

JOSEPH ABBOTT JR. and FAMILY
Son of Joseph Abbott of Halifax County, Virginia

Research Report by Joan Horsley
Based on Research as of Dec 2013

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JOSEPH ABBOTT JR.

Son of Joseph Abbott and first wife (name unknown)

Born: Abt. 1750, of King and Queen County, Virginia

Married: Abt. 1778, Halifax County, Virginia to Magdaline Lacy

Died: 1811, Halifax County, Virginia

MAGDALINE LACY

Daughter of Thomas Lacy and wife Catharine

Born: Abt. 1757, of Halifax County, Virginia

Died: Bet. March 1813 - March 1814, Halifax County, Virginia

CHILDREN of JOSEPH ABBOTT JR. and MAGDALINE LACY

Adaline Abbott (never married), Sarah Abbott (m. John Keeling), Thomas Abbott (m. Nancy Edmondson), Catharine Abbott (never married), Daughter Abbott (m. Thomas Faulkner), Samuel M. Abbott (m. Prudence Elam), Magdelane Abbott (never married)

JOSEPH ABBOTT JR. was born around 1750 in or near King and Queen County, Virginia, where his father is proved to be living at least by 1756. *[NARA W5616]* Joseph Jr. is the second-oldest son of Joseph Abbott Sr. and his first wife, whose name is not known. Joseph Jr.'s age is approximated from the way his father's 1787 will differentiates the older and younger of his 16 surviving children (see report on Joseph Sr. for details) as well as the proved ages of Joseph Jr.'s siblings and his marriage date.

Joseph Abbott Jr. married Magdaline Lacy in Halifax County, Virginia about 1778. Like most Halifax marriages prior to the mid-1780s, no record has survived, but we can pin-point the date fairly closely from two other records. First, a Halifax court record shows that Joseph Jr. is gone from his father's household before 16 Sep 1779, as Joseph Sr.'s tithables list names his next younger son, William Abbott (b. 1756), as the only "white male tithe" age 16 or over living with him then. *[HPB10:74]* (Joseph Sr.'s next son was not born until c1770.) Second, the special 1782 household enumeration for Halifax County lists "Joseph Abbott Jr." with three whites and no blacks (slaves), indicating that Joseph Jr. was married and had one child by this date. *[List of Inhabitants 1782-1785. LVA Misc. Reel 1263]* As we shall see, this child was Joseph and Magdaline's daughter Adaline Abbott, born abt. 1780.

Joseph Abbott Sr. moved his family from King and Queen County to Halifax County abt. 1762, so Joseph Jr. and his wife Magdaline Lacy would have known each other from childhood. She is proved to be the daughter of Thomas Lacy by his Halifax Co. will dated 31 Aug 1802 (codicil 12 Dec 1802), proved 27 Dec 1802, that names his daughter "Magdaline Abbott." *[HWB6:422]* Thomas Lacy's wife was deceased by the time of his will, but a 1791 deed to Joseph (below) gives Thomas' wife's name as Catharine. *[HDB15:156]* She is Thomas' only

known wife. The ages of Thomas Lacy's children indicate he and Catharine married abt. 1749. Based on Magdaline's marriage date and the age of her last known child, Magdaline Lacy was born abt. 1757 or a year or so later.

Contrary to undocumented online Abbott family files with numerous proved errors, Joseph Jr.'s wife was not named "Mary Magdalena Lacy." Family historians often are tempted to modernize or formalize given names. Also, names can get confused as they pass down through oral history. However, all her numerous records name her only as "Magdaline," including her father's will, and there is no third name or initial. (The abstract of Thomas Lacy's will in Carrington's 1924 "History of Halifax County" that lists her as "Magdalena Abbott" is mistaken. The will clearly names her "Magdaline Abbott." [HWB6:422]) Also contrary to these online files, Joseph and Magdaline did not marry 25 Jul 1791 (or some variation of that 1791 date). That is merely the date of a deed from Thomas Lacy to Joseph Abbott (see below) that does not mention Thomas' daughter or Thomas' relationship to Joseph. Most Virginia marriage records prior to the Revolution have not survived. However, Halifax marriage records after the war are generally complete, and there is no record of Joseph and Magdaline's marriage, as surely there would be had they married as late as 1791.

Various records show that the Lacy and Abbott families were neighbors. On 18 Nov 1779, Magdaline's brother Elisha Lacey[sic] witnessed a Halifax deed for land adjacent to Joseph Abbott Sr. [HDB11:396] On 26 Oct 1781, Magdaline's father Thomas Lacy was one of the appraisers of the estate of Edward Tuck. [HWB:286] The estate sale was held 1 Nov 1781, and Joseph Abbott and William Abbott were two of the purchasers. [HWB2:387] (No "Sr." or "Jr." is included, which usually implies Sr., but in this case the purchaser could be Magdaline's husband and William Abbott's brother Joseph Jr. instead.) Another purchaser was Hatcher Owen, who married Joseph Jr.'s sister Mary Abbott in 1787.

Again contrary to many online files, I have found no evidence that this Joseph Abbott served in the Revolutionary War. Men of his name do have surviving war service records, but I have found none for this Joseph Abbott. There is no evidence or even a logical reason that this Joseph Abbott served from Pittsylvania County, VA, as some undocumented online files say, since he never lived in Pittsylvania, but at least one other Abbott family did live there when the war began. (Joseph's brother William Abbott served in the war, but contrary to the same online files, William served from Halifax, not Pittsylvania, and he served in Virginia militia units, not "Continental Troops," as these files mistakenly say. [NARA Pension File W5616]) Many men who served during the Revolution in Virginia militia units did not leave surviving records, especially if they were not officers and/or died prior to the 1832 pension law, so this Joseph could have served with no surviving record. In any case, because of his age, Joseph Jr. would be in the Halifax County militia during the war and contributed in that way to the war effort. (Research for more information about Joseph's possible war service continues.)

Beginning in 1787 when tax laws were revised, Joseph Abbott Jr. appears consistently in the Halifax personal property tax records through 1810 living near his father (d. 1788), his father's widow (Joseph Jr.'s stepmother), and his younger half-siblings. [Reel 147 & 148, LVA] He generally is taxed for 2 horses, and he added a slave in 1794.

Joseph Jr.'s father Joseph Abbott died abt. April 1788. His will, written 30 Mar 1787, names his son Joseph stating: "To my three Oldest daughters namely Anney, Sarah and Rachel and also to my son Joseph Abbott One Negro fellow named London to be sold and the

money equally divided amongst them four." [HWB2:298] This bequest was to take effect only after the death of Joseph Sr.'s widow, Frances Abbott, who had lifetime rights. (Frances outlived them all, including the slave.) Joseph Sr.'s will divided his land among four of his younger sons, the youngest devisee being abt. 13 years old. Joseph Jr. was then around age 37, and his father likely had given him financial assistance in his younger years and felt Joseph Jr. was then well established on his own. (The three older daughters who shared inheritance with Joseph Jr. apparently were unmarried and lived with Joseph Sr.'s family.)

In 1791, Joseph Abbott Jr. purchased land near his stepmother and siblings from his wife's parents, Thomas and Catharine Lacy. Joseph and Magdaline may have been living on this land for some time:

Date: 25 Jul 1791

From: Thomas Lacy and wife Catharine of Halifax Co.

To: JOSEPH ABBOTT [Jr.] of same

For: £60 current money of Virginia

Description: 100 acres

Bounds: Beginning near the Old Court House road on Nathaniel Mannins [Manning's] line, eastwardly down Manning's line to Wynns Creek, thence down the meanders of the creek to William Robertses [Roberts'] line, then with his line on a westwardly course to the aforesaid old Court House Road, then northwardly as it traverses to the Beginning. [no metes included]

Signed: Thomas Lacy [Catharine did not sign]

Memorandum: On the within written date, Livery of Seisin [delivery of possession] of the within granted land was by Thomas Lacy and Catharine his wife made done and executed to Joseph Abbott according to the tenor and effect of the within written deed. /s/ Thomas Lacy

Recorded: 25 Jul 1791 - Acknowledged in Halifax Court by Thomas Lacy

[Source: Halifax Deed Book 15, p. 156. Reel 6. Library of Virginia. Richmond, VA. Abstract by J. Horsley. Comments in brackets added]

This property from Thomas and Catharine Lacy to Joseph Abbott Jr. was a few miles south of today's Crystal Hill, VA, and close to where Joseph Sr.'s widow, Frances, and most of Joseph Jr.'s siblings still lived. Joseph Jr.'s 1808 deed for this same land names the "Old Court House Road" as "Coles Ferry Road." [HDB21:680] (In fact, using the bound line directions in this deed, it can be no other road.) This was roughly today's Anderson Road/Route 626 that connects today's courthouse town of Halifax, VA and Crystal Hill, VA abt. 7 miles north. Prior to abt. 1777 (officially, but perhaps later in practice), the "old" Halifax Court was held just below Crystal Hill. The upper part of Winns Creek flows generally parallel along the east side of the road, and the headwaters of Winns Creek are just below the branches of Difficult Creek where Joseph Abbott Sr.'s family had lived for 30 years. In 1792, Joseph Jr.'s brother William Abbott extended his inherited land by a 30-acre parcel that also bounded the Old Courthouse Road. [HDB15:346] Joseph Sr.'s lands stretched N-S just east of today's Crystal Hill, and earlier deeds for land adjacent to Joseph Sr. during his lifetime describe them as being near the Court House road. Nathaniel Manning, an adjacent landowner ("bound") in this deed to Joseph Jr., also had land adjacent to Joseph Sr. and was named as one of Joseph Sr.'s executors in his 1787 will. This land to Joseph Jr. was also just east of his sister Mary Abbott Owen and her husband Hatcher Owen and family.

