

Will of John Benthall (Reuben Benthall's brother), dated 05-Dec-1773

From North Carolina, U.S., Wills and Probate Records, 1665-1998 for Reubin Benthall

Carteret Wills, Vol C-D, 1760-1916, Ancestry.com

Transcribed by John Sharp (jhnshrp@gmail.com)

In the name of God amen. I John Benthall Sen^r; of Carteret County in the Province of North Carolina Planters being sick and weak in Body, but of Sound Mind and Memory and calling to mind the mortality of my Body that it is appointed to all men once to Die, do make and ordain this my last Will & Testament in Manner and form Following

(Viz) I commit my Soul into the Hands of Almighty God that gave it, hoping through the merits and Mediation of my blessed Saviour to receive free pardon off all my sins, , And my body to be Buried in a Christian like manner at the [Descretion] of my Executors nothing doubting but at the General Resurrection, I shall receive the same again, and as to such Worldly Goods or Estate as it has pleased God to Endow me with, I give and Dispose of as hereafter mentioned ~~~

First, I give unto my son John Benthall Jun^r, one shilling sterling which I intend shall be his full part of my estate ~~~

2nd, I give unto John Meddows Sen^r One Hundred Acres of Land lying in the fork of Newport River [Joyning] the Southwest branch of said fork and extending to the Westermost line of said Patent – including the Southwest front of the same for Compliment to him and his heirs For Ever ~~~

3rd, I give unto my Loving Brother Reuben Benthall all the remaining front of my Land in the fork of said Newport River, including Nine hundred and forty acres by Patents bearing date October 30th 1765 & September the 26th 1766, To him the said Reuben Benthall And his Heirs For Ever ~~~

4th, I give unto my said Brother Reuben Benthall the Plantation whereon I now Dwell with all the Land Belonging to the same, Including Two Hundred and five acres, being part of a Tract of Land Granted by Patent to John Harmon, & by Transferences became my property, which I give to said Reuben Benthall & his Heirs For Ever ~~~

5th, I give and Bequeath unto my said Brother Reuben Benthall all the Remaining part of my estate which is not heretofor particularly mentioned to him & his heirs forever ~~~

Lastly for the Better Executing this my Will I Nominate and appoint my said Brother Reuben Benthall my Sole Executor to the same, Utterly Revoking & Denying all Wills before made or Intended to be made by me. Acknowledging this and no other to be and Contain my Last Will

and Testament, in Witness whereof I have hereunto set my hand and affixed my seal this 5th Day of December Anno Domini 1773.

*Sign'd Seal'd Published
And Decaled in Presence of
Absalom Shepard &
Samuel Sanders
Sarah (her mark) Neithercot*

John Benthall (seal)

Carteret December Court. These may certify that the foregoing Will was proved in open Court by the Oath of Absalom Shepard a Subscribing Witness thereto ~~~

Test. Rob Read. C Court

Analysis of John Benthall's Will

John Sharp (jhnshrp@gmail.com)

Well, it looks like John Benthall gave almost everything to Reuben Benthall, his brother. He gave one shilling sterling to his son John Benthall, Jr. In today's money, that's about \$10, so John Sr. didn't think a lot of his son. Especially as he gave over a thousand acres to two other people. So there must be some bad blood there. There's no mention of a wife or other children, so I am not sure what has happened to them. But at this point, John just has a son he dislikes, a friend named John Meddows, Sr., and his brother Reuben to leave his earthly belongings to.

