

COURT RECORDS RELATING to JOSEPH ABBOTT and FAMILY of HALIFAX COUNTY, VIRGINIA

Compiled, abstracted, and annotated by Joan Horsley

December 2013

© 2013 by J. Horsley

Contact: JHGenResearch-Abbott@yahoo.com

Introduction

Joseph Abbott moved his family from King and Queen County, VA to Halifax County, VA abt. 1762. [NARA File W5616] However, Joseph's eldest son, Benjamin Abbott, was living by July 1749 in the part of Lunenburg County that became Halifax in 1752. [HPB1:71] From his arrival, Benjamin is particularly involved with Richard Brown, whose wife is said to be an Abbott and could be of an age to be Joseph Abbott's sister. That this Benjamin Abbott was Joseph Abbott's son Benjamin is proved by all compiled Abbott Lunenburg/Halifax records extensively researched. They show only one Benjamin Abbott who continuously lived in the same place with the same people who are also living near and closely involved with Joseph once he arrives in Halifax. The evidence is explained in more detail in the research reports on Joseph Abbott and on his son Benjamin Abbott. The evidence is also clearly demonstrated in the Abbott court records compiled here.

Halifax County was formed from Lunenburg County and established May 1752. The first court was held 19 May 1752 at the home of Hampton Wade. [Knorr, *Marriage Bonds, Preface*] The first courthouse for Halifax was in Peytonsburg, which ended up in Pittsylvania when that county was formed 1766 (effective 1767). The Halifax Court then moved east near today's Crystal Hill, VA, and not far south of the Abbots at Difficult Creek. In Oct 1776, the Halifax Court was ordered to be moved several miles further south to what became today's courthouse town of Halifax, VA, but the date for the first courthouse there is unclear and may have been some time later. [Tuck, *History of Halifax Courthouse (2005)*]

Court orders record the outcome when a case is heard (ie, suit found for plaintiff or for defendant [abbreviated here as PI and Def] or case continued or dismissed, etc.) but generally give no details, such as the issues involved or the evidence. Even the charges are only inferred by the type of suit involved, such as "Debt" (the most common type of case), "In Case," "Trespass & Battery," "In Trespass on the Case," etc. Two particularly interesting types of court orders are for "peace bonds" or "recognizance bonds" to deter an act of physical violence by one party against another, and "road orders" naming those along the same segment of road (ie, neighbors) required to work with their "male labouring tythes" to keep the road in good repair. Halifax County called its court order books "plea books."

All indexed entries for the Abbott surname are included here from 1752-1800, and miscellaneous Abbott court records are included from 1800-1850. Court orders from the Library of Virginia microfilms are my abstracts and cited with "LVA Reel ___." Others are my summaries of the abstracts for Plea Book 1 by Marian Dodson Chiarito and for Plea Books 2-7 by T.L.C. Genealogy and cited accordingly but are not verbatim unless within quotation marks. Each citation is in the format HPB2:426, meaning Halifax Plea Book 2, page 426. The name Abbott in the earliest records is almost always spelled Abbot, but for convenience in searching, I usually have not retained that spelling except in quotations. --Joan Horsley

1750

1750 - Lunenburg County - Tithables List taken by Cornelius Cargill
Name of Taxpayer - No. of Tithes in Household (ie, white males and slaves age 16+)
(Partial list in consecutive order)

Richard BROWN - 1

John Legrand - 1

BENJAMIN ABBOT - 1

John Smallman - 1

On same list (and next to Brown in 1748) is:

Andrew WADE Senr. - 9

with sons John, Henry, Benjamin, and Andrew Wade Jr. age 16+ in his household

[Source: Landon C. Bell. *Sunlight on the Southside: Lists of Tithes Lunenburg County, Virginia 1748-1783* (Originally pub. 1931). Transcribed by Thomas Walter Duda. Contributed to Lunenburg Co. VAGenWeb Archives]

Note:

Benjamin Abbott may first have lived with Richard Brown before getting his own land he bought from Richard next to Richard. That they were somehow related seems apparent from the fact that on 14 Feb 1750/51, Richard Brown, born abt. 1712 or so, made a joint survey for 704 acres with Benjamin Abbott, then around 22 or so. [HSB:27. Dodson "Footprints" p. 8]

This tithables list above helps establish Benjamin Abbott's age and sets the stage not only for his future life but his father, Joseph Abbott, and the rest of his family after they arrive in Halifax County in 1762. Although the tax official did not go door-to-door to collect these lists, frequently family and neighbors would turn in their lists at the same time, which apparently happened here. For example, the following court order from 1764 shows Benjamin Abbott, Richard Brown, and John Legrand (the first three in the above list) were still close neighbors, as was the fourth named above, John Smallman, who became John Legrand's brother-in-law and who owned land adjacent to Benjamin.

May 1764 - Halifax Court - BENJAMIN ABBOTT, Richard BROWN, Thos Stovall, and John LEGRAND to appraise the Halifax estate of John Smith, dec'd [HPB4:268]

Later deeds also prove that the first four people and some of the Wades lived close to each other at the upper branches of Difficult Creek. John Legrande and John Smallman both became sons-in-law of William Chandler Sr. who lived next to Joseph Abbott, Benjamin Abbott, and Richard Brown, and John Smallman was a "bound" (adjacent landowner) on the land Benjamin purchased from Richard Brown. [HDB8:42] Various members of this Wade family appear continuously on numerous Halifax records with Benjamin Abbott and later with Joseph Abbott, and Joseph's land, which he purchased from Richard Brown, was adjacent to other land owned by Richard Brown "commonly called Wades." [HDB7:3] Once Joseph Abbott arrives in Halifax, he appears on records with Richard Brown as often or even more often than Benjamin. Joseph and Benjamin Abbott's association with Richard Brown was obviously close throughout the records, as discussed in detail in the separate reports on Joseph Abbott and on Benjamin Abbott (although Richard Brown almost certainly was not Benjamin's father-in-law, as some have incorrectly presumed).

A Halifax Court order in March 1753 (below) shows that Benjamin Abbott owed a debt dating from 1 Jul 1749, the earliest date found for Benjamin Abbott in Lunenburg or Halifax records. The 1749 debt and the above 1750 tithables prove Benjamin either was age 21 by this time, thus born abt. 1728, or perhaps a few years younger if married to a first unknown wife thus responsible as a legal adult. (There is some evidence that Benjamin had a son born c1750-1751, who either died during the Revolutionary War or permanently left the area then. See Note for court order Jun 1772 below and report on Benjamin Abbott for more details.)

Two records in particular directly show that Joseph Abbott's son Benjamin Abbott was the same early Benjamin Abbott in Lunenburg/Halifax by the 1750 tithables. First, on 27 May 1762, Benjamin Abbott transferred his interest in the land patent survey he had made with Richard Brown in 14 Feb 1750/51 when the area was still Lunenburg Co. [HSB:27] Second, in August 1763, Benjamin Abbott gave a Halifax Court deposition that he was present during a conversation in the Wade family that took place in 1755. [HPB4:199] As we shall see, a number of other court records show similar ongoing associations in this interim prior to Benjamin's father Joseph Abbott arriving with the rest of the family in 1762.

1752

Halifax County, Virginia was formed from Lunenburg County effective May 1752, with first court held 19 May 1752.

17 Aug 1752 - Halifax Court

William Marable v. BENJAMIN ABBOTT - Debt - Abbott not found, writ of alias capias issued [Source: Halifax Plea Book 1, p. 30. Marian Dodson Chiarito. Plea Book 1, Halifax County, Virginia 1752-1755. p. 8. (Hereafter cited as "Chiarito" with page number from her book.)]

Note:

The writ of alias capias was a judicial order for the sheriff to locate the missing person to summon him again to appear in the suit against him and to take him into custody until next court or until security is issued for his appearance in court.

This case seems finally to have been dismissed (see 20 Feb 1754), but Benjamin was charged with "opposing the Sheriff in execution of his office" by avoiding delivery of summons for this and subsequent cases (see 18 Sep 1753).

In a case in Aug 1768, William's son Mathew Marable sued Richard BROWN for debt and JOSEPH ABBOTT was "common bail" for Brown (only one of a number of records where Richard Brown and Joseph Abbott appear in each other's behalf). [HPB6:236] When Richard BROWN and wife Rachel sold Halifax land 18 Aug 1752, William's son Mathew Marable and Andrew Wade witnessed the deed. [HDB1:9] And when John Wade sold Halifax land to Andrew Wade 18 Sep 1755, BENJAMIN ABBOTT was a witness. [HDB1:144]

Sep 1752 - Lunenburg Court

Daniel Green v. BENJAMIN ABBOTT - cased dismissed

[Source: Lunenburg Court Orders Book 2-1/2A, p. 239. June Evans Banks. Lunenburg County, Virginia, Order Book 2-1/2-A, 1752-1753. p. 27.]

Note:

This is the only record for any Benjamin Abbott in Lunenburg County except for the 1750 tithables list (above) where Benjamin first appears in the part of Lunenburg that became Halifax in 1752 (although Benjamin Abbott was paid as an out-of-county witness in a Lunenburg Court case in June 1762). Halifax was formed just four months before this case, so the case either was filed or began in the wrong county court, which likely is why the case was dismissed.

19 Dec 1752 - Halifax Court

William Marable v. BENJAMIN ABBOTT - Debt - Abbott not found - attachment against Abbott's estate awarded to PI

[HPB1:46. Chiarito, p. 13]

19 Dec 1752 - Halifax Court

Joseph Mays v. BENJAMIN ABBOTT - Debt - Abbott not found - PI granted new process

[HPB1:52. Chiarito, p. 14]

1753

20 Mar 1753 - Halifax Court

William Marable v. William [*sic*, BENJAMIN] ABBOTT - Abbott given until this court and not appearing, judgment awarded to Marable for £6.15.4 with interest of 5% per annum from 1 Jul 1749 plus costs. Ordered that attached goods [per court order of 19 Dec 1752] be sold & money applied towards debt.

[HPB1:71. Chiarito, p. 20]

Note:

This case that began in Aug 1752 appears to be the same case finally dismissed in Feb 1754 (below), with no reason given.

The date the debt originated usually would place Benjamin's birth by 1728, supported by Benjamin being listed in the 1750 Lunenburg tithables as responsible for his own taxes. However, a man who was married was responsible for his own debts and taxes even if he were not yet 21 years old. Benjamin, indeed, may have a first marriage by this time, as a "Benjamin Abbott Junr." mentioned twice in the 1770s could be Benjamin's son. (See report for Benjamin for details, as well as court case Jun 1772 below.)

21 Mar 1753 - Halifax Court

Joseph Mays v. BENJAMIN ABBOTT - Abbott given until this court and not appearing, judgment awarded to Mays for £1.12.6 plus costs.

[HPB1:76. Chiarito, p. 21]

15 May 1753 - Halifax Court

Grand Jury presents an indictment against BENJAMIN ABBOTT for Assault & Battery

[HPB1:98. Chiarito, p. 28]

Note:

Case eventually was dismissed by consent with Abbott ordered to pay costs. (See Court of 20 Feb 1754.)

20 Jun 1753 - Halifax Court

The King v. BENJAMIN ABBOTT - for concealing tithables - Abbott not found - PI granted alias venire[*sic*, venire] facias

[HPB1:154. Chiarito, p. 42]

Note:

An writ of alias venire facias is an order to summon the jury anew for a later date.

- - - - -

18 Sep 1753 - Halifax Court

Nathaniel Terry v. BENJAMIN ABBOTT - Trespass & Battery - Dismissed

[HPB1:169. Chiarito, p. 47]

Note:

Nathaniel Terry was the first Sheriff of Halifax County. He was also a Court Justice (1752-1780) and in 1758 began his long service in the Virginia General Assembly both before and after Independence. He sued Benjamin Abbott again in October Court, that time for Trespass, Assault & Battery.

18 Sep 1753 - Halifax Court

Robert Sims v. BENJAMIN ABBOTT - Peace Bond

Abbott to give bond for good behavior for one year with securities plus pay court costs. Bond of £20 for Abbott, £10 for each security. [See next order regarding his securities.]

[HPB1:179. Chiarito, p. 49]

18 Sep 1753 - Halifax Court

Recognizance bond [also called a peace bond] is required from BENJAMIN ABBOTT for £20, and bond from [his securities] Nathaniel HUNT & Benjamin WADE for £10 each for Abbott's good behavior for one year.

[HPB1:182. Chiarito, p. 50]

Note:

BENJAMIN ABBOTT has a long history with the Wade family, including Nathaniel Hunt, who married a daughter of Andrew Wade Sr. in May 1753. BENJAMIN ABBOTT and Benjamin WADE were witnesses on 21 Jul 1763 to a deed from Richard BROWN and wife Rachel. Benjamin Abbott is entered as signing by mark "B," the same mark he usually used and the same mark on his deeds to his children in the 1790s. A deposition made by BENJAMIN ABBOTT in Halifax Court August 1763 [HPB4:199] proves he is the same BENJAMIN ABBOTT who met with Nathaniel HUNT and Andrew WADE Sr. (father of Benjamin WADE, father-in-law of Nathaniel HUNT) regarding a suit brought by Nathaniel HUNT against Andrew WADE Sr. in Lunenburg Court in 1755, less than two years after the above recognizance bond. The Lunenburg Court of Sep 1755 ordered Richard BROWN and his wife Rachel as well as Benjamin WADE to be paid as witnesses plus travel (from Halifax) in that suit.[LOB3:422] That same month, on 18 Sep 1755, BENJAMIN ABBOTT witnessed a Halifax deed from John WADE to Andrew WADE, co-witnessed by Henry WADE (brother of Benjamin WADE). [HDB1:144] In Court of Jun 1769, John WADE paid JOSEPH ABBOTT, BENJAMIN ABBOTT, Richard BROWN Sr. & Jr., and Benjamin WADE in his suit against the Executor of the Estate of John's father Andrew WADE Sr., then deceased. [HPB6:379]

18 Sep 1753 - Halifax Court

The King (by his atty) v. BENJAMIN ABBOTT - For opposing the Sheriff in the execution of his office - Abbott pleads not guilty through his atty Clement Read. - Case referred to next Court for trial.

[HPB1:181. Chiarito, p. 50]

19 Sep 1753 - Halifax Court

The King (by his atty) v. BENJAMIN ABBOTT - Indictment for Trespass & Battery - Abbott summoned but failed to appear. Unless he answer at next court, judgment to be entered against him. .

[HPB1:218. Chiarito, p. 58]

16 Oct 1753 - Halifax Court

Nathaniel Terry v. BENJAMIN ABBOTT - Trespass, Assault & Battery - Abbott given until this court but not appearing, Terry (by Clement Read his atty) granted judgment unless Abbott answer at next court

[HPB1:240. Chiarito, p. 63]

Note:

This case finally went to a jury, who found Benjamin Abbott not guilty. (See 17 Jul 1755)

16 Oct 1753 - Halifax Court

Mary Green v. BENJAMIN ABBOTT - Assault & Battery - Abbott not appearing, PI [Plaintiff] (through her attorney) was granted judgment and a jury to inquire of damages sustained.

[HPB1:248. Chiarito, p. 66]

16 Oct 1753 - Halifax Court

William Marable v. BENJAMIN ABBOTT - Debt - Case continued for account of sales of Abbott's attached effects

[HPB1:256. Chiarito, p. 67]

21 Nov 1753 - Halifax Court

The King v. BENJAMIN ABBOTT - Assault & Battery - Case continued

[HPB1:285. Chiarito, p. 74]

21 Nov 1753 - Halifax Court

William Marable v. BENJAMIN ABBOTT - Debt - Case continued for account of attached goods

[HPB1:295. Chiarito, p. 76]

21 Nov 1753 - Halifax Court

Nathaniel Terry v. BENJAMIN ABBOTT - Trespass, Assault & Battery - Abbott (by his attorney) pleads not guilty - Case continued for trial.

[HPB1:306. Chiarito, p. 78]

1754

20 Feb 1754 - Halifax Court

The King v. BENJAMIN ABBOTT - Indictment of Assault & Battery - Dismissed by consent of parties - Abbott ordered to pay costs [HPB1:343. Chiarito, p. 87]

20 Feb 1754 - Halifax Court
 William Marable v. BENJAMIN ABBOTT - Debt - Case dismissed
 [HPB1:345. Chiarito, p. 87]

20 Feb 1754 - Halifax Court
 Nathaniel Terry v. BENJAMIN ABBOTT - Trespass, Assault & Battery - Case continued
 [HPB1:359. Chiarito, p. 90]

 17 Aug 1754 - Halifax Court
 Nathaniel Terry v. BENJAMIN ABBOTT - Trespass, Assault & Battery - Case continued
 [HPB1:343. Chiarito, p. 87]

 1755

19 Jun 1755 - Halifax Court
 Hampton Wade v. BENJAMIN ABBOTT - Debt - Abbott not appearing, suit awarded to PI
 [Source: Halifax Plea Book 2 Part 1, p. 38-39. TLC Genealogy. Halifax County, Virginia Court Orders.
 p. 20. (Hereafter cited as "TLC" with page from relevant book in the series. See list at end below.)]

 17 Jul 1755 - Halifax Court
 Nathaniel Terry v. BENJAMIN ABBOTT - Trespass, Assault & Battery - Jury declared Abbott
 Not Guilty. Court rules that Abbott recover his costs from Terry.
 [HPB2-1:51. TLC, p. 26]

17 Jul 1755 - Halifax Court
 BENJAMIN ABBOTT to pay Daniel Jones for 10 days appearance, and William Chandler
 and Richard BROWN for 4 days attendance as witnesses for him in suit brought by Terry
 [HPB2-1:53. TLC, p. 27]

Note:

All of these witnesses had ongoing associations with Benjamin Abbott and with his father Joseph Abbott after Joseph arrived with the rest of the family c1762. Joseph's land at Difficult Creek was next to Richard Brown and William Chandler, two of whose daughters married John Smallman and John Legrand. The latter two, Smallman and Legrand, and Richard Brown were listed consecutively with Benjamin Abbott in the 1750 Lunenburg tithables. A 1764 deed lists Benjamin Abbott as adjacent to land John Legrand is selling to John Smallman. [HDB5:375]

Benjamin Abbott witnessed a deed of trust from Daniel Jones to Richard Brown 17 Mar 1767. [HDB6:443] The co-witness was Thomas Tunstall, adjacent neighbor of Benjamin Abbott and of Joseph Abbott and witness to Joseph's deed from Richard Brown 1 Jul 1767. [HDB7:3] Daniel Jones lived in the same immediate area. [HDB7:18] Daniel Jones was also surety for Benjamin Abbott in Aug 1771 on a peace/recognizance bond required from Benjamin Abbott for good and peaceable behavior after Richard Brown charged Benjamin with violently assaulting him. [HPB7-1:244] (Details below.)

1758

Mar 1758 - Halifax Court

John Owen v. BENJAMIN ABBOTT & Richard BROWN - Debt - Peter Wilson offers surety for Abbott and Brown

[HPB2-2:283. TLC, p. 10]

Jul 1758 - Halifax Court

Robert Yuille, John & George Murdoch v. BENJAMIN ABBOTT - In Case - George Watkins surety for Abbott - awarded to PI

[HPB2-2:340. TLC, p. 41]

Note:

In a debt case against George Watkins in Halifax Court of Mar 1768, Joseph Abbott became surety for George Watkins. [HPB6:52] In 1782, Benjamin Abbott was security on the executor's bond for the estate of George Watkins, dec'd. [HWB1:424]

1759

Jun 1759 - Halifax Court

John Owen v. BENJAMIN ABBOTT & Richard BROWN - Debt - Case dismissed, Abbott and Brown to pay PI his costs

[HPB2-2:418. TLC, p. 83]

1760

Mar 1760 - Halifax Court

James Hunt v. BENJAMIN ABBOTT - Debt - George Seamore special bail for Abbott - Awarded PI - Discharged by paying half plus interest from 1 Feb 1756.

[HPB3:48. TLC, p. 22]

Note:

The one-half discount indicates Benjamin "pleaded mercy." This plea (usually entered as "in mercy &c") meant the indebted party entered a plea that he could not pay the full amount he owed or that full payment would cause undue hardship. At its discretion, the court could then discount the amount owed on the debt (not including costs) and add interest to accrue until the amount ordered was paid. This method allowed the creditor to recover at least some of what was owed to him. It also helped to keep community relations and its economy stabilized. For one thing, payment of the lesser amount wiped the slate clean, preventing further court cases to strain the system and hopefully bypassed simmering resentments and grudges. For another, people who lost all they owned to debt were a burden on the tax-supported parish and county welfare funds, so keeping people off the dole benefited the whole community in the long run.

Jun 1760 - Halifax Court

BENJAMIN ABBOTT v. Thomas Forsyth - In Case - By consent, the matter is referred to arbitration by Robert Wooding, Gent. & Peter Irby. If they disagree, they will choose an umpire, and their or his award to be made the judgment of the Court.

[HPB3:91. TLC, p. 42]

Aug 1760 - Halifax Court

BENJAMIN ABBOTT v. Thomas Forsyth - In Case - Abbott not appearing, case dismissed
[HPB3:140. TLC, p. 62]

Sep 1760 - Halifax Court

BENJAMIN ABBOTT v. Thomas Forsyth - In Case - Arbitration awarded to Abbott, signed
13 Sep 1760 by Rob Wooding & Peter Irby, Therefore, judgment for PI
[HPB3:157. TLC, p. 70]

Nov 1760 - Halifax Court

Ordered that GEORGE ABBOTT [sp. here Abit], William Murphey, William Owen be added
to one of the general lists of tithables

[HPB3:181. TLC, p. 81]

Note:

George Abbott apparently either arrived in Halifax within the last year or only recently turned 21, thus was born by 1739. (This is not the typical kind of court order where heads-of-house made motions for corrections to be made to their publicly-posted lists.) George may be a brother of Benjamin Abbott. On 21 Jul 1763, GEORGE ABBOTT (signing by mark "A") and BENJAMIN ABBOTT (signing by mark "B") co-witnessed (along with Benjamin WADE) a deed from Richard BROWN & wife Rachel (alleged to be Rachel Abbott) for the land on Difficult Creek where Richard Brown then lived near Benjamin Abbott and also near JOSEPH ABBOTT after Joseph arrives in 1762. Benjamin's mark when he signed leaves no question he was Joseph Abbott's son. Thus, George Abbott may be Joseph's son as well. If so, he predeceased Joseph or moved out of the area, as George is not named in Joseph's 1787 will and is not mentioned in any Halifax records after Aug 1763. (There is no recorded settlement that would show any heirs of Joseph not named in his will.) The last time this George Abbott is identified in Halifax records is in the Court of August 1763, when Richard Brown was ordered to pay George Abbott as his witness. [HPB4:200] (See order below.)

