

water. Temporary repair materials include peel-and-stick flashing, sealant and polyurethane foam.

- Remove loose bricks from the top course if required. Label bricks and store on a pallet in a secure area.

West Chimney at North Wall

The chimney on the north wall of the main house is exposed at the second floor and goes down through the attic of the one-story wing. The denticulated cornice is similar to the interior chimney to the east; however, instead of a recessed panel, this chimney exhibits diamond patterns on the east and west faces. Like the other chimneys, the flashing is minimal and supplemented by aluminized-asphalt paint. The mortar joints are much deteriorated, to the extent that daylight can be seen through the mortar joints in several areas. In the attic over the one-story wing, the extensive deterioration of the brickwork can be seen.

Recommendations

The mortar joints are deteriorated to the extent that the chimney is at risk of collapsing should it be subject to high winds. The collapse of the chimney would seriously damage the one-story roof structure as well as the rooms underneath. The following options are presented as conceptual solutions, and would require additional specifications to implement.

Option A: Stabilization

- Cut Styrofoam insulation board to fit all four faces of chimney.
- Cut pressure treated plywood to fit chimney plus thickness of insulation.
- Secure plywood to chimney using horizontal 2x4 framing every 4 feet.
- Brace plywood and frame assembly to upper roof deck with diagonal framing. Install brackets at frame assembly to wall framing.
- Fabricate and install metal coping to overlap top of plywood.
- Repair areas of flashing where metal is separated from brick and can let in water. Temporary repair materials include peel-and-stick flashing, sealant and polyurethane foam.

Option B: Selective Demolition

- Document number of exposed brick courses from roofline and between brick detailing.
- Measure and sketch detailing such as projecting patterns and cornice. Include any special shaped brick.
- Carefully dismantle chimney to below roof of one-story wing. Label bricks and store on a pallet in a secure area.
- Patch holes in roofs with plywood. Install roll roofing to overlap metal shingles.
- Cover hole in wall using plywood screwed to existing framing. Install membrane lapped over siding.

ROOF

On the upper roof, the roofing material is interlocking, galvanized steel shingles with a rolled metal ridge cap. In various patterns and configurations, this material was popular from the 1880s through the 1920s. The date of this roof has not been determined. From the attic, the use of irregular, random-width skip sheathing suggests that the original roof material may have been wood shingles. The evidence for this has needs to be confirmed. On the one-story kitchen wing, the roofing is a three-tab asphalt shingle of unknown date. From the attic, the underside of the earlier metal shingles can be seen.

Except for areas of uplift where the shingle nails have pulled out, the metal shingles appear to be in fair condition. The roof has had multiple coatings of aluminized asphalt paint. The asphalt shingle roof is very weathered, but appears to be intact.

Recommendations

Except for areas of flashing at chimneys and at valleys and ridges, the roof should not require much attention to stabilize. Valley flashing should be inspected for any separation, splits, or pinholes. If necessary, line the valleys with a peel-and-stick flashing cut to full width of the valley. Ridge flashing should be re-fastened with washered roofing nails where required. Where necessary, seams can be covered with peel-and-stick flashing. Refer to section on Chimneys for discussion on flashing repair.

SECURITY AND FIRE SAFETY

Given the remote location of the property, it is recommended that the house be secured against entry and vandalism.

Recommendation – Secure Windows

Ideally, every window should be secured against entry. For each window opening, provide a security panel at the lower sash. If desired, the security panel can be made to fit the entire window; the method can also be used to secure secondary doorways. The design for this security panel eliminates the need for multiple fasteners which can damage the casing. The method of attachment prevents easy removal from the exterior.

- Raise the lower sash fully.
- Cut $\frac{3}{4}$ " exterior grade plywood to fit the sash opening, plus at least 2 inches of overlap at the casing each side.
- Cut two 2x4 interior horizontal braces the width of the sash opening plus at least 2 inches of overlap at each side. For doorways, use three braces.
- Compress the plywood against the exterior casing and fasten to the interior braces using two galvanized carriage bolts fastened through each brace. The interior braces will bear against the interior casing and clamp the plywood in place without the need for screws or nails.
- Provide blocking along the top edge of the plywood to support flashing turned up under the upper sash.
- Paint the exterior face of the plywood a dark gray to protect from weathering and to minimize visual impact.

Recommendation – Security System

In addition to physical security, the house should be fitted with a wireless

security & fire alarm system. The system would include a monitoring contract.

Recommendation – Fire Safety

Electrical service is currently turned on to the house. Given the age of and probable modifications to the wiring, it is highly recommended that the service be cut off. For temporary lighting, power and security/fire alarm system, a temporary power/telephone pole should be installed away from the house.

VENTILATION

The house has been closed up without ventilation for an undetermined length of time. The lack of ventilation contributes to the growth of mold and mildew and is damaging to finishes.

Recommendations

One secured window in each room should be selected to provide cross ventilation throughout the house.

- Install one 8"x16" louvered and screened foundation vent in one of the security panels in each room. Install sealant around vent.
- Optional: Provide a commercial-grade window fan in the window at the 2nd floor stair hall to provide additional ventilation when required. Fan can be connected to a humidistat for automatic operation.

End of report text. Refer to Photographs on following pages.

