1905-003 Chancery Causes: Sarah A. Todd et al vs E. M. Todd, extrx of Eliza D. Southall et al
Isle of Wight County

other surnames: Adelstein Spratley, Joyner, Rouse, Jordan, Johnson

TODD ET ALS.

Vs.

TODD ET ALS.

Complainants Bill.

2d May rules 1905. Bill & exhibits filed, summons issued on all adult defendants. J. W. Thomas appointed guardian ad litem. Answer of Mary E. Todd et als and E. M. Todd filed. Infants answer filed. de nisi

May 29th 1905 Bill taken for confessed, and cause set for hearing

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

To the Hon. R . R . Prentis,Judge of the Circuit Court of the County of Isle of Wight.

Humbly complaining sheweth to the Court,your complainants Sarah A. Todd, Caroline A. Todd, Nannie T. Todd, Alice Todd,Hattie B. Southall and W.B.Southall:

That on the of April 1905,Eliza D.Southall,departed this life,at her residence,in the County of Isle of Wight,and State of Virginia,having first made and published her last will and testament,which was duly admitted to probate before the Clerk of the Circuit Court of said County on the 1st day of May 1905.

A certified copy of the said last will and tstament is herewith filed,Marked Exhibit A,and prayed to be read as a part of this bill.

That on the day and year last aforesaid,E.M.Todd,the executor named in the said will duly qualified as such executor,before the Clerk of the said Court.

A certified copy of the order admitting the said executor to qualify upon the said estate is herewith filed,marked C and prayed to be read as a part of this bill.

That the said testarix,by her said last will and testament, having first directed that the sum of Two Hundred Dollars,be set aprat for an iron enclosure around the"familyLot"in St Luke's Ceme-tary,in the County and State aforesaid,bequeathed to the said E.M. Todd the sum of Six Hundred Dollars,and all the rest and residue of her estate,both real and personal,she devised and bequeathed as follows,to wit: One fourth to the said E.M.Todd for life,and at his death to his children,to wit, Mary E.Todd, Nannie S.Todd,Laura T.T.Todd,Dianna M.Todd and Helen M.Spratley,formerly Todd,wife of

Tazewell T.Spratley; one fourth to Sarah A. Todd and Caroline A. Todd; one fourth to Nannie T. Todd and Alice Todd,and the remaining one fourth to Hattie B.Southall and W.D.Southall.

That the said testarix was possessed of considerable personal property,in solvent bonds,amounting inthe whole to the sum,of about

That she died seized and possessed of three small houses,used and employed as negroe tenements,in the town of Smithfield,in the County and State aforesaid.

That the said houses are out of repair and the sum of Eight Hundred Dollars is their full value,and fair market price.

That the said real estate is incapable of division in kind among the parties entitled thereto,and none of the parties in interst,are willing to take the same ,or any part thereof,and pay to the other parties such sums and amounts as their interests would entitle them.

That the testatrix left no debts,except her burial expenses, which have been paid off and discharged in full by her said executor,and that the personal estate is far more than sufficient to erect the said iron fence around the burial lot of the said testatrix,provide a suitable monument according to her directions,and pay off the legacy bequeathed the said E.M.Todd,as aforesaid.

That one E.A.Adelstein,of the town of Smithfield,in the County and State aforesaid,has offered to pay,in cash,the sum of Eight Hundred Dollars,for the lots and tenements thereon,of which the said Eliza D.Southall died seized and possessed.

That the said lots are in the rear of the residence of the said E.A.Adelstein,and in order to control the same has agreed to pay the above amount,which sum and amount,as your complainants are

informed and believe is their full value and more than could be obtained from any other person,and all of the adult parties in interest,both plaintiff and defendant,desire that the said bid or offer of the said E.A.Adelstein to purchase the said real estate at the sum of Eight Hundred be accepted,and it would be to the benefit of the infant defendant.

In tender consideration whereof and for as much 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 coginzable and relievable,to the end that justice may be done in the premises,your complainants pray that the said E.M.Todd,in his own right,and as executor of Eliza D. Southall,deceased,Mary E.Todd, Nannie S.Todd, Laura T.T.Todd, Dianna M.Todd, Helen M.Spratley and Tazewell T.Spratley,her husband,and Julia D.Todd,the last an infant,under twenty one years of age,by some discreet attorney,her guardian ad litem appointed to defend her interests in this suit,be made parties defendant to this bill and be required to answer the same.

That the said real estate be divided in kind between the parties entitle thereto if the same be susceptible of partion,and your complainants respective proportions thereof be allotted them in severalty,and in case the said real estate can not be partitioned in kind that the same be sold,and that the said offer and bid of the said E.A.Adelstein therefor be acepted and the said real estate be sold and conveyed unto him upon the payment of the said sum of Eight Hundred Dollars in cash,and the proceeds of sale be divided among the parties entitled thereto. That proper process may issue; that all proper orders and drecrees may be made and enquiries direc-ted,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

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

shall seem meet. And your complainants will ever pray &c.

Boykin. p.q.

TODD ET ALS.

Vs.

TODD ET ALS.

Answer of E.M.TODD,in his own right and as Executor of Eliza D.Southall,deceased.

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

Todd et als.

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

Todd et als.