[HPB19:274] Thus Joseph and Magdaline's children continued to grow up close to their Abbott grandmother, uncles, aunts, and cousins.

Two years after Joseph Abbott Jr. bought this land, he acquired a young slave age 12-16 and was taxed for a slave for the first time in spring 1794. He continues to be taxed as before for two horses.

The next year, 1795, Joseph's nephew Joseph Abbott (b. c1774, son of Benjamin Abbott) came of age and appears on the tax lists for the first time. In 1795 and 1796, the two Joseph Abbotts were in different tax districts, the younger one still living with his father Benjamin in the South District (ie., south of Banister River), while Joseph Jr. lived abt. 12 miles east of them in the North District, where his father and family always lived. However, from 1797 through 1803, both Joseph Abbotts are in the same North tax district after Benjamin's son Joseph moved across the Banister to its north bank. During those years, Joseph Abbott Sr.'s son Joseph Jr. is listed as Joseph "Sr." (here meaning the elder of two same-named men) and Benjamin Abbott's son Joseph is listed as Joseph "Jr." (meaning the younger). All county records routinely used "Sr." and "Jr." to distinguish between an older and younger person (male and female) of the same name in the county or district, even when they are not related, which can be confusing for us today who are used to Sr. and Jr. referring to a father and son. To make matters worse, the yearly land taxes, which were compiled differently from personal property taxes, refer to Joseph's son Joseph as "Joseph Abbott Jr.," and Benjamin's son Joseph is simply "Joseph Abbott." The Abbott tax list confusions resolve after 1803, when Benjamin's son Joseph Abbott moved his family about four counties southwest to Stokes County, NC.

Magdaline's father, Thomas Lacy, wrote his will 31 Aug 1802, naming his daughter "Magdaline Abbott." [HWB6:422; LVA Reel 37.] He wrote a codicil signed 12 Dec 1802 that specified "further provision" for his son Reubin. Thomas died within the next two weeks. The will of Thomas Lacy with the codicil annexed was proved on 27 Dec 1802 in Halifax Court by the oaths of four of the five subscribing witnesses. The witnesses to both the will and the codicil were Ben Rodgers, John Tuck, Edey Tuck (who signed by mark), Rebecca Tuck, and Drusylla Tuck. Thomas had appointed his executors to be his "sons" Matthew Lacy and Reubin Lacy. Their executors bond under penalty of \$10,000 was secured by Thomas' sons-in-law Joseph Abbott and Russell Godby (husband of Christian Lacy) and by Joseph's brother William Abbott.

The Halifax personal property tax list dated 20 May 1804 shows Joseph Abbott continuing to prosper with 4 horses and a slave. Also this year Joseph added a second "white tithe," showing he then had another white male beside himself who was age 16 or over. Although only enumerated rather than named, later records show this younger male was Joseph and Magdaline's eldest son, Thomas Abbott, born abt. 1788. Many undocumented online Abbott files confuse this Thomas, son of Joseph Abbott Jr. and Magdaline Lacy, with Thomas Abbott, born abt. 1803, who married Elisha Abbott's daughter Annis Abbott in 1827. The younger Thomas Abbott, who is also recorded as Thomas F. Abbott, is proved to be a son of Joseph Jr.'s brother Leonard Abbott and wife Susanna Ferguson. (See report on Leonard Abbott for details.).

Joseph and Magdaline's daughter Sarah Abbott married later in 1804, and her "father Joseph Abbott" signed his consent. Parental consent was required for males and females to

marry if they were under age 21. Thus, Sarah was born abt. 1784 or a year or so later. Sarah Abbott married John Keeling in Halifax by bond of 5 Nov 1804. [*Halifax Bond Register No. 1, LVA Reel 82*] The bondsman and witness was John Keeling's brother-in-law Azariah Bruce, who married John's sister Martha/Patsy Keeling in 1802. Another sister, Dicey Keeling, married in 1801 to John Wilkerson. According to tax records, their father, Leonard Keeling, died abt. 1804, which is the only year John Keeling is listed by name in the Halifax personal property lists. John Keeling's subsequent absence in records for Halifax and the nearby area suggests he and wife Sarah Abbott left immediately after their marriage, perhaps moving to Kentucky, as we discuss more below.

In 1805, Thomas Abbott is still enumerated in his father Joseph's household. Joseph Abbott is missing in the 1806 and 1807 tax lists, and no tax was levied in 1808. When Joseph reappears on the tax lists in 1809, his second white tithe is missing. Son Thomas Abbott was age 21 by that year and likely living with and enumerated by his employer. (In 1847, Thomas was working as an overseer. [*HDB52:189*] Since he goes on and off the tax lists periodically, Thomas could have worked most of his life in this occupation.)

In 1808, Joseph Abbott Jr. joined the growing number of Halifax residents who had to place their land or personal property or both under deeds of trust to secure debts primarily to a group of interconnected merchants who were gaining control of the resources for vital goods and services.

Date: 21 Jan 1808 - Deed of Trust

From: JOSEPH ABBOTT

To: John Light and Thomas Davenport Jr., Trustees, to secure debts to James Bruce and Beverly Sydnor

For: \$1.00

Description: 100 acres, being the land where Joseph Abbott now resides, plus all his cattle, being 6 in number, all his 33 hogs, and all their future increase - with all the rights thereto belonging to the only proper use and behoof of the said Trustees

Bounds: William Roberts, Coles Ferry Road [called Old Court House Road in 1791 deed], "Mannens orphans" [children/heirs of Nathaniel Manning, dec'd], Winns Creek

Purpose: To secure debt of £66 16s 15d Joseph Abbott owes to James Bruce by note with interest this date and a debt of £47 14s Joseph Abbott owes to Beverly Sydnor by note with interest this date

Conditions: If Joseph Abbott fails to pay full debts or any part of said debts by 1 Feb 1809, then properties are subject to public auction. Balance remaining, if any, from the proceeds after all debts, interest, costs, and expenses are paid to go to Joseph Abbott.

Signed: Joseph Abbott, John Light [also a place for signature of Thomas Davenport Jr. but it is missing or faded away]

Witnesses: John Chappell Jr., Adam Toot, S. C. McMahon

Recorded: 25 Jul 1808

[Source: Halifax Deed Book 21, p. 680-681. LVA Reel 9. Abstract by J. Horsley. Comments in brackets added.]

Almost two years later, in Dec 1809, Joseph Abbott Jr. purchased land on the Dan River about 18 miles southeast of his previous home:

Date: 2 Dec 1809

From: Samuel Estes of Halifax Co.

To: JOSEPH ABBOTT of same

For: \$400

Description: 100 acres South side of Dan River

Bounds: Being the same tract of land the said Samuel Estes purchased of Robert Glidewell by deed recorded 25 Jul 1803 and "bounded as therein expressed"

Signed: Sam'l Estes

Witnesses: John K. Linn, S. C. McMahan, John E. Hart

Recorded: 25 Dec 1809

[Source: Halifax Deed Book 22, p. 265. LVA Reel 10. Abstract by J. Horsley.]

Later deeds show this land on the south side of the Dan River was "just below" (ie, downriver from) where Grassy Creek flows into the south side of the Dan near today's town of Omega, VA. Among the adjacent landowners were Edmundson, Chandler, and Torian families, with whom Joseph Jr.'s family had close associations later. The Chandlers also had previous Abbott connections, as they were from the Chandler family that had lived next to Joseph Abbott Sr.'s family in northern Halifax for almost five decades. Perhaps they were instrumental in Joseph Jr.'s move, because the only Abbott family living in southern Halifax in 1809 was Joseph Jr.'s younger sister Frances Abbott and her husband, John Robertson, but they lived some distance to the west. In any case, there must have been some benefit or particular attraction in this new location for Joseph and Magdaline to move so far from their families and from the friends and neighbors they had lived among since childhood.

Three weeks after purchasing their new Dan River land, Joseph and Magdaline sold their land on Winns Creek that they bought 18 years before from Magdaline's father Thomas Lacy, as referenced in this deed:

Date: 25 Dec 1809

From: JOSEPH ABBOTT & wife MAGDALINE of Halifax Co.

