

Anne Bibbe Benthall Will and Analysis

John Sharp, 05-Aug-2024

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From: Virginia, U.S., Wills and Probate Records, 1652-1900, Northampton Wills, Vol 20, 1750-1754

Images of Ann's will are shown at the end of this paper. The transcription is as follows:

"In the Name of God Amen, this Twenty Eighth of January 1753, I Anne Benthall of the County of Northampton to make this my last Will and Testament in manner and form following (that is say as touching Such worldly Estate wherewith it hath Pleased god to bless me with in this life, I give and [demise?] and dispose of the same in the following manner and form)

Item first I give and bequeath to my beloved Son Matthew Benthall all my

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Land whereon I now Live, that I bought of my Son John Benthall, but furthermore my will is that if it please God that I die before the money is Paid, that is owing for the said Land, then my will is that my Said Son Matthew Benthall shall pay the Residue of the said money that is due; furthermore my will is, that my Son Matthew Benthall upon my giving him my Land, he shall claim no Right of the household goods that was left him by his father in his last will and Testament, on that provisor my Son Matthew Benthall Complies with this my will) then I give unto my Son Matthew Benthall all my Land aforesaid to him and his Heirs Lawfully begotten of his Body forever [Intail'd] and for want of Such heirs then to my Daughter Susannah Benthall and the Heirs of her Body lawfully begotten of her Body to her and them to enjoy forever [Intail'd] and for want of Such Heirs, then to my Son Reuben Benthall, to him and his Heirs lawfully begotten of his Body to him and them to enjoy forever [Intail'd] and for want of Such Heirs then to my Daughter Margaret Benthall and her Heirs lawfully begotten of her Body to her and them to enjoy forever [Intail'd] and for want of Such Heirs then to my Daughter Anne Benthall & her Heirs lawfully begotten of her Body to her and them to enjoy forever [Intail'd]

Item my will is that the Intail of my Land Shall not be [docht? dock'd?], whoever of my children that I have nominated, any one or either of them, should [cut?] the Intail of my Land, that I have bequeathed to them, in this my will, or Sel [Sell?] the said Land, Except it be to each other as before named, or any of their Heirs but one, or either of them Should [cut?] the Intail for to Sel [Sell?] the Land to any other person Except it be to one another as before named, shall be utterly null & Bar'd from any Right or title thereunto, and then if it Should so happen for any one of them,

so to do) then my will is for my Land to be equally divided among the rest of Children, not to be then Intail'd.

Item my will is that my Son Matthew Benthall Shall Educate my Son Reuben Benthall until he has learned the Rule of Three distinctly) I ordain my beloved Son Matthew Benthall my whole and Sole Executor of this my Last Will and Testament, all and Singular my Land & messuages and I do hereby utterly disallow revoke & disannul, all and every other Will or wills by me, or any way before named, Ratifying this, and no other will or Wills to be my last Will and Testament. In Witness whereof I have hereunto Set my hand and Seal the Day and year above written

_____ Signed

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Signed Sealed and published

Pronounced and declared by the said

Anne Benthall (her mark) (L. S.)

William Dulaney

Thomas Wilson

James Elliot

At a Court held for Northampton county the 13th Day of March 1753

The Last Will and Testament of Anne Benthall dec'd was Proved by the Oaths of Thomas Wilson and James Elliot. Witness thereto & Ordered to be Recorded. And upon the Motion of Matthew Benthall the Executor therein appointed & he having given Bond with Security and taken the oath according to Law, Certificate is granted him for obtaining a Probate thereof in due form.

Teste

Ex'd: Griffin Stith Co. C.

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There is a lot of interesting stuff in this will! It brings up a lot of questions for me.

1. What is this word "intail'd" or "intailed"? In legal terms – today it is spelled "entail" – it is a means of settling the inheritance of property or land over a number of generations so that it stays within a family. So when Anne says "I bequeath my land to X and their heirs forever intail'd", she is saying that this land HAS to stay within that family. If any of these family members try to sell the land outside of the people mentioned in this will (known as "cutting the Intail"), then the person trying to sell the land loses all rights and titles to the land, and the transaction is null and void, and the land that was to be sold is redistributed equally among the other children.
2. What is the "Rule of Three" that Matthew was tasked with teaching Reuben? That took a little time, but it basically means using 3 numbers to determine what a 4th number is. In simple terms, a simple math problem would be: if it takes 3 acres of land to feed 10 cows, how many cows

could I feed if I had 15 acres of land? So you have 3 numbers: 3 acres of land, 10 cows, and 15 acres of land, and the 4th that is to be determined is how many cows can be fed with the 15 acres of land. As this is a simple problem, you can do it in your head:

- a. 15 acres is 5 times 3 acres, so you have 5 times as much land.
- b. Therefore you can feed 5 times as many cows
- c. 5 times 10 = 50 cows that can be fed on 15 acres.