The answer of E.M.Todd,in his own right and as Executor of Eliza D.Southall to the bill of complaint in said court exhibited by Sarah A.Todd,Caroline A.Todd, Nannie T.Todd, Alice Todd, Hattie B.Southall and W.B.Southall,against him and others.

This defendant saving and reserving all right of exception to the many erros and imperfections in the said bill contained,for answer thereto or to so much thereof as he is advised it is material or necessary for him to answering says; that he admits to be true the allegations in the said bill contained as therein is alleged,and adopts as his answer the answer of Mary E.Todd and others filed in this cause.

And further answering this defendant says that,he is the father of the defendants in this suit,and is of the opinion that the interest of all of the parties,entitled under the will of the said Eliza D.Southall would be promoted by a sale of the real estate in the bill mentioned to the said E.A.Adelstein at the sum and price of Eight Hundred Dollars cash. That it is its full value and more than it would sell for at public auction,without by-bidding,even if the said real estate were to be sold on a reasonable credit.

That the said tenements are in need of repair and would require a considerable expenditure,and that the said real estate is incapable of division in kind,nor would,as he believes-any of the parties take the entire subject,or any part thereof and pay to the others such sums of money as their interest would entitle them.

That the said Eliz D.Southall,after first bequathing to this defendant the sum of Six hundred dollars,devised and bequeathed to him,for life,with remainder to his children,an undivided one ~~third~~ fourth interest in all of her estate,both real and personal; this defendant hereby releases his estate for life in the real estate of the said Eliza D.Southall,in the complainants bill mentioned,and hereby requests that the value of his life estate therein be paid to his said children,and that the same be paid and distributed to his said children without taking into consideration his said estate for life therein.

And having answered this defendant prays hence to be dismissed with his costs in this behalf most unreasonably expended.

E M Todd

In his own right and as Exr of Eliza D.Southall,decd.

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.M.Todd,whose name in his own right and as Executor of Eliza D. Southall,is signed to the foregoing answer,personally appeared before me in my said county and made oath that the statements therein contained are true.

Given under my hand this 13th day of May 1905.

R. E. Boykin

Commissioner in Chancery.

TODD ET ALS.

Vs. IN CHANCERY.

TODD ET ALS.

Answer of Mary E. Todd et als.

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

Todd, et als.

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

Todd et als.

The joint and several answers of Mary E.Todd,Nannie S. Todd,Laura T.T.Todd, Dianna M.Todd, Helen M.Spratley and Tazewell T.Spratley,to the bill of complaint in said court exhibited by Sarah T.Todd, Caroline A. Todd,Nannie T.Todd, Alice Todd,Hattie B. Southall and W.B.Southall against them and others.

These defendants saving and reserving all right of excpetion 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,and answering say.

That they admit to be true the general allegations in the said bill contained as to the deathof the said Eliza D.Southall, having first made and published her last will and testament as is in the said bill alleged. That the personal estate of the said Eliza D.Southall,is more than sufficient for the payment of all of her debts,funeral expenses,the payment of the legacy to the said E.M.Todd,and the direction as to the testatrix's family burial lot and monument to her memory,and that such debts,and expenses have been paid off and discharged in full. That she died seized and possessed of the three several tenements,lots and parcels of land as in the complainants bill is alleged.

And further answering these defendants say that the said real estate is indivisible in kind; that these defendants are unwilling to take the same,or any part thereof and pay to the other parties in interest such sums of money as their interests may entitle them, as the buildings are in need of repair and would require a consider

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-able expnditure and more than your complainants or either of them are willing to expend in the repair of the same.

That the said bid andoffer of the said E.A.Adelstein,to pay Eight Hundred Dollars in cash for the said real estate is an advantageous bid and ofer,is the full price and market value of the said real estate,and is more than could be obtained at public auction.

That the interest of all parties,including the infant defendant,would be promoted by the acceptance of the said bid and offer, and these defendants ask that the said land be sold and conveyed to the said E.A.Adelstein,at the sum and price of Eight Hundred Dollars,incash,and the proceeds of such sale be distributed among the parties entitled thereto as their interests may entitle them.

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

Mary E. Todd.
Nannie S. Todd.
Laura V. T. Todd.
Liana M. Todd.
Helen M. Spratley
Dagwell J. Spratley

State of Virginia.

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 cetify that May E.Todd, Nannie S.Todd, Laura T.T. Todd, Dianna M. Todd, Helen M.Spratley and Tazewell T. Spratley whose names are signed to the foregoing answer, personally appeared before me in my said County and made oath the statements contained therein so far as made of their own knowledge are true, and so far as made on knowledge or information derived from others they believe to be true.

Given under my hand this 13th day of May 1905.

R. E. Boykin.
Commissioner in Chancery.

TODD ET ALS.

Vs. In Chancery.

TODD ET ALS.

Answer of Infant Defendant.

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

Todd,et als.

Vs.

Todd et als.

The answer of Julia D.Todd,an infant under the age of twenty one years,by J.Waverly Thomas,her guardian ad litem,to the bill of complaint in said court exhibited by Sarah A.Todd, Caroline A.Todd, Nannie T.Todd, Alice Todd Hattie B.Southall and W.B.Southall against her and others.

This defendant 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 she is advised it material or necessary for her to answer,answering says. That she is an infant under the age of twenty one years and commits her interests in the premises to the protection of this honorable court.