PHOTOGRAPHS



Figure 1 – View of house from southeast.



Figure 2 – View of house from north.



Figure 3 – Typical brick corner pier. Condition of mortar varies with pier location.



Figure 4 – View of crawl space. Additional support of floor framing includes stacked, unmortared stones and concrete masonry units. Debris is typical throughout crawlspace.



Figure 5 – Collapsed and decayed section of porch roof at west end of porch. Floor below is substantially decayed and partially collapsed.



Figure 6 – Hole in porch roof at east end of porch.



Figure 7 – Collapsed and decayed section of porch floor below hole in roof in Figure 6.



Figure 8 –Exterior wall framing exposed at area of collapsed porch roof. Note the absence of siding, as compared to the porte cochere extension where the siding was covered over by the porch roof construction.

Figure 9 – East chimney at intersection of main roof ridges. Note deterioration of mortar, some spalling of brick, loose bricks at cornice, poor condition of flashing. Brick exhibits remnants of red paint or stain.



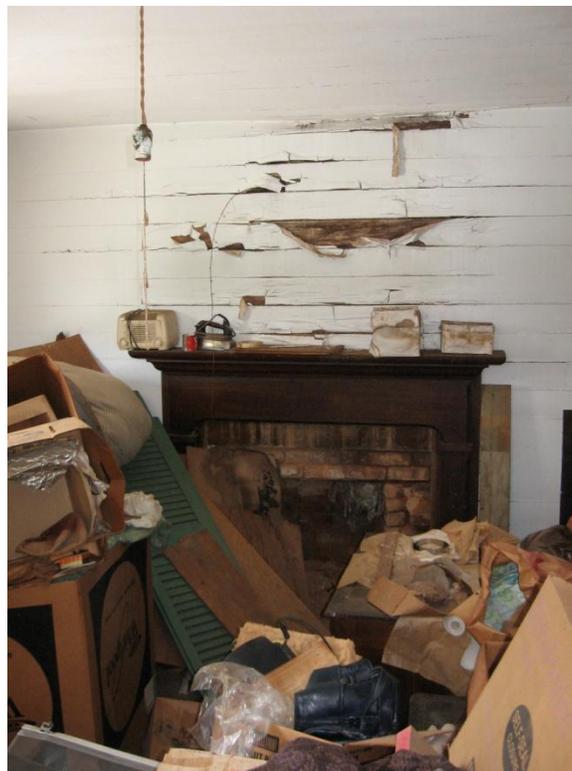
Figure 10 – West chimney at north wall projects through attic of kitchen wing (Figure 11). Mortar joints are extremely deteriorated, with several loose bricks along the cornice. Step cracks have developed in chimney. Deteriorated condition of mortar and flashing has allowed a substantial amount of water to penetrated into the roof, ceiling and wall framing, and accounts for most of the visible interior damage (Figure 12)



Figure 11 – East face of west chimney viewed from attic of kitchen wing. Note deterioration of mortar even in enclosed attic, missing and spalled bricks, and decay at roof sheathing.



Figure 12 – Damage to interior paneling at north wall of west bedroom, 2nd floor. Related damage is also evident at north wall of room directly below.



TO: Michael Hill, Supervisor, Research Branch
David Brook, Director, Division of Historical Resources

FROM: Josh Howard, Research Historian

SUBJECT: Biggerstaff Old Fields and Hanging Site Research Report

Biggerstaff Old Fields and Hanging Site Research Report

On October 13-14, 1780, seven days after the battle of King's Mountain, Patriot forces led by Colonels Isaac Shelby and William Campbell camped on a tract of land in Rutherford County with Loyalist prisoners taken in the engagement. In *King's Mountain and Its Heroes*, Lyman Draper liberally quoted Loyalist officer Anthony Allaire as stating the troops marched "five or six miles northeast of Walker's to Biggerstaff's, or Biggerstaff's Old Fields, since known as Red Chimneys, where a stack of chimneys long stood after the house had decayed and been demolished. This locality is on Robertson's Creek, some nine miles north-east of the present village of Rutherfordton." Draper, an archivist and historian, traveled the south in the 1840s to interview veterans of the American Revolution and their children.¹

The Old Fields belonged to Aaron Biggerstaff, a Loyalist officer mortally wounded at King's Mountain while serving with Lt. Col. James Moore's Royal North Carolina Provincials in Lt. Col. Patrick Ferguson's expeditionary force. Fighting in the backcountry of North Carolina and South Carolina, as well as in Georgia, between Loyalist and Whig forces was extremely bloody and unmerciful. Contemporary accounts document a variety of executions, atrocities and murders that took place in the region

