

Children of James & Joel, Sons of Peter Albritton Sr.
of
Pitt County, North Carolina
by Timothy Dean Hudson

The 1799 division of the lands of Peter Albritton Sr. clearly proves that his sons included James and Joel Albritton. The commissioners appointed to divide Peter's 164½-acre tract on Grindle Creek land made their division on 1 July 1799:

We have laid off & sett [sic] apart to the Heirs of James Albritton Jr. Dec^d twenty three & a half acres of aforesaid Land they being legatees Intitled [sic] to one seventh part which is 23½ Acres...

The commissioners referred to Peter's son as "James Albritton Jr." to distinguish him from Peter's recently deceased brother, who in the 1790s was the elder man by this name in Pitt County and referred to as an adjoining landowner in their division [1]. The commissioners divided Peter's tract into two pieces, the 23½-acre tract allotted to James' heirs and an undivided 141-acre tract owned jointly by Mary Albritton James, Elizabeth Albritton Moye, and Adam, Jonathan, Luke, and Joel Albritton. Precisely three weeks after the commissioners made their division, Joel's five siblings sold their interest in the tract to him for £212 10s [2].

This shows that by 22 July 1799, Joel Albritton and the heirs of his deceased brother, James Albritton, had full ownership of the 164½-acre tract of land on Grindle Creek that Peter Albritton Sr. had obtained from his brother, James Albritton Jr. A separate article carefully analyzes the land descriptions as the owners of this tract conveyed it in subsequent years to show how Peter Albritton Sr. came into possession of the tract. The same land descriptions that identified from whom Peter obtained his land also help us to identify the heirs of his two sons, James and Joel Albritton.

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Heirs of James, Son of Peter Albritton Sr.

We know that Peter's son, James Albritton, left a will that named his younger brother, Adam Albritton, as his executor [3]. Unfortunately, the destruction of the Pitt County wills and probate records prior to 1857 prevents us from knowing anything about the will's contents or the settlement of his estate. Moreover, this loss of records makes identification of James' heirs somewhat complicated, forcing us to trace the land transactions involving the 23½-acres that the Pitt County Court allotted to his heirs in July 1799. While the deeds fail to clearly state exactly how James Albritton's heirs came into possession of the 23½-acre tract of land when they sold it in 1817 and 1839, the land descriptions in the records from 1799, 1817, and 1839 verify that those who sold the land in 1817 and 1839 are James Albritton's heirs.

The 1817 document proves that Samuel Albritton, Susannah Bowers, Dorothy Moore, and Nancy Moore were in possession of the 23½-acre tract awarded by the Pitt County Court to the heirs of James Albritton in July 1799, proving that they are James' adult children [4]. However, the January 1839 document stated that Peter Albritton, then a resident of Muscogee County, Georgia, had inherited interest in the land from his father. A comparison of the land description, adjacent landowners, and to whom it was originally granted shows that Peter was selling his interest in the 23½-acre tract awarded to James Albritton's heirs in July 1799. This proves that Peter was a son of James Albritton [5].

The 1850 federal census indicates that Peter was born about 1797, indicating that he was James Albritton's youngest son, possibly born after his father's death [6]. In the January 1839 transaction, Peter Albritton states of the land he sold to Howell Albritton:

...it being one seventh part of the above described peace or parcel of lands which I am in title to by the death of my Father estate containing by Estimation twenty three acres...

This vague statement proves initially confusing, because these records give only five heirs of James Albritton, not seven. However, the phrase "*one seventh part of the above described...parcel of lands*" did not refer to Peter's portion of the 23½ acres owned by James Albritton's heirs, but rather that James' heirs owned one-seventh of the original 164½-acre tract of land Peter Albritton owned back in 1799.

In their 1799 report to the Pitt County Court, the commissioners stated that they allotted 23½ acres to the heirs of James Albritton, "*they being legatees Intitled to one seventh part which is 23½ Acres.*" The reference to "*one seventh part*" in Peter Albritton's January 1839 transaction was included to signify that with this transaction, Howell Albritton then owned the entire share allotted to James' heirs back in 1799. This allowed Howell to sell the entire 164½-acre (given as

160 acres in the 1839 and 1842 transactions) tract that Peter Albritton Sr. left to his children in 1799 to John S. Daniel on 8 February 1842 [7].

These records document that James Albritton, son of Peter Albritton Sr., had these children who survived until 1817:

1. Samuel Albritton [8]
2. Susannah Albritton Bowers
3. Dorothy Albritton Moore
4. Nancy Albritton Moore
5. Peter Albritton

It does seem odd that since he himself was also an heir, why did Peter Albritton merely witness the 1817 document and not sign it? This undoubtedly resulted from his young age. Born about 1797, he was still underage, legally, and probably represented by his legal guardian, likely his older brother, Samuel. In a legal irony of the times, men could witness documents as young as sixteen, yet did not become legal adults until they reached twenty-one years of age.