To: Thomas Owen of same

For: \$500 current money of Virginia

Description: 100 acres in Halifax Co., the same tract of land purchased by the said Joseph Abbott from Thomas Lacy and recorded 25 Jul 1791

Bounds: near the old Courthouse road [called Coles Ferry Road in the 1808 deed of trust], down meanders of Wynns Creek, adjacent to Nathaniel Manning and William Roberts

Signed: Joseph Abbott

Witnesses: None

Release of Dower: None recorded with deed. Separately, "Magdaline Abbott, wife of Joseph Abbott," relinquished her dower right to this land 5 Oct 1810. Recorded. 26 Aug 1811 [HDB23:162]

Deed recorded: 25 Dec 1809 - Acknowledged in Halifax Court by Joseph Abbott

[Source: Halifax Deed Book 22, p. 266. Halifax Courthouse, Halifax, VA. Abstract by J. Horsley.

Comments in brackets added.]

The required dower release was not obtained when the land was sold. Therefore, on 29 Dec 1809, Halifax court justices James Bruce and John K. Linn were commissioned to visit Joseph's wife, Magdaline Abbott, to obtain her release of dower to the lands conveyed by this deed, as she "cannot conveniently travel to our court." The commissioners reported on 5 Oct 1810 that, as directed, they "privately and apart from her husband examined Magdaline Abbott, wife of Joseph Abbott." They certified that she "justly and voluntarily relinquished her dower" and is "willing that such relinquishment should be recorded," which it was, but not until 26 Aug 1811, almost ten months later. [HDB23:162] A wife was entitled by law to one-third of her husband's property, and formally releasing her right to this dower was critical to full legal transfer of lands. A widow who had not relinquished her dower rights to land her husband sold during their marriage could lawfully claim her one-third dower land from the current owner. Dower laws ensured that a widow had lifetime use of at least some land after she no longer had her husband to support her and her children. These laws also protected the county community against having to pay welfare support for a widow and her children who otherwise could be indigent without her dower to support them.

The purchaser of Joseph's land, Thomas Owen, was the brother of Hatcher Owen who married Joseph Jr.'s sister Mary Abbott in 1787. (After this purchase, Thomas is identified in tax lists as "Thomas Owen WC" for Winns Creek.) The Owens and Abbotts were long-time close friends and neighbors even before they were relatives, and later generations continued to intermarry. When Hatcher and Thomas Owen's father, William Owen, wrote his will in 1806, he appointed Joseph Abbott Jr.'s younger brother John Abbott, whom Owen called his "neighbor," as an executor along with sons Hatcher and Thomas. [HDB10:114] When Joseph Jr.'s younger brother William Abbott wrote his will in 1847, he appointed Hatcher and Mary Abbott Owen's son William Owen as executor. [HWP22:24]

At the same time that Joseph Abbott Jr. bought the new land and sold the old, he had to use the new land to secure debts he continued to owe to James Bruce and Beverly Sydnor, to whom he was indebted in his 1808 deed of trust. Bruce and Sydnor were preeminent among the small group of wealthy Halifax merchants and large landowners who gained control of most of the stores, mills, warehouses, and other sources of vital supplies in the county. Such mortgages fill the deed books in this time period and increase over the several decades to come, contributing to a large-scale exodus from the county.

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Date: 25 Dec 1809 - Deed of Trust

From: JOSEPH ABBOTT

To: John Light, to secure debts owed to James Bruce and Beverly Sydnor

For: \$1.00

Description: 100 acres, being the tract lately purchased by the said Joseph Abbott from Samuel Estes who previously purchased the same from Robert Glidewell.- with all the rights thereunto belonging to the said John Light, his heirs and assigns

Purpose: To secure debt of £66 16s 15d Joseph Abbott justly owes to James Bruce by note dated 21 Jan 1808, and also to secure the debt of £79 2s 9d which Joseph Abbott justly owes to Beverly Sydnor & Co. by note of this date

Conditions: If Joseph Abbott shall fail to pay the full amounts owed by 1 Jan next [1810], then when required by Abbott, Sydnor or Bruce, trustee John Light is to sell the land by public auction according to law. From the proceeds. Light shall pay Bruce and Sydnor the sums owed and recover his costs. Any remaining shall go to Joseph Abbott, his heirs or assigns.

Signed: Joseph Abbott, John Light

Witnesses: John K. Linn, W'm Fourquerian, Stephen Light

Recorded: Partially proved by oaths of two (unnamed) witnesses and certified 25 Jun 1810. Fully proved by the oath of the third witness and ordered recorded 23 Dec 1811.

[Source: Halifax Deed Book 23, p. 292-294. LVA Reel 10. Abstract by J. Horsley. Comments in brackets added.]

Note:

Although there is no formal release showing when or under what conditions these debts were paid, the family did retain the land, as proved by Joseph's heirs' deeds of sale bet. 1828-1839 (below).

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Whatever Joseph Jr.'s reasons for moving to southern Halifax, he was not able to enjoy his new home for long. Joseph Abbott appears for the last time in Halifax personal property tax lists on 31 May 1810, still listed in the North District of his old home. Joseph was still alive on 5 Oct 1810 when Magdaline relinquished her dower, as shown by the wording of the commissioners' statement ("wife" not "widow" etc.). However, Joseph is missing from the personal property tax lists in spring 1811, and he may be deceased by 28 Aug 1811, when Magdaline's dower release to the land sold Dec 1809 was presented in court to be recorded. The release had been obtained almost ten months before in Oct 1810, so the recording date in Aug 1811 is suggestive that Joseph may have died shortly before and both court and buyer needed to complete clearing title to the land.

Joseph Abbott Jr. is proved deceased before 25 Nov 1811, when the Halifax Court granted administration of his estate and ordered the estate inventory and appraisal. [HPB29:223] He was about 61 years old. Neither Joseph Jr. nor Magdaline left a will.

Joseph's brother John Abbott applied for and was granted administration of Joseph's estate, and John's administrative bond was secured by their brothers William Abbott and Richard Abbott. (See record below) John Abbott was appointed as executor or administrator of the estates of three other deceased family members bet. 1806-1823, including his mother, Frances Abbott, and he was involved in the probate of at least one more Abbott relation during that time. John was born abt. 1773 and actually was Joseph Jr.'s half-brother, but half or full brother seemed to make no difference among Joseph Abbott Sr.'s sons in the ways they were involved with and helped each other's families. (The exception was the eldest, Benjamin, who apparently was Joseph Jr.'s full brother but 20 years his elder and raised his family some distance from the others). Joseph Jr.'s brother John was the only John Abbott in Halifax records until 1827, when their brother Leonard Abbott's son John turned 21. The younger John Abbott left the area in 1832, but Joseph's brother John Abbott continued living in Halifax until his death in 1849.

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Administrative Bond for the Estate of JOSEPH ABBOTT dec'd and Court Order to Appraise

Halifax Court 25 Nov 1811

"On the motion of JOHN ABBOTT who made oath --- according to law certificate is granted him for obtaining letters of administration of the estate of JOSEPH ABBOTT dec'd in due form he giving security. Whereupon he together with WILLIAM ABBOTT and RICHARD ABBOTT his securities entered into and acknowledged their bond under penalty of ten thousand dollars [\$10,000] conditioned as the law directs for that purpose."

The Court then appointed "Hampton Wade, Edmond Edmondson, Thomas Torian, Phillip Edmondson, James Standley or any three of them" to "appraise in current money the slaves, if any, and personal Estate which were of Joseph Abbott dec'd at the time of his death and that they return such appraisement here to the Court."

[Source: Halifax Plea Book 29, p. 223. LVA Reel 66. Extract transcribed by J. Horsley.]

Note:

The \$10,000 administrative bond is difficult to understand. Generally the bond amount was based on the appraised value of the personal property and the approximated debts owed. However, Joseph's inventoried property is modest. The debts Joseph owed to Bruce and Sydnor, even with accrued interest and costs, would not be anywhere near that high; and later estate accounts show only small routine debts. However, such bonds were payable only if there were neglect or malfeasance on the part of the administrator, so neither John nor his securities, his brothers William and Richard, had to pay the bond. However, they did have to satisfy the Court that they had available assets to cover the amount if necessary.

Inventory and Appraisal of the Estate of JOSEPH ABBOTT, dec'd

Taken 20 Dec 1811 - Recorded 25 May 1812

Items include: 2 horses and a colt, 4 cows and 2 yearlings, a "parcel of hogs consisting of 27," 2 feather beds, 1 table, 2 chairs, parcel of chairs, 2 spinning wheels, 1 loom, 1 looking glass, 1 jug, parcel of pewter, 3 water vessels, 3 pots and 1 oven, "plantation utensils," and 1 [illegible] tub. [no slaves included] - Total: £39 6s 10p

Appraisers: Edmond Edmondson, Thomas Torian, and Phillip Edmondson

[Source: Halifax Will Book 9, p. 134-135. LVA Reel 39. Abstract by J. Horsley. Comments in brackets added.]

Note:

Appraisers usually are close or adjacent neighbors, and these are particularly interesting. Edmond Edmondson, shown by other deeds to be an adjacent neighbor, was the father of Nancy Edmondson who married Joseph and Magdaline's son Thomas Abbott in 1830. Philip Edmondson was Edmund's son and Nancy's elder brother. (Their name was spelled both Edmondson and Edmondson in county records, sometimes both ways in the same document.) Thomas Torian was also an adjacent neighbor, and in the 1830s, he variously acquired the whole of Joseph's Dan River land from Joseph's surviving heirs.