¹ The most thorough discussion of these events is found in Lyman C. Draper, *Kings Mountain and Its Heroes* (1881), 328-346; Draper cites Allaire on p. 328, and includes as an appendix his diary (pages 484-515). Allaire's journal bears a striking resemblance to the diary of fellow Loyalist Uzal Johnson, who was also present at Biggerstaff's. That account has been transcribed and published by Bobby Gilmer Moss in *Uzal Johnson: Loyalist Surgeon: A Revolutionary War Diary* (Blacksburg, S.C., 2000) According to Paul Carson, Superintendent of the Overmountain Victory Trail, National Park Service, the similarities and outright copies in sentence and paragraph structure in both narratives derives from the two men having been tent mates. He and other historians, including Moss, believe that Johnson and Allaire most likely looked over each other's work and made copies. Carson points out that soldiers in the eighteenth century may have kept such journals in that fashion not to represent their feelings at that moment, but instead to keep a record of events for future reports to higher ranking officers. It also must be noted here that Alexander Chesney, the other Loyalist participant whose memoir of the events exists, says that the trial and executions actually took place "At Gilbert Town." Bobby G. Moss and E. Alfred Jones, eds., *Journal of Captain Alexander Chesney: Adjutant to Major Patrick Ferguson* (Blacksburg, S.C., 2002)

during 1780-1781. At their encampment on Biggerstaff's land, several Patriot officers chose to make an example of their Loyalist prisoners in retribution for atrocities committed by Loyalists at Ninety-Six in South Carolina. Isaac Shelby claimed that when his men reached Gilbert Town they received word "from a paroled officer, that he had seen eleven patriots hung at Ninety Six a few days before, for being rebels." Enraged and intent on retaliation, Shelby called for a copy of the North Carolina statutes to be obtained from Gilbert Town. He then authorized a trial using the North Carolina law that "provided capital punishment to anyone found guilty of murder, arson, house-breaking, riots, and other criminal offenses."²

The actual number of Tories convicted by Shelby's court is unknown. Alexander Chesney put the figure at 24; Uzul Johnson and Anthony Allaire put the number at 30; William Lenoir and Robert Campbell said 32; Isaac Shelby 36; Thomas Maxwell and David Campbell 39. Nine men were executed (Chesney says 10), three hanging at a time from the branches of a tree later known as the Gallows Oak: Colonel Ambrose Mills, Captain James Chitwood, Captain Walter Gilkey, John McFall, John Bibby, Augustine Hobbs, a Captain Grimes, Captain Wilson, and Lieutenant Lafferty. Rutherford County historian Clarence Griffin claimed that Mills, "a man of good reputation" was charged with instigating Cherokees on the Georgia frontier, Gilkey for insulting and shooting a small boy, and Chitwood for murder. Captain Wilson was reportedly from Ninety-Six, and thus may have taken part in the Whig executions. When McFall's case was presented, Major Joseph McDowell stood in his defense, but Col. Benjamin Cleveland, who was one of the two presiding judges, refused to grant McFall leniency. Draper commented, "So far as the evidence goes, Colonel Cleveland was probably more active and determined than any other officer in bringing about these severe measures." However, McDowell saved the life of John McFall's brother Arthur, stating that he had known him all his life as a good man.³

² Isaac Shelby, *American Review* (December 1848), cited in Draper, *Kings Mountain*, 331-332. Draper includes the entire Shelby account on 540-546.

³ Letter reportedly written by Anthony Allaire, January 30, 1781, published in *Rivington's Royal Gazette* (New York), Feb. 24, 1781, cited in Draper, *Kings Mountain*, 516-517; Bobby G. Moss and E. Alfred Jones, eds., *Journal of Captain Alexander Chesney*; William Lenoir, "Battle of King's Mountain," cited in Draper, *Kings Mountain*, 551-554; Draper's citations for these figures and others are on 334 of *Kings Mountain*. He also gives the accounts of Maxwell and Campbell on 535-530, 589-590. Oddly enough, although he attributes Maxwell as the source of one "condemned" figure, his version of Maxwell's account

The executions took place quite quickly and without much ceremony. The Tories apparently were divided into sets of three, then hanged from the tree most likely using some form of bench for the men to stand on that would be kicked out from under them after the nooses had been tied around their necks. The Patriots evidently intended on leaving the bodies swinging since the nine who were executed were cut down only after the hangings ended. Allaire noted, “Mills, Wilson and Chitwood died like Romans.” Georgian Whig Patrick Carr, who was present, reportedly exclaimed, “Would to God every tree in the wilderness bore such fruit as that!”⁴

The executions ended shortly after they began; however, exactly why remains unclear. In the version of events told to Draper by veterans John Spelts and Benjamin Starritt, Isaac Baldwin, a condemned Burke County Tory, stood waiting to be executed when his younger brother (also a prisoner) approached weeping and embraced him. While doing so, the young lad managed to cut his brother’s restraints, and Baldwin darted into the surrounding forest. According to Spelts and Starritt, the Patriots called off the executions because of the lamentations of Baldwin’s young brother. The major problem with this story is that Benjamin Starritt was a private in Lee’s Legion, and would not have been present at the Old Fields’ hangings. John Spelts served with Captain Sevier’s company in Col. Shelby’s battalion. His 1832 pension application states “The Tories when nine were hung on one *pole* the third day after the battle at the mouth of Cain Creek – the Tories hung at the mouth of Cain Creek were taken prisoner at the battle of King’s Mountain.”⁵

Isaac Shelby’s version of the hangings states that he stopped the executions “as three more were tied, ready to be swung off.” Shelby mentions nothing about Baldwin’s escape claiming, “The three men who supposed they had seen their last hour, were

cited on 589-590 says nothing about the hangings. I have not determined where he received the information, as the only Thomas Maxwell I have identified as having taken a pension after the war was a man who served in Lee’s Legion and in Bland’s Regiment of Continental Dragoons.

