

1909-006

Chancery Causes'

Ashton Todd v ux v d

v s Edward R. Todd, Eliza Blackburn Ashton v d

Ashton Todd +

Frank Hume, for v c

v s Jennie A. Todd v d

Folder 1

other surnames: Staerke,
Werner Knight, Chapman
Edwards, Davis, Whitehead
Spratley

Ashton Todd et als.

Versus.

Todd, Ashton et als.

Complainants Bill.

1st. September rules 1905.

Bill filed. Answer of Infant
deposed auto. by gdn and letter
filed. Decees Nisi

2nd. September Rules - Set
for hearing

guardian ad litem appointed to defend their interests in this suit, be made parties defendant to this bill and be required to answer the same. That the said bid and offer of the said Emma J. Knight for the said tract of land be accepted. That a Commissioner be appointed by a decree of this honorable court and be directed to collect of and from the said Emma J. Knight, in cash the sum of Twenty Five Hundred Dollars, the amount of her bid and offer for the said land as aforesaid, and upon the payment of the same to execute and deliver to the said Emma J. Knight, a good and sufficient deed in fee simple, with special warranty, for the tract or parcel of land aforesaid, with its appurtenances. That the proceeds of such collection, after the payment of ~~of~~ the costs of suit and sale, including an attorneys fee to R. E. Boykin, attorney in this cause - notice being hereby given that the payment of a reasonable and proper fee to the said attorney will be asked of this court - be distributed among the parties entitled thereto as their respective interests may entitle them, the shares of the infant defendants being paid to their guardian if any.

That all proper orders may be entered and enquiries directed, and that such other, further and general relief may be granted in the premises as the nature of the case may require or to equity shall seem meet.

Ashton Todd, and Kate V. Todd, his wife, Jennie A. Todd, Caroline A. Todd, Cecilia A. Starke, and J. D. Starke, her husband, Sarah Blackburn Todd Eleanor A. Werner and William Werner, her husband, Martha Thornton Ashton and Horace Dade Ashton.

By R. E. Boykin, their atty.

Boykin f.g.

ly Todd-children of the said John K.Todd,deceased,to one seventh;
 Everard R.Todd,Augustine Jaquiline Todd and Elizabeth Magill Todd,
 to one seventh,
 infant children of the said Everard R.Todd,deceased,and Martha
 Thornton Ashton, Horace Dade Ashton and Eliza Blackburn Ashton, chil-
 dren of Eliza A.Burnett,formely Todd,deceased,to one seventh.

That the said lands of which the said John M.Todd,died seized
 and possessed,in the County of Isle of Wight and State of Virginia,
 as aforesaid,are indivisible in kind and none of the parties are
 able or willing to take the entire subject and pay to the other par-
 ties in interest,such sums of money as their respective interests
 may entitle them.

That one Emma J. Knight, has, offered and agreed to purchase the
 said land and to pay therefor the sum of TWENTY FIVE HUNDRED DOLLARS
 in cash,upon a good and sufficient deed being executed and delivered
 to her for the land aforesaid.

Your Complainants,the adult heirs at law of the said John M.
 Todd,and uncle and aunts of the infant defendants hereinafter men-
 tioned,are informed and so charge that the sum of Twenty Five Hun-
 dred Dollars,is the full value and more than the market value of
 the said land if sold for cash,and is its full value if sold on a
 credit,and the interest of your complainants,and as well the inter-
 ests of the infant defendants would be promoted by a sale of the
 said land to the said Emma J.Knight,at the sum and price of afore-
 said in cash,and a division of the proceeds of sale as the interests
 of the parties may entitle them.

In tender consideration whereof and forasmuch as your complain-
 ants are without remedy at law and can only be relieved by the aid
 of this honorable court of chancery,where matters of this kind are
 alone and properly cognizable,to the end that justice may be done in
 the premises,your complainants pray that the said Everard R.Todd,
 Augustine Jaquiline Todd,Eliza Blackburn Ashton and Elizabeth Magill
 Todd,infants under the age of twenty one years,by some one their

children, to wit, Martha Thornton Ashton, Horace Dade Ashton, and Eliza Blackburn Ashton, the last an infant under twenty one years of age.

That in addition to certain personal property in the County of Charles, in the State of Maryland, the said John M. Todd, died seized and possessed of a tract or parcel of land, in the County of Isle of Wight, and State of Virginia, containing by estimation (95.3/5) Ninety Five and Three Fifth Acres, be the same more or less, of which about Forty (40) acres, be the same more or less, is arable and adapted to cultivation, the residue of the said land consisting of marsh land and hill-sides, the said land is bounded by Pagan Creek, Jones Creek, the lands of John Garner, James Davis and others.

That the improvements thereon consists of a small dwelling house, containing *four* rooms, originally a cheap building, and which is now greatly in need of repair.

Your complainants are informed and so charge that all of the debts and liabilities of the said John M. Todd, were discharged and paid off in full by the said Ashton Todd, who was the administrator, John M. Todd of the said, to whom was committed by the Superior Court of the County of Charles, in the State of Maryland, the estate of the said John M. Todd for administration. A certified copy of the order committing the estate of the said John M. Todd, to the said Ashton Todd, for administration, duly certified as required by law, is herewith filed, marked A, and prayed to be taken as a part of this bill.

Your complainants are informed and so charge that have a right to require that the said lands be partitioned and divided in kind, and if the same be indivisible in kind that the entire land be sold and the proceeds of sale be distributed among the parties entitled thereto as their respective interests may entitle them.

That your complainants, together with the infant defendants are sole heirs at law of the said John M. Todd.

That the said Ashton Todd, is entitled to one seventh of the said land; the said Jennie A. Todd is entitled to one seventh, the said Caroline A. Todd to one seventh, the said ~~Cecilia~~ Cecilia A. Starke to one seventh, the said Sarah Blackburn Todd and Eleanor Werner, former-

R. E. BOYKIN,

ATTORNEY AND COUNSELOR AT LAW,
MITHFIELD, VA.

To the Honorable Robert R. Prentiss, Judge of the Circuit Court of the County of Isle of Wight, in Chancery sitting.

Humbly complaining sheweth to the Court, your complainants, Ashton Todd, and Kate V. Todd, his wife, Jennie A. Todd, Caroline A. Todd, Cecilia A. Starke, and J. D. Starke, her husband, Sarah Blackburn Todd, Eleanor A. Werner and William Werner her husband, Martha Thornton Ashton and Horace Dade Ashton.

That some time in the month of November 1903, John M. Todd, departed this life intestate, at his residence in the County of Charles, in the State of Maryland, leaving him surviving the following children, to wit, Ashton Todd, who has intermarried with one Kate V. Todd, Jennie A. Todd, Caroline A. Todd and Cecilia A. Starke - formerly Todd - who has intermarried with one J. D. Starke

That John K. Todd, a child of the said John M. Todd, departed this life, in the County of Isle of Wight, and State of Virginia, prior to the death of the said John M. Todd, leaving him surviving, a widow, Mary A. Todd, who is not entitled to dower or any interest in the lands hereinafter mentioned, her said husband John K. Todd, having predeceased the said John M. Todd, and two children, to Eleanor Ashton Todd, who has intermarried with one William Werner, and Sarah Blackburn Todd, ~~an infant under the age of twenty one years~~

That Everard R. Todd, a child of the said John M. Todd, who intermarried with one Lillie M. ~~has, as well as his said wife,~~ departed this life, at his residence in the City of Washington, in the District of Columbia, leaving him surviving, three children, to wit, Everard R. Todd, Augustine Jacqueline Todd and Elizabeth Magill Todd, all of whom are infants under the age of twenty one years.

That Eliza A. Todd, a child of the said John M. Todd, intermarried with one Ashton Burdett, and that the said Eliza A. Burdett ~~and~~ departed this life, together with the said Ashton Burdett, her husband, at their residence in the Ashton prior to the death of the said John M. Todd, leaving her surviving three

Ashton Todd et als.

Versus.

Todd, Ashton et als.

Petition of ~~J.~~ Frank Hume et als.

Filed Oct 24 1905
Dist. Ct. Va.

ed as the nature of the case may require or to equity shall seem meet
And your petitioners will ever pray &c.

Ashton Todd
J. Frank. Hume
By Counsel.

That the estate of the said John M. Todd in Virginia has been committed to R.A. Edwards. Of the County of Dale of Virginia. These records for a copy of said order of court. B. Todd to be made as a part of his petition.

that the adult heirs at law desire, and will request, that the debts of the said John M. Todd, be paid out of the sum and amount under the control of this court as aforesaid. #

In tender consideration whereof and forasmuch as your complainants are without remedy at law and can only be relieved by the aid of this honorable court of chancery, where matters of this kind are alone and properly cognizable and relievable, to the end that justice may be done in the premises, your petitioners pray that the said Jennie A. Todd, Caroline A. Todd, Kate V. Todd, Cecilia A. Starke and J.D. Starker her husband, Sarah Blackburn Todd, Eleanor Werner and William Werner her husband, Martha Thornton Ashton, Horace Dade Aston, Ashton Todd, in his own right and as administrator of John M. Todd, deceased, ^{of the personal estate} in the state of Maryland, R.A. Edwards admr of the personal estate of said John M. Todd in Virginia, Everard R. Todd, Augustine Jaqueline Todd, Eliza Blackburn Ashton and Elizabeth Magill Todd, the last four infants under the age of twenty one years, by E.H. Williams, who has heretofore, at rules, in this cause, been appointed their guardian ad litem, to defend their interests in this suit, be made parties defendant to this petition and be required to answer the same. That proper process may issue.

That the said decree entered in this cause on the 2d day of October 1904, directing the said R.S. Thomas, Special Commissioner to distribute the residue of the said sum of Twenty Five Hundred, the proceeds of sale of the said real estate, after the payment of costs of suit as aforesaid, to wit; the sum of \$2304.70, be modified and the said Commissioner be directed to deposit the same to the credit of this cause, to await the further order of the court herein.

That a commissioner of this court be directed to ascertain and report to court an account of the debts due by the said John M. Todd, or his estate, with their priority and dignity.

That this petition ^{to} be treated as a bill of review, petition or ^{original} ~~cross~~ bill as the equities of the case may require.

That all proper orders and decrees may be entered and enquiries directed and that such other, further and general relief may be grant-

of the said suit, and the attorney employed to institute the same, who in answer to the enquiry, understood that all of the said debts had been fully paid.

That the said John M. Todd, at the time of his death, was indebted to your petitioner ^{Ashton Todd} in the sum of Two Hundred and Twenty Five Dollars, with interest thereon from the 6th day of Sept 1901, as will appear from the bond of the said John M. Todd, bearing date Sept 6th 1901, and being for the payment to the said Ashton Todd, of the sum of Two Hundred and Twenty Five ~~Hundred~~ Dollars on demand. The said bond is herewith filed, marked A., and prayed to be taken as a part of this petition.

That no part of the amount evidenced by the said bond has been paid by the said John M. Todd, in his life time or by any person since his death, but is still due and unpaid to your said petitioner.

That the said John M. Todd, in his life time and at the time of his death was indebted to your petitioner J. Frank Hume, of the City of Washington, in the District of Columbia, in the sum of Two Hundred and Twenty Four Dollars and Twenty Four Cents for goods, wares and merchandise, money paid, laid out and expended by the said J. Frank Hume, for the said John M. Todd, in his life time, and at his special instance and request.

That the said sum of Two Hundred and Twenty Four Dollars and Twenty Four Cents, is still due, owing and unpaid to your petitioner, the said J. Frank Hume, with interest from the _____ day of _____ 190____ no part thereof having been paid by the said John M. Todd in his life or by any person since his death.

Your petitioners are informed, and so charge that an account of the debts due by the said John M. Todd, to them and the other creditors of the said John M. Todd, should be taken, and the respective amounts paid them before any distribution should be made of the said sum of \$2304.70, deposited in bank as aforesaid, and under the control of this court.

That your petitioners are further informed and so charge that

as in the complainants bill is alleged, paying the shares of the adult parties to such adults, and the shares of the infant defendants to their guardians so soon as the said court was satisfied that such guardians have given bonds in penalty and with surety sufficient for the security of the same, and in the meantime deposit the same in the Bank of Smithfield, Smithfield, Va, to the credits of such infants respectively.

That the said Commissioner, in obedience to the said decree paid out of the said sum of \$2500. so collected by him as aforesaid, the costs of said suit, together with attorney's fee aforesaid, and the fees of the special commissioner, with fee for deed to purchaser, leaving in the hands of the said Commissioner, for distribution under the said decree, the sum of \$2304.70.

That the said Commissioner, has not distributed the said sum, but has deposited the same in the Bank of Smithfield, to his credit as Special Commissioner, for the reasons in said Commissioners report mentioned.

Your Petitioners are informed and so charge that the allegation in the said bill that all of the debts and liabilities of the said John M. Todd, deceased, have been discharged and paid off in full, is erroneous, unfounded and untrue in fact, on the contrary your petitioners are informed and so charge that the said John M. Todd, was largely indebted at the time of his death, and that his personal estate, together with a small tract of land, of uncertain value, owned by him in the County of Charles and the State of Maryland, may and possibly will prove insufficient for the payment of his debts, in the event a claim which has been preferred against his estate be established.

That the said allegation that the debts of the said John M. Todd had been discharged and paid off in full was the result of a misunderstanding between the heir at law who, in behalf of himself and the other heirs at law of the said John M. Todd, directed the institution

That the said land was indivisible in kind and that none of the parties would take the entire subject and pay to the other parties in interest the sums and amounts to which their respective interests would entitle them.

That one Emma J. Knight, had offered and agreed to purchase the said tract of land and pay^h herefor the sum of Twenty Five Hundred Dollars in cash.

That the said sum of twenty Five Hundred Dollars was the full value and more than the market price of the said land, and that the interest of all of the parties, both plaintiffs and defendants would be promoted by a sale of the said land at the sum and price aforesaid.

That by the decree of said court entered on the 2d day of October 1905, it was ordered that the said bid and offer of the said Emma J. Knight be accepted, and that R. S. Thomas, who was appointed a special commissioner for that purpose, having first given the bond by said decree directed, do collect and receive of and from the said Emma J. Knight, the sum of Twenty Five Hundred Dollars, in full of the purchase price of the said land, with its appurtenances, and upon the payment thereof that the said commissioner do execute and deliver unto the said Emma J. Knight a good and sufficient deed in fee simple, with special warranty, for the tract of land aforesaid.

Your petitioners are informed and so charge-as appears from the report of the said Commissioner, this day filed in this cause, that in obedience to the said decree the said commissioner collected of and from the said Emma J. Knight the said sum of Twenty Five Hundred Dollars, the purchase price of the said land as aforesaid, and executed and delivered to her a good and sufficient deed for the said land.

That the said decree further directed the said Commissioner, after first paying thereout the unpaid costs of said suit, including an attorneys fee to R. E. Boykin, for his services as attorney in said cause, do distribute the residue among the parties entitled thereto

R. E. BOYKIN,
ATTORNEY AND COUNSELOR AT LAW,
SMITHFIELD, VA.

Ashton Todd et als.

Vs.

Todd, Ashton et als.

In the Circuit Court of Isle of Wight County.

The Petition of Ashton Todd and Frank Hume on behalf of themselves and other creditors of John M. Todd, deceased, late of the County of Charles, in the State of Maryland, who may choose to come in and contribute to the costs of this petition.

Your peitioners would respectfully represent that, at the first September rules 1905, Ashton Todd and Kate V. Todd, his wife, Jennie A. Todd, Caroline A. Todd, Cecilia A. Starke and J. D. Starke, her husband, Sarah Blackburn Todd, Eleanor Werner and William Werner her husband, Martha Thornton Ashton and Horace Dade Ashton, filed their bill in chancery in the Clerks Office of the Circuit Court of the County of Isle of Wight, against Everard R. Todd, Augustus Jaqueline Todd, Eliza Blackburn Ashton and Elizabeth Magill Todd, the said defendants being infants under the age of twenty one years of age.

That a guardian ad litem was duly appointed, at rules, for the said infants.

That the said bill alleged-among other things, as follows:

That the said John M. Todd, departed this life intestate, at his residence in the County of Charles, in the State of Maryland, some time in the month of November 1903, leaving him surviving, the said plaintiffs and defendants in the said bill as his heirs at law.

That in addition to certain personal property in the State of Maryland, the said John M. Todd, died seized and possessed of a tract of land in the County of Isle of Wight, and State of Virginia, containing Ninety Five and Three Fifths acres, be the same more or less.

That all of the debts and liabilities of the said John M. Todd, had been paid off and discharged in full by the said Ashton Todd, administrator of the said John M. Todd, to whom the estate of the said John M. Todd has been committed by the Superior Court of the said county of Charles, in the State of Maryland.

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Ashton Todd et als.

Vs. In Chancer,

Todd, Ashton et als.

Complainants ~~Bill~~.