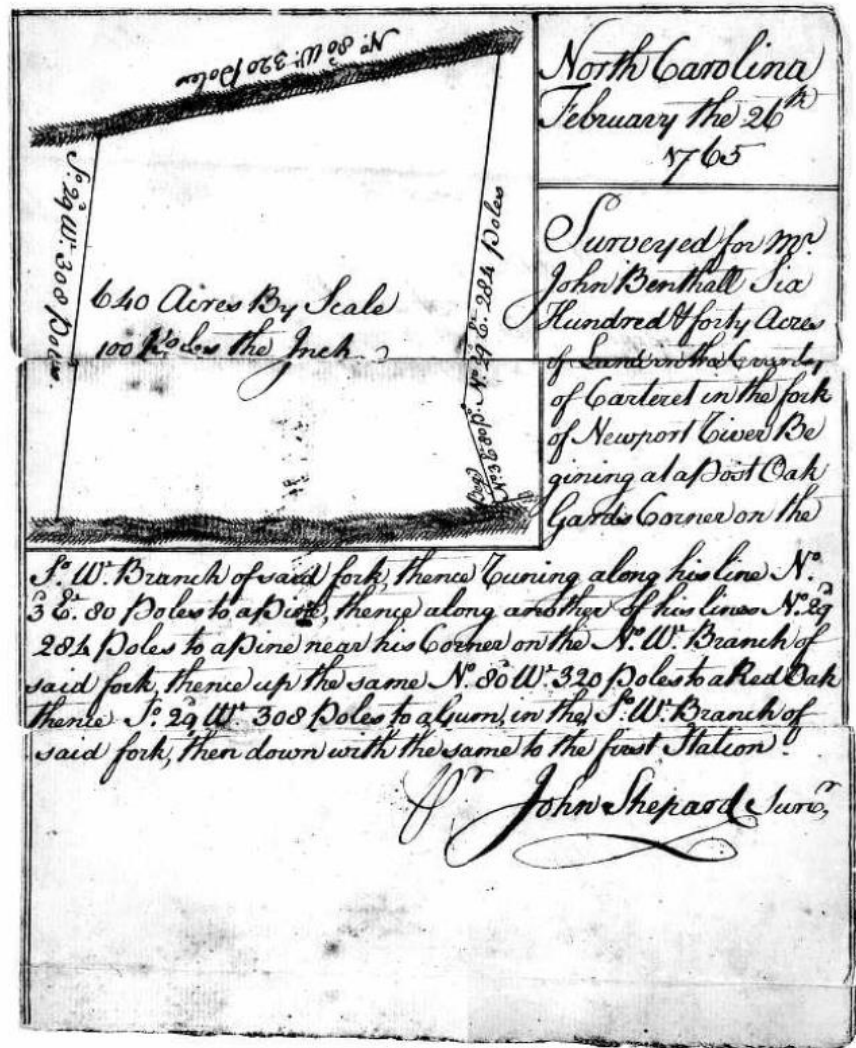
As to the land given to Reuben, the 940 acres, two Patents were listed. First, we look at the October 30th, 1765 Patent:

This patent was for 640 acres, dated October 30th, 1765, issued to John Benthall of Carteret County. The location of the 640 acres is "In the fork of NewPort River beg'ing at a Post Oak Gard Corner".

No.	455
County	Carteret
Name	Benthall John
Acres	640
Grant No.	149
Issued	Oct 30, 1765
Warrant No.	
Entry No.	
Entered	
Book No.	18
Page No.	199
Location	In the fork of NewPort River Beg'ing at a Post Oak Gard Corner
Remarks	Warrant missing