This George Abbott does not seem to be the same person as George Abbott (b. c1734) in adjacent Lunenburg Co., who was a son of William Abbott of Lunenburg and who lived in the part of Lunenburg that became Mecklenburg County, VA in 1765. Also, the latter George Abbott signed by signature, not mark, as did the one in Halifax. (See more about the Lunenburg/Mecklenburg George Abbott under notes for Aug 1770 Court.)

Another man on this list, William Murphey, may be the William Murphey named as a bound near JOSEPH ABBOTT in a Halifax deed of 18 Jan 1780. [HDB11:402]

1762 - JOSEPH ABBOTT with the rest of his family moved to Halifax County abt. this year.

Jun 1762 - Lunenburg Court - BENJAMIN ABBOTT is paid for 3 days' attendance and travel of 27 miles coming & going twice as a witness for Reese Hughes at suit of William Murphey. [LOB8:44. Evans, p. 17]

Note:

Suits were filed in the county where the defendant lived, and any witnesses from outside that county were paid for their travel. A William Murphey is added to the Halifax tithables in 1760, as was a George Abbott (above), and a William Murphey is named as a bound near JOSEPH ABBOTT in a Halifax deed of 18 Jan 1780. [HDB11:402] Also, a John Murphey offers surety for Benjamin Abbott in a Halifax suit against Benjamin in 1773.

1763

May 1763 - Halifax Court

Tom, a Negro boy belonging to BENJAMIN ABBOTT, is adjudged to be 12 yrs old.

[HPB4:2. TLC, p. 4]

Note:

The purchaser of any Negro child imported into the colony was required to present the child within three court sessions for the court to judge and register the child's age, since slaves age 16 and over were "tithables" on whom the owner owed a tax. [Ref. Hening, Statutes 6:40]

July 1763 - Halifax Court - Road Order

On the motion of Robert Wooding, Gent., it is ordered that Andrew Wade, Fulker Fulkerson, John Legrande, and Thomas Tunstall do view and mark the most convenient way for a road from the Courthouse Road between the plantation of the sd Thomas Tunstall & BENJAMIN ABBOTT to the sd Robert Wooding's Mill.

[HPB4:119. TLC, p. 49]

July 1763 - Halifax Court - Road Order

BENJAMIN ABBOTT is appointed Surveyor of the road from Difficult Creek to Chandlers Bridge exclusively, and it is ordered that the sd Benjamin with the male laboring tithables below sd Bridge clear and keep sd road in repair.

[HPB4:119, TLC, p. 49]

Note:

These two road orders show Benjamin Abbott is living in the exact location where Joseph Abbott moved abt. 1762, both living on land then owned by Richard Brown. [HDB7:3; HDB8:42] (In 1810, Benjamin's half-brother William Abbott, who inherited part of their father Joseph's land, was appointed surveyor of a part of the road "from Chandlers Bridge." [HPB28:17]) Thomas Tunstall is named as a bound on both Joseph's and Benjamin's land. No formal deed is recorded for Benjamin until 1770, but records show he lived in this same location with Richard Brown by 1750. The 1750 tithables list John Legrand with Benjamin and Richard, and Andrew Wade and sons are listed next to Richard in the 1748 tithables and on the same list as Richard, Benjamin, and John Legrand in 1750. Fulker Fulkerson lived a tract removed from Joseph Abbott. His granddaughter Catharine Fulkerson later married Joseph's son Richard Abbott.

Road surveyor 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 "male labouring tythables" (white and black/slave males age 16 and over) 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. The position rotated among the landowners, and having the respect of one's neighbors undoubtedly facilitated cooperation and quality work. Appointees were neither young men nor recent incomers, again giving evidence of Benjamin's age and time in the county. Also, Benjamin married his known wife, Ann, about this year; he had accrued the assets to purchase a slave; and he served on a jury for the first time this year. All added to his increasing respectability.

Aug 1763 - Halifax Court

BENJAMIN ABBOTT deposes in a case of Nathaniel HUNT & wife Elizabeth [daughter of Andrew Wade Sr.] v. Andrew WADE [Sr.]

"Benjamin Abbot, of lawful age, deposes that he was in company with Andrew Wade Sr & Nathaniel Hunt, and they were about making up the suit [in Lunenburg Court 1755] the sd Hunt had brought against the sd Wade in right of Elizabeth, his wife, that Wade proposed that if Hunt would drop his suit and trust to Wade's honor, he would use him well, but would not be obliged to give him anything more than he pleased, and that Wade would pay his own costs of the suit, to which Hunt agreed, whereupon Wade immediately gave him £50, and promised further to consider him, and that Hunt should have no cause to complain of him, from which the deponent understood that Wade intended to make Hunt some further satisfaction."

[HPB4:199. TLC, p. 77]

Note:

Benjamin's deposition above is one of a series (all declaring the deponents were "of lawful age," which was standard wording) giving witness regarding the suit in Lunenburg Court in 1755 that Hunt had brought in right of wife Elizabeth/Betty Wade against his father-in-law Andrew Wade Sr. and promises that Andrew had made regarding his daughter's inheritance. A deposition by "William Roberts" (possibly meaning Andrew's son-in-law William Robinson also spelled Robertson) specifically refers to "a suit commenced in Lunenburg Court by the sd Hunt against the sd Wade" brought "sometime after" Hunt's marriage to Wade's daughter Elizabeth. (They married 15 May 1753.) This deposition goes on to say that Hunt had recovered a judgment against Wade and that "Wade and Hunt tried to reach a compromise. Wade gave Hunt £50 which Wade said he was giving Hunt in part of his daughter's fortune. Hunt agreed to not pursue the suit further." Benjamin Abbott's deposition immediately follows, so there seems no doubt about the suit and the time frame to which Benjamin refers.

In Sep 1755, Richard Brown and his wife Rachel Brown, along with Benjamin Wade, Andrew Wade Jr., and others then living in Halifax were among those who were paid as witnesses in this same Lunenburg Court case in 1755 [LOB3:422], and the same month, Benjamin Abbott witnessed a Halifax deed from Andrew Sr.'s son John Wade to Andrew Wade [Sr.] that Benjamin co-witnessed with Andrew Sr.'s son and John's brother Henry Wade. [HDB1:144] In 1753, Nathaniel Hunt and Benjamin Wade were securities on Benjamin Abbott's peace bond. [HPB1:182]

This deposition is another evidence that Joseph Abbott's son Benjamin Abbott in Halifax in 1763 as the same Benjamin Abbott there in 1755. Then other records in that timeframe and with the same people show he is the same Benjamin Abbott who made the joint survey with Richard Brown in Feb 1750/51 (transferring his interest to Richard in May 1762), the same one with Richard Brown and Andrew Wade Sr.'s family in the 1750 Lunenburg tithables, and the same one owing a debt from mid-1749. (See records above.)

Aug 1763 - Halifax Court

Richard BROWN to pay GEORGE ABBOTT as his witness in suit of Jeremiah Lampkin

[HPB4:200. TLC, p. 78]

Note:

This George Abbott is the same as the George Abbott added to Halifax tithables in Nov 1760 and the George Abbott who witnessed a deed from Richard Brown with Benjamin Abbott dated 21 Jul 1763. He may be a brother of Benjamin, son of Joseph Abbott, but if so, he died or left the area shortly after this court entry. See more under Court of Nov 1760.

Aug 1763 - Halifax Court

BENJAMIN ABBOTT was on a jury this court session

[HPB4:200. TLC, p. 78]

Note:

The TLC abstracts through Plea Book 7 include jurymen, but the original plea books and the General Indexes to Halifax Court Records do not index them by name. Since they were supposed to be randomly chosen, I only mention Abbotts who served. Interestingly, though, both Benjamin and his father, Joseph, voted and Benjamin served on juries prior to their formal deeds for Halifax land. Apparently it was presumed Benjamin owned Richard Brown's land where he lived from around the time he arrived in Halifax abt. mid-1749.

1764

May 1764 - Halifax Court

BENJAMIN ABBOTT, Richard BROWN, Thos Stovall, and John Legrand ordered to appraise the Halifax estate of John Smith, dec'd [deceased]

[HPB4:268. TLC, p. 108]

Note:

Appraisers generally were nearby neighbors. Benjamin Abbott, Richard Brown, and John Legrand had land near each other and were listed together in the 1750 Lunenburg tithables.

1765

17 Jul 1765 - Poll List for Burgess Election - Halifax County

JOSEPH ABBOTT, BENJAMIN ABBOTT [no other Abbott on list]

[Source: Mary B. Warren. "Halifax County, Virginia Colonial Poll And Tithables Lists" (Danielsville, GA: Heritage Papers, 1991)]

Oct 1765 - Halifax Court

On the motion of Mary Brown, administratrix of Martin BROWN, deceased, it is ordered that William Watkins, William Chandler, Joseph Moody, and JOSEPH ABBOTT do value the personal estate and Negroes (if any) of the said Martin Brown and return an inventory and appraisement here to the Court.

[HPB5-1:241. TLC, p. 113]

Note:

Martin Brown may be a brother of Richard Brown or a close relation. They were the only Browns in their district (that soon became Halifax Co.) on the Lunenburg tithables in 1749 and 1750, the latter year being when Benjamin Abbott joins them. Martin Brown obtained land grants totaling 628 acres on the north fork of Terrible Creek, just to the west of where Richard Brown, the Abbotts, and William Chandler lived on Difficult Creek. [VPB33:24, VPB35:100] Martin's first grant was surveyed 30 Nov 1749 [HSB:121] and issued 16 Aug 1756.

The previous court entry in this Oct 1765 session grants Mary Brown, widow of Martin Brown, the administration of his estate. The securities on her bond were Timothy Chandler (son of appraiser and close Abbott neighbor William Chandler) and John Light. The inventory and appraisal of Martin Brown's estate was recorded 18 Sep 1766, signed by Wm Watkins, JOSEPH ABBOTT, and Wm (W) Chandler (his mark). [HWB0:208. Chiarito, p. 33] The fact that Joseph Abbott was appointed an appraiser for Martin Brown's estate yet was not a close neighbor might be another indication of an Abbott-Brown relationship.

1766

Aug [Jul?] 1766 - Halifax Court

William Anderson, John Craigie & Co v. BENJAMIN ABBOTT - Debt - Richard BROWN & William Robertson [also recorded as Robinson] agree to make themselves Defs in the case - Judgment awarded to Pls - Full debt of £37 13s 1 half-penny to be discharged by payment of £28 16s 6p with interest from 8 Mar 1765 plus costs - Pls agree to stay execution to 1 Apr 1767.

[HPB5-2:271. TLC, p. 5]

Note:

William Robinson (also recorded as Robertson) was a son-in-law of Andrew Wade Sr.

[HWB0:202a]

Aug [Jul?] 1766 - Halifax Court

The Will of Andrew Wade [Sr.], dec'd, was presented in court, proved by the oaths of the witnesses and ordered recorded. Executor's bond of William Robertson [Robinson] was secured by Richard BROWN, BENJAMIN ABBOTT, John Williams, and Wright Bond.

[HPB5-2:273. TLC, p. 6]

Note:

Andrew Wade "The Elder" (Sr) wrote his will 14 Jan 1766. He named his "son-in-law William Robinson" as an executor with son John Wade. Richard Brown with Thomas Tunstall and William Scott witnessed the will. [HWB0:202A] {The LVA Index to Wills and Administrations and an online transcription of Andrew Wade's will says it was proved in court 17 Jul 1766, so the TLC abstract under the heading of "August Court 1766" appears to be incorrect. *Joan had marked this text for either further review/rewrite or to enter in her FTM file.*} (In which case, the entry for the suit against Benjamin on the preceding abstract book page also is wrong.)

1767

Mar 1767 - Halifax Court

John Randolph v. BENJAMIN ABBOTT - Petition - awarded to PI to recover from Abbott £4 16s 6p plus costs and 7s 6p lawyer's fee.

[HPB5-2:423. TLC, p. 75]

Mar 1767 - Halifax Court

BENJAMIN ABBOTT to pay John Brewis as witness for him in suit of John Randolph

[HPB5-2:423. TLC, p. 75]

Note:

Benjamin also paid his witness Thomas Buckingham plus travel in Mar 1768. Witnesses paid by John Randolph were Joseph Roberts, Abraham Legrande, James Owen, and Mathew Sims. (who was also paid travel for twice coming and returning 14 miles.)

Jul 1767 - Halifax Court

John Moore^[sic?] to pay Anthony Griffin as witness for him in his suit against "ABBIT" (2 days attendance + 20 miles coming & going)

[HPB5-2:475. TLC, p. 100]

Note:

This entry may be an error for John Randolph rather than John Moore, as there is no previous mention of a suit John Moore brought against any Abbott. However a year later in July 1768, the court ordered John Moore to pay Richard Brown as a witness in Moore's case against Benjamin Abbott, yet again there is no mention of the actual case. [HPB6:210]

JOSEPH ABBOTT on six juries and BENJAMIN ABBOTT on two different juries this court session. [HPB5-2]

Sep 1767 - Halifax Court

Peter Randolph Esq., Edmund Pendleton, and Peter Lyons, Administrators of John Robinson, Esq. dec'd v. Andrew Wade [Jr.] & BENJAMIN ABBOTT - Petition - Defs not appearing and Pls offering proof of debt for £1 17s - Awarded to PI - Judgment to be discharged at 18s 6p with interest from 27 Jul 1767, plus PI's costs and lawyer fee.

[HPB6:7. TLC, p. 7]

17 Sep 1767 - Halifax Court

Deed from Richard BROWN to JOSEPH ABBOTT acknowledged by sd Richard & ordered recorded

[HPB6:14. TLC, p. 11]

Note:

On the same day, Richard Brown acknowledged his deeds to Robert Ferguson [dated 23 Aug] and John Orrill Tunstall [dated 13 Sep]. Joseph Abbott's deed for 300 acres "whereon the said Joseph Abbott now lives" was dated 1 Jul 1767. [HDB7:3]

Dec 1767 - Halifax Court

JOSEPH ABBOTT is one of seven men securing the bond of William Hoskins, Gent. appointed as Sheriff of Halifax County.

Other securities are John Apperson, Richard BROWN, Robert Ferguson, John Phelps, Joshua Powell, Minor Wynne

[HPB6:20. TLC, p. 16]

1768

Feb 1768 - Halifax Court

Paid BENJAMIN ABBOTT for guarding John Cushingberry in prison 6 days for felony - 150 [lbs of tobacco]

Paid to same, assignee of Daniel Jones, for same

Paid to same, assignee of Thomas Skinner, for same

Paid to same, assignee of Richard BROWN, for same

[HPB6:24. TLC, p. 20]

Feb 1768 - Halifax Court

Robert Wooding & William Hoskins, Exec. of James Mackendree, dec'd v. Samuel Cox & Richard BROWN - Debt - Defs not appearing, the order of the last Court against the Defs and John Brewis, Robert Durham, & BENJAMIN ABBOTT, their Common Bail, is confirmed - Plts to recover from Defs and their Bail aforesaid the debt sum of £120 and costs. - Judgment, except for costs, to be discharged by payment of £16 with interest from 30 Sep 1763.

[HPB6:28. TLC, p. 24]

Feb 1768 - Halifax Court

Alexander Legrand, assignee of Thomas Cobbs v. Ambrose Cobbs & Richard BROWN - Debt - Sheriff returned the attachment against the estate of Ambrose Cobbs - Cobbs not appearing to replevy nor the other defendant BROWN not appearing, the order of the last court agst BROWN and BENJAMIN ABBOTT, his Common Bail, is confirmed - Awarded to Pls to recover from the Defs [Cobbs and BROWN] and BENJAMIN ABBOTT the debt sum of £6 6s and one penny half penny plus costs. - Ordered that the Sheriff sell the attached effects of Cobbs at public auction.

[HPB6:34. TLC, p. 27]

Feb 1768 - Halifax Court

John Crisp, assignee of Thomas Cobbs v. Ambrose Cobbs & Edward Parker - Debt - Sheriff returned the attachment against the estate of Ambrose Cobbs - Cobbs not appearing to replevy nor the other defendant Parker not appearing, the order of the last court agst Defendant Parker and BENJAMIN ABBOTT and Jeremiah Stevens, his Common Bail, is confirmed - Awarded to Pls to recover from the Defs [Cobbs and Parker] and BENJAMIN ABBOTT and Jeremiah Stevens the debt sum of £4 13s 1p plus costs. - Ordered that the Sheriff sell the attached effects of Cobbs at public auction.

[HPB6:35. TLC, p. 28]

Note:

Edward Parker's daughter Mary "Polly" Parker (b. c1765) married Benjamin Abbott's half-brother William Abbott (b. 1756) in Halifax on 2 Dec 1784.

Feb 1768 - Halifax Court

Peter Johnston, assignee of Thomas Cobbs v. Richard BROWN - Debt - Def not appearing, the order of the last court agst BROWN and BENJAMIN ABBOTT, his Common Bail, is confirmed. - Awarded to PI to recover debt of £6 15s 2p with interest on £4 from next Jun 21, plus costs.

[HPB6:35. TLC, p. 28]

- - - - -

Mar 1768 - Halifax Court

James Legrand v. George Watkins - In case - JOSEPH ABBOTT came into court and undertook surety for Watkins, and thereupon the sd Joseph Abbott delivered the defendant up, in discharge of his recognizance aforesaid. Then came John Apperson Jr. and also undertook surety for Watkins

[HPB6:52. TLC, p. 39]

Mar 1768 - Halifax Court - Road Order

Ordered that William Hoskins, Robert Farguson, and JOSEPH ABBOTT do view, lay off, and mark the nearest, best, and most convenient way for a road from Fuqua's Road to this Court

house and from thence to Richard Echols' Foard below his Mill on Banister [River] and report to the Court

[HPB6:53. TLC, p. 40]

Note:

This could be part of what became the "Old Courthouse Road," later Coles Ferry Road, and roughly today's Anderson Road connecting today's Crystal Hill (just south of which was the location of Halifax Court after Pittsylvania County became effective in 1767) and today's courthouse town of Halifax at Banister River. Numerous Abbott records reference the nearby courthouse, that then was just south of Crystal Hill, and later the "Old Courthouse Road" that was just to the west of Joseph Abbott's original land. Robert Farguson lived a tract removed from Joseph Abbott.

Mar 1768 - Halifax Court

BENJAMIN ABBOTT to pay Thomas Buckingham, a witness for Abbott at suit of [John] Randolph, 1 day attendance and once coming and returning 45 miles with ferriages at Bonds Ferry [to the east at the Staunton River, the border bet. Halifax and Charlotte Co.]

[HPB6:59. TLC, p. 44]

Mar 1768 - Halifax Court

David George, Adm of George Abney, dec'd, v. Unity Abney, BENJAMIN ABBOTT, & Samuel Abney - Debt - Sheriff returned the attachment upon the estates of the Defs. - Def not appearing, awarded to PI to recover from Def debt of £12 16s 10p plus costs. - To be discharged by payment of £1 15s 8p half penny with interest from 20 Aug 1767, plus costs. - Attached effects released by consent of PI

[HPB6:87. TLC, p. 61]

Note:

Unity Abney was George Abney's widow, and Samuel Abney was George's son. They and Benjamin Abbott were among the 12 people owing to George Abney's estate as of 8 Nov 1866, as listed in the account records of the administrator, David George, recorded 20 Jul 1769. [HWB0:262. Chiarito, WB0, p.43.]

Mar 1768 - Halifax Court

Charles Duncan v. Richard BROWN - In case - JOSEPH ABBOTT & Joseph Richards undertake surety for BROWN

[HPB6:102. TLC, p. 69]

- - - - -

May 1768 - Halifax Court

Theophilus Fields Sr. & Jr. and William Call, assignees of David George who was an assignee of William East Jr. v. Daniel Jones & Richard BROWN - Debt
 Defs not appearing, BENJAMIN ABBOTT confirmed as common bail for Jones & Brown - Awarded to PIs to recover from Defs [Daniel Jones & Richard BROWN] and BENJAMIN ABBOTT debt sum of £70 plus costs - To be discharged by payment of £33 with interest from 1 Jun 1767 plus costs.

[HPB6:153. TLC, p. 102]

May 1768 - Halifax Court

Thomas Hope v. Richard BROWN - Debt - BENJAMIN ABBOTT common bail for Brown - Awarded to PI to recover from Richard BROWN and BENJAMIN ABBOTT debt sum of £26

6s 8p plus costs - To be discharged by payment of £7 10s 6p with interest from 29 Jan 1768 plus costs.

[HPB6:154. TLC, p. 102]

May 1768 - Halifax Court

Edmond Pendleton & Peter Lyons, Gent., surviving Admins of John Robinson Esq, dec'd v. Francis Cox & BENJAMIN ABBOTT - Debt - Cox found not to be a resident of county - Case against Cox abated, dismissed [see Court of Aug 1768]

[HPB6:155. TLC, p. 103]

May 1768 - Halifax Court - Road Order

JOSEPH ABBOTT appointed Surveyor of the Road in room of [in place of] John Phelps and it is ordered that he with the gang belonging to the said Road do clear and keep the same in repair.

[HPB6:158. TLC, p. 105]

Note:

See explanation and responsibilities of the Road Surveyor under Court of July 1763.

Jul 1768 - Halifax Court

John Moore ordered to pay Richard BROWN 7 days attendance as a witness in Moore's suit against BENJAMIN ABBOTT

[HPB6:210. TLC, p. 134]

Aug 1768 - Halifax Court

Edmond Pendleton & Peter Lyons, Gent., surviving Admins of John Robinson Esq, dec'd v. BENJAMIN ABBOTT - Debt - Abbott not appearing, awarded to Pls - Debt of £70 to be discharged by payment of £24 17s 11p half penny with interest from 18 Feb 1768, plus costs.

[HPB6:232. TLC, p. 148]

Aug 1768 - Halifax Court

Mathew Marable v. Richard BROWN - Debt - JOSEPH ABBOTT common bail for BROWN - Awarded to PI to recover from Brown and Abbott sum of £74 7s 1 penny half penny, to be discharged by payment of £37 3s 6p 3f with interest from 11 Dec 1767 plus costs.