*Answer of Infant
defendants to*

Ashton Todd, and Kate V. Todd, his wife, Jennie A. Todd, Caroline A. Todd Cecilia A. Starke, and J. D. Starke, her husband, Sarah Blackburn Todd, Eleanor Ashton Werner, and William Werner, her husband, Martha Thornton Ashton, and Horace Dade Ashton.

Versus.

Everard R. Todd, Augustine Jaqueline Todd, Elizabeth Magill Todd and Eliza Blackburn Ashton, infants under the age of twenty one years, by E. H. Williams, their guardian ad litem.

The joint and several answers of Everard R. Todd, Augustine Jaqueline Todd, Elizabeth Magill Todd and Eliza Blackburn Ashton, by E. H. Williams, their guardian ad litem appointed to defend their interests in this suit, to the bill in chancery in said court exhibited by Ashton Todd and others against them.

These defendants saving and reserving all right of exception to the many errors and imperfections in the said bill contained, for answer thereto or to so much thereof as they are advised it is material or necessary for them to answer, answering say. That they are infants under the age of twenty one years and commit their interests in the premises to the protection of this honorable court. And having answered they pray hence to be dismissed with their costs in this behalf most unreasonably expended.

Everard R. Todd, Augustine Jaqueline Todd,
Elizabeth Magill Todd and Eliza Blackburn

Ashton, by E. H. Williams their Guardian Ad Litem.

E. H. Williams Gdn ad litem of
Everard R. Todd, Augustine Jaqueline Todd,
Elizabeth Magill Todd and Eliza Blackburn
Ashton.

Isle of Wight County, to wit.

I, R. E. Boykin, a Commissioner in Chancery for the Circuit Court for the County aforesaid, in the State of Virginia, do certify that E. H. Williams, whose name, as guardian ad litem of Everard R. Todd, Augustine Jaqueline Todd, Elizabeth Magill Todd and Eliza Blackburn Ashton, is signed to the foregoing answer personally appeared before me in my said county and made oath that the statement contained in the said answer so far as made of his own knowledge are true, and so far as made on knowledge or information derived from others he believes to be true. Given under my hand this 2d day of Sept 1905.

R. E. BOYKIN,
ATTORNEY AND COUNSELOR AT LAW,
SMITHFIELD, VA.

R. E. Boykin
Courier

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Ashton Todd et als.

Versus.

Todd, Ashton et als.

Answer of Infant Defendants to
the Petition of J. Frank Hume et
als.

Filed Oct 24 1905
Test. Johnson
J. E. Boykin

LAW OFFICE OF
R. E. BOYKIN,
SMITHFIELD, VA.

Ashton Todd et als.

Versus.

Todd, Ashton et als.

In the Circuit Court of Isle of Wight County.

The joint and several answers of Everard R. Todd, Augustine Jaqueline Todd, Eliza Blackburn Ashton and Elizabeth Magill Todd, infants under the age of twenty one years, by E.H. Williams, their guardian ad litem appointed to defend their interests in this suit, to the petition filed in this cause by ~~the~~ Frank Hume and others against them and others.

These defendants saving and reserving all right of exception to the many errors and imperfections in the said petition contained, for answer thereto or to so much thereof as they are advised it is material or necessary for them to answer, answering say.; that they are infants under the age of twenty one years and commit their interests in the premises to the protection of this honorable court. And having answered they pray hence to be dismissed with their costs in this behalf most unreasonably expended.

E. H. Williams *Ad litem*
Everard R. Todd -
Augustine Jaqueline Todd -
Eliza Blackburn Ashton,
Elizabeth Magill Todd.

Ashton Todd et als.

Versus.

Todd, Ashton et als.

Answer of adult defendants to the
Petition of J. Frank Hume et als.

Filed Oct 24-1905
Test, R. E. Boykin

Genie A. Todd. Caroline
A. Todd, Kate V. Todd,
Cecilia A. Starks, J. D. Starks,
Sarah Blackburn Todd
Eleanor Werner, Wm Werner
Martha Thorailou Ashton
Horace Dade Ashton.
Ashton Todd in his
own right and as
Adm'r of John M. Todd,
decd. - R. A. Edwards. adm'r of
Jno. M. Todd

By counsel

Ashton Todd et als.

Versus.

Todd, Ashton et als.

The joint and several answers of Jennie A. Todd, Caroline A. Todd, Kate V. Todd, Cecilia A. Starke and J. D. Starke her husband, Sarah Blackburn Todd, Eleanor Werner and William Werner her husband, Martha Thornton Ashton, Horace Dade Ashton, and Ashton Todd, in his own right *R. A. Edwards, admin of the said John M. Todd, in v. The* and as Administrator of John M. Todd, to ~~the~~ petition in said court exhibited by *W.* Frank Hume, et als against them and others.

These defendants saving and reserving all right of exception to the many errors and imperfections in the said petition contained, but waiving service of process to answer the said petition, for answer thereto, or to so much thereof as they are advised it is material or necessary for them to answer, answering say.

except the said R. A. Edwards, admin of John M. Todd, That they admit to be true the general allegations in the said petition contained as to the allegations in the said bill, the proceedings had thereunder, and the acts and doings of the said commissioner.

except as aforesaid And further answering these defendants say that, they admit to be true the allegation in the said petition contained that the said John M. Todd, was considerably indebted in his life time, and that all of his debts have not been paid off and discharged in full.

That they approve of the acts and doings of the Special Commissioner in depositing in Bank, as in his report is mentioned, the balance of the proceeds of sale of the land in the bill and proceedings of this suit mentioned, after the payment of the costs of suit and attorney's fees, and it is their wish and desire that all just debts of the said John M. Todd, deceased, still due and unpaid, be paid out of the said sum so deposited by the said commissioner as aforesaid, and now under the control of this court, and that the same be ascertained and paid by proceedings had in this cause. #

And having answered these defendants pray hence to be dismissed with their costs in this behalf most unreasonably expended.

The said R. A. Edwards, admin of the said John M. Todd, - especially answering say - that he has no knowledge or information as to the indebtedness of the said John M. Todd, or his estate, and demands proof of the same.

Davis H. Sturges

86 Va

Ashton Todd, et al

vs.

SUBPOENA
IN
CHANCERY.

Everard R. Todd, et al

R E Baykin p. 7

To 1st September 1905 Rules,
Circuit Court.

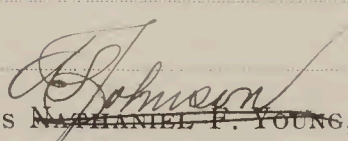
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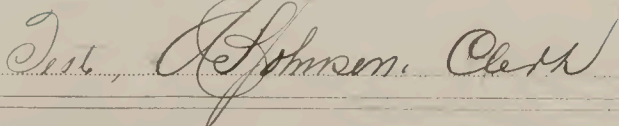
The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU that you summon Everard R. Todd, Augustine Jacqueline Todd, Elizabeth Magill Todd and Eliza Blackburn Ashton, infants under age of twenty one years

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the first Monday in September 1905, to answer a bill in chancery, exhibited against them in our said court for by Ashton Todd, and Kate V. Todd, his wife; Jennie A. Todd; Caroline A. Todd; Cecilia^a Starke and J. D. Starke, her husband; Sarah Blackburn Todd; Eleanor A. Werner and William Werner, her husband; Martha Thornton Ashton and Horace Dade Ashton,

And have then there this writ. Witness  Nathaniel P. Young, Clerk of our said court, at the court-house, the 1st. day of September, 1905, and in the 12^x 130th. year of the Commonwealth.

Test,  Nathaniel P. Young, Clerk

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Ashton Todd et als.

Vs.

Todd, Ashton et als.

Plaintiff's Depositions.