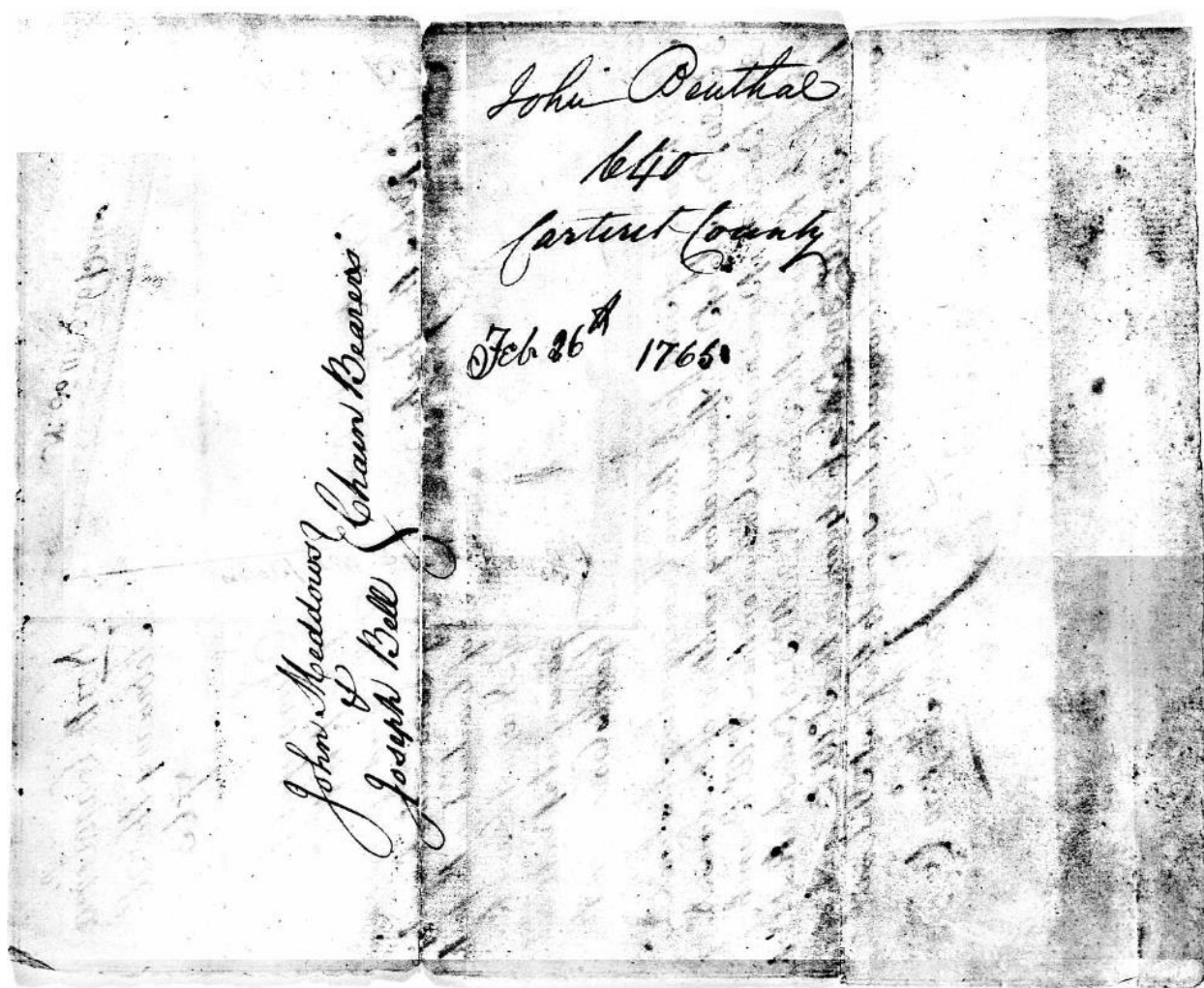
Going further into the Patent, on the second page we see the land as surveyed on February 26, 1765. The text of the Surveyor's report reads:

"Surveyed for Mr. John Benthall Six Hundred & forty Acres of Land in the County of Carteret in the fork of Newport River beginning at a Post Oak Gards Corner on the S^o. W^e. Branch of said fork, thence running along his line N^o. & E^a. 80 poles to a [pine?] , thence along another of his lines N^o. & [29?] 284 poles to a pine near his Corner on the N^o. W^e. Branch of said fork, thence up the same said N^o 80° W^e. 320 poles to a Red Oak thence S^o. 29° W^e. 308 poles to a Gum, in the S^o. W^e. Branch of said fork, then down with the same to the first Station. John Shepard, Surv^r"



If you look at the drawing in the figure above, the survey begins in the lower right corner. It goes up the line 80 poles, then takes a slight jog and goes another 284 poles up to the top right of the drawing. Then it runs toward the left side of the drawing 320 poles to the upper left side of the drawing. Then it runs south 308 poles to a Gum tree on the SW fork of the Newport River on the lower left side of the drawing. It then runs along the SW fork of the Newport river back to the starting point at the Post Oak Gards Corner.