And having answered she prays hence to be dismissed with her costs in this behalf most unreasonably expended.

J.Waverly Thomas
Gdn ad litem of Julia D.Todd.

Julia D. Todd
by J.Waverly Thomas,
G'd'n ad litem.

Sarah A. Todd etals

vs. { SUBPOENA IN CHANCERY.

Todd etals

R. E. Boykin p. q

To Second May Rules,

Circuit Court.

1906

B 33119

We acknowledge legal service of this process.

E. M. Randall Esqr
of Eliza D. Southall in his own right
Mary E. Todd
Nannie S. Todd
Laura T. Todd.
Diana M. Todd
Helen M. Spratley
Dazevell J. Spratley

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon E. M. Todd, in his own right and as Executor of Eliza D. Southall, deceased, Mary E. Todd, Nannie S. Todd Tazewell T. Spratley, her husband, Laura T. T. Todd, Dianna M. Todd, Helen M. Spratley formerly Todd and Julia D. Todd, the last an infant under the 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 3rd. Monday in May 1905, to answer a bill in chancery, exhibited against them in our said court by Sarah A. Todd, Caroline A. Todd, Nannie T. Todd, Alice Todd, H. B. Southall and W. B. Southall

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 5th. day of May 1905, and in the 129 year of the Commonwealth.

N. F. Young clerk

Todd et als.

Vs.

Todd et als.

Notice to Take Depositions.

We acknowledge legal service of

of this notice.

Edw Dodd
In his own right & as Exr
of Eliza. D. Southall
Mary C. Todd -
Martha S. Todd -
Laura J. Todd -
Diana M. Todd -
Helen M. Spradley -
Sayewell T. Spradley -

Gonrad Reese of Julia
W Todd. J. Waverly Thomas
Julia A. Todd by.
J. Waverley Thomas.
her gdn ad litem

To E.M.Todd,in his own right,and as Executor of Eliza D.Southall, decd,Mary E.Todd,Nannie S.Todd,Laura T.T.Todd,Dianna M.Todd,Helen M.Spratley,Tazewell T.Spratley and Julia W.Todd,by J.Waverly Thomas her guardian ad litem.

Take Notice: that on the 1st day of June 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 O'Clock A.M.and Six O' Clock P.M.,I shall proceed to take the depositions of V.W.Joyner and others,to be read as evidence in my behalf in a certain suit in chancery depending in the Circuit Court of the said County,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 of the same will be adjourned from day to day,at the same place and between the same hours,until the same shall be completed.

May 26th 1905.

Sarah A. Todd. Caroline A Todd
Annie T. Todd. Alice Todd.
H. B. Southall and M. B.
Southall.
By R. E. Boykin their
atty-

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

Todd et als.

Vs. In Chancery.

Todd et als.

Plaintiffs Depositions.

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

The depositions of V.W.Joyner,W.G.Rouse,J.D.Jordan and J.R.Jordan---------- taken before me Geo.R.Atkinson,a Commissioner in Chacery for the Circuit Court of the County of Isle of Wight,on that 1st day of June 1905,pursuant to the annexed notice ,to be read as evidence in behalf of the plaintiffs in a certain suit in chancery depending in the Circuit Court of the County of Isle of Wight,wherein Sarah A.Todd, Caroline A.Todd,Nannie T.Todd,Alice Todd, H.B.Southall and W.B. Southall are plaintiffs,and E.M.Todd,in his own right and as Executor of Eliza D.Southall,deceased,Mary E.Todd,Nannie S.Todd and Laura T.T.Todd,Dianna M.Todd,Helen M.Spratley,Tazewell T.Spratley and Julia D.Todd,the last an infant,under twenty one years,are defendants.

Present. R.E.Boykin,attorney for plaintiffs and defendants and J. Waverly Thomas Guardian ad litem of infant defendant ,Julia W.Todd.
V.W.Joyner,being first duly sworn deposes and says as follows.

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

Ans. I am 43 years of age,a merchant,and ham packer,and reside in the town of Smithfield.

Ques.2. State whether or not in your opinion the property in the bill and proceedings of this suit mentioned can be divided in kind between the parties entitled thereto without loss or injury,or whether their interests would be best promoted by a sale of the entire subject and a division of the proceeds of sale among the said parties as their interests may entitle them.

Ans. I am acquainted with the prope rty in question-have just examined the same,and am clearly of the opinion that it is impossible to divide the same among the parties entitled to it. I am further of the opinion that the interests of the parties would be promoted by a sale of the entire property and a division of the proceeds of sale.

Ques. 3.

State what,in your opinion is the fair vlaue and full market price of the said property,and whether or not the interest of the parties and particularly the infant defendant would be promoted by a sale of the property to E.Adelstein at the sum and price of Eight Hundred Dollars in cash.

Ans.I am of the opinion,considering the bad condition of the property and its undesirable location,even for negroe tenements,that Eight Hundred Dollars,is the full value and the fair market price , and that it is to the interest of all parties to sell the same at Eight Hundred Dollars in cash. I would not like to give that amount for ~~the~~ it.

And further this deponent saith not.

V. W. Joyner

W.G.Rouse having been first duly sworn deposes and says as follows.

Quesl. State your age residence and occupation.