Filed Sept 25th 1905
~~~~~ " ~~~~~

To Everard R. Todd, Agustine Jaqueline Todd, Elizabeth Magill Todd and Eliza Blackburn Ashton, infants under the age of twenty one years by E.H. Williams, their guardian ad litem.

You are hereby notified, that, that on the 23d day of September 1905, at the Office of R.E. Boykin, in the town of Smithfield, in the County of Isle of Wight and State of Virginia, between the hours of Nine A.M. and Nine P.M., of that day, I shall proceed to take the depositions of T.T. Spratley to be read as evidence in our behalf in a certain suit in equity depending in the Circuit Court of the County of Isle of Wight wherein we are plaintiffs and you are defendants.

And, if from any cause the taking of the said depositions be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day, at the same place, and between the same hours, until the same shall be completed.

Ashton Todd, Kate V. Todd, Jennie A. Todd, Caroline A. Todd, Celia A. Starke, J. D. Starke, Sarah Blackburn Todd, Eleanor A. Werner, William Werner, Martha Thornton Ashton and Horace Dade Ashton

By R. E. Boykin. Their atty.

We accept legal service of this notice.

Everard R. Todd, Agustine Jaqueline Todd, Elizabeth Magill Todd & Eliza Blackburn Ashton  
by E.H. Williams their guardian ad litem.

Honors Fee \$5.00

State of Virginia.

Isle of Wight County, to wit.

I, Geo. R. Atkinson, a Commissioner in Chancery for the Circuit Court for the County aforesaid, in the State of Virginia do certify that the foregoing depositions of Jas. S. Davis, A. R. Whitehead, T. T. Sparatley and B. P. Chapman, were duly taken, sworn to and subscribed before me, at the time and place and for the purpose in the caption thereto mentioned.

Fee \$4.00

*Geo. R. Atkinson*

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Commissioner in Chancery

B.P.Chapman.being duly sworn deposes and says as follows.

Ques. 1. State your age,residence and occupation.

Ans. Am ffty six,reside in Smithfield,am a merchant.

Ques. 2. Is it not a fact that you have bought largely of real estate in the vicinity of Smithfield within the past ten or more years,and have you not a good general idea of the value of real estate in that section of Isle of Wight County.

Ans. I have boughtreal estate quite extensively in that time,in that section,and think I know the values of such estate.

Ques.3. Please state whether or not you know the tract of land in the bill mentioned of which the Rev.John M.Todd died seized and posessed,and whether it can be divided in kind among the heirs.

Ans. I am quite familiar with the land. It can not be divided.

Ques. 4. About how many acres would you say was arable and of what does the balance consist.

Ans. I do not think there is over thirty five acres of arable highland,the balance consists of hill sides and marsh.

Ques.5. What would you consider the fair value and full market price of the land in question.

Ans. I should think Twenty Five Hundred Dollars is a very good price for it. I hear the heirs of Mr Todd have been offered that much. I would not have paid as much as that for it,and I would have considered,but for the offer above,that Two Thousand Dollars was a good price. It is as much as I would give.

Ques. 6. What is the character of the house on the land.

Ans. It was a very cheap house in the beginning; has never been painted,is very much out of repair and the buildings are not worth two hundred dollars.

Ques.6. Do you think it would be best for the interest of the parties entitled to the land and particularly the infant defendants,that the offer of Emma J.Knight to pay Twenty Five Hundred in cash for the said land be accepted.

Ans. I do.

And further, this deponent saith not.

*B. P. Chapman*

Ques. State what houses are upon the premises, their condition and the like.

Ans. A dwelling, and no out house. A passage and two rooms below and the same above. Lathed but never plastered above. It is now ruinous and greatly out of repair. It was built some sixteen years ago and was never completed. It was a cheap house in the beginning and cheaply constructed. Never painted, except the roof once.

And further this deponent saith not.

J. J. Spratley

Q. State your age residence and occupation, and what connection if any are you to the parties to this suit.

Ans. I am forty one, reside in Smithfield, am a ham packer, of the firm of E .M.Todd and Company. I married a niece of the Rev. Jno. M.Todd.

Ques. State whether you are acquainted with this land, the extent of your knowledge; the number of acres in the entire tract, how many are arable, and whether it can be divided in kind among the parties.

Ans. It could not be divided in kind. It would ruin the property. I am well acquainted with the land in question. There are ninety five and three fifth acres. Have often been over it. There is about thirty Five acres of the land arable, the balance as has been stated, consists of marsh and hill sides. There is not sufficient wood on it to fence the land. The Rev Jno.M.Todd, has long been a resident of Maryland, and for a number of years, as an act of kindness to him, I looked after his land, rented it out and received the rents and am familiarly acquainted with it.

Ques. 3. State what in your opinion is its fair value and full market price.

Ans. Twenty Five Hundred Dollars. After the death of the Rev Jno. M. Todd, at the request of his heirs, merely as a favor, and without any consideration, I endeavored to secure a purchaser, and after awhile Mrs Knight made this offer, which I considered an admirable one. It was then supposed that it could be sold without a suit, and all of the adult heirs were, and are now well satisfied with the price offered, and are anxious that the bid of Mrs Knight be accepted

Ques. In your opinion would it be best for all parties, especially the infant defendants, that the said bid and offer of Mrs Knight be accepted.

And. It would.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

to have sold for.

Ques. 4. In your opinion would it be for the best interest of the infant defendants that the bid and offer of Emma J. Knight to pay Twenty Five Hundred Dollars, in cash for the said land be accepted.

Ans. I think so.

*and further this deponent saith not.*

*James B. Davis*

A.R. Whithead, being duly sworn deposes and says as follows.

Ques. 1. State your age, residence and occupation.

Ans. ~~State xxxxxx~~ I am fifty five year of age, reside in Smithfield, have been a farmer, at present am <sup>helping</sup> my son in his mercantile business.

Ques. 2. Are you acquainted with the land in the bill and proceedings of this suit mentioned <sup>also</sup> about how many acres in the entire land, how many acres are arable, and its value.

Ans. I have known this land for thirty five years; about ninety five acres in the entire tract, about thirty five arable, I do not think as much as forty, and the balance in marsh and hill sides, right much hill side, all the wood has been cut off it, not enough wood to fence it. The house is in very bad condition, of but little value. It was a cheap house, never painted, is much out of repair.

Ques. 3. What in your opinion would be the fair value of this land and its full market price. State also if the land can be divided.

Ans. I think Twenty Five Hundred Dollars is its full value. I would not like to give that much for it if I desired to purchase land in that section. It is paying a very high price for the upland as the marsh and hill sides are not worth to exceed five dollars per acre. The land could not be divided. The shares would be too small.

Ques. 4. State whether or, in your opinion, it would be for the benefit of the infant defendants, especially, that the said land should be sold to Emma J. Knight for the sum of Twenty Five Hundred Dollars in cash, or that it be divided in kind.

Ans. I unquestionably think it ought to be sold at that price.

And further this deponent saith not.

*A. R. Whithead*

Ashton Todd et als.

Versus. In the Circuit Court of the County of Isle of Wight.  
Todd, Ashton, et als.

The depositions of T.T.Spratley and others, taken before me ,  
Geo.R.Atkinson, a Commissioner in Chancery for the Circuit Court for  
the County of Isle of Wight, in the State of Virginia, pursuant to the  
notice hereto annexed, at the Office of R.E.Boykin, in the town of  
Smithfield, on the 23d day of September 1905, between the hours of  
Nine O'Clock A.M. and Nine O'clock P.M., to be read as evidence in be-  
-half of the said Ashton Todd and others are plaintiffs and ~~Everard~~  
R.Todd, Augustine Jacqueline Todd, Elizabeth Magill Todd and Eliza  
Blackburn Ashton, infants under the age of twenty one year, by E.H.  
Williams, their guardian ad litem appointed to defend their intere-  
sts in this suit, are defendants.

~~Que xxxxxx State xxxxxx xxxxxx~~  
Present. R.E.Boykin, Attorney for Plaintiffs.

E.H.Williams, guardian ad litem for infant defendants.

Jas.S.Davis, a witness of lawful age having been first duly sworn  
deposes and <sup>says</sup> ~~was~~ as follows.

Ques. 1. State your residence and occupation, and what official  
position do you hold in Isle of Wight County.

Ans. I am sixty two years of age. Live near Carrollton in Isle of  
Wight County. Am a farmer by occupation, and am a Justice of the  
Peace.

Ques 2. Are you acquainted with the tract of land in the plaintiff-  
s bill mentioned. If so state how many acres in your opinion, are  
arable, and the number of acres in the entire tract, and if the land  
can be divided in kind among the parties entitled thereto.

Ans. I am. Some ninety five acres in the entire tract, there is be-  
tween thirty five and forty acres arable, and the balance consists  
of marsh and hill sides. Live some four miles from the land. The  
land can not be divided in kind without great loss and injury.

Ques. 3. What in your opinion would be the full price and fair mar-  
ket value of the said land.

Ans. Twentey Five Hundred Dollars is the full value of the land,  
even if sold upon a credit, and is more than I would have expected it

Ans. No- nothing but the house. I was just his housekeeper.

Q. Then what do you mean by saying that you were his housekeeper and manager. I related to only managing the house. I was just housekeeper and manager of the servants.

Q. What was the nature of his other business that needed attention?

Ans. He had writing to be attended to, he had paying of bills and all of that sort of thing, and attending to his outside business.

Q. You have no interest whatever in this bill (Meaning Miss Jennie A Todd's bill).

Ans. None whatever.

Q. Did you look after your father any during this long illness,

Ans. If he wanted anything done, I would come and ask him to let me do it, he would say no- let Jennie do it, she knows how.

Q. ~~Who wrote that will which your father failed to sign?~~ Who wrote that will which your father failed to sign?

Ans. My sister-in-law, Mrs. Ashton Todd.

Q. Was your father able, during any time of his illness, to write a will?

Ans. Well, he could have done it, but when he spoke of it we all tried to avoid it because it made us so sad for him to even mention it.

And further this deponent saith not

Gardner A Todd

sick, I know it was not a week after he was taken sick.

Q. Did he say what amount he would pay her a month or a year for her services?

Ans. He said that he was not able to give her any special amount but that he would do just what has already been stated that he would do for her.

Q. The he made her no definite promise but simply said he would like to be able to pay her something like a thousand dollars a month and this was said practically every week or two during his illness?

Ans. Yes.

Q. What was the nature of your father's illness?

Ans. He was taken with the Grippe and he was too old to recover.

Q. He just, as I understand it, dwindled away from old age?

Ans. Yes.

Q. Was it necessary to be up with him all night during the whole of his illness, if not during the whole of his illness, then how long was it necessary to be up with him during the whole of the night?

Ans. At the first part of his illness she was up with him the whole night long, this lasted for about three months, and then she was up with him all night long, off and on, all through his illness. She was not out of his room a single night all during his illness.

Q. Was it necessary for her to be up every night during his illness, or for how long was it necessary for her to stay up during the whole of the night.

Ans. Just for three months was it necessary for her to be up all night long, and for the rest of the time through his illness it was necessary for her to be up off and on all through the night.

Q. Who of his children lived with him during his illness?

Ans. My sister and myself?

Q. What were your duties?

Ans. I was his housekeeper and manager.

Q. I understand by that that he was in the entire charge of his business.

R. E. BOYKIN,

ATTORNEY AND COUNSELOR AT LAW

SMITHFIELD, VA.

Q. In what way did he so speak as to the value.

Ans. If he had a thousand dollars to give her a month he could not pay her for what she was doing for him.

Q. Look at the paper now shown you, being an account against the estate of your late father to your sister, Jennie Ashton Todd, for services rendered, etc. duly sworn to by her, and state whether or not that paper correctly states the period of your sister's services to your father, the nature of the services and whether or not you consider the sum of \$25 per month therein charged, a fair charge for those services.

(Objected to by guardian ad litem as leading)

Ans. The paper is perfectly correct, and I consider the charge a fair one. All of her friends wanted her to charge more but she would not do so.

(The paper herein last referred to is herewith filed as a part of these depositions, marked "E")

Q. Did you father, at any time, pay your sister anything for her services, as stated in this account, or has she been paid anything on that account since?

Ans. She has never been paid anything or has never received anything on that account, to my certain knowledge.

Cross examination by Mr. E. W. Williams, guardian ad litem.

Q. When--can you name any special time when your father made a promise to your sister, Jennie Ashton Todd, to reimburse her or compensate her for her services.

Ans. I never took notice to any special time. It was several times I certainly think it was every week while he was sick. I never thought there was any necessity of taking any special notice of it as I never expected any trouble about her being paid for her services.

Q. Can you remember about the first time that he made such a promise?

Ans. I can not, but it was R. E. BOYKIN, short time after he was taken

and nurse him.

Q. When did she commence work of looking after him and nursing him, what was the nature of her occupation in relation to her father and his affairs, and how long did this occupation continue?

Ans. She begun on the 25th. of January, 1901- She did everything that was done for him- and she continued to look after him and his affairs till his death, November 25th. 1903.

Q. Did, or not, you father ever promise, in your presence, to pay your sister, or to compensate her, I mean your sister Jennie Ashton Todd, for her services to him during the period you have mentioned?

Ans. Yes.

Q. Please state what he said to her in your presence on any occasion or occasions on which he so promised to pay or compensate her?

Ans. He promised that he would compensate her, he would leave her and myself, and especially her, the home and the personal property and a full share in the other property. He did to his on a great many occasions.

Q. Did he make any attempt just before his death to comply with this promise by way of leaving her the property you have spoken of? If yes, please state what he attempted to do?

Ans. He attempted to make a will but was unable to sign it.

Q. Did, or did you not, with your sister, Jennie Ashton Todd, bring to me as your attorney, after his death, a paper writing in which provision was made or sought to be made for your sister as you have just stated, and did I not inform you both that that could not be probated as a valid last will and testament, because he had not himself signed that paper and because it had not been witnessed according to the laws of the State of Maryland?

Ans. Yes.

Q. Did he ever speak to your sister, in your presence, of the value of the services she had rendered?

Ans. Yes, many times.

Miss Caroline A. Todd being duly sworn, deposes and says:

Questioned by General Wilmer.

Q. Please state your name, age and residence.

Ans. Caroline A. Todd, forty seven years, Charles County, in the State of Maryland.

Q. Miss Todd, you are also a daughter of the late Rev. Jno. M. Todd? are you not?

Ans. I am.

Q. Did you, or not, reside with him at his home in Charles County prior to his death, and if so for how long had you been so living with him?

Ans. I have been living with him all of my life, and up to the date of his death.

Q. When did your father's health commence to fail?

Ans. In January, 1901?

Q. How old was your father then?

Ans. He was eighty six years old then?

Q. Were you living alone with your father at that time?

Ans. I was.

Q. Were you or not able to give your father and his affairs the attention required?

Ans. No.

Ans. Where was your sister, Miss Jennie Ashton Todd, then living, how long had she been absent from your father's home, and what was her occupation then? and for some years prior thereto?

Ans. She was living in Washington City, she had been absent about twelve years, she was nurse for three years at the Church Home in Baltimore, at the time her father's health begun to fail she was keeping boarding house in Washington City, and she had been keeping boarding house ever since she stopped nursing.

Q. You have stated that you were not able to give your father proper care alone, what then did you do?

Ans. ~~My~~ sister Jennie A. Todd had to come to look after him.

Q. Look at the paper now shown you, being an obligation of your late father to pay to the vestry of William and Mary Parish in Charles County, Maryland, two hundred dollars (\$200) with certain credits endorsed thereon and state whether or not that is your father's genuine signature to said paper, whether or not the payments were made as credited thereon and whether or there was not due as a balance on said obligation \$50.66 with interest from August 11th. 1900.

Ans. I answer in the affirmative to all the questions embraced in your question last above.

Q. Was any portion of that balance of \$50.66, or any interest thereon, ever been paid?

Ans. No sir.

(Paper referred to next above herewith filed marked "D")

Q. Have you personal knowledge as the business agent of your father that S. Henry Cox, a surveyor of said Charles County, was employed to survey some lands for him in the year 1903?

Ans. Yes sir:

Q. Please look at the paper now shown you, being said Cox's bill, for \$28.00 for his services in surveying as aforesaid, and state whether or not that bill is correct?

Ans. Yes sir, it is.

Q. Has any portion of this bill ever been paid?

Ans. No sir.

(paper referred to herewith filed marked "D")

A further this deponent saith not.

Jenna A. Todd

Miss Jennie A. Todd being duly sworn, deposes and says:

By General Wilmer:

Q. Please state your name, age, residence and occupation.

Ans. Name, Jennie Ashton Todd, fifty nine years, Charles County, Maryland.

Q. Miss Todd, are you not a daughter of the late Rev. UJno. M. Todd?