The next page of the Patent is shown below. It's a little strange, and I am not sure of the purpose of it. It's obviously a page that is tri-folded and the middle page says "John Benthall, 640, Carteret County, Feb 26th 1766". The left page says "John Meddows & Joseph Bell – Chain Bearers". So maybe they were assistants to the Surveyor and there were chains that held the poles together and they managed the poles while the land was being surveyed?



That is the end of this Patent.

Now if we look at the second Patent that was bequeathed to Reuben Benthall – the one dated September 26, 1766, we see that it is for 200 acres “In the fork of the New Port River” (below figure on the left). On the second page of the Patent (below figure on the right), we can see that the Patent was issued under the authority of the Honorable Colonel William Tryon, Lieutenant-Governor and Commander-in-Chief over the Province of North Carolina. The Surveyor-General is directed to admeasure and layout a Plantation containing 400 acres of land in Carteret County at the fork of Northampton River “joining his own lower lines including a place known by the Name of [Guards?] Land.” The Patent was issued October 29, 1765.

No. 419

County Carroll

Name Benthal John

Acres 207 1/400

Grant No. 191

Issued Sept 26. 1766


Warrant No. _____ Entry No. _____

Entered _____

Book No. 17 Page No. 310

Location In the fork of
our fork River

Remarks: _____



NORTH-CAROLINA. No. 805

The Honourable Colonel William Tryon
Lieutenant-Governor and Commander in Chief, in and over the
said Province.

To the Surveyor-General, GREETING:

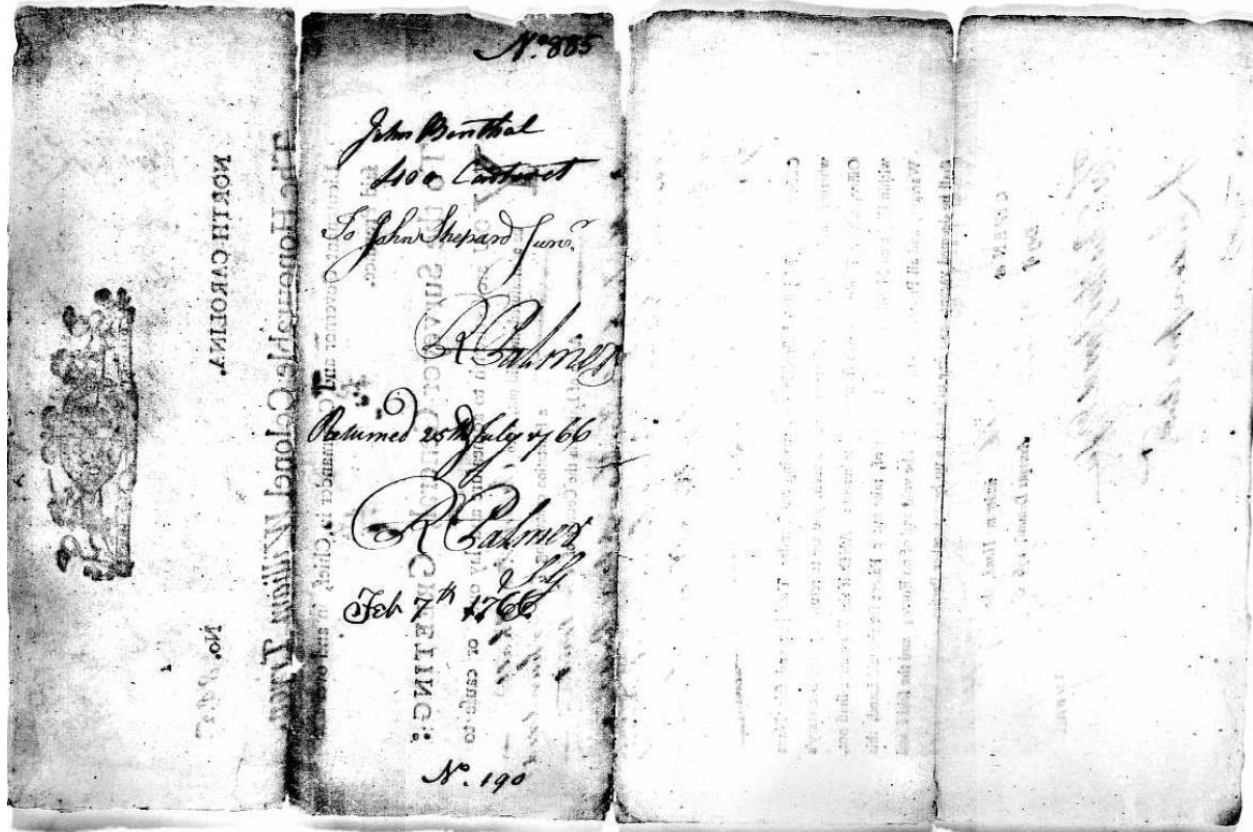
YOU are forthwith to admeasure and lay out, or cause to
be admeasured and laid out, unto John Benthal —
a Plantation containing Two hundred
Acres of Land, in the County of Carroll
on the fork of Northampton River
joining between lower lines including
a place known by the Name of
Guards Land

