

# The Parentage and Possible Wife of Colonel John Alston of Chowan County, North Carolina

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Col. John Alston<sup>[1]</sup> made his first appearance in Chowan County, North Carolina records in 1713 by purchasing a tract of land on Bennetts Creek. He became the first person with the surname of Alston to live in the area. Unfortunately, there is no information in the deed or any other document in North Carolina indicating anything about his prior background. This article will show that Col. John was the same John Alston who is found in Surry County, Virginia in 1693 living with his uncle Nicholas Pasfield. Furthermore, it will show that John came to Virginia from Essex County, England sometime after the remarriage of his father in 1684. Lastly, the possible identity of his wife Mary will be discussed.

## Summary of the life of Col. John Alston in North Carolina

Col. John Alston of North Carolina held a number of important positions in the community. The first documented evidence of John came with a land purchase of 50 acres on Bennetts Creek on 28 Nov 1713,<sup>[2]</sup> when he was called Mr. John Alston. He was a captain in the local militia by 14 Aug 1723<sup>[3]</sup> and had worked his way up to colonel by 1741.<sup>[4]</sup> He was a sheriff,<sup>[5]</sup> a vestryman on 3 Apr 1738,<sup>[6]</sup> and a member of the Chowan County<sup>[7]</sup> and North Carolina Colony Courts.<sup>[8]</sup> He purchased over 2,000 acres in his lifetime, left a will on 17 Sep 1754,<sup>[9]</sup> and died between the October 1758 Quarterly Court<sup>[10]</sup> and 2 Dec 1758.<sup>[11]</sup> In his will, he identified his wife as Mary. Mary Alston appeared in the records only one

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<sup>1</sup> The term "Col." will be used throughout this article to refer to the John Alston who died in late 1758 in Chowan County, North Carolina to distinguish him from any other John Alston that will be discussed. Col. John will be used for short.

<sup>2</sup> *Chowan County, Deed Book W no. 1 1699-1803*, pp. 199, 202-203, Family History Library (FHL) Salt Lake City, Utah, microfilm 0,018,487.

<sup>3</sup> *North Carolina, Secretary of State Land Grant Record Books Volume 3, 1720-1730, 1735-1738*, p. 168, North Carolina State Archives, (NCSA) Raleigh, North Carolina, microfilm S.108.160.1.

<sup>4</sup> *Chowan County Miscellaneous Papers Volume 2, 1738-1741*, p. 135, NCSA microfilm C.024.99002.

<sup>5</sup> *Chowan County, St. Paul's Church, Edenton, North Carolina Vestry Minutes, 1701-1776*, p. 123, NCSA microfilm C.024.04001.

<sup>6</sup> *Ibid.*, 84.

<sup>7</sup> *Chowan County Miscellaneous Papers Volume 3, 1741-1745*, p. 37, NCSA microfilm C.024.99003.

<sup>8</sup> Robert J. Cain, ed., *The Colonial Records of North Carolina [Second Series] North Carolina Higher-Court Minutes 1724-1730* (Raleigh, North Carolina: Privately printed, 1981), 64-65.

<sup>9</sup> *North Carolina Will Records, Secretary of State Record Group Folder 12.96.1.34 will, John Alston, 1758* NCSA, no pagination.

<sup>10</sup> *Chowan County, Court Minutes 1755-1761*, unpaginated, FHL microfilm 0,478,499. Col. John was deceased by the January 1759 Quarterly Court when he was replaced as the public warehouse inspector.

<sup>11</sup> *North Carolina Will Records, Secretary of State Record Group Folder 12.96.1.34 will, John Alston, 1758* NCSA, no pagination.

other time, as a witness to the will of John Maner on 21 Feb 1728/1729.<sup>[12]</sup> Mary signed her name, showing that she was literate, which was rare for women of her time.<sup>[13]</sup>

Col. John had significant social status in Chowan County. In his first land purchase in 1713, he was called “Mr.” which was “a title applied only to those who had some social standing, through their family or office, before they emigrated.”<sup>[14]</sup> He was a captain in the county militia, a position ordinarily available only to those of high social standing or to upwardly mobile land owners<sup>[15]</sup> rather than to those with military prowess. Col. John Alston and ten others were made Justices of the Peace by Charles Eden, Governor of the Colony, on 1 Oct 1720.<sup>[16]</sup> The responsibility of being a Justice of the Peace was to be a judge in a county court.<sup>[17]</sup> All these individuals were called “esquire”, which was a title “used in this country to mean a person of considerable influence or even wealth.”<sup>[18]</sup>

It is unclear from North Carolina records how Col. John attained the “Mr.” and “esquire” titles. His estate and wealth were average when compared to his Chowan County neighbors in the tax records on 17 Aug 1716 and in 1721<sup>[19]</sup> as well. There were several neighbors who had more land and paid four times the taxes that Col. John paid. His higher social status probably resulted from events prior to his coming to Chowan County.

### English ancestors of John Alston

The first record of John Alston in the Colonies occurred on 10 Jun 1693 in Surry County, Virginia.<sup>[20]</sup> He was a tithable,<sup>[21]</sup> or a male 16 or older, living in the home of Nicholas Pasfield in the Lawnes Creek district. Nicholas Pasfield had been in Surry County for some time. Nicholas was a tithable by 9 Jun 1677<sup>[22]</sup> when he was found in the Samuel Cornwell household. He was called “Mr.”<sup>[23]</sup> on the 1690

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<sup>12</sup> *North Carolina Will Records, Secretary of State Record Group Folder 12.96.16.61 will, John Maner, 1729* (NCSA), no pagination. Mentioning Mary Alston as a witness. Solomon Alston, a son of Col. John’s, had purchased some property from John Maner, who was acknowledging this sale in his will since the transaction had not been completed in the courts.

<sup>13</sup> Julia C. Spruill, *Women’s Life and Work in the Southern Colonies* (1938, reprint, New York, New York: Russell and Russell, 1969), 187-188. The author also states “Many belonging to prominent families were unable to write their names.”