[HPB6:236. TLC, p. 150]

Note:

The earliest Halifax record found for Joseph's son BENJAMIN ABBOTT is the suit against Benjamin brought by Mathew's father William Marable 17 Aug 1752 [HPB1:30]

Oct 1768 - Halifax Court - Road Order

Ordered that male tithables of John Coleman, William Chandler, Richard Stanley, John Brewis, and William Cannady do work on the Road whereof JOSEPH ABBOTT is Surveyor

[HPB6:260. TLC, p. 166]

21 Nov 1768

JOSEPH ABBOTT and BENJAMIN ABBOTT among purchasers at estate sale of John Apperson Junr dec'd, R. Wooding, Exr. Rec. 19 Aug 1773 [HWB1:29, Chiarito, WB1, p. 7]

2 Dec 1768 - Poll List for Burgess Election - Halifax County
 JOSEPH ABBOTT, BENJAMIN ABBOTT [no other Abbott on list]

[Source: Mary B. Warren. "Halifax County, Virginia Colonial Poll And Tithables Lists" (Danielsville, GA: Heritage Papers, 1991)]

1769

Jan 1769 - Halifax Court - Road Order

Robert Farguson, JOSEPH ABBOTT, John Brewis, and John Wood, or any three of them, ordered to view and mark the nearest, best, and most convenient way for a road from this Courthouse into the Road leading to Bonds Ferry and report to Court

[HPB6:269. TLC, p. 173]

Note:

"The road leading to Bonds Ferry" became known as Bonds Ferry Road, later Clarks Ferry Road, and roughly today's Newbill School Road. It ran from just above today's Crystal Hill east to the Staunton River and Bonds Ferry that went into adjacent Charlotte County. From there it connected with the main route northeast that led to Petersburg and from there on to either Williamsburg or Richmond. The northern boundary of Joseph Abbott's land became Bonds Ferry Road after his purchase of 200 acres from Isaac Linch in 1778. [HDB11:186] The prospective road being viewed may have become another section of what was later called "the Old Courthouse Road" that ran just west of Joseph Abbott's land and would have connected the courthouse at this time with Bonds Ferry Road.

- - - - -

Mar 1769 - Halifax Court

Thomas Hope v. Richard BROWN & JOSEPH ABBOTT - Debt - Thomas Vaughan & Joseph Moody offer surety for ABBOTT

[HPB6:278. TLC, p. 181]

Mar 1769 - Halifax Court

John Apperson, Exec. of Samuel Epperson dec'd v. Richard BROWN - Debt - JOSEPH ABBOTT offers surety for BROWN

[HPB6:279. TLC, p. 182]

Mar 1769 - Halifax Court

Charles Duncan v. Richard BROWN - In case - JOSEPH ABBOTT offers surety for BROWN

[HPB6:279. TLC, p. 182]

Mar 1769 - Halifax Court

John Irby v. William Nunn - In case - BENJAMIN ABBOTT & Daniel Carlton offer surety for Nunn

[HPB6:290. TLC, p. 189]

Mar 1769 - Halifax Court

John Moore v. JOSEPH ABBOTT - Petition - By mutual agreement, submitted to arbitration of Thomas Tunstall & William Wright

[HPB6:294. TLC, p. 191]

Mar 1769 - Halifax Court

Anderson Craigie & Co. v. Richard BROWN - In Case - JOSEPH ABBOTT common bail for BROWN - Awarded to Pls by jury trial - Richard BROWN and his common bail JOSEPH ABBOTT to pay the assessed damages sustained by Brown's breach of promise of £32 3p half penny plus costs.

[HPB6:298. TLC, p. 194]

Mar 1769 - Halifax Court

Moore to pay Richard BROWN 7 days attendance in his suit against ABBOTT

[HPB6:304. TLC, p. 197]

Note:

In Jul 1768 Court, John Moore was ordered to pay Richard BROWN for 7 days as a witness in Moore's case against BENJAMIN ABBOTT. [HPB6:210] John Moore's case against JOSEPH ABBOTT in Mar 1769 was submitted to arbitration and did not go to a jury trial with witnesses. So it seems this order is a reiteration of Moore's order to pay Richard Brown as a witness against Benjamin Abbott the previous year.

Mar 1769 - Halifax Court

John Apperson, Exec. of Samuel Apperson, dec'd v. Richard BROWN - Debt - BENJAMIN ABBOTT offers surety for BROWN

[HPB6:308. TLC, p. 199]

Mar 1769 - Halifax Court

BENJAMIN ABBOTT on several juries this court session

May 1769 - Halifax Court

BENJAMIN ABBOTT is one of 16 sureties for John Pankey while Pankey awaits trial by the General Court for horse theft - Pankey to post bond of £100, his sureties to post bond of £50 each.

[HPB6:335. TLC, p. 217]

Jun 1769 - Halifax Court

Rachel, wife of Richard Brown, appeared in court to relinquish her dower to her husband's sales of land to Thomas Tunstall (273 ac [sic, 274 ac]), Robert Farguson (200 ac), John Orrill Tunstall (202 ac), BENJAMIN ABBOTT (200 ac), John Wood (100 ac), Marston Green (blank acres), and JOSEPH ABBOTT (300 ac).

[HPB6:339. TLC, p. 220]

Note:

Brown's deeds to five of these seven were dated from 1763-1767 (including Joseph Abbott's deed written 1 Jul 1767). Oddly, though, the formal deed to Benjamin Abbott (and a deed to John Wood) was not dated until Jul 1770, a year after Rachel's dower release here, and he had been living in the immediate area 20 years or so and presumed to be a landowner (eg., he voted and served on juries). Benjamin may have needed a formal deed at this time as he was planning to sell and move westward in the county. [See deed of 19 Apr 1771.]

Jun 1769 - Halifax Court

BENJAMIN ABBOTT v. John Phelps - Petition - For reasons appearing to the Court, suit ordered dismissed

[HPB6:350. TLC, p. 228]

Jun 1769 - Halifax Court

John Moore v. JOSEPH ABBOTT - Petition - For reasons appearing to the Court, suit ordered dismissed

[HPB6:373. TLC, p. 242]

Jun 1769 - Halifax Court

John WADE to pay BENJAMIN ABBOTT for 3 days attendance as witness in suit against William Robinson, Exec. of Andrew Wade [Sr.], dec'd [John's father]

[HPB6:378. TLC, p. 244]

Jun 1769 - Halifax Court

John WADE to pay JOSEPH ABBOTT for 9 days attendance as witness in suit against William Robinson, Exec. of Andrew Wade [Sr.], dec'd

[HPB6:379. TLC, p. 245]

Note:

In addition to Joseph and Benjamin Abbott, John Wade also paid Richard Brown and Richard Brown Jr. as well as his brothers Benjamin Wade and Joseph Wade as witnesses for him. The case went to a jury that found against John Wade and for John's brother-in-law William Robinson, executor of John's father Andrew Wade Sr., dec'd.

Jun 1769 - Halifax Court

JOSEPH ABBOTT on a jury this court session

- - - - -

Jul 1769 - Halifax Court { START HERE Joan had marked this text for either further review/rewrite or to enter in her FTM file. }

Mathew Marable, assignee of William Hoskins, Gent., Sheriff, v. JOSEPH ABBOTT & BENJAMIN ABBOTT - Defs ordered to pay £9 11s 11p 3 farthings, the am't of a bond taken by the said Sheriff for the balance of Marable's execution against the said Joseph Abbott, with interest from 16 Mar 1769 plus costs.

[HPB6:383. TLC, p. 248]

Jul 1769 - Halifax Court

John Moore to pay Daniel Jones for 3 days attendance as witness in his suit against JOSEPH ABBOTT

[HPB6:392. TLC, p. 254]

Jul 1769 - Halifax Court

Robert Wooding, Exec. of John Apperson, dec'd v. JOSEPH ABBOTT & John Irby - Petition - John Irby ordered to pay PI. The suit against JOSEPH ABBOTT is dismissed.

[HPB6:393. TLC, p. 255]

Jul 1769 - Halifax Court

Richard BROWN to pay BENJAMIN ABBOTT for 5 days appearance as witness in suit of Richard Collier

[HPB6:396. TLC, p. 256]

Jul 1769 - Halifax Court

Thomas Hope v. Richard BROWN - In case - Awarded to PI by jury - Richard Brown and his common bail BENJAMIN ABBOTT to pay £8 2s 6p 1 farthing plus costs - JOSEPH ABBOTT was on the jury.

[HPB6:402. TLC, p. 260]

Jul 1769 - Halifax Court

BENJAMIN ABBOTT v. JOSEPH ABBOTT - In case - For reasons appearing [to the Court], suit ordered dismissed.

[HPB6:418. TLC, p. 269]

Note:

There is no indication of the charges or issues involved in this suit that Joseph's son Benjamin brought against him. It does not seem mere coincidence that a year after this case and during an increasingly hostile relationship with Richard Brown that Benjamin Abbott began preparations to leave where he was living near his father and Brown to move 10-12 miles west. This is only the first of four suits Benjamin brought against his father.

{WRITE ALL THIS OVER AGAIN--OR LEAVE OUT HERE *Joan had marked this text for either further review/rewrite or to enter in her FTM file.*

Benjamin Abbott again sued his father Joseph Abbott in July 1783, and once more, there is no indication of the charges except that it was not for debt, and the case records end with a hung jury. In July 1785, Benjamin once again sued his father Joseph, this time for "breach of promise," for which the jury awarded Benjamin a little over £53, and Joseph entered a plea "in mercy" indicating that he could not pay the full amount. (In Dec 1785, Benjamin sued his brother William Abbott for the money, as William had been his father's security.) Then in Jul 1786, less than two years before Joseph died, Benjamin yet again brought suit against his father, this time for "trespass," which the court ordered dismissed. (Later court order plea books have not yet been obtained.)}

JOSEPH ABBOTT & BENJAMIN ABBOTT on several different juries this court session

Aug 1769 - Halifax Court

JOSEPH ABBOTT, Robert Ferguson, John Wood, and Fulker Fulkerson to inventory and appraise the estate of Daniel Carlton, dec'd, on motion of Thomas Tunstall, admin.

[HPB6:438. TLC, p. 282]

Sep 1769 - Halifax Court

Robert Wooding, Exec. of John Apperson, dec'd v. JOSEPH ABBOTT - Petition - Awarded to PI - Abbott to pay £1 7s plus costs.

[HPB6:471. TLC, p. 301]

22 Nov 1769 - Poll List for Burgess Election - Halifax County

JOSEPH ABBOTT, BENJAMIN ABBOTT [no other Abbott on list]

[Source: Mary B. Warren. "Halifax County, Virginia Colonial Poll And Tithables Lists" (Danielsville, GA: Heritage Papers, 1991)]

29 Dec 1769 - Vestry of Antrim Parish, Halifax County

Ordered that BENJAMIN ABBOTT do find and provide for Unity Scoggins the Ensuing year and that he be allowed 800 lb. Tobacco at laying the Next Parish Levy

[Source: Chiarito. "Vestry Book of Antrim Parish, Halifax County, Virginia, 1752-1817" p. 105.]

1770

Apr 1770 - Halifax Court

BENJAMIN ABBOTT v. Richard BROWN - Petition - Parties appeared by their lawyers. On hearing the evidence and arguments on both sides, the Court ordered case dismissed and Abbott to pay Brown his costs.

[HPB6:503. TLC, p. 325]

Jul 1770 - Halifax Court

Deed from Richard Brown to BENJAMIN ABBOTT proved by witnesses and ordered recorded

[HPB6:520. TLC, p. 339]

JOSEPH ABBOTT on several juries; BENJAMIN ABBOTT on a different jury this session

Aug 1770 - Halifax Court

Pattison/Patterson Pulliam ordered to pay GEORGE ABBOTT as a witness in Pulliam's suit against Stephen Wade for 2 days attendance and once coming and returning 28 miles.

[HPB7-1:28. TLC, p. 19]

Note:

The fact that George was paid for travel means he was living outside of Halifax County. He appears to be the George Abbott, born c1734, son of William Abbott and wife Agnes of Brunswick/Lunenburg Co. and brother of William Abbott Jr. (b. c1735). That George Abbott is consistently in Lunenburg records and signed by signature (unlike the George Abbott in the 1763 Halifax deed with Benjamin Abbott who signed with mark "A"). The Lunenburg George Abbott purchased land on Bluestone Creek (first in Lunenburg, then in Mecklenburg) in 1 July 1767 [MDB1:433] that he held until shortly before his death in 1775. [MDB4:336, MWB1:201] The area was roughly 28 miles from the Halifax Courthouse, which was then near Crystal Hill. (Contrary to common assumption, the mileage given is proved not always, perhaps not even usually, to mean round trip but only one way.) George Abbott purchased that land from John Cox of Mecklenburg County, with whose family George Abbott is closely associated in Lunenburg and Mecklenburg records and perhaps a relation. A daughter (Sarah) of John Cox is proved to have married a Pulliam, thought to be the Patterson Pulliam of this case, who owned land on Little Bluestone Creek in Lunenburg/Mecklenburg. Combining all these factors, the George Abbott in this case seems most likely to be the one in Lunenburg, son of William and Agnes Abbott. Even though "a" John Cox witnessed Joseph Abbott's 1767 Halifax deed (ironically on the same day John Cox "of Mecklenburg" sold land there to George Abbott, then living just over the border of Mecklenburg in Granville Co, NC) and the Halifax Abbots have close associations with another branch of the Wade family, the Halifax Abbots were not recorded with or had known connections with the Pulliams. Evidence to date indicates the George Abbott in Halifax 1760 and 1763 is not the same person as the one in Lunenburg/Mecklenburg and apparently died or moved far out of the area by 1765.

JOSEPH ABBOTT and BENJAMIN ABBOTT on several separate juries and once on the same (with Richard Brown)

Sep 1770 - Halifax Court

James McCreary v. JOSEPH ABBOTT - In Case - Abbott by his attorney alleges that PI is not an inhabitant of this Colony [Virginia] - Court orders that unless security for costs be given [by McCreary] at the next court that suit be dismissed

[HPB7-1:49. TLC, p. 32]

Nov 1770 - Halifax Court
 BENJAMIN ABBOTT on Grand Jury
 [HPB7-1:59. TLC, p. 39]

1771

Mar 1771 - Halifax Court
 David George v. Daniel Jones - In Case - BENJAMIN ABBOTT offers surety for Jones
 [HPB7-1:88. TLC, p. 56]

22 Mar 1771 - Halifax Court
 Richard BROWN v. JOSEPH ABBOTT - In Case - Joseph Moody offers surety for Abbott
 [HPB7-1:94. LVA Reel 57. Abstract by J. Horsley.]

James McCreary v. JOSEPH ABBOTT - In case - Since by his attorney Abbott alleges that McCreary is not an inhabitant of this Colony and since McCreary has failed to give security for costs, the suit is ordered to be dismissed.
 [HPB7-1:95. LVA Reel 57. Abstract by J. Horsley.]

18 Apr 1771 - Halifax Court
 BENJAMIN ABBOTT v. Richard BROWN - Petition -
 The parties came by their attorneys, and upon hearing the arguments, the Court ordered that Abbott recover from Brown £3 7s 7p plus costs of suit.
 [HPB7-1:101. LVA Reel 57. Abstract by J. Horsley.]

19 Apr 1771 - Halifax Court
 William Terry v. BENJAMIN ABBOTT - Trespass, Assault & Battery - Case dismissed - PI to pay Abbott his costs.
 [HPB7-1:131. LVA Reel 57.]

Note:

This appears to be William Terry (b. 27 Nov 1749) son of the Nathaniel Terry who accused Benjamin Abbott of the same charge in Halifax Court of 18 Sep 1753 (case dismissed) and again 16 Oct 1753, which case went to a jury 17 Jul 1755 that found Benjamin not guilty. In 1771, Nathaniel Terry is a Justice of the Court and was one of the judges in attendance this day.

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 pouns [£10] each."
 [HPB7-1:135. LVA Reel 57. Abstract by J. Horsley.]

17 May 1771 - Halifax Court

Thomas Hope, assignee of William Hoskins, Sheriff of Halifax v. Richard BROWN & JOSEPH ABBOTT - In Debt

The PI appearing by his attorney, the Defs appearing in person, the Defs withdraw their former plea and say they cannot deny the PI's charge; thus it is ordered that the PI recover from Defs £9 8s 6p plus costs.

[HPB7-1:156. LVA Reel 57. Abstract by J. Horsley.]

20 Jun 1771 - Halifax Court

Deed from BENJAMIN ABBOTT to William Clark was proved by three witnesses and ordered recorded.

[HPB7-1:169. LVA Reel 57. Abstract by J. Horsley.]

Jun 1771

BENJAMIN ABBOTT on a jury this court session.

Jul 1771 - Halifax Court

BENJAMIN ABBOTT v. John Smallman - Debt - Thomas Tunstall offers surety for Def

[HPB7-1:209. TLC, p. 129]

Aug 1771 - Halifax Court

John Sanders v. John Carr - Debt - BENJAMIN ABBOTT offers surety for Carr

[HPB7-1:216. TLC, p. 134]

Aug 1771 - Halifax Court

BENJAMIN ABBOTT v. John Smallman - Debt - Suit dismissed - Smallman to recover his costs from Abbott

[HPB7-1:219. TLC, p. 135]

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."

[HPB7-1:244. 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."

[HPB7-1:246. LVA Reel 57. Transcribed by J. Horsley.]

Note:

Isaac Coles was a Justice of Halifax County and was one of the Justices present at this session of the Court that ordered the peace bond be placed against Benjamin. From 1772-1774, he served as a Burgess representing Halifax County in the Virginia Assembly. [Virginia Magazine of History and Biography Vol. 4, No. 4 (Apr., 1897), p. 385]

Daniel Jones, listed here as security on Benjamin Abbott's peace bond, was a witness for Benjamin Abbott when Benjamin was found not guilty of Assault, Trespass, & Battery in 1755, and Richard Brown had been another witness (see 17 Jul 1755 above). That case was brought against Benjamin in 1753 by Nathaniel Terry, who also was a Justice present in Court on this day the court awarded Richard Brown the peace bond..

- - - - -

20 Sep 1771 - Halifax Court

Richard[sic] Abbott on two sequential and identical jury lists

[HPB7-1:264,267. LVA Reel 57.]

Note:

This name has to be an entry error and is surely for Benjamin or Joseph instead. With one exception of a 1785 tax list that is a proved error, no Richard Abbott is named in any other Halifax records until Joseph Abbott's son Richard Abbott (b. c1770) comes into the records. To serve on a jury, a man had to be a landowner, yet no deed or land grant exists for any Richard in or around 1771, nor is he a bound in any deed abstracted for this time. There is no deed for or with a Richard Abbott except for Joseph's son Richard, and there is no other court record for a Richard Abbott from 1752 until Joseph's son Richard first appears in 1799. No Richard Abbott was found in any adjacent county. Thus, this name has to be merely an entry error. (Severall other times we have proof that the wrong Abbott name was mistakenly written in the court records.)

Plea Book 7, Part 2 begins 17[?] Oct 1771.

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."

[HPB7-2:279. LVA Reel 57. Transcribed by J. Horsley.]

Note:

By deed of 9 Apr 1771 (recorded 20 Jun 1771), Benjamin Abbott sold the land where he was then living at Difficult Creek and moved about 10 miles west to land on the north side of Banister River, where he lived abt. two years before purchasing his permanent residence on the opposite side of the Banister at Bye Creek by deed of 20 May 1773. Since Benjamin changed his residence, he was assigned to a different group of landowners for the maintenance of their local road. There is no recorded deed whereby Benjamin purchased

this land. However, it appears to be the 200 acres he deeded to son Jacob in 1795, where one of the bounds was the estate of Epaphroditus Sydnor, listed on the above road order with Benjamin. John Irby, also on the above list, purchased land in that area in 1760 that was, like Benjamin's, part of original patents to Peter Fontaine. When George Watkins on this road order died in 1782, Benjamin Abbott was a security on the executor's bond. James Bailey on this road order was related to Elijah Merry Bailey, who was accused of assault and trespass by "Benjamin Abbott Jr." (see Jun 1772 court order)

16 Jan 1772 - Halifax Court

Mathew Marable v. JOSEPH ABBOTT - On a Scire Facias as Special Bail for John Wade at the Suit of the Plaintiff

Abbott was special bail for John Wade when sued by Marable, who was awarded the suit. Abbott says he has no cause to alledge why the said PI should not have execution against him to recover the sum awarded to the PI in the suit. Thus, the Court ordered that the PI recover from Abbott £13 1s 6p plus interest from 18 Aug 1769 until paid. Also 820 lbs of Natt[?] tobacco and 16 shillings or 150 lbs of tobacco together with his costs - By consent of PI, execution of this judgment is stayed until October next.

[HPB7-2:282. LVA Reel 57. Abstract by J. Horsley.]

Note:

"Scire Facias" is a writ to revive or renew a judgement. When Joseph Abbott became Special Bail for John Wade, he warranted that if John did not pay what was required of him, then Joseph would. Apparently, John Wade did not pay, so Marable is collecting from Joseph as Special Bail, although Joseph was given a grace period of ten months before payment was due.

Mar 1772 - Halifax Court

Thomas Hope, assignee of James Bates, Gent Sheriff, v. Robert Ferguson and JOSEPH ABBOTT on their Replevy Bond - awarded PI plus costs and interest from 5 Jun 1771

John Fisher, assignee of James Bates, Gent Sheriff, v. Robert Ferguson and JOSEPH ABBOTT on their Replevy Bond - awarded PI plus costs and interest from 5 Jun 1771

Thomas Hope, assignee of James Bates, Gent Sheriff, v. Robert Ferguson and JOSEPH ABBOTT - awarded PI plus costs and interest from 5 Jun 1771

[HPB7-2:298-9. TLC, p. 21-22]

Note:

Robert Ferguson was a close neighbor of Joseph Abbott, and Joseph became his co-defendant by replevy bond.

16 Apr 1772 - Halifax Court

Alexander Speirs & Co. v. JOSEPH ABBOTT - In case - For reasons appearing, suit ordered dismissed

[HPB7-2:302. LVA Reel 57. Abstract by J. Horsley.]

16 Apr 1772 - Halifax Court

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

[HPB7-2:312. LVA Reel 57. Abstract by J. Horsley.]

