

BENJAMIN ABBOTT and FAMILY
Son of Joseph Abbott of Halifax County, Virginia

Research Report by Joan Horsley
Based on Research as of December 2013
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BENJAMIN ABBOTT

Son of Joseph Abbott and first wife (name unknown)
Born: Abt. 1728 in or near King and Queen County, VA
Marred: Abt. 1763, Halifax County, Virginia to ANN
Died: Bet. May 1796 - May 1797, Halifax County, VA

ANN (Maiden Name Unknown/Unproved)

Born: of Halifax County, VA; Died: Aft. 22 Jul 1785, Halifax County, VA

CHILDREN of BENJAMIN ABBOTT and wife ANN:

Elisha Abbott (m. Lydia Clay), Nancy Abbott (m. William Goodwin), Armistead Abbott (m. Frances Priddy), Joseph Abbott (m. Elizabeth Priddy), Jacob Abbott (m. Polly Dickson), James Abbott (never married), Elizabeth Abbott (m. Jasper Wyatt)

By far the most surprising discovery in the current Abbott family research project was learning the age of Joseph Abbott's son Benjamin Abbott and the corresponding discovery that Joseph Abbott also was born much earlier than previously thought. Because of the 15-year difference between what the records reveal and their ages previously approximated from the age of Benjamin's first known child, all surviving public records were obtained to be certain only one Benjamin Abbott was in early Halifax and not two or more of the same name. The records (including deeds, court orders, tax lists, wills, probate, voter lists, censuses, etc. compiled in separate sections of this research report) confirm only one Benjamin Abbott continuously living from mid-1749 in the same place and among the same people as where his father Joseph settled in 1762; then in 1771 the proved-same Benjamin Abbott moved abt. 10 miles west in Halifax and later was named as a son in Joseph Abbott's 1787 Halifax County, VA will. [HWB2:298] Furthermore, there is no record (eg, court order or probate) or even an indication (eg, a break in the records) of an older Benjamin, such as a brother of Joseph, and younger one, Joseph's son.

The records show Joseph's son Benjamin Abbott was born abt. 1728 in or near King and Queen County, VA, the earliest proved residence of his father, Joseph. About 1749, Benjamin struck out on his own and moved to then-Lunenburg County in the area soon to be Halifax, where he joined Richard Brown (b. c1712), whose wife, Rachel, may be Joseph Abbott's sister and Benjamin's aunt. (See report on Joseph Abbott for details). A Halifax Court order of 20 Mar 1753 shows that Benjamin Abbott was obligated to a debt that he owed from 1 Jul 1749, when the area was still Lunenburg. [HPB1:71] The next year in 1750, Benjamin is listed in the Lunenburg tithables one removed from Richard Brown. In both cases, the debt and the tithables, Benjamin would have to be either of legal age (21) or somewhat younger but a married head-of-house, thus legally responsible as an adult. (As

we discuss below, Benjamin may, indeed, have had a first marriage with a son born abt. 1750.)

Joseph Abbott's son Benjamin is proved to be the same Benjamin Abbott in Lunenburg in 1749 and 1750 by all combined records for him and by the absence of any other of that name at that time. However, two records in particular in 1762 and 1763 prove his identity directly. There is no question that Joseph's son Benjamin was in Halifax at least by 1762, when Joseph arrived with the rest of his family from King & Queen County. *[NARA W5616]* Supporting that presumption, on 21 Jul 1763, Benjamin Abbott witnessed a deed from Richard Brown *[HDB7:520]* using the same mark as when he deeded property to his children in the 1780s and 1790s. *[eg, HDB12:286]*

The previous year on 27 May 1762, Benjamin Abbott transferred to Richard Brown his interest in a land patent survey Benjamin had made jointly with Richard Brown on 14 Feb 1750/51 when the area was still Lunenburg County. *[HSB:27]* Then in August 1763, Benjamin Abbott gave a Halifax Court deposition about a conversation he heard between Andrew Wade Sr. and Nathaniel Hunt that took place in 1755. *[HPB4:199]* In the Halifax Court of 18 Sep 1753, Andrew Wade's son Benjamin Wade and Nathaniel Hunt gave surety on the bond required from Benjamin Abbott for one year's good behavior. *[HPB1:182]* In 1750, Benjamin Abbott and Richard Brown are on the same Lunenburg tithables list as Andrew Wade Sr. and his older sons, including Benjamin Wade. Benjamin Abbott is on numerous Halifax deed and court records with several sons of Andrew Wade Sr. for over 20 years, and in June 1769 Court, both Benjamin and his father Joseph Abbott were paid as witnesses for Andrew's son John Wade in his suit regarding his father's estate. *[HPB6:378]*

Another set of records gives further specific evidence of Benjamin Abbott's identity: In July 1755, Benjamin Abbott paid Daniel Jones and Richard Brown as his witnesses in a jury trial. *[HPB2-1:53]* In March 1767, Benjamin Abbott witnessed a deed of trust from Daniel Jones to Richard Brown. *[HDB6:443]* In May 1768, Benjamin Abbott became common bail for co-defendants Daniel Jones and Richard Brown. *[HPB6:153]* In Aug 1771, Richard Brown obtained a recognizance bond against Benjamin Abbott, for whom Daniel Jones gave security. *[HPB7-1:244]* This is the same Richard Brown with whom Benjamin Abbott entered a joint survey then in Lunenburg County in 1751 and who is listed one removed from Benjamin Abbott in the 1750 Lunenburg tithables.

Thus, in addition to the overall evidence, the particular evidence from this series and the above 1762 and 1763 records clearly establishes Joseph Abbott's son Benjamin as the one going back in Lunenburg/Halifax to the 1749 debt. Since he then had to be a legal adult, Benjamin was born abt. 1728 (or perhaps a few years later if he were married by 1749). His father Joseph Abbott's last child appears to be born abt. 1777, although there is a slight chance he was born as late as 1781-1782. Thus, Joseph was born no earlier than 1708-1710 and was around 18 when he married Benjamin's mother, the first of Joseph's apparently three wives. (See Report on Joseph Abbott for evidence and details.)

Benjamin Abbott was living at the upper part of Difficult Creek with Richard Brown and several of the Wade family from his arrival abt. 1749. The area was in Lunenburg County until May 1752, when Halifax County was established. Except for a case ten years later in June 1762 when Benjamin was ordered paid in Lunenburg Court as an out-of-county witness, the only early Lunenburg Court reference to any Benjamin Abbott is in September

1752, four months after Halifax County became effective. This case brought against Benjamin Abbott by Daniel Green was dismissed, likely because Benjamin was no longer a Lunenburg resident. (No details of the case are included.) [LOB2-1/2A:239] However, beginning from the Halifax Court of August 1752, Benjamin Abbott made a lifetime of regular appearances in Halifax Court. (See the separately compiled Halifax Court records for the Abbott family for all entries found for him.)

Benjamin Abbott apparently had a few wild years as a young adult before settling into his life as a highly prosperous farmer with civic and family responsibilities and friends in high official positions. In suits against Benjamin Abbott for debt (the most common kind of court cases) on 17 Aug 1752 and 19 Dec 1752, the Sheriff reported that Benjamin could not be found. [HPB1:30,46] On 20 Jun 1753, the King's Attorney charged Benjamin with concealing tithables (thereby avoiding the tax owed), and again the Sheriff reported Benjamin was not found. [HPB1:154] Benjamin finally re-surfaced, and on 18 Sep 1753, the King's Attorney charged Benjamin with "opposing the Sheriff in execution of his office," to which Benjamin pleaded not guilty...through his attorney. [HPB1:181]

Meanwhile, three suits of assault and battery or trespass and battery were charged against Benjamin: one on 15 May 1753 by a Grand Jury indictment, one on 18 Sep 1753 that was dismissed (although the next month the plaintiff brought a similar suit), and another case of that same date for which Benjamin was required by the Court to post a hefty bond with securities for "one year and a day" good and peaceable behavior. [HPB1:98, 169, 179] (His securities were two men, Benjamin Wade and Nathaniel Hunt, with whose families Benjamin Abbott, Richard Brown, and later Joseph Abbott were closely involved and who had been with Richard Brown in Lunenburg since Richard arrived there from Goochland County abt. 1747.) On 16 Oct 1753, a fourth suit of assault & battery was charged against Benjamin. This time Benjamin did not show up in court for the case, and the plaintiff, a woman, was awarded the suit. [HPB1:248] On the same day the plaintiff who brought the second case against Benjamin for trespass and battery sued for trespass, assault & battery. (The plaintiff was the county sheriff and a Halifax Court Justice.) That case went on for two years and finally went to a trial by jury that on 17 Jul 1755 found Benjamin not guilty. [HPB2-1:51] The assault & battery charge brought by the Grand Jury and prosecuted by the King's Attorney was finally dismissed by consent of both parties on 20 Feb 1754. [HPB1:343] On the same day, the first case of debt against Benjamin in 1752 was also dismissed. [HPB1:345] (See compiled Abbott Halifax Court Orders for details.)

Not until 1771 did Benjamin Abbott again have serious legal problems involving physically violent behaviors. At least eight times from 1753 to 1793 Benjamin was required by the court to post a "peace bond" (secured by two sureties also under penalty bond) to keep "good and peaceable behavior" for a year and day after petitions were made by persons who the court concluded had reason to believe they were in danger of physical violence from Benjamin. Twice these involved his then-teenage son Elisha under bond with him, and once the plea for a peace bond against Benjamin was made by Benjamin's father, Joseph Abbott Sr., which in light of the unusually high bond required, the court took very seriously, as we shall see.

Interestingly, a number of actual suits for battery and assault brought against Benjamin (which by definition could involve only threats or perceived intended battery) the court dismissed "for reasons appearing" but never explained. One has to wonder if alcohol was

involved and the court took that as an extenuating circumstance. Although only speculation, alcohol might be involved in Benjamin's physical assaults as well (yet the court could hardly overlook that). In the early days of Halifax, theirs was a rough-and-ready frontier culture, and as difficult as their lives often were, they could drink as hard as they productively labored. Whatever Benjamin's problems that sparked his aggressive and violent behaviors, they did not interfere with his prosperity.

Halifax Court cases against Benjamin Abbott continued into the 1760s, but most were for the routine problems of unpaid debts or alleged financial loss due to unfulfilled agreements. In a case brought against him in March 1762 that was awarded to the plaintiff, Benjamin pleaded "in mercy," meaning he could not pay the full amount owed without undue hardship, and the amount was reduced by the court. [HPB3:48] This was a standard procedure the courts used to cancel debts by partial payment rather than none, which also served to help the community function smoothly, financially and interpersonally. Benjamin had another such situation in 1766, but in general in the 1760s, his court appearances were more for civic responsibilities or with himself as the plaintiff or as common bail for a friend.

The year 1763, when Benjamin Abbott was about 35 years old, was a notable year for him. His increased responsibilities coincide with his father's arrival with the rest of the family in 1762, but we have no way of knowing whether those events were related or merely coincidental. In May Court 1763, Benjamin is recorded with a slave boy of 12 whose age the court was required to judge in order to determine when he would become 16 and taxable (ie, a "tithable"). [HPB4:2] By this court entry we know that Benjamin purchased the boy as a new slave recently imported into the Colony, showing he was beginning to acquire the resources for such a purchase.

In July Court 1763, Benjamin Abbott was appointed "Surveyor of the road from Difficult Creek to Chandlers Bridge" for that term. [HPB4:119] (In 1810, Benjamin's half-brother William Abbott, who inherited some of their father Joseph's land at Difficult Creek, also was appointed surveyor of a part of the road from Chandlers Bridge. [HPB28:17]) Road surveyor (called in some places road "overseer") was a position of civil and community responsibility requiring him to organize and oversee the court-designated group of his neighboring landowners, who with their "tithables" (white and black) were responsible for the repair and upkeep of the section of road along which their lands were located. The surveyor also was required to report to the Court the work of his team or "gang" for the mandatory number of hours each year, and if complaints were lodged or the group neglected their duties, the surveyor for that term was held responsible. Having the respect of one's neighbors undoubtedly would facilitate cooperation and quality work.

