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Research Objectives

1. Search for probate for Janet Fotheringham
2. Obituaries for Lee and Janet Fotheringham
3. Photo of headstone for Lee and Janet Fotheringham
4. Death certificate for Lee Fotheringham
5. Marriages of Mattie Ballantine Murphy to Allen Hoyt and Silas Llewellyn
6. Divorces of Mattie Murphy/Hoyt
7. Place of residence for Mattie Murphy/Hoyt/Llewellyn 1920-1944

Overview of Repositories and Resources Used

Alameda County Administration Building, Court Records Office , 1221 Oak Street, Basement Room 16, Oakland, CA

All civil, probate, family law, and small claims cases and records are located here as of November 2008.

Alameda County Recorder Office, 1106 Madison, Oakland, CA

- a) Marriage index open to public 1971 to present.
- b) Public records - Instruments recorded 1965-1988
- c) Walkup service for birth and death records have been discontinued

Evergreen Cemetery, 6450 Camden, Oakland, CA

Oakland Public Library, 125 14th Street, Oakland, CA

- a) *Oakland Tribune* newspaper archives on microfilm
- b) 1928 to 1943 Oakland City Directories

Personal Library -

Census records, California Voter Registration records accessed through Ancestry.com

Report of Findings

1. Probate for Janet Fotheringham.

General index to probate and civil cases 1930-1947 and 1948-1974. The general index to probates and civil cases is the only index open to public searching. A manual search for a probate for Janet Fotheringham in the general probate index 1930-1947 and had negative results.

2. Obituaries for Lee and Janet Fotheringham.

A search of the archived Oakland Tribune newspaper on microfilm for Lee Fotheringham beginning with date of 3 March 1931 and looking at each daily newspaper up to 31 March 1931 had negative results.

A search of the archived Oakland Tribune newspaper on microfilm for the date 9 July 1931 for Janet Fotheringham. Her obituary was located.

3. Photo of headstone for Lee and Janet Fotheringham.

Headstone was located at Evergreen Cemetery in the section called "Garden of Devotion" and photograph was taken. Lee and Janet share a headstone.

4. Death Certificate for Lee Fotheringham

Walk-in counter service for birth and death records has been discontinued until further notice due to budget cuts.

4. Marriages of Mattie Ballantine/Murphy/Hoyt/Llewellyn.

Although the information on the website for the Alameda County Recorder's Office states that indexes of vital records are open to public searching in their office, I found this not to be the case. A change in policy limits indexes open to the public as follows: Marriage index 1971 to present and the general index of all public records (instruments) recorded. Index previous to 1971 is not open to public. Staff will conduct a search of one (1) name, one spelling, within a five (5) year time period for \$16 per name, per spelling, per search. Without exact dates and exact names there are at least 20 different search combinations. A search using only a surname is not offered. At \$16 per search it did not seem reasonable to continue with this task.

5. Divorces for Mattie Ballantine/Murphy/Hoyt.

Public searching for divorce cases is not permitted. If one has a case number or an exact date of final judgment, then one may come in person to request a copy if that person is named in the petition or is an authorized public agency. Not able to meet the search requirements of court, task not completed.

6. Place of residence for Mattie Ballantine/Murphy/Hoyt/Llewellyn 1920-1944.

The Oakland city directories are not microfilmed and was unable to obtain copies of actual pages due to the limitations of the photocopy machine at the library. These are very outdated equipment and do not allow for book page copying. I instead extracted the pertinent listings and transcribed. Please see enclosed chart entitled "Residences." I also used the "California Voters Registration" and census records from Ancestry.com. I correlated of all these records and placed the results into a chronological chart.

Details and Analysis of Findings

The negative results from the search for a probate for Janet Fotheringham are not surprising. She did not have an estate to probate when she passed away.

Lee Fotheringham died testate on 3 March 1931. In his will he left everything to wife Janet and in the event of her death, Mattie inherits.

NOTE: Petition for probate is not filed at this time.

Janet Fotheringham's death certificate states cause of death as cancer. More than likely, Janet was extremely ill at the time of Lee's death, so sick that an obituary was never placed in the newspaper for Lee. Lee did not have any children that would have taken care of the obituary announcement. She must have known that she would die before Lee's probate would be final. At the time Janet had 5 living adult children. For what ever reason, Janet gives Mattie the entire estate in a "Deed of Gift" which she signed 2 July 1931.¹ Janet died six days later on 8 July 1931 with no estate to probate. As sole heir, Mattie filed a petition for probate on Lee's estate on 19 August 1931.

Careful examination of Lee and Janet Fotheringham's headstone shows that it is evident the names and dates etched into the stone were done at the same time. Purchase of the stone must have been delayed until after the death of Janet.

Another change in policy at the Alameda County Recorder's office prevented obtaining a death certificate for Lee Fotheringham at the time I was in their office.

¹ Alameda County, California, Volume 2622:439-440, Deed of Gift, Janet Fotheringham to M. B. Hoyt, County Recorder Office, Oakland.

