

Rutherford County, NC

Record of Estates

1835-140

Henry Pettit Sr.

Background Information

The 1838 will of Henry Pettit Sr., of Rutherford Co., NC had been widely distributed among researchers for years. The fact that he left a will meant that there should have been some associated probate records, yet we had no copy in circulation. After reviewing the relevant microfilm in search of the probate records, two things were apparent: 1) There were no probate records for Henry Pettit Sr. on the microfilm; 2) There appeared to be a gap in all the Rutherford Co. probate records from 1835-1840. Suspecting a record loss of some sort, in 2021, I wrote to The Genealogical Society of Old Tryon County to inquire if they knew the reason for the loss. I received a surprising response from Mr. Miles Philbeck, editor of the Bulletin of the Genealogical Society of Old Tryon County.

Mr. Philbeck stated that these records were not lost, but for reasons unknown, the particular record book they were in was skipped over when the records were originally microfilmed. The digital records available online were based on the microfilm so they are missing there as well. The original book is safely intact in the state archives Raleigh., NC. Mr. Philbeck was aware of this because he had photographed the entire volume and abstracted it for their genealogical society. He was kind enough to send me copies of all the pages which were relevant to the estate of Henry Pettit Sr. They are presented below.

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<https://pettitresearch.com>

Deed Person	Exec. & Admin.	Sale Bills &c	Year	Page
Phillips Stephen	Fr ^s Young	Order	1836	183
Pier Ja ^s	Jo ^s Taylor	Sale Bill	1836	186
Pier Ja ^s	Jo ^s Taylor	Cumtury	1836	198
Phillips Stephen	Fr ^s Young	Settlement	1836	204
Puler Jo ^s	Ja ^s Ramsey	Order	1836	207
Puler Jo ^s	Ja ^s Ramsey	Settlement	1836	235
Patton Margant	A. & J. Morris & J. Morrison	Appt.	1837	250
Pier Ja ^s	Jo ^s Taylor	Order	1837	250
Patton Margant	A. & J. Morris & J. Morrison	Sale Bill	1837	256
Pier Ja ^s	Jo ^s Taylor	Settlement	1837	258
Pier Gilliam	W. G. Pier	Appt. O. S.	1838	340
Pettit Henry	M ^r Pettit	Appt.	1838	341
Pettit Henry	M ^r Pettit	O ^r Sale	1838	343
Pettit Henry	M ^r Pettit	Sale Bill	1839	345
Pier Gilliam	W. G. Pier	Sale Bill	1839	347
Puler Andrew	J. & D. Puler	Appt.	1839	414

D.

R.

Rucker Sarah	William Rucker	Appt.	1835	159
Reid M ^r (blind)		Settlement	1835	163
Rucker Susannah	William Rucker	Sale Bill	1837	241
Rucker Susannah	William Rucker	O ^r Sale	1836	207
Reid M ^r S ^r	Reid M ^r O ^r	Appt.	1837	259
Rowe Adney	W. C. Mills	Appt.	1837	262
Rowe Adney	W. C. Mills	Cumtury	1837	263
Reid M ^r	M ^r Reid O ^r	Sale Bill	1837	284
Robinson Jonathan	Ja ^s Robinson	Appt.	1838	301
Roach Ja ^s	Ja ^s			
Roach Ja ^s	Jo ^s Roach	Appt.	1838	323
Rutherford Ja ^s	A. Durham	Appt. O. S.	1839	404

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Estates - Fall Court 1838

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The Court granted Silas Melton's petition of administration on the estate of Samuel Melton dec'd. - he gave bond to Mr. Carolina in \$400. with William Grayson & Joseph Taylor for security & was duly sworn - He also prayed order of sale which was granted quins 1.15

A paper writing purporting to be the last Will and Testament of William Baxter Junr, was presented in open Court for probate, & was proved in the usual form by David Baxter one of the subscribing witnesses thereto. It was thereupon ordered to be recorded and filed away in this office, with leave to the Executor to qualify - Mr. Baxter was one of the executors named therein came into Court and was duly sworn, took on himself the burden & prayed order of sale and letters testamentary which were granted James Young said the other executor was not in Court. - P. all ip.