Of course, if all of these numbers didn't end up being integers, the math gets a little more difficult. This is pretty much the beginnings of what we call algebra, and in today's junior high school math classes, we would set it up as a ratio:

$$\frac{3 \text{ acres of Land}}{10 \text{ cows}} = \frac{15 \text{ acres of Land}}{x \text{ number of cows}}$$

Then we cross-multiply:

$$(3 \text{ acres of land})(x \text{ number of cows}) = (15 \text{ acres of Land})(10 \text{ cows})$$

Divide both sides by 3 acres of land to get "x" on one side of the equation:

$$\frac{(3 \text{ acres of land})(x \text{ number of cows})}{(3 \text{ acres of land})} = \frac{(15 \text{ acres of land})(10 \text{ cows})}{(3 \text{ acres of land})}$$

Cross out terms:

$$\frac{\cancel{(3 \text{ acres of land})}(x \text{ number of cows})}{\cancel{(3 \text{ acres of land})}} = \frac{(15 \cancel{\text{ acres of land}})(10 \text{ cows})}{(3 \cancel{\text{ acres of land}})}$$

Resulting in:

$$x \text{ number of cows} = \frac{15}{3}(10 \text{ cows})$$

$$x = 50 \text{ cows}$$

This method seems a little more unwieldy than the simple method above, but this works for all types of numbers, even if they are irrational and not just simple integers.

And this is what the Rule of Three is! You can learn more about the Rule of Three and the Inverse Rule of Three [here](#). An interesting blog is also [here](#), where Abraham Lincoln was learning to use the Rule of Three in his "cipheryng book". It's hard to write that with a straight face. I keep having Jethro Clappett start reciting his "gozintas" in my head!

3. What are "messuages" mentioned in the last paragraph of Anne's will? [Messuages](#) are simply a dwelling house with outbuildings and land assigned to its use.
4. At the time of her will, Anne is living on some land that she bought from John Benthall in Northampton County, VA. From Thomas' will, we know that he bequeathed John Benthall 300 acres of land. This must be the land that Anne bought from John and was living on at the time of

her death. It appears the debt for the land was not paid off at the time of Anne's will, so she asks Matthew Benthall to pay off the land and then it becomes Matthew's land. We don't know if the debt is owed to John Benthall or if she borrowed the money from someone else to purchase this 300 acres.

We know from John's will, that he lived in Carteret County, North Carolina when he died. So John must have sold his land to Anne, then moved to Carteret County, NC. Reuben either joined him then or later.

5. We also learn about more of Thomas' and Anne's children here, specifically the daughters Susannah, Margaret, and Anne. These daughters were not mentioned in Thomas' will. If the living children in Anne's will are listed chronologically, in the entailment, then they range from oldest to youngest:
- a. Matthew
 - b. Susannah
 - c. Reuben
 - d. Margaret
 - e. Anne

Thomas' will listed the children in this order (unknown if this is chronological):

- a. John
- b. William
- c. Matthew
- d. Elias
- e. Reuben

John Benthall was still alive at the time of Anne's death (Anne died in 1753, John died in 1773). I am not sure why he was not included in the entailment. Maybe Anne knew he already was acquiring land in Carteret County, NC, although the first Land Patent in NC for John Benthall that I know of was for 640 acres on October 30, 1765 (12+ years after Anne's death).