In August Court 1763, Benjamin is recorded for the first time as serving on a jury. [HPB4:200] One of the requirements for jury duty was being a landowner. Owning land was also a requirement to vote, which Benjamin did, as recorded in the surviving Halifax voter lists for 1765, 1768, and 1769. [Chiarito, *List of Voters*, p. 9, 21, 26] Yet, interestingly, the first recorded deed to Benjamin Abbott is 19 Jul 1770, shortly before he sold the land (probably the reason he needed the formal deed of ownership). [HDB8:42] "Abbott's line" is even referred to in a Halifax deed of 14 Nov 1764 [HDB5:375] and specified as "Benjamin Abbott's line" in a 1767 deed. [HDB7:16] At the time, Benjamin's land was 200 acres from Richard Brown at Difficult Creek, and Benjamin had lived in the same place since his arrival in 1749. His father Joseph Abbott's Difficult Creek land, where Joseph lived since his arrival in 1762, was also from

Richard Brown, and like Benjamin, Joseph voted before his formal deed of purchase was written and recorded in 1767. [HDB7:3] Apparently, formal deed or no, the land where Benjamin lived was assumed to be owned by him all along.

The banner year of 1763 was also significant for Benjamin Abbott because he married his only known wife about that year. Contrary to popular belief, the average marriage age for men in Virginia in this time period was at least 25 (not 21), and many married much older. (One of Benjamin's brothers was 48 years old at his first marriage, and another was 50 or 51.) Thus, there is nothing at all unusual about Benjamin being 35 at a first marriage, and in fact, that was quite common.

There is evidence, though, that Benjamin was previously married with a son named Benjamin Abbott Jr. born abt. 1750 who enlisted to serve in the Revolution and either died during the war or permanently left for parts unknown after serving. Once in 1772 and once in 1775, Halifax records mention a "Benjamin Abbott Jr.," proved by all combined records not to be Joseph Abbott's son Benjamin but with connections to him. Joseph's son, the elder Benjamin Abbott, sold his Difficult Creek land "whereon [he] now lives" on 19 Apr 1771. (He signed that deed by the same mark he later used when distributing his property to his surviving children in the 1780s and 1790s.) [HDB8:232] Shortly after his Apr 1771 sale, Benjamin moved abt. 10 miles west to the Banister River, and the Halifax Court of January 1772 assigned Benjamin to his new group for road maintenance. The others named in the group were his new nearby neighbors whose lands were along his same road section. [HPB7-2:279 (see below)] Each of the two records for "Benjamin Abbott Jr.," in June 1772 and October 1775, involve people named with the elder Benjamin on the Jan 1772 road order and on other records with him in the same time period, and no other Abbott lived anywhere in the vicinity.

The first mention of the younger Benjamin is a case in June Court 1772, thus he was at least 21 years old by then. [HPB7-2:393] "Benjamin Abbott Junr." brought suit against Elijah Merry Bailey for trespass, assault, and battery. (The case was dismissed "for reasons appearing" to the Court.) By a deed two years before on 10 Sep 1770, Elijah Merry Bailey sold land in the immediate area of the elder Benjamin Abbott's new residence to {Benjamin Hubbard, whose estate paid the elder Benjamin Abbott in 1772 and whose widow, Hannah Hubbard, is on the same 1772 road order with the elder Benjamin. *Joan had marked this text for either further review/rewrite or to enter in her FTM file.*} (Later, Benjamin's son Jacob Abbott bought land adjacent to where he then lived from Benjamin Hubbard Jr. that the latter inherited from his father to whom Elijah Merry Bailey sold land in 1770. [HDB16:692]) Elijah Merry Bailey's relative James Bailey is also on the same 1772 road order with the elder Benjamin Abbott.

The only other mention of the younger Benjamin in county records is when "Benjamin Abbott Jun'r" witnessed a deed in 1775, signing by signature. [HDB10:24] (It was written in 1775 and recorded 19 Oct 1775, but the day and month written are missing in the deed.) One of Benjamin Jr.'s co-witnesses, Peter Hudson, was a co-witness with the elder Benjamin Abbott to a deed on 3 Aug 1771. [HDB8:251] Another co-witness in 1775 with Benjamin Jr. was Robert Mann, who also was on the 1772 road order with the elder Benjamin. The 1775 deed witnessed by Benjamin Jr. involved land conveyed by John Nichols, who was a bound in the deed the elder Benjamin Abbott witnessed in 1771 and who still lived in the area by a road order in 1774.

Thus, both times Benjamin Abbott Jr. is mentioned in Halifax records, he is named with people who were in close proximity to the elder Benjamin Abbott's new home and/or on records with him and not with any of the rest of the Abbott family back at Difficult Creek. County records routinely used "Jr." to distinguish the younger of two men of the same name, related or not, so Benjamin Jr. would not have to be the elder Benjamin's son. For example, he could be a nephew of Joseph Abbott Sr. who temporarily lived near the older Benjamin. That option seems ruled out, because the only other Abbotts then living in Halifax were Joseph Abbott and his children, and Joseph's other sons were not old enough to be Benjamin Jr.'s father. No close Abbott relatives have been found anywhere in the area, and no Benjamin Abbott was found in the few other Abbott families living in adjacent Charlotte and Mecklenburg County. In theory, Benjamin Abbott Jr. could be a total stranger who happened to pass through the elder Benjamin's immediate area among the latter's same friends, but in this case that option is too far-fetched to be credible.

If the elder Benjamin Abbott first married around the time he moved to Lunenburg/Halifax County abt. 1749, this Benjamin Jr. could well be his son born abt. 1750. In one sense this is a moot point, because the younger "Benjamin Abbott Jr." is not recorded in Halifax after 1775, nor was he found anywhere else after the Revolutionary War. In fact, he may have died during war service. It would be this younger Benjamin Abbott Jr. who is mentioned in the Revolutionary War pension application of John Estes, who enlisted 9 Feb 1776 in a unit formed in Halifax for a service term of two years. [NARA File S3338] Estes' 1834 statement lists the officers in his unit who enlisted from Halifax in his same unit, including a Benjamin Abbott, who apparently, like Estes, originally enlisted for two years as a private but soon was appointed a Corporal.

This would not be the elder Benjamin for several reasons. First, we have proof Benjamin Sr. was residing in Halifax during the time of the other Benjamin's service (Feb 1776-Feb 1778), because the Court of 6 Jan 1777 bound out a minor as a servant to the elder Benjamin Abbott, which the Court certainly would not do were he in an extended absence. [HPB9:185] In addition to this evidence, there are a number of other reasons why the enlistee would not be the elder Benjamin Abbott.

Benjamin Sr. was then abt. 48 years old with at least six children under age 12, the youngest being one-year-old twins, and with a significant landed estate to run. Married men of his age and status sometimes got caught up in later drafts of three-month tours, but they did not enlist for years-long absences unless they had previous military experience or held a command rank in the county militia--in which case they were commissioned for the duration of the war and served as Captains and higher--or they had a particularly critical professional craft or skill. The men listed in the unit with John Estes and Benjamin Abbott who held rank below their Captain (then age 30) followed the normal pattern of such long-term enlistees; that is, they were in their late teens and 20s (the oldest I could prove, the First Lieutenant, was then age 26, born around the same time as Benjamin Jr.), and not yet married. (I found none among these who was married at enlistment except for the oldest one.) Beyond that, a man of Benjamin Abbott Sr.'s age and status with his responsibilities and financial assets would not enlist then as a mere private foot soldier in an Infantry unit and risk the welfare of his family and the management of his estate--the war at that time was neither that urgently popular nor felt to be an immediate threat in the South.

As we shall see, the elder Benjamin Abbott, contributed to the war effort in valuable ways by giving crucial supplies and resources, but the enlistee undoubtedly was Benjamin Jr. This younger Benjamin, who seems to be the elder Benjamin's son, may have died during the war, or perhaps after serving he relocated to a distant place, but he did not return to Halifax County, and I could find no trace of him later. The elder Benjamin Abbott did not leave a will and there is no recorded probate of his estate, so we know his surviving children only by his deeds written shortly before he died to his children still living near him.

The marriage of Joseph Abbott's son Benjamin Abbott that we know for certain was to his wife Ann, whom Benjamin married in Halifax abt. 1763. (Contrary to online files with numerous errors, neither Benjamin nor any of his Abbott family ever lived, died, or married in Stafford County, VA.) Most marriage records prior to the Revolution have not survived, so the year of Benjamin and Ann's marriage is based on their eldest surviving son, Elisha Abbott, who was born between spring 1764 and spring 1765, as shown in the Halifax personal property tax lists for 1785 and 1786.

Benjamin's wife Ann is named in Halifax records three times during her lifetime. On 16 Apr 1772, "Ann the Wife of Benjamin Abbot" relinquished her dower right to the Difficult Creek land Benjamin sold in 1771. [HPB7-2:312] On 18 Jun 1784, "on the motion of Anne Abbott and Benjamin Abbott" the Halifax Court ordered that they be paid as witnesses for a neighbor in a recent court suit. [HPB11:88] Then on 22 Jul 1785, Benjamin was ordered to pay "Anne Abbott" for being his witness in a suit Benjamin brought against his father that we discuss shortly. [HPB11:189] (They had a daughter named Nancy, which was a standard nickname for Ann. Sometimes "Nancy" and "Ann" were used interchangeably, but in this family, their daughter was always recorded as "Nancy," while the records above show Benjamin's wife went by "Ann.")

The maiden name of Benjamin's wife Ann Abbott is not known or proved, but two different names proliferate in the unsourced and undocumented online files as if each were factual. She is named there either as Ann Armistead or Ann Brown, both obviously guesses and neither with any proof or even supporting evidence in the records. "Armistead" seems based merely on their having a son named Armistead Abbott, a common kind of misassumption whenever a child's given name is unusual and could be used as a surname. However, the name "Armistead" was simply one of those out-of-the ordinary names that had periodic or regional popularity. In the 1782 heads-of-house enumeration for Halifax alone, there were three of that first name but none of that surname in the entire county. No Armistead family lived anywhere near Benjamin Abbott's family (few if any lived anywhere in early Halifax) and none are on records with Benjamin or the other Abbotts, which would not be the case were his wife an Armistead.

The conjectured maiden name "Ann Brown" has more basis on the surface but no evidence in fact and strong evidence against such a possibility. That guess for her name likely came from Benjamin's obvious involvement with Richard Brown in the records. However, as we have seen, their close association pre-dates Benjamin's marriage to Ann by at least thirteen years, and Benjamin's father, Joseph Abbott, is equally if not more involved with Richard Brown after Joseph joined them in Halifax. Also, in 1766, Joseph Abbott was an appraiser of the Halifax estate of recently-deceased Martin Brown, who appears from various records to be Richard's brother or at least a close relative. [HWB0:208] Joseph did not live immediately close to Martin Brown, as appraisers usually did, so Joseph's appointment to help appraise

Martin's estate could indicate a family tie. If the Abbotts were related to Richard Brown, it is much more likely to be through an older generation than Benjamin's. (As explained in the report on Joseph Abbott, there is some evidence that Richard Brown's wife, Rachel, was named Rachel Abbott, who seems of an age to be Joseph Abbott's sister, thus possibly Benjamin's aunt, although both her maiden name and any exact relationship are still unproved and remain only speculation.)

There is no evidence that Richard Brown had a daughter Ann, much less that she married Benjamin Abbott. First, Richard's 1772 will directs his wife to educate their youngest son and to "maintain the rest of my children," which seems to imply they were not married. [HWB1:1] Secondly, Benjamin Abbott is not included in any capacity in Richard Brown's will. Richard and Benjamin's relationship was blatantly hostile and even violently antagonistic at the time Richard wrote his will (discussed below). If Benjamin were Richard's son-in-law, it is inconceivable that Richard's will would not specifically mention Benjamin or Ann, if only to prevent Benjamin from obtaining any part of Richard's significant estate by right of his wife. By law, any property inherited by a married woman became her husband's property to use or dispose of as he pleased. Parents could and often did circumvent this by bequeathing a daughter's inheritance as a lifetime loan to her that became the property of her heirs at her death or by bequeathing her inheritance in trust to a brother. Surely some such stipulation is the least Richard Brown would have done were his daughter married to Benjamin Abbott at this point when their relationship had deteriorated to physical violence.