Andwer. I am 70 years of age,live in the town of Smithfield,am a cabinet maker and undertaker.

Ques. 2. State whether or not you are acquainted with the property in the bill and proceedings of this suit mentioned.

Ans. I am,have known the property a number of years.

State whether or not the property can be divided in kind among the parties entitled thereto,or whether it would be best to sell the same and distribute the proceeds.

And. It could not be divided among the parties. It is best to sell it and divide the amount for which it sells.

Ques 3. State what in your opinion is its fair value and full market price,and whether your think it best for the interest of the parties to accept the offer of E.Adelstein to pay Eight Hundred Dollars in cash therefor.

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

Ans. I consider Eight Hundred Dollars its full value. The property is in bad condition,and is not desirable located even for negroe tenements and it is difficult to obtain reliable or responsible tenants. I think it for the interest of all parties that the property should be sold for Eight Hundred Dollars cash. It is a good price. I own property in the town.

And further this deponent saith not.

Wm G Rouse

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

J.D.Jordan.

Ans. I reside in the town of Smithfield, Conduct a storeage warehouse.

Ques. 2. Do you know the property in these proceedings mentioned.

Ans. I do and have just examined it. I own property in the town.

Ques. 3. State whether or not it can be dividied in kind among the parties entitled to it.

Ans. It would be impossible to divide it,and if possible it would be greatly against the interest of the parties.

Ques 4. State ~~what in~~ what in your opinion is its full value and fair market price.

Ans. Considering its location,and the fact that the property,or buildings thereon are much out of repair,that it is not desirably located even for reliable ngroe tenants,I consider Eight Hundred Dollars its full value,and that it is to the interest of the parties to accept that amount in cash. I consider it a good sale.

And further answering this deponent saith not.

J.D. Jordan

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

Ques 1. State your name,residence and occupation.

J.R.Jordan.Live in Smithfield,and am afarmer and deal in horses.

Ques. 2. State whether or not you are acquainted with the property in the proceedings of this suit mentioned of which Eliza D.Southall died seized and possessed..

Ans. I am.

Ques.3. In what condition is the houses on said property.

Ans. They are much out of repair and it would require a considerable amount to put them in a fair habitable condition.

Ques. 4. State whether or not the property can be divided in kind between the parties entitled without loss or injurt.

Ans. It could not be divided among the parties entitled. It would be impracticable to do so. It ought to be sold and the proceeds of sale divided among them.

Ques. 5.What do you regard as its full value and fair market price.

Ans. The property consists of negroe tenements. They are much out of repair,badly located,and it would be most difficult to secure continuous desirable tenants. I consider Eight Hundred Dollars its full value and a sale at that price,for cash, I regard as a very good sale and for the benefit of the owners. And think it would be to the interest of all of the owners that the offer of Mr Adelstein to pay Eight Hundred Dollars,in cash,should be accepted. I am convinced he would not pay that amount but for the fact that the property is in the rear of his dwelling,near to it,and he desires to control it on account of the nearness of his dwelling.

And further this deponent saith not.

J. R. Jordan

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 foregoing depositions duly taken, subscribed and sworn to before me at the time and place in the caption hereto mentioned.

Fee 3.00
G&R.A.

Geo R Atkinson
Commissioner in Chancery.

Todd, et als.

vs)

Todd, et als.

Commissioner Todd's report
of distribution.

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

By balance in hands of the Commissioner for Distribution..... $698.98

To paid to Sarah A Todd,		$87.37	1/4
To paid to Caroline A. Todd	1/4	87.37	1/4
To paid to Nannie T. Todd		87.37	1/4
To paid to Alice Todd		87.37	1/4
To paid to W. B. Southall	1/4	87.37	1/4
To paid to Mary E Todd		87.37	1/4
To paid to Nannie S. Todd		29.12	5/12
To paid to Laura T.T.Todd		29.12	5/12
To paid to Diana M. Todd	1/4	29.12	5/12
To paid to Helen M.Spratley		29.12	5/12
To paid to Julia D. Todd		29.12	5/12
		$698.98	$698.98

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

Statement of distribution made by E.M.Todd, Special Commissioner, in the suit of Todd et als Vs Todd et als, of the proceeds of sale to E.Adelstein, of the real estate in the town of Smithfield, in the County of Isle of Wight and State of Virginia, directed by the decree in said suit of June 6th 1905, to be sold and conveyed to the said E.Adelstein.

oooOooo

1905.			
June 9.	By proceeds of sale of said real estate.		800.00
"	paid N.R.Young Clerks fees in said to dismissal---- Rec'd. N. F. Young clk	9.74	
"	paid attys taxed fee and writ tax-- Paid R.E.Boykin atty	16.50	
"	paid court Atkinson depositions. Paid R.E. Boykin atty	3.00	
"	commissions on $300. at 5%. Pd - R.E. Boykin atty	15.00	
"	paid commissions on $500. at 2% Pd. R.E. Boykin "	10.00	
"	paid fee for deed to purchaser Pd. R.E. Boykin "	10.00	
"	amt to balance	735.76	
	Your Comr, has waived his fees and paid the same to R.E.Boykin, atty, in lieu of fees except taxed fee as above.	$800.00	$800.00

~~By balance in hands of Commissioner~~ ~~$735.76~~

~~xxxx

Todd, et als.

vs)

Todd, et als.

