

1839-005 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BUTTS VS WHITEHEAD'S EXECUTOR

4/1839

other surnames: Wellons,
Pond

Butter & Bell
against 3⁴ Fusion
Whiteland, Exor

1839 April. Drawn -

Jeffs body	Calc.	\$ 1.64
	Law.	16.66
		\$ 18.30

~~Jeffs body~~	Calc.	\$ 0.59
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To the Honorable Richard & Babine judges of
~~the~~ of the Parents Superior Court of Law &
Chancery for the County of Sacramento sitting
hereby complying therewith to your honor
your mother Edwards Beets your mother's
leave to show to your worship these Adolphus
Whitburne late of the County of Sacramento deceased
some time in the year 1838 died having first
made & published his last will & testament
a copy whereof is hereto annexed Article 1d
purposed to be taken as a part of their will
that by the first clause in the said last will
& testament the estate devolve as follows
to them 1st Promised my beloved sister Harriet
Willows late widow of Col. Thos. Ponce deceased
formerly Harriet Whitburne should as
serve me, I give devise & bequeath to her a
sum of money sufficient to purchase a
healthy & pure girl between the age of
fifteen & sixteen - years old (should she
not survive me) the above sum of money for
the above purpose I give & bequeath to Col. Thos.
Ponce son of the said deceased Col. Thos. Ponce
deceased in either event to her & to his heirs and
assigns forever either the said Harriet Willows
or her heirs & the wife of James B. Willows of
Sacramento City that she & her mother by the marriage
rights of the said Willows ~~be~~ be entitled to
the said devise or purchase to the said sum of money
which was made by the said clause expressed
these bequests & bequeath the order of the said
Adolphus Whitburne who qualified took

that he has had
 elements of the authority of
 to do his duty under the authority
 having jurisdiction on the subject is unwilling
 to pay the sum of money without some adequate
 reason - that the Board have the power to
 dismiss you - could amount of his first report
 & compromise as you or after is much less in
 the business done by the value of the Board
 of a party he knows that the price of the Board
 he requires to answer the bill & that on his own
 & exhibits you ~~should~~ be pleased to make
 over & agree as may be considered with the report
 of the parties & the other further & general relief
 as a party may appear & may be considered with
 the rules of your business least of your report
 the Commission of what is due to the
 Commission of & as in duty he will do
 a Blackman / Johnson

of just exception to the Comptroller
anxious to say he admits that he is the cause
as charges that he is not necessary to
opposing the facts state to them that he is
disposed to submit the subject to the decision of
your honor and preference to obey the same
having no interest or motive to do or refuse to do
or let them his duties & the reports of the board
rejoice him to do that being circumstances
in any case to be determined as in case
he will ever do

Albany, N.Y. 1841

That he did submit to some of the
State in the bill the operation of the
value to be based on the budget he wants
that they have under his spent power
the sum of \$4,700,000

Ruthy
" $\frac{1}{2}$ m. down.
Rockhill & Co.

To the return

R.H.D.

Edward Butts complaint in Chancery
 against Clements Rachelle Esq of Adolphus
 Whitehead &c

This day this cause came
 on by consent of parties & with the assent of
 the Court to be heard on the bill on the
 exhibits & arguments of counsel on matters
 concerning whereof the Court doth accept
 as an & decree that Clements Rachelle Esq
 of Adolphus Whitehead &c ^{out of the assets of his late} pay to the
 complainant Butts the sum of four
 hundred & seventy five dollars: ^{but the effect of the decree is to be explained in the next} ~~on the~~
^{securities in the} execution of a reference borne accordingly
 to said ~~debt~~ the penalty of nine hundred
 & thirty dollars to the said Esq to reference
 due ~~specific~~ ^{proportion of any debts which} ~~may be~~ against the said Rachelle
 Esq of the said Whitehead & that the said
 Esq pay out of the assets of his estate
 the costs of this suit

Daniel	527-
Polly	
Henry	
Albert	
Sarah	
Sarah	527-
Brody	101-
Johnson	102-
main	

report 29 Sept 1834.
 report 31 Oct 1835
 receive 31 Oct 1835 - 24.
 due Mr. B. and 1745- do
 due Mr. B. and 2043
 due

Adolphus Whiteheads
Hill

A. C. C. C.

No 1

Mr. J. D. Dowsy & Mr. A. Spark being called on
by the parties ^{indigested} to determine the value of the
Girl bequeathed to H. C. Wallons in the
within Will fix the amount at four hundred
& seventy five dollars

April 2^d 1839

J. D. Dowsy
Mr. A. Spark

I Adolphus Whitehead, of the County of Southampton and State of Virginia being in tolerable health, of a sound and disposing mind: think proper to make this my last Will and Testament, in manner and form following to wit

Item 1st: Provided my beloved Sister Harriet Wellons, late widow of Callthorpe Pond dec^d. formerly Harriet Whitehead should survive me. I give, devise and bequeath to her a sum of money sufficient to purchase a healthy negro girl between the age of fifteen and sixteen years old. (Should she not survive me) the above sum of money, and for the above purpose I give and bequeath to Archer Pond, son of the aforesaid Callthorpe Pond dec^d. in either event, to her, or to his heirs and assigns forever

Item 2^d: The residue of my estate, I give, devise and bequeath to be equally divided between Elizabeth Judith and Mary Jane Rochelle daughters of Clements Rochelle, to them and to their heirs and assigns forever -

Item 3^d: I nominate and appoint my friend Clements Rochelle Executor to this my last Will and Testament, revoking all others by me heretofore made, declaring this and no other to be my last Will and Testament. Given under my hand and Seal this 21st day of August 1838.

Signed Sealed and acknowledged

Adolphus Whitehead 

in the presence of

Benj Rochelle

Samuel Dickerson

Patrick ^{his} Griffin
mark.

At a Court held for the County of Southampton on the 17th day of December 1838
This last Will and Testament of Adolphus Whitehead dec^d was proved by the oath of Benjamin Rochelle Samuel Dickerson and Patrick Griffin the subscribing witnesses thereto and ordered to be recorded. And on the motion of Clements Rochelle the Executor therein named who made oath and together with James Magget his Security entered into and acknowledged a bond in the penalty of Two thousand dollars conditioned as the law directs, certificate is granted him for obtaining a probat of the said Will in due form

Teste L.R. Edwards Clk

Attesty

Teste L.R. Edwards Clk

Genl B. Mellons
to } Conveyance
E. Butts

(A)

I know all men by these presents That I James B. Willons
of the County of Southampton for and in consideration
of the sum of three hundred and sixty dollars, have
granted, bargained and sold, and by these presents do grant
bargain sell and transfer unto Edward Butts all
my right, title, interest and demand in the last and
Testament of Adolphus Whitehead and bearing date
August the 21st 1838. it being a legacy given
to my wife Harriet Willons, formerly Harriet Ford
who was Harriet Whitehead. Given under my
hand and seal This 25th day of January 1839

Witness

J. B. Willons. (Seal)

J. A. Sebrill
W. J. Sebrill

Lat B. Willows
to 3 order
Colo. No chills

(13)

Cole. Clements, Rochelle executor of Adolphus Whitehead's

You will please pay to Edward Butts
all that interest in the will of Adolphus Whitehead
which is given to my wife Harriet Wellons, formerly
Harriet Pond widow of Calthrop Pond, who was Har-
riet Whitehead, and his receipt shall be good
against me for the same

J. Wellons—
f