<sup>14</sup> Barbara J. Evans, *A to ZAX, A Comprehensive Dictionary for Genealogists & Historians 3rd Edition* (1978, reprint, Alexandria, Virginia: Hearthsides Press, 1995), 176, 179. The title “Mr.” was used sparingly in colonial times, showing some social standing.

<sup>15</sup> John T. Schlotterbeck, *Daily Life in the Colonial South* (Santa Barbara, California: Greenwood Press, 2013), 360.

<sup>16</sup> *Chowan County, Deed Book F no. 1 1716-1753*, p. 80, FHL microfilm 0,018,490.

<sup>17</sup> Helen F. M. Leary and Maurice R. Stirewalt, eds., *North Carolina Research Genealogy and Local History* (Raleigh, North Carolina: The North Carolina Genealogical Society, 1980), 223-224.

<sup>18</sup> Barbara J. Evans, *A to ZAX, A Comprehensive Dictionary for Genealogists & Historians 3rd Edition* (1978, reprint, Alexandria, Virginia: Hearthsides Press, 1995), 107.

<sup>19</sup> *Albemarle County, Papers: State papers, letters of administration, land patents, etc. of Albemarle County, North Carolina*, unpaginated, FHL microfilm 0,018,123. Mentioning Jno. Alston in both tax lists.

<sup>20</sup> *Surry County, Virginia, Deeds, Wills, Etc. No. 4, 1687-1694*, p. 332, FHL microfilm 0,034,100. Mentioning Jno. Alston in the Lawnes Creek parish.

<sup>21</sup> Edgar MacDonald and Richard Slatten, eds., “Surry County Tithables 1673, 1674, 1675,” *Magazine of Virginia Genealogy*, 22 (May 1984): 38-39. The authors explain the tithable requirements unique to Virginia during the period.

<sup>22</sup> *Surry County, Virginia, Deeds, Wills, Etc. No. 2, 1671-1684*, p. 147, microfilm 0,034,099, FHL. Mentioning Ni. Pasfield.

tithable list,<sup>[24]</sup> showing that he had social status in the community. He wrote his will on 9 Jan 1700<sup>[25]</sup> in which he named wife Joana and children Nicholas and Mary who were underage.

Documents connecting John Alston and Nicholas Pasfield have been found in England. Fortunately, the last name of Pasfield is rare in England in the 1600s and is mostly found in Essex County, England. In the Essex County wills, there is one that mentions both Pasfields and Alstons. Phillip Pasfield, a yeoman<sup>[26]</sup> of Wethersfield, Essex, England, wrote a will dated 3 Jun 1684<sup>[27]</sup> that had the following provisions:

- His land and property in Wethersfield were to go to wife Susan<sup>[28]</sup> during her natural life.
- His property would then be divided at her death, with two thirds going to daughter Anne.
- The remaining third would go to the four children of Mary “my daughter desed. late wife of Solomon Alstone.” Children William, Philip, John, and Mary Alston would each get five pounds, with the rest being paid to them when they reached 21 years of age. Several individuals were put in charge of overseeing the estate until fully distributed.
- He gave son Nicholas “five shillings of lawfull money of England to be pd to him upon his request or demand of paymt thereof.”

There are several things that can be learned from the will of Phillip Pasfield. The will mentioned both a son Nicholas Pasfield and a grandson John Alston. It also implies that Nicholas was not living nearby at the time or he could have certainly and easily collected his money without demanding payment from his mother Susan as executrix. The land went first to Phillip’s wife Susan and then to daughter Anne and four children of daughter Mary.

Exhibit 1 shows Alston and Pasfield relationships in Essex County that will be discussed in this article.

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<sup>23</sup> Barbara J. Evans, *A to ZAX, A Comprehensive Dictionary for Genealogists & Historians 3rd Edition* (1978, reprint, Alexandria, Virginia: Hearthside Press, 1995), 176, 179.

<sup>24</sup> *Surry County, Virginia, Deeds, Wills, Etc. No. 4, 1687-1694*, p. 151, FHL microfilm 0,034,100. Mentioning Mr. Pasfeild in the blackwater precinct of the Lower pish.

<sup>25</sup> *Surry County, Virginia, Wills and Deeds No. 5, Part 1 1694-1709*, p. 227, FHL microfilm 0,034,101.

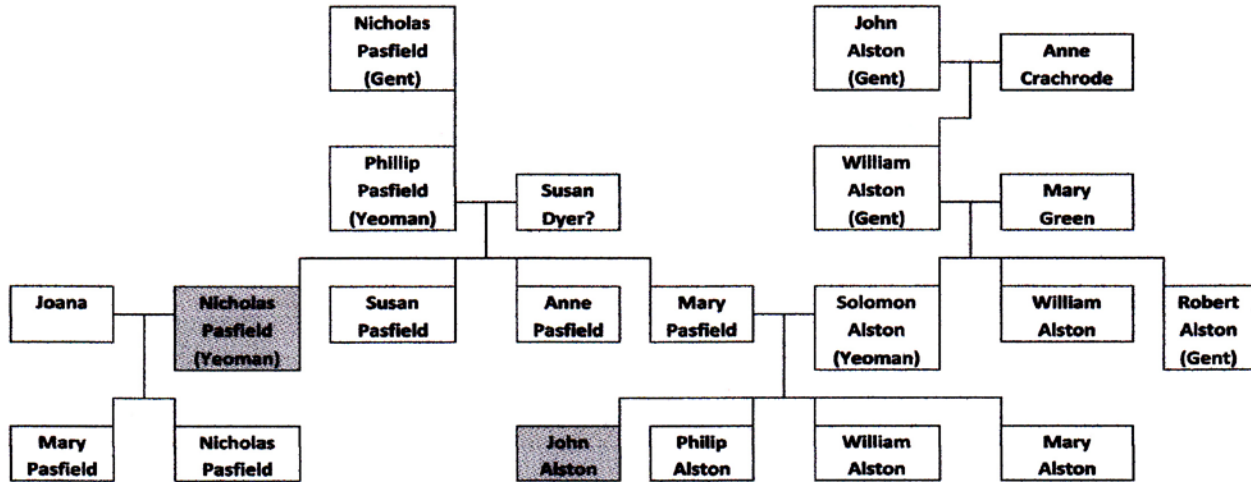
<sup>26</sup> Bryan A. Garner, ed., *Black’s Law Dictionary 8<sup>th</sup> Edition* (1891; St. Paul, Minnesota: Thompson West, 2004), 1647. Freeholder is just under the rank of gentleman who owns and cultivates properties.