Estate Accounts of JOSEPH ABBOTT, Dec'd

Prepared and presented by JOHN ABBOTT, Administrator of the estate

Returned 9 Aug 1817

Included usual clerk's and sheriff's tickets, payment for coffin (£1 4s), cash paid to "Anderton," and a bond "due me" [John Abbott] for £2 7s ?p that appears to have been made in 1810 with interest to 5 Mar 1817. All other entries are dated from 1811 through 1813. [No fee or commission to the administrator, which was allowed by law, is included among the legible entries.]

Balance due to Joseph Abbott's estate: £16 11s 3p

Examined, approved, and signed by court-appointed commissioners:

William Bailey, Elisha Barksdale, and Howson S. White

Recorded: 25 Aug 1817

[Source: Halifax Will Book 11, p. 21. LVA Reel 40. Abstract by J. Horsley.]

Joseph's brother and his estate's administrator, John Abbott, never married. John lived first with his widowed mother, Frances Abbott, and his unmarried siblings on Joseph Abbott Sr.'s former land in northern Halifax. After Frances' death in 1823, John continued to live with his two unmarried sisters, still on the Abbott land in northern Halifax.

However, tax lists show that for the three years following Joseph Abbott Jr.'s death, at least between early 1812 to early 1815 (during which time Joseph Jr.'s estate accounts were paid), John Abbott lived in the south district near Joseph Jr.'s widow Magdaline and family. As we shall see, Magdaline also died during this time. John Abbott was back in northern Halifax in spring 1815. Then between spring 1816 and spring 1817, Joseph and Magdaline's son Thomas Abbott, not yet married, moved up with John and the other Abbotts in northern Halifax and does not appear again in the south district until 1825.

Joseph Abbott Jr.'s widow, Magdaline Abbott, appears for the first time in the annual Halifax personal property tax lists on 6 May 1812. This is also the first year the family is listed in the South District on their Dan River property. Magdaline is taxed for 1 horse and 1 slave age 16+. Joseph also was taxed for 1 slave age 16+ in 1810, but no slave was included in Joseph's 1811 inventory. The slave may have been appraised separately or he/she may have come to Magdaline from her father Thomas Lacy (d. 1802) to be held on loan for her children after she died. In any case, an 1830 court record (below) shows Joseph and Magdaline's children did inherit at least one slave. *[HMB4:131]*

Magdaline Abbott is also listed in 1812 with a new male in her household over 16 years old. Later tax lists and deeds prove this male is Joseph and Magdaline's son Samuel M. Abbott, born 10 Mar 1794. *[Grave marker, Antioch Cemetery, Gibson Co, TN]* (Samuel normally would have appeared by the 1811 tax lists, but Joseph's list is missing that year.)

Magdaline is taxed for the same personal property the next year, 1813, and again has the male 16+ (Samuel) in her household. Her older son Thomas Abbott (b. c1788), taxed for one horse, is listed on 17 Mar 1813, the same day as Magdaline. Although responsible for his own taxes, Thomas probably was living with Magdaline and the family.

Both sons of Joseph and Magdaline Lacy Abbott, Thomas Abbott and Samuel Abbott, served in the War of 1812 against the British, sometimes called America's Second War of Independence. They both were drafted into Virginia militia units from Halifax Co, VA--in fact, Thomas was drafted twice--but they served at different times and under different Captains. So far, we know more about Thomas' war service because he made two personally statements, first on 22 Mar 1852 applying for bounty land under an Act of 28 Sep 1850, and again on 11 Apr 1871 applying for a pension under an Act of 14 Feb 1871. (He was granted both his bounty land of 160 acres and his pension.) On the other hand, no bounty land file was found for Samuel Abbott, and his service files at NARA have not been obtained. Samuel was deceased by the time the pension law was passed; however, his widow, Prudence (Elam) Abbott, applied for a widow's pension under the same Act of 14 Feb 1871. Her statement gives vital genealogical information, but she knew little of Samuel's actual service. Nevertheless, from her information we at least can track his company's activities.

Thomas Abbott was about 25 years old at his first tour of duty in the War of 1812. He states he was drafted "on or about" 8 Jul 1813 at Halifax Old Courthouse, Halifax County, VA, and served as a Private (later parts of his file say a Corporal) in Capt. Thomas Davenport's

Company, 5th Regiment VA Militia, under Col. Armistead T. Mason, in Norfolk, VA. He served there from 1 Aug 1813 to 10 Dec 1813, when he was discharged in Norfolk ("no less than 220 miles" from Halifax by the roads of their march, according to a letter in the file from U. S. Congressman Thomas H. Averett of Halifax). Thomas Abbott was drafted a second time "on or about" 15 May 1814, again at Halifax Old Courthouse, Halifax County, VA. He served as a Corporal in Capt. Mathew Sims Company of Artillery officially beginning 24 May 1814 and was discharged 5 Sep 1814, again in Norfolk. (The auditor's files list his discharge as 3 Sep 1814, but his original discharge paper is included in his file and is clearly dated 5 Sep 1814.) Thomas was to serve this tour for 6 months. However, he was "honorably discharged" after just over three months due to his "extreme debilitated state of health."

[Source: File No. 17118. War of 1812 Pension and Bounty Land Warrant Application Files, NARA. Images online at Fold3.com]

Samuel Abbott was 20 years old when he was drafted about the same time as Thomas' second discharge. As to Samuel's service, his widow Prudence, who was age 74 when she made her statement, remembered only that: 1) Samuel was drafted rather than enlisted; 2) he served under a Capt. Bailey; 3) he served at least the 60 days required by the Pension Act; and 4) he was discharged from Ellicott's Mills, Maryland in December 1815(sic). [Source: File No. 11689. War of 1812 Pension and Bounty Land Warrant Application Files, NARA. Images at Fold3.com]

[Source: File No. 11689. War of 1812 Pension and Bounty Land Warrant Application Files, NARA. Images at Fold3.com]

Due to Samuel's place of discharge and without any other service details in the file, summary indexes of the NARA War of 1812 pension files mistakenly list Samuel M. Abbott as serving in the Maryland Militia. This is contrary to other proved facts and also impossible since Samuel was a life-long resident of Halifax County, VA, where he was living when drafted. Combining information from Stuart Lee Butler's *Guide to Virginia Militia Units in the War of 1812* and documented statements made by other Halifax veterans of this war (particularly James Fulkerson, an Abbott relative and adjacent neighbor of Joseph Abbott Sr.'s family), we can fill in more details from Prudence's statement. "Capt. Bailey" was Halifax merchant William Bailey, one of the commissioners who approved John Abbott's final accounts for Joseph Abbott's estate in 1817. During the War of 1812, William Bailey was Captain of a Virginia Militia unit that mustered in Halifax on 31 Aug 1814 and included men drafted to serve for a period of six months. The company was attached to the 4th VA Regiment under Col. William Greenhill, whose regiment was on duty from 1 Sep 1814 to 1 Dec 1814. During late summer 1814, Virginia militia units were sent to help defend Washington, DC and Baltimore, MD from the British. Although most units, like Samuel's, arrived too late to take part in the battles, some troops "remained in Maryland, mostly camped at Camp Crossroads, near Ellicott's Mills, until early December [1814] when they were finally discharged." [Butler, p.22 ff] Samuel's company was in Washington, DC in early October, in Camp Snowden, MD in late October, and arrived 9 Nov 1814 at Ellicott's Mills, MD, where he would have been discharged abt. 1 Dec 1814. These facts coincide with Prudence's statements, except that Samuel was discharged December 1814 rather than December 1815 as she mistakenly said. The peace treaty ending the war was signed 24 Dec 1814 and ratified by the U.S. in February 1815. (For more details about the 1812 pension files regarding Thomas Abbott and Samuel Abbott, see their individual notes.)

During this time of war, absences, uncertainties, and hardships, Joseph and Magdaline's children experienced another heavy personal grief. Only two years or so after the death of their father, their mother, Magdaline Lacy Abbott, died in Halifax County, VA at about 56 years old. Magdaline last appears in the tax lists in March 1813. She is deceased by March

1814, when her taxes and the male age 16+ in the household (ie, Samuel, then age 20) became the responsibility of Adaline Abbott.

Adaline Abbott was Joseph and Magdaline's oldest child born abt. 1780 (as shown by the 1782 household enumeration for Joseph Abbott Jr.'s family) and was around age 34 in 1814. As we shall see, Adaline Abbott also is named as head-of-house in the 1820 census, and listed there as born bet. 1776-1794. As an unmarried daughter over 21 years old and the eldest sibling in the household of orphaned children, Adaline was the lawful head-of-house responsible for her own taxable property and any such property inherited from her parents by minor siblings. She remains as the responsible taxpayer for five years until her younger brother Samuel married.