Note:

This is the first record found with the name of Benjamin Abbott's wife, whom he married abt. 1763. She is again mentioned in court orders of 18 Jun 1784 and 22 Jul 1785, each time called Ann or Anne. Although Nancy was the standard nickname for Ann, the Nancy Abbott who witnessed Benjamin's deed of 9 Feb 1788 was their daughter, who also was recorded as Nancy on the 1789 bond for her marriage and an 1807 deed of sale. [HDB14:286] A wife, who had dower interest in any land of her husband, was not a valid witness to her husband's deeds.

22 May 1772 - Halifax Court

Walter Coles v. JOSEPH ABBOTT and Daniel Jones - Debt - Defs Abbott and Jones not appearing, court awarded PI to be paid the debt of £25 by Defs and their securities Samuel Lewis and Thomas Vaughan - Judgment to be discharged with payment of £12 15s and one penny half penny with interest from 20 Jun 1771, plus costs.
[HPB7-2:344. LVA Reel 57. Abstract by J. Horsley.]

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]

[HPB7-2:349. LVA Reel 57. Abstract by J. Horsley.]

Note:

This shows that Richard Brown died bet. 11 Jan - 22 May 1772. Richard Brown's will is dated 11 Jan 1772 but was not proved in court until 21 Jan 1773. [HWB1:1]

22 May 1772 - Halifax Court

JOSEPH ABBOTT to be paid as a witness for Nathaniel Terry, Gent., at suit of Jeremiah Keen, adm. of Filmer Wills, dec'd, for 11 days attendance. (Other witnesses for Terry were James Drummond and Robert Wooding, Gent.)

[HPB7-2:350. LVA Reel 57. Abstract by J. Horsley.]

JOSEPH ABBOTT on juries during the May Court term

Jun 1772 - Halifax Court

Charles Duncan v. BENJAMIN ABBOTT - William Robinson offers surety for Abbott
[HPB7-2:371. TLC, p. 68]

BENJAMIN ABBOTT JUN'R v. Elijah Merry Bailey - Trespass, Assault, & Battery - For reasons appearing, ordered that this suit be dismissed.

[HPB7-2:393. LVA Reel 57. Abstract by J. Horsley.]

Note:

From connections and associations with people named in various records, Benjamin Abbott Jr. could be a son of Joseph Abbott's son Benjamin Abbott by a first marriage. The defendant here, Elijah Merry Bailey, is related to James Bailey listed in the Jan 1772 road order (above) with the elder Benjamin Abbott, indicating they were neighbors. By deed of 10 Sep 1770, Elijah Merry Bailey sold land in the immediate area to Benjamin Hubbard, whose estate paid Benjamin Abbott in 1772 and whose widow Hannah Hubbard is on the same 1772 road order.

The only other time Benjamin Abbott "Jun'r" is mentioned is a deed he witnessed in 1775. [HDB10:24] Among other connections there, one co-witness, Peter Hudson, witnessed a deed with the elder Benjamin Abbott on 3 Aug 1771. [HDB8:251] Another co-witness with Benjamin Jr., Robert Mann, was also on the 1772 road order with the elder Benjamin Abbott.

Thus, both times Benjamin Jr. is mentioned, he is with people who were in close proximity to the elder Benjamin Abbott. County records used "Jr." and "Sr." to distinguish the younger and older man of the same name, related or not, so Benjamin Jr. would not have to be the elder Benjamin's son. However, the only other Abbotts then in Halifax were part of Joseph Abbott's family; no close Abbott relations are known anywhere in the area; and no Benjamin Abbott appears with the few other Abbott families in adjacent Charlotte and Mecklenburg Co. If the elder Benjamin Abbott had a first marriage around the time he moved to Lunenburg/Halifax Co. abt. 1749, then this Benjamin Jr. could well be his son (born abt. 1750) who either died or moved away prior to 1782 when the yearly tax lists began and only Joseph's son, the elder Benjamin, remains.

Jul 1772 - Halifax Court

RACHEL, widow of Richard BROWN, deceased, being first privately examined, came into court and relinquished her right of dower in and to 91 acres of land conveyed by her said husband in his lifetime to Ambrose Estes. (This court was held 16 Jul 1772) [HPB7-2:417. LVA Reel 57. Abstract by J. Horsley.]

Jul 1772 - Halifax Court

Joshua Stone v. JOSEPH ABBOTT - Petition - Abbott not appearing, awarded to PI to recover from Abbott £2, plus costs. [HPB7-2:421. TLC Gen, p. 99]

Note:

This is the last Court Order Entry for any Abbott through 4 Jan 1773 (last date in Plea Book 7, Pt. 2).

15 Dec 1772 - {BEN ABBOTT was among those mentioned in the accounts of the estate of Benjamin Hubbard, per settlement returned this date by R. Wooding & Thos Tunstall.

[HWB0:349. LVA Reel 36. Abstract by J. Horsley.] *Joan had marked this text for either further review/rewrite or to enter in her FTM file.*

Note:

Benjamin Hubbard's will was written 13 Oct 1770, proved 21 Mar 1771. [HWB0:300]

Plea Book 7, Pt. 2 ends with Court of 4 Jan 1773.

+++++

ALL CO ABOVE FROM ABSTRACT BOOKS (except where reel noted) -- ALL CO BELOW FROM MICROFILM (except for the few above in PB7-2 and below of Paul Heinegg's)

+++++

NOT ALL CASES WITH ABBOTT DEFENDANTS INCLUDED (JOS & BEN ONLY MENTIONED)

Halifax Reel 57 - Pleas [Court Orders] No. 7 Pt. 2 (1770-1772) & Pleas [Court Orders] No. 8 (1773-1774)

Book 8: Begins 21 Jan 1773 - Ends 16 Apr 1774

1773

21 Jan 1773 - Halifax Court

Robert Wooding, Gent., executor &c of John Apperson, dec'd, & assignee of Thomas Yuille, Sheriff[sic] v. JOSEPH ABBOTT and John Wood - Judgment awarded to Wooding against Abbott and Wood on their Replevy Bond passed to the sd Thomas Yuille for £6 1s 3p plus costs, but to be discharged (except to costs) by payment of £3 7s half penny with interest from 5 Aug 1772 until paid. [HPB8:2. LVA Reel 57. Abstract by J. Horsley.]

21 Jan 1773 - Halifax Court

Walter Coles Gent. assignee of Thomas Yuille Gent v. JOSEPH ABBOTT and John Wood Judgment awarded to Coles against Abbott and Wood on their Replevy Bond passed to the sd Thomas Yuille for £31 19s 6p together with costs of the motion. But the judgment, except to costs, is to be discharged by payment of £15 19s 6p with legal interest from 5 Aug 1772. [HPB8:3. LVA Reel 57. Abstract by J. Horsley]

21 Jan 1773 - Halifax Court

WILL of RICHARD BROWN, deceased, was presented at court by Thomas Tunstall, one of the executors therein name, who was granted Executor's certificate with Paul Carrington his security. Liberty reserved for other Executor [Richard Brown Jr.] to join in said probate when he shall think fit.

Ordered that Joseph Morehead, Mathew Durham, John Wooton, and William Wright inventory and appraise the estate of Richard BROWN, dec'd
[HPB8:7. LVA Reel 57. Abstract by J. Horsley.]

21 Jan 1773 - Halifax Court

BENJAMIN ABBOTT S'r {?????????CHECK [prob. should be JOSEPH ABBOTT] *Joan had marked this text for either further review/rewrite* } is appointed Surveyor of "the Road from this Courthouse into the Road near his house, and it is ordered that the said Benjamin with the gang belonging to the said road do clear and keep the same in repair according to law."
[HPB8:7. LVA Reel 57. Abstract by J. Horsley.]

Note: { ++++RE-DO NOTES++ *Joan had marked this text for either further review/rewrite.*

This entry seems much more likely to be for Joseph Abbott instead of Benjamin, because Joseph lived near the old courthouse and is recorded two months later as surveyor for a road in the immediate area . (It would not be the only time an Abbott's first names were confused in the records.) At this time, Halifax Court was held just south of today's Crystal Hill, and the "Old Courthouse Road" is mentioned in many records for Joseph and his adjacent neighbors. IN 1769?? ABOVE ROAD FROM BONDS ROAD TO COURTHOUSE. Two months after the above order, a road order in March 1773 shows Joseph was currently serving as a Surveyor of a road in this same place. On the contrary, Benjamin Abbott left this area in 1771 and moved to land on the Banister River. The tract where he lived from mid-1771 to mid-1773 (when he then moved several miles farther west), was probably 8-10 miles west of the old courthouse, and there is no indication in deeds that his land that it was on or near one of the roads that led from the Banister eastward to the old courthouse. No

entry is indexed that referred to Benjamin being appointed or serving as road surveyor in his Banister River area.}

18 Feb 1773 - Halifax Court

Alexander Speirs & Company v. JOSEPH ABBOTT, Daniel Jones, & BENJAMIN ABBOTT - In Debt

Defs say they cannot deny they owe to the Pls the sum of £11 18s 8p half-penny, and the Court ordered that the Pls recover that sum from the Defs together with interest from 19 Mar 1772 until paid. The Pls acknowledge satisfaction for £9 10p received 18 Feb 1773.

[HPB8:18. LVA Reel 57. Abstract by J. Horsley.]

18 Mar 1773 - Halifax Court - Road Order

Ordered that the following be added to the gang under the direction of JOSEPH ABBOTT, to wit, William Watkins, Robert Durham Senr, Robert Durham Junr, William Chandler Senior, William Chandler Junior, James Brown, John Wood, George Vaughan, James Drummond, Richard Lampkin [Lamkin], Thomas Bowman, John Bowman, Ambrose Estes, and John Coleman.

[HPB8:51. LVA Reel 57. Abstract by J. Horsley.]

Note:

All of these people lived near and generally north/northeast of the Halifax court then held just below today's Crystal Hill, VA. In March 1772, Fulker Fulkerson was appointed Surveyor of the road with many of the same people who are added this session to Joseph's "gang" (ie, landowners and their male tithes responsible for maintaining the road in their area).

Fulker and his only son, John Fulkerson, lived adjacent or one tract removed from Joseph Abbott and family, and John Fulkeerson's daughter Catharine married Joseph's son Richard Abbott in 1818. William Chandler's original land was adjacent to Joseph Abbott, and James Drummond and Ambrose Estes were one removed. Part of John Coleman's large tract was later sold to Joseph's sons William and Richard and adjoined their own lands originally from Joseph. James Brown may be James son of Martin Brown who died in 1765 and who appears to be Richard Brown's brother or at least a close relation.

20 May 1773 - Halifax Court

Commonwealth v. BENJAMIN ABBOTT - 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."

[HPB8:105. LVA Reel 57. Transcribed 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 Thomas and ordered recorded.

[HPB8:110. LVA Reel 57.]

22 May 1773 - Halifax Court

Thomas Tunstall, Executor of Richard Brown, dec'd v. JOSEPH ABBOTT - In Case
By the mutual consent of the parties by their attorneys, all matters in the dispute in this suit shall be submitted to the determination of James Bates, Armistead Watlington, and Nathaniel Cocke Gent., or any two of them, and that their award thereupon be made the Court judgment.

[HPB8:140. LVA Reel 57.]

17 Jun 1773 - Halifax Court

William Allen Whitlock ass[assignee] of Josiah Whitlock v. BENJAMIN ABBOTT - In Debt - John Murphey offers surety for Def. Benjamin Abbott.

[HPB8:151. LVA Reel 57.]

17 Jun 1773 - Halifax Court

"On the petition of Joan Harris a Mulatto Servant against her Master BENJAMIN ABBOT 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 [contract] for the said Servant It is therefore considered that She be discharged from his Service."

[HPB8:155. LVA Reel 57. Transcribed by J. Horsley. Caps and comments in brackets added.]

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>]

(See 16 Jan 1777 Court Order below regarding Milley Harris being bound out to Benjamin Abbott.)

18 Jun 1773 - Halifax Court

Charles Duncan v. BENJAMIN ABBOTT - In Case
Jury trial finds for the Pl. Def to pay £7 1s 2p plus costs.

[HPB8:169. LVA Reel 57.]

15 Jul 1773 - Halifax Court

Matthew Marable assignee of Thomas Yuille Gent. v. JOSEPH ABBOTT & BENJAMIN ABBOTT - On a motion upon a Replevy bond

Ordered that the PI recover from Defs. £23 4s 7p 1/2 with legal interest from 11 Mar "last past" [11 Mar 1773] plus costs
[HPB8:189. LVA Reel 57.]

18 Nov 1773 - Halifax Court

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.
[HPB8:311. LVA Reel 57]

18 Mar 1774

Edmund Graves v. BENJAMIN ABBOTT - Petition - "This day came the parties by their attorneys and on hearing the arguments on both sides, it is considered by the Court that this petition be dismissed and that the Def recover against the PI his costs by him about his defense in this behalf expended."
[HPB8:406. LVA Reel 57.]

18 Mar 1774

Matthew Durham v. BENJAMIN ABBOTT - In Case - Dismissed, the plaintiff failing to prosecute
[HPB:406. LVA Reel 57.]

18 Mar 1774

Alexander Speirs & Company assignee of Thomas Yuille late Sheriff v. JOSEPH ABBOTT -
On a Replevy Bond
PI to recover from Def £7 15s 11p with interest from 20 Oct 1773 plus costs.
[HPB8:411. LVA Reel 57.]

Last Court Date PB 8 - 16 Apr 1774

Halifax Reel 58 - Pleas [Court Orders], No. 9, Pt. 1 (1774 - 1779), No. 9, Pt. 2 (1774 - 1779),
No. 10 (1779 - 1783), No. 11 (1783 - 1786)

Book 9 (Part 1 & 2) - Begins 21 Apr 1774 - Ends 20[?] May 1779

Book 10 - Begins 17 Jun 1779 - Ends 16 Oct 1783

Book 11 - Begins 16 Oct 1783 - Ends 19 Aug 1786

1774

22 Apr 1774 - Halifax Court

Isaac Read v. JOSEPH ABBOTT - On a Petition - Def ordered to pay PI £1 10s "together with his Costs by him in this behalf expended"
[HPB9-1:23. LVA Reel 58.]

16 Jun 1774 - Halifax Court

Deed of trust between JOSEPH ABBOTT and Buchannan Hastie & Co. proved by the oaths of two witnesses and ordered recorded.
[HPB9-1:67. LVA Reel 58.]

William Adams Whitlock v. BENJAMIN ABBOTT - In Debt - "Dismissed the plaintiff not further prosecuting."

[HPB9-1:69. LVA Reel 58.]

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

[HPB9:80. LVA Reel 58.]

Note:

Halifax Personal Property Tax Lists in 1783 and 1784 include the slave owners' slaves by name, and Joseph Abbott's son Benjamin Abbott is still listed with a slave George.

EXPLAIN HOW THEY MADE CORRECTIONS TO THE POSTED LISTS

This is one of nine consecutive entries in the court order with the same wording for each man making the motion to add or correct the general lists that were made public. These are not necessarily men newly residing in the county. For example, one entry in this sequence is for "William Chandler Senr." for his tithables to include himself, John Chandler [his son] and two slaves, Phillit[?] and Joe[?]. William Chandler Sr. lived next to Joseph Abbott at least since ____ and was in Halifax County before 19 May 1763, when he served on a grand jury. two entries below: On the motion of William Chandler Senr it is ordered that his list of Titheables to wit himself, John Chandler, [slave] Thillet? & [slave] Joe be added to the general Lists

20 Oct 1774 - Halifax Court - Road Order

Anthony Buckner appointed surveyor of the road from Banister Bridge to the south fork of Terrible Creek and ordered to lay open, clear, and keep the road in repair according to Law together with the "male labouring Titheables" of Thomas Finney, BENJ'a ABBOTT, Nipper Addams, Epa's Sydnor, John Nichols, Thomas Fambrough, Thomas Fambrough Jun'r, Thomas Elliott, John Phelps, John Baily[Barly?], Thomas Carr, Thomas Ferguson, James Chisum, Timothy Chandler, William Watkins, Richard Dudgeon, Robert Neely, Robert Durham, Robert Durham Jr, William Green[?], John Milner, Nicholas Gwin, Joseph Mayes, Joseph Irby, and John ____ [illegible on microfilm]

[HPB9:87. LVA Reel 58.]

Note:

Benjamin had already purchased, and apparently was living on, his land across the Banister at Bye Creek. However, he still owned the land on the north (ie, east) side of the Banister and was responsible for road maintenance as the landowner there. This tract was the one he deeded to his son Jacob Abbott in 1795 [HDB16:360], and in 1798, Jacob is listed on a road order with some of the same landowners as above.[HPB18:523]

1775

18 May 1775 - Halifax Court

Report of the County Grand Jury includes the decision that "an Indictment against JOSEPH ABBOTT [is] a true Bill." (No further details and no later case indexed regarding this indictment.)

[HPB9:119. LVA Reel 58.]

1777

16 Jan 1777 - Halifax Court

"Ordered that the Church Wardens of Antrim Parish bind out Milley Harris daughter of Johannah Harris to BENJAMIN ABBOTT according to Law."

[HPB9:185. LVA Reel 58.]

1778

21 Aug 1778 - Halifax Court

Jeremiah Keen, Administrator of Philmer Wills deceased v. William Samford and BENJAMIN ABBOTT - In Debt

George Watkins makes himself a party Defendant hereto. The Sheriff having determined Samford is no inhabitant of this County, the suit against him abates. The Defs ABBOTT and Watkins "say that they cannot deny the Plaintiff's action against them" and admit owing to him the sum of £9 3s, which the Court ordered they pay the PI with his costs. However, the Defs plea "in Mercy," and the Court then ordered the debt discharged, excepting costs, by the sum of £4 11s 6p with interest from 1 Aug 1773. And the PI "acknowledges satisfaction" for the Sum of £3 3s 9s paid on 17 Dec 1773.

[HPB9-2:341. LVA Reel 58]

19 Nov 1778 - Halifax Court

Mary McKendree v. BENJAMIN ABBOTT - In Case - For reasons appearing to the Court, this suit dismissed. Ordered that PI recover her costs from Def.

Next entry:

The King v. BENJAMIN ABBOTT - On an Indictment - This suit is dismissed by the order of Mary McKendree the prosecutor [ie, the one who brought the charge against him]. Ordered that the PI recover her court costs from Def.

[HPB9-2:375. LVA Reel 58.]

Note:

Interestingly, the Revolution is in full swing and Independence declared, but the case is still entered as being brought by the King's Attorney. Even more interesting, the Court Order General Index compiled in the 1900s labels the case as "The Commonwealth" (state of Virginia) v. Benjamin Abbott.

12 Dec 1778 - Halifax Court

Deed to Benjamin [*sic*, JOSEPH] ABBOTT S'r from Isaac Lynch acknowledged in court. Elizabeth, wife of Isaac Lynch released her dower. [HPB9-2:382. LVA Reel 58.]

Note: {+ DO OVER BELOW+ *Joan had marked this text for either further review/rewrite or to enter in her FTM file.*}

There are several problems with this entry. First, this deed was to Joseph Abbott, not Benjamin Abbott. There is no deed recorded from Linch/Lynch to Benjamin Abbott, and the deed of this same date from "Isaac Linch" to Joseph Abbott references this acknowledgment and the dower release in the court of this date. [HDB11:186]

The second problem is the notation "Sr," which does seem to refer to Benjamin rather than Joseph. Nowhere else in the court records is Joseph or Benjamin called "Sr." Joseph has a proved son Joseph Abbott (Jr.) who was over 21 and who married about this time, but the younger Joseph never appears in these records through Aug 1786. However, there are two

mentions of a "Benjamin Abbott Jr." One is in a court suit in June 1772, the other is a deed of 19 Oct 1775 that he witnessed. In both cases, the other names on the records connect the "Jr." with the elder Benjamin Abbott (Joseph Abbott's son). The use of Sr. and Jr. refers merely to the elder and younger of the same name, so the two men are not necessarily father/son or even related at all. In this case, though, they likely were related and could well be father and son. See further discussion under notes for each entry with "Jr." above.

1779

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."

[HPB9-2:393. LVA Reel 58. Caps and comments in brackets added by JH.]

Note:

This "peace bond" is in effect a kind of restraining order for which Joseph applied, apparently having reasons to be "apprehensive" that Benjamin might do him physical violence in the same way that in 1771 Richard Brown petitioned for the same against Benjamin Abbott 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, so obviously the Court was taking this situation very seriously.

16 Sep 1779 - Halifax Court

On a motion of JOSEPH ABBOTT it is ordered that his list of Tythes to wit himself, WILLIAM ABBOTT, and three Negro Slaves be added to the general lists of Tithables.

[HPB10:74. LVA Reel 58.]

Note:

This supports that Joseph's son Joseph Abbott Jr. (b. c1750) married abt. 1778 and is head of his own household by this date, because Joseph Jr. is not included in Joseph Sr.'s tithables this year, only his next son William (b. 1756).

17 Sep 1779 - Halifax Court

Commonwealth of Virginia v. John Chandler and Robert Chandler

Jury trial found John and Robert Chandler guilty of "making the assault upon the Body of George Vaughan and him beating and wounding" as alleged. Fined £200 plus costs and ordered "that they be taken &c"
[HPB10:90. LVA Reel 58.]

WILLIAM ABBOTT witnessed for the Commonwealth against John and Robert Chandler in this trial and it was ordered he be paid 300 lbs tobo for six days attendance out of the aforesaid fines and costs according to Law.
John FULKERSON (and Meredith Compton) also witnessed for the Commonwealth and was paid 250 lbs tobo for five days attendance.

BENJAMIN ABBOTT served on the jury for this trial

- - - - -

18 May 1780 - Halifax Court

Commonwealth v. ABBOTT &c

"BENJAMIN ABBOTT appeared in discharge of his recognizance 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."

[HPB10:139. LVA Reel 58. Caps and comments in brackets added by JH.]

Note:

The details of the original charge James Preston brought against Benjamin the previous year are not given in the court records, as the complaint and subsequently issued recognizance bond (sometimes refered to as a "peace bond") was made before and by a Halifax Justice rather than in open court. However, as in 1753, brought by Robert Sims, in 1771, brought by Richard Brown, and in 1779, brought by Joseph Abbott Sr., Preston's charge would have been assault or perceived threat of assault or bodily harm upon him by Benjamin as well as Benjamin's teenage son Elisha. (Personal property tax lists show him born no earlier than 1764, thus age 16 here.)

