

Rucker vs. Burton Chancery Suit

Proves children of **John³ Rucker** (Thomas², Peter¹) and **Mary Burton**

14 Oct 2005, copied by Jean W. Brydon from *Chancery Suits, Orange County, Virginia, 1831-1845*, edited & published by Sam Sparacio.

In a suit filed the 4th of October 1838 in which MINOR RUCKER is the Plaintiff and BENJAMIN BURTON, surviving Executor of MAY BURTON, deceased, who was the original Executor of JOHN RUCKER, deceased, Defendants. The Bill was amended 2nd December 1841 because the names of additional distributees had been learned.

CHILDREN OF JOHN RUCKER AND MARY BURTON:

In the suit, Minor Rucker is the son of Joel Rucker and grandson of John Rucker. **The children of John Rucker and Mary, his Wife**, are shown as **Joel, Franky, Milly, William, Jeremiah, James, John, Mary, Willis, Nancy and Burton**.

CHILDREN OF JOEL RUCKER AND MARY:

Minor Rucker in his Bill states the **children of Joel Rucker** were himself, **Blyfil and Elzy** who survived his Father but has since died leaving a Widow, Mary Rucker and their children, **Joseph and Edward Rucker and Kitty, who married James Tompkins**. All the heirs of Elzy Rucker lived outside Virginia.

CHILDREN OF JOEL WHITE AND FRANKY RUCKER:

In an affidavit of John Duncan and John Black, both citizens of Madison County, Kentucky, on the 25th January 1828 in the town of Richmond, said they were well acquainted with **Joel White and Franky, his wife**, now both deceased. Henry White, their son, and his wife, both deceased had one child, a daughter Florina. The children of Joel White and Franky, daughter of John Rucker, were **Henry, John, William, Durrett, Polly, Florina, Betsy, Milly, Phoebe, Nancy, Fanny and Lucinda**, who is dead, leaving no children. All the rest are alive and have children living.

Galen White, guardian of **Florina White**, appointed Richard White of Orange County, Virginia, his attorney the 30th of January 1828. Galen White had been appointed Guardian of **Lucinda and Florina White**, heirs of Joel White, deceased, in Madison County, Kentucky, May Court 1816.

In the affidavit of Durrett White and **Yelverton Payton and Milly**, his wife, late Milly White, heirs of Joel White and Franky, his wife, deceased, they appoint William Thornton their attorney. They were of Madison County, Kentucky, and the paper is dated 11th October 1826.

The deposition of **William Rucker** was taken on the 24th day of December 1840 at his house in Monroe County, Missouri, in which he states he sold his interest in his Father's estate to Minor Rucker, sometime between 1821 and 1824.

CHILDREN OF JEREMIAH RUCKER AND HENRIETTA⁵ STANLEY THORNTON

A paper filed from the Madison County, Kentucky Court dated the 5th of May 1823, shows the dismissal of William Barrett, Guardian of **Emily Rucker, orphan of Jeremiah Rucker**, and Emily being over the age of fourteen years, was admitted to Court and chose William Thornton as her guardian, Joseph Miller his security. At another Court in Richmond, Madison County, Kentucky, the 5th of July 1824, **Thomas Rucker** had William Thornton appointed by the Court to be his Guardian, Joseph Miller his security. On the 16th of November 1826, in Madison County, Kentucky, **Susannah Barrett certified there were only six children of Jeremiah Rucker deceased** in Madison County, Kentucky, an affidavit dated 16th day of October 1826, is made by **Milton S. Rucker** and **Valencourt Foster and Alevit Foster, his wife, late Alevit Rucker**, and **Talton W. Oglesby and Antonet, his wife, late Antonet Rucker**, all heirs of Jeremiah Rucker, deceased of the County of Madison and State of Kentucky . . .

Appoint William Thornton of the same county and state their attorney. In an affidavit of **William Miller and Lucy (or Louisa)** his wife, made in Garrard County, Kentucky, appoint William Thornton their attorney. The paper is dated the 2nd November 1829 and Lucy is described as an heir of Jeremiah Rucker.

A deposition of William Thornton was taken at the house of Abel Marley in the town of Fayette in the County of Howard in the State of Missouri on the 24th day of August 1840.

CHILDREN OF JOEL WHITE AND FRANKY RUCKER, con't:

The deposition of John B. White, taken the same day, notes that **Reuben E. Gentry married his sister, Elizabeth**, daughter of Joel and Franky White, the legal heirs and representatives of John Rucker of Orange County, Virginia, and the receipts of **Richard, Joel W., Reuben Jr., William Gentry and Jane Ramy** were given to Minor Rucker . . . further the deponent knows those to be the heirs of **Riney Crook**, deceased, who are the heirs of Joel and Franky White, deceased, and they further state that **John Tooley married his sister, Phebe [sic] White**, and **James Tooley married his sister, Nancy White**, both daughters of Joel and Franky White. The deponent further knows that James and Nancy are both dead and that John Tooley was appointed and is Guardian for his own children as well as those of James and Nancy Tooley.

John Tooley submitted an affidavit dated 18th August 1838 from Charleston County, Missouri in which he acknowledges receipt of money from Minor Rucker for the heirs of **Phebe [sic] Tooley** deceased, who was an heir of Joel and Franky White, deceased, of Madison County, Kentucky and said Franky White was an heir of John Rucker deceased. He also acknowledges receipt of money for the heirs of Nancy Tooley, deceased, who was an heir as above.

In a paper dated 28th of June 1824, **Burton Rucker** of the County of Bibb and State of Alabama appoints Willis Brown his attorney.