Thus, there is no evidence for and significant evidence against Benjamin's wife being Richard Brown's daughter, as some people have presumed. It is always disappointing not to have a foremother's maiden name. However, leaving the name "unknown" until proved seems far more honoring to her memory than to make guesses and assumptions without documented evidence and thereby risk turning her into someone she was not.

As mentioned above, Benjamin and Ann's first known son, Elisha Abbott, was born in later 1764 or early 1765. Their first known daughter, Nancy Abbott, was born no later than 1767, since she was at least age 21 by 7 Jan 1789 when she gave her own consent to marry. By the age spread between her older brother, Elisha, and next younger brother, Armistead (b. c1771), Nancy likely was born abt. 1767 rather than earlier. All three were born at Difficult Creek.

Throughout the 1760s, Benjamin and his family continued to live on Difficult Creek near his father and Richard Brown. During that decade court records show that Benjamin Abbott, Joseph Abbott, and Richard Brown appeared in numerous suits acting jointly or on behalf of each other, such as being each other's common bail, security, witness, and co-defendant. However their relationships began to go seriously awry by 1769.

At the Court of July 1769, Benjamin Abbott sued his father, Joseph Abbott. The record does not state the issue, but the Court ordered that this suit be dismissed "for reasons appearing" to the Court after hearing the case presented. [HPB6:418] Then, in the Court of April 1770, Benjamin Abbott sued Richard Brown. Once again, the Court ordered the case be dismissed, with Benjamin ordered to pay Richard Brown his costs. [HPB6:503] In March 1771, Richard Brown sued Joseph Abbott (case was continued). [HPB7:94] The next month, on 18 Apr 1771, Benjamin Abbott sued Richard Brown for debt and was awarded the case.

[HPB7:101]

The next day, their problems intensified with this order for both Benjamin Abbott and Richard Brown to post bond for their "good behavior" for "one whole year" after behaving "contemptuously" towards the Court:

19 Apr 1771 - Halifax Court - Peace Bond

"BENJAMIN ABBOT and Richard BROWN, having behaved Contemptuously to this Court, it is therefore considered that they make their Fine to our Sovereign Lord the King by the payment of five pounds [£5] each and it is ordered that the Sherif[*sic*] take and keep them in his Custody until they give Security for the payment thereof with Costs and also until they shall give Security for their good behaviour for one whole year (that is to say) said Benjamin ABBOT and Rich'd BROWN in the Sum of Twenty pounds [£20] each and their Securities in the Sum of ten pounds [£10] each."

[Source: Halifax Plea Book 7, Pt. 1, p. 135. LVA Reel 57. Transcribed by J. Horsley. Caps and comments in brackets added.]

Their relationship continued to deteriorate, even to the point of violence. Four months later, in the August 1771 Court, Richard Brown petitioned the Court for protection against Benjamin Abbott, stating under oath that Benjamin "last night did assault, wound, and evilly treat him, and that he [Brown] is in danger of his life or some bodily hurt to be done by the said Benjamin..." [HPB7-1:244] (Richard was in his late 50s; Benjamin was then abt. 43.) The Court fined Benjamin and ordered that he be under another peace bond to keep good and peaceable behavior in general and especially toward Richard Brown for a year and a day under a heavy penalty of £100 and secured by two others also under penalty of fine. The court entry reads:

16 Aug 1771 - Halifax Court

Richard BROWN v. BENJAMIN ABBOTT - Peace Bond

"On hearing the Complaint of Richard BROWN on oath alleging that BENJAMIN ABBOT last Night did assault, wound and evilly treat him and that he is in danger of his Life or some bodily hurt to be done by the said Benjamin, Whereupon it is ordered that the Sherif take the said Benjamin and keep him in his Custody until he shall give security for his good behavior one year & a day and pay the Sum of Five pounds Current Money [£5] and Costs -

BENJAMIN ABBOT with Daniel Jones and Samuel Bentley his Securities came into court and joyntly [jointly] and severally acknowledged themselves indebted to Our Sovereign Lord the King (that is to say) the said BENJAMIN ABBOT in the sum of one hundred pounds [£100] and the said Daniel Jones and Samuel Bentley in the sum of Fifty pounds [£50] each to be levyed [levied] of their respective Goods and Chattels, Lands and Tenements to the use of our said Lord the King, his Heirs and successors on Condition that the said BENJAMIN ABBOT be of good behavior and keep the Peace toward all the Majesty's liege people and especially the said Richard BROWN for one whole year and a day."

[Source: Halifax Plea Book 7, Pt. 1, p. 244. LVA Reel 57. Transcribed by J. Horsley. Caps and comments in brackets added.]

"Isaac Coles Gent. came into Court and undertakes that BENJAMIN ABBOT shall pay the Fine and Costs this day imposed on him within six months or that he the said Isaac Coles will pay it for him."
 [Source: Halifax Plea Book 7, Pt. 1, p. 246. LVA Reel 57. Transcribed by J. Horsley. Caps added.]

Note:

Daniel Jones, listed here as surety on Benjamin Abbott's peace bond, was a witness for Benjamin Abbott in 1755 when Benjamin was found not guilty of Assault, Trespass, & Battery brought by Nathaniel Terry in 1753. (Richard Brown had been another witness for Benjamin.) Isaac Coles was a court justice and was one of the justices present at this session of the Court that ordered the peace bond be placed against Benjamin, as was Justice Nathaniel Terry.

It does not seem to be an unrelated coincidence that during this same tumultuous period Benjamin Abbott sold his Difficult Creek land near both Richard Brown and his father, Joseph Abbott, and left the neighborhood where he had lived over 20 years to move further west in the county.

First, however, in order to sell his the land at Difficult Creek, Benjamin had to obtain a formal deed of ownership from Richard Brown. Brown still technically owned the land where Benjamin was living, which seems widely presumed to be owned by Benjamin all along.

Date: 19 Jul 1770

From: Richard Brown of Halifax

To: BENJAMIN ABBOTT of same

For: £50 current money of Virginia

Description: 200 acres on branches of Difficult Creek

Bounds: John Orrill Tunstall, Marston Green, John Smallman, Jeremiah Keen, Thomas Tunstall, Anthony Irby (no metes)

Signed: Rich'd Brown

Witnesses: Tho's Cobbs, William Robertson, W. Wright

"Received the day and year within mentioned of the within mentioned Benjamin Abbott the sum of £50 it being the consideration within mentioned I say received by me. /s/ Rich'd Brown - Teste: Tho's Cobbs, W'm Robertson, W Wright

Recorded: 19 Jul 1770

[Source: Halifax Deed Book 8, p. 42-44. LVA Reel 3. Abstract by J. Horsley.]

Release of Dower:

Halifax Court of June 1769 - Rachel, wife of Richard Brown, relinquished her dower to 200 ac. conveyed to Benjamin Abbott. (Rachel also relinquished dower for land Richard sold to six others, whose deeds were dated from 1767 to 1770.)

[Source: Halifax Plea Book 6, p. 339. TLC Gen, p. 220. Extract with comment by J. Horsley.]

Having obtained the formal recorded deed, Benjamin sold this land less than a year later. His wife Ann's dower release is the first record found of her name:

Date: 19 Apr 1771

From: BENJAMIN ABBOT *[sic]* of Halifax Co.

To: William Clark of Charlotte Co.

For: £120

Description: 200 acres whereon the said Benjamin Abbot now lives

Bounds: "bounded according to the known antient [ancient] and reputed bounds."

Signed: Benj'a (B) Abbot (his mark)

Witnesses: P. Carrington [Paul Carrington], Isaac Read, Haynes Morgan, R. Williams [Robert Williams]

Recorded: 20 Jun 1771

[Source: Halifax Deed Book 8, p. 232-233. LVA Reel 3. Abstract by J. Horsley. Comments in brackets added.]

Release of Dower:

Halifax Court April 1772 - ANN, the wife of BENJAMIN ABBOTT, being first privately examined, came into court and relinquished her right of dower in and to 200 acres of land conveyed by her said husband to William Clarke

[Source: Halifax Plea Book 7, Pt. 2, p. 312. LVA Reel 57. Abstract by J. Horsley]

Shortly after this sale, Benjamin and Ann moved their family to the Banister River abt. 10 miles west of their former home near Benjamin's father and siblings. Road orders and later deeds and land taxes show they lived first on the north bank of the Banister before moving two years later in 1773 to the south bank at Bye Creek where they settled permanently. No formal deed of purchase for the north bank location was recorded, but other records show it was the 200 acres that Benjamin sold his son Jacob in 1795 (see deed below). *[HDB16:360]*

Benjamin Abbott and his family were established in their new location prior to January 1772, when Benjamin was assigned to his new "road gang" of neighbors who shared the responsibility of maintaining the road along which they lived. In the years ahead, many of the same people continue to be associated in records with Benjamin. For example, when George Watkins on this road order (below) died in 1782, Benjamin Abbott was a security on the executor's bond. {A probate record in Dec 1772 names Benjamin Abbott among those paid by the estate of Benjamin Hubbard (will proved 21 Mar 1771), whose widow Hannah Hubbard is listed with Benjamin Abbott on this road order. *Joan had marked this text for either further review/rewrite or to enter in her FTM file.*} When Benjamin sold this land to son Jacob Abbott in 1795, one of the bounds was the estate of then-deceased Epaphroditus Sydnor, who is also named in this 1772 road order. In 1796, Jacob Abbott purchased adjacent land from Benjamin Hubbard Jr., son of Benjamin and Hannah Hubbard, and Hubbard researchers say the land was an inheritance from Benjamin Hubbard Sr. In 1799, Jacob Abbott married Polly Dickson, related to (and apparently a daughter of) Benjamin Dickson Sr., another new neighbor of Benjamin Abbott's family as of Jan 1772.

16 Jan 1772 - Halifax Court

Road Order: Ordered that the Male laboring tithables belonging to George Watkins, Robert Mann, Susanna Wills [widow of Filmer Wills], Nathaniel Hunt, John Irby, William Hoskins, James Bailey, Benjamin Dickson, BENJAMIN ABBOT, Epaphroditus Sydnor, Hannah Hubbard [widow of Benjamin

Hubbard], John Light, and William Light be added to the Gang belonging to the Road whereof Thomas Younger is surveyor."

[Source: Halifax Plea Book 7, Pt. 2, p. 279. LVA Reel 57. Transcribed by J. Horsley. Caps and comments in brackets added.]

The same month, on 11 Jan 1772, Richard Brown wrote his will, being "sick and weak of body but of sound mind and memory..." [HWB1:1] He left all his estate to "my wife" (unnamed but proved still to be his wife Rachel by a July 1772 court entry) on the condition that she educate their son Daniel (apparently born around 1756) and to "maintain the rest of my children." Upon her death, the estate was to be divided among "my five children," but his son Richard Jr. (b. c1740), whom he appointed as an executor, was the only other child named. The other appointed executor, Thomas Tunstall, had been an adjacent neighbor of both Richard Brown and Joseph Abbott. No Abbott was involved in the will or security on the executor's bond, which was the only probate record found for Richard Brown's estate.

Richard Brown's will was proved in court 21 Jan 1773, but the following court orders show that he actually died within four months or so after writing his will. This court entry is a sad epitaph for a close relationship of at least several decades and possibly a family relative through Richard Brown's wife, alleged (but not proved) to be Rachel Abbott, who could be Joseph Abbott's sister and thus Benjamin's aunt.