"Recognizance" or "peace" bonds, requiring two securities and often-hefty fines for transgressions, demanded peaceable behavior for "a year and a day." That time limit ran out as of 1 May 1780, abt. two weeks before this court case, and it seems from this entry that James Preston may be asking for an extension. The court apparently heard no grounds to do that and granted Benjamin discharge from his bond. However, in 1783, Benjamin and his son Elisha once again were place under a peace bond resulting from a complaint by a different party. [HPB10:360]

18 May 1780 - Joshua Powell, BENJAMIN ABBOTT, and William Sydnor returned their inventory and appraisal of the estate of Anthony Irby Jun. dec'd [HWB1:313]

19 May 1780 - Halifax Court

JOSEPH ABBOTT v. William Baker - The Defendant not appearing altho solemnly called and the Plaintiff (Abbott), through his attorney having proved his account of Four Pounds nineteen shillings, the Plaintiff is to recover from the Defendant the same plus costs.
[HPB10:142. LVA Reel 58.]

19 May 1780 - Halifax Court

WILLIAM ABBOTT to be paid by JOSEPH ABBOTT 300 lbs tobacco for six days attendance as a witness for JOSEPH ABBOTT in his case against William Baker [HPB10:150. LVA Reel 58.]

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" [HPB10:158. LVA Reel 58.] (Ref. 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. [HPB10:207. LVA Reel 58.]

1 Nov 1781 - JOSEPH ABBOTT and WILLIAM ABBOTT purchased at the estate sale of Edward Tuck, dec'd - Rec. 25 Jan 1790 [HWB2:387] [THINK HATCHER ALSO HERE-- CHECK]- -----

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)

19 Apr 1782

JOSEPH ABBOTT - 325 lbs. grass beef [no valuation included]

WILLIAM ABBOTT - 8 days service as guard escorting prisoners - 10s 8p - Continental currency

[Source: Janice L. Abercrombie and Richard Slatten. Virginia Revolutionary Publick Claims (Athens, GA: Iberian Pub. Co., 1992), p. 432, 433, 437]

Note:

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. With the war winding down and basically won after Cornwallis' surrender 19 Oct 1781, a Virginia Act of 5 Jan 1782 created special hearings to be held at each county courthouse for residents to claim reimbursement for what had been donated or impressed. The currency listed in some records, Continental or State, indicates whether their goods or services had been used by the Continental Army and paid by US currency or by the state military units and paid for in "current money of Virginia."

William Abbott's civilian service escorting prisoners (presumably different from the month of enlisted service he gave escorting prisoners to Albemarle Co. in spring 1781) and the supplies from Joseph and Benjamin may have been used in February 1781 after Gen. Nathanael Greene's successful "Crossing of the Dan" with his troops into Halifax County where they quartered several weeks while re-grouping and replenishing both men and supplies.

16 May 1782 - Halifax Court

WILLIAM ABBOTT is appointed Surveyor of the road whereof JOSEPH ABBOTT was late surveyor and it is ordered that the said William "with the usual hands belonging to the said road" [shall] forthwith clear and keep in the same in good repair according to Law. [HPB10:247. LVA Reel 58.]

16 Aug 1782 - Halifax Court

William Baker v. JOSEPH ABBOTT - In Case - Dismissed, the PI not further prosecuting this suit. Ordered that the Def recover from the PI his costs. [HPB10:289. LVA Reel 58.]

19 Sep 1782 - Halifax Court

BENJAMIN ABBOTT v. Mark Milner - In case

On the motion of the Defendant by his attorney, a Dedimus is awarded to him to take the deposition of Thomas Finney and John Walters for legal advice. [HPB10:299. LVA Reel 58.]

21 Nov 1782 - Will of George Watkins, written 14 Apr 1782, was presented and proved by the oaths of witnesses William Wright, Ephraim Hill, and Thos. Brown. Executor's bond of Robert Williams secured by Haynes Morgan & BENJAMIN ABBOTT [HWB1:424]

Note:

George Watkins' son-in-law Nathaniel Manning (husband of Rebecca Watkins) was named an executor in the will of JOSEPH ABBOTT, written 30 Mar 1787. Haynes Morgan, co-security here with Benjamin Abbott, also witnessed Benjamin Abbott's deed dated 9 Apr 1771. [HDB8:232]

1783

20 Feb 1783 - Halifax Court

Deed from BENJAMIN ABBOTT to Elisha ABBOTT acknowledged by Benjamin as his own act and deed and ordered recorded. [HPB10:328. LVA Reel 58.]

Note:

No mention of or request for release of dower, although Benjamin's wife Ann was still alive as of 22 Jul 1785. [HPB11:189]

15 May 1783 - Halifax Court

BENJAMIN ABBOTT v. Mark Milner - In Trespass on the Case

On the motion of the Defendant by his attorney, a Dedimus is awarded to him to take the Deposition of JOSEPH ABBOT "de bene esse" [ie, "good for the present" or conditionally] giving the Plaintiff ten days legal notice &c [HPB10:334. LVA Reel 58.]

16 May 1783 - Halifax Court

Thomas Tunstall Exor &c of Richard Brown deceased v. JOSEPH ABBOTT - In Trespass on the Case

The differences between them in this suit are referred to the final end and determination of John Coleman, Nathaniel Hunt, and Michael Roberts Gent. [Justices of Halifax County] and their award to be made the judgment of the Court and it is ordered accordingly.

[HPB10:340. LVA Reel 58.]

16 May 1783 - Halifax Court

William Hayden v. BENJAMIN ABBOTT - On a Petition

The parties appearing by their attorneys and upon the court hearing the arguments on both sides, it is considered by the Court that the Pl recover from the Def the sum of £3 15s plus Pl's costs. Whereupon on the motion of the Def's attorney, an injunction is granted Def to stay further proceedings until the matter can be heard in Equity [ie, Chancery Court], having first entered into bond with William Wright his security according to Law. The Def is given time until the third Thursday in next month to file his bill.

[HPB10:342. LVA Reel 58.]

Note:

Cases heard in the Court of Equity or Chancery Court were decided on the basis of "fairness" (equity) rather than strictly by law or cases where the issues involved were not specifically covered by statutory law. (Halifax Chancery Court cases are not on microfilm prior to 1831 and have not yet been digitized on the LVA website.)

16 May 1783 - Halifax Court

Our Sovereign Lord the King v. BENJAMIN ABBOTT - In Debt - "For reasons appearing," case dismissed.

[HPB10:350. LVA Reel 58.]

Note:

One "reason" for dismissing the suit brought on the King's behalf may be because he was no longer considered their "Sovereign Lord," even though the peace treaty that formally and officially ended the Revolutionary War was not signed until 3 Sep 1783.

- - - - -

19 Jun 1783 - Halifax Court

BENJAMIN ABBOTT v. Mark Milner - In Trespass on the Case - The parties having agreed, case ordered dismissed.

[HPB10:356. LVA Reel 58.]

19 Jun 1783 - Halifax Court

Commonwealth v. BENJAMIN ABBOTT and ELISHA ABBOTT

"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 levied 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 levyyed as aforesaid []) on condition &c [ie, etc.] and it is ordered that they pay the costs of these proceedings."

[HPB10:360. LVA Reel 58.]

Note:

Interestingly, unlike in 1780, Elisha Abbott is not noted here as a minor and is treated in the case as being of legal age. However, Elisha is clearly recorded in personal property tax lists as being under age 21 from spring of 1782 through spring of 1785 and was age 21 in spring of 1786, making him only abt. age 19 here. It is possible, though, that Elisha married a first unknown wife by this time, in which case he would be considered legally responsible for himself and his obligations.

18 Jul 1783 - Halifax Court

BENJAMIN ABBOTT v. JOSEPH ABBOTT - In Trespass on the Case {++++++EXPLAIN RE HUNG JURY+++++ *Joan had marked this text for either further review/rewrite.*}

"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."

[HPB10:366. LVA Reel 58.]

Note: {++++++WORK ON THIS TAKEN FROM BENJAMIN

PAPER+++++ *Joan had marked this text for either further review/rewrite or to enter in her FTM file.*}

This suit of Benjamin against Joseph was the same type of suit Benjamin brought against Mark Milner in May of this year. The details of Benjamin's suit against Joseph 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 real or personal property, including withholding property to which the plaintiff feels he has a right. Instead of finding agreement and having the case dismissed, as he did with Milner, Benjamin's case against his father went to jury trial.

The jury could not agree on a verdict and was ordered to return the next day to try again, but the outcome was not recorded. It could be, since no order was entered against Joseph to pay the penalty amount and court costs as was done when the defendant lost the case, that Joseph finally was found not guilty, especially since Benjamin did not re-submit the same charge again based on an unresolved hung jury.

BACKGROUND NOTES:

Claiming an injury was sustained as a consequence of (but not directly from) an act by the accused. Compensation to the plaintiff for injury or damage to his real or personal property interests (But is it injury to person or property, and what does trespass have to do with it?)

Hurt & Bailey connected with Hubbard

This section is from the book "Popular Law Library Vol 4 Torts, Damages, Domestic Relations", by Albert H. Putney. Also available from Amazon: Popular Law-Dictionary.

Chapter II. Trespass And Trespass On The Case. Section 8. Fundamental Distinction Between Trespass And Trespass On The Case

The distinction between trespass and trespass on the case is generally stated as being that if an injury be done to A by the immediate force of B, the former may bring trespass; but that if the injury be not immediate, but merely consequential, he cannot sue in trespass; and his remedy, if any, is by action on the case for consequential damages. An illustration frequently given is that of a man throwing a log into a highway; if the log strike A in its fall he may sue in trespass; but if, after it is lodged, and rests upon the ground, he stumbles over it, he must sue in trespass on the case.¹

The leading case on this distinction, which has now been followed by the Courts both of this country and of England, for more than a century, is the famous case of Scott vs. Shepherd, generally referred to as the "squib case." On account of great importance of this case in this branch of the law, and on account of the high character of the legal reasoning contained in the case, the decision is given in the next section in its entirety.²

Read more: <http://chestofbooks.com/society/law/Popular-Law-4/Chapter-II-Trespass-And-Trespass-On-The-Case-Section-8-Fu.html#ixzz2lwsEN71k>

More on this Google Search:

http://www.google.com/search?hl=en&as_q=legal&as_epq=In+Trespass+on+the+Case&as_oq=&as_eq=&as_nlo=&as_nhi=&lr=&cr=&as_qdr=all&as_sitesearch=&as_occt=&safe=images&as_filetype=&as_rights=not+filtered+by+license

Also (while looking for "Action of Trespass"

<http://legal-dictionary.thefreedictionary.com/trespass>

As trespass developed into a means of compelling the defendant to compensate the plaintiff for injury to his property interests, it took two forms: an action for trespass on real property and an action for injury to Personal Property.

In an action for trespass on land, the plaintiff could recover damages for the defendant's forcible interference with the plaintiff's possession of his land. Even the slightest entry onto the land without the plaintiff's permission gave the plaintiff the right to damages in a nominal sum.

An action for trespass to chattels was available to seek damages from anyone who had intentionally or forcibly injured personal property. The injury could include carrying off the plaintiff's property or harming it, destroying it, or keeping the plaintiff from holding or using it as she had a right to do.

Later, an additional Cause of Action was recognized for injuries that were not forcible or direct. This action was called trespass on the case or action on the case because its purpose was to protect the plaintiff's legal rights, rather than her person or land, from intentional force.

More for "Action of Trespass"

http://www.google.com/search?hl=en&as_q=define%2C+legal&as_epq=action+of+trespass&as_oq=&as_eq=&as_nlo=&as_nhi=&lr=&cr=&as_qdr=all&as_sitesearch=&as_occt=&safe=images&as_filetype=&as_rights=not+filtered+by+license

18 Sep 1783 - Halifax Court

BENJAMIN ABBOTT assignee of Mary Powell v. William Price and William Irby - In Debt
David James offers surety for Defendants
[HPB10:395. LVA Reel 58.]

1784

19 Mar 1784 - Halifax Court

JOSEPH ABBOTT v. William[?] Thompson and John Chandler - The parties having agreed,
suit dismissed
[HPB11:43. LVA Reel 58.]

19 Mar 1784 - Halifax Court

BENJAMIN ABBOTT v. William Price - Court ordered that Plaintiff (Abbott) recover from
Defendant the am't due [the number of pounds is cut off edge of page] plus costs.
[HPB11:45. LVA Reel 58.]

19 Mar 1784 - Halifax Court

Robert Williams Execcutor of George Watkins deceased v. WILLIAM ABBOTT and John
Chandler
The PI's attorney produced the Defs note for £2 10s with legal interest from 15 Jun 1783,
and the court ordered the same to be paid plus costs.
[HPB11:46. LVA Reel 58.]

19 Mar 1784 - Halifax Court

BENJAMIN ABBOTT v. William Piles & James Reise [Rice] - Defendant [singular] not
appearing altho solemnly called and the PI through his attorney producing in court the
Defendant's note for £4 plus interest from 1 Oct 1782, it is ordered that Plaintiff recover from
Defendant the sum of £4 [no mention of interest] plus costs
[HPB11:48. LVA Reel 58.]

18 Jun 1784 - Halifax Court

On the motion of ANNE ABBOTT and BENJAMIN ABBOTT witnesses for Mary Powell
against William Price, It is ordered that the said Mary do pay them fifty [50] Pounds of
Tobacco each for two days attendance each according to Law.
[HPB11:88. LVA Reel 58.]

18 Jun 1784 - Halifax Court

BENJAMIN ABBOTT v. James Chappell - On a Petition - Defendant not appearing, Plaintiff
(Abbott) appearing by his attorney, and Plaintiff proving his account for three pounds ten
shillings, ordered that Plaintiff recover against Defendant the same plus costs. [HPB11:88.
LVA Reel 58.]

18 Jun 1784 - Halifax Court

BENJAMIN ABBOTT to pay ELISHA ABBOTT 50 lbs tobacco for two days attendance as a witness for Benjamin in his suit against James Chappell
[HPB11:89. LVA Reel 58.]

1785

21 May 1785 - Halifax Court

Robert Williams Exor. George Watkins Estate v. WILLIAM ABBOTT & William Hill - Motion on Replevy Bond

Ordered that the PI recover from Def sum of £7 12s 5p plus costs. Except to costs, judgment to be discharged by payment of £3 16s 2p and a half penny with legal interest from 5 Apr 1784 until paid.

[HPB11:281. LVA Reel 58.]

(Note: Page numbers for court orders from Feb to Jun 1785 are out of sequence.)

21 May 1785 - Halifax Court

John O. Tunstall v. JOSEPH ABBOTT & George Vaughan - Motion on Replevy Bond

Ordered that the PI recover from Pls £4 16s 8p plus costs. Except to costs, judgment to be discharged by payment of the sum of £2 8s 4p with legal interest from 8 Jun 1784 until paid.

[HPB11:282. LVA Reel 58.]

(Note: Page numbers for court orders from Feb to Jun 1785 are out of sequence.)

22 Jul 1785 - Halifax Court

BENJAMIN ABBOTT v. JOSEPH ABBOTT - In case [re: claiming damages sustained from breach of promise]

"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 Irby, James Hoskins, John Moore, John Rainey and Daniel Bates who being elected tried and Sworne on their Oaths do say that the Defendent [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 also his costs by him about his Suit in this behalf expended and the Defendant in Mercy &c"

[HPB11:188. LVA Reel 58. Transcribed by J. Horsley. Comments in brackets added.]

NOTE the RICHARD BROWN is "Jr." -- In 1785 and 1786 PP tax lists. --but don't think it's "Jr." because there's no Richard Brown in the 1782 or 1785 HofH enumeration or in the 1786 (1787?) tax lists.

Note: {RE-WRITE - THERE'S A 4TH SUIT OF BENJ AGAINST JOSEPH!! *Joan had marked this text for either further review/rewrite.*}

"In mercy" indicates that Joseph entered a plea stating he was unable to pay the full amount assessed or that it would cause undue hardship. In such cases, the court usually discounted

the amount due, but there is no further mention in this record. However, in the Court held 15 Dec 1785 (below), Benjamin petitioned and obtained an order for his brother William Abbott to pay the sum of sixty-three pounds, [blotted] shillings, ten pence plus costs and interest until paid off, as William had offered himself security for his father. All completely legal, of course. Nevertheless, William had only married 2 Dec 1784 after serving throughout the Revolution. Benjamin, on the other hand, was then abt. 56 and had about the same assets as his 75-year-old father in land purchases and taxable personal property, but Benjamin had 7 children, the youngest then abt. age 6, while Joseph was still supporting 13 of his 16 children, the youngest being a year old.

As shown below, one witness for Joseph Abbott was Daniel Baugh. By that it appears that the situation from which the charge of "breach of promise" arose took place seven years or more prior to this suit. At the time of this case, Daniel Baugh lived in Mecklenburg County, adjacent to the southeast part of Halifax. As a witness, Daniel's payment included his costs for Bibbs Ferry, which crossed the Staunton River separating Halifax from Charlotte County and the southwest border of Mecklenburg, adjacent to Charlotte Co. All three counties were originally part of Lunenburg County.

Daniel Baugh is documented in Lunenburg County 10 Nov 1768, and on 10 Apr 1769, Daniel Baugh "of Lunenburg" deeded 136 acres on Bluestone Creek in Mecklenburg County to John Cox Jr. (Interestingly, on 13 Jul 1767, John Cox deeded 255 acres on Blue Stone Creek in Mecklenburg to George Abbott, apparently the son of William and Agnes Abbott of Lunenburg, whom we discuss elsewhere.)

Daniel Baugh was "of Halifax County" by 11 Aug 1777, when he purchased 375 acres in Mecklenburg County. He is documented in Mecklenburg by 12 Oct 1778 and continues in Mecklenburg records through 1783. Shortly after witnessing for Joseph in Jul 1785, he moved to Edgefield District, SC, where he purchased his first land 31 Oct 1787.

Given this time frame, Daniel Baugh could have been in Halifax by 1770 (at least no earlier than Apr 1769) and definitely left 1777-1778. Since no relationship was found between his family and the Abbotts and neither they or their families appear on records together to imply ongoing contact, it seems reasonable to assume that the event or situation Joseph Abbott called upon Daniel to give witness took place between 1770-1778, that is, 7-15 years prior to this suit brought by Benjamin.

Benjamin's first law suit against his father Joseph was in July 1769, in the midst of great legal turbulence involving both Abbotts and Richard Brown. These culminated in August 1771, when Richard Brown sued Benjamin Abbott for assault and battery, and the Court placed an order against Benjamin for one year's good and peaceable behavior. About the same time, Benjamin moved away from Joseph and the rest of the family, where Benjamin had been living about 20 years, to settle some miles to the west. Richard Brown, who had been a close friend of both Joseph and Benjamin and possibly an Abbott relation through his wife, died bet. Jan - May 1772, while in the process of a suit against each Joseph and Benjamin.

All this to say that whatever constituted the "breach of promise" Benjamin claimed (and was awarded consequent "damages"), it appears likely to have happened at a time of great family turmoil when Joseph and Benjamin may have been or possibly were becoming

alienated to some degree. When Joseph wrote his will not quite two years after this suit (Benjamin's third of four against Joseph, the last one dismissed like the first), Joseph bequeathed him "one shilling." Sometimes that merely was shorthand for "no more than already given," but against the background of their court dealings, one has to wonder.

22 Jul 1785 - Halifax Court [con't]

BENJAMIN ABBOTT is ordered to pay Robert Williams for five days attendance as a witness for him in his suit against JOSEPH ABBOTT.
[HPB11:188. LVA Reel 58.]

"Ordered that BENJAMIN ABBOTT pay ANNE ABBOTT for Eighteen [18] Days attendance as a witness for him in his Suit against JOSEPH ABBOTT"
[HPB11:189. LVA Reel 58]

Note:

Benjamin's wife Anne Abbott was also paid along with Benjamin on 18 Jun 1784 for both of them witnessing for Mary Powell.

JOSEPH ABBOTT is ordered to pay Daniel Baugh seven days attendance and three times coming and going twenty miles with Ferriages at Bibbs once as a witness for him at the suit of BENJAMIN ABBOTT.

[HPB11:189. LVA Reel 58.]

Note:

See more about Daniel Baugh in note for Court session of 22 Jul 1785 (above)

JOSEPH ABBOTT is ordered to pay Simon Holt for eight days attendance as a witness for him at the suit of BENJAMIN ABBOTT.

[HPB11:189. LVA Reel 58.]

BENJAMIN ABBOTT is ordered to pay James Stevens for one day attendance as witness for him in his suit against JOSEPH ABBOTT

[HPB11:189. LVA Reel 58.]

- - - -

19 Aug 1785 - Halifax Court

JOSEPH ABBOTT v. Thomas Tunstall - Petition - The sheriff having returned that the Defendant "is no Inhabitant of this County," the suit is abated [ie, voided].

[HPB11:204. LVA Reel 58.]

- - - - -

18 Nov 1785 - Halifax Court

Henry Goare v. BENJAMIN ABBOTT - Trespass Ass'l [Assault] & Battery
"For reasons appearing," suit dismissed. Def ordered to pay PI his costs.

The next entry says only:

Same v. Same - Case - same Order

[HPB11:239. LVA Reel 58.]

Note:

Henry Goare seems to have been an assistant to the county clerk in this time period and witnessed numerous marriage bonds signed and filed in the County Clerk's Office.

- - - - -

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.

[HPB11:288. LVA Reel 58.]

Note:

ADD RE THE EXTRA 10 POUNDS INCLUDING PAYING BENJAMIN'S WIFE 18 DAYS WITNESS

ALSO: LOOK UP PARENTHESES IN ORIGINAL

1786

10 Jan 1786

WILLIAM ABBOTT, William Watkins, John Self, and William Claibrooke [William Claybrook] acknowledge themselves indebted to the Commonwealth of Virginia for £100 penalty bond to secure their appearance in the Commonwealth General Court to be held in the City of Richmond April next [Apr 1786] to give evidence on behalf of the Commonwealth in its case against John Compton and Barton Lovelace and that they will not depart the said court without leave. [paraphrased]

[HPB11:296. LVA Reel. 58.]

