

Baynes paper

This paper will present circumstantial evidence to conclude that Frances, the known wife of John Westbrook of Caswell Co, NC, was Frances Baynes, the daughter of John Baynes of Granville Co, NC, Mecklenburg Co, Va and Caswell Co, NC.

Several facts are already known. I have written a paper delineating the strong evidence that John Westbrook of Caswell, NC was the son of Thomas Westbrook and will refer the reader to that paper (“John Westbrook, father of Thomas Westbrook of Caswell County”). Here is a brief summary of that paper, the sources can be referenced there.

- John Westbrook of Caswell Co, NC was the son of Thomas Westbrook of Mecklenburg Co, Va, who was the son of Charles Westbrook of Amelia Co, VA
- John Westbrook had a wife named Frances
- John Westbrook was in the Mecklenburg Co, Va tithables in 1788 and 1790 as were his brothers and father. At that time, there was only one Westbrook family in Mecklenburg and that was the family of Thomas Westbrook
- John Westbrook was born ca 1767 as he became an independent tithable in 1788. For some reason, Mecklenburg Co, before 1788, did not have a category for 16-21 and thus were not listed.
- John Westbrook is lost in the records between the 1790 tithables (usually taken in June) and his Caswell deed in 1794.
- John Westbrook was the first Westbrook in Caswell Co, NC and in it's sister county Person Co, NC
- There were no other Westbrooks in Caswell Co, NC from 1794-1830 unless they were children or grandchildren of John and Frances Westbrook
- John Westbrook and Frances had eight children between 1790-1810...7 boys and 1 girl
- John Westbrook died between 1803-1810 in Caswell. Fanny (as she was known) had the eight kids as the household head in 1810. The last record for John was in 1803 (I have diligently searched the NC Archives in Raleigh and there are no others).
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The following are facts involving Frances.

- Her name was not mentioned in the 1797 sale of John Westbrook to Hastin Bartlett as North Carolina deeds then did not require a dower release
- Her name was not mentioned in the 1800 Caswell census, only John Westbrook and wife, both 26-44, with 6 small boys under ten, which aids in following the family (six consecutive males is unusual)
- In the 1800 Person Co NC census, there were no Westbrooks

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- In the 1810 Person Co census, we learn Frances' name for the first time "Fanny Westbrooks (sic)" with 7 boys and one girl <10. One of the boys is under 10. The ages are consistent with the Caswell family. Caswell and Person counties adjoin and the North Hico and Country Line Creeks, where John Westbrook had his property, are on the border on those two counties.
- In the 1810 Caswell Co NC census, there were no Westbrooks (Fanny had moved just across the county line)
- In the 1820 Person Co census, she is "Mrs. Fanny Westbrook" with 2 boys and 1 girl. Fanny is >45 with no husband
- In the 1830 Caswell census, she is Frances Westbrook with 1 son 20-29 and 1 daughter 20-29...these are likely the 2 children born between 1800-1810. Fanny is 50-59.
- In the 1840 Pittsylvania Co, Va census, Frances' son Pascal has a 70-79 year old woman living with him that matched Fanny. Pascal was the informant at her death in 1854.
- In the 1850 census, Frances appears missing. Have searched high and low and cannot find her. She is not listed with Pascal.
- On February 14, 1854, Frances Westbrook is listed in the Pittsylvania Co, Va death register. Cause of death was "old age". Pascal Westbrook was the informant. Her age was given as 76.

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Now we become acquainted with the John Baynes family and his relationship with Frances "Fanny" Westbrook

- John Baynes was married to Mary Yancey, the daughter of James Yancey of Granville Co, NC

*Abstracts of Early Deeds of Granville Co., NC by Gwynn*  
*Book C, p. 220 - 25 Feb 1757 - James Yancey of Granville Co. to Mary Baynes, wife of John Baynes, 110 acres in Granville Co. on Jonathan's Creek. No witnesses. "On the 25th of February 1757, I the said James Yancey for divers and good causes and good considerations in moving thereunto but the more especially for the good fatherly love that I bear to Mary Baynes, the lawful wife of the above-said John Baynes, I do freely give one certain tract or parcel of land containing one hundred and four acres bounded as follows . . . "*