<sup>27</sup> *Essex County, England Church of England, Archdeaconry of Middlesex, Essex and Herts Division Court registered copy of wills 1678-1711*, pp. 191-192, FHL microfilm 0,094,732.

<sup>28</sup> Frederick A. Crisp, *Fragmenta Genealogica, Volume 8*, (1902, reprint, Bowie, Maryland: Heritage Books, Inc., 1996), 47. Susan was most likely a child of Mary Dyer. Susan inherited some copyhold land as the “next heir to Mary Dyer.” Susan gave this land to daughter Anne.

Exhibit 1

**Relationship of Some Alston and Pasfield Families in Essex County, England in 1600s**



In 1677 Nicholas Pasfield filed a suit in the High Court of Chancery that showed his business relationship with Solomon Alston, the father of John. Nicholas Pasfield, yeoman, was about to travel to Virginia in 1676 and negotiated a one-year mortgage with Francis Strutt using 18 acres of land as his security.<sup>[29]</sup> Nicholas “did thinke fitt to intrust the said Solomon Alston his Brother in law” to collect the rents due and to pay the debt. Solomon was also to receive the land in the event that Nicholas died and had no heirs. The suit states that Solomon tried to pay the debt in a timely manner but Francis Strutt persuaded him to delay payment by 20 days. Francis then declared the mortgage in default, refused to take the money and wanted possession of the property instead. Nicholas went to court to recover his land in July 1677. This court case shows that Nicholas and Solomon were on good terms and had both a business and personal relationship.

Nicholas also brought court action against his mother Susan Pasfield and a number of other defendants on 5 Dec 1696 over property in Wethersfield.<sup>[30]</sup> Nicholas had been in “Virginia and other parts beyond the seas” for divers years and had returned to England. Nicholas called himself the heir of Phillip Pasfield. He believed that he had inherited some other property during his absence from England and was due the rents therefrom. He discovered that no effort was being made to collect these rents on his behalf and that his title to the land was in question. Nicholas argued to the High Court of Chancery that “ye orators Grandfather Nicholas Pasfield late of Weathersfield in the County of Essex aforesaid Gent gave it by his last will and testament unto Phillip Pasfield ye Orators father and desired him not to sell it or otherways dispose of it or any part of thereof to any person but to ye Orator.” Nicholas then requested the court to subpoena Susan and a number of others to get the title and rents that he was entitled to receive. No further records on this case are available in the High Court of Chancery. This lawsuit shows that Nicholas Pasfield, son of Phillip of Wethersfield, and Nicholas Pasfield of Virginia are one and the same person.

<sup>29</sup> *The National Archives of the UK, Pasfeild v Strutt, 1677* (London, England: The Nationals Archives), C 7/271/32.

<sup>30</sup> *The National Archives of the UK, Pasfield v Pasfield, 1696* (London, England: The Nationals Archives), C 7/260/16.

As the last three documents show, the connection between John Alston and Nicholas Pasfield was significant. The will of Phillip Pasfield in 1684 listed his son Nicholas, son-in-law Solomon Alston, and a grandson John Alston. The 1677 lawsuit shows that Nicholas had left England and was using brother-in-law Solomon Alston as his assignee. From the 1696 lawsuit, son Nicholas Pasfield is known to have lived in both Wethersfield and Virginia. In 1693, Nicholas Pasfield and John Alston are found in the same residence in Surry County, Virginia. These documents on both sides of the Atlantic support their family relationship.

As mentioned at the beginning of this article, North Carolina records do not show how Col. John Alston obtained his significant social status. However, the English records do show that John Alston obtained social status from his direct ancestors. Exhibit 1 summarizes Col. John's family relationships including the social status each had. Solomon Alston, father of Col. John and husband of Mary Pasfield, was a yeoman in Wethersfield in 1689.<sup>[31]</sup> He had married Mary about 1665. Solomon's four children mentioned in the will of Phillip Pasfield are William christened on 9 May 1671 in Great Yeldham, Essex, England,<sup>[32]</sup> with the other children being christened in Wethersfield, Philip on 22 Apr 1675,<sup>[33]</sup> John on 16 Apr 1677,<sup>[34]</sup> and Mary on 16 Feb 1678/79.<sup>[35]</sup> Mary (Pasfield) Alston died before 3 Jun 1684 when her father wrote his will. Solomon married secondly Lydia (---) Pond on 25 Nov 1684 in Romford, Essex, England<sup>[36]</sup> and was buried on 20 Oct 1721 in Havering-atte-Bower, Essex, England.<sup>[37]</sup> Unfortunately, Solomon did not leave a will.

Solomon Alston was the second son of William Alston, gent,<sup>[38]</sup> of Sible Hedingham, Essex, England, who left a will dated 5 Jul 1693.<sup>[39]</sup> Solomon was christened on 18 Jul 1648 in Toppesfield, Essex, England.<sup>[40]</sup> His older brother William on 5 Feb 1642/43<sup>[41]</sup> and his younger brother Robert on 24 May 1652<sup>[42]</sup> were also christened in Toppesfield.