In 1815, Joseph and Magdaline's sons Thomas Abbott and Samuel Abbott were witnesses to the Halifax will of Edmund Edmundson, written 4 Mar 1815 and proved 27 May 1816. Edmund's land was adjacent to Joseph Abbott Jr. after Joseph moved to the Dan River, and Edmund and his son Philip Edmundson were appraisers of Joseph Abbott's estate in 1811. In 1830, Thomas Abbott married Edmund's daughter Nancy Edmundson, named in Edmund's 1815 will. The other will witnesses were William Chandler, another adjacent neighbor to Joseph's family whom we discussed above, and Thomas Faulkner. *[Will transcription posted 6 Nov 2005 to the Edmondson GenForum message board by Beverly J. Carbo and confirmed by personal email.]*

Later records show that about this year of 1815, the will witness Thomas Faulkner married a daughter of Joseph and Magdaline Lacy Abbott and a sister of his co-witnesses Thomas Abbott and Samuel Abbott. There is no surviving Halifax marriage record and records found so far do not give her first name. However, the relationship is proved by a series of records proving Thomas Faulkner's daughter Dianna Faulkner (b. c1816), later the wife of Richard Boyd, was a legal heir of Joseph and Magdaline Abbott, as explained later in our story.

Thomas Abbott witnessed another will the next year. His mother, Magdaline Lacy Abbott, had a sister Christian Lacy who married Russell Godby in Halifax 28 Nov 1791. When Russell Godby wrote his will on 23 Dec 1816, one of the witnesses was Christian's nephew Thomas Abbott. *[HWB13:23]* (In Sheila A. Collins' online excerpt of Russell's will, she lists another witness as "Davy Owen." While there was a David Owen then in the county, he lived in a different district, and a nickname on a will at this time is very unusual. The witness more likely is Thomas Abbott's cousin Drury Owen, who returns to our story shortly.)

Joseph and Magdaline's daughter Adaline Abbott continues to be listed yearly in the Halifax personal property taxes from 1814 through 1818 with a male over age 16 (her brother Samuel) in her household. Their one slave over age 16 was sold or leased out bet. 1814-1815 but they retained the horse. Adaline is listed on the same day as her brother Thomas Abbott through 1816 before he moved to northern Halifax among his Abbott relatives. As of 10 Apr 1818, Adaline still had one male 16+ (Samuel) in the household and still paid tax for one horse. In 1819, the recently-married Samuel Abbott appears by name for the first time, taxed for one horse plus a slave, and Adaline is no longer listed. (The only females included in these tax records are widowed or never-married women who are the responsible taxpayers for taxable property and/or responsible for a white male 16+ in the household.)

Samuel Abbott married Prudence Elam on 7 Jul 1818 "in North Carolina," according to Prudence's 1874 pension application. *[File No. 11689, War of 1812 Pensions, NARA]* She states her

maiden name was Prudence Elam and that she and Samuel were married in North Carolina by Jack (or Jick) Yancy, J. P. He seems to be Jackson Yancey, a prominent resident of Granville County, NC, adjacent to Halifax and a short distance south from the part of Halifax where Samuel lived. Granville is also adjacent to Mecklenburg County, VA, where according to online files Prudence Elam was born 12 Apr 1800 and where her father James Elam reportedly died in 1804. Unfortunately, many Granville County marriage records in this time period are lost, and none for Samuel and Prudence exists. *[NC State Archives]* (Neither is there a marriage record for them in Person or Caswell Co, NC, the other NC counties adjoining or close to Halifax.) It was not unusual for residents in southern Halifax to marry in a nearby North Carolina county either for convenience, family associations, or what amounted in practice to no age requirements in North Carolina for marriage without parental consent. Samuel was age 24 when they married, but Prudence was 18, and in Virginia parent or guardian consent was required for anyone marrying under 21 years old. North Carolina permitted marriages without consent for males age 14 and older and females age 12 and older, and even those requirements were widely ignored.

Samuel and Prudence had a son by the 1820 census. He was James T. Abbott, born 14 Nov 1819. *[Grave marker, Antioch Cemetery, Gibson Co, TN; FindAGrave Memorial #16462028]* This corresponds to Halifax personal property tax lists for Samuel Abbott where he is listed for the first time with a son age 16 or over in spring 1836

1820 Census - Marseilles Dist., Halifax Co, VA

SAMUEL ABBOTT - Males: 1(under 10), 1(16-25); Females: 1(10-15), 1(16-25) - 1 slave

Note:

Except for the son, the age categories here seem in error, each one column off. Samuel should be marked one category to the right (26-44), as he was born 10 Mar 1794, thus age 26 by the August 1820 census. Later records indicate that Samuel's sister Catharine Abbott, who never married, is the older second female in his household. She was born abt. 1790 (per the 1850 census), so if this is Catherine, both females should be marked one age category to the right; that is, Prudence (b. 1800) should be marked age 16-25, and Catharine should be in the next column for age 26-44. Males under 10 years old were marked in the first column at the left, thus hard to mis-mark, unlike the columns to the right on the multi-columned and unheaded pages. Such errors are not uncommon in this census overall.

Adeline Abbott's 1820 household is listed next to Samuel's in this non-alphabetical census list. They likely were sharing their inherited land until Samuel purchased his own land nearby in 1821. (Note: Ancestry.com has miscoded the 1820 Halifax County districts for numerous Halifax households, and its census index labels Samuel and Adaline incorrectly on page 76 in Meadsville District, which was for northern Halifax. Samuel and Adaline are both correctly listed on page 86 in the Marseilles District for southern Halifax at HeritageQuest Online. *[NARA Series M33, Roll 131, p. 86]*)

1820 Census - Marseilles Dist., Halifax Co, VA

ADALINE ABBOTT - Males: 2(45+) [b. bef. 1776]; Fem: 1(16-25) [b. 1795-1804], 1(26-44) [b. 1776-1794] - 1 slave

Note:

The males over age 45 are likely farm laborers. They are not older brothers, because the eldest would be listed as head-of-house both in this census and in the tax lists. The younger female in Adaline's household is her sister "Magdelane," born abt. 1796, whom we discuss shortly.

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Most Abbott households in Halifax are missing in this 1820 census, including Samuel and Adaline's brother Thomas Abbott, but Thomas is included in the 1820 tax lists (although Samuel and Adaline are not). The tax lists show that in mid-to-late 1816, Thomas Abbott moved back to the North District where he had grown up and was living among the families of Joseph Abbott Sr.'s widow, Frances, and Joseph Jr.'s surviving brothers.

On 18 Nov 1820, Thomas Abbott was the only Abbott witness to the will of his grandmother, Frances Abbott. Although Frances was Joseph Abbott Jr.'s stepmother, she raised him from his mid-teens and was the only Abbott grandmother Joseph Jr.'s children knew. Two of the other witnesses to Frances' will were her neighbors John Chandler and his brother Abel Chandler. They were sons of William Chandler Jr. and relatives (perhaps brothers) of the William Chandler who was an adjacent neighbor of Joseph Jr.'s family in southeastern Halifax and another witness with Thomas and Samuel Abbott to Edmund Edmondson's 1815 will. Frances Abbott died between 25 Feb 1822, when she last appears on the yearly personal property tax lists, and 22 Sep 1823, when her will was proved in Halifax Court.

[HWB13:30]

In the tax lists of 1821, Thomas Abbott is still living in the North District, and only Samuel (now with no slave) is listed in the South. Adaline Abbott is missing and apparently died this year at about 41 years old. A younger sister takes the tax responsibility the next year.

In the 1822 personal property tax lists, Magdelane Abbott replaces her deceased sister Adaline. Magdelane Abbott was born abt. 1796 and was the younger female in Adaline's 1820 household. In 1822, Magdelane, now abt. age 26, is taxed for one horse, which she and Adeline had all along, and for the one slave listed for Adaline in the 1820 census. That census and the tax lists indicate these sisters were working the farm together with hired male labor on the land that the siblings jointly inherited from their father. Their brother Samuel bought nearby land in 1821 (deed below). Their brother Thomas is missing by name in the tax lists of 1822-1824, likely enumerated in an employer's household and with no taxable property at that time.

Magdelane's name is intriguing. All spelling was phonetic and rarely consistent. (Even Frances Abbott's first name is spelled four different ways on tax lists alone.) However, Magdelane's mother Magdaline's name is surprisingly consistent in all records and always spelled that way by her various recorders, while Magdelane always appears with that spelling in the tax lists, the only records found that name her. Was Magdelane's name the origin of the mistaken "Magdalena" name for her mother, perhaps confused as they passed down through family oral history? In any case, obviously the previous eight years' records clearly show that Magdelane was a different person from her mother Magdaline, and the different pronunciations and spellings conveniently distinguish daughter from mother.

Regarding names, the first time Samuel Abbott is recorded in tax lists or in any other Halifax records with a middle initial is in 1823, after which he fairly consistently is named as Samuel M. Abbott. In 1874, his widow's pension application statement gave his full name as Samuel

Moore Abbott. However, that probably was not his original birth name. Samuel was born at a time before middle names were common in Virginia (note that none of his siblings had middle initials/names), but some in his generation later took on a middle name/initial as these became more widespread after the War of 1812. Not all who "tried out" a middle initial continued with it, as records and signatures prove, but Samuel's middle initial became a standard part of his name throughout the rest of his life.

