Everard M. Todd all my right to
charge the estate of the said Testator under the will
aforesaid with any support, In consideration of
the release and surrender aforesaid of the said Eliza
Todd, we the said John M. Todd, Robinson A. Todd,
Eliza D. Todd and Everard M. Todd do hereby severally
bind ourselves to pay annually Commencing from
the date of these presents, to the said Eliza Todd
during her life a sufficient sum to afford her
an ample support, not to exceed annually one
hundred and fifty dollars each, and do further
agree to release the said Eliza Todd from all
liability for any and all debts or demands against
the said Testator or his estate, still due and unpaid
inclusive of all expenses incurred by her under
the trust of the will aforesaid, all of which debts
demands and expenses we do hereby assume and
obligate ourselves to respectively discharge according
to our respective rights in remainder under the
will aforesaid. In testimony whereof we the

said Eliza Todd, John M. Todd, Robinson A. Todd,
Eliza D. Todd and Everard M. Todd have hereunto set
our hands and seals, this first day of November
Eighteen Hundred and Sixty five,
Commencing from the date of these presents, enter-
lined before the execution and delivery of this deed.

Eliza Todd Seal
John M. Todd Seal
Robinson A. Todd Seal
Eliza D. Todd Seal
E. M. Todd Seal

Isle of Wight County (Ch. Wil.)
I, John L. Thomas a Justice of the peace for the County
aforesaid, in the State of Virginia, certify that Eliza Todd
John M. Todd, Robinson A. Todd, Eliza D. Todd and E. M. Todd
whose names are signed to the writing above bearing
date November 1st 1865, have acknowledged the same
before me in my County aforesaid, Given under
my hand this 7th day of November 1865,

John L. Thomas, J. P.

I hereby certify that the within instrument should
be stamped according to the value of the Estate
conveyed
City of Norfolk
Nov. 2. 1865.

John M. Dunn
U. S. Assessor
4th Dist. Va.

In the Clerk's office of Isle of Wight County Court

February 5th 1866, This deed was received and
admitted to record upon the annexed certificate of
John C. Thomas a Justice of the peace of its
acknowledgement before him, The requisite
U. S. Stamps being affixed and cancelled,

Teste, H. P. Young, Clerk.
Albany - Teste.

Attest, H. Hart, S. C. for
H. P. Young, Clerk.

Eliza Todd

To Deed

John M. Todd & wife,

Albany

(18)

I, John R. Todd of the County of Allegheny & State
of Virginia, being in my usual State of body and
mind, thanks to a kind Providence; do make the
following - my last will and testament, I appoint
my beloved wife, my Executrix, and my three sons
John M. R. A. & E. M. Todd joint Executors of this
will, and desire that they shall not give security.
They are not to consider themselves required to sell
any part of my estate, at public auction, nor
is my estate to be appraised - Should my wife
survive me, I give to her, during her life,
all the estate to which I shall be entitled at
my death, having full confidence that she
will use it, & dispose of the same as she may
deem best for her support, & that of our
daughter Eliza D. Todd while she remains unmarried,
after the death of my wife, what is remaining of
my estate, I desire to be equally divided, be-
tween my four children John Mullory,
Robinson Armistead, Eliza Dickson &
Everard Moore Todd, with the exception of
R. A. Todd from whose portion Three
Thousand five hundred dollars must be de-
ducted for property to that amount or more
given him during my life. In testimony
that this is my will, the same is wholly written
and signed by me, this third day of August
Eighteen Hundred and fifty nine.

John Robinson Todd,

In the County Court of Essex Wight County,
February 3rd 1862, a writing purporting to
be the last will and testament of John
Robinson Todd deed; bearing date the
3rd day of August 1859, was presented
in Court by Robinson A. Todd one of the Executors
therein named, and there being no subscribing
witness thereto, Robert H. Whitfield and J. H. P.
Cooper were sworn and deposed that they
were well acquainted with the Testator's hand
writing, and verily believed the said writing
and the name thereto subscribed to be in
the true hand writing of the said Testator, and
thereupon the said writing is ordered to be recorded
as the true last will and Testament of said
John R. Todd deed; And on the motion of said
Robinson A. Todd one of said Executors, who made
oath and without security as directed by the will
entered into bond in the penalty of \$40,000.00, Conditioned
according to law, Certificate of probate is granted
him on said will in due form.