Note:

A post to the RootsWeb Lovelace Message Board on 12 Apr 2000 by Karen Fallin says that Compton and Lovelace were accused of stealing a horse belonging to William Abbott, and the two men were ordered to be held in jail until their trial in the General Court at Richmond. (The post did not include the date or citation for this Halifax Court order entry.) Although it was the State that brought the case, not William Abbott himself, he and Watkins, Self, and Claybrook were required by the above court order to appear as witnesses for the State's case, and they would be penalized £100 if they failed to appear. Neither I nor the respondents to the message board post were able to find the outcome of this case, but at that time, horse theft was "hanging offense."

<http://archiver.rootsweb.ancestry.com/th/read/LOVELACE/2000-04/0955580549>

Trial of John Compton & Barton Lovelace in Richmond for stealing a horse of William Abbott!

18 May 1786 - Halifax Court

BENJAMIN ABBOTT v. JOSEPH ABBOTT - Action of Trespass

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

[HPB11:342. LVA Reel 58.]

20 May 1786 - Halifax Court

Richard Epperson v. WILLIAM ABBOTT "& others" - In Debt - For reasons appearing, case Dismissed

[HPB11:461. LVA Reel 58.]

Last Abbott entry indexed for PB11. - Halifax Plea Book 11 ends 19 Aug 1786

17 Nov 1786 - Halifax Court

Thomas Read & Jno Coleman Exr Isaac[?] Read v. BENJAMIN ABBOTT - On a Petition
On hearing ordered that this Petition be dismissed.
[HPB12:40. LVA Reel 59.]

17 Nov 1786 - Halifax Court
Commonwealth v. JOSEPH ABBOTT - Indictment - For reasons appearing to this Court, the
suit is dismissed
[HPB12:47. LVA Reel 59.]

1787

19 Jul 1787 - Halifax Court
ELISHA ABBOTT is appointed a Constable in this county. Ordered that the Sheriff summon
him to appear at the next court to take the oath of his said office according to law.
[HPB12:180. LVA Reel 59.]

19 Jul 1787 - Halifax Court - Road Order
Ordered that the hands of Matthew Lacy, William Chapman, Moses Chapman, Hatcher
OWEN, JOSEPH ABBOTT, Nathaniel Manin [Nathaniel Manning], George Watkins, William
Davis, Mrs. Watkins, Pannell and Bruce be added to the Road whereof John Echols is
Surveyor and that they together with the usual hands that worked on the said Road do
forthwith [__?] and keep the same in repair according to Law.
[HPB12:183. LVA Reel 59.]

Note:

This order may be for the "hands" of Joseph Abbott Jr. rather than his father Joseph Abbott
Sr. Joseph Jr. likely is living by this time on the land he formally purchased in 1791 from his
father-in-law Thomas Lacy. [HDB15:156] The land is described as being adjacent to
Nathaniel Manning, and deeds and later road orders show it was just east of the land of
Joseph Jr.'s brother-in-law Hatcher Owen. (Eg, in 1800, the "hands" of Joseph Abbott [Jr.]
were assigned to the road whereof Hatcher Owen was surveyor. [HPB19:274]) Thomas
Lacy's son Matthew Lacy plus Nathaniel Manning and Hatcher Owen are also included in
this 1787 road order for the additional workers added to John Echol's work group.

18 Aug 1787 - Halifax Court
BENJAMIN ABBOTT v Robert Madison and Ambrose Madison [also sp. Maddison] - In
Case
On a motion by his attorney, Abbott awarded sum of £9 18s 8p plus costs of this motion.
Judgement to be discharged by payment of £2 with lawful interest from 7 Mar 1787 plus
costs.
[HPB12:220. LVA Reel 59.]

20 Aug 1787 - Halifax Court
James Hoskins Exor. &c of William Hoskins, dec'd v. BENJAMIN ABBOTT - On a Petition
By agreement of the parties, this petition is ordered to be dismissed
[HPB12:237. LVA Reel 59.]

17 Sep 1787 - Halifax Court
ELISHA ABBOTT took the oath of a constable in this county according to law.
[HPB12:260. LVA Reel 59.]

20 Sep 1787 - Halifax Court

"A writing recantation between BENJAMIN ABBOTT and Elizabeth [Willion?, Willson?] of the one part and William Dodson of the other Part was Proved by the Oaths of Two of the witness[es] thereto subscribed to be the act and Deed of the said Benjamin and Elizabeth and Ordered to be Recorded.

[HPB12:261. LVA Reel 59.]

1788

27 Mar 1788 - Halifax Court

Thomas Tunstall exor of Richard Brown dec v. JOSEPH ABBOTT - In Case

"The plaintiff [Tunstall] having departed this life since the commencement of this suit therefore the same abates"

[HPB12:355. LVA Reel 59.]

Note:

Presumably this is the Thomas Tunstall whose will was dated 30 Aug 1787 and proved 19 May 1788 in Pittsylvania County, VA. Joseph Abbott apparently is still living at the time of this case; however, he is missing in the 8 May 1788 tax list for his estate, when no white males over age 21 are included, and only his one son (Richard, b. c1770) is enumerated between age 16-21. Thus, Joseph Abbott died abt. April 1788. His will was presented in court 27 Oct 1788 (below).

23 Jun 1788 - Halifax Court

Bill of sale between Robert Tucker and BENJAMIN ABBOTT and BENJAMIN ABBOTT's "Indorsement" thereon were acknowledged by the respective parties and ordered recorded.

[HPB12:422. LVA Reel 59.]

Note:

See deed and memorandum dated 18 Oct 1787. [HDB14:263]

28 Jul 1788 - Halifax Court

An indenture between William Pearman and BENJAMIN ABBOTT was proved by the oaths of three of the witnesses thereto to be the act and deed of William Pearman and ordered recorded.

[HPB12:432. LVA Reel 59.]

Note:

See deed from William Pearman to Benjamin Abbott dated 9 Feb 1788. [HDB14:286]

27 Oct 1788 - Halifax Court

"The last will and Testament of JOSEPH ABBOTT deceased was exhibited into Court and was proved by the oaths of two of the witnesses thereto subscribed to be the act and will of the said Joseph and was Ordered to be Recorded, and on the motion of FRANCIS[sic] ABBOTT the Exexecutrix and WILLIAM ABBOTT one of the Executors therein named who made oath according to Law certificate for obtaining a Probate of the said Estate was Granted them they Giving Security whereupon they Together with Edward PARKER and John FULKERSON their Securities entered into and acknowledged their Bond for that purpose according to Law Reserving Liberty to Nathaniel MANNING the other Executor therein named to join in the Execution thereof when he shall think fit."

[HPB13:42. LVA Reel 59.]

Note:

Joseph Abbott wrote his will 30 Mar 1787. Joseph signed consent for his daughter Mary's marriage 10 Oct 1787. He died between 27 Mar 1788, when Joseph appears still to be living per the court record of that date [HPB12:355], and 8 May 1788, when his personal property tax list was only for his estate that had no white male tithes over age 21.

This court statement made when his will was presented in court was copied (with only a few minor differences) into the will book directly following Joseph's will. [Halifax Will Book 2, p. 298-300]

27 Oct 1788 - Halifax Court

"Ordered that Ambrose Estes, John Wood Sen'r, Foulker Foulkerson [Fulker Fulkerson] and John Yates or any three of them they being first sworn before a Justice of the Peace according to Law do appraise in current money the slaves if any and Personal Estate of JOSEPH ABBOTT dec'd and Return the same to the next Court."

[HPB13:43. LVA Reel 59.]

25 Nov 1788 - Halifax Court

An Inventory and appraisal of the Estate of JOSEPH ABBOTT dec'd was Returned into Court and Ordered to be Recorded.

[HPB13:64. LVA Reel 59.]

26 Nov 1788 - Halifax Court

JOSEPH ABBOTT v. John O. Tunstall - On an Injunction In Chancery

"The Plaintiff having Departed this life since the last Continuance therefore this suit abates and It is Ordered that the said Injunction be Revived and stand in the same plight and Condition as it were at the time of the Plaintiff[s] decease and continued for the said Plts Bill."

[HPB13:70. LVA Reel 59.]

1789

24 Mar 1789 - Halifax Court

JOSEPH ABBOTT JUN'R v John Orril Tunstall - On an Injunction In Chancery

On the motion of the Plaintiff and for reasons appearing [to the Court], it is ordered that this suit be Reinstated and Put on the Docket, and thereupon Came the Parties by their attorneys and on fully hearing It is Ordered and Decreed that the Plts Bill be made Perpetuall and that the Judgement and Execution obtained by the Defendant agst him take no effect and that the PI Recover against the Defendant his Costs by him about his suit in thie behalf expended.

[HPB13:122. LVA Reel 59.]

28 Apr 1789 - Halifax Court

Indenture between Jessee[sic] Pearman and ELISHA ABBOTT was further proved by the oaths of two other witnesses and ordered to be recorded.

[HPB13:169. LVA Reel 59.]

Note:

See deed dated 3 Dec 1788. [HDB14:409]

25 May 1789 - Halifax Court

WILLIAM ABBOTT v. Ambrose Hart - In Case

For reasons appearing, this suit is dismissed and PI to pay Def his costs.

[HPB13:185. LVA Reel 59.]

25 Aug 1789 - Halifax Court

On motion of BENJAMIN ABBOTT, ordered that Frances Petty pay Abbott 125 lbs tobo for appearing 5 days as a witness at the suit of William Price.

[HPB14:28. LVA Reel 59.]

1790

22 Mar 1790 - Halifax Court

BENJAMIN ABBOTT, assignee of Mary Powell, Adm. of Joshua Powell, dec'd v. William Price & William Irby - In Debt

Jury finds the Defs owe to PI just debt of £16 plus costs, to be discharged by payment of £8 with interest from 9 Feb 1785 plus costs.

[HPB14:134. LVA Reel 59.]

Note:

One of the jurymen was "John Foulkerson" [John Fulkerson], close neighbor of Joseph Abbott's family whose daughter Catharine later married Joseph's son Richard Abbott.

24 May 1790 - Halifax Court

WILLIAM ABBOTT v. George Eastes [Estes] - In Case - By order of the Plaintiff, this suit is dismissed.

[HPB14:202. LVA Reel 59.]

Last court date on Reel 59 - Plea Book 14 - 26 Jul 1790

26 Aug 1790 - Halifax Court

BENJAMIN ABBOTT v. William Hayden - Upon an Injunction

The Def not answering the Complainant's [Benjamin's] bill, the bill is taken for confessed.

Ordered that the Injunction obtained by the Def against the Compl at common law be perpetually enjoined and that the Compl recover from the Def his costs.

[HPB15:45. LVA Reel 60.]

1792

25 Jun 1792 - Halifax Court - Road Order

"William Abbott is discharged from being appointed Surveyor of this Road in future"

[HPB15:471. LVA Reel 60.]

Note:

A discharge was a release from an obligation or a release from a burden (as opposed to being dismissed). Apparently this discharge was at William's request, as there is no reference in the records to any complaints or problems with his work as there usually is when a surveyor's performance was unsatisfactory. The location of "this Road" is not specified. However, William was appointed Road Surveyor in place of his father in 1782 and perhaps needed some relief. In 1795, William Abbott is appointed a Processioner for his area, and he would not have been assigned such a vital responsibility if his previous work

had been problematic or unsatisfactory. William does serve again as Road Surveyor, as references are made to his "gang" at least by the early 1820s, during which time he was again appointed a Processioner.

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 [HPB15:525. LVA Reel 60.]

Note:

At abt. age 64 and four or five years before his death, this is the last of a lifetime of assault charges and eight peace bonds required of Benjamin Abbott (and the first peace bond order to mention prison). The first case for Assault and Battery that Benjamin lost was in 1753 and also brought by a woman. [HPB1:248] His first recognizance bond was the same year. [HPB1:179] In this 1792 peace bond, Benjamin's security Alexander Hittson was on the Jury that found against Joseph Abbott in Benjamin's 1783 suit against his father.

26 Nov 1792 - Halifax Court

Grand Jury Presentments include: "An indictment on JOSEPH ABBOTT jr, ELISHA ABBOTT, and ARMISTEAD ABBOTT for an Assault and Battery committed on the Body of Elizabeth Lawless."

Ordered that process issue to cause them and the others presented to appear in Court the 4th Monday in March next to answer.

[HPB16:1. LVA Reel 60.]

Note:

This is the same Elizabeth Lawless for whom the court issued a Peace Bond against Benjamin Abbott (father of Joseph, Elisha, and Armistead) in Aug 1792. Benjamin's son Joseph Abbott is called "Jr." in various Halifax records once he became of age in order to distinguish him from the older or "Sr." Joseph Abbott then in the county, who was Joseph Abbott Sr.'s son Joseph (b. c1750).

26 Nov 1792 - Halifax Court

William Lawless & Elizabeth Lawless v. ARMISTEAD ABBOTT & JOSEPH ABBOTT -
Peace Bond

"By the oath of William Lawless and Elizabeth Lawless 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 ABBOTT and ARMISTEAD ABBOTT, therefore it is Ordered that they enter into Recognizance with two Securities themselves in the sum of Fifty pounds each [£50] each and their Securities in the sum of Twenty five pounds [£25] each and that they shall be in Custody of the Sheriff until they shall find such Surety.

Whereupon JOSEPH ABBOTT came into Court and Together with BENJAMIN ABBOTT and Richard Carter his Securities entered in to Recognizance [each for the aforementioned sums, etc] on the Condition that the said JOSEPH ABBOTT be of good and peaceable behaviour towards all the good people of this Commonwealth but more especially toward the said William Lawless and Elizabeth Lawless for and During the Space of One year and a Day next ensuing."

/s/ Joseph Abbott, Benjamin Abbott [mark omitted], Richard Carter
[HPB16:6. LVA Reel 60.]

Note:

Nothing was included about Armistead Abbott appearing with his securities, even though the peace bond was ordered against him as well as Joseph, so is likely an oversight in the recording. According to personal property tax lists, Armistead Abbott was born in later 1770 or early 1771. In June 1792 (five months before), Armistead appears on the tax lists at age 21 and is responsible for his own taxes, thus he was of legal age by this time.

1793

24 Jun 1793 - Halifax Court

On the motion of BENJAMIN ABBOTT who saith he is owner of a Tract of Land on both sides of Runaway Creek across which said Stream he is desirous of erecting a Dam for the purpose of building a Grist Water Mill. Therefore it is ordered that a writ of ad quad damnum issue directed to the Sheriff commanding him to Summon and impanel Twelve [__?] persons to meet upon the Land and at the place so proposed for the creation of said Mill on the first Saturday in October next who being met shall be charged by the said Sheriff impartially and to the best of their skill and Judgment to view and Examine the Lands above and below of the property of others which may probably be overflowed and to say to what Damage it will be of to the several proprietors [...] and that the Inquest so to be made and sealed by the said Jurors together with this Writ be returned by the said Sheriff jere to Court.to this Court."

[HPB16:168. LVA Reel 60.]

Note:

The full list of the kinds of possible damage caused by the proposed dam that the jurors are to assess is fascinating, everything from the "mansion house" of the landowners to their orchards and gardens to "ordinary navigation" to "fish of passage" as well as what could be done to prevent any such damage -- today we would call it an Environmental Impact Statement. The writing is very difficult to read in the microfilm copy, but it even says something about whether the "health of the [neighbours?] will be annoyed by the Stagnation of the water." Unfortunately, no follow-up report was found in the General Index to these court records.

This land may be the tract deeded to Benjamin's son Elisha for "100 acres on the waters of Runaw" purchased in 1788 from Jesse Pearman. [HDB14:409] Earlier that year Benjamin purchased a tract of 100 from William Pearman, but that was along the north bank of the Banister. [HDB14:286] When Benjamin divided up all his land to his children bet. 1794-1796, none of the deeds mentioned a mill or specifies Runaway Creek, but Elisha kept the tract from Jesse Pearman that was adjacent to the land he purchased in 1803 on Bradley Creek. [HDB19:522]

22 Jul 1793 - Halifax Court

Deed to BENJAMIN ABBOTT from John Dyer was presented in court and proved by the oaths of three witnesses.

[HPB16:173]

27 Aug 1793 - Halifax Court

Commonwealth v. JOSEPH ABBOTT Jun'r, ELISHA ABBOTT, and ARMISTEAD ABBOTT
For reasons appearing to the Court, the Indictment against them is dismissed.

Next entry says:

"The Same against BENJAMIN ABBOTT - The same Order"

[HPB16:209. LVA Reel 60.]

Note:

Apparently this Indictment against Benjamin's three sons is the one brought by the Grand Jury in Nov 1792, when they were indicted on "Assault and Battery committed on the Body of Elizabeth Lawless." Benjamin's name is not included in that Grand Jury list but could have been omitted inadvertently. (The last indictment indexed for him was in 1790.) Elizabeth Lawless was granted a peace bond against Benjamin in Aug 1792 and another against Joseph and Armistead in Nov 1792. Those were different from indictments, and the peace bond against Joseph and Armistead was still in full force and effect until 27 Nov 1793. Benjamin's expired 28 Aug 1793, the day after this court order. (Here again, Benjamin's son Joseph is called "Jr." to distinguish him from the older or "Sr." one of that name then in the county, who was the first Joseph Abbott's son Joseph Abbott, b. c1750, a brother of Benjamin.)

1795

23 Mar 1795 - Halifax Court

John Dyer v. BENJAMIN ABBOTT - In Debt

Richard Walne offers special bail for Abbott

[HPB17:24. LVA Reel 61.]

25 May 1795 - Halifax Court

John Dyer v. BENJAMIN ABBOTT - In Debt

"On the motion of the Defendant by his attorney, it is ordered that the Judgment obtained in the office against him for want of appearance be set aside. And therefore came the Parties by their Attorneys and the Defendant saith the Plaintiff his action against him he ought not to have and maintain because he saith that he hath Paid the debt in the declaration mentioned to which the Plaintiff replied generally and the tryall [trial] of the issue is referred until the next Court. Whereupon for reasons appearing, to the Court, this suit is ordered to be dismissed and that the Plaintiff pay unto the Defendant his costs..."

[HPB17:99. LVA Reel 61.]

Note:

This is the last court case brought by or against Joseph Abbott's son Benjamin Abbott. (Benjamin began a lifetime of frequent court cases in Aug 1752, three months after the first court was held for the newly-established county of Halifax.) Benjamin Abbott makes one more appearance in Court, when he acknowledges three deeds to his children on 22 Feb 1796. Benjamin Abbott last appears in Halifax personal property taxes in his list dated 30 Mar 1796, which shows he had given the last of his taxable property to his children over the previous year. He sold the final portions of his land to two sons by deeds signed on 16 May 1796, but they were proved in court 27 Jun 1796 by the witnesses instead of Benjamin himself. Thus it is clear by his absence in all Halifax records after this time that Benjamin Abbott died bet. May 1796, when he signed his last deeds, and May 1797, when he is missing in the yearly personal property tax lists by name and in his children's households for that and all subsequent years. (See details in report on Benjamin Abbott.)

24 Aug 1795 - Halifax Court

"John Bowmar, WILLIAM ABBOTT, William Coates, and William Row[?] are appointed Processioners of all the Lands within the boundaries of Capt. William Keene's Company of Militia of this county - And it is ordered that they or any two of them do between the last day of September and the last day of March next coming see every persons land within the precinct aforesaid Processioned according to Law. And that they take an account of every person's land they shall so procession and of the persons present at the same - and also of what lands in their precinct they shall fail to Procession and the particular reasons of such failure and make a true return thereof to the Court."

[HPB17:195. LVA Reel 61.]

Note:

"Processioning" was an ancient English practice whereby every four years (or other interval set by law) the appointed officials walked the bounds of each property accompanied by the owners to make sure all boundaries were clearly marked and the markers in the correct places. If adjacent landowners disagreed, every attempt was made to come to an agreement on the spot to avoid burdening the courts with lawsuits. Landowners who did not attend (or failed to send a legal representative) were censured and fined. Other reasons for being unable to procession a property could range from severe weather preventing accessibility to a landowner's stating he did not know the proper bounds to being unable to locate the markers. As for the processioners, tromping through deep woods or mucking in dense underbrush to locate marker trees or rocks required physical stamina, while negotiating compromises with landowners in disagreement required a very different set of skills.

The militia district captain William Keene was a witness to William Abbott's 1798 deed from Henry Coleman for land adjacent to William's own. [HDB18:107] Jeremiah Keen was a bound on Abbott Difficult Creek land in the early 1770s.

1796

23 May 1796 - Halifax Court

George Camp v. WILLIAM ABBOTT and John Yates - In Debt
Daniel Parker offered himself as security ("special bail") for the Defs

[HPB17:424. LVA Reel 61.]

Note:

Daniel Parker was the brother of William Abbott's wife, Mary Parker Abbott. John Yates was a close Abbott neighbor at least since the late 1770s.

27 Jun 1796 - Halifax Court

WILLIAM ABBOTT and John Bomer [John Bowmar] returned their report on processioning the lands in the precinct of Captain William Keene's Company of Militia.

[HPB17:442. LVA Reel 61.]

24 Oct 1796 - Halifax Court

George Camp v. WILLIAM ABBOTT and John Yates - In Debt

On the motion of the Defs by their attorneys a commission was awarded them to take the depositions of Henry Isbell, Edward Parker, and Daniel Parker, witnesses in this cause, giving the PI legal notice of the time and place.

[HPB18:27. LVA Reel 61.]

Note:

Edward Parker was William Abbott's father-in-law, and Daniel Parker was William's brother-in-law.

28 Nov 1796 - Halifax Court

Mildred Coles Executrix of Walter Coles dec'd v. David Parker and WILLIAM ABBOTT - In Debt

Defs say they "cannot gainsay the action of the PI" and do not deny that they owe her the sum she claims. Ordered that PI recover from Def the £25 they owe plus costs. But judgment is to be discharged by payment of £12 15s with interest from 3 Jun 1796 until paid, plus costs. PI agrees to stay execution of judgment until Jan next [Jan 1797].

[HPB18:40. LVA Reel 61.]

Note:

David Parker was a brother of William Abbott's wife Mary Parker Abbott.

30 Nov 1796 - Halifax Court

Ordered that WILLIAM ABBOTT and John Yates pay Henry Isbell \$1.59 for three days attendance as their witness in the suit brought by George Camp.

Ordered that James Morehead pay WILLIAM ABBOTT \$1.59 for three days attendance as a witness in Morehead's suit against John Roberts.

[HPB18:94. LVA Reel 61.]

1797

27 Feb 1797 - Halifax Court

Jesse ABBOTT included in road order to work with his titables under Nathaniel Tally, surveyor.