In an affidavit dated 17th October 1826, the following appears: **Jefferson White and Lucinda his wife**, late **Lucinda Fox and Emily Fox**, daughters of Mary Fox deceased, and who was one of the children and heirs of John and Mary Rucker deceased of the County of Madison and State of Kentucky, do hereby . . . appoint our trusty friend, William Thornton, our attorney.

On the 23rd of October 1824, **Thomas Fox** in Madison County, Kentucky, certified that there were only **eleven children of Joel White and Franky, his wife**, and that one of them by the name of Lucinda departed this life without issue and that there are only two heirs of my wife, **Mary Fox**, deceased who was one of the above eleven children of Joel and Franky White, deceased.

CHILDREN OF JOHN RUCKER, JR., AND WIFE MILLY

In a receipt dated 17th April 1833, in Ruckersville, Virginia, W. B. White certifies he received from Joseph Rucker the full legacy of **Mildred Rucker** White of John Rucker dec'd for her interest in her Grandmother's Estate. **W. B. White married Mildred**. In the deposition of Richard Durrett taken in Greene County, Virginia, the 30th April 1840, he states that William B. White of Georgia, who married Milly Rucker of the above-named State, did send by me to Minor Rucker, late of Orange Co., Va. a receipt written for an interest in Grandmother's estate through mistake instead of Grandfather's.

From Elbert County, Georgia, an affidavit dated 16th July 1827, there appears the statement that "we, **Milly Rucker**, Widow and relick of **John Rucker Junr.** deceased, **William H. Alston** in right of his **Wife, Elizabeth**, formerly Elizabeth Rucker, daughter of the said John Rucker deceased, and **Milly Rucker and Amanda B. Rucker**, daughters of the said John Rucker deceased appoint John S. Foster their lawful attorney.

On the 15th May 1822, **John R. White** of Charleston County, Missouri, wrote a letter to James Collins of Orange County, Virginia, transmitting his affidavit and that of **William White**, made jointly, appointing Collins their attorney.

George M. Head (referred to as Marshall Head in Minor Rucker's Bill) was of Albemarle County, Virginia, when he made a bond dated 25th February 1813 to May Burton. In the obligation he mentions his wife, **Milly Head**, and the witnesses are Nancy Rucker and Lucinda Head.

A deposition of John Head made 22nd December 1840 in Randolph County, Missouri, he states he was present in Orange County, Virginia, in 1819 when **Willis Rucker** then living in Georgia, in Elbert or Wilkes County, sold his share in his father's (John Rucker) Estate to Minor Rucker.

October 2005, I looked up the original document. It is full of loose papers and Wills of John Rucker and Joel Rucker. It has the signatures of many of the descendants.

Issue of John Rucker and Mary Burton (born either in Culpeper (now Madison) Co. or Orange (now Greene) Co., VA:

1. Joel⁴ Rucker, b. ca 1765; m. 20 Dec 1786, Nancy Oliver. Lived Orange Co., VA.
2. Frances⁴ ("Frankey") Rucker; m. 28 Jul 1785, Joel White. Lived Madison Co., KY.
3. Mildred⁴ ("Milly") Rucker, b. ca 1768; m. 10 Nov 1789, George Marshall Head, Albemarle Co., VA.
4. William⁴ Rucker, b. 26 Aug 1769; m. 25 Dec 1794, Katy Taliaferro Thornton. They lived in Monroe Co., MO.
5. Jeremiah⁴ Rucker; m. 9 Dec 1799, Henrietta Stanley; lived in Madison Co., KY.
6. James⁴ Rucker, died 1829, Elbert Co., GA, without issue.
7. John⁴ Rucker Jr., d. 1 Aug 1819, Red River, LA; m. Mildred ("Milly") _____.
8. Mary⁴ ("Polly") Rucker; m. 12 Jun 1805, Walter Graves.
9. Willis⁴ Rucker, b. ca 1785; m. 29 Oct 1807, Milly Alexander, Elbert Co., GA.
10. Nancy⁴ Rucker, not mentioned in the Chancery Suit or Wood, but is in her father's Will.
11. Burton⁴ Rucker, b. ca 1787; m. 1st 10 Nov 1809, Betsy Brown; m. 2nd ca 1834, Elizabeth "Sally" Suttle.

Lived Orange Co., VA

1. Joel Rucker
8. Mary Rucker and Walter Graves

Albemarle Co., Virginia

3. Milly Rucker and George Marshall Head

Lived Elbert Co., Georgia:

9. Willis Rucker
7. John Rucker, later moved to Red River, LA
6. James Rucker

1824, Lived Bibb Co., Alabama (moved from Elbert Co., GA)

11. Burton Rucker

1828 Lived Madison Co., Kentucky

2. Frankey and Joel White
- By 1841 children living in Howard Co., Missouri
5. Jeremiah Rucker d. 1823

1827 moved to Monroe Co., Missouri (later moved to Cooper Co., MO)

4. William Rucker

Not mentioned:

10. Nancy Rucker

Note: Here's how the ten surviving children were listed in the Chancery Suit:

1. Joel Rucker
2. Waller Graves
3. James Rucker
4. Burton Rucker
5. Willis Rucker
6. William Rucker
7. Joel White
8. Jeremiah Rucker
9. John Rucker
10. Marshall Head

In John Rucker's Will They were listed (was this the birth order?):

Joel Rucker

Frankey

Milley

William

Jeremiah

James

John

Mary

Willess

Nancy

Burton