Samuel Abbott purchased his own land in Halifax in 1821 from his brother-in-law Mark S. Elam and wife Elizabeth. [HDB31:243] The deed gives no residence for Mark and Elizabeth, but personal property tax lists show Prudence's brother Mark Elam was in Halifax at the time. Mark S. Elam was born abt. 1791 and, like Prudence, was born and raised in adjacent Mecklenburg County, VA. However, he is said to have married 31 Jul 1815 in Christian County, KY, even though tax lists prove he was living in Halifax by late 1816 or early 1817. Mark's wife is said to be Elizabeth Faulkner, who some say was the daughter of a Jacob Faulkner earlier in Halifax. No Elam is recorded in the yearly personal property tax lists in Halifax until Prudence's and Mark's brother William M. Elam (b. c1789) appears in 1813 with no other males age 16+ in his household. The year 1813 is also the last year a Jacob Faulkner "Jr." appears in the Halifax tax lists (although William Elam continues). I have not been able to verify the story or confirm Mark's identity by Kentucky records due to limited access to the originals, but if true, it should make an interesting saga. If Mark's wife were the daughter of a Halifax Faulkner, it also would be interesting to know their relationship to Thomas Faulkner who married Samuel Abbott's sister in Halifax abt. 1815.

The land Samuel Abbott purchased from Mark and Elizabeth Elam was 100 acres on the south side of Hyco River, not far from where his two sisters Adaline and Magdelane working the family land. The Hyco flows into the Dan River about five miles down-river from their father Joseph Abbott Jr.'s land at Grassy Creek and the Dan, and in places the branch waters of Hyco River and Grassy Creek almost meet.

Date: 2 Mar 1821

From: Mark S. Elam and wife Elizabeth

To: SAMUEL ABBOTT

For: \$500

Description: 100 acres ("more or less") on the south bank of Hyco River

Bounds: James Davenport, Hyco River

Signed: Mark S. Elam, Elizabeth Elam

Witnesses: None

Release of Dower: 2 Mar 1821

Recorded: 24 Feb 1823

[Halifax Deed Book 31, p. 243-245. LVA Reel 14. Abstract by J. Horsley.]

The siblings Magdelane Abbott and Samuel Abbott continue to appear in the South District tax lists each year through 1825, when their brother Thomas Abbott reappears by name on the lists. Thomas' list is dated 21 Feb 1825, the same day as Magdelane's list, indicating they probably were living together again.

Joseph and Magdaline Abbott's daughter Magdelane Abbott died between Feb 1825 and Feb 1826. Tax lists for 1826 show her personal property was then in possession of two of her siblings. Magdelane's brother Thomas Abbott paid tax on the slave, and her sister Catharine Abbott paid tax on the horse, but both slave and horse were sold or leased out within the next year. The tax lists of 1826 is the first and only time Catharine is named in the tax records through 1844 (last year checked). She is listed on the same day as her brother "Samuel M. Abbott," with whom she was living, as the 1830 census also shows.

Joseph Abbott Jr. left no will, so by the laws of inheritance then in effect, all of his children automatically inherited equal shares of his land on the Dan River. As we have seen, various records indicate Joseph's unmarried daughters Adaline and Magdelane lived together farming this land. Following their deaths, the surviving siblings, living independently, began selling their shares. Joseph's 1809 deed of purchase described the tract as 100 acres. When the heirs variously sold their shares 20-30 years later, the tract was described as 140 acres. There is no deed for the additional 40 acres, so the difference could have come from a more recent survey.

In 1828, Joseph Jr.'s eldest son, Thomas Abbott, sold his share of the inherited land to his cousin Drury Owen. Drury was a son of Joseph Jr.'s sister Mary Abbott and her husband Hatcher Owen. (It was to Hatcher's brother Thomas Owen that Joseph Abbott Jr. sold his Winns Creek land in 1809.) This 1828 deed of sale was witnessed by Thomas Abbott's brother Samuel M. Abbott and again shows the Chandler and Edmundson connections.

Date: 8 Aug 1828

From: THOMAS ABBOTT

To: Drury Owen

For: \$70

Description: All my interests in 140 acres of land lying on the south side of Dan River in Halifax County

Bounds: William Chandler, John Edmundson, Sollomon Sisemore [Solomon Sizemore]

Signed: Tho's Abbott

Witnesses: William Chandler, Moses Chandler, S. M. ABBOTT [Samuel M. Abbott]

Recorded: 25 Aug 1828

[Source: Halifax Deed Book 36, p. 423. LVA Reel 17. Abstract by J. Horsley. Comments in brackets added.]

The 1830 personal property tax list dates indicate Thomas Abbott was living with his brother Samuel. This is also reflected in the 1830 census, where only Samuel M. Abbott is named, and he has another older male living with him, although Thomas' age is slightly off. (The only Thomas Abbott named in the 1830 census in Halifax is Leonard Abbott's son Thomas, b. c1803, who married Annis Abbott in 1827.) The eldest female in Samuel's 1830 census is his sister Catharine (b. c1790). The female age 10-14 likely is Samuel's niece Dianna Faulkner, whom we discuss shortly.

1830 Census - Halifax Co, VA

SAMUEL M. ABBOTT

Males: 1(5-9), 1(10-14), 2(30-39); Females: 2(under 5); 1(10-14), 1(30-39), 1(40-49) - 5 slaves

At the end of this year 1830, Thomas Abbott married Nancy Edmundson, daughter of Edmund Edmundson and wife Jane (Howerton), whose family had been adjacent neighbors of Joseph Abbott Jr.'s family at least since 1811. Thomas and Nancy were married 28 Dec 1830 by Rev. John Holt. Thomas Abbott's marriage bond is dated 22 Dec 1830 and secured by William Dunn. [*Halifax Bond Register No. 1, LVA Reel 82*] (This may be the William Dunn who married 4 May 1829 to Elizabeth Chandler, listed as a daughter of William Chandler, perhaps the William Chandler who lived next to the Abbotts and Edmundsons at the Dan.)

In 1833, two more of Joseph Abbott Jr.'s children Samuel M. Abbott (with wife Prudence Elam) and Catharine Abbott (unmarried) sold their interests in the inherited land. By the same deed, Drury Owen (with wife Nancy Vaughan) sold the share that Joseph's son Thomas Abbott inherited and sold to Drury in 1828. The purchaser, Thomas Torian, was an adjacent landowner who in 1811 was an appraiser of Joseph Abbott Jr.'s estate. In 1839, he also purchased the remaining share of Joseph Abbott's full tract, as we shall see.

Date: 18 Jan 1833

From: CATHARINE ABBOTT, SAMUEL M. ABBOTT, Prudence ABBOTT, Drury Owen, and Nancy Owen, all of Halifax Co.

To: Thomas Torian of same

For: \$243.75

Description: All of our interest in a certain tract of 140 acres lying on the south side of the Dan River, it being 3/4 [interest] of a tract of land that did belong to Joseph Abbott, deceased.

Bounds: William Chandler on the east, Wade & Sizemore on the south, Thomas Torian on the west, and Dan River on the north.

Signed: Catharin[*sic*] Abbott, Samuel M. Abbott, Prudence (x) Abbott (her mark), Drury Owen, Nancy Owen

Witnesses: Wm. W. Hurt, J. S. Easley ("as to M'r O & wife"), Wm Wauhrop

Release of Dower by Prudence [Elam], wife of Samuel Abbott, and by Nancy [Vaughan], wife of Drury Owen

Recorded: 29 Mar 1833 (on 18 Jan 1833, Drury Owen acknowledged the deed before two Halifax Justices of the Peace)

[Source: Halifax Deed Book 41, p. 25. LVA Reel 19. Abstract by J. Horsley. Comments in brackets added.]

Note:

Contrary to online files, Drury's wife Nancy was not a daughter of Joseph Abbott and Magdaline Lacy. Drury Owen and his wife were only selling the share that Joseph and Magdaline's son Thomas Abbott inherited, which Thomas sold to Drury in 1828. [*HDB36:423*] Drury Owen's wife is proved to be Nancy Vaughan, who was the widow Nancy Jordan when Drury married her by bond of 13 Jan 1823. Also, this deed disproves online family files that say the Drury Owen who married Nancy Jordan was the Drury Owen of adjacent Pittsylvania County who married Jane Mayhue 1 Jun 1832 in Pittsylvania. To the contrary, Drury Owen of Halifax and wife Nancy Vaughan (former widow of Samuel Jordan) were still married as of this 18 Jan 1833 deed, and they remained married until Nancy's death bet. 1840-1850.

The deed states that these three shares, which were inherited by Thomas, Samuel, and Catharine, comprised three-fourths of the total interests in the tract Joseph owned at his death. This means that a one-fourth interest is unaccounted for here. Although inaccurately

written, the following deed, by its land description, location, and purchaser, together with an 1830 court order (below) show this land is all or part of the remaining one-fourth share that was inherited by Dianna Faulkner through her Abbott mother who married Thomas Faulkner abt. 1815 or shortly before. (When a child died with surviving children, those children jointly inherited the share that would have gone to their parent.)

