

Thomas Benthall's Will

John Sharp, 02-Aug-2024

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The will of Thomas Benthall is shown in the 2 images at the end of this document. The transcription of the will is:

"In The Name of god Amen I Thomas Benthall of Northampton County being sick and weak of body but of perfect sense & Memory Blessed be god for the same do Constitute Declare and Appoint this my last Will and Testament hereby Revoking all other wills made by me heretofore. First I give and Bequeath my Soul to Almighty God & my Body to the Earth from Whence it came Desiring a Decent & Christian Like Burial, and as for my Worldly Estate [which] hath Pleased god to Endow me with I give in manner and form as followeth: viz. Item I give and Bequeath to my son John Benthall three hundred acres of Land lying in Northampton County on the Head of a Branch Call'd Dun Branch Nigh the Land of Major Peter Bowdoin to him & his Lawfull Heirs for ever.~~~

Item I give the use of My Land whereon I now Dwell by Estimation two Hundred and fourteen acres to my Loving Wife Ann Benthell during her Natural life or Widowhood [which] shall first happen, and then to my Son William Benthall for his Lawfull Heirs for ever, and for want of Such Heirs then to my son Matthew Benthall & his Lawfull Heirs for ever, and for Want of such Heirs then to my son Elias Benthall and his Lawfull Heirs for ever, and for Want of Such heirs then to my son Reuben Benthall and his Lawfull Heirs for ever.

My will and Desire is that my Loving Wife Ann Benthall have the use of all my Personal Estate During her Life or Widowhood and [?] her death or Marriage then my Will is that my Estate be Equally divided between my Loving Wife and all my children Except my two sons John and William to whom I have given my Land, and that my two said sons John & William have no part nor parcel of my Movable Estate and my Will is that my Estate may be not appraised , and my Will is that my young children remain with my Wife until Twenty one Years of Age.

Furthermore, my Will and Desire is that my Loving Wife Ann Benthall and my son John Benthall be my Whole and sole Executrix and Executor of this my last Will and Testament in Witness thereof I have hereunto set my hand and [seal?] this Second day of October one Thousand seven Hundred and fourty four ...

Sign'd Seal'd Deliv'd

Thomas (his mark) Benthall [L T?]

Presence of _____

Tho's Marshall

Thomas Garris

Thomas Grice

[?] a Court held for Northampton County on Tuesday the 11th Day of December 1744 The Last Will and Testament of Thomas Benthall dec'd was Present'd [in? at?] Court by Ann Benthall and John Benthall his Executrix & Executor who made Oath thereto, and being Prov'd by the Oaths of Thomas Marshalls, Thomas Garris & Thomas Grice Witness thereto is Admitted to Record and upon the Motion of the said Ann and John, they Performing what [is?] usual in such Cases Certificate is granted them to obtain a Probate.

[?] in Due form

[?]

.....

John Sharp analysis of Thomas Benthall's will

From the will and the Court granting of a Certificate of Probate, we can see that Thomas died between October 2, 1744 and December 11th, 1744. It was probably closer to the October date, just thinking that it would take some time to get a Court date after a death.

Thomas mentions several sons: John, William, Matthew, Elias, and Reuben. These may be his grown sons, as later he says that he wants his younger children to stay with Ann Benthall until they reach 21 years of age.

John gets a 300 acre estate and William gets a 214 acre estate after his mother Ann dies or remarries. All the other children just get an equal division of Thomas' "movable estate" after Ann's death or remarriage. I haven't found a inventory of Thomas' movable estate yet, but if I do, I will come back and update this document.

In The Name of god Amen I Thomas Benthall of
Northampton County being sick and weak of body but of perfect sense
& Memory. Blessed be god for the same, do Constitute Declare
and Appoint. This my last Will and Testament here by Revoking all
other wills made by me heretofore First I give and Bequeath my Soul to Almighty
God. & my Body to the earth from whence it came Desiring a Decent &
Christian Like burial, and as for my worldly Estate. I have Pleas'd god to
Endow me with I give in manner and form as followeth. Item I
give and Bequeath to my son John Benthall three hundred Acres of Land lying
in Northampton County on the Head of a Branch Call'd Dun Branch Nigh
the Land of Major Peter Bowdoin. to him & his Lawfull Heirs for ever.
Item I Give the use of My Land whereon I now dwell by Estimation
two Hundred and fourteen Acres to my Loving Wife Ann Benthall During
her Natural Life or Widowhood & shall first happen, and then to my
Son William Benthall & his Lawfull Heirs for ever, and for Want of Such
Heirs, then to my son Matthew Benthall & his Lawfull Heirs for ever.

as for Want of such Heirs then to my son Ulas Benthall and his Lawfull heirs
Ever and for Want of such heirs then to my son Reuben Benthall and his
full Heirs for ever. my Will and Desire is that my Loving Wife Ann Benthall
the use of all my Personal Estate During her Life or Widowhood, and
at her death or Marriage then my Will is that my Estate be Equally divided
even my Loving Wife and all my Children except my two sons John and
Sam to Whom I have Given my Land, and that my two said sons John &
Sam have no part nor parcel of my Moveable Estate, and my Will is
that my Estate be not appraised, and my Will is that my Young Children
remain with my Wife until Twenty one Years of Age. Furthermore my
Will and Desire is that my Loving Wife Ann Benthall and my son
John Benthall be my Wife and sole Executrix and Executor of this my last
Will and Testament in Witness Whereof I have hereunto set my hand and
at this Second day of October one Thousand

Signe, Seal'd & Deliv'd
in Presence of

{
Tho Marshall
Thomas Garres
Thomas Grice

his
Thomas Benthall L.S.
Mark

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1744 The Last Will and Testament of Thomas Benthall dec'd. was Presented
Court, by Ann Benthall and John Benthall his Executrix & Executor, who
made Oath thereto, and being Proved by the Oaths of Thomas Marshall
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