

HISTORY

TODD GRAVEYARD SOURCE OF CONCERN, CONTROVERSY

On a sweltering Sunday summer afternoon in June 1984, a group of 20 or so 30306 neighbors met in a wooded area in the middle of Ponce de Leon Terrace. They gathered around a log-shaped gravemarker to hear Atlanta's renowned historian Franklin Garrett



**ANN TAYLOR
BOUTWELL**

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share his expertise on the old Todd Graveyard.

By inviting Mr. Garrett to speak, members of the Todd Graveyard Committee hoped to rally support from both the neighborhood and the City of Atlanta for the preservation of the burial site of pioneer Richard Copeland Todd. Since the middle 1970s, they had been on the alert for quit claim deeds, zoning variances, and any signs of possible development.

Among the 30306 neighbors swatting mosquitoes and dodging the poison ivy were John Howell, Jerry Bright, Gail Novak, David Cox, Emily Calhoun, and Carl Hartrampf. Todd Liddell, Jr. and William A. Morgan, Jr, two of the old pioneer's great, great grandchildren, were also there.

Here's what happened at approximately 2:30 p.m. when Mr. Garrett made his opening remarks:

"Ladies and Gentleman, I first visited this cemetery on April 25, 1931," said Garrett. "At that time I was completing a project of recording all the cemeteries within a 30-mile radius of Atlanta." "I came over to 816 Greenwood Avenue," Garrett continued. "To a rather large two-story red brick house and a Mrs. Brinson (Bettie Liddell Brinson, Todd's great, great granddaughter) was living in it at the time; she told me how to get to the cemetery, a short distance from the house."

Garrett said he found a simple log-shaped gravemarker that read: Richard Copeland Todd 1792-1853. After examining Todd's will, Garrett discovered that Todd's death date was incorrect.

"Todd died December 2, 1851. So it's wrong on the log and it's wrong in my book," referring to his *Atlanta and Environs*.

Garrett ended his visit that Sunday

afternoon with a reading from Todd's will which simply states:

"First, I desire that all my just debts be satisfied. I give my beloved wife, Martha Todd, all of the lot of land that we now live together with all my stock, household and kitchen furniture and everything belonging to the farm, to have and to use as she sees best for her own comfort welfare during her natural life time."

This simple story of Todd's Graveyard that Garrett told that day did not reflect the tumultuous controversies surrounding the future ownership of the land. In the years following Richard C. Todd's death, war ravaged not only the nation, but his family as well. Three sons, James H., Richard F., and William M. were all killed in the Civil War. And John C. Todd, who was three-years-old when his father died, eventually acquired his mother's dower tract after her death in 1896.

When John C. Todd, a judge, died in 1925, he was buried in Sardis cemetery although he had every intention of



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being buried in the family graveyard. In his will, he instructed his children John Heyward Todd and Emma May Todd Liddell to "see that I am buried in said graveyard and that my wife's body is removed from Sardis Church graveyard and is buried in said Todd Graveyard and that an appropriate monument to my wife and myself and another to my father and mother are placed there." Todd's children tried and failed. And in fact the Todd tombstone that's in Sardis cemetery can be seen today from Powers Ferry Road.

Judge Todd's wishes caused quite a stir. Headlines from an old newspaper clipping read: "Rebury Two or Remove 36 Graves - Judge Must Decide Unusual Dispute."

"The case involving the burial lot was taken into court when effort of three trustees, provided in the will of Mr. Todd, sought to have the bodies of Mr. Todd and his wife exhumed from Sardis Cemetery and reburied in the Todd lot. Previously, citizens of that section finding that there was a burial lot in their immediate vicinity, contained 36 bodies, protested in a petition filed before Judge Pomeroy. The burial ground was first used 75 years

ago and has not received a body in over 14 years, it is said. None of the 36 bodies in the lot is marked. People in the vicinity of the burial ground protested against placing the bodies of Mr. Todd and his wife in the old graveyard and took steps to have all the 36 bodies already buried there exhumed and reburied at another location."

This claim is inconclusive.

Unable to carry out her father's wishes, Mrs. Liddell decided in 1932 to give the City of Atlanta the deed to the tract known as the Todd Graveyard with the understanding that it would be used as a public park and be called Todd Park.

Then in 1949, without permission of or direction by the Fulton County Superior Court, the City of Atlanta gave the Todd Graveyard back to Mrs. Liddell even though she protested. She then deeded the tract to her daughter, Ellen Liddell Morgan, and son, H. Todd Liddell, Sr., hoping that they would be able to either properly keep up the old family graveyard or find someone willing to purchase the property for the purpose of maintaining it as decreed in the Superior Court Order.

In 1955, Ellen Liddell Morgan and H.

Todd Liddell, Sr. deeded the graveyard tract to A.R. Alley with the understanding that Mr. Alley would obtain a disinterment permit from the City of Atlanta which would enable him to remove the bodies from the tract. In 1959, Mr. Alley did obtain a disinterment permit from the Vital Records Department of the City of Atlanta for the purpose of removing the bodies of Richard Todd and his wife Martha; however, evidence neither confirms nor denies that the two bodies were ever removed from the graveyard. And there is also a bit of mystery as to what happened to the other bodies that may have been buried in the graveyard over the years.

The Todd Graveyard Committee was formed in 1975 when several attempts for zoning variances were requested by prospective developers.

Finally after more than 15 years of

guarding the gravesite and marker, the Todd Graveyard Committee reached a compromise with Sam Dickson, the developer who built two family residences on the property. The houses are in keeping with the integrity and the history of the neighborhood and the old Todd gravemarker safely rests at the southeast corner of the property, protected by a low brick wall with a wrought iron fence and gate. May they rest in peace. ☽

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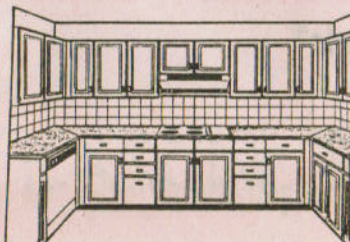
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