22 May 1772 - Halifax Court

Richard BROWN v. JOSEPH ABBOTT - In case - The Plaintiff [BROWN] being dead, this suit abates [ends]

Richard BROWN v. BENJAMIN ABBOTT - In case - The Plaintiff [BROWN] being dead, this suit abates [ends]

[Source: Halifax Plea Book 7-Pt. 2, p. 349. LVA Reel 57. Abstract by J. Horsley. Comments in brackets added.]

A year later, on 20 May 1773, Benjamin Abbott again was required to post recognizance bond to keep the peace and be of "good behaviour" for a year and a day. This time the charge came from the Court itself. The Court had appointed Benjamin an officer to apprehend a man named Burr Harris, which Benjamin did. However, the Court found Benjamin guilty of committing a misdemeanor in the process. As a result, Benjamin (in the amount of £50), with Henry Williams and Minor Wynn his securities (in the amount of £25 each), was placed under recognizance bond to "be of good behaviour" towards all of His Majesty's liege people for the standard year and a day. If Benjamin broke the terms of the peace bond, the amount of his and his securities' bond would be levied against their real and personal property. [HPB8:105]

20 May 1773 - Halifax Court - Peace Bond

"It appearing to the Court that BENJAMIN ABBOT being appointed an officer to apprehend Burr Harris and guilty of a misdemeanor therein, it is ordered that he be in Custody till he enters into

recognizance, that is to say, himself in the sum of fifty pounds [£50] and two Sureties in the sum of twenty five pounds [£25] each to be on his good behaviour a year and a day. Thereupon came the said BENJAMIN ABBOTT and Henry Williams and Minor Wynn who acknowledged themselves to be held and firmly bound unto sovereign Lord the King [and his] Heirs and successors in the sums aforesaid in form aforesaid to be levied of their goods and Chattells Lands and Tenements on condition that the said BENJAMIN ABBOT be of good behaviour to his magesties [majesty's] Leige people for the space of a Year and a day and then the said Recognizance to cease."
 [Source: Halifax Plea Book 8, p. 105. LVA Reel 57. Transcribed by J. Horsley. Caps and comments in brackets added.]

In November of the same year, the Grand Jury confirmed an indictment against Benjamin Abbott for Assault and Battery. It is not clear from the records whether this pertained to the situation with Burr Harris or a separate case, as no other details were found.

18 Nov 1773 - Halifax Court - Grand Jury Report
 Grand Jury found a Bill of Indictment against BENJAMIN ABBOTT for an Assault and Battery to be a True Bill and it is ordered that he [and the others listed in the report of this Grand Jury session] be summoned to appear at the next Court to answer the charges.
 [Halifax Plea Book 8, p. 311. LVA Reel 57. Abstract by J. Horsley.]

Meanwhile, in mid-1773, Benjamin Abbott moved his family to land he recently purchased on the south side of the Banister River that was twice the size of the land where the family had lived the previous two years along the north side of the river. (The former owner of this new land, named in the deed as "Clement Read the Elder," was Benjamin Abbott's attorney in several early Halifax Court cases including a case in 1753 when Benjamin was prosecuted by the King's Attorney. [HPB1:181])

Date: 20 May 1773
 Whereas Clement Read by his last Will and Testament did devise to the s'd Thomas Read his lands to make conveyances of such part as he Clement Read had disposed of during his lifetime, and the said Clement Read having sold unto Mary Read of Charlotte County this tract of land in Halifax, thus in pursuance of the Will...
 From: Thomas Read, one of the Executors of Clement Read Jun'r dec'd of Charlotte County [VA]
 To: BENJAMIN ABBOTT of Halifax
 For: £92 paid to the said Mary Read
 Description: 404 acres in Halifax County, South side of Banister River granted to Peter Fontaine by patent 15 May 1755 and conveyed unto Clement Read the Elder
 Signed: Tho's Read Ex'r [Executor]
 Witnesses: None
 Recorded: 20 May 1773
 [Source: Halifax Deed Book 9, p. 67-68. LVA Reel 4. Abstract by J. Horsley. Comments in brackets added.]

20 May 1773 - Halifax Court

Deed from Thomas Read, Executor of Clement Read, deceased, to BENJAMIN ABBOTT was acknowledged by the sd [said] Thomas and ordered recorded.

[Source: Halifax Plea Book 8, p. 110. LVA Reel 57. Abstract by J. Horsley.]

This is the patent to Peter Fontaine referenced in the above deed to Benjamin Abbott:

15 May 1755 - Land Patent to Peter Fontaine Jr. - 404 acres in Halifax Co. on both sides of Bye Creek bounded by the south side of Banister River and the mouth of Bye Creek.

[Source: VPB32:551. Abstract by J. Horsley from LVA image online.]

These deeds together give us a clear description of Benjamin Abbott's new home where he lived the rest of his life and where several of his children continued to live after they married. The mouth of Bye Creek at the Banister River is a mile or two upriver of today's community of Meadville, VA (est. 1798) in the northwestern part of Halifax.

This land at the Banister and Bye Creek is also where the last four of Benjamin and Ann's seven children were born: Joseph (b. c1774). Jacob and James (b. c1775), and Elizabeth (b. c1778). The sons' ages are proved by personal property tax lists for Benjamin and by the year each son is named for the first time at age 21. Daughter Elizabeth Abbott, who married by her own consent in 1807, first appears in the tax lists in March 1800, thus age 21 by then and likely born mid-1778 to early 1779. (Unlike males, females were not enumerated in their parents' lists and were included by name only if they were unmarried adults and responsible for taxable property or for a white male age 16+. However, unless they were orphaned, taxes on property owned by unmarried adult daughters generally were paid by their fathers or widowed mothers until they were well over 21.)

The month after Benjamin's formal deed of purchase, there is an interesting court order for him involving a free mulatto female indentured servant. The use of predominantly white but also non-white indentured servants was widespread in Virginia in the early and mid-1600s, but by 1773, the vast majority of the labor force were Black (the term used then) and mulatto slaves. Slaves, of course, were the permanent property of their owners, but indentured servants were free persons, Black or white, who made a contract (ie, "indenture") to work for a master for a specified period of time. The servitude contract required particular service and obedience from the servant and except in rare cases prevented them from marrying. The contract also placed requirements upon the master to provide housing, food, clothing, and to release the servant at the end of the contracted time, traditionally providing "freedom dues" of a set of clothing or other provisions.

While both slave and indentured servant filled the same labor needs and in many ways were treated the same, the critical difference for the laborer was the servant's protection under the contract, particularly for his or her release. In this case with Benjamin Abbott, the Halifax Court ordered his servant's release because he did not hold a proper contract for her. However, four years later the parish church wardens bound out the same servant's daughter to Benjamin Abbott, probably to the age of 18. Church wardens bound out illegitimate/"bastard" children but also children of indigent widowed mothers who could not support them.

17 Jun 1773 - Halifax Court

"On the petition of Joan Harris a Mulatto Servant against her Master BENJAMIN ABBOTT who appearing and agreeing to enter into an imediate[sic] Tryal [trial] of the said Petition The Court on consideration thereof and it appearing to them that the said Benjamin hath no Indenture [ie, contract] for the said Servant It is therefore considered that She be discharged from his Service."

[Source: Halifax Plea Book 8, p. 155. LVA Reel 57. Caps and comments in brackets added by transcriber J. Horsley.]

At the Court of 16 Jan 1777, the Church Wardens of Antrim Parish were ordered to bind out to BENJAMIN ABBOTT "Milley Harris daughter of Johannah Harris." [HPB9:185. LVA Reel 58.]

Note:

Paul Heinegg, the foremost researcher of Colonial-era Free African Americans, gives this additional information:

"Joan Harris, born say 1752, was a 'Mulatto' servant who was discharged from the service of BENJAMIN ABBOT by the Halifax County, Virginia court on 17 June 1773 because he had no indentures for her [Orders 1772-3, 155]. On 16 January 1777 the court ordered the churchwardens to bind out Mill Harris, daughter of Johannah Harris to BENJAMIN ABBOTT, and on 18 March 1784 the court ordered the churchwardens to bind Joan's 'bastard Mulattoe boy' Micajah Harris to Edward Akin but rescinded the order on 17 June that year and ordered him returned to his mother [Pleas 1774-9, 185; 1783-6, 35, 75]"

[Source: Paul Heinegg. Free African Americans of North Carolina, Virginia and South Carolina. Online Edition at:

<http://www.freeafricanamericans.com/Hammond_Hawley.htm>

In the tithables for the next year, 1774, Benjamin Abbott listed one tithable (ie, taxable) slave, George, perhaps the same slave of Benjamin who was judged to be age 12 in 1763. Each year, the tithable lists were posted publicly for people to check for accuracy to avoid the penalties for incorrect or missing lists. When errors or omissions were found, the person reported them in Court for correction. (Eight others made corrections in court the same day as Benjamin, and his father, Joseph Abbott, made his own such correction to the 1779 tithables.) The Halifax personal property tax lists in 1783 and 1784 included taxpayers' slaves by name, and one of Benjamin Abbott's two slaves then was George.

20 Oct 1774 - Halifax Court

"On the motion of BENJAMIN ABBOTT it is ordered that his list of Titheables to wit himself and [slave] George be added to the general Lists"

[Source: Halifax Plea Book 9, p. 80. LVA Reel 58. Caps and comments in brackets added by transcriber J. Horsley.]

The Revolutionary War began in 1775, when Benjamin Abbott was abt. 47 years old, and he was abt. age 53 when Virginia held its first large-scale draft in 1781, thus beyond the draft age of 50. Benjamin never served as a soldier during the Revolution, even though numerous online files mistakenly confuse him with several others of his name. (Likewise, his son Elisha Abbott has been misidentified with service records that were not for him.) The only Benjamin

Abbott who enlisted in Halifax--as this Benjamin would have done and certainly not in far northern Virginia where he is often misidentified--was the younger Benjamin Abbott "Jr." discussed above, who could be this Benjamin's son from a first marriage.

Even though Joseph Abbott's son Benjamin Abbott did not serve in the Revolution in a military capacity, nevertheless Benjamin served the Revolutionary War effort by contributing badly-needed supplies of food in two recorded instances. (This qualifies Benjamin as a D.A.R. "Patriot," and his descendants are eligible for D.A.R. membership through him.) During the critical late years of the Revolutionary War, primarily 1780-1781, Virginia law required residents to provide supplies as needed by the military out of any surplus beyond the basic needs of their families or occupations. The amounts Benjamin contributed and for which he claimed and received reimbursement indicate he was financially very well-off by that time in order to spare these amounts over and above his family's needs. In contrast, his father Joseph, who also was prosperous relative to their time and place but had a larger family to support, was able to supply 325 lbs. of "grass beef" compared with Benjamin's 1200 lbs. of beef plus a significant amount of corn and bacon.

15 Jun 1780 - Halifax Court

BENJAMIN ABBOTT "is apointed^[sic] and desired to furnish Margaret Sumster wife of John Sumster a soldier in the Continental service with one half Barrel of Corn and fifteen pounds of Bacon and render an account thereof to the Court"

[Source: Halifax Plea Book 10, p. 158. LVA Reel 58. Extract by J. Horsley.]

Note: See 16 Aug 1781 for reimbursement

16 Aug 1781 - Halifax Court

"Ordered that it be certified to the Treasurer and Auditors of Publick Accounts that BENJAMIN ABBOTT hath furnish'd Margaret Sumster the wife of John Sumster a Continental soldier with [word cut off] to the amount of £111 current money which sum they [word cut off] to pay to the said Benjamin Abbott."

[Source: Halifax Plea Book 10, p. 207. LVA Reel 58. Caps and comments in brackets added by transcriber J. Horsley.]