Walkup service has been discontinued until further notice due to budget cuts. Birth and Death certificates (both unrestricted and informational) may be obtained by mail using a form that I have enclosed with this report.

Locating the residences of Mattie Ballantine/Murphy/Hoyt/Llewellyn not only helps to narrow down the time frame of each of her three marriages, the information also gives insight to her life over the years.

In 1920 the census enumerator found **Clarence Murphy** (married, age 29, works at furniture store) and **Mattie Murphy** (married, age 27, not employed) living at 310 Thirteenth Street in Oakland, Alameda County. They are listed as lodgers. Living in the same residence and also listed as a lodger is **Albert Hoyt** (a single man, age 24, truck driver for furniture store).²

In 1921 Oakland City Directory lists **Albt O Hoyt**³ and **Clarence Murphy**⁴ living at 310 Thirteenth Street, Oakland, Alameda County.

One can only imagine what happened in their lives over those few years. Clarence Murphy and Albert Hoyt probably worked together at the same furniture store. The three of them lived at the same residence. All one can say for certain is that between 9 July 1925 (Lee Fotheringham names Mattie Murphy in his will) and 1926 (California Voter Registration **Alfred H. Hoyt** and **Mrs. Marie Hoyt** are living 2346 Bancroft, Berkeley, Alameda County)⁵ The marriage between Clarence and Mattie Murphy ended and the relationship between Albert Hoyt and Mattie begins.

1930 to 1935 the Oakland City Directories list **Alfd (Margt) Hoyt** living at 3321 69th Av., Oakland, Alameda County. In a separate entry living at the same address is **Mrs. Marie Hoyt** who is employed by Cuttler Laboratories, Inc.⁶

1938 to 1941 Oakland City Directories list only **Mrs. Marie M. Hoyt** living at 3321 69th Av., Oakland, Alameda County.⁷

Then in 1943 the listing changes names for the last time - **Cyril (Marie) Llewellyn** living at 3321 69th Ave., Oakland, Alameda County. In 1944 the only change is the spelling from Cyril to Silas.⁸

I noted the residences of Lee and Janet Fotheringham while searching for Mattie. According to the 1920 census, they are living in Atwater, Merced County⁹. In 1924

² 1920 U.S. census, Alameda County, California, population schedule, Oakland Township, Oakland, enumeration district (ED) 86, p. 5B (penned), dwelling 61, family 129, digital image, Ancestry.com

³ R. L. Polk, "Polk's Oakland California City Directory 1921", (San Francisco: R. L. Polk & Co. Publishers, 1921), 589.

⁴ R. L. Polk, "Oakland City Directory 1921", 782.

⁵ 1926 California Voter Registration, digital image, Ancestry.com

⁶ See enclosed chart entitled "Residences of Mattie Murphy Hoyt Llewellyn"

⁷ Ibid

⁸ Ibid

California Voter Registration lists them living at 3321 69th Avenue, Oakland, Alameda County.¹⁰ When Lee signs his will in 1925, he is at the Oakland address. It is the year 1930, only 1 year before their deaths, that I find interesting. The 1930 California Voter Registration has them at 3321 69th Avenue, Oakland¹¹ AND the 1930 census enumerates them as renting a farm on Upper Stockton Highway in Sacramento County.¹² Why would Lee and Janet be living on a rented farm in Sacramento County and still own their home in Oakland, Alameda County?

As for the legend of Janet owning a gold mine, I wouldn't give up on the search. It is possible if she did in fact own a claim, she sold it around the time she and Lee Fotheringham got together. Perhaps the money from the sale helped them begin a new life together. They moved away from the area and do not return. Perhaps the bad feelings between the children is because they in fact did not inherit anything from Janet, Mattie got everything. Janet's daughter Agnes married into a wealthy and prominent local family. If Agnes had gold mines, it may be that it came from her husband's family.

It appears that Robert Ballantine, Sr. worked several claims in Amador County. He had a deed to a claim or a parcel of land that he might have shared with several parties. In the batch of newspaper pages I enclosed, one of them makes a reference to Robert Ballantine selling a "right of way" to Blue Lake Water Company. Could it be that Robert Ballantine gave a gold mine to Agnes before he left the area? In reading several editions of the newspaper, Robert and Janet Ballantine began living separate lives in the same community around 1905, however I did not find any legal announcement about a divorce.

The Amador Ledger from 1900 to 1910 can be found online at the Library of Congress website called "Chronicling America" (<http://chroniclingamerica.loc.gov/>). The California Digital Newspaper Collection from the University California Riverside also has the Amador Ledger from 1900 to 1911 (<http://cdnc.ucr.edu/cdnc>)

One final mention about Mattie. She and her husband Silas lived a comfortable life. Mattie worked for many years at Cuttler Laboratories, Inc. Mattie died before Silas and she left a will giving him the house and property at 3321 69th Avenue, Oakland.¹³ The house and land were Mattie's separate property, property that she owned before she married Silas. She never changed the title to a Joint Tenancy during her lifetime. She had one living relative at the time of her death - her sister Agnes Ludekens. Mattie left Agnes \$1 in her will. (see enclosed Probate of Martha Marie Llewellyn).