The undersigned Soecial Commissioner under a decree herein of June 5th. 1905, respectfully reports to the Court that, in obedience to said decree he collected from E. Adelstein the sum of $800 in cash in full of the purchase price of the lots or parcels of land in the said decree mentioned of which Eliza D Southall died siezed and possessed, in the town of Smithfield, County of Isle of Wight and State of Virginia. And upon the collection of the said sum, he executed and delivered to the said E. Adelstein a good and sufficient deed in fee simple, with Specials Warranty, for the lots or parcels of land aforesaid.

That in further obedience to the said decree, having first paid thereout the unpaid costs of this suit he distributed the said sum of $800, the purchase price of the said lots or parcels of land as aforesaid, among the parties entitled thereto.

A statement of the said distribution marked "A", together with the receipts of the parties for said payments, are herewith filed as a part of this report.

All which is respectfully submitted.

E M Todd

Special Commissioner.

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

Sarah A. Todd

Frank Young

PAID
AUG 4. 1905
SMITHFIELD, [illegible]

PAY TO THE ORDER OF
ANY BANK OR BANKER
AUG 1 [illegible]
All Prior Endorsements Guaranteed
AMERICAN NATIONAL BANK
[illegible]

PAY

Smithfield, Va. June 23rd. 1905 No. 1

The Bank of Smithfield

Smithfield, Va.

Pay to the order of SARAH A. TODD, ---------- $ 87.37

Eighty seven and---------- 37/100------- Dollars

In full of your share of net proceeds of sales of real estate of Eliza D. Southall, deceased.

E M Dodd

Comm. Todd et als v Todd et als

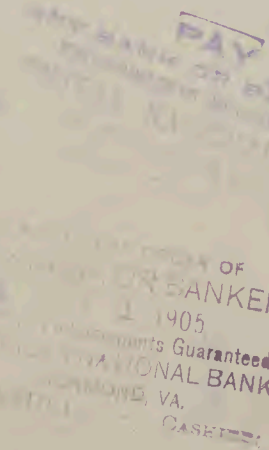
THE FALCONER COMPANY BALTIMORE

JUN 23 1905

SMITHFIELD, VA.

Caroline A Todd

Frank Young



34/W

Smithfield, Va. June 23rd. 1905 No. 2

The Bank of Smithfield

Smithfield, Va.

Pay to the order of CAROLINE A. TODD, ---------- P.I. ---------- $ 87.37

Eighty seven and----------37/100------ Dollars

In full of your share of the net proceeds of sales of real estate of Eliza D. Southall, deceased.

E M Todd

Comm in Todd et als v Todd et als

SMITHFIELD, VA.

THE FALCONER COMPANY BALTIMORE

Samuel T. Todd

PAY ANY BANK, BANKER OR TRUST CO.
OR ORDER OF COMMERCE
—OR BANK OF VA.
THE NATIONAL BANK OF NORFOLK, Cashier.
H. M. KERR, AUG 10 1905

Any Bank, Banker,
Virginia Savings Bank & Trust Co,
NORFOLK, VA.

34½

Smithfield, Va. June 23rd. 1905 No. 3

The Bank of Smithfield

Smithfield, Va.

Pay to the order of NANNIE T. TODD, $ 87.37

Eighty seven and----------37/100---------- Dollars

THE BANK OF SMITHFIELD PAID AUG 12 1905 SMITHFIELD VA

In full of your share of net proceeds of sales of real estate of Eliza D. Southall, deceased.

Z M Todd

Comm Todd et als v Todd et als.

THE FALCONER COMPANY BALTIMORE

Alice Todd.

PAY TO THE ORDER OF

Any Bank or Banker,

Virginia Savings Bank & Trust Co.

NORFOLK, VA.

92 60. 26

54/V

Smithfield, Va. June 23rd. 1905 No. 4

The Bank of Smithfield

Smithfield, Va.

Pay to the order of ALICE TODD,---------- $ 87.37

Eighty seven and----------37/100---- Dollars

JUL 6 1905

In full of your share of the net proceeds of sales of real estate of Eliza D. Southall, deceased.

E M Todd

Comr Todd et als v Todd et als

THE FALCONER COMPANY BALTIMORE

W. D. Southall

SAVINGS BANK OF NORFOLK
JUN 30 1905
NORFOLK, - VA.

PAY TO THE ORDER OF
The Bank of Smithfield,
SMITHFIELD, VA.
Savings Bank, Norfolk, Va.

54 1/N

Smithfield, Va. June 23rd. 1905 No. 5

The Bank of Smithfield

Smithfield, Va.

Pay to the order of W. D. SOUTHALL, $ 87.37

Eighty seven and----------37/100---------- Dollars

JUL 8 1905

In full of your share of net proceeds of sales of real estate of Eliza D. Southall, deceased.

E M Todd

Comr Todd et als v Todd et als

THE FALCONER COMPANY BALTIMORE

H. B. Southall

SAVINGS BANK OF NORFOLK
JUN 30 1905
NORFOLK, - VA.

PAY TO THE ORDER OF
The Bank of Smithfield,
SMITHFIELD, VA.
Marine Bank, Norfolk, Va.

34½N

Smithfield, Va. June 23rd. 1905 No. 6

The Bank of Smithfield

Smithfield, Va.