Teste, N. P. Young, clk,
Attest Teste

Attest &c &c &c for
N. P. Young, clk,

Todd John R's
Will

Attest

(A)

Farmers and Merchants Savings Bank

vs

Todd et als

This cause came on this day to be again heard on the papers formerly read and on the report of R. A. Todd, Commissioner for collection and payment under the decree herein of April term, 1877, and was argued by Counsel, on consideration whereof the Court confirming said report to which no exceptions were filed, doth adjudge, order and decree that this suit be removed from the docket nothing further remaining to be done herein

Amis & Merchants S Bank^d

VS

Todd et als

Rough Deened

April Term 1877

To be entered

Geo. B. Co. d

Entered (3/

Farmers & Merchants
Savings Bank

vs
Todd et al.

This Cause this day came on to be again heard on the papers formerly read, on the second report of Augustus Bunkley, Receiver herein and of the report of R.A. Todd Commissioner of sale, under the decree herein in vacation of December the 8th, 1876, and was argued by Counsel, on Consideration whereof the Court Confirming said reports to which no exceptions were filed doth adjudge, order and decree, that the Clerk of this Court deliver to said R.A. Todd the two bonds for \$1195.81 $\frac{1}{2}$ each of Eliza D. Southall and Eliza Todd, payable respectively nine and eighteen months from the first day of January, 1877, with interest from that date, returned by him with his report aforesaid, which bonds the said R.A. Todd who is hereby appointed special Commissioner for that purpose, is authorized and required to collect on maturity or before should the parties desire to pay the same and the proceeds thereof, after paying thereout the unpaid cost of ^{this} suit, pay jointly to Eliza Todd and Eliza D. Southall in part satisfaction of debts due ^{The} ^{to them} by E. M. Todd as shown by the pleadings in this cause; they consenting to such joint payment and assuming the responsibility of a pro rata division of such proceeds between them in proportion to their said debts, taking their receipt therefor and return the same to Court with his report of his proceedings under this decree.

And the Court doth further adjudge, order and decree, that on the payment in full of the said bonds, the said R. A. Todd who is hereby appointed a Special Commissioner for that purpose shall execute and deliver to the said Eliza D. Southall a good and sufficient deed in fee simple with special warranty for that portion of the farm in these proceedings mentioned, ~~being that portion of the farm~~ known as "Old Town", of which John R. Todd died seized and possessed in the County of Isle Wight, being the $83/120$ of said farm conveyed by the deeds of trust from E. M. Todd, in these proceedings mentioned to R. A. Todd trustee containing by estimation four hundred and fifty acres, be the same more or less, allotted to E. M. Todd by the Commissioners aforesaid and separated from the portion of said farm allotted to John M. Todd by said Commissioners by the boundary line described in said report to wit; beginning at the mouth of a small gut, emptying into Jones Creek between Battery Point and Mitchells Point; thence up said gut to the centre of a Causeway; thence up a ravine to a marked cedar in the center of a ditch bank; thence along the said ditch bank to the end of the ditch bank; thence about ten steps in the same course of the ditch bank to a small vine; thence up a straight line in the same course to a small

pine; thence in a straight line to a corner
marked on said small pine to a heart pine
on the edge of a ravine; thence up said ravine
to a small marked pine at its head; thence in
a straight line to a small persimmon at the
head of a ravine on the Willow-brook road;
thence down a ravine to Jones's Creek; thence
along said Creek to the beginning. The said land
to be charged in the hands of the purchaser
with the payment to Mrs Eliza Todd of an
annuity for life of one hundred and
fifty dollars, payable annually, Commencing
from the first day of January, 1877, and free
from the contingent right of dower of the wife of
said E. M. Todd

Farmers + Merchants
Savings Bank
150

Todd et al's

Rough Deened,
April Term 1877

To be entered

Geo. Blod

Entered 27.

Indolent Court of Sec of Right Term Dec. 1. ²/1876

In vacation.

The Farmers & Merchants Savings Bank Plaintiff

vs

Edw Ford & Co

This cause came on this day to be again heard before the judge of said court in vacation in his chambers in the City of Norfolk by consent of all parties entered of record as appears by the decree herein of October Term 1876 on the papers formerly read and on the report of C. D. Day, William A. Grimes and Augustus Buckley three of the commissioners for partition under the decree herein of October Term 1876, and was argued by counsel. On consideration whereof the court doth adjudge order and decree that the said report to which no exceptions are filed be confirmed, and that the partition made by said commissioners as shown by said report be held good and stable between the parties, and that they be perpetually bound thereby.