1782 - Revolutionary War Public Service Claims - Halifax County Claims Sessions

9 Mar 1782

BENJAMIN ABBOTT - 1200 lbs beef (£12), 5 bushels Indian corn (12s 6p), 15 bu. Indian corn (£1 17s 6p)

[Source: Janice L. Abercrombie and Richard Slatten. Virginia Revolutionary Publick Claims (Athens, GA: Iberian Pub. Co.,1992), p. 437]

While the Revolutionary War was raging in the larger world, hostilities grew on the home front between Benjamin Abbott and his father, Joseph. In Feb 1779, "Joseph Abbott Sr." went to the Halifax Court and "crave[d]" for "Security for the Peace" against Benjamin Abbott, stating under oath that "he is apprehensive the said Benjamin will beat wound maim or kill him." (See transcript below.) The recognizance or peace bond was in effect a kind of restraining order for which Joseph applied, apparently having good reasons that the Court accepted, to fear Benjamin might do him physical violence. This is the same for which Richard Brown applied and was granted in 1771, stating he already had been physically

attacked by Benjamin. [HPB7:244] This time, the bond sums required for both Benjamin and his two securities were five times higher than those of eight years before--which in themselves were high--so obviously the Court was taking this situation between Benjamin and Joseph very seriously.

18 Feb 1779 - Halifax Court
Commonwealth v. BENJAMIN ABBOTT - Peace Bond

"JOSEPH ABBOTT SEN'R came into Court and craves Security for the Peace against BENJAMIN ABBOTT, and also made Oath that he is apprehensive the said BENJAMIN will beat wound maim or kill him. Whereupon it is ordered that the said BENJAMIN enter into recognizance with two Securities, that is to say himself in the Sum of five hundred pounds [£500] and his securities in the Sum of two hundred and fifty pounds [£250] each to be levied of the Goods and Chattels, Lands and Tenements respectively On Condition that the said BENJAMIN ABBOTT shall be of good behaviour towards all subjects of this Common Wealth and particularly towards the said JOSEPH ABBOTT for the space [of] one year and a day. And thereupon came the said BENJAMIN ABBOTT with James McCraw and Anthony Irby Jr. his securities and severally acknowledged themselves Indebted to his Excellency Patrick Henry Esqr. Governor of the Common Wealth of Virginia and his successors for the time being for the use of this Common Wealth in the several Sums aforesaid to be levied of the Goods and Chattels Lands and Tenements respectively On Condition that the said BENJAMIN ABBOTT shall be of good behaviour towards all Subjects of this Common Wealth and particularly towards the said JOSEPH ABBOTT for the space of one year and a day then this recognizance to cease."

[Source: Halifax Plea Book 9, p. 393. LVA Reel 58. Transcribed by J. Horsley. Caps and comments in brackets added.]

Not only the Court but apparently Benjamin, too, took this bond seriously. Thereafter he confined his aggression toward his father to a series of legal court suits. This did not mean, though, that Benjamin made a general reformation, as he had three later peace bonds charged against him, including one issued two months after the one for Joseph Abbott.

On 29 Apr 1779, James Preston applied to Nathaniel Hunt, a Halifax Court Justice, for a peace bond against Benjamin Abbott along with Benjamin's son Elisha Abbott, then abt. 15 years old. (Interestingly, the Justice who granted Preston's appeal appears to be the same Nathaniel Hunt who had known Benjamin for 25 years and in fact was his security for the first peace bond ordered against Benjamin in 1753. [HPB1:182]) The records do not tell us the reason for Preston's request, but by definition it would involve a fear of physical violence or danger from Benjamin and his son Elisha. The bond and its conditions expired 30 Apr 1780, the standard "year and a day" after issuance. At the next court session in May 1780, it seems Preston appealed for an extension, but the Court did not find sufficient grounds and allowed this bond to expire, as the following court order states. (Three years later Benjamin and his son Elisha again were charged jointly but by different complainant, as we shall see.)

18 May 1780 - Halifax Court - Peace Bond

"BENJAMIN ABBOTT appeared in discharge of his recognizance [ie, peace bond] enter'd for himself and his son ELISHA who is an Infant [ie, legal minor] before Nathaniel Hunt Gent. [Justice of Halifax

County] on the twenty ninth day of April last [29 Apr 1779] on the Complaint of James Preston who also appearing and on hearing the arguments and considering the circumstances attending the same it is considered by the Court the said be discharged which is accordingly ordered."

[Source: Halifax Plea Book 10, p. 139. LVA Reel 58. Transcribed by J. Horsley. Caps and comments in brackets added.]

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With the effective end of the Revolution after the surrender of Cornwallis at Yorktown on 19 Oct 1781, the laws and official processes for the new state of the Commonwealth of Virginia, began taking effect. Yearly land and personal property tax lists for each county began in 1782. Land tax lists were not collected directly each year but copied from the year before using 1782 as a master list, then alterations were made from wills and deeds recorded at the courthouse. However, land tax lists for Benjamin Abbott and later his sons (as well as his brothers) have many errors when compared to the deeds themselves (eg, tracts entered with the wrong number of acres, tracts entered correctly but miscopied from the previous year and continued in error, repeated duplicate entries, tracts entered in the wrong district, acres not subtracted when sold, etc.), and thus these land tax lists are highly unreliable both in general and for any given year.

Personal property taxes, on the other hand, were collected each year directly from the individual. From 1782 through 1786, the taxpayer was responsible for turning in his list to his tax official at a designated time and place, the same way the Colonial tithable lists were collected. Beginning in 1787, the tax officials were required to go door-to-door to collect the lists and the date collected was to be included in their reports. Thus, the personal property tax lists are generally reliable. Also, the dates give an indication of neighbors in the same vicinity; the number of "white tithes" show how many other white males above a given age are in the household; and the number of slaves over age 12 and amount of taxable personal property give a good idea of the taxpayer's level of prosperity relative to the norm for the time and place.

Halifax land records and personal property tax lists show Benjamin certainly did not spend all his time in court. (In fact, most of his suits were handled in court by an attorney.) Instead they show Benjamin Abbott was a productive manager of his growing assets. Land records (correlating deeds and land tax lists) show Benjamin Abbott owned over 600 acres on both sides of the Banister River by 1782. The first personal property lists taken in spring 1782 show Benjamin Abbott had one white male age 21 and over (himself), 2 slaves, 4 horses, and 19 cattle, which was well above what the majority of Halifax residents owned. In his list in spring 1783, Benjamin's slaves are named as George and Mulberry, both over age 16, and again, Benjamin is the only white male age 21+ in his household. .

Halifax personal property taxes specifically show Benjamin's eldest son, Elisha Abbott, was under age 21 from spring of 1782 through spring of 1785 and was age 21 in spring of 1786 (thus born bet. spring 1764 and spring 1765). However, as we shall see, his father, Benjamin, deeded Elisha land in Feb 1783, and in Jun 1783 the court treated Elisha as an adult when by other evidence he was 18-19 years old. The only apparent reason for the court treatment, and perhaps explaining the gift of land, is that Elisha may have married an unknown first wife around then. (Not all marriage records that early have survived.) As a

married man, he would be treated legally as an adult and be responsible for his own obligations even if under age 21.

By a deed dated 20 Feb 1783, Benjamin Abbott gave Elisha 170 acres from his own tract of 404 acres on Bye Creek for the nominal sum of £1:

20 Feb 1783 - BENJAMIN ABBOTT to ELISHA ABBOTT - For: £1 - 170 acres on Bye Creek, bounded by Sydnor & Tune's corner and by Fowlas - /s/ Benja (B) Abbott (his mark)

Witnesses: None - No release of dower - Rec. 20 Feb 1783

[Source: HDB12:286. TLC Gen. p. 103]

20 Feb 1783 - Halifax Court

Deed from BENJAMIN ABBOTT to ELISHA ABBOTT acknowledged by Benjamin as his own act and deed and ordered recorded.

[Source: Halifax Plea Book 10, p. 328. LVA Reel 58. Abstract by J. Horsley]

Note:

There is no formal dower release by Benjamin's wife Ann for this land to Elisha even though Ann was still alive as of July 1785. [HPB11:189] Elisha continued to live on this land for 20 years through mid-1803, when he moved across the Banister to Bradley Creek [HDB19:522] and sold this Bye Creek land the same year. [HDB20:17]

Four months later, and four years after their first joint recognizance bond, yet another was ordered against Benjamin Abbott as well as against his son Elisha Abbott, this time on the complaint of William Barber Price.

19 Jun 1783 - Halifax Court

Commonwealth v. BENJAMIN ABBOTT and ELISHA ABBOTT - Peace Bond

"William Barber Price came into Court and took the Oath by Law prescribed for the Peace against BENJAMIN ABBOT[sic] and ELISHA ABBOT, whereupon it is Ordered that the said Benjamin and Elisha be in Custody of the Sherif until they shall find two or more sufficient Sureties each (that is to say []) the said Benjamin and Elisha each in the Sum of Fifty pounds [£50] and their Sureties each in the Sum of Twenty-five pounds [£25] to be levyed on their several and respective Goods and Chattels, Lands and Tenements to the use of this CommonWealth on Condition that said Benjamin and Elisha be of good behaviour and keep the peace towards all the Liege people of this CommonWealth and especially the said William Barber Price twelve months and a day -- And thereupon the said BENJAMIN ABBOT and ELISHA ABBOT with James Maccraw [James McCraw], William Wright, Hezekiah Powell, and James Stevens their Sureties and acknowledged themselves severally indebted to this Common Wealth (That is to say []) the s'd BENJAMIN ABBOT and ELISHA ABBOT each in the Sum of Fifty pounds [£50] and their said Sureties each in the Sum of Twenty-five pounds [£25] to be levyed as aforesaid on condition &c [et cetera/ect.] and it is ordered that they pay the costs of these proceedings."

[Source: Halifax Plea Book 10, p. 360. LVA Reel 58. Transcribed by J. Horsley. Comments in brackets added.]

Note:

On 19 Jul 1787, Elisha Abbott was appointed a Constable for Halifax County. [HPB12:180]

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At the next month's court on 18 Jul 1783, Benjamin Abbott sued his father, Joseph Abbott, for the second time. Interestingly, just two months before in May Court 1783, Benjamin Abbott brought suit against Mark Milner, and the Court granted Milner permission to depose Joseph Abbott on his (Milner's) behalf, but in the next month's Court of June 1783, the case was dismissed "by agreement of the parties." [HPB10:334, 356]

The suit Benjamin brought the next month against Joseph Abbott was the same kind of suit Benjamin brought against Milner. The details are not given in the court orders, but in general this type of suit is for compensation for alleged loss as a consequence of an action against the plaintiff's property interests, either personal or real, including withholding property to which the plaintiff feels he has a right. Instead of finding agreement, as with Milner, Benjamin took his case against his father to a jury trial.

However, the jury could not agree on a verdict and was ordered to return the next day to "consult again," but the outcome was not recorded. It could be that Joseph finally was found not guilty, because no order was entered against Joseph to pay Benjamin either the suit amount or court costs as was done when the defendant lost the case, and Benjamin did not bring this type of suit against Joseph again.

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18 Jul 1783 - Halifax Court

BENJAMIN ABBOTT v. JOSEPH ABBOTT - In Trespass on the Case

"This day came the Parties by their attorneys and thereupon came also a jury, to wit, Moza Hurt, Richard Finch, William Wright, James Baley [Bailey], Benjamin Hall, Alexander Hitts [also sp. Hitt & Hittson], Robert Tucker, Andrew Lee, Fulker Fulkerson, Richard Lamkin, John Brown & David Powell, who being elected, tryed, and sworn the truth to speak of and upon the Issue between the Parties joyn'd withdrew from the Bar to consult on a Verdict and returning again into court alleg'd that they cou'd not agree. Whereupon it is Ordered that the Jurors aforesaid do assemble themselves tomorrow by ten of the clock in the forenoon and again consult on a Verdict and that in case they cannot agree that then they remain impannelled until discharged by the court."

[Source: Halifax Plea Book 10, p. 366. LVA Reel 58. Transcribed by J. Horsley. Comments in brackets added.]

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Two years later in 1785, Benjamin Abbott again sued his father, Joseph Abbott, this time for financial loss as the result of a breach of promise, and once again it went to a jury trial. Benjamin won this suit with a relatively hefty payment of over £53 due from Joseph plus costs of the suit. As usual, the details of the case are not given in the court order. However, based on one of Joseph's main witnesses, who was then a resident of adjacent Mecklenburg County, it appears the event in question happened 7 to 15 years before, the only time period during which this witness could have lived in Halifax and had contact with either party. No recorded involvement with the witness after that time and no family relationship or other close association between them was found. (See the compiled Abbott family Halifax Court Orders for more details.)

