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Guide to the Lincoln Collection, Robert S. Todd Papers 1819-1860



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Table of Contents

Descriptive Summary	3
Information on Use	3
Access	3
Citation	3
Biographical Note	3
Related Resources	4
Subject Headings	5
INVENTORY	5
Series I: George R. C. Todd vs. Todd's Administratrix and Heirs	5
Series II: Todd's Administratrix vs. Oldham Todd & Company	8
Series III: Todd's Heirs vs. Todd's Administratrix and Heirs	9
Series IV: Todd's Administratrix vs. Todd's Heirs	10
Series V: Oldham and Hemingway vs. Abraham Lincoln et al.	11
Series VI: Todd's Heirs vs. Robert Wickliffe	11
Series VII: Debts owed to Robert S. Todd	11
Series VIII: Statements of Debts Owed by Robert S. Todd, His Family, and His Estate	12
Series IX: Receipts Issued by Todd Family, Etc.	12
Series X: The Papers of Oldham Todd and Company	13
Series XI: General	13

Descriptive Summary

Identifier	ICU.SPCL.TODDRS
Title	Lincoln Collection. Robert S. Todd. Papers
Date	1819-1860
Size	0.5 linear feet (1 box)
Repository	Special Collections Research Center University of Chicago Library 1100 East 57th Street Chicago, Illinois 60637 U.S.A.
Abstract	The Robert S. Todd Papers consists of approximately two hundred-eighty documents from the settlement of the estate of Mary Todd Lincoln's father, Robert S. Todd of Lexington, Kentucky. The papers form part of the William E. Barton Collection of Lincolniana.

Information on Use

Access

The collection is open for research.

Citation

When quoting material from this collection, the preferred citation is: Lincoln Collection. Robert S. Todd. Papers,

Biographical Note

ROBERT S. TODD

Robert S. Todd and Eliza Ann Parker, both of distinguished Lexington, Kentucky families were the parents of Mary Ann Todd Lincoln and five other children who survived to adulthood. Eliza Ann Parker Todd died in July 1825. Robert S. Todd then married Elizabeth Humphreys and had nine children by her, eight of whom lived until the Civil War. Robert S. Todd died on July 16, 1849 during a cholera epidemic in Lexington. Just before his death he made and signed a will that was, however, witnessed by only one person. George R.C. Todd, the eldest son of the Parker marriage, and Mary Lincoln's full brother, contested the will in the Kentucky Courts on the grounds of having no second witness and won his case. Thus, by Kentucky law, the widow and administratrix, Elizabeth Humphreys (or Elizabeth L.) Todd had to convert the estate into cash, including the share in the business of Oldham, Todd & Co. and divide it equally among the fourteen children then living.

WILLIAM E. BARTON

Rev. William Eleazar Barton (1861-1930) The Rev. William Eleazar Barton (1861-1930) was one of the early twentieth century's most prominent writers and lecturers on the life of Abraham Lincoln. Born in Sublette, Illinois, in the same year Lincoln assumed the presidency, Barton grew up in an environment heavily influenced by reverence for Lincoln. After pursuing undergraduate studies at Berea College in Kentucky, Barton earned his divinity degree from the Oberlin Theological Seminary in 1890. He served parishes in Tennessee, Ohio, and Massachusetts before becoming the pastor of the First Congregational Church of Oak Park, Illinois, a position he held until his retirement in 1924. Four years later, Barton accepted an appointment as lecturer at Vanderbilt University, Nashville, Tennessee, where he also organized and served as pastor of the Collegeseide Congregational Church.

Barton's work as a writer produced a number of denominational manuals for church organization and a series of books presenting the wisdom and parables of a character he named Safed the Sage. For the last ten years of his life, however, Barton was best known to the public as a prolific author and lecturer on Abraham Lincoln. His publications about Lincoln included *The Soul of Abraham Lincoln* (1920), *The Paternity of Abraham Lincoln* (1920), *The Life of Abraham Lincoln* (1925), *The Great and Good Man* (1927), *The Women Lincoln Loved* (1927), and *The Lincoln of the Biographers* (1930).