Ans. I am sir.

Q. How long had you been living with him before his death?

Ans. Three years from the 25th. day of January 1901.

Q. Among other things did you attend to his business affairs and attend to the purchasing of groceries and supplies for him?

Ans. I did, sir.

Q. Do you know whether or not you were dealing, during the period of your residence with your father, with one Frank Hume, a grocer, in Washington City?

Ans. I do.

Q. Did you or not order goods from him for your father?

Ans. I did, sir.

Q. Do you know whether or not at the time of your father's death he was indebted to the said Frank Hume for groceries and supplies ordered as aforesaid?

Ans. Yes sir.

Q. Please look at the paper now shown you, being a paper referred to in the creditor's petition mentioned by Mr. Ashton Todd in his depositions and state whether or not the sum of two hundred and twenty four dollars and twenty one cents (\$224.21) was due by your father as stated and sworn to in this paper?

Ans. Yes sir.

Q? Has any portion of that \$224.21 been paid? to the said Frank Hume or has any interest thereon ever been paid?

Ans. No. Sir.

( Paper referred to here introduced and filed here-  
with as "B")

R. E. BOYKIN,  
ATTORNEY AND COUNSELOR AT LAW,  
SMITHFIELD, VA.

to be his true and genuine signature?

Ans. Yes sir- that is his genuine signature.

(The evidence of the debt is herewith filed  
as evidence, marked "A")

Q. Has any part of that indebtedness ever been paid you?

Ans. Not at all.

Q. Mr. Todd, in reference to a claim of your sister, Jennie Ashton Todd, for services rendered her father and your father in his illness as set forth in a bill which I now show you, and which is to be hereafter filed, did your father, during his illness, ever say anything to you about these services of your sister, Miss Jennie Ashton Todd, and of his purpose to compensate her for his services?

Ans. Yes sir, he said that intended to provide for her for her faithful services to him- he said that she had been a slave to him for three long years- and he said that he intended ~~that~~ to leave the home and all the personal property intact to her and my sister Caroline to be a home for them and that if he had a million of dollars to give her it would not pay her for the slavery and attent on she had given to him during that time.

~~Ex~~ ~~By~~ Cross examined by Mr. Williams.

Q. Was he competent at that time to make a will?

Ans. Perfectly, but he had a sort of sympersition about making a will. I tried to get him to make a will, or rather suggested it to him several times prior to his sickness, but not during his sickness. I was afraid to mention it to him because it would excite him.

And further this deponent saith not.

Ashton Todd.

The depositions of Mr L Ashton Todd, Mrs Caroline Ashton Todd, and others, taken before me, A. S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, pursuant to notice hereto annexed, at my office, in the town of Smithfield, in the County of Isle of Wight, on the 19th. day of July, 1906, between the hours of eleven o'clock A.M. and four o'clock P.M., to be read as evidence in behalf certain creditors of late John M. Todd, in a certain suit in chancery in the said Court depending wherein Ashton Todd et als are plaintiffs, and Ashton Todd et als are defendants.

Present, General L. Allison Wilmer,  
Counsel for the creditors.  
Mr. E. H. Williams, guardian ad litem

Mr. Ashton Todd being duly sworn, deposes and says:

By General Wilmer:

Q. Please state your name, age, residence and occupation.

Ans. Ashton Todd, fifty six years, 1538 I. St. N.W. Washington D.C., Clerk in the Post Office department, Washington D.C.

Q. Please state what relation you bore to the Reverend John M. Todd, late of Charles County, Md., deceased?

Ans. I was his son.

Q. Was your father, the Rev. John M. Todd indebted to you in his life time, and if yea, in what amount and for what consideration?

Ans. Two hundred and twenty five dollars for money loaned.

Q. Please look at the paper now shown you, which is referred to in the petition of yourself and Frank Hume on behalf of the creditors of the estate of the said John M. Todd and state whether or not that is your father's written obligation to pay you the said two hundred and twenty five dollars (\$225) on September 6th.

1901? and whether or not you <sup>R. E. BOYKIN</sup> the signature to said paper

ATTORNEY AND COUNSELOR AT LAW,  
SMITHFIELD, VA.

June 24, 1906.

Very respectfully,

Attorney for Claimants.

between the same hours, until the same shall be completed.  
thereof will be adjourned from time to time, at the same place, and  
commenced, or if commenced, be not concluded, on that day, the taking

And if from any cause the taking of the said depositions be not  
and dignity".

depts and by the said court.  
Vashon Todd, and others, vs. Todd, Vashon, and others, "An account of  
in the state of Virginia, entered on October 24, 1902, in the suit of  
things, by a decree of the Circuit Court of the County of Isle of Wight,  
Wight, in the state of Virginia, to whom has been referred, among other  
M. Todd, before Commissioner A. S. Johnson, of the County of Isle of  
Frank Home, and S. Henry Cox, claimants against the estate of Rev. John  
Vestry of William and Mary Parish, of Charles County and State of Maryland,  
to be read as evidence in behalf of Jennie A. Todd, Vashon Todd, the  
P. M., I shall proceed to take the depositions of Vashon Todd and others  
of Virginia, between the hours of eleven o'clock A. M. and four o'clock  
in the town of Smithfield, in the County of Isle of Wight, in the state  
year nineteen hundred and six, at the office of A. S. Johnson, Esquire,  
also hereby notified that  
Vashon Todd and Elizabeth Magill Todd;  
deposits Everard R. Todd, Augusta Todd, Eliza Blackburn  
Pislin, and E. H. Williams, Esquires, and the said infant  
Thomas Todd, Vashon and Lewis Vashon, and Horace Dade Vashon;  
Todd, Eleanor A. Wanner and William Wanner, her husband; Martha  
Todd, secretaries of the said estate of Rev. John Vestry, deceased; Sarah Blackburn  
Todd, Vashon, and others.  
as.

Vashon Todd, and others,

OF VIRGINIA.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, IN THE STATE

*Attest*  
*Wm. H. Blackburn*

*For Mr. E. H. Williams  
Sunder of Little*

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, IN THE STATE  
OF VIRGINIA.

Ashton Todd, and others,

vs.

Todd, Ashton, and others.

Todd; Cecelia A. Starke and J. D. Starke, her husband; Sarah Blackburn  
Todd; Eleanor A. Wenner and William Wenner, her husband; Martha  
Thornton Ashton and Lewis Ashton, her husband; and Horace Dade Ashton;  
Plaintiffs: and E. H. Williams, Guardian ad litem to the infant  
defendants Everard R. Todd, Augustine Jacquelin Todd, Eliza Blackburn  
Ashton and Elizabeth Magill Todd:

are hereby notified that on the nineteenth day of July, in the  
year nineteen hundred and six, at the office of A. S. Johnson, Esquire,  
in the town of Smithfield, in the County of Isle of Wight, in the State  
of Virginia, between the hours of eleven o'clock A. M. and four o'clock  
P. M., I shall proceed to take the depositions of Ashton Todd and others,  
to be read as evidence in behalf of Jennie A. Todd, Ashton Todd, the  
Vestry of William and Mary Parish, of Charles County and State of Maryland,  
Frank Hume, and S. Henry Cox, claimants against the estate of Rev. John  
M. Todd, before Commissioner A. S. Johnson, of the County of Isle of  
Wight, in the State of Virginia, to whom has been referred, among other  
things, by a decree of the Circuit Court of the County of Isle of Wight,  
in the State of Virginia, entered on October 24, 1905, in the suit of  
Ashton Todd, and others, vs. Todd, Ashton, and others, "An account of  
debts due by the said John M. Todd, or his estate, with their priority  
and dignity".

And if from any cause the taking of the said depositions be not  
commenced, or if commenced, be not concluded, on that day, the taking  
thereof will be adjourned from time to time, at the same place, and  
between the same hours, until the same shall be completed.

June 27, 1906.

Very respectfully,

*L. Allison Williams*

Attorney for Claimants.

6  
Ashton Todd et als.

Versus.

Todd, Ashton et als.

Report of R.S.Thomas, Special  
Commissioner.

M.Todd,had been paid off and discharged in full were erroneous,and that it was desired by the adult heirs that the debts of the said John M.Todd,should be ascertained by a decree of this court,and the amount thereof paid out of the amount so deposited as aforesaid, your Commissioner has not distributed the said amount but has deposited the same as aforesaid,as under the circumstances aforesaid he deemed it his duty to report the facts specially to this Court, for such action therein as <sup>the</sup> court may be advised and direct,such action being requested by the attorney for all of the said heirs.

The receipts of the parties for said payments,~~with the certificate of the Cashier of the Bank of Smithfield for such deposit,~~ <sup>are</sup> herewith returned. All of which is respectfully submitted.

R. S. Thomas  
Special Commissioner.

Ashton Todd et als.

Versus.

Todd, Ashton et als.

In the Circuit Court of the County of Isle of Wight.

The undesigned R.S.Thomas, Special Commissioner in the above entitled cause, respectfully represents; that in obedience to the decree of October 2d 1905, he collected from Emma J. Knight the sum of Twenty Five Hundred Dollars, the purchase price of the land in the bill and proceedings of this suit mentioned.

That in further obedience to the said decree your commissioner paid the costs of suit and sale, as per

Statement A.

|                                                       |                  |                  |
|-------------------------------------------------------|------------------|------------------|
| To paid Clerk's fees                                  | 6.30             |                  |
| " paid atty's taxed fee                               | 15.00            |                  |
| " paid fee of Comr Atkinson                           | 5.00             |                  |
| " paid attorneys fee to R.E.Boykin                    |                  |                  |
| as per decree                                         | 100.00           |                  |
| " commissions allowed <sup>me</sup> by to R.E.Boykin, |                  |                  |
| and paid him by me in my place & stead                | 59.00            |                  |
| " paid attorney's fee for deed to purchaser           | 10.00            |                  |
| By amount of purchase price of land                   |                  | 2500.00          |
| " amount to balance                                   | 2304.70          |                  |
|                                                       | <u>\$2500.00</u> | <u>\$2500.00</u> |

To amount in hands of Commissioner deposited in the Bank of Smithfield to the credit of R.S.Thomas, Special Commissioner in

Ashton Todd et als Vs Todd, Ashton et als \$2304.70

Your commissioner further and specially reports to court, that in further obedience to the said decree he was about to distribute the balance in his hands as aforesaid, but being informed by the attorney for the heirs of John .M . Todd, decd, that he had just been informed by an heir of the said John M. Todd, representing himself and the other heirs of the said John M. Todd, that the allegation in the said bill filed in this cause, that the debts of the said John.

R. E. BOYKIN,  
ATTORNEY AND COUNSELOR AT LAW,  
SMITHFIELD, VA.

The Bank of Smithfield,

SMITHFIELD, VA.

R. S. Thomas Come.  
Ashton Todd et al - vs Todd Ashton et al

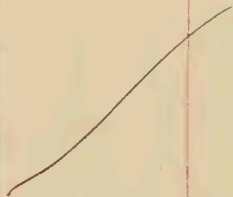
Dr. THE BANK OF SMITHFIELD, in acc't with

R. S. Thomas loan Cr.

1908

DEPOSITS

Oct 7 c 2500 00



\$2500 00

1907  
Apr 20 Balance 2304 70

1905

Oct 7 B & B. 10

✓ ✓ 59

✓ ✓ 115

18 S. P. A. 5

26 A. S. J. 6.30

Balance 2304 70

\$2500 00

October 7th 1905. Received of R.S.Thomas, Special Commissioner in the suit of Ashton Todd et als Vs Todd, Ashton et als, Ten Dollars being attorney's fee for drawing and certifying deed to the purchaser of the land directed to be conveyed in said suit.

R. E. Boykine

October 7th 1905. Received of R.S.Thomas, Special Commissioner in the suit of Ashton Todd et als Vs Todd, Ashton et als, the sum of Fifty Nine Dollars, being Special Commissioners fees, legally due to R.S. Thomas, Commissioner on Twenty Five Hundred Dollars collected by him in said suit, but which he has allowed and paid to R.E. Boykin.

R. E. Boykin

October 7th 1905. Received of R.S.Thomas, Special Commissioner in Ashton Todd et als Vs Todd, Ashton et als, the sum of one Hundred and Fifteen Dollars, being attorneys fee directed by the decree of said court of Oct 2d 1905, to be paid R.E.Boykin, as attorney in the said suit, and the attorney's taxed fee in said suit.

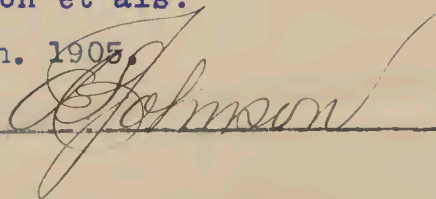
R. E. Boykin

Oct 17th 1905. Recd, of R.S. Thomas, Special Commissioner in the suit of Ashton Todd et als Vs Todd, Ashton et als, the sum of Five Dollars in full of Commissioner in Chancery's fees for taking depositions in the said suit.

Wm. R. Thomas  
Secy

Oct 17th 1905. Received of R.S.Thomas, Special Commissioner in Ashton Todd et als Vs. Todd, Ashton et als the sum of Six Dollars and Thirty Cents, in full of Clerks fees to <sup>date</sup> ~~dismissal~~, in suit of Ashton Todd et als Vs. Todd, Ashton et als.

Paid, Oct. 18th. 1905.



Clerk.

IF NOT DELIVERED IN TEN DAYS RETURN TO

LOCK BOX 6,  
SMITHFIELD, VIRGINIA.

R. E. Boykin  
City

Shakes on hand

no. 1000



361/2

Smithfield, Va., Oct 17<sup>th</sup> 1905- No.

The Bank of Smithfield  
Smithfield, Va.

Pay to the  
order of

Geo. R. Atkinson

\$5.00

Five

Dollars

Cons for taking depositions in Ashburn Todd v Ashburn Todd

R. S. Thomas

Shelton Todd v Ashburn Todd

1872  
1873  
1874

1875  
1876  
1877

1878  
1879  
1880

1881  
1882  
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1884  
1885  
1886

1887  
1888  
1889

56 1/4

Smithfield, Va. Oct 17<sup>th</sup> 1905 No.

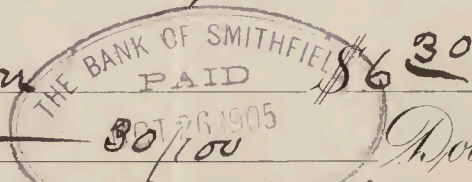
# The Bank of Smithfield

Smithfield, Va.

Pay to the  
order of

A. L. Johnson

Five



Dollars

James Clerk's fee in Ashton Todd cases & Todd Ashton cases

Special Court in Ashton Todd cases & Todd Ashton cases

R. E. Boykin

36 2

Smithfield, Va. Oct. 7<sup>th</sup> 1903 - No.

# The Bank of Smithfield

Smithfield, Va.

Pay to the  
order of

R. E. Boykin

\$115.00

One Hundred and Fifteen ——— Dollars

Allys fu allowed by decree Hayes fu in Ashton Todd et als v. Todd  
Ashton et als.

R. S. Thomas

Special comr in Ashton Todd et als v. Todd. Ashton et als.

R. E. Boykin

66<sup>1/2</sup>

Smithfield, Va., Oct 7<sup>th</sup> 1905 No.

# The Bank of Smithfield

Smithfield, Va.

Pay to the  
order of

R. E. Boykin

\$59<sup>00</sup>

Fifty Nine & Dollars

Special Court in Ashton Todd cases & Todd. Ashton cases. allowed by  
Special Court & paid to R. E. Boykin.

R. S. Thomas

Special Court in Ashton Todd cases & Todd Ashton cases.

R. E. Boykin

36<sup>2</sup>

Smithfield, Va., Oct 7<sup>th</sup> 1905 No.

# The Bank of Smithfield

Smithfield, Va.

Pay to the  
order of

R. E. Boykin

\$100<sup>00</sup>

Ten

x Dollars

at this fund to purchaser in Asheton Todd & Co. Asheton & Co.

R. S. Thomas

Specie coins in Asheton Todd & Co. Asheton & Co.

$$\begin{array}{r} 25874987 \\ 227114333- \\ \hline 25874987 \end{array}$$

25-77

423,06  
25.77

392.29

vs) Chancery<sup>2</sup>

Todd, Ashton, et als.

COMMISSIONER'S REPORT.

Filed June 3rd. 1907.

Det. Johnson

Copy

STATE OF MARYLAND, CHARLES COUNTY, TO WIT:

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, IN THE STATE OF VIRGINIA.

Ashton Todd, and others,

vs.

Todd, Ashton, and others.

To Ashton Todd and Kate V. Todd, his wife; Jennie A. Todd; Caroline A. Todd; Cecelia A. Starke and J. B. Starke, her husband; Sarah Blackburn Todd; Eleanor A. Wenner and William Wenner, her husband; Martha Thornton Ashton and Lewis Ashton, her husband; and Horace Dade Ashton; Plaintiffs: and F. H. Williams, Guardian ad litem to the infant defendants Everard R. Todd, Augustine Jaquelin Todd, Eliza Blackburn Ashton and Elizabeth Marill Todd:

You are hereby notified that on the nineteenth day of July, in the year nineteen hundred and six, at the office of A. S. Johnson, Esquire, in the town of Smithfield, in the County of Isle of Wight, in the State of Virginia, between the hours of eleven o'clock A. M. and four o'clock P. M., I shall proceed to take the depositions of Ashton Todd and others, to be read as evidence in behalf of Jennie A. Todd, Ashton Todd, the Vestry of William and Mary Parish, of Charles County and State of Maryland, Frank Hure, and S. Henry Cox, claimants against the estate of Rev. John M. Todd, before Commissioner A. S. Johnson, of the County of Isle of Wight, in the State of Virginia, to whom has been referred, among other things, by a decree of the Circuit Court of the County of Isle of Wight, in the State of Virginia, entered on October 24, 1905, in the suit of Ashton Todd, and others, vs. Todd, Ashton, and others, "An account of debts due by the said John M. Todd, or his estate, with their priority and dignity".

And if from any cause the taking of the said depositions be not commenced, or if commenced, be not concluded, on that day, the taking thereof will be adjourned from time to time, at the same place, and between the same hours, until the same shall be completed.

June 27, 1906.

Very respectfully,

Attorney for Claimants.

STATE OF MARYLAND, CHARLES COUNTY, TO WIT:

I hereby certify that on this fifth day of March, in the year nineteen hundred and seven, before me, the subscriber, a Notary Public in, for and of Charles County aforesaid, personally appeared L. Allison Wilmer, the only attorney at law of that name residing in said Charles County, and for many years personally known to me, and made oath, in due form of law, that, on June 27, 1906, he mailed to the postoffice address of Cecelia A. Starke and J. D. Starke, her husband, in said Charles County, addressed to the said Cecelia A. Starke and husband an identical copy of the within notice, in an envelope upon which was printed the name and address of the said L. Allison Wilmer, and that said envelope has never been returned to him; and that he has been reliably informed, and verily believes, and so states, that said notice was duly received by the said Cecelia A. Starke and her said husband long before the nineteenth day of July, in the year nineteen hundred and six.

As witness my hand and Notarial Seal.

*J. Mitchell Cochrane*  
Notary Public

STATE OF MARYLAND, CHARLES COUNTY, TO WIT:

I, Thomas I. Farr, of Charles County and State of Maryland, having first been duly sworn by and before J. Mitchell Cochrane, a Notary Public in, for and of said County, do depose and say as follows: That I am a merchant, engaged in business at Wayside, in said County, and have been so engaged there for the past five years. That since my residence at Wayside I have been well acquainted with Cecelia A. Starke and J. D. Starke, her husband, who reside near said Wayside. That in the early part of July, A. D. 1906, the said J. D. Starke came to my place of business at Wayside to buy clothing, stating that he and his wife, the said Cecelia A. Starke, had received a Notice to go to Smithfield, in the State of Virginia, about the settlement of the estate of Rev. John M. Todd, then dead. That the said J. D. Starke being in my store at Wayside in the latter part of February, of this present year, I asked him if the matter about which he was going to Smithfield last July had been settled; and he answered "No". I then asked him from whom he received the notice he spoke of last July; and he answered "from General Wilmer", meaning L. Allison Wilmer, an attorney at law of Charles County, and the only person answering to that name in said County.

