

*This is what I gave to the
Henry Lee Society in 2001, before I
got a copy of the Wise will, referred
to below by handwritten addition.*

CAN JAMES LEIGH OF BATH BE FOUND EARLIER IN ACCOMAC COUNTY, VA.?

by Myron C. Banks
2801 Rothgeb Drive
Raleigh, North Carolina 27609
6 July 2001

When James Leigh arrived in Bath, no later than October 1701, he was accompanied by his wife Sarah, and six children. I, and others, have speculated that he must have had powerful patrons, because within three or four years he was Collector of Customs for Bath, and a Justice of the Peace.

He arrived in Bath with a number of families with clear connections with Surrey County, Virginia- the families of Joseph Rogers, Thomas Dearham and Hannah Cockerham, all related by blood or marriage, and perhaps Richard and William Holeman- yet James and Sarah Leigh are not to be found in Surrey records.

However, I have believed for years that James provided a clue to his immediate origins in his 1728 will, when he left to his son John the plantation where James lived, called the "Accomac Entry". Now that abstracts of the Accomac County Court Minutes have been published, a fairly clear record of James Leigh (Lee) at last emerges.

In February 1690/91, Sarah Helmot, a servant of John Wise, was in court for having had a child (William Helmot) out of wedlock. William Wise, a son of John Wise, agreed to pay her fine of 500 pounds of tobacco to the church wardens, and costs.

In September 1692, Sarah Helmot, "servant to John Wise, Sr.", consented to give her son William to John Wise, Jr., to be a servant until he attained the age of 21 years. However, in March 1694/95, James Lee brought suit against John Wise, Jr. to recover William for his mother, the wife of James Lee, declaring that she gave William to Wise "while under coverture" (i.e., while she was married) and that James had not consented to it. The Court agreed and ordered William returned to his mother.

In March 1694/95, James Lee gave a deposition reciting that he was about 24 years old, and giving details of a conversation he had heard while working at the house of Col. Charles Scarborough. ~~In 1695 he became a beneficiary under the will of John Wise, Sr.~~

In ^{20 October} ~~September~~ 1693, Col. John Wise made his will, and in it, he after providing for his family, he left a silver tankard to Thomas Leagle, and "also 2 fine unto James Lee a two-year old kiper." (The will was probated on 9 November 1695.)

~~(the abstract does not specify what the bequest was, but it was probably just a token of friendship or appreciation from a mentor).~~ In April 1696 he became master of an apprentice, Joseph Pritchard, who was bound for four years and three months to learn to be a tailor, at least suggesting, if not in fact proving, that James Lee himself was a tailor.

In 1698 he witnessed the will of Robert Colebourne and in April 1701 we learn that at some time prior he had leased land from Colebourne for a term of fifteen years, because Colebourne's widow sued Lee for breach of the lease. The jury found for Lee. The suit seems to have started a few years earlier, suggesting that the alleged breach occurred earlier than 1701.

Finally, we find a certificate granted to "Mr. John Wise, Sr." in 1703 for 2100 acres for the transportation of 42 people, including James and Sarah Lee. It is not clear whether the grant was to the senior Wise, who had died in 1695, or to his son John (I) or to his son John (II), called Johannes to distinguish him from John (I), but what is clear is that the certificate was obtained years after the importation occurred, since in 1691, Sarah was Sarah Helmut, not Sarah Lee, as she became. It is by no means unusual that patents and headrights were issued several years after the facts giving rise to them.

From all of this we can surmise a number of facts:

1. James was born about 1670, probably in England, and probably imported in the late 1680s.
2. Sarah's son William must have been born a few years before the abortive indenture- perhaps as early as 1686- otherwise he would have been too young to be a servant of any sort (unless his father was a Wise, and that seems a reasonable possibility, else, why pay Sarah's fine?)
3. In 1686-1691, James Lee would have been in his late teens, and Sarah was perhaps a bit older.
4. James and Sarah were married by 1692 (but why didn't the Wises know that, if Sarah was a servant and James was at least a friend- could it have been a secret at first, and if so, why?)
5. James had some connection with two of the most powerful families on the Eastern Shore (Col. Charles Scarburgh and Col. John Wise, Sr.)
6. James Lee does not appear in Accomac land records because he leased the land he occupied- and he does not appear in any records after 1701 (except the Wise certificate in 1703).

7. James Lee may have been a tailor.
8. The Pritchard apprenticeship ended in 1700.
9. The Colebourne lease was broken no later than April 1701 and perhaps earlier.
10. William Helmot did not go to Bath (unless his surname was actually "Holeman") but William Holeman who appeared with the Leigh family in the Cockerham headrights also appeared in another set of headrights with Richard Holeman, and they seem to have had roots in Surrey County. Perhaps William Helmot died, or was apprenticed or indentured again in Accomac, or simply stayed behind.
11. From the quantity of cloth listed (and buttons) in his 1728 inventory, James Leigh of Bath could have been a tailor- and a carpenter, weaver, shoemaker, stockman and planter!
12. In 1700-1701, it could certainly be argued that he was winding up his affairs in Accomac- no more apprentice, no more lease, and no further record appearances in Accomac, and the Scarborough and Wise connections could have been the boost he needed if he went to Bath...and if not to Bath, then where???

There are of course some contraindications as well...did Sarah have the time to bear six children in Accomac between 1692 and 1701 (the answer is "yes" of course, but she would have been a very busy girl...perhaps she had a set of twins). And where did James get the education and background to be Collector of Customs or a Justice of the Peace, or to be a trusted friend of Governor Daniel, or late in life to be a Justice of the General Court? Who knows. But from all the evidence, I do believe that I have found "my" James and Sarah in Accomac.