[HPB18:118. LVA Reel 61.]

Note:

Jesse Abbott and his apparent relative Matthew Abbott (not mentioned in court records) are proved not to be sons of Joseph Abbott Sr. by Joseph's will and are not grandsons per other documented evidence. Jesse and Matthew are the only Abbotts in Halifax through 1860 who were not part of Joseph Abbott's family.

Matthew Abbott first appears on Halifax personal property tax lists in 1788, the year after he married Sarah Casady in Halifax 26 Dec 1787. Jesse Abbott first appears in Halifax

personal property tax lists in 1798 and married Sally Stokes in Halifax 16 Jun 1804. Both Matthew and Jesse moved from Halifax to adjacent Pittsylvania County abt. 1809 and lived near each other there. I was unable to determine their relationship or their possible parents. The only other court records for Jesse Abbott are: Jesse Abbott is mentioned in the court records in 1800 on the road crew under William Walden. [HPB19:397] Jesse and Sally Abbott "et al" sued Richard Wade in 1806 [HPB25:37] that was dismissed in 1808. Jesse and Sally Abbott's deed to Richard Wade was first proved in Halifax Court in 1808.[HPB26:141]

29 Mar 1797 - Halifax Court

George Camp v. WILLIAM ABBOTT and John Yates - In Debt

Jury trial rendered a verdict for the PI that the Defs owe him £50 18s as declared and assess the Defs £9 in damages, plus costs. The Defs pleaded "in mercy." Judgment to be discharged by payment of £25 9s with legal interest from 5 Jan 1795 until paid plus damages and costs. -- Deducting £26 17s 8p paid 15 Feb 1796.

[HPB18:157. LVA Reel 61.]

29 Mar 1797 - Halifax Court

Ordered that James Morehead pay WILLIAM ABBOTT \$1.59 for three days attendance as a witness in Morehead's suit against John Roberts.

[HPB18:161. LVA Reel 61.]

Note:

The first name "James" may be struck through with a small illegible name above, or that could only be a flaw in the microfilm. The same order was entered at the Nov 1796 Court, yet there is only one case for James Morehead v. John Roberts.

30 Aug 1797 - Halifax Court

WILLIAM ABBOTT to pay the following as witnesses for him in his suit against John Fulkerson. The rate was \$0.53 for each day's attendance in Court.

RICHARD ABBOTT - 3 days [William's brother]

John Bruce - 3 days

John Yates - 3 days

John Wood Junr - 2 days

[HPB18:297. LVA Reel 61.]

Note:

William Abbott brought this case against John Fulkerson for slander, which William won by jury trial. However, the jury trial was not entered into the records until March 1798, and further witness payments to Richard Abbott and John Yates (with others) were ordered at that time. Since John Fulkerson lost the case, he also had to pay William's costs, which included witness payments.

Nov 1797 - Halifax Court

WILLIAM ABBOTT to be paid as a witness for James Brown at the suit of Frederick Chandler - \$1.06 for 2 days attendance

[HPB18:359. LVA Reel 61.]

Note:

The jury trial was not entered into the records until March 1798. (The jury found for the Def but each man was to pay his own costs.)

1798

Mar 1798 - Halifax Court

WILLIAM ABBOTT to be paid as a witness for James Brown at the suit of Frederick Chandler - \$1.06 for 2 days attendance
[HPB18:422. LVA Reel 61.]

29 Mar 1798 - Halifax Court

WILLIAM ABBOTT v. John Fulkerson - In Case for Slander

Jury trial finds John Fulkerson "guilty in form and manner as the Plaintiff against him hath Complained and they do assess the plaintiff's damages by occasion thereof to four pounds eleven shillings [£4 11s] besides his costs." Therefore it is ordered that the PI recover of the Def the assessed damages plus costs, and "the defendant in mercy &c ---" [no reduction granted]

[HPB18:424. LVA Reel 61.]

Note:

John Fulkerson and his father, Fulker Fulkerson, lived next to or one tract removed from the Abbott family at Difficult Creek since Joseph Abbott and his family arrived in Halifax when William was abt. 6 years old. John Fulkerson was about the same age as William. Their families had been closely involved, and in 1803, William's youngest brother, Fleming Abbott, witnessed John Fulkerson's will. In 1818, William's brother Richard Abbott married John Fulkerson's daughter Catharine.

29 Mar 1798 - Halifax Court

WILLIAM ABBOTT to pay the following as witnesses for him in his suit against John Fulkerson. The rate was \$0.53/day.

RICHARD ABBOTT - 2 days [brother of William Abbott]

John Yates - 3 days [long-time close neighbor of William]

William Chandler - 5 days [long-time close neighbor of William]

Jesse Younger - 3 days

Witnesses for John Fulkerson:

John Roberts - 3 days

William Kennady [Canaday] - 2 days

[HPB18:425. LVA Reel 61.]

29 Mar 1798 - Halifax Court

Peter F. Kent v. Jeremiah Terry - In Trespass Assault and Battery

The jury for this case included: LEONARD ABBOTT, RICHARD ABBOTT, JOHN ABBOTT, and WILLIAM ABBOTT

Others were: John Fulkerson, David Nicholds, John Bruce, Michael Bruce, Anthony Gresham, Robert Trammell, Martin Miller, and Hardiway Chandler [Hardaway Chandler]
[HPB18:425. LVA Reel 61.]

Note:

Jury members are not included in the court order book indexes or in the general index of court orders (I only came upon the entry while viewing the list of witnesses paid by William Abbott on the same page), so there is no way to judge whether having four Abbott brothers on the same jury was unusual or not. Jurymen John Fulkerson had lived next to the Abbotts since the mid-1760s, and by bond of 9 Jun 1804, John's daughter Betsy Fulkerson married

Hardaway Chandler on this jury. Fleming Abbott, brother of the Abbott jurymen, witnessed John Fulkerson's will in 1803, and in 1818, John's daughter Catharine Fulkerson married jurymen Richard Abbott.

24 Sep 1798 - Halifax Court - Peace Bond

"MOODY ABBOTT who stands bound by a recognizance entered into before Ambrose Maddison Gent. [Halifax Court Justice] to appear here this day to answer the complaint of Thomas Owen against him for a breach of the peace appeared accordingly and thereupon the said Thomas Owen came into Court and again made oath that he was in fear of his life or some bodily hurt to be done him or procured [procured] to be done him by the said Abbott and requiring security of the peace against him; It is considered by the Court and accordingly Ordered that the said Moody Abbott enter into reconizance with two or more securities himself in the penalty of one hundred pounds [£100] and his securities each in fifty pounds [£50] payable to the Governor of this Commonwealth and his successors conditioned that the said Moody Abbott shall be of good behaviour towards all the good Citizens of this Commonwealth but especially towards the said Thomas Owen for and during the term of one year and a day next coming, and that he be in custody until he enters into such recognizance ---

MOODY ABBOTT came into Court together with Hatcher OWEN and WILLIAM ABBOTT his securities -- acknowledged themselves indebted unto his excellency James Wood esquire Governor or chief Magistrate of this Commonwealth for the time being and his successors for the use of the Commonwealth, that is to say the said Moody Abbott in the sum of one hundred pounds [£100] and his securities each in fifty pounds [£50] to be levied of their respective goods and chattels lands and tenements and to our said Governor and his Successors insured. Yet upon this condition nevertheless that the said Moody Abbott shall be of good behaviour towards all the good Citizens of this Commonwealth but especially towards the said Thomas Owen for and during the term of one year and a day next coming then this recognizance to be void otherwise to remain in full force and virtue.

Signed: MOODY ABBOTT, HATCHER OWEN, WILLIAM ABBOTT

[HPB18:513. LVA Reel 61.]

Note:

Moody Abbott, son of Joseph Abbott and wife Frances, was in his early 20s at this time and likely still living at home with his mother and and his unmarried siblings. Moody's security William Abbott was his (half) brother abt. 20 years his elder and lived next to the others. Moody's other security, Hatcher Owen, was Moody's brother-in-law who married Moody's older sister Mary Abbott in 1787. Hatcher Owen also was the brother of Thomas Owen who obtained the peace bond against Moody.

Oct 1798 - Halifax Court - Road Order

JACOB ABBOTT is included in the road maintenance "gang" under John Lacy, appointed here as surveyor of "the road from McEndrees bridge to the South Fork of Terrible Creek." The landowners responsible for the maintenance of this section of road are: Richard Mitchell, David Barley, George Robertson, Benjamin Johnson, Edmund Johnson, John Carter, William Hunt, Lodwick Talley, Nathaniel Royster, Nipper Adams, JACOB ABBOTT, Thomas Priddy, Amey Buckner [widow of Anthony Buckner], William Milner, William Robertson, and Henry Coleman.

[HPB18:523. LVA Reel 61.]

Note:

Jacob Abbott is the son of Benjamin Abbott. The land where he is living by this time was deeded to him by his father in 1795 and was located along the north side of Banister River. [HDB16:360] Later road orders (1800, 1802) indicate this land was in the vicinity of Jacob's brothers Joseph Abbott, whose land was also on the north side of the Banister, and Elisha Abbott, whose land there was at Bradley Creek, a tributary on the north side of the Banister. [HPB20:471, 472]

Nov 1798 - Halifax Court

"George Marrable, John Ragland, George Torian, John Cumpton [Compton], William Faulkner, Robert Cobbs, John Harris, and JOSEPH ABBOTT being summoned to attend this Court as Grand Jurymen were solemnly called but came not; Therefore It is considered by the Court that for their contempt therein they severally make their fine with his excellency the Governor by the payment of eight dollars [\$8.00] each to the use of this Commonwealth."

[HPB18:544. LVA Reel 61.]

Note:

This could be either of the two named Joseph Abbott in the county at the time. The elder was Joseph Abbott (b. c1750), son of the first Joseph Abbott. The younger Joseph Abbott (b. c1774) was the son of Benjamin Abbott (a brother of the elder Joseph). Frequently they were distinguished in Halifax records as "Sr." and "Jr." meaning elder and younger. However, the court records do not always distinguish between them except by context, and there is no context here upon which to judge. Both of the two Joseph's were adult landowners at this time, thus qualified to serve on juries. The younger Joseph has several court cases against him involving assault and battery, while the elder Joseph rarely appears in court suits.

1799

Nov 1799 - Halifax Court

David Farmer v. JOSEPH ABBOTT and JAMES ABBOTT - In Trespass, Assault, and Battery

"By consent of parties, this case is dismissed as to defendant Joseph and that he pay unto the plaintiff his costs in this behalf expended."

[HPB19:207. LVA Reel 62.]

Note:

Joseph Abbott and James Abbott were sons of Benjamin Abbott. Joseph (b. c1774) already had a peace bond ordered against him and his brother Armistead in 1792 and a grand jury indictment the same year with his brothers Elisha and Armistead for assault and battery (which was later dismissed). Four months later in March 1800, either another case or the rest of this same case for trespass, assault, and battery was dismissed at the plaintiff's request. In 1804, a peace bond was ordered against James Abbott upon the petition of John Priddy, a relation of the wives of Joseph and Armistead. [HPB23:27]

1800

Feb 1800 - Halifax Court - Road Order

Hatcher OWEN is appointed surveyor of the "road leading from Martins Mill to the fork of the road leading to Colonel Woodings old place." He with the following landowners and their "male labouring tythes" are ordered to clear and keep the road in good repair according to

law: Joseph Nelson, Lewelling Williamson, George Anderton, John Crittenden, JOSEPH ABBOTT, George Nelson junr, and William Roberts.

[HPB19:274. LVA Reel 62.]

Note:

This Joseph Abbott (b. c1750) is the son of Joseph Abbott (Sr.). The road surveyor appointed this session, Hatcher Owen, was Joseph's brother-in-law who married Joseph's sister Mary Abbott in 1787. In 1809, Joseph sold the land where he is living at this time to Hatcher's brother Thomas Owen. [HDB22:266] The land was bounded on the east by Winns Creek and on the west by the "old Courthouse Road," later called Coles Ferry Road, and William Roberts (on this road order) was an adjacent landowner. [HDB15:156, 21:680]

Mar 1800 - Halifax Court

David Farmer v. JOSEPH ABBOTT and JAMES ABBOTT - In Trespass, Assault, and Battery

"By directions of the plaintiff's attorney, this suit is Ordered to be dismissed."

[HPB19:321. LVA Reel 62.]

Note:

This Joseph Abbott and his brother James Abbott were sons of Benjamin Abbott. It is difficult to tell from the brief entry whether this is part of the suit David Farmer brought against Joseph and James Abbott for this same charge in Nov 1799 or a second case for the same offense.

May 1800 - Halifax Court

"JOSEPH ABBOTT is appointed one of the Constables of this county, and therefore he came into court and took the oath by law prescribed which is ordered to be certified."

[HPB19:337. LVA Reel 62.]

Note:

Again there is no designation of which Joseph Abbott this is. Joseph Abbott Sr.'s son Joseph (in the Feb 1800 road order above) was about 50 years old at this time, while Benjamin Abbott's son Joseph was abt. 26 years old, thus the latter would seem the more likely. On the other hand, the older Joseph had no history of legal problems, but the younger Joseph had had several charges against him for assault and battery. However, Benjamin's son Elisha Abbott was appointed a constable in 1787 after having several peace bonds against him (and his father) for physically threatening behaviors, so apparently that did not make one unsuitable as a constable.

Oct 1800 - Halifax Court - Road Order

JACOB ABBOTT is included in the road maintenance "gang" under George Robertson, appointed here as surveyor of "the road of which John Lacy was late surveyor from McEndrees bridge to the south fork of Terrible Creek." The list is the same as in the road order with Jacob Abbott in Oct 1798 (see above).

[HPB19:472. LVA Reel 62.]

Oct 1800 - Halifax Court - Road Order

"Nathaniel Royster, David Barley, Thomas J. Williams, three of the persons appointed by a former order of this court on the petition of John Bomar and sundry other inhabitants of this county to view "a way for a new road to be opened from or near Gates's old place running across Bradleys Creek and coming into Bookers road near Weakleys old shop" and to report through whose lands the road (if opened) would run, also the conveniences and

inconveniences which may result as well to the [them] as to the public this day made their report...We find it convenient to the publick and injurious to no man and Beginning on the Millstone road near Gateses old place and running through the lands of Henry Tucker, Anthony Buckner, David Barley, William Milner, Dudley Glass, John Mills, Mark Milner, ELISHA ABBOTT [incorrectly entered here as Elizabeth Abbott], Richard Walne, Fleming Hodge, and coming into Bookers Road near Weakleys old shop. (Report dated May 1800.) Ordered that the Sheriff summon the aforementioned landowners to show cause, if any, why the new road should not be opened.

[HPB19:474. LVA Reel 62.]

Note:

The road was ordered to be opened in Feb 1802 (see entry below), and Elisha Abbott is correctly named there in the list of landowners affected. This was the land Elisha Abbott purchased in 1788 from Jesse Pearman. [HDB14:409], although Elisha did not live on this land until 1803, when he purchased an adjacent tract on Bradley Creek. The "Millstone road" mentioned in this order is roughly today's US-501. Today's Bradley Creek Road intersects from the west at US-501 approx. 6 miles southwest of today's Nathalie, VA.

1802

Feb 1802 - Halifax Court - Road Order

It appearing by the respective certificates filed in this court by Henry Tucker, Amey Buckner [widow of Anthony Buckner], David Barley, William Milner, John Mills, Mark Milner, ELISHA ABBOTT, and Fleming Hodge, through whose lands the new road petitioned for by John Bomar and others to be opened from or near Gates's old place across Bradleys Creek and coming into Bookers road near Weakleys old shop, that they have consented for the new road to be opened, also Dudley Glass appeared in court to consent, and Richard Walne was duly summoned but failed to appear or to show cause against the road. Thus it is ordered to be opened.

[HPB20:471. LVA Reel 62.]

Feb 1802 - Halifax Court - Road Order

JOSEPH ABBOTT [son of Benjamin Abbott] is assigned to the road crew under Nathaniel Royster, appointed as surveyor of a new road "from Gate's old place, across Bradley [Creek] and coming into Bookers road near Weakleys old shop." The others are Dudley Glass, Richard Mullins, Luke Milner, Thomas Ragland, John Mills, Austin Martin, William Milner, Richard Mitchell, Thomas J. Williams "at his quarter," George Glass, John Maynard, Henry King Sr., Henry King Jr., David Barley, and George Tucker.

[HPB20:472. LVA Reel 62.]

Note:

This is the same road that the earlier part of this court order says crossed land owned by Joseph's brother Elisha Abbott. Joseph is living on the land purchased by his father, Benjamin Abbott in 1788 from William Pearman [HDB14:286] the same year Elisha Abbott purchased his land at this location from Jesse Pearman. [HDB14:409]

Mar 1802 - Halifax Court

WILLIAM ABBOTT, John Woodall, Harrison Irby, and Benjamin Trantum are fined \$16 each for not appearing as witnesses for the Commonwealth in its suit against William Roberts unless sufficient cause for their non-attendance is presented at or before next month's court. [HPB20:507. LVA Reel 62.]

Note:

As shown in the next record below, William's fine was remitted. Neither his reason nor the charge against William Roberts is included in either entry.

May 1802 - Halifax Court

On the motion of WILLIAM ABBOTT and for reasons appearing to the Court, the fine imposed on William Abbott for not appearing as a witness for the Commonwealth against William Roberts is remitted.

[HPB21:23. LVA Reel 63.]

Begin Miscellaneous Halifax Court Orders for Family of Joseph Abbott

All Halifax Court records indexed for any Abbott from the first court in May 1753 through March Court 1802 are included above except some deeds proved in court, which are included in the deeds themselves, and an out-of-state prisoner in Halifax jail. They also omit several entries for Jesse Abbott, who first appears in 1797 and is proved not to be a son or grandson of Joseph Abbott Sr.

After March 1802, only miscellaneous court records for Joseph Abbott Sr.'s family have been obtained as needed or were readily available.

1803

Jul 1803 - Halifax Court

WILLIAM ABBOTT with John Yeates [John Yates], William Rowlett, and Giles Thweatt are appointed processioners of the lands included in the boundaries of Capt. William Keene's company of Militia in Halifax County. Ordered that they or any two of them procession all the lands between the last day of September and the last day of March coming and report the results to the Court..

[HPB21:501. LVA Reel 63.]

1804

Feb 1804 - Halifax Court - Peace Bond

JAMES ABBOTT who upon the complaint of John Priddy stands bound by a recognizance entered into before Dudley Glass Gentleman, one of the Commonwealth's Justices assigned to keep the peace in said county, on the 25th day of this month to appear here this day to answer such charges respecting the said complaint, and John Priddy came and took the oath required by law [stating his reasons, which are not included here] Thereupon the court doth order that James Abbott do enter into recognizance to be of good behaviour for twelve months and a day next ensuing towards the good citizens of this Commonwealth and more especially toward John Priddy--James Abbott in the penalty of \$200 with two securities under penalty of \$100 each.

Thereupon came JAMES ABBOTT with his securities ARMISTEAD ABBOTT and ELISHA ABBOTT [etc]

Signed: James Abbott, Armistead Abbott, Elisha Abbott

[HPB23:27. LVA Reel 63.]

Note:

James Abbott's securities were two of his older brother. James is the fourth of Benjamin Abbott's five sons against whom peace bonds were filed. Only son Jacob Abbott (thought to

be a twin to James) had no recognizance bond or suit for assault and battery against him. (Jacob lived in Halifax until 1819.)

John Priddy, who required the peace bond placed on James Abbott, was related to his sisters-in-law Frances Priddy Abbott (wife of Armistead Abbott) and Elizabeth Priddy Abbott (wife of Joseph Abbott). Joseph and Elizabeth moved to Stokes Co, NC the first part of this year. Elizabeth's parents and several siblings, including her brother John Priddy, also went to Stokes around this same time, but exactly when her brother John Priddy left Halifax is not clear from undocumented and discrepant online files.

1805

27 May 1805 - Halifax Court

NANCY ABBOTT, widow and relict of BENJAMIN ABBOTT deceased, to be summoned to appear in Court on the fourth Monday in June next to declare whether she will take upon herself the burden of administration of the estate of the said decedant.

[HPB23:452. LVA Reel 63.]

Note:

All evidence clearly points to Benjamin Abbott having died shortly after May 1796, when he disappears from all records and already had distributed all his land and personal property among his children in lieu of a will, leaving no will and no estate to administer.

Furthermore, it seems clear from the records that his wife, always before called ANN ABBOTT, died at least two years before Benjamin. (See Report on Benjamin Abbott for details.)

Apparently something happened to draw the court's attention to the fact that Benjamin's estate was never probated. The wording of this order is simply standard format, and a wife automatically would be summoned as the next of kin. Given the time lapse and her name here, one even wonders if the last name was an error and should have been for another Benjamin with a wife Nancy. (Both names, and especially Ann/"Nancy," were common in Virginia at the time.)

23 Sep 1805 - Halifax Court

NANCY ABBOTT, widow and relict of BENJAMIN ABBOTT deceased, having been summoned to take on administration of the decedant's estate but never appearing, and no other person applying for administration, the Sheriff William McDaniel is appointed administrator and ordered to make an inventory and an account of sales and report the same to this court.

[HPB24:109. LVA Reel 64.]

Note:

Again, the wording of this order is simply pro forma. Benjamin Abbott, who apparently died soon after May 1796, left no will and left no estate to administer, and Benjamin Abbott's wife (always called ANN ABBOTT during his lifetime) likely died pre-deceased Benjamin. (See Report on Benjamin Abbott for details.) Obviously the Sheriff, who by law was appointed when no other administrator applied, soon discovered there was no estate to administer (or else the correct name was discovered). There is no later mention of any sheriff's report to the court as ordered here, and there is no later record of any inventory, appraisal, sales, or accounts for Benjamin Abbott's estate. [Ref. Library of Virginia, Index to Wills and Administrations to 1800; Pippenger, Index to Virginia Estates 1800-1865. Vol. 5; and General Index to Halifax Court Records.]

1807

27 Mar 1807 - Halifax Court

Elizabeth Dixon, widow and relict of Benjamin Dixon dec'd v.

JACOB ABBOTT administrator with the will annexed of Benjamin Dixon dec'd and Joel Dixon an infant under the age of 21 years of Benjamin Dixon dec'd
[HPB25:201. LVA Reel 62.]