In the course of compiling material for his writings and talks, Barton visited Lincoln sites in Kentucky, Indiana, and Illinois; interviewed surviving Lincoln relatives and acquaintances; and traveled as far as California and England to collect information and conduct genealogical research on the ancestry of the Lincoln family. While acquiring a large collection of books, periodicals, pamphlets, manuscripts, and ephemera related to Lincoln and the Civil War era, Barton also purchased privately or at auction historical materials amassed by other Lincoln collectors such as John E. Burton and Osborn H. Oldroyd.

Related Resources

The following related resources are located in the Department of Special Collections:

The Robert S. Todd papers consists of approximately two hundred-eighty (280) documents from the settlement of the estate of Mary Todd Lincoln's father, Robert S. Todd of Lexington, Kentucky (1791-1849). The documents, with the exception of eleven photostats relating to the case of "Oldham and Hemingway vs. Lincoln et al." , are either the originals or contemporary certified copies of the originals used in the litigation. They range from 1820 to 1860 with the largest group falling between 1849 and 1855.

The most important documents are fifteen which are directly concerned with Mary or Abraham Lincoln and mention one or both of them by name. Many of these documents are of significant content besides referring to the Lincolns. In addition, there are eleven photostats of Lincoln

documents, some of them autographed. The originals of these photostats were, as late as 1951, in the possession of William H. Townsend of Lexington.

The collection also includes eighty (80) to one hundred (100) original legal documents or contemporary court copies of documents involved in the litigation following Robert S. Todd's death. These are of interest to the Lincoln scholar for the information they contain about the affairs of the Todd family. The largest single category of documents is composed of some one hundred fifteen (115) bills issued to Robert S. Todd, his family, and his estate. Many include official certification of their validity; some are of interest for the detailed information they give of the goods and prices of the mid-nineteenth century; others have comparatively little value. The remaining documents in the collection are mostly receipts, papers of Oldham, Todd & Co. or the personal legal documents of Robert S. Todd.

The main source of information about the legal cases following the death of Robert S. Todd is the writings of William H. Townsend. The relevant volumes are *Lincoln and His Wife's Home Town* (Indianapolis: Bobbs-Merrill Co., 1929) and its revision *Lincoln and the Bluegrass* (Lexington, Ky: University of Kentucky Press, 1955). *Abraham Lincoln, Defendant* (Boston and New York: Houghton Mifflin Co., 1923) deals with the case of "Oldham and Hemingway vs. Lincoln et al." All the above cases are mentioned in Townsend's works, although some only in footnotes. However, to some extent Townsend's discussion of the court cases does not fit the documents contained in this collection. Most interesting is the fact that Townsend makes very little mention of "Todd's Heirs vs. Todd's Administratrix" and its corollary "Todd's Administratrix vs. Todd's Heirs". The collection contains a substantial number of documents from these cases which mention Lincoln by name. Furthermore, Townsend dates the end of the legal trouble about the autumn of 1853 when the "Oldham and Hemingway vs. Lincoln et. al." case was dropped. A significant proportion of the documents in this collection fall after this date. Indeed the latest manuscript, which incidentally mentions Lincoln by name, is from the winter of 1860. Therefore, it is possible that some of these documents have not been studied by Lincoln scholars.

Subject Headings

- Todd, Robert S., 1792-1849
- Barton, William Eleazar, 1861-1930
- Lincoln, Abraham, 1809-1865
- Lincoln, Mary Todd, 1818-1882

INVENTORY

Series I: George R. C. Todd vs. Todd's Administratrix and Heirs

In this case, Todd's elder son sued for what he considered to be an equitable division of the estate. This is the case from which the collection has the largest number of documents - approximately forty-seven.

Box 1**Folder 1**

Documents, 1850

- Todd, Elizabeth L., Copy order, D. A true copy 1p., 1849 September Court Term
- McMurtry, John, Deposition, D.S. 1p. (also filed in case of R.S. Todd's Heirs vs. R.S. Todd's Widow and Heirs), ca. 1850
- Rainey, William H., Stewart, George W., and Humphreys, David C. Depositions, Ds. S. 3p., ca. 1850
- Todd, George R.C., Bill of discovery, D. 4p., submitted by Shy & Beck (also included is a true copy of same, 4p., 19 August 1850)
- Todd, George R.C., Amended bill, 1850 November 18, D. 1p., submitted by Shy & Beck, 18 November 1850;