⁴ Allaire, cited in Draper, *Kings Mountain*, 510-511; Uzal Johnson’s account of the hangings is practically identical. It is found in Bobby Gilmer Moss, ed., *Uzal Johnson*, 77; Patrick Carr’s comment is cited to “J. L. Gray’s MS. Narrative,” derived from James Gray, one of the King’s Mountain men, Draper, 316, 341; I can identify two James Grays who fought at King’s Mountain, one under Cleveland and the other under Campbell. Neither states anything about Patrick Carr in their pensions. James Gray pension, Sept. 10, 1831, M805, Roll 372, and James Gray pension, June 7, 1832, M805, Roll 372.

⁵ John Spelts’s and Benjamin Starritt’s accounts cited in Draper, *Kings Mountain*, 340-342; John Spelts pension, Sept. 14, 1837, M805, Roll 760, The only record for Benjamin Starritt I can locate is a notation for Benjain Starritt, a private in Lee’s Legion, on M805, Roll 767.

untied.” Benjamin Sharp, a Virginia rifleman under Campbell, told Draper “a court was detailed, after which nine were hung, the rest were reprieved by the commanding officer.” Sharp’s 1833 pension application gives no further details on the hangings. Governor David Campbell, whose father John was a lieutenant serving in Colonel William Campbell’s regiment, told Draper that “Thirty were pardoned by the commanding officer.”⁶

Another version claims that the Patriots quit the executions in haste because of a rumor that Banastre Tarleton was nearby. Lewis Wolff, a North Carolinian who was present, claimed in his 1833 pension application that, “We encamped that night on the battlefield after hanging nine Tories & next morning at day break with all speed with the prisoners to keep clear of Tarleton’s dragoons who were not far in our rear till we reached Bethabara with the prisoners.” Wolff’s account, despite the erroneous reference to camping on the Kings Mountain battlefield, seems to support this version of events. Shelby stated that they learned of Tarleton’s coming only after the executions had been stopped. His account relates that one of the Tories he had spared approached him at “two o’clock that night” and told him that Tarleton had been dispatched from Cornwallis’s main army to aid Ferguson, and that the British Legion would soon be on the heels of Campbell and Shelby. Whether or not the report was accurate, the Patriots took the threat seriously. Allaire’s diary states the column marched at 5:00 am the following morning for the Moravian Towns.⁷

Lyman Draper stated that, after the hanging, “Martha Biggerstaff, the wife of Captain Aaron Biggerstaff” cut the Loyalist corpses down and buried them. While Martha Biggerstaff may have helped move the bodies to their burial place, she was not Aaron’s wife, but his sister. However the situation may be that it was indeed Aaron’s wife, Mary, who buried the bodies and Draper simply confused the two women’s names. Citing the Draper manuscripts, Rutherford County historian Clarence Griffin postulated that “Eight of them were buried in a shallow trench, some two feet deep, while the

⁶ Shelby, Sharp, and Campbell are all cited in Draper, *Kings Mountain*, 342-343; Benjamin Sharp pension, May 7, 1833, M805, Roll 728.

⁷ Lewis Wolfe pension, Feb. 6, 1833, M805, Roll 883; Shelby and Allaire are both cited in Draper, 344. Johnson’s diary account agrees with Allaires, Moss, ed., *Uzal Johnson*, 78. Both Allaire and Johnson relate that on Oct. 18, a man who had been wounded attempting to escape the previous evening was hanged.

remains of Capt. Chitwood were conveyed by some of his friends half a mile away to Benjamin Biggerstaff's, where they were interred on a hill still used as a graveyard."⁸

In a February 16, 1881 letter to Lyman Draper, William L. Twitty related the story of Samuel Biggerstaff, Jr., the grandson of Benjamin Biggerstaff, who provided an analysis of the burial as provided to him by his father Samuel, Sr., who had been present at the funeral as a child. He corrected an erroneous account given by his cousin Kitchen Biggerstaff that Chitwood's body had been carried on a piece of chestnut bark to the burial spot, telling Draper that "that bark could not have been taken off in October besides he has often seen the plank upon which Chitwood was carried and that plank had been shown him by his grandmother Mary Biggerstaff and his father Samuel Biggerstaff, son of his grandfather Benjamin Biggerstaff, who was present at the burial." He continued, "his father told him it was raining the day of the burial and that the sockets of the eyes were filled with water the face being turned up and that he was [illegible] by the appearance of the corpse."⁹

In 1782, confiscation proceedings began against Aaron's widow Mary for the land that she owned. However, the judge ruled that the trial should be postponed to the next meeting of the court and that until then Mary remain in ownership of whatever property she had. Apparently she was pardoned, as there is no further record of there being an actual confiscation, and Mary still lived on the land in 1785. Ironically, in 1786 she was paid \$100 for feeding and sheltering Shelby and Campbell's troops during their stay in October 1780. Shortly thereafter, the majority of the Biggerstaff clan, including Aaron's wife Mary, moved to Muhlenberg County, Kentucky. Aaron's sister Martha sold the 150 acres she gained from Aaron and Mary in 1803 to James McConnell.¹⁰

The burial spot of the Tories remained undisturbed until "about 1855" when roadwork in the area accidentally exhumed their graves. Only four bodies were unearthed, the bones mostly crumbling on exposure. Draper's sources claimed that several personal items were found including "a butcher knife, a small brass chain about

⁸ Draper, *Kings Mountain*, 344-345; Information on Aaron Biggerstaff's family can be found in R. K. Babington, "History of the Biggerstaff Family of Rutherford County," *The Sun* (Rutherfordton), various portions published from Nov. 1923 to Feb. 1924, and Ralph Biggerstaff and Miles Philbeck, Jr., *Biggerstaff* (1981).