Observing His Majesty's Instructions for setting out Lands: Two just and fair Plans
whereof, with a proper Certificate annexed to each, you are to return into the Secretary's
Office, within Twelve Months from the Date hereof: AND if the Warrantee shall not,
within Eighteen Months from the Date hereof, take out a Patent for the said Land, this
Warrant, and all Proceedings thereon, shall be void and of no Force; and the said Land
shall be deemed vacant, and free to be taken up by any other Person.

GIVEN at Brunswick under my Hand, the 29th
Day of October Domini, 1766 Wm Tryon

The Matthew Jones
London pro loc.

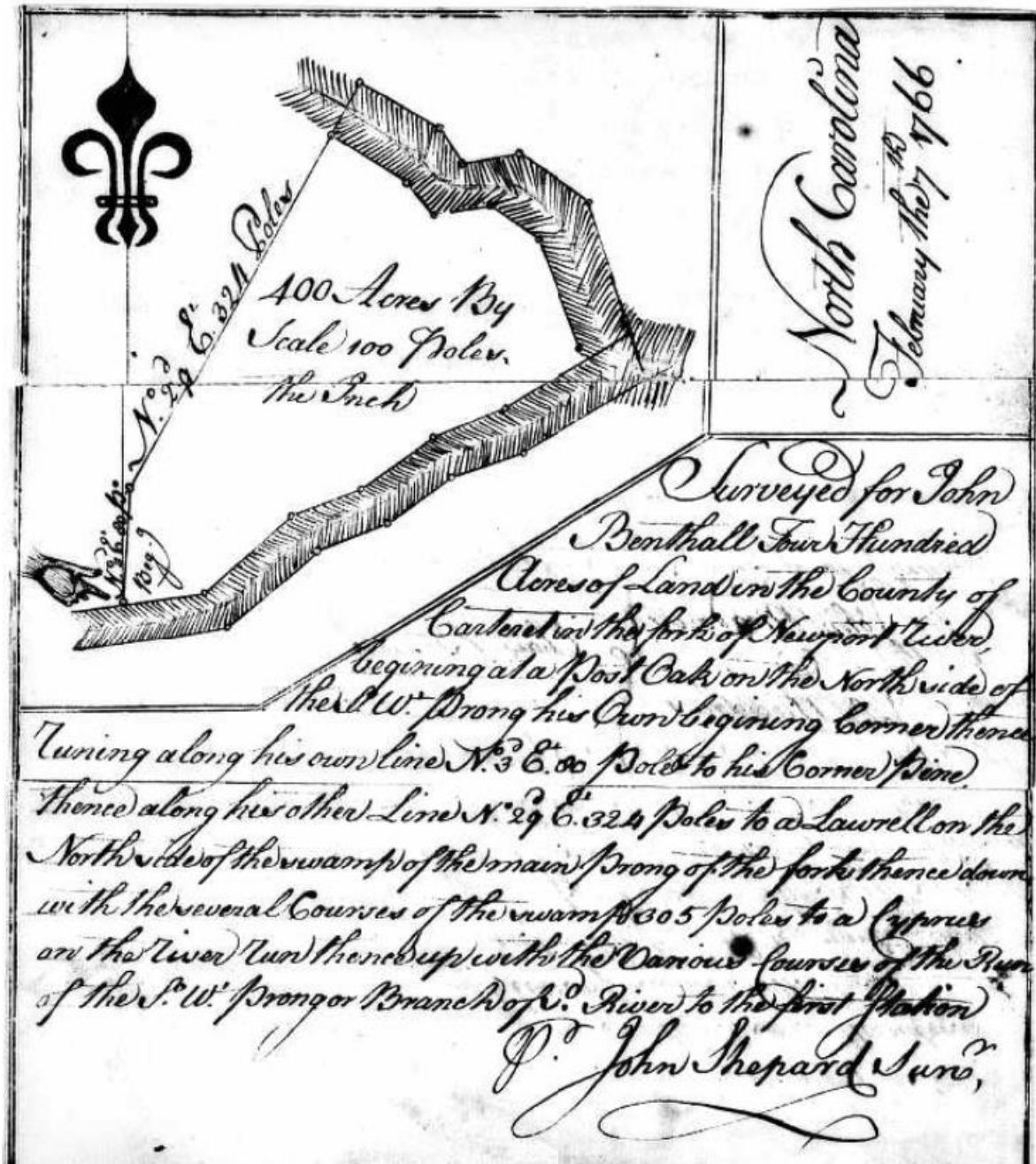
The 3rd page of the Patent is shown below. It looks like it is the back page of the above, right page. It looks like John Shepard, Jr. finished the survey by February 7, 1766, and was returned to the Land Patent office by July 25, 1766.