And the court doth further order that Edw Ford trustee under the deed of trust from Edw Ford in these proceedings mentioned, who is hereby appointed a special commissioner for that purpose shall proceed to sell at public auction at Sale of Right Court house in some court day after having given at least twenty days notice of the time and place of sale by advertisement at the court house door of said county in some court day previous to the day of sale, and at other public places in said county, on a credit of nine and eighteen months in two equal payments with interest from the day of sale except for so much cash as shall be necessary ^{pay} by the costs of

debt and satisfaction of a sum of fifty dollars to said John Todd
~~and for his services as attorney in this suit~~, That portion of the
 farm in these proceedings mentioned known as "Old Farm"
 of which John P. Todd died seized and possessed in this county
 of Allegheny ^{the estate of said deceased} ~~of said farm~~ allotted to John P. Todd by the commissioners afore-
 said, being ⁸³ 720 of said farm, as bounded on the report of
 said commissioners, and ^{separated} ~~separated~~ from the portion of said
 farm allotted to John M. Todd by said commissioners by the
 boundary line described in said report to wit beginning
 at the mouth of a small gut emptying into Jones Creek between
 Ballypoint and Mitchell's Point thence up said gut to the centre
 of a causeway, thence up a ravine to a marked cedar in the
 centre of a ditch bank; thence along the said ditch bank to
 the end of the ditch bank, thence about ten steps in the same
 course of the ditch bank to a small pine, thence in a straight
 line in the same course to a small pine, thence in a straight
 line to a cross marked on said small pine to a heart pine
 on the edge of a ravine, thence up said ravine to a small marked
 pine at its head, thence in a straight line to a small pond
 near at the head of a ravine on the Willon Brook road, thence
 down a ravine to Jones Creek, thence along said creek to the
 beginning, the said land was charged with the payment to Mrs.
 Mary Todd of a annuity of one hundred and fifty dollars
 payable annually commencing from the 1st day of January
 1877, ^{and giving her the right of dower during the life of said John Todd}
 For the entire portion of said sale the said commissioner shall
 take two bonds in equal amounts payable respectively 9 & 18 months
 from day of sale with interest from date until sufficient security
 and with waiver of him or them payable to himself or themselves

himself which he shall deliver with his report to court of
his proceedings under this decree, but the effect of this decree shall
be suspended as to said sale until the said commissioner
shall execute in the Clerk's office of this court a bond with suf-
ficient security and with waiver of the bondsmen payable to the
Commonwealth of Virginia in the penalty two thousand
dollars conditioned for the faithful performance of this or
any future decree herein.

And the court doth further order that this suit be dismissed as to John
Madd, and William A. Todd under the deed of trust for the
Madd with proceedings mentioned, and that Charles B. Todd
the receiver appointed in the case of May 3rd 1876 proceed at once
to collect the rents & profits of the farm as therein directed and pay
over the same as directed by decree herein of October term 1876.

Harmon's New Bank

21

Todd Falls.

Appreciation.
Cough Kicene

To be entered

Georgetown

Myack Dec. 1st. 1876

(Pud)

The consent to the introduction

Goldstein in the City of New York

C B Hayden Atty Gen of Mass

^{my}
Farmers Merchants
Savings Bank

vs

Todd & als

This cause this day
came on to be heard on the complainant's
bill, exhibits filed, the answers of E M
Todd, Eliza Todd, John M Todd, Eliza
& Southall & R A Todd in his own right
& as Trustee for E M Todd, & John M
Todd & the Report of A Bunkley Receiver
under the order in vacation herein of
April 22. 1876, this day filed by consent of
the court; was argued by counsel, on
consideration whereof the court doth
adjudge order & decree that said
Report, to which no exceptions were
filed be confirmed, & that said
Receiver pay the sum of \$47.44, shew-
ing by said Report to be in his hands, & such
other funds as may come to his hands
as Receiver, less five per cent commissions
thereon jointly to Eliza Todd & Eliza &
Southall taking their joint receipt
therefor return the same to court
with his report of his proceedings
under this decree & the court doth
further adjudge order & decree that

C769. W S Wamble. & Bankly, H. S. Finney &
James P. Landon

who are hereby appointed special commis-
sioners for that purpose. any three of
whom may act, proceed to make
partition of the Farm whereof Geo
R Todd died seized & owned in
the County of Dale of Michⁿ wherein
he resided at the time of his
death & assign $83/120$ (Eighty
Three, One Hundred & Twentieths
to E M Todd & assign $37/120$,
(Thirty Seven, One Hundred & Twentieths)
to John M Todd, setting off the
same by Metes & Bounds & surveying
at their discretion for that purpose
a competent Surveyor - In making
said partition said commissioners
are to have & regard to quantity &
quality. But if in the opinion of
said commissioners, such partition
would be inconvenient & the interests
of those who are entitled ^{or its proceeds} to the subject
would be promoted by a sale of
the ~~entire~~ subject, they will so
report with the reasons on which
their opinion is founded - And
any event they will report to court

their proceedings under this decree
All the parties to this cause having
given in open court their consent -
hereby entered of record, that this cause
shall be submitted to the Judge of this
Court in vacation for decision, it is
hereby ordered that the same may be
done.