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Date: 13 Oct 1839

From: Richard Boyd and wife Diannah of Halifax

To: Thomas Toryan [Torian] of same

For: \$33

Description: "all their claim right title and interest in and to a certain tract of land lying just below Grassy Creek So. Dan [ie, south side of Dan River] Halifax County Virginia or so much of said claim as they hold by virtue of the last will and testament of John[sic] Abbot dec'd"

Signed: Richard (his mark) Boyd, Dianah Boyd

Witnesses: None

Release of dower: 2 Nov 1839 - Deed acknowledged by Richard Boyd 2 Nov 1839

Recorded: 28 Jan 1840

[Source: Halifax Deed Book 46, p. 172. LVA Reel 22. Abstract by J. Horsley. Comments in brackets added.]

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This deed is poorly written and has significant errors. First, the 1828 and 1833 deeds above prove this land belonged to Joseph Abbott Jr., not to a John Abbott [*HDB36:423, 41:25*], and second, an 1830 court record (below) proves that Richard and Dianna Boyd held their interest not by virtue of any will but by virtue of a court-ordered division of the land to surviving heirs of Joseph Abbott Jr., who did not leave a will. [*HMB4:131*] (In fact, no will was recorded in Halifax or any other Virginia county for any John Abbott until 1860, and that was in distant Spotsylvania County. There were only two John Abbots in Halifax records prior to this deed, both definitively proved not to be heirs of Joseph Abbott Jr. either in their own right or by the married one's wife. Furthermore, all records for Joseph Abbott Jr., including yearly tax lists, show Joseph Jr. had only two sons who survived to age 16, Thomas and Samuel, so no John Abbott was an heir of Joseph Abbott Jr.)

There is no question that the Boyd deed refers to part of the land Joseph Abbott Jr. possessed at his death in 1811. In 1833, Thomas Torian purchased 3/4 of the heirs' interests in the estate of Joseph Abbott (Jr.), deceased, "on the south side of the Dan River." Grassy Creek flows into the south side of the Dan River, and at some point, Thomas Torian built a mill at Grassy Creek and the Dan River. The location is a few miles from Omega, VA, which was still the post office address for Joseph Jr.'s son Thomas Abbott when he made a War of 1812 pension application in 1871. The only earlier Abbott who owned land in this area was Joseph Abbott Jr., and the only Abbots living anywhere near this part of southeastern Halifax were Joseph Jr. and his children.

In February 1830, the Halifax Court ordered the division of Abbott land and a slave. The petition on which the order is based is not included, nor is it indexed in surviving records. However, by the names of Joseph Abbott Jr.'s surviving children Samuel Abbott and Catharine Abbott, the court order clearly refers to Joseph Abbott Jr.'s land and slave. As discussed above, Drury Owen, also named in this court order, purchased Joseph's son

Thomas Abbott's inherited interest in Joseph's land in 1828 and apparently also purchased Thomas Abbott's interest in the inherited slave. (As explained above, deed and marriage records prove that neither Drury Owen nor his wife Nancy Vaughan was an heir of Joseph Abbott Jr.) The court order reads as follows:

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 compt [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."

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

This court case was brought by "Faulkner," the complainant, whose first name is not given. Such cases were brought before the Court sitting "in chancery" in order to request that such a division be made and in a way fair to all parties. Thus, according to the case as recorded above, we know that in addition to Joseph's three surviving children Samuel, Catharine, and Thomas (who sold his share to Drury Owen), a Faulkner held the fourth remaining share as an heir of Joseph Abbott Jr. By the 1839 deed above we further know that Dianna Faulkner Boyd was that heir. Since Dianna was only age 14 or so in 1830, an adult, presumably her father, filed the original bill in her name. Thus the case is titled "Faulkner by &c" ("&c" means et cetera). The rest of the details we have to fill in by other records.

Dianna Faulkner was born abt. 1816. *[Death record and 1850 census]* She married Richard Boyd by bond dated 30 Oct 1832, and Thomas Faulkner was the bondsman. *[Halifax Marriage Bond Register No. 1]* No relationship is stated on the bond, and apparently the consent she would need to marry under age 21 has not survived. However, Dianna (Faulkner) Boyd's death record in 1890 lists her father's name as Thomas. Also, the 1820 census shows that of the five Faulkner households listed in Halifax, the only one who could be Dianna's father was the younger Thomas Faulkner (proved by later censuses to be the one associated with Joseph Abbott Jr.'s family). He and a slightly older Thomas Faulkner were the only two of the five Faulknors listed who lived in the same census district as Joseph Abbott Jr.'s children. The only way Thomas Faulkner's daughter could be an heir of Joseph Abbott Jr. is by Thomas marrying Joseph's daughter who was Dianna's mother.

No record of Thomas Faulkner's marriage to an Abbott is recorded in Halifax, and her name is not given on records found so far. Thomas Faulkner was born abt. 1789. He appears to be the same Thomas Faulkner who married Harriet Peyton Wiley in Halifax by bond of 26 Sep 1808. *[Halifax Marriage Bond Register No. 1]* Thus, Thomas may have married the Abbott daughter only shortly before Dianna was born abt. 1816. As mentioned above, in 1815,

Thomas Faulkner and Joseph and Magdaline's sons Thomas Abbott and Samuel Abbott were three of the four witnesses to the will of Edmund Edmundson, who had land next to the land Joseph Abbott's children inherited and lived on at the time.

By the 1820 census, Thomas Faulkner is widowed. He has three young females living with him, presumably all his daughters. In addition to Dianna who was under age 10, there is a second girl under age 10 and a girl age 10-15. At least the eldest and perhaps the second younger were daughters of Thomas and Harriet. No additional deed for another part of the fourth share of Joseph's land was identified in the Halifax Grantor Index, thus so far it seems Dianna was the only surviving child of Thomas Faulkner and his Abbott wife. (If there were more, by the laws of inheritance they would divide their one-fourth share equally among them.) Thomas Faulkner married again by bond of 4 Sep 1835 to Frances Sizemore, likely related to Solomon Sizemore, named as a bound on Joseph's land inherited by son Thomas Abbott and sold to Drury Owen in 1828. *[HDB36:423]*

There is clear evidence of a close ongoing connection between Dianna Faulkner Boyd's family and the Abbotts through Joseph and Magdaline's unmarried daughter Catharine Abbott (b. c1790). According to the above records, Catharine was Dianna's aunt, and Dianna's mother had been the sister closest to Catharine in age. Catharine lived with her brother Samuel's family at least through 1830, when Dianna also seems to be in Samuel's household. Dianna Faulkner married Richard Boyd in 1832, and Samuel Abbott moved his family to Tennessee abt. 1838. Apparently it was during that period that Catharine Abbott went to live with the Boyds. In 1834, Richard and Dianna Faulkner Boyd named their first daughter Catharine A. Boyd, and undocumented online files say the daughter's full name was Catharine Abbott Boyd. This Boyd family is missing in the 1840 census. However, the 1850 and 1860 censuses show that Catharine Abbott lived with Dianna Boyd and her family until Catharine's death bet. 1860-1870. It is easy to imagine Catharine being like a grandmother to Dianna and Richard's 11 children. Catharine's brother Thomas Abbott and wife Nancy Edmundson also lived near them in the same area of Halifax as the Boyds.

By a deed recorded 1 Dec 1832, the month before Samuel sold his share in his inherited land, Samuel Abbott and wife Prudence sold the land where they resided to Daniel Watts. *[HDB40:361, per Grantor Index]* (The index lists the tract as 98 acres on the south side of Hyco River. Samuel's deed of purchase in 1821 says the tract was "more or less" 100 acres, so the 98 acres is likely the full tract by recent survey.)

Halifax personal property tax lists show that shortly after Feb 1838, Samuel and Prudence moved their family to Gibson County, Tennessee, where they appear in the 1840 census:

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1840 Census - Gibson Co, TN

SAMUEL ABETT *[sic]*

Males: 1(under 5), 1(5-9), 2(15-19), 1(40-49);

Females: 1(under 5), 2(10-14), 1(30-39), 1(60-69)

4 slaves

Note:

The eldest female, listed as born 1771-1780, could be Prudence's widowed mother, Elizabeth (Sharp) Elam, said to have died in Gibson Co, TN in 1854. She is supposed to be born in 1767 *[per IGI, undocumented]*, but as other censuses show, age group categories are not always accurate.

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The 1850 census for Samuel and Prudence's family includes most of their children, except for three already married. These were James T. Abbott (b. 1819), William Henry Abbott (b. 1824), and Elizabeth C. Abbott (b. 1825, wife of Alexander L. Lett).