In addition to being a gentleman, William Alston was in a family important enough to be included in the Visitation of Essex. Heralds came to each county to document pedigrees of the more important residents for the visitation books and to authorize those families to bear arms.<sup>[43]</sup> The heralds reported that William

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<sup>31</sup> *The National Archives of the UK, Alston v Alston, 1689* (London, England: The Nationals Archives), C 7/595/1.

<sup>32</sup> *Essex County, England, Great Yeldham Register of Baptisms St. Andrew 1560-1812*, Image 18, Essex Record Office [ERO].

<sup>33</sup> *Essex County, England, Wethersfield Register of Baptisms St. Mary Magdalene 1647-1683*, Image 11, ERO.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*, 12.

<sup>36</sup> *Essex County, England, Romford Register of Marriages St. Edward the Confessor 1610-1732*, Image 95, ERO.

<sup>37</sup> *Essex County, England, Havering-atta-Bower Register of Burials St. John the Evangelist 1718-1812*, Image 25, ERO.

<sup>38</sup> Bryan A. Garner, ed., *Black's Law Dictionary* 8<sup>th</sup> Edition (1891; St. Paul, Minnesota: Thompson West, 2004), 708. A person belonging to the landed gentry.

<sup>39</sup> *Essex County, England, Probate Records for the Commissary Court of the Diocese of London, Essex, and Hertfordshire division register copy wills 1697-1708*, pp. 107-109, FHL microfilm 0,094,229.

<sup>40</sup> *Essex County, England, Toppesfield Register of Baptisms St. Margaret of Antioch 1559-1692*, Image 27, ERO.

<sup>41</sup> *Ibid.*, 25.

<sup>42</sup> *Ibid.*, 28.

<sup>43</sup> Bryan A. Garner, ed., *Black's Law Dictionary* 8<sup>th</sup> Edition (1891; St. Paul, Minnesota: Thompson West, 2004), 743, 1602.

was the son of John Alston, Gent, and wife Anne Crachrode.<sup>[44]</sup> William was mentioned in his father's will dated 30 Jun 1653.<sup>[45]</sup>

John Alston, as the third son of Solomon Alston of Wethersfield, had good social standing from his immediate ancestors. However, he did not have good inheritance prospects from his father. This could have been a motivating factor in his relocation to Virginia. It is also possible that with the remarriage of his father, he was being farmed out to his uncle Nicholas Pasfield. It should be noted that John would have had his 16<sup>th</sup> birthday about April 1693. That is significant because John Alston appeared in the Virginia records for the first time on 10 Jun 1693 as a tithable, just after his 16<sup>th</sup> birthday.

### **Other activities of John Alston of Surry County, Virginia (1693-1702)**

It is evident from the records that John Alston of Surry County lived by the first branch of the Blackwater Swamp and knew families of this area, including the Baker family and Arthur Davis Jr. After his initial appearance in the home of Nicholas Pasfield, John Alston shows up four other times in the Surry County records before 1703:

1. John Alston was a tithable in the Lawnes Creek district in the household headed by widow Alice Riddick in 1696.<sup>[46]</sup>
2. Robert Sherrard caused John Alston to be arrested but did not appear to prosecute his suit; therefore, it was dismissed on 5 Mar 1699/1700.<sup>[47]</sup>
3. Arthur Davis Jr, plaintiff as assignee of Alice Reddick, was in a suit with John Alston defendant. Arthur had married Alice who was now deceased; the suit dated 5 Mar 1699/1700 was about a debt John Alston owed to her estate.<sup>[48]</sup> John pointed out that he owed the debt to Alice and not to Arthur Davis Jr. Thus John showed good knowledge of common law to avoid payment of this debt.<sup>[49]</sup> In a countersuit, John Alston caused Arthur Davis Jr. to be arrested but did not appear to prosecute, so Arthur moved for a nonsuit and it was granted.
4. John Alston caused William Fallaugh to be arrested but failed to appear, so the suit was dismissed 3 Mar 1701/1702.<sup>[50]</sup>

John was living with Nicholas Pasfield in 1693. Nicholas was a neighbor to Arthur Davis Jr. and others in Lawnes Creek Parish on 4 Sep 1693.<sup>[51]</sup> On 11 Mar 1695, Mr. Henry Baker Sr. obtained a judgment

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<sup>44</sup> Edward Bysshe, *A Visitation of the County of Essex* (London, England: Mitchell and Hughes, 1888), 7. William is person 3 in the Alston of Stisted chart.

<sup>45</sup> *The National Archives of the UK, Will, John Alston, Gentleman of Stisted, Essex, 24 Nov 1658* (London, England: The Nationals Archives), PROB 11/260/263. Mentions William Alston as a child of John Alston.

<sup>46</sup> *Surry County, Virginia, Wills and Deeds No. 5, Part 1 1694-1709*, p. 116, FHL microfilm 0,034,101. Mentioning Jno: Alston in the Lawnes Creek parish.

<sup>47</sup> *Surry County, Virginia, Court Order Books 1691-1712*, p. 208, FHL microfilm 0,034,129.

<sup>48</sup> *Ibid.*

<sup>49</sup> John A. Brayton, *Order of First Families of North Carolina Registry of Ancestors Volume 1* (Memphis, Tennessee: privately printed, 2005), 2-3. Brayton incorrectly identified Richard Robinson, who was an assignee in this suit, as Alice's husband. Richard was of an age to be a son rather than a husband to Alice. Arthur Davis was the widower and plaintiff.

<sup>50</sup> *Surry County, Virginia, Court Order Books 1691-1712*, p. 221, FHL microfilm 0,034,129.

<sup>51</sup> *Surry County, Virginia, Deeds, Wills, Etc. No. 4, 1687-1694*, pp. 319-320, FHL microfilm 0,034,100. Mentioning Nicholas Pasfield owning neighboring property.

against Nicholas Pasfield.<sup>[52]</sup> Also, John Alston lived in the Riddick household in 1696. Alice Riddick, as administratrix of her husband James Riddick's estate, lost a suit to Mr. Henry Baker on 5 Mar 1694.<sup>[53]</sup> Nicholas Pasfield's will was written 9 Jan 1700,<sup>[54]</sup> and his estate was appraised by Arthur Davis Jr. and others.<sup>[55]</sup> In Nicholas Pasfield's will, Henry Baker Sr. received some land.