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Heirs of Joel, Son of Peter Albritton Sr.

Although Joel Albritton lived approximately three decades after James' death in 1797, the destruction of the Pitt County records makes identification of his heirs equally as difficult as those of his brother. Unlike some of their brothers who took an active role in public affairs, Joel led a quieter life, content to work his fields on his Grindle Creek farm and not actively participate in political affairs or witness numerous deeds like his older brother, Adam. Joel Albritton was alive in 1830, but the records indicate that he died about 1838 [9].

Joel Albritton had followed his older siblings to the north side of the Tar River and settled on Grindle Creek by December 1793 [10]. As seen in the article describing Peter Albritton's land on Grindle Creek, after 22 July 1799, Joel Albritton owned six-sevenths of his father's 164½-acre tract [11]. On 1 July 1817, Joel purchased the interest that his nephew, Samuel, and three nieces, Susannah, Dorothy, and Nancy, had in the 23½ acres they inherited from their father, James Albritton [12]. Joel may have believed this gave him legal ownership of the entire tract, for it is likely that his eldest nephew, Samuel, had legal guardianship over his youngest, Peter [13].

The wording of the January 1839 transaction from James Albritton's youngest son, Peter, to Howell Albritton indicates that with that transaction, Howell acquired ownership of one-seventh of the 164½-acre tract owned by Peter Albritton Sr. in 1799 (described as 160 acres in 1842). Later that year, in November 1839 [14], Howell purchased five-sevenths of this tract from the siblings McGilberry F., Hymon, Levina, and Lucinda Albritton and Talitha Flemmings, who described it as

...being five sevenths part of the Lands which our Father owned at his death and the above are heirs at Law in said Lands...

This proves that these five are children of Joel Albritton. For Howell to have sold the entire 160-acre tract to John S. Daniel in February 1842, he must have either purchased the remaining one-seventh part or owned it in his own right, as a child of Joel along with the other five. No recorded Pitt County deed shows Howell Albritton making such a purchase, and moreover, federal census records suggest Joel Albritton had at least one son born in the 1790s, i.e., the age of Howell. Despite the adage, "*Absence of evidence does not imply evidence of absence*," we conclude that Howell Albritton owned the final one-seventh interest in his own right, as a brother of McGilberry F., Hymon, Levina, and Lucinda Albritton and Talitha Flemmings. Thus, the children of Joel Albritton who survived until 1839 are:

1. Howell Albritton
2. Lavinia (or Levina) Albritton
3. McGilberry Floyd Albritton
4. Hymon Albritton
5. Talitha Ann E. Albritton
6. Lucinda Albritton

Evidence indicates that Joel's daughter, Lavinia (Levina) Albritton, married John S. Daniel in 1840 or 1841, and this probably prompted him to purchase the 160-acre tract that had been Joel Albritton's plantation from Howell in 1842 [15]. In 1850, Levina and John Daniel lived on her father's old plantation on Grindle Creek next to their extended family [16].

When he wrote his will on 21 March 1868, John S. Daniel made his first bequest to his youngest son with Levina Albritton, John W. Daniel [17]:

1st I give and bequeath to my beloved son John W. Daniel the tract of land whereon I now live, and whereon the mansion or dwelling house together with all the out houses are situated, and which tract of land is well known, as the Joel Albritton land, Containing One hundred and sixty (160) Acres, be the same however more or less. To have to him the said John W. Daniel & his heirs in fee simple absolutely forever.

John W. Daniel lived until 1884, and so the land that James Albritton Jr. purchased in September 1764 and later conveyed to his brother, Peter Albritton Sr., in the latter 1790s remained occupied by Peter's descendants into the 1880s [18].