 1850 Census - Gibson Co, TN - Dist. 14
 Abbott, Saml M - 56 - Farmer - VA
 Prudence - 50 - VA
 Samuel - 16 - VA
 Joseph - 13 - VA
 Mary - 11 - TN
 John - 8 - TN
 Barton, William C - 26 - Farmer - KY
 Rhoena - 23 - VA [Samuel's dtr. Rowena Abbott, marr. 18 Jul 1844, Gibson Co, TN]
 Elbert - 3 - TN
 America - 6 mos. - TN

Part of a letter written 23 Aug 185_ from Gibson County, TN refers to "Sam Abbott" and "Jim Abbott" (Samuel's son James). The writer was Perrin Giles who married Mary B. Abbott in Halifax Co. 9 Nov 1831. She is proved by her father's will to be Mary "Polly" Abbott, a daughter of Joseph Abbott Jr.'s brother William Abbott. [HWB22:24] (Mary's sister and William's daughter Delphia/Delphy Abbott was Perrin's first wife.) In this letter Perrin Giles writes:

 "...Times is favorable here at this time. Everything is rising right up. Tobacco Is selling well. We sold ours at \$7 and 75 cents. I shall look for you the last of October agreeable to your Letter. Don't fail in coming. There is a Grate Revival of Religion here at this Time. Every boddy appears to be religious SAM ABBOTT is under conviction and JIM ABBOTT. Crops of corn is indifferent Wheat Crops was verry short this year. The Tobacco crops is on the short Order. There is but little sickness here. I herd from Carroll county two or three weeks ago The people was well at that time..."
 [Source: Letter transcribed on the website of Stan Giles at:
 <<http://home.grandecom.net/~stangilesdad/Giles~Perrins~LTR.html>>]

The mention of "the people" in adjacent Carroll County (where Perrin Giles lived in 1840) likely includes the family of Leonard Abbott Jr., a son of Joseph Abbott Jr.'s brother Leonard Abbott. Leonard Jr. was among the Halifax families who moved to Carroll Co, TN, the same time Samuel moved to adjacent Gibson Co., and Leonard's widow Catherine Shaw Abbott was still living in Carroll Co. during the 1850s.

Samuel M. Abbott died in Gibson Co, TN on 21 Dec 1866, according to the transcription of his grave marker in Antioch Cemetery. [FindAGrave Memorial #102383142] This contradicts the date of 21 Dec 1865 given by his widow Prudence Abbott in her 1874 application for a War of 1812 widow's pension. [File No. 11689, War of 1812 Pensions, NARA]

Censuses show Prudence Elam Abbott died in Gibson Co, TN bet. 1870-1880. She died 8 Mar 1876 according to the inscription on a grave marker in Antioch Cemetery erected in 2000 by "Her Great Great Grandson Edgar Gentry Barton, Jr." [FindAGrave Memorial #16454807]

Joseph and Magdaline Lacy Abbott's son Thomas Abbott and his wife Nancy Edmundson remained in Halifax County.

1840 Census - Halifax Co, VA - South District

THOMAS ABBOTT - Males: 1(40-49); Females: 1(20-29), 1(30-39)

Note:

The age categories for both Thomas and Nancy are one category too young. The younger female in the household is not known but possibly an orphan, as they have in 1850 and 1860.

The 1850 census shows Thomas Abbott and wife Nancy Edmundson still living in Halifax County. They had no children of their own, but by 1850, two children were living with them whose surname was either Buntin or Burton. So far no family relationship has been found, but families often took in orphans from their church or community, related or not.

1850 Census - Halifax Co, VA - Southern District

ABBOTT, THOMAS - 64 - Planter - VA [b. c1786]

Nancy - 52 - VA [b. c1798]

Buntin [sic?], Susan - 10 - VA

Henry - 8 - VA

Note:

According to the 1850 Slave Schedule, Thomas Abbott had 5 slaves this year, which is strange for several reasons. First, he had no slaves in 1840 or 1860. Secondly, Thomas sold his interests in both his own and his wife's inherited land, and he has no recorded deed of purchase for any other land. (At least in 1847, he was working as an overseer.) Thirdly, most of these slaves were not of working age: 1 female age 20, 1 male age 6, 1 male age 2, and two male infants ages 6 months and 4 months. All in all, this may be a group of temporarily unprofitable slaves, perhaps related to each other, that Thomas and Nancy are caring for on their owner's behalf.

Interestingly all farmers in this district this census were called "planters" in the older sense of the word, literally meaning those who plant. In some places and times, "planter" distinguished the wealthy elite. However, the words "planter" and "plantation" are used routinely in Virginia deeds, wills, and estate records to mean any farmer or farm. (For example, "plantation utensils" in Joseph Jr.'s estate inventory simply mean farm tools.)

1860 Census - Halifax Co, VA - Southern District - PO: Halifax Courthouse

ABBOTT, THOS - 72 - Farmer - VA [b. c1788]

Nancy - 63 - VA [b. c1797]

Burtin, Henry - 17 - Laborer - VA

No slaves in Slave Schedule this census

Note:

The above-named Henry could be the Henry Burton who married 10 Dec 1867 to Sarah E. Lamberth, although this is not confirmed. The marriage record abstract lists his mother only as Sallie, and there is no father's name. Sarah's parents are listed as "Joseph H. & Elizabeth Lamberth." [*Marriage record*

abstract on FamilySearch.org] No information could be found for the Susan Buntin/Burton who was with Thomas and Nancy in 1850.

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Although Thomas and Nancy Abbott were not found in the 1870 census, both were still living in the southeastern part of Halifax where Joseph Abbott Jr. had died, as shown by their 1871 post office address as Omega, VA. In April 1871, Thomas Abbott applied in Halifax for pension for his service in the War of 1812 under the Act of 14 Feb 1871. His pension was granted by Certificate 17118. Thomas also received 160 acres of bounty land (which I have not yet traced, but all bounty land for this war was outside of Virginia). Thomas Abbott died in Halifax before year's end on 18 Dec 1871 at abt. age 83.

When Nancy applied in 1878 for a widow's pension, she needed witnesses to verify that her husband was deceased. Her great-nephew Andrew Jenkins stated he "was present at the death and burial of Thos. Abbott." Richard A. Singleton, executor of Thomas Abbott's estate, stated that "Thos Abbott is dead," and that he (Singleton) "sat up with his corpse." They also mentioned that the books for Richard A. Singleton's mercantile store show that Singleton "sold the shroud for the burial of the said Thos Abbott."

Thomas Abbott's pension was discontinued when he died. However, he was due the amount from the effective date to his death, which he had not received. On 16 Jan 1872, R. A. Singleton, the executor of Thomas Abbott's estate, wrote to the pension office requesting prompt payment of the amount owed, because Thomas' widow, Nancy Abbott, then abt. 73, was "in a destitute condition" and "suffering for the necessities of life." (A later notation said "Arrears paid Executor" of Thomas' estate)

Under the Pension Act of 9 Mar 1878, Nancy qualified for and was granted a War of 1812 widow's pension. The 1880 census shows Nancy Abbott, listed as age 81, living with Andrew Jenkins (age 28), his wife Mary J. (24), and two children in Red Bank, Halifax Co. She is listed as Andrew's aunt but in fact was his great-aunt. Andrew was a son of Atha Jenkins and Catharine Hailey, a daughter of Nancy's sister Frances Edmundson and Royal Hailey. A memo in the pension file regarding Andrew M. Jenkins indicates Nancy Edmundson Abbott was deceased by 18 Sep 1882. [*File No. 13680 & 13872. War of 1812 Pension and Bounty Land Warrant Application Files. NARA. Online images at Fold3.com*]

As mentioned above, Joseph and Magdaline's daughter Sarah Abbott and her husband John Keeling apparently left the state soon after they married in Halifax 5 Nov 1804. Nothing is known for certain of their later life. However, a John Keeling was head-of-house in western Kentucky by the 1810 census, and since his name was uncommon, this could be John and Sarah Abbott Keeling's family. Combining the censuses for Christian County, KY in 1810 and for nearby Union County, KY in 1820, John and his wife probably were born abt. 1785 with two sons born 1805-1810 and two sons and one daughter born 1810-1820. However, this John Keeling was not found anywhere in later censuses, and the names of his wife and children have not been found.

It is suggestive, though, that by 1830, several Keeling relatives from Halifax were in the same area of western Kentucky and adjacent Illinois. Edmund Keeling of Halifax (son of Thomas Keeling) was living by 1830 in Todd County, KY, formed from and adjacent to Christian County, KY, where a John Keeling was living in 1810. The families of two sisters of

John Keeling, Dicey Keeling (m. John Wilkerson) and Martha/Patsy Keeling (m. Azariah Bruce), were both in Jefferson County, IL by 1830, and John's widowed mother, Nancy Keeling, is said to have died in Mount Vernon, Jefferson County, IL on 26 Jan 1834. *[Date from Keeling GenForum post #1041 by Tiffanie Elliott, no source given.]* Jefferson County, IL is three counties northwest of Union County, KY, where a John Keeling was living in 1820. More research is needed to establish the Kentucky John Keeling's identity and to learn more about Sarah Abbott Keeling's family. Since Sarah is not included in the 1830 division of her parents' estates to their heirs, she either was deceased or her whereabouts unknown by 1830.

For information on Joseph Abbott Jr.'s father and siblings, see Report on Joseph Abbott of Halifax County, VA. For more information about some of Joseph and Magdaline's children, see Individual Notes for them.

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{At the beginning of this report Joan had written the following note to herself ADD RE JOSEPH BEING SECURITY W/ WILLIAM ABBOTT ON EXEC BOND FOR LACY}