22 Jul 1785 - Halifax Court
 BENJAMIN ABBOTT v. JOSEPH ABBOTT - In case

"This Day came the Parties by their attorneys as[sic] also a Jury, to wit, Daniel Carter, Reuben Jones, Francis Petty, Benjamin Huddleston, John Anderson, Richard Brown, Harrisson[sic] Irby, James Hoskins, John Moore, John Rainey and Daniel Bates who being elected tried and Sworne on their Oaths do say that the Defendant [Joseph] did assume upon himself in manner and form as the Plaintiff [Benjamin] by his Declaration has set forth and that the Plaintiff has sustained Damages besides his costs by the Defendant's breach of promise to fifty three pounds four shillings and four pence [£53 4s 4p]. Therefore it is considered by the Court that the Plaintiff recover against the Defendant the damages as assessed by the Jury as aforesaid as[sic] also his costs by him about his Suit in this behalf expended and the Defendant in Mercy &c"

[Source: Halifax Plea Book 11, p. 188. LVA Reel 58. Transcribed by J. Horsley. Comments in brackets added.]

Note:

The court record for the suit ends with "the Defendant in Mercy &c." As mentioned above, pleading "in mercy" meant that the party pleaded that paying the full assessment created an undue hardship. There is no further mention of this plea in the surviving record, and the amounts owed in the December 1785 case (below) indicate no discount was granted.

Witnesses in a case were paid by the party they represented, but ultimately the cost was paid by the losing party. Witnesses were paid a set amount for each day's attendance, and those who lived outside the county also were paid for travel per mile and any ferry fees their travel uncured. Benjamin's wife, Ann Abbott, was Benjamin's primary witness in support of his allegations against Joseph, and she was paid for a highly unusual 18 days in attendance. Four others witnesses were ordered to be paid in the case. Benjamin paid his second witness for 1 day and a third witness for 5 days, while Joseph paid one witness for 7 days plus travel and paid another for 8 days. Thus Ann was paid for over twice as many days as any other witness. Since Benjamin's father Joseph lost the case, the amount owed to all the witnesses was ultimately paid by Joseph as part of Benjamin's costs in the suit that Joseph was required to pay.

22 Jul 1785 - Halifax Court

"Ordered that BENJAMIN ABBOTT pay ANNE ABBOTT for Eighteen [18] Days attendance as a witness for him in his Suit against JOSEPH ABBOTT"

[Source: Halifax Plea Book 11, p. 189. LVA Reel 58. Transcribed by J. Horsley. Caps and comments in brackets added.]

Joseph Abbott's son and Benjamin's half-brother William Abbott entered into this suit as security for their father, meaning William took upon himself equal responsibility with Joseph to cover the amount owed if Joseph lost the case. Five months after judgment was made against Joseph (an uncommonly short time in which to expect full payment of such a sum), Benjamin went to court to order William to pay the assessed amount (£53) and suit costs (£10), plus interest from the month after the original judgment. In addition, William was required to pay for Benjamin's costs in this filing against him:

15 Dec 1785 - Halifax Court

On the motion of BENJAMIN ABBOTT by his attorney (Legal notice being first proved) Judgment is granted him against WILLIAM ABBOTT, Security for JOSEPH ABBOTT on their Replevy bond for the sum of Sixty three pounds [blotted out] shillings and ten pence [£63 ?s 10p], with Legal interest thereon from 13 Aug 1785 until the same shall be paid together with his Costs by him in this behalf expended.

[Source: Halifax Plea Book 11, p. 288. LVA Reel 58. Abstract by J. Horsley. Comments in brackets added.]

This action by Benjamin was completely legal, of course, but in some ways it seems somewhat merciless to file at this time against his half-brother William, who was half Benjamin's age, and by so doing, increasing the amount owed to Benjamin. Had Benjamin realized that, in truth, Joseph did not have the money available to pay the full amount awarded, as Joseph had pleaded "in mercy," whereas William at least had future prospects to acquire such a sum? Benjamin was then abt. 57 years old and already had about the same personal property assets as his 75-year-old father and had purchased 100 acres more land. (Within eight years, his land purchases totaled 946 acres, almost twice his father's total land.) Moreover, Benjamin had only 7 children, the youngest then abt. age 6, while Joseph was still supporting 11-13 of his 16 children at home, the youngest three age 10 and under. William Abbott had married only the year before after serving in the military during the Revolutionary War plus surviving smallpox in his last tour of duty. William had no slaves and no land of his own at this time, so the burden of the ordered payment was heavy. From this perspective, the suit and its follow-up may have had more to do with family relationships than with money per se.

Five months later, Benjamin Abbott sued his father a fourth time. Like the first suit, this case was dismissed by the Court.

18 May 1786 - Halifax Court

BENJAMIN ABBOTT v. JOSEPH ABBOTT - Action of Trespass

For reasons appearing to the Court, this suit is dismissed.

[Source: Halifax Plea Book 11, p. 342. LVA Reel 58. Abstract by J. Horsley.]

Joseph Abbott wrote his will ten months later on 30 Mar 1787. He died between a court case on 27 Mar 1788 [HPB12:355] and 8 May 1788, when the personal property taxes list only Joseph's property with no males over age 21 in the household. Joseph Abbott's will was presented in Halifax Court 27 Oct 1788. [HWB2:298] Joseph bequeaths to "my son Benjamin Abbott One Shilling Current Money [of Virginia]," used in the same way that deeds state a sale price as "£100 current money" with "of Virginia" either written or implied. (The bequest was not simply "current money" as Chiarito's published abstract says.) Sometimes the token bequest of "one shilling" was merely shorthand for "no more than already given" or "current money already given," and in effect it means the same here. However, against the background of the 1779 peace bond Joseph obtained as protection against possible bodily harm by Benjamin and Benjamin's four suits against Joseph, particularly the recent three in as many years, the terse wording does catch the eye. Whether Benjamin and Joseph

reached a reconciliation before Joseph died we have no way of knowing. However, Benjamin brought no more suits against family members nor did any of them sue Benjamin or ask for protection from his violent behaviors.

In early 1788, Benjamin Abbott purchased more land near his residence but on the north side of Banister River:

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Date: 9 Feb 1788

From: William Pearman of Pittsylvania Co.

To: BENJAMIN ABBOTT

For: £100

Description: tract of land on the north side of Banister River [number of acres left blank but listed as 100 acres in Benjamin Abbott's 1789 land taxes and in his deed of sale]

Bounds: Banister River, Fowlas, Reed [also spelled Read], Epperson

Signed: William (x) Pearman (his mark)

Witnesses: Wm GOODWIN, ELISHA ABBOTT, NANCEY ABBOTT

Recorded: 28 Jul 1788 - Proved in Halifax Court by the oaths of three subscribing witnesses

[Source: Halifax Deed Book 14, p. 286. LVA Reel 6. Abstract by J. Horsley. Comments in brackets added.]

Note:

Deed witness Elisha Abbott is Benjamin's eldest son, and witness Nancy Abbott is his eldest daughter. Nancy was born no later than 1767, as she signed her own marriage consent on 7 Jan 1789. Thus, Nancy could well have been 21 by the date of this deed; however, deed witnesses were not required to be of full legal age. Nancy married the third witness, William Goodwin, the next year. The minister's return (dated 12 Jan 1789), the marriage bond (dated 7 Jan 1789), and her own consent all name her as Nancy Abbott, and she is name "Nancy Goodwin" when she and her husband sold their land in 1807 [HDB21:414]. Although "Nancy" was the standard nickname for "Ann;" the deed witness cannot be Benjamin's wife Ann. A married woman could witness deeds and wills of others, but by dower law and coverture a wife was not a valid witness to her own husband's deeds.

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By 1791, personal property taxes list Benjamin Abbott with 3 slaves over 16 (slaves under 12 were not enumerated) and 7 horses, an unusually high number, showing his prosperity continued to grow. In 1792, Benjamin has the same number of slaves but had given 2 horses to his son Armistead, who appears that year for the first time at age 21.

Benjamin was then abt. 64 years old yet apparently still an aggressively intimidating figure, because once again, Benjamin was ordered to post a peace bond guaranteeing his "good behaviour," this time on the petition of a woman, whom the Court adjudged justly to be "requiring of security for the Peace." This is the last of eight peace bonds as well as a number of assault and battery suits brought against Benjamin over his lifetime. The first assault and battery case that Benjamin lost was in 1753 and also was brought by a woman.

27 Aug 1792 - Halifax Court

Elizabeth Lawless v. BENJAMIN ABBOTT - Peace Bond

"On the Complaint of Elizabeth Lawless against BENJAMIN ABBOTT - The said Elizabeth being sworn and examined and requiring security for the Peace - It is considered by the Court that the said Benjamin be bound with sufficient Security in the sum of one hundred pounds [£100] to keep the Peace and be of good behaviour towards all the good citizens[sic] of this Commonwealth for the Space of Twelve months and one day but more particularly towards the said Elizabeth or stand committed to prison. And thereupon the said Benjamin with Alexander Hittson and William McDaniel his Securities came into court and acknowledged themselves severally indebted to His Excellency Henry Lee Esquire, Governor and chief magistrate of the Commonwealth of Virginia, the said Benjamin in the sum of fifty pounds [£50] and the said Alexander Hittson and William McDaniel in the sum of twenty five pounds [£25] each to be levied of their respective Lands and tenements, Goods and chattels and to our said Governor and his Successors for the use of the Commonwealth rendered. Yet upon the condition that if the said Benjamin shall keep the peace and be of good behaviour towards all the good Citizens of this Commonwealth for the Space of twelve months and one day next ensuing but more particularly towards the said Elizabeth, then this recognizance to be void, otherwise to remain in full force and virtue."

Signed: BENJ. (B) ABBOTT (his mark), Alexand. (W) Hittson (his mark), William McDaniel

[Halifax Plea Book 15, p. 525. LVA Reel 60. Transcribed by J. Horsley. Comments in brackets added.]

In the Halifax Court of 26 Nov 1792, the Grand Jury brought an indictment against Benjamin's sons Joseph, Elisha, and Armistead for "an Assault and Battery committed on the Body of Elizabeth Lawless." [HPB16:1] That indictment was dismissed "for reasons appearing" on 27 Aug 1793. [HPB16:209] However, also on 26 Nov 1792, William and Elizabeth Lawless were granted a Peace Bond against Joseph Abbott and Armistead Abbott on the Lawless's oath that "they are in fear of their life or some bodily hurt to be done them or precured [procured] to be done them" by Joseph and Armistead Abbott. [HPB16:6] Benjamin Abbott was one of the securities for his son Joseph's peace bond. (For some reason, Armistead's securities were not given.) Each of the peace bonds was in effect for the standard "one year and a day."

Benjamin made his last land purchase in 1793, bringing his total land to 946 acres (although he had deeded 170 acres in 1783 to his then-minor son Elisha).

Date: 19 Jan 1793

From: John Dyer of Pittsylvania County

To: BENJAMIN ABBOTT of Halifax

For: £100

Description: 242 acres

Bounds: Coles Road [sic; John Coleman's line, per 1794 deed of sale], Millstone Road, Courthouse Road, Fontain [Fontaine]

Signed: John Dyer

Witnesses: ELISHA ABBOTT, ARMISTEAD ABBOTT, JAMES ABBOTT, JOSEPH ABBOTT

Recorded: 22 Jul 1793 - Proved in Halifax Court by the oaths of three witnesses
 [Source: Halifax Deed Book 15, p. 603-604. LVA Reel 6. Abstract by J. Horsley. Comments in brackets added.]