Arthur Davis Jr.<sup>[56]</sup> of Surry County patented 461 acres of land on both sides of the first branch of the main Blackwater Swamp on 25 Sep 1679.<sup>[57]</sup> The adjoining land was owned by William Baldwin, who listed Arthur Davis Jr., Capt. Baker, and others as neighbors.<sup>[58]</sup> Arthur Davis Jr. relocated to Chowan County by 13 Jul 1718 when he purchased 640 acres on the south side of the Meherrin River from William Brown.<sup>[59]</sup> John Alston was a witness to this sale.

### John Alston's relocation to North Carolina

Exhibit 2<sup>[60]</sup>



Col. John first appears in Chowan County in 1713. A hint that he had a Virginia connection is found in a power of attorney filed in the North Carolina colony court by Henry Baker of Virginia. John Alston was a witness to this document. It reads in part:

“I Henry Baker of Virga. & Nominated Constituted Authorized and Appointed ... my Very Good friend Samuell Swann Esq. in Carolina to be my true and Lawfull Atturney, Irevocable to Sue for Leavy, Recover, Receive, Demand, and take of William Early of the sd. Carolina ... Given Under my hand and Seal this 17 Day of Aprill 1703.”

Hen. Baker (seal)

W: John Alston, James (IF) Flemmin, and Rich. (RB) Barfield<sup>[61]</sup>

<sup>52</sup> *Surry County, Virginia, Court Order Books 1691-1712*, p. 154, FHL microfilm 0,034,129.

<sup>53</sup> *Ibid.*, 125.

<sup>54</sup> *Surry County, Virginia, Wills and Deeds No. 5, Part 1 1694-1709*, p. 227, FHL microfilm 0,034,101. Mentioniong Henry Baker and his heirs.

<sup>55</sup> *Surry County, Virginia, Court Order Books 1691-1712*, p. 220, FHL microfilm 0,034,129.

<sup>56</sup> *Surry County, Virginia, Wills and Deeds No. 5, Part 1 1694-1709*, pp. 192-194, FHL microfilm 0,034,101.

Arthur Sr. is listed on several tithable lists at “old fields” while Arthur Jr. is of the Blackwater area.

<sup>57</sup> *Virginia Patents 1679-1689*, 7:6; FHL microfilm 0,029,324. This land was on the border between Surry and Isle of Wight Counties.

<sup>58</sup> *Ibid.*, 7:131. Mentioning William Boaldwinne, Capt. Baker owning neighboring properties.

<sup>59</sup> *Chowan County, Deed Book B no. 1 part 3 1715-1719*, pp. 613-614, FHL microfilm 0,018,486.

<sup>60</sup> Karl Musser, *The Blackwater River Virginia* (Wikipedia, undated). Reprinted by permission of Karl Musser.

Henry Baker Sr.<sup>[62]</sup> was a merchant of Isle of Wight County, Virginia who had dealings in both Virginia and North Carolina.<sup>[63]</sup> He was a high sheriff,<sup>[64]</sup> a member of the county court,<sup>[65]</sup> and a member of the county militia.<sup>[66]</sup> He was called Mr. Henry Baker in the Surry County records.<sup>[67]</sup> His very good friend Samuel Swann, who had previously lived in Surry County,<sup>[68]</sup> and his Virginia neighbor Richard Barfield are also mentioned owning land nearby.<sup>[69]</sup>

Considering Henry's Virginia connections named in this North Carolina document, it seems probable that the witness John Alston is the same John Alston found in records of Surry County, Virginia from 1693 to 1701, where John had known Henry Baker Sr.

Exhibit 3 is a chronology of John Alston's activities in Surry County, Virginia and Chowan County, North Carolina:

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<sup>61</sup> *North Carolina Colonial Court Records, Miscellaneous Papers 1677-1775 CCR 192 Power of Attorney, Henry Baker, 1703* (North Carolina State Archives: Raleigh, North Carolina), no pagination. John Alston is literate.

<sup>62</sup> Thomas F. Baker, *Buckland Plantation 1670-2014* (Omaha, Nebraska : Woolli Labs LLC, 2014), 12-25. This source provides brief biographies of Henry Sr. and his family.

<sup>63</sup> Mattie E. Parker, ed., *North Carolina Higher-Court Records 1670-1696* (Raleigh, North Carolina: Privately printed, 1968), 27.

<sup>64</sup> *Isle of Wight County, Virginia, Court Orders 1693-1695*, p. 34, Virginia State Archives, Richmond, Virginia microfilm no. [Reel 2].

<sup>65</sup> *Ibid.*, 1

<sup>66</sup> *Isle of Wight County, Virginia, Deed Book 2 1704-1715*, p. 9, Virginia State Archives, Richmond, Virginia microfilm no. [Reel 2]. He had the rank of colonel.

<sup>67</sup> *Surry County, Virginia, Court Order Books 1691-1712*, p. 154, FHL microfilm 0,034,129.

<sup>68</sup> *Surry County, Virginia, Wills and Deeds No. 5, Part 2 1694-1709*, pp. 362-364, FHL microfilm 0,034,101. Samuel is selling property that he inherited from his father.

<sup>69</sup> *Virginia Patents 1689-1695*, 8:338; FHL microfilm 0,029,325. Richard Barfield's property is on Saram Swamp, which is near land owned by Henry Baker Sr. that Henry called his Buckland plantation.