Box 1**Folder 2**

Documents, 1850-1852

- Commonwealth of Kentucky (Redd, Thomas S.), Subpeona in Chancery, D.S. 1p., 19 August 1850
- Commonwealth of Kentucky (Redd, Thomas S.), Subpeona in Chancery, D.S. 1p., 8 October 1850
- Commonwealth of Kentucky (Redd, Thomas S.), Order to Sheriff of Harrison County, A.D.S. 1p., 18 October 1852
- Fayette County Circuit Court Order, D. 1p., 14 August 1851

Box 1**Folder 3**

Documents, 1820-1851

- Redd, Thomas S., Answer of infants Todd by guardian ad litem, D.S. 1p., 11 February 1851
- (1) Todd, Elizabeth L., Answer to a bill in Chancery, D. sworn, but not signed 4p and cover sheet, 15 February 1851
- (2) Johnson, Thornton F., Georgetown, Ky., Certificate of scholarship, Western Military Academy, D.S. 1p., 22 June 1848
- (3) Humphreys, D.C. and Ellis, Benjamin Agreement, A.D.S. 1p., 20 April 1820
- (4) Exhibit "Old Worthless Notes...", Cover leaf for (3), 1p., undated

Box 1**Folder 4**

Documents, 1835, 1851

- (1) Todd, Elizabeth L., Answer to a bill in Chancery, D. 3p., 8 April 1851
- (2) Humphreys, Mary, A copy of the will of Mrs. Mary Humphreys, D.S. Court copy 5p., 4 December 1835

Box 1**Folder 5**

Documents, 1851

- (1) Todd, Levi O., Deposition, D.S. 2p., 29 August 1851
- (2) Sloan, J.R.; Melton, Eban; and Chipley, Stephen Commissioners' report, D.S. 2p., 29 August 1851
- (3) Hunt, F. K., Report of Commissioner, D.S. 1p., 30 August 1851

Box 1**Folder 6**

Documents, 1852

- Rainey, William H., Deposition, D.S. 1p., [1852]
- Humphreys, David C., Deposition, D.S. 1p., 27 January 1852
- Allen, James L., Report of Commissioner, A.D.S. 7p., 17 February 1852
- Fayette County Circuit Court Decree, D. 2p., 6 July 1852

Box 1**Folder 7**

Indenture conveying property, D. (copy) 3p., September 1852:

- Todd, Emily
- Todd, Alexander
- Todd, Sam
- Todd, Catherine
- Todd, Elizabeth L.
- Todd, Jane B.
- Smith, Clement B.
- Smith, Martha K.
- Lincoln, Mary A.
- Smith, Clark S.
- Smith, Ann M.
- Kellogg, Charles
- Kellogg, Margaret
- Todd, David T.
- Edwards, Ninian
- Edwards, Elizabeth P.
- Wallace, William
- Wallace, Francis J.
- Lincoln, Abram

Box 1**Folder 7**

Documents, 1852

- Fayette County Circuit Court Order to value slaves, D. 1p., 7 August 1852
- Redd, Thomas S., Commissioner's report, D.S. 1p., 2 September 1852, (also, Frazer, J.S., transfer of bid, D.S. 1p., 31 August 1852)
- Sloan, J.R. and Rodes, Waller, Commissioners' report on value of slaves, D.S. 1p., 4 September 1852
- Fayette County Circuit Court, Decree for sale of land and slaves, D. 1p., 4 September 1852

Box 1**Folder 8**

Documents, 1852

- Goodloe, W.C., Order for Special Chancery Court session (also true copy of proceedings by Thomas S. Redd), A.D.S. 1p., 12 October 1852
- Redd, Thomas S., Commissioner's report, A.D.S. 2p., 16 October 1852
- Fayette County Circuit Court] Order, D. 1p., 16 October 1852

- Todd, George R.C. and McChesney, William S., Affidavits, D.S. 3p., 19 October 1852
- Remington, Greenup Petition, D.S. 1p., 20 October 1852
- Wickliffe, D.C., Statement of amount owed by Thomas S. Redd, Commissioner, for advertising sale of Todd Negroes, D.S. and clipping 1p., 23 October 1852

Box 1

Folder 9

Documents, 1852-1853

- Harrison and Hunt for Todd
- Robinson and Johnson for Administratrix and Heirs
- Consent order, A.D.S. 1p., 23 October 1852
- Todd, Elizabeth L., Sworn statement, D.S. 2p., 26 October 1852
- Humphreys, David C., Deposition, D.S. 2p., 27 October 1852
- Todd, George R.C.], Bill of exceptions, D. 2p., 2 November 1852
- Hodges & Co., Bill for publishing expenses, D. and clipping 1p., 12 January 1853