- James Yancey died in Granville Co, NC in 1779 and left a will (Granville Co WB 1: 252). In the will, he put up his slaves to be auctioned to the highest bidder. The only negro slave sold from that auction was Judy to John Baynes. Judy was with Baynes all of his life, on every tax list, and past his death was sold to his son in law, Benjamin Jones. John Baynes Junr bought a snuff bottle from the Yancey estate for 1/7.
- Mary Yancey Baynes had a brother named Thornton Yancey and named a son Thornton Baynes

*Abstracts of Early Deeds of Granville Co., NC by Gwynn*

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*Book D, p. 146 - 4 Feb 1761 - James Yancey to Thornton Yancey for 10 pounds land on Jonathan's Creek. Part of tract bought from Robert Jones 6 Mar 1755 Granville Co., NC. Witness: John Baynes.*

- In 1780, after purchasing a negro girl from his father in law's Granville estate, John Baynes buys land in Mecklenburg Co, VA on Beech Creek. Beech Creek is in southwestern Mecklenburg on the Granville, NC-Mecklenburg border. Beech Creek is a Grassy Creek tributary, the latter's headwaters are in Granville and it's mouth in Mecklenburg in the Roanoke River.

*John Baynes bought 200 acres from Howell Taylor, part of 2500 acres Howell received from his father on Beech Creek. Mecklenburg DB 6: 27*

- The Yanceys were along Beech Creek. Here is an excerpt from the 1768 will of Richard Yancey (Mecklenburg WB 1: 349)

*"In the name of God, I Richard Yancey of the county [of] Mecklenburg in the Colony of Virginia... I give and bequeath in like manner unto my son William Yancey 200 acres of land be the same more or less whereon he now lives - beginning on the south side of Beech Creek in the province of North Carolina and County of Granville opposite to a mouth of a small branch which makes into the said creek on the North side, thence running South to my back line ..."*

- The Thomas Westbrook family, of which John Westbrook was a son, were in Mecklenburg Va as early as 1771

*Mecklenburg DB 5: 522*

*November 50, 1771*

*James Freeman of Mecklenburg to Thomas Westbrook of Amelia County*

*145 pounds*

*260 acres in Mecklenburg on the upper side of Butcher's Creek being part of a larger tract that belonged to Col. Lewis Burwell...beg at a Spanish Oak on Butcher's Creek, thence along John Westbrook's line...*

*Signed: James Freeman*

*Wit: John Westbrook, William Murphy, James Westbrook*

*Livery and seizin April 15, 1772*

*This property was sold to James Overbee in 1774*

*Mecklenburg DB 4: 458*

*Aug 14, 1775*

*George Tureman of Mecklenburg to Thomas Westbrook of same County*

*120 pounds*

*200 acres in Mecklenburg ..Beginning on Linton's corner white oak on Blaxton's [Blackstone's] Creek..Bilbo's corner..Whitehead's corner*

*[all of these creeks..Butcher's, Blaxton's (Blackstone) , later Allen's Creek, where Thomas Westbrook had property are all very close to each other; Staunton/Roanoke River tribs]*

*Signed: George Tureman*

*Wit: none*

*livery and seizin Aug 14, 1775*

*no dower release*

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*This is the property on which John Westbrook was raised, about 20 miles as the crow flies, to Beech Creek, the home of the Baynes and Yanceys.*

- John Baynes is mentioned, with slave Judy, in virtually all Mecklenburg tithables from 1782-1814. The only exception is the years 1810 and 1811 when he appears in Caswell Co, NC

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**We now must taken a long sidebar into the evidence that two Baynes sister married two Westbrook brothers. This will take some time and much brain teasing. Here are a few facts:**

Fact 1: As previously mentioned, John Baynes married a Yancey, who had a brother named Thornton. John Baynes named a son Phillip. These names, Thornton, Yancey and Phillip are essential in making a circumstantial case (that's all we have) to give evidence to my aforementioned contention.

Fact 2: Joshua Westbrook had a son named James Yancey Westbrook who died in Mecklenburg, Va in ca June, 1815

*Mecklenburg, Va testator's index, Mecklenburg Fiduciary Book, Partial List of Testators 1765-1850, Joshua Westbrook was given administration of the estate of James Y. Westbrook {the middle initial "Y" can only be Yancey}, Archibald Green was security, the bond amount was only \$500, the sort of amount one might see with a young person. Only 21 year olds were considered owners of an estate, thus James Yancey Westbrook, named for his paternal grandfather, was likely born before 1794.*

Fact 3: In the 1830 census, two young men in Caswell Co, NC, both near the same age, and both married with young families, were present. One was referred to as Yancey Westbrook, the other as Yancey Westbrook Jr. Since yancey is a distinctive name in the Baynes-Yancey family, it should be considered evidence that two Westbrooks married girls with Yancey connections.