Pay to the order of H. B. SOUTHALL, $ 87.37

Eighty seven and ----------37/100------ Dollars

JUL 3 1905

In full of your share of net proceeds of sales of real estate of Eliza D. Southall, deceased.

E. M. Todd

Comr Todd et als v Todd et als

THE FALCONER COMPANY BALTIMORE

Mary E. Todd

Smithfield, Va. June 23rd. 1905 No. 7

The Bank of Smithfield

Smithfield, Va.

Pay to the order of MARY E. TODD,---------- $ 29.12

Twenty nine and----------12/100--------- Dollars

In full of your share of net proceeds of sales of real estate of Eliza D. Southall, deceased.

JUN 30 1905

E M Todd

Comm Todd et als & Todd et als

THE FALCONER COMPANY BALTIMORE

Nannie S. Todd.

Smithfield, Va. June 23rd. 1905 No. 8

The Bank of Smithfield

Smithfield, Va.

Pay to the order of NANNIE S. TODD, ---------- $ 29.12

Twenty nine and ----------12/100 Dollars

In full of your share of net proceeds of sales of real estate of Eliza D. Southall, deceased.

JUN 30

E M Todd

Comr Todd et als v. Todd et als

THE FALCONER COMPANY BALTIMORE

Lana T. T. Todd

Smithfield, Va. June 23rd. 1905 No. 9

The Bank of Smithfield

Smithfield, Va.

Pay to the order of LAURA T. T. TODD, ---------- $ 29.12

Twenty nine and----------12/100-------- Dollars

JUN 30 1905

In full, of your share of net proceeds of sales of real estate of Eliza D. Southall, deceased.

E M Todd

Comr Todd vs Todd

THE FALCONER COMPANY BALTIMORE

Liana M. Todd

Smithfield, Va. June 23rd. 1905 No. 10

The Bank of Smithfield

Smithfield, Va.

Pay to the order of DIANA M. TODD, ---------- $ 29.12

Twenty nine and ---------- 12/100 -- Dollars

JUN 30 1905

In full of your share of net proceeds of sales of real estate of Eliza D. Southall, deceased.

E M Todd

Comm Todd et als v Todd et als

THE FALCONER COMPANY BALTIMORE

PAY TO
THE CITIZENS BANK
Norfolk, Va.

Helen M. Spratley

94 1/2

Smithfield, Va. July 4th 1905 - No.

The Bank of Smithfield

Smithfield, Va.

Pay to the order of Helen M. Spradley $29.12

Twenty Nine + 12/100 Dollars

On free Share proceeds of sale of real estate of Eliza D. Southall dec'd

E M Todd

Comm'r Todd vs Todd et als

THE FALCONER COMPANY BALTIMORE

BANK OF SMITHFIELD JUL 7 1905 SMITHFIELD, VA.

Pay To
Julia W Todd
Dep. Savings Bank

Julia W. Todd.

Julia W. Todd

54/2

Smithfield, Va. June 23rd. 1905 No. 12

The Bank of Smithfield

Smithfield, Va.

Pay to the order of JULIA D. TODD.---------- $ 29.12

Twenty nine, and----------12/100--- Dollars

In full of your share of net proceeds of sales of real estate of Eliza D. Southall, deceased.

E M Todd

Comr Todd vs Todd et als

THE FALCONER COMPANY BALTIMORE

Sept 30th 1905. Received of E.M.Todd,Commissioner in the suit of Todd Vs Todd et als the sum of Thirty Six Dollars and Seventy Eight Cents ($36.78),being collatteral inheritance tax on the proceeds of the sale of the real estate of Eliza D.Southall,collected by the said Commissioner in the said suit,and upon which a collateral inheritance tax is required by law.

B. L. Roberts. Jr

Todd et als

vs. } Certificate of qualification

Todd et als

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight.

I, N. F. Young Clerk of the Circuit Court of the County of Isle of Wight, do hereby certify that on the First day of May 1905, E. M. Todd duly qualified in my said court as Executrix of Eliza D. Smithall deceased and gave bond as such according to law.

Given under my hand this 15th day of May 1905.

N. F. Young, Clerk.

Todd et als. vs. Todd et als.

Bill of Costs to final decree.

Atto. Fee and tax,	$16.50
Clerk's fee,	9.74
Comm's fee for depositions	3.00
	29.24

Ascertain Taxes for 1905-
State & Town.

TODD, ET ALS.

VS. IN CHANCERY.

TODD ET ALS.

Rough Decree June 5th 1905.

To be Entered.

Robt R. Prentis

C. O. B. #6. Pag 433

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

Julia D. Todd, it appearing to the court that the amount to wh she is entitled is less than one hundred dollars. and that the said infant is of sufficient age and discretion to use said funds judiciously - to the said infant Julia D. Todd - taking the receipts - - - - - -

of the parties for such payments and return the same to court, with

a report of his proceedings under this decree.

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

And the court doth further adjudge,order and decree that E.M. Todd,who is hereby appointed a special commissioner for that purpose,do collect of and from the said E.Adelstein,the sum of Eight Hundred Dollars,and upon the payment of the same,in cash,the said commissioner shall execute and deliver to the said E.Adelstein a good and sufficient deed in fee simple,with special warranty,for the said lands and appurtenances,together with the ways thereunto appertaining and belonging,according to the metes and bounds thereof as set out in the several deeds to the said Eliza D.Southall,excluding therefrom the lot or parcel of land conveyed by the said Eliza D.Southall,in her life time,to one Henry Day.