* But this injunction is not to take effect until the plaintiff in some manner
for it shall enter into a bond in the penalty of \$250 with conditions to pay all
costs and charges that may be incurred in case this injunction be dissolved

Farmers Merchants Savings Bank Plf.
vs
E. M. Todd & Co. In chq.

E. M. Todd & Co. vs

Def.

An injunction is awarded in
accordance with the prayer of the bill
restraining E. M. Todd, John M. Todd and
all persons claiming under ^{or through} them from
collecting or causing to be collected
the rents & profits of the farm in the
proceedings mentioned, or from selling
or disposing of that portion of the crops
made or to be made on the said farm
& conveying to the said ^{and John M. Todd} E. M. Todd, for
the year 1876, until the further order of
the Court. And the Court doth hereby
appoint Augustus P. Brinkley a receiver
in this case, who is hereby authorized
and required to receive the rents and
profits or any crops that may be paid
in kind on account of said farm
or the receiving thereof, from Willis J.
Brinkley the tenant thereof, and
to ^{compute} ~~expressly~~ any such crops so
received in kind into money and
make report of such money as well
as any other moneys received by him
on account of said rent to the Court.
But before the said Receiver shall

receive any of ^{paid} crops or
 execute in the Clerk's office of this court,
 before the Clerk thereof a bond, with
 sufficient surety in the sum of
 Five Hundred Dollars, conditioned
 for the faithful performance of
 his duties under this decree or any
 future decree in this cause.

Geo V Bond,

Judge

Apr. 22d. 1846.

To The Clerk of the
 Circuit Court for the County
 of Isle of Wight.

Attorney & Merchants
 George Smith

or
 in
 his
 signature

E. M. Bond & John Bond

May 3. 1846.

Taken up with
 execution
 of same

Farmers & Merchants Bank

Off.

v.

3d Cir. Ct. Islip Light Co.

C. W. Todd & Co.

Debt.

Bill of costs to and including do. for sale. some. and P.

Atts. for & writ to 16. 50

Att. Co. Ct. for copies for atts. (Paid by, Offs.) 5. 10

Do. Cir. Ct. for in recit (do.) 2. 32

Do. (unpaid) 3. 95

Stff. 3. 00

Comm. of partition, Day, Grimes & Brinkley, \$2.00 each 4. 00

\$ 41.87

Debt. C. W. Todd & Co.)

Ammon & Merck's Book

Chy.
Bill of costs

Added to

Quid for com. of
sale.

The comment to the allowance of the 4th: fee in
Farmer & Merchants Savings Bank & To do do do

is subject to the opinion of the Court as to its propriety -

H. Robinson

C B Hyde -

Deceoffright Circuit Court April 21st 1877

Plt & Def

Farmers and Merchants Savings Bank,
Against J. W. Chy.

E. M. Todd, Eliza Todd, John M. Todd,
Robinson A. Todd in his own right and
as Trustee of E. M. Todd, John M. Todd and
Eliza D. Southall, who was Eliza D. Todd. Defts.
This cause this day came on to be again
heard on the papers formerly read,
on the second report of Augustus Buckley
Receiver herein, and of the report of R. A. Todd
Comd. of Sale, under the decree herein in
vacation of December 1st 1876, and was
argued by counsel, on consideration whereof
the Court confirming said reports to
which no exceptions were filed, doth adjudge
order and decree, that the Clerk of this
Court deliver to said R. A. Todd, the two
bonds ^{for} \$1145.81¹/₂, each of Eliza D. Southall +
Eliza Todd, payable respectively nine
and eighteen months from the 1st day
of January 1877, with interest from that
date, returned by him with his report
of aforesaid, which Bonds, the said R. A. Todd
who is hereby appointed special comm.
for that purpose is authorized and
required to collect on maturity or

before, should the parties desire to pay
the same, and the proceeds thereof after
paying thereout the unpaid costs of this
suit, pay jointly to Eliza Todd, and Eliza D.
Sonsall in part satisfaction of the debts
due to them by E. M. Todd as shown by
the pleadings in this cause; They contracting
to such joint payment and assuring
the responsibility of a pro rata division
of such proceeds between them in propor-
tion to their said debts, taking their receipt
therefor, and return the same to court
with his report of his proceedings under
this decree; and the court doth further
adjudge order and decree that on the
payment in full of the said Bonds,
the said K. A. Todd, who is hereby appointed
a special commissioner, for that purpose shall
execute and deliver to the said Eliza D.
Sonsall a good and sufficient deed
in fee simple with special warranty, for
that portion of the farm in these
proceedings mentioned known as
"Old Town", of which John K. Todd died,
seized and possessed in the county of
Essex, being the 83/120 of said
farm conveyed by the deeds of trust
from E. M. Todd, in these proceedings