Exhibit 3

**Chronology of John Alston (1693-1720)**

<b>Date</b>	<b>Surry County</b>	<b>Chowan County</b>
10 Jun 1693	Lived with Nicholas Pasfield	
1696	Lived with Alice Reddick	
5 Mar 1699/1700	Brought lawsuit against Robert Sherrard	
5 Mar 1699/1700	Brought lawsuit against Arthur Davis Jr.	
3 Mar 1701/1702	Brought lawsuit against William Fallaugh	
17 Apr 1703		Witnessed a power of attorney of Henry Baker
28 Nov 1713		Purchased 50 acres on Bennetts Creek
Jul 1720		Witnessed the sale of land by Arthur Davis Jr.
1 Oct 1720		Became Justice of the Peace for the North Carolina Colony.

**Col. John Alston land and court transactions in Chowan County (1713 to 1728) and other dealings with Henry Baker Jr.**

Col. John Alston was mentioned in several land records in North Carolina.<sup>[70]</sup> These land records show that Col. John continued his interactions with Arthur Davis Jr. and began to deal with Henry Baker Jr.,<sup>[71]</sup> the oldest son of Henry Baker Sr. These activities are similar to the interactions of John Alston of Surry with these same families:

- Purchased 50 acres on the southeast side of Bennetts Creek from Patrick Laughler and his wife Patience on 28 Nov 1713.<sup>[72]</sup> This is the first record for Col. John Alston in Chowan County.
- In Jul 1720, witnessed the sale from Arthur Davis Jr. and wife Mary to Barnaby Mackinney of 640 acres on the south side of the Meherrin River.<sup>[73]</sup>

<sup>70</sup> Thomas F. Baker, *Buckland Plantation 1670-2014* (Omaha, Nebraska : Wooli Labs LLC, 2014), 16. A map is included that shows the locations of some of Col. John's purchases.

<sup>71</sup> Ibid. 12-25. This source provides brief biographies of Henry Sr. and Henry Jr.

<sup>72</sup> *Chowan County, Deed Book W no. 1 1699-1803*, pp. 199, 202-203, FHL microfilm 0,018,487.

<sup>73</sup> *Chowan County, Deed Book F no. 1 1716-1753*, pp. 38-42, FHL microfilm 0,018,490.

- Obtained two land warrants for 265 and 270 acres on the northwest side of Bennetts Creek probably in 1721.<sup>[74],[75]</sup>
- Witnessed along with Henry Baker Jr. the sale from Patrick Lawley to Thomas Martin of Nansmond County for 50 acres on the west side of Bennetts Creek on 25 Mar 1721.<sup>[76]</sup>
- Patented 263 acres at the head of Knotty Pine Pocoson next to property owned by Henry Baker Jr. and George Vaughan on 26 Mar 1723.<sup>[77]</sup>
- Lived next to his son Joseph John Alston and others on White Pot Pocoson on 14 Aug 1723.<sup>[78]</sup> Col. John was a militia captain at that time.
- Lived next to Henry Baker Jr., William Baker, and others on the north side of Bennetts Creek on 27 May 1728. Henry Baker Jr. had previously purchased property on Bennetts Creek.<sup>[79]</sup>
- Witnessed along with Henry Baker Jr. the sale of a slave from William Everitt to Thomas Piland of a slave on 6 Jun 1728. The slave was then assigned<sup>[80]</sup> to Col. John.<sup>[81]</sup>

Exhibit 4 below shows many of the properties purchased by John Alston before 1730. This map shows the close proximity of the Baker properties to those of John Alston.

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<sup>74</sup> *North Carolina, Secretary of State Land Grant Record Books Volume 3, 1720-1730, 1735-1738*, pp. 81-82, NCSA microfilm no. [Reel S.108.160.1]. This land patent is undated but is found among the 1721 deeds.

<sup>75</sup> J. R. B. Hathaway, ed., "Abstract of Land Grants" *North Carolina Historical and Genealogical Register*, 1 (January 1900): 10. This abstract is dated incorrectly as 1711 for this patent. Given where this patent is found in Hathaway's abstracts and in state land grants volume 3, the date is a typographical error.

<sup>76</sup> *Chowan County, Deed Book C no. 1 1720-1735*, p. 105, FHL microfilm 1,730,346.

<sup>77</sup> *North Carolina, Secretary of State Land Grant Record Books Volume 3, 1720-1730, 1735-1738*, pp. 130-131, NCSA microfilm S.108.160.1.

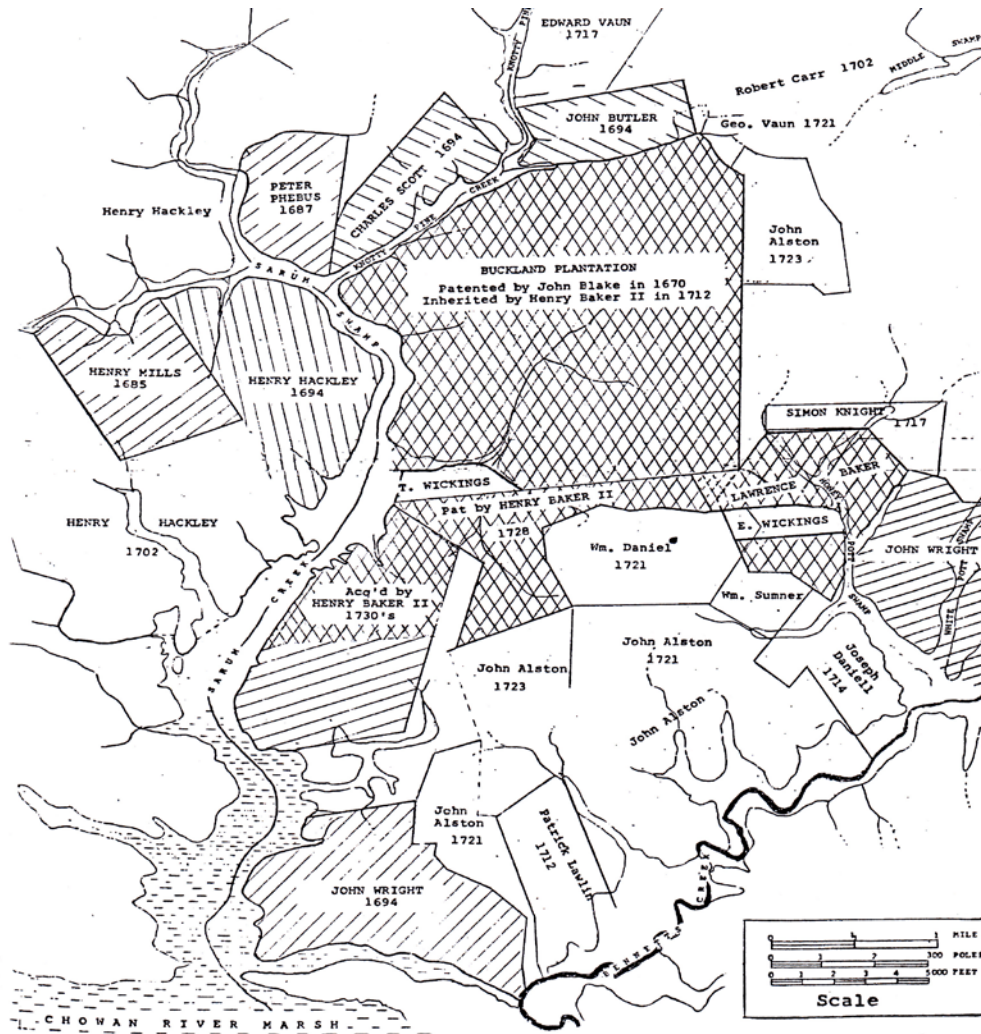
<sup>78</sup> *Ibid.* p. 168. Col. John's son is called John rather than his full name of Joseph John. This indicates that Col. John could have been married prior to 1703, assuming Joseph John was already of age.