⁹ Draper Manuscripts, State Historical Society of Wisconsin (Madison, Wisconsin) Vol. 7, DD series, Folio 109. Hereafter cited as Draper Manuscripts, followed by volume, series, and folio identifiers.

¹⁰ Biggerstaff, *Biggerstaff*, 11-15.

five inches in length, evidently used in attaching a powder-horn to a shot-bag, a thumb lancet, a large musket flint, a goose-quill, with a wooden stopper, in which were three or four brass pins. These items, save the knife, and a portion of the pins, are preserved by M. O. Dickerson, Esq. Of Rutherfordton.” A July 17, 1880 letter from M. O. Dickerson to Draper provided these details stating “about the year 1855 a party of road workers [illegible] to dig up the place where the graves were reported to be after digging from 1 ½ to 2 feet they found the remains.” After their disturbance, the body of Ambrose Mills was reportedly identified and removed to Polk County for reburial in a family plot.¹¹

Chitwood’s grave presumably still lies in the Benjamin Biggerstaff Cemetery. Despite an oral tradition that he is in fact buried in the Benjamin Jenkins Cemetery, the overwhelming documentary evidence, including the eyewitness account given of the burial by Samuel Biggerstaff, indicates otherwise. Another example of documentary evidence correcting tradition concerns the claim that Benjamin Biggerstaff died fighting for the Patriot cause at the siege of Charleston in May 1780. An examination of Loyalist records demonstrates that Biggerstaff did not die while serving for the Whig forces, as he is listed on a series of muster rolls as a private serving in Captain Patrick Cunningham’s company of North Carolina Loyalist volunteers in early 1780, Lt. Col. James Moore’s Loyalist Provincials in 1780-1781 and also Colonel Samuel Campbell’s Loyalist regiment in 1781-1782 at various spots in North and South Carolina before his death in January of the latter year while stationed at Charleston. Samuel Biggerstaff, another sibling of Aaron and Benjamin, appears on a list of Loyalist refugees in Charleston in late 1782 with the title of “Captain.” There are no further records concerning him. Martha Biggerstaff married John Morgan at some point during the war (making it difficult for Martha to have held the Biggerstaff name at the time she supposedly cut the bodies down, and further indicating that it was Mary, and that Draper simply got their names confused). Morgan’s name appears on the same muster rolls with Benjamin Biggerstaff throughout the war. Morgan survived, and he and Martha eventually moved to Smith County, Tennessee.¹²

¹¹ Draper Manuscripts, 12DD84.

¹² Murtie June Clark, ed., *Loyalists in the Southern Campaign of the Revolutionary War* (Baltimore, 1981), 259, 266, 354, 410, 516.

The main question is whether or not the Morrell property was the site of the hanging tree. Research on this topic has entailed examination of eighteenth and nineteenth-century sources ranging from pension applications to Lyman Draper's personal correspondence and notes as well as a variety of maps and other pertinent materials. Furthermore, interviews have been conducted with numerous local historians, genealogists, and researchers as well as staff members within the National Park Service and the Southern Revolutionary War Institute. A variety of genealogical sources and court records have been utilized including land grants, wills, and deeds.

First we must determine the actual location of Biggerstaff's Old Fields and Red Chimneys, the location mentioned by Anthony Allaire and Lyman Draper as the scene of the encampment and trial. Draper is fairly clear that the trial took place at Biggerstaff's Old Fields (in the area known as Red Chimneys) and that the hangings took place at a "suitable oak...by the roadside, near the camp, and is yet standing, known in all that region as the Gallows Oak." The Morrell property land was indeed owned by the Biggerstaff clan and may have been part of what was known as Biggerstaff Old Fields. Aaron and Mary owned the majority of the land that is now adjacent to both sides of Whitesides Road near the intersection of Whitesides and DePriest Roads. Aaron's brother Benjamin owned land along the current Bostic-Sunshine Road (Map A).¹³

This property later passed into the Long family. Deeds indicate that the property likely was owned by Thomas Long and then was passed on to his son William in the 1840s, and again to his grandson Samuel in the 1880s or 1890s. References to Red Chimneys being located on William Long's farm come from the Draper Manuscripts. In a July 29, 1880 letter, A. D. K. Wallace told Draper,

"Red Chimneys (now William Long's farm) is on the public road from Rutherfordton to Duncans Creek and is 10 miles from Rutherfordton (This road X 2nd Broad River at 6 mi.) It is on a small stream running into 2nd Broad Rvr. It is almost 3 miles S. E. from Little Brittain. This road from Rutherfordton to Duncan's Creek crosses 2nd Broad R. about ½ mile below the mouth of Cane Creek."¹⁴

¹³ Draper, *Kings Mountain*, 333; Biggerstaff, *Biggerstaff*, 11-15; In 1777, Aaron and Mary gave 150 acres to Martha, his sister. Since her name is documented as the individual who cut down and buried the bodies, she may have taken control of that property. Aaron probably gave her the property to avoid having it confiscated for his Tory leanings, and it may have only been hers in title, remaining commonly considered his land

¹⁴ Draper Manuscripts, 4DD96.