But the said Commissioner shall not execute this decree until he shall have entered into a bond,in the penalty of ~~Eight~~ Nine Hundred Dollars,with sufficient security,before the Clerk of this Court, conditioned for the faithful performance of this or any future decree herein.

And it appearing to the court,from the answer of E.M.Todd,filed in this cause,that he has relinquished to his daughters,Mary E. Todd, Nannie S.Todd, Laura T.T.Todd,Dianna M.Todd,Helen M.Spratley and Julia D.Todd,his estate for life in one fourth of the proceeds of the sale of the real estate in this decree mentioned,the court doth further adjudge order and decree that the said commissioner,having first paid thereout the unpaid costs of this suit and all unpaid taxes upon the land aforesaid,distribute the said sum of Eight Hundred Dollars among the parties entitled thereto under the last will and testament of the said Eliza D.Southall; paying the share of the infant defendant ~~to her guardian, if any, or, if none, depositing the share of the said infant in the Bank of Smithfield,Smithfield,Va,to the credit of the said infant,Julia D. Todd,taking a certificate of deposit therefor,and taking the receipt~~

Sarah A.Todd, Caroline A.Todd, Nannie T.Todd,Alice Todd, H.B.Southall and W.B.Southall.

Versus.

E.M.Todd, in his own right and as Executor of Eliza D.Southall, deceased, Mary E.Todd, Nannie S.Todd, Laura T.T.Todd, Dianna M. Todd,Helen M.Spratley, Tazewell T.Spratley,and Julia D.Todd, the last an infant,under twenty one years of age,by J.Waverly Thomas, her guardian ad litem appointed to defend her interest in this suit

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

This cause came on this day to be heard upon the complainants bill,with exhibits filed,the answer of ~~the~~ adult defendants,the answer of the infant defendant, J. Waverley Thomas her guardian ad litem, duly assigned as such, with general replication to such answers,and upon the evidence of witnesses,and was argued by counsel: On consideration whereof,it appearing to the court,from the testimony of witnesses,and from the answers filed, that the debts of Eliza D.Southall,decd,have been discharged in full, that the real estate in the bill and proceeding of this suit mentioned,of which Eliza D.Southall,died seized and possessed,in the town of Smithfield,in the County of Isle of Wight and State of Virginia,is incapable of partition in kind among the parties entitled thereto,under the last will and testament of the said Eliza D. Southall,without loss or injury; that none of the parties will take the entire subject and pay to the other parties in interest the amount to which they would be respectively entitled,and that bid or offer of E.Adelstein,to purchase the same at the sum and price of Eight Hundred Dollars in cash,is the full value and fair market value of the said land with its appurtenances,the court doth adjudge order and decree that the said bid and offer of the said E.Adelstein to purchase the said property at the sum and price of Eight Hundred Dollars in cash,be and the same is hereby accepted,ratified and confirmed.

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

Todd et als

vs)

Todd, et als.

Rough decree

To be entered October 2nd1905

C.O.B. No. 6, page 445

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

D. Southall, deceased, was this day produced before the Clerk of the said Court by E. M. Todd the executor therein named, and there being no subscribing witnesses thereto, R. E. Boykin and T. T. Spratley were sworn and severally deposed that they were acquainted with the testators handwriting and verily believe the said handwriting and the name thereto subscribed to be wholly written by the testatrix own hand; and the Codicil attached to the said will was proved by the oaths of T. T. Spratley and Laura T. T. Todd two of the subscribing witnesses thereto; thereupon the said will together with the Codicil thereto attached is ordered to be recorded as the true last will and testament of Eliza D. Southall, deceased.

On motion of E. M. Todd who made oath and without security as requested by the testatrix in her will, entered into a bond in the penalty of Seven Thousand Dollars ($7000) with conditions according to law, a certificate was granted him to obtain letters testamentary on the estate of Eliza D. Southall, deceased.

It is ordered that J. D. Jordan, M. F. Jordan, W. G. Rouse, E. A. Morrison and V. C. Batten, or any three of them, first being duly sworn for the purpose do truly and justly appraise such of the goods and chattels of Eliza D. Southall, deceased as may be produced to them, and return their appraisement under their hand as the law directs.

TESTE: N. F. Ypung, Clerk.

A Copy,

Teste: N. F. Young C.C.

November 18th. 1904.

In the name of God Amen- I Eliza D. Southall being of sound mind this 18th. day of November in the year of our Lord Nineteen hundred and four(1904) make this my last will and testament- After payment of all just claims, I wish two hundred $200 set apart for an Iron Inclosure around our family Lot in St. Luke's Cemetery, & a sufficient sum for plain simple stones to mark my grave by the side of my deceased husband, Wm. D. Southall-

Prior to a division of property I give to my dear brother E. M. Todd six hundred ($600) in consideration of having purchased the farm, Old Town at public sale, which he bought of me & upon which I held a deed of trust, & subsequently sold for that amount in excess of his indebtedness & now I justly & gladly return it.. I bequeath one fourth of my remaining property to E. M. Todd during his life, & then to his children; ; one fourth alike to Sarah A. Todd, & Caroline A. Todd; one fourth to Nannie T. Todd & Alice Todd, in equal proportion. The remaining fouth I leave to my Step children, H. B. & W. D. Southall, In same proportion-

I appoint my brother E. M. Todd Executor without security

Eliza D. Southall

Codicil

My watch, & chain, Breastpin with her Fathers Initials & gold rings I leave to H. B. Southall.