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Notes

1. Pitt County NC Deed Book O, p. 469 (Pitt County Commissioners divide lands of "*Peter Albritton, Dec^d*," 1 July 1799). Although the clerk wrote that the adjacent landowner was Peter's "*father James Albritton*," this was clearly a clerk's error, for the man who owned land on Grindle Creek, and thus was the adjacent landowner, was Peter's brother, the man most modern researchers refer to as James Albritton Jr.
2. Pitt County NC Deed Book O, pp. 335–336 (Adam, Jonathan, and Luke Albritton, Betsy and Gardner Moye, and Mary and Matthew James to Joel Albritton, 22 July 1799).
3. Secretary of State Records, State Archives of North Carolina, New Bern District Criminal Action Papers, DSCR 206.326.5 (State of North Carolina vs. James Hopkins, 1803). This case involved James Hopkins' alleged theft of a slave, Tony, who belonged to "*Adam Albritton Executor of the last Will & Testament of James Albritton, deceased*." We presume that the James Albritton who named Adam as his executor was the son of Peter, and not Peter's brother. This document does not definitively prove this, as it does not specify precisely *which* James Albritton named Adam as his executor. Evidence indicates that both Peter's brother, James Albritton Jr., and Peter's son, James Albritton died in the mid-1790s, with the elder man perishing around 1795 and the younger in 1797 or 1798. Peter had acquired a portion of his brother's lands by 1798, when he wrote his own will, suggesting that the estate of James Albritton Jr. had been administered and settled by 1798. On the other hand, Peter's son, James, died about 1797 or 1798 leaving young children. Thus, depending on the guidelines of his will, the settlement of his estate would have continued until his children had reached adulthood. For these reasons, we *presume* that Adam Albritton served as the executor of the will of his brother, James Albritton, rather than of Adam's uncle by that name.
4. Pitt County NC Deed Book AA, pp. 70–71 (Samuel Albritton, John & Susannah Bowers, Abel & Dorothy Moore, and Allen & Nancy Moore to Joel Albritton, 6 May 1817; witnesses: Luke Albritton, Peter Albritton). Luke was clearly the youngest son of Peter Albritton, Sr., and Peter Albritton must be James Albritton's youngest son, as no other man by this name is known to have lived in Pitt County during this period. It is unclear why Peter did not sign the document himself, but rather waited until January 1839 to sell his interest in the land his father inherited. Given that Peter was still a minor in May 1817, the siblings may have believed that the signature of Peter's guardian (probably his older brother, Samuel) would have sufficed.
5. Pitt County NC Deed Book II, p. 402 (Peter Albritton to Howell Albritton, 19 January 1839). The deed reads, "*Peter Albritton of the County of Muscogee and in the State of Georgia of the one part and Howell Albritton of the County of Pitt and State of North Carolina of the other part...*," and it states of the land Peter sold, "*which I am in title to by the death of my Father*."
6. 1850 Muscogee County GA Federal Census, Hallecca District, p. 344a, Household #55: Peter Albritton.
7. Pitt County NC Deed Book KK, p. 40 (Howell Albritton to John S. Daniel, 8 February 1842).
8. [Benjamin B. Albritton Family Bible](#) (Pitt County Genealogical Quarterly, Vol. V, No. 2, May 1998, pp. 19–20). Rev. Albritton's Bible gives the birthdates for his parents, Samuel Albritton (23 Apr 1783–27 Aug 1831) and Tabitha Bell Albritton (13 Aug 1787–24 Aug 1865).
9. 1830 Pitt County NC Federal Census, p. 88, line #19: Joel Albritton. Joel had undoubtedly died by 23 November 1839, when five of his children mentioned his death when they sold their interest in his plantation to Howell Albritton (see Pitt County NC Deed Book KK, p. 50), but it seems likely that the attempt by Joel's heirs to get a clear title to his land prompted Howell to make the early 19 January 1839 transaction with Peter Albritton (see Pitt County NC Deed Book II, p. 402). This would seemingly place Joel's death between 1830 and 1838, probably towards the latter portion of that range.
10. North Carolina Grant Book 84, p. 383. Entry #268, Grant #1147, File #1177 (State of North Carolina to James Albritton and John Cherry). On 26 December 1793, Jesse Moye issued a warrant for a survey for 114 acres in Pitt County on the south side of Grindle Creek adjoining the lines of James Jones and Joel Albritton.
11. Pitt County NC Deed Book O, pp. 335–336 (Adam, Jonathan, and Luke Albritton, Betsy and Gardner Moye, and Mary and Matthew James to Joel Albritton, 22 July 1799).
12. Pitt County NC Deed Book AA, pp. 70–71 (Samuel Albritton, John & Susannah Bowers, Abel & Dorothy Moore, and Allen & Nancy Moore to Joel Albritton, 6 May 1817).
13. This is pure speculation in an attempt to explain why Peter Albritton failed to participate in the 1817 transaction of James Albritton's heirs. No known records exist to show who served as the guardian of James Albritton's son, Peter, although it is logical to expect it would have been Peter's elder brother.
14. Pitt County NC Deed Book KK, p. 50 (McGilberry F., Hymon, Levina, and Lucinda Albritton, and Tilley Ann E. and Ivey Flemmings [sic] to Howell Albritton, 23 November 1839).
15. See the section on Joel Albritton's children for a more detailed discussion.
16. 1850 Pitt County NC Federal Census, Parkers District, p. 60a, Household #972: John S. Daniel. The wife of John S. Daniel is listed as "*Lavinia*" Daniel, born about 1810.

17. Pitt County NC Wills & Testaments Book 2, pp. 29–31 (Will of John S. Daniel, written 21 March 1868, filed in court 7 May 1870).
18. Greenwood Cemetery (Greenville, Pitt County NC), tombstone of *John W. Daniel* (5 Apr 1851–23 Mar 1884). The tombstone appears to have been a modern one, and John's 1851 birth year inscribed on the stone conflicts with the ages given for him in Federal Census records.

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