Seventeen days later, Wallace wrote again:

“Red Chimneys has belonged to the Biggerstaff family. Red Chimneys is not on direct route from Gilbert Town to head of Cane Creek + Morganton but from King’s Mountain to Rutherfordton it is. There is still a public road crossing the R. + Duncan’s Creek Road at Willing Longs (Red Chimneys) which is the most direct route from Morganton to King’s Mountain.”¹⁵

Draper had received earlier knowledge as to the location of Red Chimneys from James R. Hampton. On January 5, 1874, Hampton wrote Draper in response to a series of inquiries stating, “In your 2nd question you wish me to describe the locality of Red Chimneys. It is well watered and not broken but very lively + fertile land. It is on a large creek called Robinson’s. There was an old gentleman by the name of Robertson who lived there in 1780 and the creek took its name from him. I don’t know his first name. I will now describe the house was a double [illegible, looks like cabin] and the chimneys were built of stick and clay but the dirt + the mortar made of was as red as any you ever saw.” Whether Hampton and Wallace agreed as to the site being on the farm of William Long remains uncertain.¹⁶

Assuming that Wallace was right, and that Red Chimneys stood on William Long’s farm leads to further questions: Where on William Long’s farm? How large was William Long’s farm? In an effort to answer these questions, Frankie McWhorter, Rutherford County Director of Tourism, and James Ruppe, a local historian and researcher, provided me with numerous deed and will records of the Long family. Unfortunately, that data did not yield any definitive answers to those questions. Despite several transfers of land, the information left inconclusive answers as to where exactly Red Chimneys was located. The Longs apparently owned all of the land on the north side of Whitesides Road extending from the Morrell tract to where the road intersects DePriest Road.¹⁷

¹⁵ Draper Manuscripts, 4DD97.

¹⁶ Draper Manuscripts, 6DD111.

¹⁷ The materials that McWhorter and Ruppe sent me were a compilation of available deeds and other land records they accumulated with the aid of the staff of the Rutherford County Historical Society.

Others have suggested several different locations of Red Chimneys, presumably the place closest in proximity to the actual hanging tree. Genealogist Ralph Biggerstaff placed Red Chimneys just west of DePriest Road and north of the DePriest-Whitesides intersection (Map A). Miles Philbeck, Jr., helped Biggerstaff construct and draw out the map, showing the location of Red Chimneys. Biggerstaff's map, however, placed the hanging tree south of the Sunshine community close to Benjamin Biggerstaff's property. Philbeck had no information or idea as to why Ralph Biggerstaff located the tree on that spot, but did concur as to Biggerstaff's placement of the Benjamin Biggerstaff cemetery.¹⁸

Miss Nancy Ferguson agreed with Biggerstaff's placement of Red Chimneys. She cites a statement by Draper that the red bricks showed brightest in the morning sun as evidence that the chimney had to have been on the east side of the mountain, and therefore probably in the position offered by Ralph Biggerstaff along DePriest Road. Further evidence for this being the location comes from the recollection of Merle Umstead Richey. Mrs. Richey, daughter of Governor William B. Umstead, reportedly stated that,

“when it came time for the historical marker for Biggerstaff's to be placed the Long sisters (perhaps the current Mrs. Long and her sister who perhaps was the aunt in whose house Mrs. Long and her daughter Linda Gordon now live), disagreed as to where it should be placed. Mrs. Richey says that tradition has it that the sign was placed on one sister's property and the actual site was on the other sister's property across the street. She said that she long ago had been shown the site of the hanging tree as being on DePriest Road. She had never heard the site described as Red Chimney's but that a single chimney made of red brick had stood on the site all her life.”¹⁹

The National Park Service offered the opinion that Biggerstaff's Old Fields was “located at the intersection of S.R. 1713 and S.R. 1538 in the Sunshine community in Rutherford County about 7 miles northeast of Rutherfordton” in their *Comprehensive Master Plan for the Overmountain Victory National Historic Trail*. Noting that the property was in “private” hands and that it is “today in farming use,” the Park Service suggested the erection of an interpretive marker at the site, stating “The marker is suitable

¹⁸ Personal communication with Miles Philbeck, Jr., Historian and Genealogist, September 28, 2007.