November 18th. 1904-

Eliza D. Southall

Witness

T. T. Spratley

Laura T. T. Todd

Hattie B. Southall

In the Circuit Court Clerk's Office of Isle of Wight County May 1st. 1905.

A paper purporting to be the last will and testament of Eliza

Todd et als

vs.

Todd et als.

This cause came on this day to be again heard on the papers formerly read, and upon the report of Special Commissioner E. M. Todd under the decree herein of June 5th. 1905 this day filed by leave of Court, and was argued by counsel:

On consideration whereof the Court doth confirm said report to which no exceptions have been filed, and nothing further remaining to be done herein, it is ordered that this suit be stricken from the docket.

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

T.T.Spratley.

To.

Williams.

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

Know all men by these presents, that I, T.T.Spratley, of the County of Isle of Wight, and State of Virginia, have made constituted and appointed, and by these presents do make, constitute and appoint A. S. Johnson W. Williams, my true, lawful and sufficient attorney, for me and in my name, place and stead to sign my name, as surety to the bond required of E.M.Todd, as Commissioner in the suit of Todd against Todd and others, depending in the Circuit Court of the said County, and ge n-erally giving to my said attorney full power and lawful authority in the premises, as fully, effectually to all intents and purposes as I could do if personally present and ratifying and confirming the same. Hereby ratifying and confirming all that my said attorney may lawfully do by virtue of these presents.

I hereby certify that I am worth the sum of Sixteen Hundred Dollars after the payment of all of my just debts and obligations or those which I expect to have to pay for others.

Given under my hand and seal this 9th day of June 1905.

T. T. Spratley (SEAL)

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 Virgina, do ce rtify that, T.T.Spratley, whose name is signed to the writing hereto annexed, bearing date June 9th 1905, has acknowledged the same before me in my said county. And I do further certify that the said T.T.Spratley, whose name is signed to the writing aforesaid, personally appeared before me in my said county, and made oath that he is worth the sum of Sixteen Hundred Dollars after the paymnt of all of my just debts and obligations.

Given under my hand this 9th day of June 1905.

R. E. Boykin
Commissioner in Chancery.

Todd.
To.

To.

Williams.

Power of Attorney.

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

THIS DEED made this 9th day of June 1905, between J.T. Wel-
XXXX

Know all men by these presents, that I, E.M.Todd, of the County of Isle of Wight, and State of Virginia, have made, constituted and appointed and by these presents do make, constitute and appoint ~~E.H. Williams~~ E.S. Johnson Jr. my true, lawful and sufficient attorney, for me and in my name, place and stead to sign my name, as principal, to the bond required of me as Commissioner in the suit of Todd and others against Todd and others, depending in the Circuit Court of the County aforesaid, and generally giving to my said attorney full power and lawful authority in the premises, as fully, effectually to all intents and purposes as I could do if personally present and ratifying and confirming the same. Hereby ratifying and confirming all that my said attorney may lawfully do in the premises.
Given under my hand and seal this 9th day of June 1905.

E M Todd (SEAL)

Isle of Wight County, to wit.

I, R.E.Boykin, a Commissioner in Chancery for the Circuit Court of the County aforesaid, in the State of Virginia do certify that, E.M.Todd, whose name is signed to the writing hereto annexed, bearing date June 9th 1905 has acknowledged the same before me in my said County.
Given under my hand this 9th day of June 1905.

R. E. Boykin
Commissioner in Chancery.

Form No. 309.

E. M. Todd comr.
re ouet of
Todd stab. vs. Todd stab

to } COMMISSIONER'S BOND.

Commonwealth.

A Copy

Everett Waddey Co., Stationers and Printers, Richmond, Va. Form No. 309—Commissioner's Bond.

Know all Men by these Presents, That we E. M. Todd and T. T. Spratley

are held and firmly bound unto the Commonwealth of Virginia in the sum of Eight Hundred 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 Exemptions 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 9th. day of June, one thousand nine hundred and five

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound E. M. Todd shall faithfully perform the duties of his office or trust, as Commissioner of sale under decree of the Circuit Court of the County of Isle of Wight pronounced on the 5th. day of June 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 in the presence of

E. M. Todd SEAL
By A. S. Johnson, Atty. in fact.
T. T. Spratley, SEAL
By A. S. Johnson, Atty. in fact
SEAL

In the Clerk's Office of the Circuit Court of the County of Isle of Wight.

This day T. T. Spratley surety on the above bond, made oath before me, N. F. Young, Clerk of the Circuit Court of the County of Isle of Wight that his estate, after the payment of all his just debts, and those for which he bound as security for others and expect to have to pay is worth the sum of Sixteen Hundred dollars.

Given under my hand, this 9th. day of June 1905.

N. F. Young, Clerk.

a copy, Teste: N. F. Young C. C.