Box 1

Folder 10

Documents, 1853

- Steele, Thomas and Humphreys, David C., Three promissory notes, Ds.S. 3p., 3 February 1853
- Humphreys, David C. and Todd, Elizabeth L., Bond to David Todd, D.S. 1p., 4 March 1853
- Humphreys, David C. and Todd, Elizabeth L., Bond to Emily Todd, Jane Todd,
- Alexander Todd and Kitty Todd, D.S. 1p., 4 March 1853

Box 1

Folder 11

Documents, 1853-1856

- Herndon, William T., Commissioner's report on sale of land in Franklin County, A.D.S. 2p., 4 March 1853
- Redd, Thomas S., Taxation of complainants' costs up to and including February term 1864, D.S. 1p., [1854 Spring]
- Herndon, William T., Commissioner's second report on sale of land, A.D.S. 1p., 12 June 1855
- Allen, James L., Commissioner's report, A.D.S. 1p., 26 February 1856
- Fayette County Circuit Court Order, D. 1p., 14 May 1856
- Ramsey, Seth and Gray, J.P., Sale bill, promissory note, D.S. 1p., 28 October 1856

Series II: Todd's Administratrix vs. Oldham Todd & Company

Elizabeth Todd sued her deceased husband's business in order to secure distribution of the company's assets. The collection contains fourteen documents from this case.

Box 1

Folder 12

Documents, 1850

- By an unknown person, Thomas S. Redd appointed guardian of infant heirs of R.S. Todd, D. 1p., undated

- Commonwealth of Kentucky (Redd, Thomas S.), Subpeona in Chancery, D.S. 1p., 15 April 1850
- Commonwealth of Kentucky (Redd, Thomas S.), Subpeona in Chancery, D.S. 1p., 15 April 1850
- Commonwealth of Kentucky (Redd, Thomas S.), Subpeona in Chancery, D.S. 1p., 25 April 1850
- Redd, Thomas S., guardian and litem for Samuel Todd, David H. Todd, Martha Todd,
- Emily Todd, Alexander Todd, Jane Todd, and Catherine Todd (answer to a bill in Chancery), D.S. 1p., 27 April 1850
- Fayette County Circuit Court] Decree, D. 2p., 29 April 1850
- Fayette Circuit Court [sic] Decree, D. attested copy 3p., 29 April 1850; Oldham, Edward and Hemingway, Thomas, by Robinson & Johnson, attorneys, Answer to a bill in
- Chancery, D.S. 1p., 29 April 1850

Box 1

Folder 13

Documents, 1850-1854

- Todd, George R.C., Receipt, A.D.S. 1p., November 1850
- Todd, Levi O., Receipt, A.D.S. 1p., November 1850
- Todd, George R.C., Lexington, Ky., to Redd (Thomas S.), n.p., A.L.S. 1p., 4 November 1850
- Fayette County Circuit Court Order, D. 1p., 19 February 1851
- Fayette County Circuit Court] Order, D. 1p., 21 February 1852
- Redd, Thomas S., Taxation of complaintants' costs, D.S. 1p., February 1854

Series III: Todd's Heirs vs. Todd's Administratrix and Heirs

This case concerns the division of the Parker property among the children of Todd's first wife. There are about twenty documents from this case. Most of the original Lincoln documents are found here.

Box 1

Folder 14

Documents, 1851-1853

- Exceptions to Commissioner's report, D. 1p.: Edwards and wife, Wallace and wife, Smith and wife, Lincoln and wife (by Buckner for Plaintiffs), undated
- Statement of orators - submitted by Kinkead and Breckenridge; Carr & Atwood, D. 3p., 5 June 1851: Edwards, Ninian W. & Elizabeth; Lincoln, Abram & Mary; Smith, Clark & Ann; Wallace, William & Francis; Todd, Levi O.; Todd, George R.C.
- Commonwealth of Kentucky (Redd, Thomas S.), Subpoena in Chancery, D.S. 1p., 5 June 1851
- Answer to bill in Chancery, D. 4p., 31 January 1852: Todd, Elizabeth L. and infants David, Emily, Jane, Alexander and Catherine Todd,
- Todd, George R.C., Assignment, D.S. 1p., 14 February 185[2]
- Commonwealth of Kentucky (Redd, Thomas S.), Subpoena in Chancery, D.S. 1p., 28 April 1852