¹⁹ Personal communications with Nancy Ferguson, Historian and Genealogist, September 25, 2007 and Frankie McWhorter, Heritage Tourism Development Officer, October 9, 2007.

for erection by the North Carolina Division of Archives and History in cooperation with the Rutherford County Historical Society.” State Road 1713 is Whitesides Road, while State Road 1538 is DePriest Road. The Park Service cites no source for this information, but the suggested placement puts the Old Fields off of the Morrell property (Map B).²⁰

There are several oral traditions stating that the tree was located along Whitesides Road near the historical marker. Nancy Ferguson believes that Baxter Hollifield provided the main impetus for the decision to place the historical marker in its current place, and that he had decided the tree stood in that area. Miss Ferguson claims to have seen the tree in question however and remarked that it was not more than twenty-five years old at the time and could not have been the original gallows oak. Robert Ramsay claims that he cut down the actual hanging tree. “Mr. Ramsey says that Rob Long said he hesitated to have the White Oak cut because it was the tree upon which the Tories were hung. But, it had some limbs which were dying and it would be of no value if it were not harvested. Mr. Ramsey said it was the only tree on the entire property of its size and he estimated it was about 300 years old at the time it was cut. It was located to the left of what is now Whitesides Road beside an old roadbed just before a branch that runs into Robinsons Creek.”²¹

So what remains are two contradictory accounts of the location of Red Chimneys, where the hangings presumably took place. We know that William Long apparently owned the property where Red Chimneys was thought in the 1880s to be located, and have evidence to support the fact the Longs once owned the land now in the Morrell family trust’s possession. The available documentary evidence, however, does not indicate where on William Long’s land the tree actually stood, and oral traditions over that location offer no definitive proof.

Another possible line of investigation involves examination of eighteenth and nineteenth-century road networks in the area to determine if the Patriot forces indeed crossed the Morrell tract, and if the 1854-1855 public road passed over their land. From Draper’s correspondence, it is obvious that he spent a great deal of time attempting to

²⁰ National Park Service, *Overmountain Victory National Historic Trail: Comprehensive Management Plan* (Washington, D.C., 1982), 40.

²¹ Personal communications with Nancy Ferguson, September 27, 2007 and Chivous Bradley, Chairman, Rutherford County Board of Commissioners, October 9, 2007.

determine the exact route of the Patriot army as it fell back towards the Moravian towns. A letter from Draper to James R. Logan written on November 3, 1880 presents perhaps the most concise description of the proposed route (in Draper's mind):

“They may have continued the said [illegible] road up into the Whitesides Settlement on Cane Creek in the direction of the Swannanoa Gap Road as laid down. This would take them up into the country on [illegible] creek + Robinson's Creek near Britain Presbyterian Church where Col. Walker lived and near where the Tory graves are known to be and near to where Biggerstaff's old field is claimed to be which would be N.E. of Rutherfordton probably 9 or 10 miles.”²²

Draper apparently received this information on October 19, 1880 from James R. Hampton. Hampton had written him that the eighteenth-century road “crosses Broad River at Mr. Paseley's Ford up Cane Creek ½ mile thence crossing the dividing ridge between Cane + Robertson's Creek to Red Chimney's and thence crossing south [illegible-looks like mountain] at [illegible-looks like Coopers] Spring [illegible-possibly Gap] + Duncan's Creek and then down Duncan's Creek in the direction of Lincoln.” Hampton continued, “There was another old road leaving the Gilbert Town and Lincoln Road at Red Chimneys + crossing the Flint Hill road known as the Old Gilbert Town to Yorkville Road.”²³

Along with these writings, there is a map drawn presumably by Draper himself of the approach routes to Kings Mountain and the withdrawal routes through Rutherford County (Map C). Red Chimneys is located on this map, but as Draper included few actual landforms on the map, it proves impossible to determine the actual location from this document. Draper, of course, had no access to photographs of Robinson's or Robertson's Creek from the air, but his outlay of the twists and turns of the watercourse are fairly inaccurate, further complicating the use of this document.²⁴

Other cartographic clues, however, do exist as to the possible location of road networks in the area of the Morrell property. The 1808 Price-Strother map shows a road passing along the southern edge of the South Mountains and specifically Flint Hill (Map D). It appears possible that this road may have passed across the Morrell tract from west

²² Draper Manuscripts, 6DD25.

²³ Draper Manuscripts, 7DD93.

²⁴ Draper Manuscripts, 7DD95-96.

to east. Another road running from northwest to southeast intersects this path at Robertson's Creek, and this appears to be the position described in some of the Draper correspondence as Red Chimneys. However, determining the exact location of Red Chimneys in a modern context from this map proves impossible, as the layout of the creek via 1808 does not line up with the current watercourse.

The 1833 McRae-Brazier map has no roads moving along the southern edge of the mountains but instead shows a new road crossing the mountains (it appears between what might be Yellow Mountain and Cherry Mountain – oddly enough the present site of the Bostic-Sunshine Road) from southwest to northeast (Map E). However, again, there is no road running along the southern edge, possibly indicating that route had fallen out of use as a public road. This road intersects the same southeast to northwest road seen on the 1808 map not on Robertson's Creek, but actually appears to be several miles west of it. There is no explanation that I can find for why that is.