Note:

This case pertains to the division of the land and slaves of Benjamin Dixon (Sr.), whose 1805 will gave half his real and personal estate on lifetime loan to his widow, Elizabeth, and the other half to minor son Joel Dixon (b. c1787), who also was bequeathed the residue at Elizabeth's death. The will was proved 23 Jun 1806. [HWPB7:261]

JACOB ABBOTT was married to Polly Dickson/Dixon, who evidence indicates was a daughter Benjamin Dixon Sr. and Elizabeth (his second wife). In Oct 1806, Jacob applied for and was granted administration of Benjamin Dixon's estate. This court order states that on 26 Dec 1806, the Court appointed a Commission consisting of Capt. Epaphroditus Sydnor, Mr. John Lacy, and Mr. Stephen Light to divide the land and slaves per Benjamin Dixon's will. Their report (and the court order) includes a plat of Benjamin Dixon's land showing the parcel allotted to each of the two heirs, which was based upon a survey of Dixon's land made at the request of Jacob Abbott 6 Jan 1807. Also, the order names the five slaves allotted to each of the two heirs.

The pertinent information here regarding JACOB ABBOTT is that his land along the north side of Banister River was adjacent southeast of Benjamin Dixon's land, which was also along the river. The land where Jacob was living at this time was either most of the land deeded to him by his father, Benjamin Abbott, in 1795 or else an adjacent parcel Jacob purchased in 1796.

1808

Jan 1808 - Halifax Court

Deed of Trust ("tripartate") between Daniel Parker, WILLIAM ABBOTT [as Trustee], and William Bailey [to whom Parker owes a merchant debt] was proved and ordered recorded.
[HPB26:3. LVA Reel 65.]

Note:

Daniel Parker was a brother-in-law of William Abbott, acting here as trustee for Daniel who was securing a debt owed to William Bailey with the property listed in the deed. (The deed itself was not indexed under William Abbott's name in the Grantee Index.)

Jun 1808 - Halifax Court - Road Order

JACOB ABBOTT appointed surveyor in place of Elijah Flora for the road from Flora's Branch to William Hunt. He with his own male labouring tythes and those of the following to keep the road in good repair: Elijah Flora, Moses Hubbard, David Hubbard, Samuel Landrum, Joseph Landrum, John Mills, William Landrum, Thomas Hoskins, Benjamin Landrum, Joseph Echols, and William Lockett.
[HPB26:99. LVA Reel 65.]

1809

Jul 1809 - Halifax Court - Road Order

Benjamin Landrum is appointed surveyor of the road from Flora's Branch to William Hunt's where JACOB ABBOTT was late surveyor. Ordered that Landrum with his own male labouring tythes and those of the following to work the said road and keep it in good repair: Moses Hubbard, David Hubbard, Samuel Landrum, John Mills, Benjamin Dixon, John Landrum, Daniel Mills, William Landrum, Thomas Hoskins, JACOB ABBOTT, Joseph Echolds [Echols], William Lockett, and Elijah Flora.
[HPB26:417. LVA Reel 65.]

.25 Dec 1809 - Halifax Court - Road Order

Male labouring tythes of JOSEPH ABBOTT [JR] ordered to work on the road whereof Thomas Owen is appointed surveyor from William Chandler's to the old Courthouse. Others were: John Bruce Sen'r, John Bruce Jr, John K. Linn, Benjamin Bristo, [space] Donohoo [Donohoe], Owen Brady, W'm Maddison, Richard Martin, William Chandler, and Anthony Wilkinson.

[HPB27:135. LVA Reel 65.]

1810

26 Feb 1810 - Halifax Court - Road Order

"WILLIAM ABBOTT appointed surveyor of the road from Chandlers Bridge to John R. Halls whereof John Yeates [John Yates] was late surveyor, and it is ordered that he together with his own male labouring tythes and those that worked on the said road under the said John Yeates do forthwith clear and keep the road in repair according to law.

[HPB28:17. LVA Reel 65.]

Note:

In July Court 1763, Joseph Abbott's son (and William Abbott's half-brother) Benjamin Abbott was appointed surveyor from Difficult Creek to Chandlers Bridge. [HPB4:119] (Even though Benjamin did not formally purchase his land there until 1770, he had lived on this land since about 1750, when he first arrived in the area.) Joseph Abbott with his son William Abbott and the rest of his family arrived here abt. 1762 and lived almost next to Benjamin, both of them on land owned by Richard Brown, who in 1762 lived next to Joseph. By his 1787 will, Joseph devised part of his land to William Abbott, which William continued to own

24 Apr 1810 - Halifax Court - Road Order

"Order for add'l hands to work on Road"

It is ordered that the male labouring tythes of RICHARD ABBOTT, MOODY ABBOTT, and CATEY FULKERSON do forthwith work on the road whereof WILLIAM ABBOTT is surveyor. Others named are: William Williams, Richard Stanley [sp. here Standley], David Allen, Daniel Brown, Elisha Brown, Minor Shaw, John Drummond, Nathaniel Barksdale, Obediah Chandler, and Abel Chandler [both sons of William Chandler Jr. (d. 1789)]

[HPB28:114. LVA Reel 65. Abstract by J. Horsley.]

Note:

Catharine "Caty" Fulkerson was a daughter of John Fulkerson (d. 1803) and Sally Roberts. She married Richard Abbott in 1818. This road order shows Caty was born by 1789, which supports her previously approximated birth date of abt. 1790 shown by the ages of her siblings and of her own children, by her marriage consent, and by her censuses from 1820 through 1840 censuses with Richard. (Her ages in the 1850 and 1860 census are both abt. 10 years too young.)

Sep 1810 - Halifax Court - Road Order

JACOB ABBOTT is appointed surveyor of the road whereof Stephen Light was late surveyor. And it is ordered that he together with his own male labouring tythes and those of the following do forthwith clear and keep same in repair according to law: George Robertson, William Sydnor, Stephen Light, Claiborne Tucker, William Barley, John Lacy, Thomas Priddy, Stephen Neal, Simon Neal, William Vaughan, Dudley Glass, Ganaway Martin, Crawford Tucker, Elisha Buckner, Allen Robertson, James Robertson, William Miller, Landrums Phill[?], Nipper Adams, Joel Martin, John Royster, and Nathaniel Royster.
[HPB28:308. LVA Reel 65.]

1811

Mar 1811 - Halifax Court - Road Order

Ordered that male labouring tythes of THOMAS ABBOTT work on the road whereof Benjamin Anderton is surveyor, along with William Thomas Sr., William Thomas Jr., George Anderton Sr., George Anderton Jr., John Anderton, Thomas Anderton, HATCHER OWEN, Drury OWEN [son of Hatcher Owen and Mary ABBOTT], William Owen, Anthony Wilkinson, Richard Jones, William Roberts, and Richard Martin.
[HPB28:510. LVA Reel 65.]

Note:

Thomas Abbott was a son of Joseph Abbott Jr. and Magdaline Lacy, who moved bet. 1810-1811 from near Hatcher and Mary Abbott Owen's family to southeastern Halifax. Drury Owen was Hatcher and Mary's eldest son, born c1788. (Hatcher and Mary's son William Owen does not appear by name at age 21+ in the personal property tax lists until 1814-1815, which fits with his 1850 and 1860 census ages.)

1811-1813 - Superior Court held for the County of Halifax

16 Sep 1811 - MOODY ABBOTT indicted by the Grand Jury for selling spiritous liquor without license on 31 Aug 1811 at William Abbott's spring, the liquor being drank when sold, by the information of Benjamin Anderton and John W. Nance
[Source: HSCB1:89. LVA Reel 109.]

17 Sep 1811 - MOODY ABBOTT summoned to appear here the first day of next term to show cause if any why an Information should not be filed against him, as presented by the Grand Jury yesterday.
[HSCB1:94. LVA Reel 109.]

22 Sep 1812 - The Commonwealth v. MOODY ABBOTT

Regarding Information that Moody Abbott sold spiritous liquor 31 Aug 1811 at William Abbott's Spring, the liquor being drank when sold, by consent of the Def by his attorney, it is ordered that an Information be filed upon the presentment aforesaid, and the attorney for the Commonwealth having accordingly filed, the Def by his attorney pleas he is not guilty in form and manner alleged against him
[HSCB1:133. LVA Reel 109.]

19 Apr 1813 - The Commonwealth v. MOODY ABBOTT

Jury found Moody Abbott guilty as presented, and he was fined \$30 and the costs of the presentment, whereupon he paid the fine to the Clerk of the Court and satisfied the costs of the presentment.

[HSCB1:138. LVA Reel 109.]

1815

22 May 1815 - Halifax Court

On the motion of Jacob Faulkner, he was granted administration of the estate of JAMES ABBOTT dec'd, with William C. Anderson as security on his bond.

Ordered that John Lacy, Stephen Light, Anthony Sydnor, and John H. Reyster [elsewhere spelled Royster] inventory and appraise the estate of JAMES ABBOTT dec'd.

[HPB32:131. LVA Reel 67.]

22[?] May 1815 - Halifax Court

THOMAS ABBOTT v. George A. Irion - In Case - By agreement of the parties, case dismissed.

[HPB32:137. LVA Reel 67.]

Note:

Thomas Abbott was a nephew of William Abbott. The Family Register submitted with the 1848 pension application of William Abbott's widow, Mary (Parker) Abbott, includes the marriage of George A. Irion & Rebeccah Hunt on 3 Dec 1805 with the birth dates of three Irion children bet. 1807-1810. [NARA File W5616] Many online family files mistakenly list this Rebecca as a daughter of William Abbott and Mary Parker. However, their daughter Rebecca M. Abbott (whose 1788 birth date is in the Family Register) is proved to have married Cornelius Beasley 24 Apr 1814 in Halifax County, and both Rebecca Beasley and Rebecca Irion were alive in the 1820 census. Apparently, as in some other pension application family registers I have seen, the Irions were included in the Abbotts' register simply as a favor to friends in order for them to have such a record. No family relationship has been found between the Halifax Abbotts and George Irion or his wife Rebecca Hunt.

George A. Irion and his wife Rebecca Hunt moved their family from Halifax County, VA to Williamson County, TN between this 1815 court record and the 1820 census. "George A. Irion and wife Rebecca" sold their Halifax County land from Williamson County, as recorded in the Williamson Court Minute Book in 1821. [Albert L. Johnson, Minute Book Genealogy of Williamson County, Tennessee, p. 25] By 1830, George and Rebecca were living in Avoyelles Parish, LA, where they apparently died before 1840, leaving son "R. R. Iron" (Robert R. Irion) still in Avoyelles in 1840.

24 Jul 1815 - Halifax Court

Deed of Trust ("tripartate") between George A. Irion of the first part, CARTER A. ABBOTT of the second part [third party not named] was certified by the oath of one subscribing witness [but not yet recorded].

[HPB32:180. LVA Reel 67.]

Note:

It appears this was a deed of trust from George Irion to Carter Abbott as trustee, but the third party--the creditor to whom Irion owed a debt--is not named. Carter A. Abbott was a son of William Abbott. See more about George A. Irion in Note for court order in May 1815 above.

18 Sep 1815 - Superior Court held for the County of Halifax

John Chandler, an Infant [ie, minor] by William Chandler his father and next friend
v. Thomas Faulkner and THOMAS ABBOTT - In trespass, assault, and battery

By direction of the plaintiff's attorney, it is ordered that this suit be dismissed.
[HSCB1:204. LVA Reel 109.]

Note:

This is around the time that Thomas Faulkner married a sister of Thomas Abbott, both children of Joseph Abbott Jr. and Magdaline Lacy. No marriage record exists, but this is proved by the daughter Dianna Faulkner Boyd being the fourth surviving heir of Joseph and Magdaline. [HMB4:131, HDB46:172] Also this year, on 4 Mar 1815, Thomas Abbott, his brother Samuel Abbott, and Thomas Faulkner (along with this same William Chandler) were the witnesses to the will of Joseph Abbott Jr.'s neighbor Edmund Edmundson, whose daughter Nancy Edmundson later married Thomas Abbott.

1816 - Halifax Court

Feb 1816 - Halifax Court

WILLIAM ABBOTT appointed proccessioner with Robert Williams, Daniel Palmer, and William Miller[?] to procession properties within the bounds of Captain John T. Palmer.
[HPB32:393. LVA Reel 67.]

Jun 1816 - Halifax Court

WILLIAM ABBOTT and Daniel Palmer returned an account of their processioning which is ordered to be recorded.
[HPB32:488. LVA Reel 67.]

1818

Feb 1818 - Halifax Court

The male labouring tythes of the following are ordered to work on the road whereof Jesse Monday is surveyor: FRANKY ABBOTT [Frances, widow of Joseph Abbott], JOHN ABBOTT, MOODY ABBOTT, RICHARD ABBOTT, WILLIAM ABBOTT [all sons of Joseph Abbott], THOMAS ABBOTT [son of Joseph Abbott Jr.], John Hunt, Willis C. Yeates [Yates], Obediah Chandler, Abel Chandler, Daniel Chandler, John Chandler [all sons of William Chandler Jr.], Sally Fulkerson [widow of John Fulkerson], James Fulkerson, John Fulkerson [both sons of Sally and John], Richard Standley [Stanley], John Brown, William Loyd, Micajah Francis, David Allen, Nathaniel Barksdale, William Drummond, Robert Ashby, James Ashby, Lucy Bruce, Joseph Franklin, and Howard Nelson. [One or two names illegible on microfilm.]
[HPB34:21. LVA Reel 67.]

1821

Aug 1821 - Halifax Court - Road Order

WILLIAM ABBOTT appointed Surveyor of the road from ____ to Coles Ferry Road

[HMB1:140. LVA Reel 69.]

Note:

The rest of the description is blacked out on the (very poor) microfilm copy. Coles Ferry Road is proved especially by Joseph Abbott Jr.'s deeds in 1791 and 1808 to be the "old Courthouse Road," roughly today's Anderson Road/Route 626 linking Halifax, VA with Crystal Hill, VA. Joseph Abbott's land, part of which William inherited, was just east of today's Crystal Hill and extended from today's Newbill School Road southward running just east of "the old Courthouse Road." In the later 1790s, William Abbott extended his land to Coles Ferry Road.

1823

Oct 1823 - Halifax Court - Road Order

Ordered that the male labouring tithables of RICHARD ABBOTT be added to the crew whereof WILLIAM ABBOTT is surveyor.

[HMB2:71. LVA Reel 69.]

Note:

Richard Abbott officially inherited his land from his father upon the death of his mother, Frances, whose will was proved in court 22 Sep 1823 [HWB13:30] Richard's land was adjacent to William Abbott, and Richard had purchased his own additional land in 1798 that also was adjacent to William. [HDB18:128]

Nov 1823 - Halifax Court

WILLIAM ABBOTT and RICHARD ABBOTT appointed along with Daniel Palmer and Jeffry Palmer as processioners for their militia company district (Captain's name illegible in microfilm).

[HMB2:98. LVA Reel 69.]

1830

23 Feb 1830 - Halifax Court

"Faulkner by &c v. Abbott &c Chy [Chancery] This day this cause came on by consent to be heard upon the Bill and ansr [answer] and was argued by counsel Whereupon the Court doth adjudge order and decree that Geo. Baxley, Wm C. Tucker, Wm Howerton, and Saml Pointer or any 3 of them to lay off and divide the land in the Bill mentd [mentioned] and divide into four parts of equal value and assign one part to Saml Abbott [Samuel Abbott] and one other part to Drury Owen [who previously purchased the share of Thomas Abbott] and that they also sell the slave in the Bill mentd [mentioned] on a credit of twelve months taking Bond with sufficient secy [security] payable to themselves, which when collected, to be paid one fourth part to the complt [complainant (Faulkner)] & the balance in equal proportions to the said Samuel Abbott, Catharine Abbott [inadvertently omitted previously regarding the land], and Drury Owen and that they make report to the Court in Order to a final decree."

[Halifax Minute Book 4, p. 131. Halifax Courthouse, Halifax, VA. Transcribed by J. Horsley. Comments in brackets added.]

Note:

The original Bill apparently has not survived; however, various deeds and other records tell the larger story. By 1830, Thomas Abbott, Samuel Abbott, and Catharine Abbott were the only surviving children of Joseph Abbott Jr. and Magdaline Lacy. On 8 Aug 1828, Thomas Abbott sold to his cousin Drury Owen "all my interests" in his share of the land left by his father, Joseph Abbott Jr., who died intestate in 1811. [HDB36:423] According to the division of slaves in the above order, Thomas Abbott also transferred his share of the slaves to Drury as well. (Drury's proved wife is Nancy Vaughan, daughter of James Vaughan, and neither Drury nor Nancy were direct heirs of Joseph Abbott.) On 18 Jan 1833, Catharine Abbott, Samuel Abbott (with wife Prudence), and Drury Owen (with wife Nancy) sold land to Thomas Torian described as 3/4 interest in the land held by Joseph Abbott [Jr.] at his death. [HDB41:25] The remaining 4th share (or at least part of the last 1/4 share, ie, "all their claim, right, title and interest") was sold, also to Thomas Torian, on 13 Oct 1839 by Richard Boyd and his wife Dianna Faulkner. [HDB46:172] By evidence in Dianna's marriage and death records, her father was Thomas Faulkner. The only way Dianna could be an heir of Joseph Abbott Jr. was if her father Thomas Faulkner married a daughter of Joseph and Magdaline Abbott, although there is no record of their marriage. Dianna Faulkner was born abt. 1816. Thomas Faulkner was widowed by the 1820 census. In 1820, Thomas had two other daughters in addition to Dianna--another daughter under age 10 and a daughter age 10-15. However, since Thomas was previously married in 1808 to Harriet Peyton Wiley, these other two daughters could be by Harriet rather than his Abbott wife. No other deed was identified that could be for a partial 1/4 share held by other daughters of Thomas Faulkner and his Abbott wife.

26 Jul 1830 - Halifax Court

William Vaughan & wife Elizabeth v. Kitty Byan and others [ie, children of SUSAN ABBOTT dec'd] - Chy [in Chancery]

(This case involves the heirs of Thomas Ferguson deceased by virtue of his will proved 22 Mar 1824 [HWP13:152])

The Court affirms the division of the slaves and land "formerly assigned to them" under an interrogatory decree in July Court 1829. The heirs are named as Elizabeth [Ferguson] Vaughan wife of William Vaughan, Kitty [Ferguson] Bryan [widow of John Bryan], and children of Susan [Ferguson] Abbott dec'd, who are THOMAS. ABBOTT, JOSEPH ABBOTT, JOHN ABBOTT, LEONARD ABBOTT [Jr.], and FLEMING ABBOTT. [HMB4:202. LVA Reel 69.]

Note:

Thomas, Joseph, John, Leonard (Jr.), and Fleming Abbott were the only (surviving) children of Leonard Abbott and Susanna Ferguson (here called Susan). Leonard died bet. 1814-1815, and Susanna died abt. 1826. The inheritance in question came from the will of Susanna's father, Thomas Ferguson, who divided his estate among his three children, who were Susanna and her two sisters, Elizabeth Vaughan and Kitty Bryan. Upon the death of Thomas' wife, Sarah Ferguson (who held his estate on lifetime loan), each daughter was to have 1/3 of his estate for lifetime use, then each daughter's share was to be divided among her children upon her death. This court order does not include a description of the lands or name or number of the slaves; however, the land is described by deeds of sale by Susanna and Leonard Abbott's sons beginning 13 Feb 1829. [HDB36:653] (See Report on Leonard Abbott for details.)

24 Aug 1830 - Halifax Court

Commissioners appointed to review the accounts current of WILLIAM ABBOTT, administrator of SUSAN ABBOTT deceased.

[HMB4:243. LVA Reel 69,]

Note:

"Susan Abbott" was Susannah Ferguson, widow of Leonard Abbott, William Abbott's younger (half) brother who died 1814-1815. Susannah died abt. 1826.

5 Apr 1849 - Halifax Court of Common Law

Thomas Torian Senr who sues for the benefit of Thomas S. Flounoy Trustee &c v. Jane Fulkerson, surviving obligor of herself and Defendant Orrel Chandler - In Debt

On a motion by the Def, it is ordered that the Judgment awarded the PI for want of appearance be set aside. The Def says the debt has been paid, and both Def and PI put themselves upon the county [for a trial to decide the case].

[HCL4B:45. LVA Reel 165.]

Definition of 'Obligor'

A person or entity who is legally, or contractually, obliged to provide some benefit or payment to another. In the financial context, the term obligor refers to a bond issuer, who is contractually bound to make all principal repayments and interest payments on outstanding debt. The recipient of the benefit or payment is known as the obligee.

An obligor is also referred to as a "debtor."

<http://www.investopedia.com/terms/o/obligor.asp>

12 Sep 1849 - Halifax Court of Common Law

Thomas Torian Senr who sues for the benefit of Thomas S. Flounoy v. Jane Fulkerson - In Debt

Jury found in favor of the Defendant, saying she had paid the debt in the declaration mentioned. Thus, the PI was ordered to take nothing by his bill, but for his false claim, he was to pay her costs made in behalf of her defense.

[HCL4B:106. LVA Reel 165.]

=====

Plea book 1, Halifax County, Virginia 1752-1755

Author: Marian Dodson Chiarito.

Halifax County, Virginia Court Orders 1755-1773 (in multiple volumes as listed below)

Author: T.L.C. Genealogy

Volumes:

1755-1758 (Plea Book No. 2, Pt. 1)

1758-1759 (Plea Book No. 2, Pt. 2)

1759-1762 (Plea Book No. 3)

1763-1764 (Plea Book No. 4)

1764-1766 (Plea Book No. 5, Pt. 1)

1766-1767 (Plea Book No. 5, Pt. 2)

1767-1770 (Plea Book No. 6)

1770-1771 (Plea Book No. 7, Pt. 1)

1771-1773 (Plea Book No. 7, Pt. 2)

=====

Research by Joan Horsley as of Dec 2013

Contact: JHGenResearch-Abbott@yahoo.com - Website: www.joanhorsley.org

If you use any information from this report, please include the documentation as given here and cite this paper as:

Joan Horsley. *Court Records Relating to Joseph Abbott and Family of Halifax County, Virginia* (Raleigh, NC: J. Horsley, 2013) Available online at www.joanhorsley.org.

© 2013 by J. Horsley

This document may not be used in part or whole for commercial purposes or paid subscriber services. All personal use needs to reference the report and author.