- Todd, Levi O., Separate answer of...to answer and cross bill of Elizabeth L. Todd, D.S. 4p., 26 May 1852
- Commonwealth of Kentucky (Redd, Thomas S.), Subpoena in Chancery, D.S. 1p., 3 August 1852
- Fayette County Circuit Court, Order to Thomas S. Redd to determine value of real estate and advancement to children, D. 1p., 14 June 1853

Box 1

Folder 15

Documents, 1853-1855

- Fayette Circuit Court, Deposition of Jane T. Breck and interrogation of Mrs. Breck and Mrs. William Rodes, D.S. 3p., 30 August 1853
- Rodes, Margaret, Deposition, D.S. 3p. (also certification by Charles D. Carr, examiner of Fayette County), 29 September 1853
- Redd, Thomas S., Taxation of complainants' costs, D.S. 1p., [February 1854]
- Parker, John, Deposition, D.S. 1p., 18 February 1854
- Payne, Hugh B., Deposition, D.S. 2p., 6 June 1854
- Depositions, Ds. S. 6p., 22, 23 & 25 January 1855: Rainey, William H.; Hedington, Nicholas; Carr, Charles D.; McGowan, Thomas B.; Kinkead, G.B.; Frazer, Jeremiah T.; Fox, William H.

Box 1

Folder 16

Documents, 1855-1856

- Bullock, Thomas W., Fayette Circuit Court, Commissioner's report, A.D.S. 3p., 5 February 1855
- Robinson & Johnson; J.L. Allen for Mrs. Todd, Sr. Exceptions to Commissioner's report, D.S. 1p., 3 March 1855
- (1) Ramsey, Seth, Sale bond, D.S. 1p., 28 April 1855
- (2) Steele, Thomas, Reassignment of bond, A.D.S. 1p., 12 December 1855
- Fayette County Circuit Court Decree, D. 2p., 14 June 1856

Series IV: Todd's Administratrix vs. Todd's Heirs

This appears to be an appeal to a higher court from the decision of the previous case. Seven documents from this case are in the collection; three of them mention Lincoln.

Box 1

Folder 17

Documents, 1852-1860

- Todd, George R.C., Answer of...to cross bill, D. submitted by Shy & Beck 3p., 2 June 1852
- Fayette County Circuit Court Commissioners Conveyance, D. 2p., 185[-]
- Commonwealth of Kentucky (Wood, James M.), Subpoena, D.S. 1p., 9 August 1854
- Commonwealth of Kentucky (Wood, James M.), Subpoena, D.S. 1p., 22 January 1855
- State of Kentucky--Court of Appeals Opinion, D. copy 6p., 20 June 1857
- Bullock, Thomas W., Commissioner's report: settlement, D.S. 1p., 20 February 1858
- [State of Kentucky], Judgment, D. 2p. (also filed in case of George R.C. Todd vs. Todd's Administratrix and Heirs), 2 March 1860

Series V: Oldham and Hemingway vs. Abraham Lincoln et al.

Todd's former partners sued Lincoln for money which they said he collected for the firm and never remitted to it. This case has been researched by William H. Townsend. The collection contains only photostats of documents from this case; the originals were last known to be in the possession of Townsend.

Box 1

Folder 18

Documents, 1853

- Hemingway, Thomas, Statement of plaintiffs, A.D.S. Photostat 2p., 11 May 1853
- Commonwealth of Kentucky (Redd, Thomas S.), Summons - ordinary, A.D.S. Photostat 1p., 12 May 1853
- Fayette Circuit Court (Redd, Thomas S.), Order of general attachment, A.D.S. Photostat 1p., 12 May 1853
- Edwards, Ninian, Deposition, A.D.S. Photostat 2p., 23 May 1853