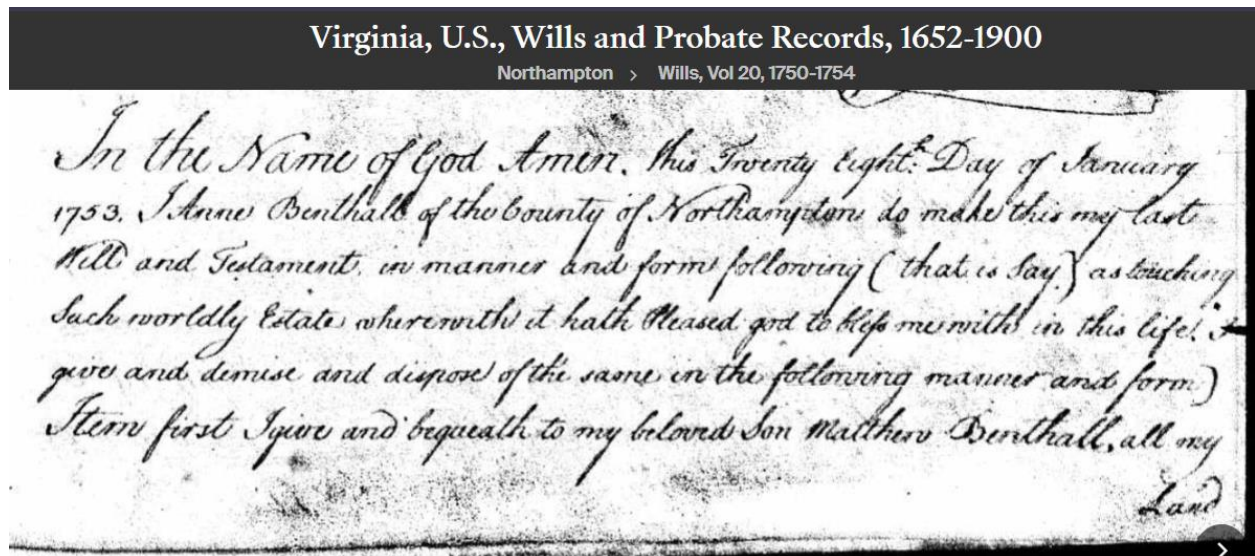
So IF these names are listed in the two wills chronologically, the birth order of Thomas' and Anne's children were:

- a. John
- b. William
- c. Matthew
- d. Susannah or Elias
- e. Susannah or Elias
- f. Reuben
- g. Margaret
- h. Anne

I will have to wait until I get enough hints from Ancestry.com to see if I can determine the birth and death dates for these siblings.

Update 06-Aug-2024:

- I have learned that Matthew only lived about one more year after his mother Anne died. His will is dated May 3rd, 1754 and probate was certified on June 10th, 1755. So Matthew died somewhere in the 1754/1755 time period. He left all of his personal and real estate to his sister Susannah, except for his clothes which he left to his brother Reuben.



Land whereon I now Live, that I bought of my Son John Benthall, but furthermore my will is, that if it please God that I die before the money is paid, that is owing for the said Land, then my will is, that my said Son Matthew Benthall, shall pay the residue of the said money that is due, furthermore my will is, that my Son Matthew Benthall, upon my giving him my Land, he shall claim no right of the household goods that was left him by his father, in his last will and Testament, on that proviso, my Son Matthew Benthall complies with this my will) then I give unto my Son Matthew Benthall all my Lands aforesaid to him and his heirs lawfully begotten of his Body forever Intaild. and for want of such heirs then to my Daughter Susannah Benthall, and the heirs of her Body lawfully begotten of her Body to her, and them to enjoy forever, Intaild. and for want of such heirs, then to my Son Reuben Benthall, to him and his heirs lawfully begotten of his Body to him and them to enjoy forever Intaild, and for want of such heirs, then to my Daughter Anna Benthall & her heirs lawfully begotten of her Body to her and them to enjoy forever, Intaild) and for want of such heirs, then to my Daughter Ann Benthall & her heirs lawfully begotten of her Body to her and them to enjoy forever, Intaild) I (will) my will is) that the Intail of my Land shall not be doct, nor one of my Children that I have nominated, any one, or either of them, should but the Intail of my Land, that I have bequeathed to them, in this my will, or sell the said Land, except it be to each other as before named, or any of their heirs but one, or either of them should cut the Intail for to sell the Land to any other person except it be to one another as before named, shall be utterly null, & void from any right or title thereunto, and then if it should so happen for any one of them, so to do) then my will is for my Land to be equally divided among the rest of Children, not to be them, Intaild. Next) my will is that my Son ^{Benthall} Matthew shall educate my Son Reuben Benthall until he has learned the Rule of three distinctly) I ordain my beloved Son Matthew Benthall my whole and sole Executor of this my Last Will and Testament. all and singular my Land & mynages, and I do hereby utterly disallow, revoke, & disannul, all and every other Will or wills by me, or any way before named, ratifying this, and no other will or wills to be my last Will and Testament On Witsnesps whereof I have hereunto set my hand and Seal this Day and year above written.

Signed

Signed, Sealed and published,
 Pronounced, and declared by the said }
 William Dulaney

Thomas Wilson

James Elliot

Anne ^{her} Benthall (L.S.)
 mark

At a Court held for Northampton County the 13th Day of
 March 1753

The last Will and Testament of Anne.

Benthall dec^d was Proved by the Oaths of Thomas Wilson and James Elliot.
 Witnesses thereto & Ordered to be Recorded, And upon the Motion of Matthew
 Benthall the Executor therein appointed, & he having given Bond with
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