mentioned, to K. A. Todd Trustee, containing
by estimation four hundred and fifty
acres, be the same more or less, allotted
to E. M. Todd by the Court, aforesaid, &
separated from the portion of said
farm allotted to John M. Todd by said
Court, by the boundary line described
in said report, to wit: beginning at the
mouth of a small gut emptying into
Jones' Creek, between Battery Point and
Mitchell's Point; thence up said gut
to the center of a crossway; thence up
a ravine to a marked cedar in the
center of a ditch bank; thence along
the said Ditch Bank to the end of
the said Ditch Bank; thence about
ten steps in the same course of the
Ditch Bank to a small vine; thence
up a straight line in the same course
to a small pine; thence in a straight
line to a course marked on said
small pine to a heart pine on the edge of
a ravine; thence up said ravine to a
small marked pine at its head; thence
in a straight line to a small ⁱⁿ ~~passing~~ ⁱⁿ
at the head of a ravine on the Willow
brook road; thence down a ravine
to Jones' Creek, thence along said creek

to the beginning, the said land to be
 charged in the hands of the purchaser
 with the payment to Mrs. Eliza Todd of
 an annuity for life of one hundred
 and fifty dollars, payable annually,
 commencing on the first day of
 January 1844 and free from the
 contingent right of dower of the wife
 of the wife of said E. M. Todd.

A copy.

Costs since last decree

Teste.

Testimonies To final decree

clerk's fees

\$3.11

J. A. Edwards D. C. for
 A. P. Young et al

The ends

To R. A. Todd

Look at also

To W. B. Smith
 on J. A. Edwards D. C. for
 A. P. Young et al. 77.

June 5th - 1877 - Received of R &
Todd Commissioner in the suit
of the Farmers & Merchant Savings
Bank Smithfield, vs Todd et al
Under the decree in said suit of
April Term A D 1877 the sum
of \$ 2431.83 - (Twenty Four Hundred
& Thirty Six Dollars & Eighty Three
Cents) jointly - We concurring to
this joint payment and assuming
the responsibility of a pro rata
division of the said amount -
between us in proportion to the
amounts respectively due us
from E M Todd -

Eliza. T. Southall

Eliza Todd

To the Circuit Court of Sale of
Wight County -

The undersigned R. A.
Todd, Commissioner under the
annexed decree of said Court of
April Term A. C. 1877, in the suit
of the Farmers Merchants-Savings
Bank as Todd et al respectfully
reports to the Court, - that pursuant-
to said decree he on the 5th day of June
A. C. 1877 collected the two Bonds
of Eliza C Southall for $\$1195.81\frac{1}{2}$
each with interest to that date amounting
to $\$2453.01$ — & after paying thereout
the unpaid Costs of Suit & Sale
amounting to $\$16.18$ — there
remained in the hands of your
Commissioner the sum of $\$2436.83$
as per Statement A

1 st Bond for	$1195.81\frac{1}{2}$
Int to date	30.69
2 nd Bond	$1195.81\frac{1}{2}$
Int to date June 5 th 1877	30.69
<u>Costs</u>	$\$2453.01$

Recd
C. B. Hayden

Clerks fees - 3.11 - Paid Attys for Cris. Repts Paid C. B. Hayden
5.00 - Paid to for Cris. Vleed & Paid C. B. Hayden
Notarys fee - 5.00 - Commission on
 $\$1158.71$ - $\$3.07$ - Total Costs - 16.18
 $\$2436.83$

The said sum of \$ 2431.83, net-
proceeds of said collection, your
commissioner pursuant to
said decree paid jointly to
Eliza O Southall & Eliza Todd
as per their joint Receipt
herein herewith filed -

Your Commissioner further
reports to the Court that on
the payment-in full of said
bonds, he executed and
delivered to the said
Eliza O Southall a good
and sufficient deed for the
land in said decree mentioned
charged with the annuity as
thereby directed -

All of which is respectfully submitted

Signed Robinson A. Todd
June 5th - 1877-

Trinity Men's Club
Savin's Bank

Todd et al -

R A Todd's
Report of Collection
& Payment under
Decree of April
Term 1877

Aug. 6th. 1877 - Filed.