<sup>79</sup> *Ibid.* pp. 234-235.

<sup>80</sup> Barbara J. Evans, *A to ZAX, A Comprehensive Dictionary for Genealogists & Historians 3rd Edition* (1978, reprint, Alexandria, Virginia: Hearthside Press, 1995), 21-22. This is a transfer of ownership to Col. John.

<sup>81</sup> *Chowan County, Deed Book F no. 1 1716-1753*, p. 207, FHL microfilm 0,018,490.

Exhibit 4<sup>[82]</sup>



In addition to land transactions, Henry Baker Jr. and Col. John interacted in other significant ways. Both were mentioned together in conjunction with the formalizing of the dividing line between Virginia and North Carolina. They dined with the surveying group at Buckland plantation on 20 Mar 1728. Col. John and his family had come to Buckland for a social visit with the Bakers and remained for several days.<sup>[83]</sup> Also, Col. John was an appraiser on the estate of Henry Baker Jr. in July 1742, along with Mr. James Wilson,<sup>[84]</sup> who was also a neighbor<sup>[85]</sup> to Henry Baker Jr.

<sup>82</sup> Thomas F. Baker, *Buckland Plantation 1670-2014* (Omaha, Nebraska : Wooli Labs LLC, 2014), 16. Reprinted by permission of Wooli Labs LLC.

<sup>83</sup> William Byrd, *Histories of the Dividing Line Betwixt Virginia and North Carolina* (New York, New York: Dover Publications, 1967), 77, 89.

<sup>84</sup> *North Carolina, Wills and Estate Files, 1663-1978*, Henry Baker Estate, pp. 183-210; FHL microfilm 1,738,554. John is called esquire.

<sup>85</sup> *Chowan County Miscellaneous Papers Volume 2, 1738-1741*, p. 87, NCSA microfilm C.024.99002.

## A possible Mary as the wife of Col. John Alston

Col. John's wife Mary showed up only twice in the records as Mary (---) Alston, as a witness to a will and as a legatee in her husband's will in 1754. Mary was literate, which indicates she was probably from a higher class background.

Henry Baker Sr. had a daughter named Mary who would have been of the proper age and social standing to be the wife of Col. John. This Mary Baker is mentioned in the wills of her father Henry on 10 Jun 1709<sup>[86]</sup> and her mother Mary on 5 Mar 1732,<sup>[87]</sup> but unfortunately not by last name. In those two wills, none of her sisters were mentioned by last name either.

A number of circumstantial items point to a marriage between Col. John and Mary Baker, daughter of Henry Baker Sr.:

- John Alston of Surry County would have known Mary Baker because of his proximity to the Baker family at the time he would have married about 1700. Nicholas Pasfield, uncle to John, had several dealings with Henry Baker Sr. in Surry County as well.
- Henry Baker Sr. owned land on Honey Pot Swamp near Bennett's Creek by 6 Jun 1699,<sup>[88]</sup> near Col. John's first land purchase in 1713. Henry's sons Henry and Lawrence were also neighbors to Col. John.<sup>[89]</sup> (See Exhibit 4.)
- Mary Baker was mentioned first of the daughters in the will of her father and received less than her sisters. It is very possible that she was married by 1709 and had previously received her dowry.<sup>[90]</sup>
- This marriage would better explain why Col. John Alston was a witness to Henry Baker Sr.'s power of attorney in 1703. Col. John would have been a son-in-law rather than just a casual witness when he journeyed to the colony general court.
- Col. John had the appropriate social status that would allow him to marry a daughter of Henry Baker Sr.
- Col. John and Henry Baker Jr. were witnesses on documents in Chowan County in 1721 and 1728. Henry Baker Jr. may have been present because of a personal request by Col. John. This last transaction was a slave sale followed by an assignment of the slave to Col. John. It was common in personal transactions to have a trusted relative present.
- Col. John and Henry Baker Jr. were socially connected.
- Col. John was the appraiser on Henry Baker Jr.'s estate. While not mandatory, it was common at the time to have either neighbors or relatives perform appraisals.
- Col. John interacted with the Baker family for at least 40 years.

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<sup>86</sup> *Isle of Wight County, Virginia, Record of Wills, Deeds, Etc. Volume 2, Part 1 1661-1719*, pp. 539-540, Virginia State Archives, Richmond, Virginia microfilm no. [Reel 23]. Mentioning daughter Mary in will.