The next to last page of the Patent is the Surveyor's Drawing (see figure below). The text for the Survey is:

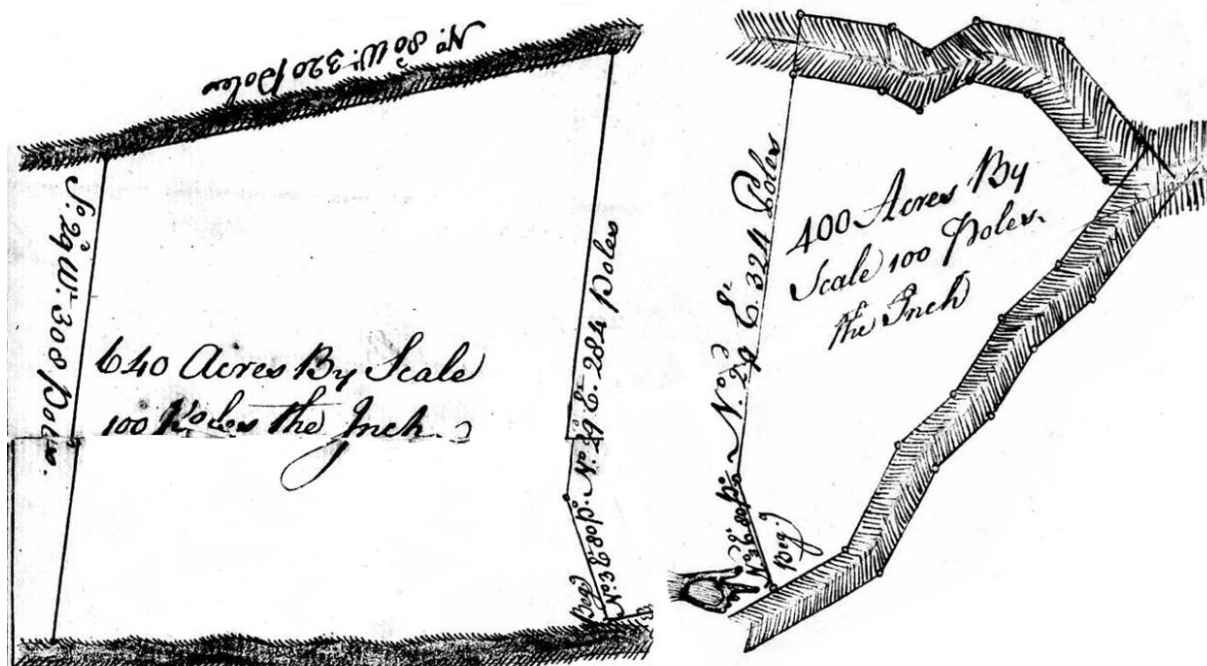
Surveyed for John Benthall Four Hundred Acres of Land in the County of Carteret in the fork of Newport River beginning at a Post Oak on the North side of the S^o. W^e. prong his Own beginning Corner thence Turning along his own line N^o. & E^a. 80 poles to his Corner Pine. Thence along his other line N^o. 29 E^a. 324 poles to a Lawrell **[John Note: Laurel?]** on the North side of the swamp of the main prong of the fork thence down with the several Courses of the swamp 305 poles to a Cypress on the river run thence up with the various Courses of the River of the S^o. W^e. prong or Branch of s^d **[John Note: "said"]** River to the first Station.