Fact 4: Two Yancey Westbrooks married in Caswell Co, NC in 1823 and 1825 respectively. They appear to be first cousins.

*1825 Dec 31-Yancey Westbrook married Jane Coile  
1825 Jan 25-Yancey Westbrook married Jemima Chamberlain*

Fact 5: John Baynes (and thus Mary Yancey Baynes) gave his son in law, Joshua Westbrook, a slave girl named Gill in 1808 (see below). This is strong evidence that Joshua Westbrook, whose mother in law was Mary Yancey, and has already has a son

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named James Yancey Westbrook d. 1815, is a strong candidate to have named a son Yancey Westbrook

Fact 6: In 1822, Alfred Westbrook and Yancey Westbrook were debtors in the estate of Thomas Slade in Caswell Co, NC. Alfred Westbrook was the son of John Westbrook, the deceased brother of Joshua. It seems likely that these two young men were brothers, and thus gives evidence that John and Frances {Baynes} Westbrook also named a son Yancey.

Fact 7: James Westbrook, the son of John and Frances Westbrook, named a son Yancey Westbrook, who died in the service of the Confederacy ca 1863, Co A, 38th Va Infantry. Like brother Alfred, James named a daughter Frances, for his mother Frances {Baynes}. **This is very strong evidence that John Westbrook had Yancey connections.**

Fact 8: Separating/segregating these two Yancey Westbrooks, one as the son of Joshua and unknown Baynes and the other as the son of John and Frances Baynes, with limited documents, has been very difficult.

1. In the 1850 census, Yancey Jr is living next to three Coile families in Caswell. Physically, this Yancey was living much closer to Fanny Westbrooks than the other Yancey. The other Yancey Westbrook was physically closer to Joshua Westbrook, who was now a widower.
2. In the 1840 census, a Westbrook, indexed Henry Welcock or Westbrook, appears to be Yancey, and has 4 boys and 2 girls..the other is missing.
3. In the 1850 census, we find the Yancey married to Jane Coil in Iowa. 1850 Iowa (Keokuk, District 26) Yancey (49) living with Jane (52)...states Jane was born in N.C., Yancey born in Va. Westbrook (52) Martha Westbrook age 18
4. The other Yancey Westbrook (married to Chamberlain) is absent in the 1850 census and may have died.
5. The fact that Yancey Jr, who married Jane Coil, and moved to Iowa was called "Jr" indicated that he was younger than Yancey Westbrook who married Jemima Chamberlain. For what its worth, Joshua Westbrook was several years older than John.

*My analysis here (cannot prove, just a sad case of limited data) is that weak circumstantial evidence suggests that Yancey Westbrook who married Jemima Chamberlain was the likely son of Joshua Westbrook, and may have died after 1840. Yancey Westbrook, Jr and Jane Coil moved briefly to East Tennessee and then along the Mississippi River in Iowa by 1850, and was the likely son of John and Frances Westbrook. Yancey died between 1850-60 and Jane Coil Westbrook lived with her daughter Martha Emeline and her husband Robert Hightower in 1860. Martha died in July, 1866 and Jane died between 1860-70.*

*Yancey and Jane Coil had a son named William W. Westbrook, a wild character, who lived to be 94 years old and died in South Dakota in 1919. His death certificate give his parents as Yancey Westbrook and Jane Coil. Wild William had a son named Alfred, a name that seems to be a marker for John Westbrook's family. Thus, this is another piece of evidence that the Yancey*

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*Westbrook who married Jane Coil was the son of John and Frances Westbrook and a brother of Alfred Westbrook of Caswell (the two are shown together below on an 1822 Caswell document)*

*Inventory, judgements and executions in favor of Thomas Slade {dec'd} on: Yancey Westbrooks, Richard Burch, William Watson, Sarah Scott, Aquila Compton, Alfred Westbrooks... Caswell Co Will Books 1814-1845 (Katharine Kerr Kendall) October Court 1822 p152 (the fact that judgements on the estate of Slade against Yancey and Alfred, brothers, likely for debt, assumes they were 21 in 1811)*