A paper writing purporting to be the last Will & Testament of Henry Pettit dec'd was presented in open Court for probate & was proved by the oaths of S. S. Ward & William Elliott the subscribing witnesses thereto in the usual form - It was then ordered to be recorded as a genuine instrument, and the executor have leave to qualify. John Pettit the executor named therein, then, was duly sworn & took on himself the burden thereof. 80/2

Estates - Fall Court 1838

343

The Court appointed John H. Alley, John Selby and Martin Dean Esquires Commissioners to settle the administration accounts of Albert Kuter & Katharine Kuter adm. of James Kuter dec. & report to Court

The Court allowed Francis Young administrator of Stephen Philips dec. five per cent Commissions upon the amount of the estate as his pay and compensation. -

December Court of Probate 1838. -

The Court appointed John Sawinport Esq. Administrator of Travis Dalton dec. (The widow being proved & renouncing her right) he gave bond to N. Carolina \$100 with Leavel King for his security & then he was duly sworn & prayed letters of Administration & order of sale which was granted 1.15th 1838

The Court granted John Selby & George Black letters of Administration on the estate of Shadrach Nanny dec. - they gave bond to N. Carolina wth \$200 with John T. Cherry & John Burr for their security & were then duly sworn & prayed order of sale, which was granted 1.15th 1838

The Court granted William Weather letters of Administration on the estate of Willis Weather sen. dec. - he gave bond to N. Carolina in \$400 with Walter B. Rutherford for his security & then he was duly sworn & prayed order of sale, which was granted 1.15th 1838

The Court allowed John Pettit executor of Henry Pettit sen. dec. an order of sale according to the will 1838

Estates — January Court 1839 345
 Saw Bill A. Pettit and

Jan. y the 8th 1839

Asa Mooney	1 lot of tools	1.37½
Elijah Pool	1 Waggon & Harness	40.00
Whinton Lidbetter	1 Cart	3.41
Solomon Mooney	2 sides of leather	2.75
Henry Strub	1 side of leather	2.12½
Asa Mooney	1 lot of Castings	2.00
Rebecca Strub	1 Bell	76
Noah Lidbetter	10 head of hogs	20.00
Rebecca Strub	1 Cow and Bell	15.56¼
Rebecca Strub	1 Cow	10.06¼
R. O. Lidbetter	1 Red steer	15.12½
Mr. Toney	1 Brindle Cow	11.00
Thos. S. McDaniel	1 Steifer	14.12½
Thos. S. McDaniel	3 Yearlings	15.30
Solomon Mooney	1/2 Head of Sheep	11.37½
Solomon Mooney	1 Mare	100.12½
A. W. Whiteside	1 Negro boy	586.00
Solomon Mooney	1 per of stuyard	4.00
James Crawford	1 Clock	11.12½
Abraham Toney	1 Lot of Pistols	3.25
William Toney	1 lot of knives & forks	1.50
James Taylor	1 lot of tin ware	1.25
Asa Mooney	1 lot of plates & disks	1.82
Mr. Toney	1 lot of tea cups & saucers	50
Henry Strub	2 Bottles	12½
Rebecca Strub	1 lot of cups & saucers	61
Elijah Pool	1 Coffee pot & Candle stick	50
William Toney	1 Table	3.00
Asa Mooney	1 Cupboard	10.25
Rebecca Strub	1 Feather bed	6.12½
Asa Mooney	1 Rifle gun	12.87½
John Bradley Esq	1 Shot gun	7.32
Jonathan Williams	2 Sars	60

346 Estates - Jan'y Court 1839

Sale Bills

H. Pettit's sale

Solomon Moomy	1 log chains	4.25
Isaac Bradley	3 Chains	29
Asa Moomy	1 Cow	12.50 1/2
John Pettit	1 Negro woman	300.00
John Walker	1 stone	15.00

Am't of the whole \$1280. 14 1/2

The foregoing is a list of the property sold at the sale of Henry Pettit's dec'd.

John Pettit Exor.

Inventory

Sam'l Mitton Jr dec'd

An Inventory of the property of Samuel Mitton dec'd as follows - Seventy five bushels of Corn, 33 Bushels of wheat, 400 bundles of fodder & a quantity of shucks & wheat straw, 2 old hogs heads, 3 ploughs, 1 scythe & cradle, 1 welding hoe, 1 Table, one ax, 1 bedstead, bed furniture 1 horse Colt, one silver watch, one case of knives & forks, 1 set of Tea spoons, 16 head of hogs, 1 pot & 1 pan, 1 saddle & 2 Bridles, one note of Land for \$50. on Jackson Mitton & E. Mitton One note on Wm Proctor for \$20. one note on William Mitton for \$6.00. an account on S^r. W Grayson Esq for ten dollars, one pad lock, 1 pr Drawing Chains & back band an account against Henry Houser for \$2.50 1 Chair, 1 Pocket Book, a quantity of wearing clothes, 1 Pocket knife, 2 sack bags, 2 baskets, one black bottle, 1 water Bucket, and 1 Curry Comb, one razor & shaving box

Silas Mitton

4/2nd

Adm.

RUTHERFORD COUNTY

Record of Estates

1835 - 1840

Re-A

RUTHERFORD
COUNTY

C. R.
086.
501.2

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For more information visit:

The Pettit Research Project

<http://pettitresearch.com>

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