John Shepard, Jun^r



These two pieces of land fit together as shown in the figure below. I had to rotate the 400 acre parcel a little to show the matchup of the lines. So it's a total land acreage of 1040 acres.

I guess one thing that confuses me is that the 1st page of the September 26, 1766 Patent says 200 acres, while all the rest of that Patent's documentation says 400 acres. I think I would tend to trust the Surveyor's word that it is a 400 acre parcel.



As I look at the figure above, I see a difference right where the two surveyed plots join. The 640 acre plot shows Line #29 at 284 poles long, and the 400 acre plot shows Line 29 at 324 poles. A “pole” aka “rod” is 16.5 feet long. I had to learn this back in undergraduate as my roommate was a Civil Engineer and I carried the equipment around for him while he was surveying. So $324 - 284 = 40$ poles difference which is equal to 660 feet. Another difference between the two drawings is that for the 640-acre drawing, the survey line running along the top of the drawing is on the lower side of the river. On the 400-acre drawing, the survey line is on the upper side of the river. That may account for the difference in the number of poles. 660 feet is just an eighth of a mile, so it wouldn’t have to be a large river. How did they measured the number of poles over the river? No idea!

In the second item of the Will, John Benthall states that he is giving John Meddows, Sen^r 100 acres of the Patent on the right side of the figure above, leaving a total of 940 acres that were bequeathed to Reuben Benthall. The text used is “One Hundred Acres of Land lying in the fork of Newport River [Joyning] the Southwest branch of said fork and extending to the Westernmost line of said Patent – including the Southwest front of the same”. So if this land is in the fork of the Newport River joining the Southwest branch, then it seems that it is one the right side of the figure above on the right of the page. This makes sense as it wouldn’t seem right if John split the land he gave Reuben with the 100 acres for John Meddows right down the middle of the two land left for Reuben.

As to the 4th item in the Will – a 205-acre Plantation that John Benthall was living on at the time of his writing of the Will – this is more difficult to identify. I did a search on Ancestry.com for North Carolina Patents, and there are a few options. I am looking for some land about 200 acres, with a Patent before 1766, and preferably in Carteret County. I found 2 sets of 2 Patents, with each Patent for 100 acres and therefore 200 acres per set. None of the Patents have any supplementary information like surveyor drawings or descriptions. But they are:

Set 1, John Harmon, March 6, 1740, Perquimans County

- Patent 177, Grant No. 6, 100 acres, Book 4, Page 62
- Patent 189, Grant No. ??, 100 acres, Book 5, Page 46

Set 2, John Herman, April 20, 1745, Carteret County

- Patent 118, Grant No. ??, 100 acres, Book 5, Page 252
- Patent 221, Grant No. ??, 100 acres, Book 10, Page 94. Description: "Beginning at a Small [Geeh? Guh? Gum?] W^m Wilkins Easternmost bounds"

I tend to think the second set of Patents is the right one, but I have no data to confirm that.

To date, 13-Jul-2024, this is all that I have learned about these bequests to Reuben Benthall from his brother, John Benthall. My next task is to start working on Reuben Benthall's Patents of land, and then to look at his will to see what he still had at his death, and who he left it to.

John Sharp

13-Jul-2024