Fact 9: Thus, John and Frances Westbrook appear to have named a son Yancey Westbrook, Jr in Caswell

Fact 10: From the tithables, John Baynes and Mary had proven sons (mentioned as such) John Baynes Junr, Phillip Baynes and Thornton Baynes. He may have had another son, James Yancey Baynes, mentioned in the 1790 Mecklenburg personal property taxes, who was never again listed and may have died. All would be eventually mentioned in Caswell Co, NC

look this up

Fact 11: Joshua Westbrook appears to have a son named Thornton Westbrook, another marker for the Yancey/Baynes clan, just another confirmation of the Yancey-Baynes association. No document has been found that proves that this Thornton was Joshua's son, but circumstantial evidence is good.

Thornton named a son Phillip, for his uncle Phillip Baynes. Joshua also had a daughter Margaret ("Peggy") who married Simeon Lea in Caswell in 1822. Thornton Westbrook named a daughter Margaret. Knowing that John and Frances Westbrook had strong Yancey ties, one might ask whether Thornton might be a son of John and Frances. However, all seven sons of John and Frances have been accounted for, leaving Joshua as the only other Mecklenburg Westbrook with Yancey ties. And, Thornton named a daughter for his aunt Peggy, Joshua's daughter.

Fact 12: There is circumstantial evidence that the only daughter of John and Frances Westbrook of Caswell was named Frances

*On October 29, 1828, in Caswell, a marriage bond was registered between Frances Westbrooks and James Webster. Again, there was only a single Westbrook family in Caswell at that time and that family were all descendants/children of John and Frances. James and Frances Webster seem to disappear after their marriage, and in 1850, Fanny Westbrook has a 20-29 year old female on her list...she may already have been a widow. Another James and Frances Webster in Chatham Co, NC is a different family.*

Fact 12: John Baynes had a proven granddaughter named Frances (to follow)

Fact 13: No other granddaughters of John Baynes named Frances have yet surfaced in documents other than the possibility that Frances Westbrook in Caswell was his granddaughter referred to in the to follow document.

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Fact 14: John Baynes was in the happy habit of giving gift deeds to his children, grandchildren and relations. Frances Westbrook, the wife of John Westbrook and granddaughter Frances were several of them. Read the following full documents:

Granddaughters Frances, Ann and Elizabeth, Mecklenburg, 1809

*Mecklenburg Co. VA DB 14: 176*

*11 Sep 1809 Deeds of Gift: In consideration of the natural love and affection for my Grand daughters...For the sum of 1 dollar; I John Baynes do deed Frances - 4 heads of hogs and one red cow, Ann - 1 red beifer + 1 feather bed + furniture, Elizabeth - 1 bay filly 5 years old [signed] John Baynes Wit: Sterling Yancey, Thornton Puryear --*

Phillip Baynes, Mecklenburg, 1797

*19 Jul 1797 Bill of Sale - "For consideration of one bay horse of value 14 pounds Virginia I John Baynes to Phillip Baynes of said county...1 negro boy 5 years old Named Squire...1 feather bed & furniture...19th July 1797" [signed] John Baynes Wit: William White, Jeconias Yancey, Thornton Yancey Jr., Benjamin Jones Benjamin Jones, Haburn Miles. "This Bill of Sale was proved by the oaths of Thornton Yancey Sr. and Haburn Miles." -- Mecklenburg Co., VA Deed Bk. 9, pg. 426-427*

Thornton Baynes, Caswell, 1802

*Mecklenburg DB 11: 258*

*1802 March 26*

*26 Mar 1802 Deed - "Know all Men by these presents that I John Baynes of Mecklenburg County and Commonwealth of Virginia for and in consideration of the natural love and affection which I have + bear to my son Thornton Baynes of Caswell County and State of North Carolina and also for other good causes and considerations me thereunto moving have given and granted and by these Presents do give grant and confirm unto the said Thornton Baynes a certain Negro Girl by name Peggy her + bodily increase forever to him his heirs Executors Administrators and Assigns to his + their own Proper use and uses forever and I the said John Baynes do and will warrant and forever defend the Right and title of the said Negro Slave against the Claim or Claims of any other Person or persons claiming or to claim whatsoever.*