<sup>87</sup> *Isle of Wight County, Virginia, Wills & Accounts Volume 4 1734-1745*, p. 22, Virginia State Archives, Richmond, Virginia microfilm no. [Reel 24]. Son William was given Mary (Blake) Baker's land in Nansemond County. The remaining estate was distributed equally among all of her living children. Mentioning daughter Mary in will.

<sup>88</sup> *Virginia Patents 1697-1706*, 9:195; FHL microfilm 0,029,326.

<sup>89</sup> Thomas F. Baker, *Buckland Plantation 1670-2014* (Omaha, Nebraska : Wooli Labs LLC, 2014), 16.

<sup>90</sup> Bryan A. Garner, ed., *Black's Law Dictionary* 8<sup>th</sup> Edition (1891; St. Paul, Minnesota: Thompson West, 2004), 530.

- Henry Baker Sr. had eight children. Six of the children's names were used by Col. John Alston and Mary. Four of their eight children have the same names, and two other Baker names were given to Alston grandchildren.

Although Mary Baker, daughter of Henry Baker Sr., is found one other will, this mention provides little or no information on her potential relationship to John Alston. Silvestra (Bennett) Hill<sup>[91]</sup> in her will dated 7 Oct 1706<sup>[92]</sup> gave 550 acres in Isle of Wight County, Virginia<sup>[93]</sup> to Mary (Blake) Baker, wife of Henry Baker Sr., upon Silvestra's death by 9 Jan 1706/1707. Silvestra's will stated that after Mary (Blake) Baker's death, the land was then to go to Mary's daughter Mary. Unfortunately, Mary the daughter does not have a last name mentioned in this will either.

Tracing the ownership of the land could help identify Mary Baker's husband. Unfortunately, there is very little available information about the description of this property.<sup>[94]</sup> No further reference to the property is found in the Isle of Wight County land records through 1780. One possibility is that by the 1714 quit rents this land had ended up in the hands of James Day Jr., the great nephew of Silvestra, who at that time reported owning 1,300 acres of land in Isle of Wight;<sup>[95]</sup> 750 acres descended to him from great-grandfather Edward Bennett through several individuals, while the origin of his other 550 acres is unexplained. The 1714 quit rents list is the only known tax list in Isle of Wight County from 1705 to 1780.

## Summary

There are several points showing that Col. John Alston of Chowan County, North Carolina is both the son of Solomon Alston of Wethersfield, Essex County, England and the John Alston of Surry County.

- The connection between John Alston and Nicholas Pasfield is significant. The will of Phillip Pasfield and the two court cases involving Nicholas Pasfield show the relationships between the Alstons and Pasfields in Essex County, England. Nicholas Pasfield is a Virginia resident for all the documents. The 1693 tithable list supports the relationship between John Alston and Nicholas Pasfield in Virginia.
- John of Wethersfield was christened on 16 Apr 1677 and therefore was first eligible to be a tithable in June, 1693 in Surry County, the same year that John Alston of Surry was shown on the tithable list.
- John Alston had significant relationships with the Baker family and Arthur Davis Jr. in both Surry and Chowan Counties.

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<sup>91</sup> Virginia M. Meyer and John F. Dorman, *Adventurers of Purse and Person Virginia 1607-1624/5*, 3<sup>rd</sup> Edition (1956; reprint, Richmond, Virginia: The Dietz Press, 1987), 112-115.

<sup>92</sup> *Isle of Wight County, Virginia, Record of Wills, Deeds, Etc. Volume 2, Part 1 1661-1719*, pp. 475-476, Virginia State Archives, Richmond, Virginia microfilm no. [Reel 23]. Mentioning Mary the wife of Henry Baker and Mary the daughter of Henry and Mary Baker. The daughter Mary Baker was called a goddaughter in the will.

<sup>93</sup> unknown author, "Isle of Wight County Records," *William and Mary College Quarterly Historical Magazine*, 7 (Apr 1899): 204. This sketch shows where the land is located in Isle of Wight County. The land is referred to as Bennett's Hill.

<sup>94</sup> *Virginia Patents 1661-1666*, 5:27; FHL microfilm 0,029,321. Edward Bennett's 1,500 acre property equally between his daughters Silvestra and Mary on 30 Sep 1664.

<sup>95</sup> John D. Neville, "An Isle of Wight Quitrent Roll, 1714" *The Virginia Magazine of History and Biography*, 87 (Apr 1979): 176. Mentioning James Day.

- There are no overlapping events between the John Alston of Surry and Col. John Alston as shown in Exhibit 3.
- John Alston of Surry County had a grasp of legal matters as did Col. John in his role as a county and colony judge.
- Col. John Alston was called both “Mr.”<sup>[96]</sup> and “esquire” by October 1720.<sup>[97]</sup> Both of these titles show status in the community. Col. John of Chowan County did not have any known relatives in North Carolina that would have earned him the right to this social status. As John Alston, son of Solomon Alston of Essex County, England, he had many titled ancestors as shown in Exhibit 1. This status would have carried over to his life in early North Carolina.
- There are no other Alstons found in land, will, court records, and other documents of surrounding counties for this time period.

Thus the evidence supports the conclusion that John Alston of Wethersfield, Essex, England is the same as Col. John Alston of Chowan County, North Carolina.

As for the maiden name of Mary (---) Alston, a number of circumstantial items point to a marriage between Col. John Alston and Mary Baker, but currently there is no conclusive evidence. It would be nice to declare Mary Baker to be his wife, but unfortunately that cannot be done with certainty at this time.

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<sup>96</sup> *Chowan County, Deed Book W no. 1 1699-1803*, pp. 199, 202-203, FHL microfilm 0,018,487.

<sup>97</sup> *Chowan County, Deed Book F no. 1 1716-1753*, p. 80, FHL microfilm 0,018,490.