Finally, the Kerr-Cain map of 1882 clearly shows no road along the southern edge of the mountains moving west to east (Map F). It does show the same road cutting through the mountains at a southwest to northeast angle, and in addition shows a west to east road directly on top of the ridgeline headed east towards Flint Hill. The map illustrates a southwest to northeast running route across Robertson's Creek that intersects with the previously mentioned "ridge" road at what appears to be the Cleveland-Rutherford County line east of Flint Hill. There is no intersecting road along Robertson's Creek. Again, I am at a loss. I'm uncertain which road is the 1854-55 roadbed. It is simply not possible for me to make a claim with the evidence at hand.²⁵

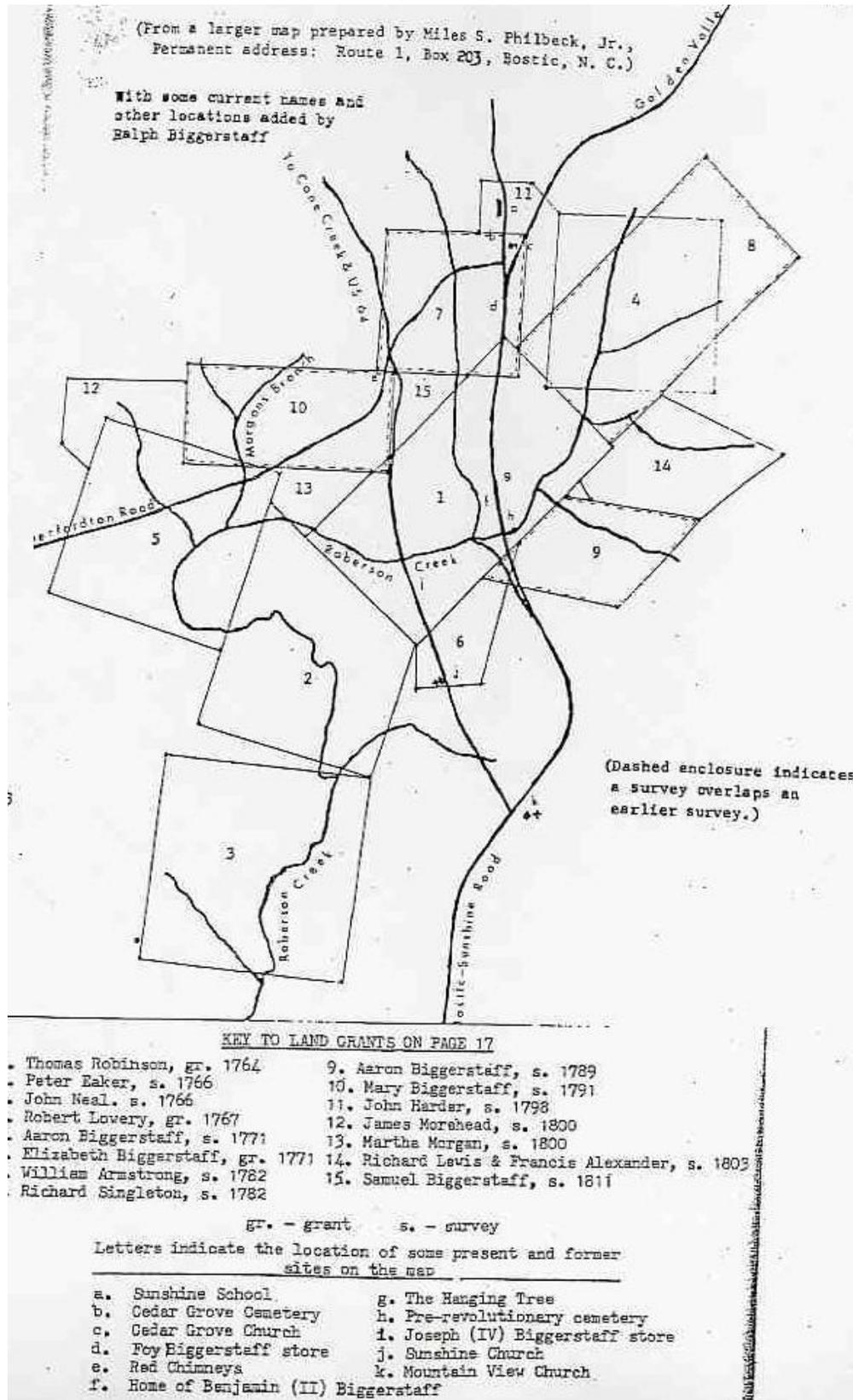
One thing is for certain. Wherever the Patriots and their prisoners camped, it would have been relatively flat, with higher elevations nearby for use of pickets and lookouts. The campsite would have been within easy access of water and obviously near the Biggerstaff home. There are several areas around Robertson's Creek where the army feasibly could have camped. Unfortunately, I have found no evidence of archaeological studies in the area that could show documentation of artifacts related to eighteenth-century military camp equipage. Paul Carson, Superintendent of the Overmountain

²⁵ 1808 Price-Strother Map; 1833 McRae-Brazier Map; 1882 Kerr-Cain Map; Reprinted by the North Carolina Department of Archives and History, 1966.

Victory National Historic Trail has stated that the Park Service would be interested in doing an archaeological survey at the behest of whatever public or private body acquires the land.

The evidence on hand is inconclusive as to whether the hanging tree actually stood on the Morrell property. There simply is not enough documentary evidence to positively establish such a finding. The land is historically significant in that it is quite likely that an eighteenth or nineteenth-century road crossed the property. However, I cannot positively tie that road into the hanging event enough to state it took place on the Morrell property. Patriot forces may have indeed marched across the tract, and that alone makes the land significant. However, without further documentary evidence, it is impossible to state whether the Whig forces held their trials and executions there.

Map A: The Biggerstaff Lands



Map C: Draper's Map Showing Red Chimneys, 7DD95-96