*In witness whereof I have hereunto set my hand and affixed my seal this 26th day of March one thousand Eight hundred and two. [John Baynes Sen (LS)]*

*Signed, Sealed + Delivered In Presence of ...James Greenwood, Robert Chandler, William White -*

***Thornton Baynes was in the 1810 Caswell census with a wife and 6 small children and thus lived near John and Frances Westbrook***

Joshua Westbrook, Mecklenburg, 1803

*Mecklenburg DB 11: 494*

*1805 Oct 15*

*This indenture made this 15th day of October 1805 Between John Baynes Sen. of Mecklenburg County in Virginia of the one part and Joshua Westbrook of the County & State aforesaid of the other part Witnesseth that for in consideration of the fatherly love & affection which I bear to **my son in law Joshua Westbrook** I have given and do by these Presents give to the said Westbrook one Negro Girl named Gill and her Increase to him and his heirs forever and will forever Warrant and Defend the rite of the said Negro and her Increase to the said Joshua Westbrook and his*

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beirs against the Claim or Claims of any Person or Persons whatsoever Given under my hand and seal the day e<sup>s</sup> date above mentioned. Signed: John Baynes Signed e<sup>s</sup> Sealed in Presence of

... John Baynes Jun., Elsworth Baynes.

At a Court held for Mecklenburg County the 12th day of December 1805 - This Deed poll of Gift was proved by the Oath of Elsworth Baynes a witness thereto and at a Court held for the same County the 9th day of January 1804 the said Deed Poll of Gift was further proved by the Oath of John Baynes Jun. another witness thereto and ordered to be Recorded. Test: William Baskerville

Frances Westbrook, Caswell, 1810

Caswell Co DB Q: 225

1810 Sept 4

To all to whom these present writing I John Banes (sic) of the County of Caswell for and in consideration of the sum of one negro boy named Ned which the John Banes (sic) do own/owe and am in (sic) unto Francis (sic) Westbrook of the said County have given granted and sold confirmed unto said Francis (sic) Westbrook all and singular One contained e<sup>s</sup> Sprfired ? in her to have and to hold to the aforesaid Francis Westbrook her executors and assignees her own property and her one property with out any clame (sic) of me John Baynes or of any other person and for her know that I the said John Baynes have put the said Francis (sic) Westbrook in full possession of this negro boy as witness my hand and seal

This 4th Day of September 1810

John Baynes (seal)

(Wit) Paskell (X) Westbrook, Anthony Stephens

State of North Carolina

Caswell county

January Court, 1811

The execution of this Deed of Gift was duly proven in open court by the oath of Anthony Stephens, one of the subscribing witnesses thereto and on motion Ordered to be registered.

Test A. Murphy C.C.

From these five documents, we know (some repetition here):

1. John Baynes had a close relationship with Frances Westbrook of Caswell
2. John Baynes had a son in law named Joshua Westbrooks (proven brother in law to Frances Westbrook of Caswell)
3. John Baynes briefly moved to Caswell NC  
*In 1809, November, John Baynes sold Edward Clark 100 acres in Mecklenburg Co, Va. Four months later, in his deed to Frances Westbrook, he is listed as "John Baynes of Caswell Co, NC". He is initially listed in the 1810 Person Co census, but his name is then scratched through. His sons Phillip, Joshua, Thornton are in the 1810 Caswell census. Again, Frances Westbrook is there also with her eight children, widowed from John Westbrook. There tax records from Caswell are destroyed, but I have to assume he was there in 1811 also.*
4. John Baynes son Thornton Baynes was living in Caswell, NC in 1802 (along the North Hico where Frances Westbrook and husband John were living)

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I can only conclude from a large body of evidence, some good, and some weak, that John Baynes and Mary Yancey were the in laws of brothers John and Joshua

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Westbrook, that each named a son Yancey (who were first cousins) that lived in Caswell Co, NC, and that John married Frances Baynes and Joshua married an unnamed Baynes. Thus John Baynes and Mary Yancey (as well as her father James Yancey) are the ancestors of the descendants of John and Joshua Westbrook of Mecklenburg, Va and Person and Caswell Counties, NC.

I tried to keep this summary readable, and although most statements here are sourced, some are not. When this paper is put together in a larger framework, I will source these few statements.

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