Note:

All witnesses were Benjamin's sons. Sons James (b. c1775) and Joseph (b. c1774) were not quite 21, but witnesses were not required to be of full legal age. This land was several miles from where Benjamin lived, and he sold it the next year in August 1794 to his son-in-law William Goodwin (see deed below). Benjamin's 1794 deed of sale corrects the northern bound to "Col John Coleman's line," not Coles Road as written here (which was obviously wrong by both its location and direction).

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Between summer of 1794 and spring of 1796, Benjamin Abbott sold various parts of his total land purchases to his sons and to the husband of his only daughter then married. Each of these deeds that was witnessed included at least one son, and usually more, as a witness. Benjamin also deeded his three recorded slaves to his three youngest children in order "to do [each of them] equal right and justice with the rest of my children."

Thus by May 1796, Benjamin had divested himself of all his real property and all his taxable personal property (slaves and horses) by either sale or gift to his children. Benjamin obviously realized that his time on this earth was drawing to a close and chose this way to distribute his estate rather than writing a will or leaving the distribution to intestate laws of inheritance that would divide any properties he still owned at his death equally among all his children.

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Date: 25 Aug 1794

From: BENJAMIN ABBOTT of Antrim Parish, Halifax County

To: William GOODWIN of same

For: £100

Description: 165 [sic; should be 242] acres, "all that...parcel of land that the s'd Benjamin Abbott bought of John Diah [John Dyer] Situate lying & being in the County and Parish afores'd & on the South Side of Tureble Creek [Terrible Creek]..."

Bounds: Col'o John Coleman, Milstone Road [Millstone Road], Courthouse Road, Fountain [Fontaine]

Signed: Benjamin (B) Abbott (his mark)

Witnesses: ELISHA ABBOTT, JOSEPH ABBOTT, JACOB ABBOTT

Partly proved 22 Sep 1794 by the oaths of two of the three subscribing witnesses.

Recorded: 26 Jan 1795, after being fully proved by the oath of the third witness.

Teste: Geo. Carrington CHC

[Source: Halifax Deed Book 16, p. 300-301. LVA Reel 7. Abstract by J. Horsley. Comments in brackets added.]

Note:

The purchaser William Goodwin was the husband of Benjamin's daughter Nancy Abbott, and the witnesses to the deed were all Benjamin's sons and Nancy's brothers. This is the first in a series of deeds whereby Benjamin Abbott sells off his land holdings to his children as their inheritance, and since Nancy received nothing else from her father, this land presumably is Nancy's share. A wife could not own property separate from her husband, so property meant for a daughter often was deeded in her husband's name, as Benjamin did here. Prior to this deed, William and Nancy had

been living near Benjamin, but after this purchase they moved to this land several miles southeast on the east side of Millstone Road, roughly today's US-501. (Although the land was not far from the south side of Terrible Creek, the creek itself was not included as a bound.)

Benjamin Abbott purchased this land the previous year, also paying £100. [HDB15:603] His 1793 deed estimates the size as 242 acres, whereas this 1794 deed estimates the tract at only 165 acres, which would mean Benjamin charged Goodwin half again as much per acre as Benjamin paid only the year before. However, comparing the actual plats of the land from the 1793 and 1794 deeds proves by bounds, shape, and calculated acreage that this deed to Goodwin is for the full 1793 tract with the northwestern boundary straightened (subtracting less than 3 ac.). The 1794 deed also correctly identifies that bound as John Coleman's line, not "Coles Road," as the 1793 deed mistakenly said. (After Benjamin's sale to Goodwin, Benjamin's land taxes carry the mistaken 77-acre remainder each year through Benjamin's death, then it simply disappears. There is no sale for such a parcel and none was inherited by Benjamin's heirs, thus supporting that the 77-acre remainder was erroneous, as the plats prove.)

Date: 23 Apr 1795

From: BENJAMIN ABBOTT

To: JACOB ABBOTT

For: £50

Description: 200 acres on the North side of Banister River

Bounds: Banister River, Nathaniel Royster, the Estate of Epaphroditus Sydnor, Anderson

Signed: Benj'a Abbott [usual mark is omitted]

Witnesses: None

Rec. 27 Apr 1795 - Acknowledged in court by Benj'a Abbott

[Source: Halifax Deed Book 16, p. 360-361. LVA Reel 7. Abstract by J. Horsley. Comments in brackets added.]

Note:

As in the next deed of this same date, the clerk omitted Benjamin's mark at the signature when he copied the original deed into the deed book. (The deed book copies are the only surviving "original" records except in extremely rare cases, such as when a family has preserved the true original privately.) This mark omission also occurred in a deed from Benjamin to son James Abbott in 1796 and in two earlier deeds where Benjamin was a witness. However, this kind of copy error was not uncommon, often depending upon the time, place, and clerk, and all five such deeds are proved for the same Benjamin Abbott, the majority of whose signatures are entered correctly with his mark "B."

There is no deed recorded for Benjamin's original purchase of this land. However, judging from various records regarding this land and the Jan 1772 road order, this is where Benjamin and his family lived from mid-1771, when they left Difficult Creek, to mid-1773, when they moved to the south side of the Banister at Bye Creek.

Date: 23 Apr 1795

From: BENJAMIN ABBOTT

To: JOSEPH ABBOTT Jr [son of Benjamin Abbott]

For: For: £50

Description: 115 acres on the South side of Banister River

Bounds: Banister River, James McCraw Jr., ELISHA ABBOTT

Signed: Benj'a Abbott [usual mark is omitted]

Witnesses: None

Recorded: 27 Apr 1795 - Acknowledged in court by Benjamin Abbott

[Source: Halifax Deed Book 16, p. 361. LVA Reel 7. Abstract by J. Horsley. Comments in brackets added.]

Note:

The "Jr." added here to Benjamin's son Joseph Abbott's name means "the younger" to distinguish him as the younger of the two Joseph Abbots then in the county. The older (that is, the "Sr.") was Joseph Abbott the son of then-deceased Joseph Abbott (thus the one we normally call Joseph Abbott Jr.). Between 1798-1803, both Benjamin's son Joseph Abbott and Joseph's son Joseph Abbott lived in the same personal property tax district, and their yearly tax lists likewise list them as "Jr." and "Sr." meaning "younger" and "older." To make matters even more confusing, due to the different way yearly land taxes were compiled the older Joseph, son of Joseph Abbott, is listed in land taxes as Joseph Abbott Jr., while Benjamin's son Joseph is listed only as Joseph Abbott, with no Jr. or Sr. added to his name.

This tract to Joseph is part of Benjamin's original 404 acres at Banister River and Bye Creek, another part of which Benjamin deeded in 1783 to his son Elisha Abbott, named as a bound on this parcel to his son Joseph Abbott. Benjamin sold the balance of the original tract to his son James Abbott in May 1796 (see below). Shortly after Benjamin died, Joseph and his brother Armistead swapped their lands from Benjamin, and bet. 1797-1798, Joseph went to live on Armistead's nearby land on the north side of the Banister while Armistead remained on this land to Joseph on the south side. (Their formal deeds to each other were written in Dec 1800.)

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Date: 1 Feb 1796

From: BENJAMIN ABBOTT

To: JAMES ABBOTT

For: Deed of gift "in consideration of the parental love, good will and affection which I have and do bare [bear] unto my Son James Abbott [and] also to do him equal right and justice with the rest of my children..."

Description: one slave, "negro boy now called and known by the name of Dick"

Signed: Benjamin (B) Abbott (his mark)

Witnesses: James MCraw [McCraw], JOSEPH ABBOTT [Benjamin's son]

Recorded: 22 Feb 1796 - Acknowledged in court by Benjamin Abbott

[Source: Halifax Deed Book 16, p. 532. LVA Reel 7. Abstract by J. Horsley. Comments in brackets added.]

Date: 1 Feb 1796

From: BENJAMIN ABBOTT

To: ELIZABETH ABBOTT

For: Deed of gift - "in consideration of the Parental love, good will and affection which I have and do bare [bear] unto my Daughter Elizabeth Abbott [and] also to do her equal right and Justice with the rest of my children..."

Description: one slave, "negro girl now called and known by the name of Winney"

Signed: Benjamin (B) Abbott (his mark)

Witnesses: James MCraw [McCraw], JOSEPH ABBOTT [Benjamin's son]

Recorded: 22 Feb 1796 - Acknowledged in court by Benjamin Abbott

[Source: Halifax Deed Book 16, p. 533. LVA Reel 7. Abstract by J. Horsley. Comments in brackets added.]

Date: 1 Feb 1796

From: BENJAMIN ABBOTT

To: JACOB ABBOTT

For: Deed of gift "in consideration of the Parental love, good will and affection which I have and do bear unto my Son Jacob Abbott [and] also to do him equal right and Justice with the rest of my children..."

Description: one slave, "negro boy now called and known by the name of Martin"

Signed: Benjamin (B) Abbott (his mark)

Witnesses: James MCraw [McCraw], JOSEPH ABBOTT [Benjamin's son]

Recorded: 22 Feb 1796 - Acknowledged in court by Benjamin Abbott

[Source: Halifax Deed Book 16, p. 534. LVA Reel 7. Abstract by J. Horsley. Comments in brackets added.]

Date: 16 May 1796

From: BENJAMIN ABBOTT

To: JAMES ABBOTT

For: £200

Description: 119 acres, South side of Banister River

Bound: ELISHA ABBOTT, JOSEPH ABBOTT, Banister River

Signed: Benjamin Abbott [usual mark is omitted]

Witnesses: William GOODWIN, Daniel Easley, David Farmer, JACOB ABBOTT, ELISHA ABBOTT

Recorded: 27 Jun 1796 - Proved in court by the oaths of the witnesses

[Source: Halifax Deed Book 16, p. 605. LVA Reel 7. Abstract by J. Horsley. Comments in brackets added.]

Note:

This is the final parcel of Benjamin's original 404 acres on Banister River at Bye Creek. Benjamin deeded part to his son Elisha Abbott in 1783 and another part of his son Joseph Abbott in 1795, both of whom are listed as bounds on this land to their brother James.

Date: 16 May 1796

From: BENJAMIN ABBOTT

To: ARMISTEAD ABBOT[sic]

For: £100

Description: 100 acres on the south [sic; should be north] side of Banister River, being the same land the said Abbott bought of William Peiremon [spelled Pearman in deed to Benjamin Abbott dated 9 Feb 1788 (HDB14:286)]

Bounds: Banister River, Fowles [also sp. Fowlas], Epperson, Reade [also sp. Reed], and Easley -

"Beginning at Fowless corner on the Bank of s'd River thence up the river as it meanders to Eppersons corner on the bank of the River thence longest [along] Eppersons loyn [line] Northward to corner in Reades loyn [line] thence along Reades loyn Eastwardly to corner in Easleys loyn from thence along Easleys loyn southeastward to corner in Fowless line thence along said loyn to the Beginning"

Signed: Benjamin (B) Abbot[sic] (his mark)

Witnesses: William Good [sic; William GOODWIN], ELISHA ABBOT, JACOB ABBOT

Recorded: 27 Jun 1796 - Proved in court by the oaths of the witnesses.

Teste: G. Carrington CHC [Clerk of Halifax Court]

[Halifax Deed Book 16, p. 606-607. LVA Reel 7. Caps and comments in brackets added.]

Note:

Benjamin's purchase deed for this land in 1788 describes it as being on the north side of the Banister rather than the south side as this deed says, and north side is proved correct by later deeds and by this deed's directions of the bound lines (full metes not included). Except for Fowlas (who apparently owned land on both sides), the landowners named as bounds on these and subsequent deeds are listed in personal property tax lists as residing on the north side of the Banister. Also, Armistead deeded this land to his brother Joseph [*HDB18:480*], who in return deeded his land from Benjamin to Armistead. [*HDB20:97*] When Joseph went to live on this land of Armistead bet. 1797-1798, Joseph's tax district changed from South to North District, while Armistead remained in South District, where Benjamin's land to Joseph was located.

Of particular note in this sequence of Benjamin's deeds of sale beginning in Aug 1794 is that none include Benjamin's wife Ann Abbott or her required dower release, and no dower releases from her are in later court records. (By law a wife was entitled to lifetime use of one-third of any land sold by her husband unless and until she formally released her dower right or implicitly released it by being a party to the deed.) Nor does Benjamin make any other provision for Ann after his death, which he obviously understood was coming soon.