*Thos. I. Farr*

I, J. Mitchell Cochrane, a Notary Public in, for and of Charles County, in the State of Maryland, do certify that the foregoing deposition was made, taken and subscribed before me by Thomas I. Farr, this fifth day of April, in the year nineteen hundred and seven, the said Thomas I. Farr having first been duly sworn by me.

As witness my hand and Notarial Seal.

*J. Mitchell Cochrane*  
Notary Public

THIS is to certify that we, ~~Jennie A. Todd, Caroline A. Todd, Ashton~~  
Todd and Kate V. Todd, his wife, Sarah Blackburn Todd, Eleanor A. Wenner  
and William Wenner, her husband, Martha Thornton Ashton and Lewis Ashton,  
her husband, and Horace Dade Ashton duly received, and in due time,  
from L. Allison Wilmer, attorney at law, of Charles County and State of  
Maryland, an identical copy of the within notice.

In testimony whereof we do hereunto subscribe our names.

1. Jennie A. Todd  
2. Caroline A. Todd  
3. Ashton Todd  
4. Kate V. Todd  
5. Sarah Blackburn Todd  
6. Eleanor A. Wenner  
7. William Wenner  
8. Martha T. Ashton  
9. Lewis A. Ashton  
10. Horace D. Ashton

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, IN THE STATE  
OF VIRGINIA.

Ashton Todd, and others,

vs.

Todd, Ashton, and others.

To Ashton Todd and Kate V. Todd, his wife; Jennie A. Todd; Caroline A. Todd; Cecelia A. Starke and J. D. Starke, her husband; Sarah Blackburn Todd; Eleanor A. Wenner and William Wenner, her husband; Martha Thornton Ashton and Lewis Ashton, her husband; and Horace Dade Ashton; Plaintiffs: and F. H. Williams, Guardian ad litem to the infant defendants Everard R. Todd, Augustine Jaquelin Todd, Eliza Blackburn Ashton and Elizabeth Magill Todd:

You are hereby notified that on the nineteenth day of July, in the year nineteen hundred and six, at the office of A. S. Johnson, Esquire, in the town of Smithfield, in the County of Isle of Wight, in the State of Virginia, between the hours of eleven o'clock A. M. and four o'clock P. M., I shall proceed to take the depositions of Ashton Todd and others, to be read as evidence in behalf of Jennie A. Todd, Ashton Todd, the Vestry of William and Mary Parish, of Charles County and State of Maryland, Frank Hume, and S. Henry Cox, claimants against the estate of Rev. John M. Todd, before Commissioner A. S. Johnson, of the County of Isle of Wight, in the State of Virginia, to whom has been referred, among other things, by a decree of the Circuit Court of the County of Isle of Wight, in the State of Virginia, entered on October 24, 1905, in the suit of Ashton Todd, and others, vs. Todd, Ashton, and others, "An account of debts due by the said John M. Todd, or his estate, with their priority and dignity".

And if from any cause the taking of the said depositions be not commenced, or if commenced, be not concluded, on that day, the taking thereof will be adjourned from time to time, at the same place, and between the same hours, until the same shall be completed.

June 27, 1906.

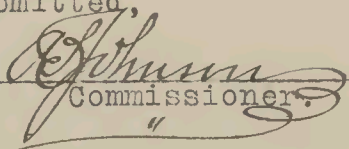
Very respectfully,

(Signed) *L. Allison Wilson*  
Attorney for Claimants.

publication of notice in some convenient news paper once a week for four successive weeks, of the taking of the said accounts, as provided by the statute governing; that your commissioner is advised and so reports that he cannot execute the said decree until and except a decree is entered authorizing the publication of the notice of the taking of the said accounts, by the said decree directed to be taken, once a week for four successive weeks in some convenient news-paper, such notice to be taken as equivalent to personal service of such notice.

Your commissioner has been advise that General L. Allison Wilmer, of the County of Charles, in the State of Maryland, is the attorney for Jennie Ashton Todd, who prefers the claim aforesaid against the estate of her deceased father, the said John M. Todd, as well, also, as the attorney for other parties who, it is alleged, are creditors of the said estate; that on the 19th. day of July, 1906, pursuant to notice hereto annexed, or alleged notice, your commissioner, at the instance of the said Jennie A. Todd, and the other alleged creditors, by the said attorney, in the presence of the said attorney and the guardian ad litem for the infant defendants, failing to observe that Cecelia A. Starke and J. D. Starke, her husband, who are parties to this suit, had not acknowledged service of the said notice, proceeded to take the depositions of Ashton Todd, Jennie A. Todd and Caroline A. Todd, in support of the said claims in the said depositions mentioned; and your commissioner is now advised, and so reports, that the said notice does not show legal service upon the said Cecelia A. Starke and J. D. Starke, her husband, parties to this suit as aforesaid, and not being fully informed as to the law in the case, your commissioner respectfully refers the matter and asks the direction of the court as to his duty in the premises.

Respectfully submitted,

  
Commissioner.

Ashton Todd et als.

vs) Chancery-Circuit Court of Isle of Wight County.

Todd, Ashton, et als.

TO THE HONORABLE R. E. BOYKIN, JUDGE OF THE CIRCUIT COURT OF ISLE  
OF WIGHT COUNTY.

The undersigned, A. B. Johnson, one of the commissioners in chancery of your honor's court, respectfully reports that by a decree entered in the cause in the said court depending, styled as above, on the 24th. day of October, 1905, there was referred to a commissioner of the said court the following enquiries and accounts:

"1st. An account of the personal property of John M. Todd, deceased, in the hands of R. A. Edwards, Administrator, in Virginia, or within the jurisdiction of this court.

2nd. An account of the debts due by the said John M. Todd, or his estate, with their priority and dignity."

Which accounts the said commissioner was directed to take, settle and report to court, together with any matters specially stated, deemed pertinent by himself, or required by any of the parties in interest to be so stated.

That at the time of the entry of said decree the Honorable R. E. Boykin was the attorney for the parties to this suit, both plaintiff and defendant; that shortly after the entry of the said decree, and before the notice of the taking of the said enquiries and accounts was issued, a large claim was presented against the said estate by Jennie Ashton Todd, a daughter of the said John M. Todd, deceased, and one of the parties to this suit; and that the said claim being denied, as your commissioner is informed, by one of the heirs of the said John M. Todd, the said Honorable R. E. Boykin declined to represent any of the parties to the suit in the matters involved in the taking of the said accounts; that the said parties have no attorney residing in the State of Virginia upon whom notice could be served, and the said decree does not provide for the

<sup>15</sup>  
Kohlman Todd et al  
vs Shuman  
Todd, Kohlman et al

Report of  
R. S. Thomas,  
Spec. Commr.  
January 23<sup>d</sup> 1909.

Filed February  
1<sup>st</sup> 1909  
Dist. Thomas  
Clark

Circuit Court of the County of Isley Wright -

Ashton Todd et al

v. Chancery

Todd, Ashton et al

Taxes for 1907 assessed against R. S.

Thomas, Special Commissioner in Todd

v. Todd paid in check Jan'y 23<sup>d</sup>, 1909

17.37

blocks for to, and including the decree

of January 4<sup>th</sup> 1909

Commissioner's fees

5.84

7.50

Copy of Decree for Bank per request

.25

30.96

Your Special Commissioner reported the facts  
to the plaintiffs and to their attorney and requested  
them to expedite this cause because he, your am-  
-missioner did not wish any longer to be connected  
with such a dilatory cause and informed them if  
they did not of their own volition &c. &c. that he would  
invoke the aid of this Honorable Court to procure  
a settlement. &c. To this request no heed has been  
paid so far as your Commissioner is informed  
and he therefore appears to the Court to expedite  
<sup>this cause</sup> and force a hearing and a settlement of all  
matters in dispute between the parties by all  
methods known to this Honorable Court.

Your Commissioner begs leave further  
to report that he has retired from the bar: that all  
of his aid in this cause has been friendly & gratui-  
-tous and that he does not further to be annoyed  
by any addition to costs, taxes, &c. & he therefore  
most-urgently ~~and~~ requests that some other per-  
-son may be substituted in his name, place &  
stead to attend to these very necessary matters

Most-respectfully submitted  
R. S. Thomas  
Sd. Comr.

January 23<sup>rd</sup>, 1909.

Circuit Court of the County of Lee & Wright.

Ashlin Trust et al

v

Trust, Ashlin et al

To The Hon B. D. White,

Judge of the Circuit Court of the County of Lee & Wright  
in Chancery sitting:

The undersigned who was  
Dulced by a Decree of this Honorable Court at its Jan-  
uary term 1904 to pay the Taxes assessed against the  
funds in this Cause deposited in the Bank of  
Smithfield, Va "now due, owing and unpaid" and  
"to pay the costs which have accrued up to the filing of  
this [January 4<sup>th</sup> 1909] Decree", and to take receipts for the  
same payments and file them with the papers in this  
Cause" he so leave most respectfully to report  
that he has paid the same as will appear by State-  
ment "A" attached to this, and by the Tax-Bill for  
1907, and the receipt of A. S. Johnson Clerk & Com-  
missioner likewise herewith attached to this report.

Your Commissioner begs leave most-  
respectfully to report that he has never had one par-  
ticle of personal, or professional interest in this  
Cause: that he became a co-commissioner with  
the late R. E. Boykin at his instance & request, solely  
to aid him as a friend: that the said R. E. Boykin  
has departed this life: that after his death he

Mr. *R. S. Thomas & Son, Ld.* *Dr.* *Ld.* SMITHFIELD

No. *234*

1907.

To B. L. ROBERTS, Treasurer of Isle of Wight County, Virginia.

| No. ....                                                | STATE TAXES.                                                      |                                                      |                                                             |                                                                |  | County Levy, | General County Road Tax | District Road Tax | Poor Tax | General County School Tax, | District School Tax, | TOTAL TAX.   |
|---------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------|--|--------------|-------------------------|-------------------|----------|----------------------------|----------------------|--------------|
|                                                         | State Tax Support Gov. 20c. on \$100. R. E. and P. P. Schedule B. | State Tax Support Gov. 25c. on \$100. P. P. Sched. C | State School Tax 10c. on \$100. R. E. & P. P. Sched. B. & C | State Tax for Pensions 5c. on \$100. R. E. & P. P. Schedule B. |  |              |                         |                   |          |                            |                      |              |
| To .....                                                |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      |              |
| To .....                                                |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      |              |
| To .....                                                |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      |              |
| To .....                                                |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      |              |
| Personal property, sched. B. val. \$                    |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      |              |
| Personal Property, sched. C. val. \$ <i>23.00</i>       |                                                                   | <i>5.75</i>                                          | <i>2.30</i>                                                 |                                                                |  | <i>5.15</i>  |                         |                   |          | <i>2.30</i>                |                      |              |
| Value, - - - \$                                         |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      |              |
| Income, 1 per cent.                                     |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      |              |
| Capitation <i>1.50</i>                                  |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      | <i>1.50</i>  |
| Total                                                   |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      | <i>15.83</i> |
| 5 per cent. penalty added Dec. 1, 1907                  |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      | <i>49</i>    |
| Total                                                   |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      | <i>15.91</i> |
| Interest after June 15, from Dec. 15, 1907, 6 per cent. |                                                                   |                                                      |                                                             |                                                                |  |              |                         |                   |          |                            |                      | <i>1.06</i>  |

Received payment *73* day of *Jan.* 190*9* *B. L. Roberts* Treasurer. *W. L. Laine* Per *17.37*

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT JAN. 4TH. 1909

Ashton Todd et als

vs) Chancery

Todd, Ashton, et als.

This cause came on this day to be again heard on the papers formerly read, and was argued by counsel: on consideration whereof, it appearing to the court that taxes upon the funds to ... cause in the Bank of Smithfield, Smithfield, Virginia, for the year 1907 and 1908 are due, owing and unpaid, and that taxes are accruing and will accrue upon the said funds so long as they shall remain in the said bank and in the control of the court; and it further appearing that costs, to some amount, have accrued upon the proceedings herein, the court doth adjudge, order and decree that R. S. Thomas, who has heretofore been appointed a special commissioner in this cause, do check upon the funds in the said bank in a sufficient amount to pay the said taxes so due, owing and unpaid, as aforesaid, and pay the same, and that he shall further pay the costs which have accrued, up to the filing of this decree, and take receipts therefor and file with the papers in this cause. And the said Special Commissioner, without the entry of any further order of this court, shall continue to pay the taxes accruing upon the said funds when they shall become due and payable.

A copy,

Teste, *R. S. Thomas* C.C.

*Copies fee to and including this  
decree \$5.84*

*Commissioner's Fee \$7.50*

*W. H. Parker*

*25-  
7.75*

*Arthur Todd et al.*  
*Re Report of Sumner*  
*Todd et al. et al.*

*1909*  
*Filed*  
*June 10*  
*B.D.W.*

JAMES U. BURGESS  
ATTORNEY AT LAW  
SUFFOLK, VA.

That the heirs of John K. Todd are Eleanor A. Werner, wife of William Werner, who was Eleanor A. Todd and Sarah Blackburn Todd, both of said heirs being over the age of twenty-one years. The widow of John K. Todd is not entitled to dower or any interest in the land as the said John K. Todd departed this life prior to the death of John M. Todd, who departed this life prior to the death of John M. Todd, The heirs of Everard R. Todd are Everard R. Todd, Augustin Jacquelin Todd and Elizabeth Magill Todd, all of whom, though infants, are of sufficient age and discretion to use the funds due them judiciously.

That the heirs of Eliza A. Ashton are Martha Thornton Ashton, Horace Dade Ashton and Eliza Blackburn Ashton, all adults over the age of twenty-one years. The said Eliza A. Ashton departed this life prior to the death of John M. Todd.

The undersigned would respectfully recommend that the various parties hereinabove mentioned, both adults and infants (said infants being of sufficient age and discretion to use the funds judiciously) be authorized to draw checks for the amounts to which they are properly entitled as hereinabove shown upon the funds deposited to the credit of R. S. Thomas, Special Commissioner in the above entitled cause.

The said Robert A. Edwards, administrator as aforesaid, not being advised as to the facts herein stated commits the interests represented by him to the protection of the Court.

Respectfully submitted,

*Mr. Edwards  
It will be all  
right for you to sign  
this - it is purely  
formal, on your part.  
B. K. White*

*J. H. Durbin, Atty. Gen.  
for and on behalf of all heirs except  
Celestia W. Blake & her child  
Augustin & Elizabeth  
E. M. Williams, Guardian  
ad litem for infant defendants  
R. A. Edwards, Adminr*

validity of the claims filed against said estate.

That said attorneys and guardian ad litem have entered into the following agreement settling in full all matters in controversy in this suit.

Said settlement provides for the payment of all claims which have been filed in the following manner, to-wit:

|                                                                                 |           |
|---------------------------------------------------------------------------------|-----------|
| Bond due Ashton Todd.....                                                       | \$329.62  |
| Account due Frank Hume Company,<br>Incorporated, assignee of<br>Frank Hume..... | 298.19    |
| Bond due Vestry of William and Mary<br>Parish.....                              | 77.50     |
| Account due S. Henry Cox.....                                                   | 37.68     |
| 6/7ths of account due Miss Jennie<br>A. Todd.....                               | 964.44    |
| 1/7th of Miss Jennie A. Todd's<br>account due Mrs. Cecelia<br>Starke.....       | 160.74    |
|                                                                                 | -----     |
|                                                                                 | \$1868.17 |

The undersigned further report that it appears from the papers in this cause that there is now on deposit in the Bank of Smithfield to the credit of R. S. Thomas, Special Commissioner in this suit, the sum of \$2291.11, which is the proper balance after the payment of certain indebtedness authorized by the decrees heretofore entered herein.

278111  
156817  
115294

Deducting from this amount the amount due the creditors as hereinabove set out leaves a balance of \$422.94. Out of which balance there is to be deducted the taxes for the year 1909, which will amount to \$25.77; the unpaid costs of this suit, amounting to \$ 10.00 <sup>810</sup>; and a fee of \$ 10.00 for the guardian ad litem for attending the taking of the account before Commissioner Johnson; thereby leaving a balance of \$ 422.94. This sum should be distributed among the heirs as follows:

|                                                |                                   |
|------------------------------------------------|-----------------------------------|
| Ashton Todd.....                               | 50.26 <sup>2</sup> / <sub>3</sub> |
| Miss Jennie A. Todd.....                       | 50.26 <sup>3</sup> / <sub>4</sub> |
| Mrs. Cecelia A. Starke.....                    | 50.26 <sup>1</sup> / <sub>2</sub> |
| Miss Caroline A. Todd.....                     | 50.26 <sup>1</sup> / <sub>2</sub> |
| The heirs of John K. Todd,<br>deceased.....    | 50.26 <sup>1</sup> / <sub>2</sub> |
| The heirs of Everard R. Todd,<br>deceased..... | 50.26 <sup>1</sup> / <sub>2</sub> |
| The heirs of Eliza A. Ashton,<br>deceased..... | 50.26 <sup>1</sup> / <sub>2</sub> |

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Ashton Todd and others.....Complainants.

vs.

Todd Ashton and others.....Defendants.

TO THE HONORABLE B. D. WHITE, JUDGE OF SAID COURT:

The undersigned respectfully report as follows:

to-wit:

That the undersigned, Parke P. Deans, is counsel for Cecelia Starke and J. D. Starke, her husband;

That Ernest H. Williams has been duly appointed guardian ad litem of the infant defendants, Everard R. Todd, Augustin Jacquelin Todd, Eliza Blackburn Ashton and Elizabeth Magill Todd; that since the institution of this suit Eliza Blackburn Ashton has become of age and has retained James U. Burges, atorney-at-law, to represent her.

That James U. Burges is counsel for all of the other heirs, who are as follows:

Jennie A. Todd, ~~Caroline~~ A. Todd, Sarah Blackburn Todd, Eleanor A. Werner and Wm. Werner, her husband, Martha Thornton ~~Ashton~~, Eliza Blackburn Ashton, Ashton Todd, in his own right and as administrator of John M. Todd, deceased, and Kate V. Todd, his wife.

That James U. Burges is attorney for all of the creditors, who have filed claims in this suit, as follows: Ashton Todd, Jennie A. Todd, Vestry of William and Mary Parish, of Charles City County, Maryland, Frank Hume Company, Incorporated, assignee of Frank Hume, and S. Henry Cox.

That Robert A. Edwards has been appointed administrator of John M. Todd, deceased, in Virginia, but that no assets have come into his hands, nor is he advised as to the

Todd Ashlow

Is - Report of Parker  
P. Brand and J.  
H. Burges  
Ashlow Todd -

JAMES U. BURGESS,  
ATTORNEY AT LAW,  
POST OFFICE BUILDING,  
SUFFOLK, VA.

ALVAN BUSHNELL CO., LAW STATIONERS, 342 MARKET ST., PHILADELPHIA, PA.

L. ALMON WILMER,  
ATTORNEY AT LAW,  
LA PLATA, CHARLES CO., MD.

July 10, 1909.

Mr. J. E. Burges,

Suffolk, Va.,

Dear Sir:-

I have just received the last of the receipts in the Todd vs. Todd matter. I enclose same to you as follows:

CREDITORS:

1. Note of Ashton Todd for \$225.00, with interest, amount, \$329.62.
2. Jennie A. Todd, open account, \$964.44.
3. Frank Hume Co., Inc., Assignee of Frank Hume, open account for \$298.19.
4. Receipt of the Register of the Vestry of William and Mary Parish for the note amounting, with interest, to \$77.50.
5. Receipt of W. Mitchell Digges, Administrator of S. Henry Cox, deceased, for open account \$37.68.

HEIRS:

1. Ashton Todd, \$50.26.
2. Jennie A. Todd, \$50.26.
3. Caroline A. Todd, \$50.26.
4. Eleanor A. Wenner, \$25.13.
5. Sarah Blackburn Todd, \$25.14.
6. Everard R. Todd, \$16.76.
7. Augustine Jacquelin Todd, \$16.76.
8. Elizabeth Magill Todd, \$16.75.
9. Martha Thornton Ashton, \$16.76.
10. Horace Dade Ashton, \$16.75.
11. Eliza Blackburn Ashton, \$16.75.

You will note some slight changes in the names as corrected by the parties themselves. I have had to retain the note of the Vestry of William and Mary Parish for the proceedings here for the sale of Chaires County land, note being for balance of purchase money.

18 Enclosures.

Very truly,

*L. A. Wilmer*

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Ashton Todd and others.....Complainants.

vs.

Todd, Ashton, and others.....Defendants.

The undersigned, Parke E. Deans and James U. Burges, respectfully report that as directed by decree entered in this cause on the 10th day of June, 1909, they have paid out of the funds deposited in the Bank of Smithfield, Smithfield, Virginia, to the credit of F. S. Thomas, Special Commissioner, the following amounts:

|                                                                                                                |          |
|----------------------------------------------------------------------------------------------------------------|----------|
| Ashton Todd,                                                                                                   | \$329.63 |
| Jennie A. Todd,                                                                                                | 964.44   |
| Cecelia A. Starke,                                                                                             | 160.74   |
| Frank Hume Co. Inc.<br>assignee of Frank<br>Hume,                                                              | 298.19   |
| Vestry of Wm. & Mary<br>Parish,                                                                                | 77.50    |
| S. Henry Cox,                                                                                                  | 37.68    |
| Caroline A. Todd,                                                                                              | 50.26    |
| Ashton Todd,                                                                                                   | 50.26    |
| Jennie A. Todd,                                                                                                | 50.26    |
| Cecelia A. Starke,                                                                                             | 50.26    |
| Eleanor A. Werner, ) heirs of John<br>and ) K. Todd,<br>Sarah Blackburn Todd) deceased,                        | 50.27    |
| Everard R. Todd, ) heirs of<br>Augustin Jacquelin Todd, ) Everard R.<br>Elizabeth Magill Todd, ) Todd, dec'd,  | 50.27    |
| Horace Dade Ashton, ) heirs of<br>Mary Thornton Ashton, ) Eliza A.<br>Eliza Blackburn Ashton, ) Ashton, dec'd, | 50.26    |

The undersigned further report that the taxes for the year 1908 have been paid and that the taxes for the year 1909 will be paid as soon as the same become payable. Proper vouchers for all disbursements are herewith returned and made a part of this report.

Respectfully submitted,

*Parke E. Deans*  
*James U. Burges*

Ashton Todd, et al,

vs.

Todd, Ashton, et al.

\$77.50

June 30<sup>th</sup> 1909

Received of the funds in the Bank of Smithfield, Smithfield, Virginia,  
to the credit of R. S. Thomas, Special Commissioner in the above styled  
cause, the sum of seventy-seven dollars and fifty cents, which said  
amount is payable to the Vestry of William and Mary Parish in accordance  
with decree entered in this cause June 10, 1909, in settlement of the  
balance of fifty dollars and sixty-six cents due on the note of John M.  
Todd, with interest thereon from August 11, 1900, said claim having been  
duly proved and filed in said cause.

*William Angle*

Register of the Vestry of William and  
Mary Parish.

Mr. *Richd. S. Thomas*

TOWN OF SMITHFIELD

No. *327*

1908.

To B. L. ROBERTS, Treasurer of Isle of Wight County, Va.

## STATE TAXES.

| No. ....                                                | State Tax<br>Support Gov.<br>20c. on \$100.<br>R. E. and P. P.<br>Schedule B. | State Tax<br>Support Gov.<br>25c. on \$100.<br>P. P. Sched C | State<br>School Tax<br>10c. on \$100.<br>R. E. & P. P.<br>Sched. B. & C | State Tax<br>for Pensions<br>5c. on \$100.<br>R. E. & P. P.<br>Schedule B | County<br>Levy,<br>27½c. on \$100 | General<br>County<br>School Tax,<br>15c. on \$100 | Poor Tax<br>7½c. on \$100 | General<br>County<br>Road Tax<br>2½c. on \$100 | District<br>Road Tax<br>10c. on \$100 | District<br>School Tax,<br>15c. on \$100 | TOTAL<br>TAX |
|---------------------------------------------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------|---------------------------|------------------------------------------------|---------------------------------------|------------------------------------------|--------------|
| To.....acres, value \$.....                             |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          |              |
| To.....acres, value \$.....                             |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          |              |
| To.....acres, value \$.....                             |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          |              |
| To.....acres, value \$.....                             |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          |              |
| Personal property, sched. B. val. \$.....               |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          |              |
| Personal Property, sched. C. val. \$..... <i>2200</i>   |                                                                               | <i>5.75</i>                                                  | <i>2.30</i>                                                             |                                                                           | <i>6.32</i>                       | <i>3.88</i>                                       |                           |                                                |                                       |                                          |              |
| Value, - - - \$.....                                    |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          |              |
| Income, 1 per cent.....                                 |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          |              |
| Capitation..... <i>1.50</i>                             |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          | <i>1.50</i>  |
| Total.....                                              |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          | <i>17.25</i> |
| 5 per cent. penalty added Dec. 1, 1908.....             |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          | <i>86</i>    |
| Total.....                                              |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          | <i>18.11</i> |
| Interest after June 15, from Dec. 15, 1908, 6 per cent. |                                                                               |                                                              |                                                                         |                                                                           |                                   |                                                   |                           |                                                |                                       |                                          |              |

Received payment *1874*day of *June*190*9*

Treasurer.

Per *B. L. Roberts*

PARKE P. DEANS  
ATTORNEY AT LAW

Commonwealth's Attorney Isle of Wight County  
WINDSOR, VIRGINIA

Received of the funds in the Bank of Smithfield to  
the credit of R. S. Thomas, Special Commissioner in the  
chancery cause of Ashton Todd et als. vs. Todd, Ashton, et als.  
the sum of one hundred and sixty and  $74/100$  dollars, and also  
the sum of thirty and  $26/100$  dollars, which said amounts were  
payable to me under a decree entered in this cause, June 10th,  
1909.

June 16th, 1909.

Becilia A. Storke -  
J. D. Storke,

Jennie R. Todd.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$964.44

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of nine  
hundred and sixty-four and 44/100 dollars, which said amount  
is payable to me in accordance with decree entered in this  
cause June 10th, 1909.

Jennie A Todd.

Ashton Todd.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$50.26

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of fifty  
and 26/100 dollars, which said amount is payable to me in  
accordance with decree entered in this cause on June 10th,  
19<sup>09</sup>.

Ashton Todd

Jennie A. Todd.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$50.26

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of fifty and  
26/100 dollars, which said amount is payable to me in  
accordance with decree entered in this cause on June 10th,  
1909.

Jennie A. Todd.

Caroline A. Todd.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$50/26

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of fifty and  
26/100 dollars, which said amount is payable to me in  
accordance with decree entered in this cause on June 10th,  
1909.

Caroline A. Todd

Eleanor A. Wenner.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$25.13

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of twenty -  
five and 13/100 dollars, which said amount is payable to  
me in accordance with decree entered in this cause on June  
10th, 1909.

Eleanor A. Wenner.

Address. # 2443 - P. St. NW, Washington, DC.

Sarah Blackburn Todd.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$25.14

Received of the funds in ~~the~~ Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of twenty-  
five and 14/100 dollars, which said amount is payable to  
me in accordance with decree entered in this cause on June  
10th, 1909.

address-  
Ballentine Home,  
York, Va.  
To Mrs. Mary Todd.

Sarah Blackburn Todd

Everard R. Todd.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$16.76

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of sixteen  
and 76/100 dollars, which said amount is payable to me in  
accordance with decree entered in this cause on June 10th,  
19<sup>0</sup>9.

Everard R. Todd.

1122 - V. Ashton et al. 11/17/09  
North DC

*me*  
Augustus Jacquelin Todd.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$16.76

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of sixteen  
and 76/100 dollars, which said amount is payable to me in  
accordance with decree entered in this cause on June 10th,  
1909.

*Augustine Jacquelin Todd.*

1122 Vermont Ave N.W.  
Washington D.C.

Elizabeth Magill Todd.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$16.75

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of sixteen  
and 75/100 dollars, which said amount is payable to me in  
accordance with decree entered in this cause on June 10th,  
1909.

Elizabeth Magill Todd.

1-22-1909  
Paid, D.C.

Mary Thornton Ashton.

Ashton Todd et als..... Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$16.76

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas,  
Special Commissioner in the above styled cause, the sum of  
sixteen and 76/100 dollars, which said amount is payable to  
me in accordance with decree entered in this cause on June  
10th, 1909.

Martha Thornton Ashton

Addressee - Hooes P.O. King George Co. Va

Horace Dade Ashton.

Ashton Todd.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$16.75

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of sixteen  
and 75/100 dollars, which said amount is payable to me in  
accordance with decree entered in this cause on June 10th,  
1909.

Horace Dade Ashton

Eliza Blackburn Ashton.

Ashton Todd et als.....Complainants.

vs.

Todd, Ashton et als.....Defendants.

\$16.75

Received of the funds in the Bank of Smithfield,  
Smithfield, Virginia, to the credit of R. S. Thomas, Special  
Commissioner in the above styled cause, the sum of sixteen  
and 75/100 dollars, which said amount is payable to me in  
accordance with decree entered in this cause on June 10th,  
1909.

Eliza Blackburn Ashton

A"

On Demand for value received,  
I bind myself, my heirs & assigns to  
pay to Ashton Todd two hundred  
and twenty five Dollars. Current  
money of the Commonwealth.

In witness whereof I hereto  
set my hand & seal this Sixth Day  
of Sept. one thousand nine hun-  
dred and one.

(\$225)

W. M. Todd Seal  
10.1909  
Ashton Todd  
June 21. 1909

Jennie. A. Todd, Witnesses  
Lizzie. A. Ashton.

(2)

-tioned date, and that the said Frank Hume, nor said Frank Hume, Inc., assignee of said claim from Frank Hume, has received no part nor parcel of the said balance due which he claims as a debt due by the estate of the said Rev. John M. Todd. And further that the said John M. Todd departed this life at his house in <sup>and State of Maryland,</sup> Charles County November 25th., 1903; that letters of administration affiant is advised upon his estate were granted to Ashton Todd, son of said Rev. John M. Todd, of Washington City, District of Columbia by the Orphans Court of said Charles County, on the 28th., day of June, 1904, that ~~that~~ on that day the said Ashton Todd duly qualified as administrator of said deceased, and that said claim for said sum of \$ 224.21 was duly filed and probated in said Orphans Court in Charles County, and entered upon the claims Register in said Court ~~Dec~~ Oct. 18th., 1904, and thereafter delivered to said Frank Hume's attorney L. Allison Wilmer to file with Commissioner Johnson at Smithfield, Virginia, who was to take testimony as to claims against the estate of said Rev. John M. Todd on July 17th., 1906, and that said attorney as affiant has been informed duly filed said claim with said Commissioner; and further that said Ashton Todd as administrator aforesaid now admits and has at all times admitted since his appointment as administrator aforesaid the said claim to be a just bone fide and true claim and indebtedness against the estate of his decedent the said Rev. John M. Todd.

As Witness my hand and seal the day and year hereinbefore written.

*Frank Hume, Inc.*  
By *Alan P. Hume* (SEAL)  
*Secretary & Treasurer*

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27TH. DAY OF MAY, A. D. 1909.

*James B. Horigan*

NOTARY PUBLIC IN AND FOR THE DISTRICT OF COLUMBIA.

District of Columbia...(  
S.S.

I hereby certify that on this 27th., day of May, A.D., 1909 before the subscriber a Notary Public in and for the District of Columbia, aforesaid, personally appeared Frank Hume Inc., (a corporation duly organized, and existing under and by virtue of the laws of the State of Virginia and owner and assignee from the estate of Frank Hume who departed this life in the City of Washington, District of Columbia on the 17th., day of July, A.D., 1906 of the hereinafter described claim against the estate of John M. Todd, deceased,) by Alan P. Hume, Treasurer of said Corporation and made oath in due form of law that said Corporation succeeded to all the stock in trade, and bills of account due and receivable, including credits of the late Frank Hume who was engaged in the grocery business in Washington, D.C., and had been so engaged in said business long before the 31st., day of October, 1901; that the foregoing account is just and true; that it has not <sup>been paid</sup>, nor has the said Frank Hume received ~~any~~ part ~~nor~~ portion thereof except the credits thereon entered; that the articles or commodities in said account mentioned and itemized in the quantities mentioned, and for the several prices set opposite the respective items in said account mentioned, ~~being~~ the current market prices, ~~and~~ were sold and delivered to the Reverend John M. Todd, at his request, upon the days and dates as written and specified before the particular items, and entry thereof was made in the books of entry of the said Frank Hume which said Frank Hume, Inc., a corporation aforesaid now holds through purchase and assignment, kept for the purpose at the several times of sale and delivery; that said account is truly taken and a true copy from said books of original entry, and as a continuous and running account the entire amount of two hundred and twenty-four dollars and twenty-one cents (\$224.21 balance due was due and payable at the date of the last entry, November 20th., 1903, with interest thereon from said last men-