⁹ 1920 U.S. census, Merced County, California, population schedule, Judicial Township No. 8, Atwater Precinct No. 1, enumeration district (ED) 162, p. 247 (stamped), sheet 8A (penned), dwelling 162, family 171, Lee Fotheringham, digital image, Ancestry.com.

¹⁰ 1924 California Voter Registration, digital image, Ancestry.com.

¹¹ 1930 California Voter Registration, digital image, Ancestry.com

¹² 1930 U.S. census, Sacramento County, California, population schedule, Lee Township, Upper Stockton Highway, enumeration district (ED) 34-28, p. 5B (penned), dwelling 131, family 130, Lee Fotheringham, digital image, Ancestry.com.

¹³ Alameda County California, probate case file 182415, Estate of Martha Marie Llewellyn, aka Martha Ballantine Llewellyn aka M. M. Llewellyn aka Marie Llewellyn aka Mattie B. Hoyt, Superior Court Records Office, Oakland.

The total value of the probate was appraised at over \$65,000. A quick search at Ancestry.com and I found that Silas remarried on 1 March 1971 in Reno, Washoe County, Nevada to Ann Marie Langrell (born 8 July 1910 and died 16 July 1994 in Middletown, Lake County, CA)¹⁴ in Reno, Nevada.¹⁵ They sell the property in Alameda County and move up north to Middletown, Lake County, California. Silas Llewellyn (born 31 March 1909) died in Middletown 30 December 1999.¹⁶

Extra Information Found

In a completely unrelated matter, I came across several newspaper items about your Ballantine family in the *Amador Ledger*, a newspaper published in Jackson, Amador County. One article is about the wedding of Mattie Ballantine and Clarence Murphy, one for the wedding of Frank Ludekens and Agnes Ballantine and another for Robert Ballantine and Ida E. Zumwalt. I have enclosed pages of the *Amador Ledger* that cover the years 1900 to 1910. Newspapers are a wonderful resource to give us a peek into how our ancestors lived their daily lives and what events were taking place in their community that might have affected them. In your notes, you mention that you are trying to write about this family's lives and perhaps these newspaper articles will help you accomplish that goal.

"Documents Recorded", *The Amador Ledger*, Friday, May 11, 1900, p2, col2
R. Ballantine to Blue Lakes Water Company, \$1 for "Right of Way"

"Board of Supervisors", *The Amador Ledger*, Friday, August 5, 1904, p 2, col 5
Permit to sell liquor granted to Robert Ballantine, Township Three.

"Local News of the Week", *The Amador Ledger*, June 17, 1904, p 2, col 1
Mrs. Ballantine and her son Robert are now in charge of the Pine Grove Hotel having took possession June 6th, 1904.

"Pine Grove", *The Amador Ledger*, Friday, March 4, 1904, p 1, col 4
H. Zumwalt and Robert Ballantine are home from the Defender Mines where they have been working.

The Amador Ledger, Friday, January 1, 1904, p 2, col 4
Marriage license issued on 30 December 1903 to Frank Ludekens and Miss Agnes Ballantine

¹⁴ Social Security Death Index, online database Ancestry.com, entry for Ann M. Llewellyn, Social Security No. 116-01-6730 issued New York, Last Residence: 95461 Middletown, Lake, California, born 8 July 1910, died 16 July 1994.

¹⁵ Nevada State Marriage Index, online database Ancestry.com, entry for Silas Llewellyn and Ann Marie Langrell

¹⁶ Social Security Death Index, online database Ancestry.com, entry for Silas Llewellyn, Social Security No. 565-01-6276 issued California, Last Residence: 95461 Middletown, Lake, California, born 31 March 1909, died 30 December 1999.

“Local News”, *The Amador Ledger*, Friday, April 7, 1905, p. 2, col. 1
Marriage license issued on 29 March 1905 to Robert Ballantine and Ida E. Zumwalt

“A Quiet Wedding”, *The Amador Ledger*, Friday, December 31, 1909, p 1, col 3
Miss Martha Ballantine and Clarence Murphy married 2 December 1909

FURTHER RESEARCH RECOMMENDATIONS

The Amador Ledger newspaper contains a wealth of information. Unfortunately, a name index does not exist and would require a page by page manual search of each edition.

A very thorough search of records at the following places:

Amador County Recorder
500 Argonaut Ln
Jackson, CA 95642
(209) 223-6468

Archives History Center
12200-A Airport Rd
Jackson, CA 95642
(209) 223-6389

Superior Court
500 Argonaut Ln
Jackson, CA 95642-9534
(209) 257-2604

Amador County Historical Society
One Maine Street, Suite A
Jackson, CA 95642
(209) 257-1485

The Amador Archives
42 Summit
Jackson, CA
(209) 295-2258.
E-mail: amadorarchives@volcano.net