These are good indications that Ann was deceased by the time of these sales. Ann also did not release her dower for the land Benjamin deeded to their son Elisha in 1783, and yet the court records prove Ann was still alive in 1784 and 1785. However, the situation in the 1790s is different. While the court or clerk may have overlooked her dower release to land given to a minor son in 1783, it is highly unlikely they would overlook five deeds in less than two years or would continue to overlook Ann's dower rights as it became apparent that Benjamin was deeding away all his land and leaving his wife, were she still alive, with nothing to support her in widowhood. (Indigent widows could become a burden upon public funds.) Particularly when Benjamin and Ann's children began selling these properties outside the family in 1803, the purchasers would not have clear legal title if the dower release had not been obtained and the widow were still alive. Ann never appears in the yearly tax records as a widow after Benjamin's death, as she would if she had even one slave or one horse. Also, in 1800, their unmarried daughter Elizabeth was charged as the responsible taxpayer on her taxable property even though she only recently turned 21. This would be highly unusual if a parent were still alive at the time, as parents commonly provided for young adult daughters until they married. Thus, it seems likely that Benjamin's wife Ann Abbott died between Jul 1785, when Ann last witnessed in court, and Aug 1794, when this sequence of deeds began.

As of Benjamin's two deeds to his sons James and Armistead on 16 May 1796, Benjamin owned no land, having sold it all over the previous two years to his sons and son-in-law. (For two more years, the land taxes carry an erroneous remainder, the result of numerous proved errors in his and his sons' land taxes over the previous nine years--including double listings, listings in the wrong district, listing the wrong number of acres, failing to subtract from Benjamin's total when it was added for a son, etc.--but the non-existent "balance" is dropped after 1798.)

After a lifetime of frequent appearances in Halifax Court in person or by his attorney on his behalf beginning in 1752, the last court case brought by or against Benjamin Abbott was in spring of 1795. The suit was brought by John Dyer, who sued Benjamin for debt. (The suit

may relate to the land purchase Benjamin made from Dyer in 1793, but like most suits, the circumstances are not included in the court orders.) Dyer's suit against Benjamin was dismissed 25 May 1795. [HPB17:99] Benjamin Abbott last appears in Halifax Court on 22 Feb 1796, when he acknowledged three deeds to his children written earlier that month.

Benjamin Abbott last appears on the Halifax personal property tax lists on 30 Mar 1796. For the first time, Benjamin is listed that year with no taxable property. The three slaves that Benjamin still had in the 1795 lists he gave to his three youngest children by the February 1796 deeds above. The four horses Benjamin still had in 1795 he divided among the same three children, as shown by the children's tax lists beginning in 1796. (The youngest child, Elizabeth Abbott, does not appear on the lists taxed for her slave and horse until March 1800, as she only turned 21 in the previous year or two and was not yet married. Three of her brothers shared the tax responsibility up to that time.)

From 1782 through 1820, these personal property tax lists were collected each year from all free adult male county residents, even if they did not own own taxable property (as was the case with Benjamin in 1796), yet Benjamin never again appears on these lists after 1796. He was not exempted from the county levy, as sometimes was done in hardship cases among the aged, infirmed, or disabled, and he is not enumerated as a male over age 16 in the households of any children.

Thus by all combined evidence from deed, court, and tax records, Benjamin Abbott died after May 1796, when he signed his last two deeds (but did not appear in court two months later to acknowledge them himself, as he did for his deeds in Apr 1795 and Feb 1796), and before May 1797, when Benjamin is gone from the yearly personal property tax lists for that and all subsequent years, nor is he ever enumerated in the households of any of his children. Benjamin Abbott was about 68 years old at his death. There is no record of any will, and there are no probate records for any remaining estate.

Strangely though, in 1805, for some reason not stated, it came to the attention of the Halifax Court that Benjamin Abbott's estate had never been probated. (One even wonders if the wrong name was entered.) On 27 May 1805, the court ordered his wife, the official next-of-kin, to be summoned to court to accept or decline the administration of his estate. [HPB23:452] (This is the only time she is recorded as Nancy. Always before she is called Ann.) She did not respond--in fact, Ann seems long-deceased, as discussed above--and no one else came forward to apply for the task. [HPB24:109] Thus, on 23 Sep 1805, administration was assigned to the county sheriff, as the law required. Evidently the sheriff soon found there was no estate left to administer (or the right name was discovered), since no follow-up, such as assignment of appraisers, an inventory, appraisal, sales, or administrative account, was ever recorded for Benjamin or Ann Abbott's estate. [Pippenger, *Index to Virginia Estates 1800-1865. Vol. 5; and General Index to Halifax Court Records.*]

OVERVIEW: CHILDREN of BENJAMIN ABBOTT and wife ANN
For more details, see Individual Notes for each child

Sources for the following information:

Birth years of sons are based on their first appearing by name at age 21 in Halifax Personal Property Tax Lists [LVA Reel 147]

Marriages are from Halifax Marriage Bond Register No. 1 and Ministers Returns. *[LVA Reel 82]*

Note on birth places:

All of Benjamin and Ann's children were born in Halifax County, VA. Contrary to numerous undocumented online files, none were born in "Maresville," as no such place ever existed in Halifax. The first three children were born at Difficult Creek east of today's Crystal Hill, VA. The last four were born at Bye Creek and Banister River, north of Meadsville/Meadville (est. 1798).

1. Elisha Abbott - b. abt. 1764, Halifax Co, VA; d. 1837, Halifax Co, VA *[Will: HWB18:295]*
 m. 29 Oct 1793, Halifax, to Lydia Clay - mother Margaret [Muse] Clay consents - Minister: Hawkins Landrum - Bond of same date - Bondsman: James Clay [Lydia's brother] -
 Witness: Hopkins Muse [Lydia's uncle]
 Wife: Lydia Clay - b. abt. 1775, Chesterfield Co, VA; d. 4 Oct 1857, Lincoln Co, MO
2. Nancy Abbott - b. abt. 1767, Halifax Co, VA; d. aft. 1807, place unknown
 m. 12 Jan 1789, Halifax, to William Goodwin - Minister: Hawkins Landrum
 Bond dated 7 Jan 1789 - Bondsman: Robert Trammel.
 Nancy signed her own consent, thus over age 21
 Husband William Goodwin is sometimes recorded in Halifax PP tax lists as "William Gooding"
 William and Nancy Goodwin sold their Halifax land 8 Apr 1807 *[HDB21:414]* and apparently left Halifax bet. 1807-1809. However, they could not be located in later censuses due to the prevalence of his name. (Unless widowed heads-of-house, wives were not named in censuses until 1850.)
3. Armistead Abbott - b. abt. 1771, Halifax Co, VA; d. bet. Jun - Sep 1840, Stokes Co, NC
 m. 23 May 1797, Halifax, to Frances Priddy - Father George Priddy consents
 Bondsman: James Priddy - Witness: Lewis Priddy - No ministers return
 Wife: Frances Priddy - b. abt. 1780; d. bet. Sep 1841 - Jun 1842, Stokes Co, NC
 Armistead Abbott leaves the Halifax personal property tax lists after Feb 1819 and later that year moved his family to Stokes Co, NC, where he died intestate in the summer of 1840. *[Estate records, NC Archives]*
4. Joseph Abbott - b. abt. 1774, Halifax Co, VA; d. 1818, Stokes Co, NC
 m. 26 Dec 1796, Halifax, to Elizabeth Priddy - Father George Priddy consents - No ministers return
 Bondsman: William Goodwin (Joseph's brother-in-law, husband of Nancy Abbott)
 Wife: Elizabeth Priddy - b. abt. 1778; d. abt. 1818, Stokes Co, NC
 Joseph Abbott sold his Halifax land 27 Dec 1803 *[HDB20:151]* and moved shortly aft. 30 Dec 1803 to Stokes Co, NC, where he died early to mid-1818. Elizabeth died within a short time of Joseph. *[Estate records, NC Archives]*
 Note:
 Joseph and Elizabeth's son Joseph Abbott has been widely mistaken as the one who married Alice Abbott (daughter of Elisha Abbott & Lydia Clay) in Halifax County, VA on 6 Dec 1831. Instead, Alice's husband Joseph Abbott was a son of Leonard Abbott (half-brother of Benjamin Abbott) and wife Susanna Ferguson. Alice's sister Annis Abbott married Joseph's brother Thomas F. Abbott also in Halifax. (See report on Leonard Abbott for details.) Joseph and Elizabeth's son Joseph Abbott married in or near Stokes

County, NC, and had a wife and three children in Stokes in the 1830 census.

5. Jacob Abbott - b. abt. 1775, Halifax Co, VA; d. bet. 26 Jan - 22 Feb 1830, Madison Co, AL *[Will: PR2-5:58]*
 m. 19 Dec 1799, Halifax, to Polly Dickson - Min. Hawkins Landrum (Methodist) - No surviving marriage bond
 Wife: Polly Dickson/Dixon - b. Halifax; d. bet. 1811 - 1830, Halifax Co, VA or Madison Co, AL
 Jacob Abbot left the Halifax personal property tax lists after Feb 1818 and bought land Dec 1819 in Madison Co, AL.
 [Alabama research on this family to me from descendant Joel H. Hutto]

6. James Abbott - b. abt. 1775, Halifax Co, VA; d. bet. 1814-1815, Halifax Co, VA
 No Halifax marriage record and no wife included in deeds of sale, the last sale dated Jan 1812. *[HDB24:165]*
 James Abbott leaves the Halifax personal property tax lists after Mar 1814. Administration of his estate was granted to Jacob Faulkner in 1815 *[HPB32:131, per Court Order General Index.]* No inventory or other probate recorded.
 Note:
 Many online files with numerous proved errors give his name as James Thomas Abbott, but this James Abbott is never recorded with any middle initial or middle name (including in the deeds from his father), and he never signed with any middle initial (including deeds of sale, deeds witness, 1807 bond for his sister Elizabeth's marriage, etc.). Middle names were not common in the South until the early 1800s, and neither James nor his brothers, including his apparent twin Jacob, had middle names or initials.

7. Elizabeth Abbott - b. abt. 1778, Halifax Co, VA; d. aft. 1807, place unknown
 m. 20 Jul 1807, Jasper Wyatt - Bondsman: James Abbott [her brother]
 Witnesses James Abbott, Jacob Abbott [Elizabeth's brothers] - No ministers return
 Elizabeth signed her own consent, thus over age 21.
 Elizabeth Abbott is at least age 21 in Mar 1800 when she is named as a responsible taxpayer in the 1800 personal property tax lists the same day as her brothers Elisha, Armistead, and James. Her husband Jasper Wyatt leaves the Halifax personal property tax lists after 1807, the year he married Elizabeth. There is a Jasper Wyatt and wife of the right age categories in Monongalia Co, VA/WV in 1810 and in adjacent Tyler Co, VA/WV in 1820, but they have not been identified.

Note on sources referenced in this paper:

Interlined sources are abbreviated by county, book type, book number, and page.
 (Eg., HPB3:205 refers to Halifax Plea (Court Order) Book 3, page 205. HDB13:5 refers to Halifax Deed Book 13, beginning on page 5. Etc.)

Records sourcing "LVA Reel _" are my transcriptions and abstracts from the original records on microfilm at the Library of Virginia, Richmond, VA.

Court Orders sourcing "TLC Gen. p. _" are based on the abstracts in the appropriate volume in this series:

Halifax County, Virginia Court Orders (Miami Beach, FL: T.L.C. Genealogy, 1992-) Multiple volumes by years.

Deeds sourcing "TLC Gen. p. _" are based on the abstracts in the appropriate volume in this series:

Halifax County, Virginia Deeds (Miami Beach, FL: T.L.C. Genealogy, 1989-) Multiple volumes by years.

Other sources are included in the general bibliography for the overall Abbott research project.

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