DISTRIBUTOR  
For the District of Columbia  
FOR  
LIPTON'S  
Renowned  
Coffees and Teas  
SUNNY SOUTH COFFEE  
SUNNY SOUTH FLOUR

TELEPHONE MAIN 1412

Washington, D. C.,

May 27th,

1909

M Rev. John M. Todd,

Bought of

FRANK HUME,  
(INCORPORATED)  
Wholesale Grocer,

454 Penna. Ave., bet. 4½ and 6th Sts., N. W.

TERMS CASH: Interest Charged on accounts after 30 days.

50m-3-30-08

1903  
Sept.

5

1 bbl. E. R. Flour, 4 50  
100 lbs. Gran. Sugar, 5 00  
30 lbs. Lard, 3 30  
10 lbs. Rolled Oats, 40  
1 lbs. Bak. Chocolate, 40  
1 can Cocoa, 25  
5 lbs. Mix. Tea, 2 50  
5 lbs. Bread Soda, 25  
2 lbs. Black Pepper, 40  
77 lbs. Rich. Shoulders, .12-1/2 9 63  
2 qts. A Whiskey, 1 50  
1 qt. Sherry, 75  
1 pkg. Corn Stard h 10  
Freight, 90  
30 lbs. Coffee, 4 20  
2 qts. Whiskey Gratis

November 20

1 BBL. Meal, Flour 4 50  
100 lbs. Gran. Sugar, 4 90  
30 lbs. Coffee, 3 90  
20 lbs. Rolled Oats, 70  
2 bottles Vanilla, 40  
4 qts. Whiskey, 3 00  
1 kit Mackerel, 2 50  
5 lb s. Bread Soda, 25  
4 lbs. Mix. Tea, 2 00  
1 qt. Sherry, 60  
Freight, 80

34 08

23 55

\$339 21

1901  
Dec.

19

Credit by cash 20 00

1902  
Mch.

26

" " " 25 00

Oct.

24

" " " 20 00

1903

June

5

" " " 25 00

Sept.

2

" " " 25 00

\$115 00

115 00

Balance due

\$224 21

73 98

298 19

At. allowed  
Received payment June 21<sup>st</sup> 1909  
Frank Hume, Inc.  
By *Alfred P. Hume* Secy & Treas.  
All Claims must be made within 3 Days after receipt of Goods.

DISTRIBUTOR  
For the District of Columbia

FOR  
LIPTON'S  
Renowned

Coffees and Teas

SUNNY SOUTH COFFEE  
SUNNY SOUTH FLOUR

TELEPHONE MAIN 1412

Washington, D. C.,

May 27th, 1909

M Rev. John M. Todd,

Bought of

**FRANK HUME,**  
(INCORPORATED)  
**Wholesale Grocer,**

454 Penna. Ave., bet. 4½ and 6th Sts., N. W.

TERMS CASH: Interest Charged on accounts after 30 days.

50m-3-30-08

1902

December 18

10 lbs. Rolled Oats, 35  
13 lbs. Hominy, 30  
2 pkgs. Sage, 10  
5 lbs. Mince Meat, 65  
1 oz. Whole Cloves, 05  
1 oz. Whloe Allspice, 05  
1 oz. Whloe Mace, 05  
1 oz. Whloe Cinnamon, 05

1903

March

6

Freight, 25  
47-1/2 lbs. Rich. Shoulders, .13 6 18  
50 &bs. Gran. Sugar, 2 50  
30 lbs. Coffee, 4 50  
4 qts. A Whiskey, 3 00  
1 box 6oz Run. Bak. Powder, 2 25  
2 lbs. Mix. Tea, 1 00

1 85

14

4 lbs. Bread Soda, 20  
Freight, 35  
1 bbl. W.R. Flour, 4 25  
10 lbs. Rolled Oats, 40  
2 pkgs. Codfish, 20  
2 bottles Vanilla, 40  
Freight, 40

19 98

5 65

June

6

1 bbl. E. R. Flour, 4 15  
100 lbs. Gran. Suga, 5 00  
30 lbs. Coffee, 3 90  
4 lbs. Mix. Tea, 2 00  
5 lbs. Bfead Soda, 25  
1 qt. Olive Oil, 60  
15 lns. Rolled Oats, 60  
25 lbs. Lramd, 3 00  
Demijohn, 25  
1 gal. Whiskey, 3000  
1 qt. Sherry, 75  
1 lbs. Gro. Ginger, 25  
2 bottles Sauce, 50  
48 lbzs. Shoulders, 5 76  
Freight, 75

30 76

Gratis 1 qt. Whiskey

DISTRIBUTOR  
For the District of Columbia  
FOR  
LIPTON'S  
Renowned  
Coffees and Teas  
SUNNY SOUTH COFFEE  
SUNNY SOUTH FLOUR  
TELEPHONE MAIN 1412

Washington, D. C., May 27, 1909

M<sup>r</sup>Rev. John. M. Todd,

Bought of

FRANK HUME,  
(INCORPORATED)  
Wholesale Grocer,  
454 Penna. Ave., bet. 4½ and 6th Sts., N. W.

TERMS CASH: Interest Charged on accounts after 30 days.

50m-3-30-08

1902  
August 13

*Ans Bro Ford*

*16008*

|                       |      |
|-----------------------|------|
| 1 bbl. E. R. Flour,   | 4 25 |
| 100 lbs. Gran. Sugar, | 4 80 |
| 1 gal. Whiskey,       | 2 00 |
| 2 qts. A Whisksey     | 1 50 |
| 1 lbs. Black Pepper,  | 20   |
| 1/4 Whloe Mace,       | 15   |
| 2 bottle Ammonia,     | 35   |
| Demijohn,             | 25   |
| Freight,              | 55   |

14 05

September6

|                       |         |      |
|-----------------------|---------|------|
| 73 lbs. Shoulders,    | .12-1/2 | 9 13 |
| 25 lbs. Coffee,       | .12     | 3 00 |
| 20 lbs. Lad,          | .13     | 2 60 |
| 5 lbs. Bread Soda,    |         | 25   |
| 1 qt. Sherry,         |         | 50   |
| 1 gal. Whiskey,       |         | 3 00 |
| 1/4 Lb. Cinnamon,     |         | 10   |
| 1/4 lbs. Allspice,    |         | 08   |
| 1/4 lb. Cloves,       |         | 08   |
| 1/4 lb. Col. Mustard, |         | 15   |
| 1 doz. Matches,       |         | 15   |
| Demijohn,             |         | 25   |

19 29

September25

|                      |         |       |
|----------------------|---------|-------|
| 2 bbls. E. R. Flour, | 4.25    | 8 50  |
| 100 lb. Shoulders.   | .13-1/2 | 13 50 |
| 25 lbs. Rio Coffee,  |         | 3 75  |
| 1 gal Whiskey        |         | 3 00  |
| Demijohn,            |         | 25    |
| 1pt. Sherry,         |         | 25    |
| Freight,             |         | 67    |

*29 92*

*Ans Ford*

*22334*

DISTRIBUTOR  
For the District of Columbia

FOR  
LIPTON'S  
Renowned

Coffees and Teas

SUNNY SOUTH COFFEE  
SUNNY SOUTH FLOUR

TELEPHONE MAIN 1412

Washington, D. C.,

May 27th,

190<sup>9</sup>

M Rev. John M. Todd,

Bought of

**FRANK HUME,**  
(INCORPORATED)  
**Wholesale Grocer,**

454 Penna. Ave., bet. 4½ and 6th Sts., N. W.

TERMS CASH: Interest Charged on accounts after 30 days.

50m-3-30-08

1902

April

5

20 lbs. Lard,

.12

2 40

6 lbs. Rolled Oats,

4

24

1 box 6oz. Run. Bak. Powder,

2 40

18-1/4 lbs. Fat Back,

.10

1 83

2 pkg. Corn Starch,

.10

20

Freight,

30

7 37

28

75 lbs. Breast,

.12-1/2

9 38

4 bottles A Whiskey,

.75

3 00

1 qt. Imp. Sherry,

75

1 bottle Sauce,

45

1 bottle Catsup,

10

100 lbs. Gran. Sugar

5 00

Freight

40

19 08

May

10

Freight,

55

55

June

3

1 bbl. E. R. Flour,

4 25

55 lbs. Breast,

.13-1/2

7 43

34 lbs. Rich. Shlouders,

.11

3 74

25 lbs. Best Rio Coffee,

.15

3 75

20 lbs. Lard,

.12-1/2

2 50

1 lb. Black Pepper,

20

2 qts. A. Whiskey,

.75

1 50

Freight,

60

23 97

July

17

100 lbs. Gran. Sugar,

4 90

20 lbs. Lard,

2 60

2 Empty Whiskey Barrels,

1.00

2 00

10 lbs. Rolled Oats,

40

5 lbs. Black Tea,

2 50

5 lbs. Bread Soda,

25

25 lbs. Gro. Rio Coffee,

3 00

1 doz. Lemons,

20

2 bottles Hires Root Beer,

40

1 case A.B.C. Beer,

1 00

4 qts. A Whiskey,

3 00

1 qt. Sherry,

75

Cost Beer Bottles

1 00

Freigh

80

22 80

DISTRIBUTOR  
For the District of Columbia

FOR  
LIPTON'S  
Renowned

Coffees and Teas

SUNNY SOUTH COFFEE  
SUNNY SOUTH FLOUR

TELEPHONE MAIN 1412

Washington, D. C.,

May 27, 1909

M Rev. John. M. Todd,

Bought of

FRANK HUME,  
(INCORPORATED)

Wholesale Grocer,

454 Penna. Ave., bet. 4½ and 6th Sts., N. W.

TERMS CASH: Interest Charged on accounts after 30 days.

50m-3-30-08

1901

December, 21

4 can Chal. Milk, 35  
1 sack Fine Salt, 1 35  
1/2 doz. Red Gelatine, 75  
1 lb. Candles, 12  
1/4 lb. Cocoanut, 10  
2 - 5 lbs. Minc - Meat 1 20  
10 lbs. Rolled Oats, 40  
15 lbs. Hominy, 38  
10 lbs. Barley, 40  
Freight, 1 25

(Gratis 2 Qts. 2 Stag Whiskey )

49 63

6 30

1902

March

25

1 bbl. E. R. Flour, 4 25  
100 lbs. Gran. Sugar, 5 00  
50 lbs. Richmond Shoulders, .10 5 00

Freight, 50

14 75

27

25 lbs. Coffee, .12 3 00  
5 lbs. Mixed Tea, .50 2 50  
4 qts. A Whiskey, .75 3 00  
1 qt. Imp. Olive Oil, 60  
1 qt. Best Sherry, 75  
1 lb. Bakers Cocoa, 50  
1 lb. Cocoanut, 35  
2 bottles Vanilla, 40  
1 bottle Celery Salt, 10  
2 doz. Matches, 30  
4 cans Petti Pois Peas, 60  
1 kit Mackerel, 2 00  
5 lbs. Bread Soda, 25  
1 can Runfords Yeast Powder, 25  
1 can Corn Beef, 15  
1 bottle Ammonia, 18  
1 bottle Camp. Salad Dressing, 10  
3 Boxes Codfish, 25  
Freight 35

Gratis 1 qt. Old Stag Whiskey

15 63

For

8631

DISTRIBUTOR  
For the District of Columbia

Washington, D. C., May 27th, 1909

M Rev. John M. Todd,

Bought of

**FRANK HUME,**  
(INCORPORATED)

**Wholesale Grocer,**

**454 Penna. Ave., bet. 4½ and 6th Sts., N. W.**

**LIPTON'S**  
Renowned  
**Coffees and Teas**  
SUNNY SOUTH COFFEE  
SUNNY SOUTH FLOUR

TELEPHONE MAIN 1412

TERMS CASH: Interest Charged on accounts after 30 days.

50m-3-30-08

1901

|            |                               |      |      |       |
|------------|-------------------------------|------|------|-------|
| October 31 | 2 bus. Meal,                  | .75  | 1 50 |       |
|            | Sack,                         |      | 10   |       |
|            | 1 bbl. E. R. Flour,           |      | 4 00 |       |
|            | 25 lbs. Gro. Rio Coffee,      | .13  | 3 25 |       |
|            | 100 lb. Gran. Sugar,          |      | 5 25 |       |
|            | 1/4 lb. Colburns Mustard,     |      | 15   |       |
|            | 2 lbs. Mixed Tea,             | .50  | 1 00 |       |
|            | 20 lbs. Lard,                 | .13  | 2 60 |       |
|            | 1 qt. Stag Whiskey,           |      | 1 00 |       |
|            | 1 qt. Best Sherry,            |      | 75   |       |
|            | 4 lbs. Bread Soda,            |      | 20   |       |
|            | 1 bottle Pickles,             |      | 10   |       |
|            | 1 bottle Lea & Perrins Sauce, |      | 25   |       |
|            | 1 doz. 1/2 lb. Runfords,      |      | 1 25 |       |
|            | Freight,                      |      | 1 03 | 22 43 |
| December 7 | 1/4 lb. Gro. Cloves,          |      | 10   |       |
|            | 1/4 " " Allspice,             |      | 10   |       |
|            | 1/4 " " Cinnamon,             |      | 10   |       |
|            | 1/4 " " Turmeric,             |      | 10   |       |
|            | 1 lb. Mustard Seed,           |      | 20   |       |
|            | 1 qt. Olive Oil,              |      | 65   |       |
|            | 1 qt. Sherry,                 |      | 75   |       |
|            | 2 its. Sup. A. Whiskey,       |      | 1 50 |       |
|            | 1 pt. Alcohol,                |      | 50   |       |
|            | 2 lbs. Black Tea,             | .50  | 1 00 |       |
|            | Freight,                      |      | 25   | 5 25  |
| 21         | 100 lbs. Gran. Sugar,         |      | 5 00 |       |
|            | 2 bbls. E. R. Flour,          | 4.00 | 8 00 |       |
|            | Demijohn,                     |      | 25   |       |
|            | 30 lbs. Gro. Rio Coffee,      | .13  | 3 90 |       |
|            | 2 lbs. Mixed Tea,             | .50  | 1 00 |       |
|            | 1 gal Whiskey,                |      | 2 00 |       |
|            | 1 qt. Stag Whiskey,           |      | 1 00 |       |
|            | 1 lb. Gro. Ginger,            |      | 25   |       |
|            | 1/4 lb. Col. Mustard,         |      | 15   |       |
|            | 1 bottle Lemon,               |      | 20   |       |
|            | 1 bottle Vanilla,             |      | 20   | 21 95 |

All Claims must be made within 3 Days after receipt of Goods.

4963

Todd et als.

June 16th. 1909.

vs)

Todd et als.

Mr. J. U. Burges,

Suffolk, Va.

Dear James:

I enclose, herewith, account of S. Henry Cox and the bonds of Ashton Todd and William and Mary Vestry, as requested in your letter of the 15th. inst.

Yours very truly,

Clerk.

J. U. BURGESS,  
ATTORNEY AT LAW,  
COMMONWEALTH'S ATTORNEY FOR NANSEMOND COUNTY  
SUFFOLK, VA.

June 15th, 1909.

Mr. A. S. Johnson,

Isle of Wight, Va.

My dear Sydney:

Will you please look in the Todd papers and mail me account of S. Henry Cox and the bonds due Ashton Todd and the Vestry of Wm. & Mary Parish as I want to send these papers to General Wilmer so that they may be marked paid when the money is delivered. As soon as they are returned to me I will attach same to report together with other vouchers showing distribution of the funds and file same in your office. As I am ready to forward checks to Washington I would thank you to let me have these papers at your earliest convenience.

Yours very truly,

B/M

*J. U. Burgess*

*You will find bond and account  
attached to your report  
to*

5  
Ashton Todd et als.

To. In Chancery.

Todd, Ashton et als.

Rough Decree October 2d 1905.

To be entered.

Robert R. Prentiss

Chancery Order Book No. 6

Page 446.

that purpose do collect and receive of and from the said Emma J. Knight, the sum of Twenty Five Hundred Dollars, in full of the purchase price of the said land, with its appurtenances, and the said Emma J. Knight do pay the same to the said Commissioner, within ten days from the rising of this court, and that upon the payment of the same the said commissioner do execute and deliver to the said Emma J. Knight, a good and sufficient, in fee simple, with SPECIAL WARRANTY, for the tract of land, and its appurtenances, aforesaid, of which the said Rev John M. Todd, died seized, and possessed in the said county hereinbefore particularly mentioned and described.

And the court doth further adjudge, order and decree that the said Commissioner after first paying thereout the unpaid costs of this suit, including an attorneys fee to R.E. Boykin, of One Hundred Dollars for his services as attorney in this cause, do distribute the residue among the parties entitled thereto as in the complainants bill is alleged, paying the shares of the adult parties to such adults, *so soon as this court shall be satisfied that such guardians* and the shares of the infant defendants to their guardians, *in the meantime* ~~if any~~, and if no guardian, deposit the same ~~in the Bank of Smithfield, Smithfield, to the credit of such infants~~ *va.* in the Bank of Smithfield, Smithfield, to the credit of such infants, respectively, who are without guardians, subject to the future of the court herein. The said Commissioner shall take the receipts of the parties for such payments, and return the same, together with the certificate of the cashier of the said bank for any amounts which may be deposited as aforesaid, with a report to court of his proceedings under this decree.

But the said Commissioner shall not execute this decree ~~until he shall have entered into a bond before the Clerk of this Court, in the penalty of Twenty Five Hundred Dollars, conditioned for the faithful performance of this or any future decree herein.~~ *Three thousand*

*have given bond in plenty and with surety sufficient for the security of the same.*

Ashton Todd and Kate V. Todd, his wife, Jennie A. Todd, Caroline A. Todd, Cecilia Starke and J. D. Starker, her husband, Sarah Blackburn Todd, Eleanor Ashton Warner and William Warner, her husband, Martha Thornton Ashton, and Horace Dade Ashton.

Versus.

Everard R. Todd, ~~Augustine Jacqueline Todd~~ <sup>the last three of whom</sup> Elizabeth Magill Todd and Eliza Blackburn Ashton, infants under the age of twenty one years of age by E. H. Williams, their guardian ad litem.

~~In the Circuit Court of Isle of Wight County.~~

This cause came on this day to be heard on the complainants bill, the answer of the infant defendants, by <sup>E. H. Williams</sup> guardian ad litem, with general replication thereto, and the depositions of witnesses, and was argued by counsel. On consideration whereof, it appearing to the Court that, Emma J. Knight, has offered to pay in cash the sum of Twenty Five Hundred Dollars, for the tract of land, with its appurtenances, situate, lying and being in the County of Isle of Wight, in the State of Virginia, containing by estimation Ninety Five and Two Fifths (95. 2/5) acres, be the same more or less, bounded by Pagan Creek, Jones Creek, the lands of James Davis, John Garner and others; and it further appearing to the court from the testimony of witnesses as aforesaid, that the said bid and offer of the said Emma J. Knight is the full value and the fair market price of the said land, and that it would be to the interest of all of the parties that the said bid and offer be accepted, the said land being incapable of division in kind, and no party in interest being willing to take the same and pay to the other parties the amounts to which their respective interests would entitle them, the court doth adjudge, order and decree that the said bid and offer of the said Emma J. Knight, to pay Twenty Five Hundred Dollars for the said land, be, and the same is hereby accepted and confirmed.

*fully accepted & ruled*

And the court doth further adjudge, order and decree that ~~R. E. Boykin~~ <sup>R. E. Thomas</sup>, who is hereby appointed a special Commissioner for that

R. E. BOYKIN,  
ATTORNEY AND COUNSELOR AT LAW,  
SMITHFIELD, VA.

10

Ashton Todd et als.

Vs.

Todd, Ashton et als.

Rough Decree Oct, 24<sup>th</sup> 1905.

To be Entered.

Robert R. Hunt

LAW OFFICE OF  
R. E. BOYKIN,  
SMITHFIELD, VA.

Ashton Todd et als.

vs)

Todd, Ashton, et als.

This cause came on this day to be again heard upon the papers formerly read, upon the report of R. S. Thomas, Special Commissioner, the petition of Frank Hume et als., the answer of the adult defendants, and the answer of the infant defendants by E. H. Williams, their guardian ad litem appointed to defend their interest in this suit, all of which are this day filed by leave of Court, and was argued by Counsel.

Upon consideration whereof, the Court confirming the report of R. S. Thomas, Special Commissioner as aforesaid, to which no exceptions have been filed, doth adjudge, order and decree, that a Commissioner of this Court take the following accounts:

- 1st. An account of the personal property of John M. Todd, deceased, in Virginia, of the said John M. Todd, or within the jurisdiction of this Court.
- 2nd. An account of the debts due by the said John M. Todd, or his estate, with their priority and dignity.

Which accounts the said Commissioner shall take, settle and report to Court, with any matters specially stated, deemed pertinent by himself, or required by any of the parties to be so stated.

11  
\*\*\*\*\*  
ASHTON, TODD et als.

v.-

TODD, ASHTON et als.  
\*\*\*\*\*

D E C R E E

March 5, 1906, to be entered

Robert R. Menhis

We consent to this  
decree -

R. E. Boykin  
att. for Plaintiff  
etc.

Official, Guardian  
ad Litem for the  
infant defendants.

IN THE  
CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

\* \* \* \* \*

ASHTON, TODD et als

v. -

TODD, ASHTON et als

\* \* \* \* \*

THIS CAUSE this day came on to be again heard  
on the papers formerly read and on the motion of JENNIE  
ASHTON TODD, by consent of parties. in term time, enter-  
ed of record.

It is ordered that this cause be submitted  
to the Judge of the Circuit Court of the County of Isle  
of Wight for such decision and decree therein, in vacation,  
as might be made in term.

Ashton Todd et als.

vs) Chancey

Todd, Ashton et als.

Decree

Enter, December 17th.1907.

R. E. Boykin

C.D. No 6. p. 527

Ashton Todd et als  
vs)---In chancery  
Todd, Ashton et als.

This cause came on this day to be again heard upon the papers formerly read and was argued by counsel: On consideration whereof, it appearing to the Court that the taxes upon the funds in this suit, under the control of the Court, for the year 1906 amounting to \$20.30 are due, owing and unpaid, but that no taxes have been assessed upon the said funds for the year 1907, the Court doth adjudge, order and decree that the Treasurer of the County of Isle of Wight, upon his filing in the papers of this cause, his receipt for the said taxes for the year 1906, to-wit: for the said sum of \$20.30, do check upon the said fund for the amount of \$20.30.

---

Ashton Todd et al.  
P 3 In Chy.  
Ashton Todd et al.

---

1909  
Jan. 4  
Enter this.  
B.D.W.

corb No 6. f. 597

Ashton Todd et als