Box 1

Folder 19

Documents, 1853

- Lincoln, Abraham, Danville, Ill., to George B. Kinkead, Lexington, Ky., A.L.S. Photostat 1p., 27 May 1853
- Lincoln, Abraham, Answer of Lincoln and others, A.D.S. Photostat 4p., 27 May 1853
- Lincoln, Abraham, Springfield, Ill., to George B. Kinkead, Lexington, Ky., A.L.S. Photostat 2p., 6 July 1853
- Lincoln, Abraham, Bloomington, Ill., to George B. Kinkead, Lexington, Ky., A.L.S. Photostat 4p., 13 September 1853
- Lincoln, Abraham, Notice of intention to take deposition, A.D.S. Photostat 1p. (also the beginning of the deposition of Ninian Edwards and Elizabelet [?] B. Hawley), 22 September 1853
- Lincoln, Abraham, Notice of intention to take depositions, A.D.S. Photostat 1p. (also the beginning of the deposition of Anthony Thornton), 22 September 1853
- Lincoln, Abraham, Peoria, Ill., to George B. Kinkead, Lexington, Ky., A.L.S. Photostat 1p., 30 September 1853

Series VI: Todd's Heirs vs. Robert Wickliffe

A case begun by Robert S. Todd and continued after his death by his heirs, including Lincoln. Lincoln apparently traveled to Lexington to further this case with no success. It is a very interesting property case with slavery connections. Townsend discusses it in detail. In this collection there are a few bills, receipts, etc., signed by Wickliffe, but only one document concerning the law case.

Box 1

Folder 20

Redd, Thomas S., Fayette County Circuit Court, to Levi O. Todd's Heirs, Statement of amount owed, A.D.S. 1p., March 1851

Series VII: Debts owed to Robert S. Todd

Box 1

Folder 21

Debtors, A - L, 11 items

Box 1

Folder 22

Debtors, M - Z, 11 items

Series VIII: Statements of Debts Owed by Robert S. Todd, His Family, and His Estate

Box 1

Folder 23

Creditors, A - B, 11 items

Box 1

Folder 24

Creditors, C - D, 11 items

Box 1

Folder 25

Creditors, E - F, 12 items

Box 1

Folder 26

Creditors, G - H, 10 items

Box 1

Folder 27

Creditors, J - L, 6 items

Box 1

Folder 28

Creditors, M, 13 items

Box 1

Folder 29

Creditors, N - P, 10 items

Box 1

Folder 30

Creditors, R - S, 11 items

Box 1

Folder 31

Creditors, T - Z, 12 items

Box 1

Folder 32

Debts owed to Sheriff of Fayette County, 5 items; owed to Clerk of Fayette County Circuit Court, 15 items

Series IX: Receipts Issued by Todd Family, Etc.

Box 1

Folder 33

Recipient, B - Z, 18 items

Series X: The Papers of Oldham Todd and Company

Box 1

Folder 34

Papers of Oldham Todd & Co.

- Stephens, Thomas, Promissory note, A.D.S. 1p., 31 October 18[33?]
- Oldham, Edwar[d?]; Todd, Robert S. and Hemingway, Thomas, Agreement, D.S. 1p., 17 August 1842
- Fox, W.H., Receipt, A.D.S. 1p., 24 July 1848
- Darnaby, James S., Survey report, D.S. 1p., 25 June 1850

Series XI: General

Box 1

Folder 35

General correspondence and legal documents

- Papers of Smith & Todd (Company)
- (1) Wilmore, Jacob, undated
- (2) Jones, John, 8 September 1819
- (3) Bryan, Daniel, 8 September 1819
- (4) Bryan, Daniel, 11 February 1820
- Humphreys, David C., Receipt to Benjamin Ellis, A.D.S. 2p. (Transferred again on reverse), 18 May 1822
- Todd, Robert S, Lease of house to Hugh B. Payne, D. Fragment 1p., 1 January 1845
- Todd, Elizabeth L., Sale bill, D.S. Court copy 12p., 26 September 1849
- From an unknown person, Penciled memorandum, D. 1p., 11 August 1852
- Grimstead, James A., Clerk of Fayette County Circuit Court, to Isaac Scott and others
- Deeds, A.D.S. 1p., 4 September 1852
- White, Clement B. and White, Martha Todd Power of attorney, D.S. copy 1p., 14 October 1853
- Herndon, William T., Frankfort, Ky., to Levi O. Todd, n.p., A.L.S. 1p., 23 October 1855 Unknown, Penciled memorandum which mentions Lincoln, D. 1p.
- (1) Bates, M.L., undated
- (2) Shackelford, Green; 1 March 1824
- (3) Vouchers, cover sheet - 11 February 1856