vs) Chancery

Todd, Ashton, et als.

This cause came on this day to be again heard on the papers formerly read, and was argued by counsel: on considetation whereof, it appearing to the court that taxes upon the funds to the credit of this cause in the Bank of Smithfield, Smithfield, Virginia, for the years 1907 and 1908 are due, owing and unpaid, and that taxes are accruing and will accrue upon the said funds so long as they shall remain in the said bank and in the control of the court; and it further appearing that costs, to some amount, have accrued upon the proceedings herein, the Court doth adjudge, order and decree that H. S. Thomas, who<sup>p</sup> has heretofore been appointed Special Commissioner in this cause, do check upon the funds in the said bank in a sufficient amount to pay the said taxes so due, owing and unpaid, as aforesaid, and pay the same, and that he shall further pay the costs which have accrued, up to the filing of this decree, and take receipts therefor and file with the papers in this cause. And the said Special Commissioner, without the entry of any further order of this court, shall continue to pay the taxes accruing upon the said funds when they shall become due and payable.

-15-

Aslou Todd & al.

B - Deam

Todd Aslou & al

CO. B. # 6 & 615

1459  
June 10  
Entered this.  
B.W.

JAMES U. BURGESS,  
ATTORNEY AT LAW,  
POST OFFICE BUILDING,  
SUFFOLK, VA.

ALVAN BUSHNELL CO., LAW STATIONERS, 942 MARKET ST., PHILADELPHIA, PA.

And it further appearing to the Court that all of the heirs are adults, except the heirs of Everard R. Todd, to-wit: Everard R. Todd, Augustin Todd and Elizabeth Magill Todd, who are of sufficient age and discretion to use the funds due them judiciously, the Court doth adjudge, order and decree that said parties, out of the balance of the funds deposited in said bank, after the payment of the checks hereinabove authorized, do, by checks drawn by themselves or by their<sup>respective</sup> attorneys, check, on an attested copy of this decree, on said Bank of Smithfield, Smithfield Virginia, for the following amounts set after their respective names:

|                           |                                     |         |       |
|---------------------------|-------------------------------------|---------|-------|
| Ashton Todd,.....         |                                     | \$50.26 |       |
| Jennie A. Todd,.....      |                                     | 50.26   |       |
| Caroline A. Todd,.....    |                                     | 50.26   |       |
| Cecelia A. Starke,.....   |                                     | 50.26   |       |
| Eleanor A. Werner).....   |                                     | \$25.13 |       |
| Sarah Blackburn Todd)     | heirs of John K. Todd, decd.        | 25.14   | 50.27 |
| Everard R. Todd, )        |                                     | 16.76   |       |
| Augustus Jacquelin Todd ) | Heirs of Everard R. Todd, deceased, | 16.76   |       |
| Elizabeth Magill Todd )   |                                     | 16.75   | 50.27 |
| Mary Thornton Ashton )    |                                     | 16.76   |       |
| Horace Dade Ashton )      | Heirs of Eliza A. Ashton, deceased, | 16.75   |       |
| Eliza Blackburn Ashton )  |                                     | 16.75   | 50.26 |

And the Court doth further adjudge, order and decree that said Parke P. Deans and James U. Burges do report to Court the manner of executing this decree together with proper vouchers for all disbursements herein authorized,

And this cause is continued.

dered that this cause henceforth proceed against her as an adult, and it further appearing to the Court that there is now deposited in the Bank of Smithfield, Smithfield, Virginia, to the credit of R. S. Thomas, Special Commissioner in the above styled cause, the sum of \$2291.11, said sum being the balance of the proceeds from the sale of the real estate in the bill and proceedings mentioned after the payment of certain expenditures (such as taxes and costs), authorized by decrees heretofore entered in this cause, from time to time. And the Court being of opinion that the balance of said proceeds should be distributed among all of the heirs per stripes as hereinafter set out; and it appearing to the Court from the evidence taken in this cause that the parties hereinafter named, are creditors of the estate of John M. Todd, doth adjudge, order and decree that the creditors hereinafter mentioned be, and hereby are, ~~are~~, authorized and empowered to check, by checks drawn by J. U. Burges, their attorney, on an attested copy of this decree, on the Bank of Smithfield, Smithfield, Virginia, for the following amounts set after their respective names as follows, to-wit:

|                                   |           |
|-----------------------------------|-----------|
| Ashton Todd,.....                 | \$329.62  |
| Jennie A. Todd,.....              | 964.44    |
| Cecelia A. Starke,.....           | 160.74    |
| Frank Hume Co., Inc, assignee of  |           |
| Frank Hume,.....                  | 298.19    |
| Vestry of Wm. & Mary Parish,..... | 77.50     |
| S. Henry Cox,.....                | 37.68     |
|                                   | <hr/>     |
|                                   | \$1868.17 |

That A. S. Johnson, Clerk of this Court, do likewise check on said Bank of Smithfield for \$8.10, the unpaid costs of this suit; that E. H. Williams, guardian ad litem, do likewise check on said bank for \$10.00 for services rendered as guardian ad litem to the infant defendants for attending the taking of certain depositions in the proof of the claims hereinabove mentioned, and also for services in the settlement set forth in said report. And that J. U. Burges Attorney do check on said fund for State and County taxes and levies for the years 1908 and 1909, (the Court being of opinion that the town of Smithfield has no claim against said fund for town taxes and levies).

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Ashton Todd and others.....Complainants.

vs.

Todd Ashton and others,.....Defendants.

This cause came on this day to be again heard on the papers formerly read and upon the report of R. S. Thomas, Special Commissioner, filed February 1st. 1909, and to which report no exceptions have been taken, and on a statement in writing showing the settlement of all matters in controversy in this cause signed by Parke P. Deans, counsel for Cecelia A. Starke and J. D. Starke, her husband; E. H. Williams, guardian ad litem for the infant defendants, Everard R. Todd, Augustin Jacquelin Todd and Elizabeth Magill Todd; and James U. Burges, counsel for all of the creditors that have filed claims in this suit, to-wit: Ashton Todd, Jennie A. Todd, Vestry of William & Mary Parish, of Charles ~~City~~ County, Maryland, Frank Hume Company, Incorporated, assignee of Frank Hume, and S. Henry Cox, and also counsel for all of the adults, except Cecelia A. Starke and J. D. Starke, who are as follows: Jennie A. Todd; Caroline A. Todd; Ashton Todd, in his own right and as administrator of John M. Todd, deceased; Eleanor A. Werner, Sarah Blackburn Todd, heirs of John K. Todd, deceased; Martha Thornton Ashton, Horace Dade Ashton and Elizabeth Blackburn Ashton, heirs of Eliza A. Ashton, deceased; and Robert A. Edwards, administrator, in the State of Virginia, of the estate of John M. Todd, deceased, which said statement in writing is this day filed by leave of Court, and was argued by Counsel.

On consideration whereof, the said report of said Special Commissioner is confirmed and it appearing to the Court that Eliza Blackburn Ashton is now over the age of twenty-one years, and on motion of the said Eliza Blackburn Ashton, by counsel, it is order-

Todd et als,

vs. Final Decree.

Ashton, et als.

Enter. July 26 1909.

Entered in Chancery

Order Book No. 6,

page 623.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Ashton Todd and others.....Complainants.

vs.

Todd, Ashton, and others.....Defendants.

This cause came on this day to be again heard on the papers formerly read and upon the report of Parke H. Deans and James U. Burges showing the ~~manner of~~ <sup>of</sup> executing the decree entered on the 10th day of June, 1909, with ~~proper~~ vouchers for all disbursements authorized in said decree, which said report was this day filed by leave of Court, and was argued by Counsel.

On consideration whereof, it appearing to the Court that the funds to the credit of this cause have been properly disbursed <sup>as shown in said decree</sup> and ~~as~~ <sup>herein</sup> there is nothing further remaining to be done, the Court doth adjudge, order and decree that the same be dismissed from the docket.

28-

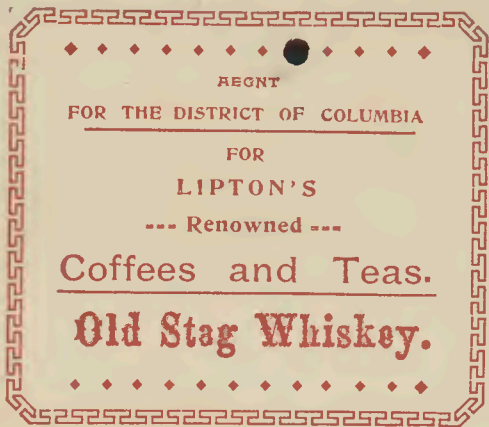
1 9

3

28

21

7



Washington, D.C. Dec 1<sup>st</sup> 1903  
 Mr. Rev-John M. Todd Estate

Bought of

**FRANK HUME,**  
**Wholesale Grocer.**

454 Penna. Ave., Bet. 4-1-2 and 6th Sts. N. W.  
 TERMS CASH: Interest charged after 30 days. 20 m. - 4 - 15th - 04.

1903  
 Dec 1<sup>st</sup>

To amount of acct. rendered

224.21

District of Columbia, D.C.

I hereby certify that on this 22<sup>d</sup> day of September in the year 1904 before the Subscriber, a Notary Public in, and for the District of Columbia aforesaid, duly Commissioned and qualified, personally appeared Frank Hume, and made oath, in due form of law, that the foregoing account is just and true as stated; and that he has received no part, nor parcel, of the amount of two hundred and twenty four and twenty one hundredths dollars \$224<sup>21</sup>/<sub>100</sub> due him as aforesaid.

Witness my hand and Notarial Seal  
 Howard M. Norris  
 Notary Public.  
 D.C.

*Frank Hume*

NOT PASS WHEN PAID.  
 Wm. Ke. Mathew  
 Register of Wills for Charles County, Md.  
 Oct. 18-1904

---

Ashlin Todd et al  
to J. Chancery  
Todd, Ashlin et al

---

2088  
List of personal property, &c, of the late  
Rev. J. M. Todd, of Chas. Co. Md.

|                       |                                         |          |
|-----------------------|-----------------------------------------|----------|
| One stove             | See also list of furniture<br>Add. 1.00 | 1.00     |
| Lot fruit jars        |                                         | .75      |
| One churn             |                                         | .50      |
| Two old stoves @ 1.50 |                                         | 3.00     |
| Lot crocks            |                                         | .75      |
| Small lot China       |                                         | .50      |
| Milk bucket           |                                         | .05      |
| 4 jars                |                                         | .25      |
| One old cook stove    |                                         | 1.00     |
| Oil stove             |                                         | 1.00     |
| 4 stove pans          |                                         | .25      |
| Tea Kettle            |                                         | .25      |
| Old stove pot         |                                         | .10      |
| Lot Cans              |                                         | 1.50     |
| Wash pans             |                                         | .25      |
| Watering pot          |                                         | .25      |
| Frying pan            |                                         | .05      |
| Lot old buckets       |                                         | .25      |
| One water bucket      |                                         | .25      |
| One old chair         |                                         | .10      |
| Lot of old saws       |                                         | 1.50     |
| One old Axe           |                                         | .25      |
| One hatchet           |                                         | .25      |
| Grass scythe          |                                         | .50      |
| One tub               |                                         | .25      |
| Window screens        |                                         | 1.00     |
| One old buggy         |                                         | 5.00     |
| One old boiar knife   |                                         | .25      |
| One old plow          |                                         | .50      |
| Old plows             |                                         | 1.50     |
| One cultivator        |                                         | 1.00     |
| One old harrow        |                                         | .50      |
| One plow gear         |                                         | .50      |
| 4 hoes                |                                         | 1.00     |
| one shovel            |                                         | .50      |
| One old spade         |                                         | .10      |
| 2 old pitchforks      |                                         | .15      |
| One peck measure      |                                         | .25      |
| One saddle            |                                         | 1.00     |
| One old horse         |                                         | 10.00    |
| 2 old Cows @ 8.-      |                                         | 16.00    |
| 3 cows @ 15.-         |                                         | 45.00    |
| one Yearling          |                                         | 10.00    |
| 3 small calves        |                                         | 10.25    |
|                       |                                         | \$119.30 |

Coy  
2  
Essex R. M. Ford del

Estate of Rev. John M. Todd. Dr.

To S. Henry Cox, surveyor.

1903 June 12. To 6 days surveying, viz. May. 7. 8. & 9.  
and June 10, 11, & 12th @ \$4 per day. \$24.00  
August 28th. To surveying 1 day 4.00

\$28.00

Sub. allowed.

9.68

37.68

Reimbursement, June 29/1909, in accordance  
with decree entered June 10, 1909

H. Mitchell Duggan

Admin. Executor etc

State of Maryland. Charles County to wit:

I hereby certify that on this 27 day of  
October, 1905, before me, the subscriber, a  
Notary Public of the State of Maryland  
in and for Charles County, personally  
appeared S. Henry Cox, to me known to  
be a competent surveyor of said County  
and made oath in due form of law that  
the above Account is true and bona-  
fide as therein set forth.

Witness my hand and notarial  
seal this 27 day of October 1905.

J. Mitchell Cochran  
Notary Public

These depositions were  
taken, in the town of Smith-  
field on the 19<sup>th</sup> day of -  
July 1906, and filed pend-  
ing further proceedings

Test, *Johnson*  
Clerk in Charge

Filed in the Clerk's office  
of the Circuit Court of the  
County of Isle of Wight  
July 19<sup>th</sup> 1906

Test, *Johnson*  
C.C.

"8"

The estate of John M. Todd, deceased,

To Jennie Ashton Todd,

Dr.

For services rendered to said deceased, in his lifetime, as trained nurse, amanuensis and active agent, from January 30, 1901, to November 25, 1903, the latter date being the date of the death of said deceased, at \$25.00 per month,

\$846.00

state of Maryland, Charles County, to wit:

I hereby certify that on this sixth day of September, in the year nineteen hundred and four, before the subscriber, a Justice of the Peace of the State of Maryland, in and for Charles County, aforesaid, personally appeared Jennie Ashton Todd and made oath, in due form of law, that the foregoing account is just and true as stated; and that she has received no part, nor parcel of the aforesaid sum of eight hundred and forty-six dollars due her as aforesaid.

WILL PASS WHEN PAID

*Wm. Ke. Mauter*  
Register of Wills for Charles County

*Sept 6 - 1904*

*Henry B. Robertson*  
Justice of the Peace.

STATE OF MARYLAND, CHARLES COUNTY. TO WIT:

I hereby certify that on this fifteenth day of November, in the year nineteen hundred and five, before the subscriber, a Notary Public in, for and of Charles County aforesaid, duly commissioned and qualified, and authorized to take affidavits and the acknowledgment of Deeds, personally appeared Jennie Ashton Todd and made oath, in due form of law, that the foregoing account is just and true as stated, that the same has been duly passed by the Orphans' Court of Charles County, as appears from the above endorsement of the Register of Wills for said Charles County; and that she, the said Jennie Ashton Todd, has received no part, nor parcel of the aforesaid sum of eight hundred and forty-six dollars due her as aforesaid, and for which she claims allowance out of the estate of John M. Todd, late of Charles County, deceased.

As witness my hand and Notarial Seal.

*J. Mitchell Cochran*  
Notary Public

57 7  
R. S. Thomas, Comr. of Sale.

in suit

Todd, et als.

vs.

Todd, et als.

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a copy.

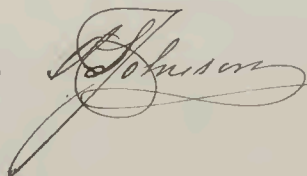
KNOW ALL MEN BY THESE PRESENTS, That we R. S. Thomas, principal, and T. T. Spratley, surety, are held and firmly bound unto the Commonwealth of Virginia in the sum of THREE THOUSAND 00/100 DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemption as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust with coupons detached from the bonds of this State. Sealed with our seals, and dated this 6th. day of October, one thousand nine hundred and five.

The condition of the above obligation is such, That if the above bound R. S. Thomas shall faithfully perform the duties of his office or trust, as Commissioner of Sale under decree of the Circuit Court of <sup>the County of</sup> Isle of Wight pronounced on the 2nd. day of October 1905; in the suit therein depending under the name and style of Todd et als, vs. Todd et als. then this obligation to be void, otherwise to remain in full force and virtue.

|                                 |   |                                    |        |
|---------------------------------|---|------------------------------------|--------|
| Signed, sealed and acknowledged | ) | R. S. Thomas,                      | (SEAL) |
| in the presence of              | ) | By O. L. Batten his atto. in fact  |        |
|                                 | ) |                                    |        |
| A. S. Johnson, Clk.             | ) | T. T. Spratley,                    | (SEAL) |
|                                 | ) | By O. L. Batten his atty. in fact. |        |

Oath as to sufficiency of surety and power of Attorney attached.  
to original bond.

A copy, Teste,

  
Clerk.

To the Board of Supervisors of the County of Isle of Wight.

I will furnish for work upon the roads in Isle of Wight County, 2-horse teams, with six wheel-scrapers, capacity not less than one half cubic yard; six drag scrapers, all necessary wagons, including flat bottom bodies, capacity one cubic yard, plows, harness and other implements necessary for the operation of these teams, the number to be not less than six nor more than twelve, with the right to the County to vary the number of teams from day to day so far as may be necessary for the economical operation of and to be kept constantly on the job until completion, the forces at work upon the road, the above to be furnished at the rate of forty cents per hour, based on two-horse teams and driver, with the necessary implements to accompany each team. Any team or equipment not satisfactory to engineer in charge to be removed at once.

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