~~Notes furnished by Mr~~ 7

Notes taken from the life of Mr Thos Malone of Washington County Ala

in relation to the arrest of Aaron Burr. in 1807, and the expedition of the North Carolina Colony in 1802 down the Tombigby River &c &c.

In January ~~about the 7th~~. 1807, Nicholas Perkins & Thomas Malone were sitting in their house where they kept Batchelors Hall - Brishwell also lived with them - Malone & Perkins about 11 o'clock were sitting by the fire playing Back gammon - Brishwell was in an adjoining ~~room~~ office asleep - Presently the sound of horses feet was heard & Perkins remarked who could be these people riding at that late hour of the night - & Malone said never mind go on with the game. By this time two men rode up - Perkins went to the door one of the men (Burr) asked if there was a tavern in the place & was informed there was - he then asked if one Col Hewins lived in that neighbourhood & when informed in the affirmative, he then enquired the way to his house - After having particular directions ~~made~~ given him by Perkins the party rode on. Perkins began to suppose that one of these men was Burr - & determined to pursue them to Hewins & find out. He requested Malone to accompany him, but he said he could not go for his horse was down at the river - but told him to wake up Brishwell & that he had

a house & make him go. When the party were ready to start Malone asked Perkins how will you know it is Burr after you see him - Perkins replied I have read the discription of him & his eyes are said to be very expressive & peculiar & I shall know him - When they got to Hinsons, neither he nor his wife were at home - Burr & his companion had consequently gone into the kitchen to the fire - Ashly had gone to have the Horse put away - Perkins went in & found Burr sitting down, it was somewhere before he could see his eyes for his brows were long & overhadowed his eyes after a while Burrs penetrating eyes flashed upon him & he knew it was Burr he then told Brightwell to stay there & watch there more & he would go to Fort Stoddart & get as soon same to arrest him.

Burr was arrested two miles below Hinsons near the cow pen of old John Johnson on the south of a bench on the rise of the hill near a wolf pen

Ashly did not accompany Burr to Fort Stoddart ~~but came to~~ When Perkins returned from

Fort Stoddart he related to Malone all that had transpired & said Ashley must be taken for he is Burr's companion & will raise the hue & cry and will cause Burr to be rescued & set at liberty - & that Mr Malone must ride up to Maj John Callers who was then a Justice of the Peace & ~~County~~ Judge of Orphans Court. & get him to have Ashly arrested - About this time it was ascertained that A was then in Wakefield - When Malone got ready to ride the next morning ~~which was late in the evening~~. Ashly was also ready & asked Malone where he was going. Malone to told him up the County a few miles to a friends house. Ashly said he was going on that way & they would be company. They both rode on then & when the came to the forks of the road the right hand leading to Jackson & the other to St Stephens Malone to told him here they must part for he was going that night to Maj John Callers who lived when the West Bank of the above Jackson. Ashley said he would go to for he had some acquaintance with Caller. ~~Before [illegible]~~ & ~~[illegible]~~ they reached Callers & when an opportunity offered M took Caller out & told him the particulars about Burr & that he had come to get him to arrest Ashley. Caller for some cause declined to

to make out the papers there, but said he would the next morning go to Wakefield & do it. —

The next morning he told A that he was going to W — on some business & he must stay there & make himself at home till he returned. Ashby said he was travelling in the County with no particular view but to see it, ~~to~~ that he would go too. So when the three arrived in W — Caller in conjunction with Wm H Hargrave another magistrate, had A arrested & ~~the guard~~ he that night escaped from the guard. Heard that Ashby had gone on to Richmond in advance of Burr & that he returned & was lathing testimony in Tennessee — moderate size, good looking — quite smart & intelligent

Burr from Fort Stoddart was sent over to William & John Pearces by water with a guard — of his Sargents guard —

May Nicholas Perkins Tom had the command of the Party — Thomas Malone N.C. Henry B. Stade N.C. John Henry Tom, & two men by the name of McCormack Kentucky John Mills Ala & two U.S. Soldiers one was Sargant Cole — They all rendes voused —

at Pierces. All had cloths, horses & each man had a hose of holsters - the soldiers U S Markets. All went without compulsion & Perkins selected such men as he could best rely upon. ~~Be~~ When they all had arrived at Pearces Perkins got them gentlemen together & they all came to the position understanding that they would stick together watch Burr & that he should not escape alive - It was solemnly agreed also that none of them were to converse with him except when it was absolutely necessary because he was a fascinating man & might lead some of the party to befriend him & that under the circumstances it was best to keep as well guarded as possible against such an influence - On the same fine Horse he had been arrested Burr started off with the company next morning - he had his holsters & pistols - He was dressed in a round about of ~~dra~~ drab cloth - his pantaloons were made of plain cotton ~~pantaloons~~ cloth with coperas stripes going round his legs - had boots & spurs & saddle Bags - his hat was ~~an al~~ a white hat which flapped. His eyes looked like "stars" large

large projecting pupil - Each man carried what he could for himself & provisions for Burr Col Burr had the best provisions - He eat to himself the company carried a tent for him which he slept in by himself - none of the others had a tent he was waited upon faithfully all his wants anticipated his horse taken care of &c. He treated with great respect They took the Indian Path from Pearces to Fort Wilkerson on the Oconee River on the East side - they camped out of nights - and swam creeks - When you stoped of nights two were appointed to guard Burr tent relieving each other at 12. o'clock - He did not complain of fatigue - he was generally silent - Wine was along for Burr he drank but little - had nice blankets to sleep on - The creeks became so high that when they passed old Milley's they got her husband Evans to pilot them as to the best crossing places. sometimes they could get a little from Indians & sometimes none travelled generally 35 miles started after cooking breakfast. The bath being narrow

He was a splendid rider & never changed his position from morning till night but set up creek & held his bridle tight & was always in his guard

some rode before & some behind Burr all rode in single file - When they got to the Chattahoochee they croped at Marshalls ferry taking their goods over in a canoe & swam their horses. croped Flint by swimming & went by Hawkins agency. croped the oakmulgee & went the ~~[illegible]~~ Oconee. croped by a flat - from Oconee ferry went the Fort Wilkinson & went on to a tavern kept by one Beven - that was the first house the company had entered - after they had got in the house & while breakfast was preparing the tavern keeper ~~[illegible]~~ leaving the party was from the Bigbee, ~~[illegible]~~ asked "have you heard any thing of Aaron Burr, the party said yes but remained silent the old man continued to talk about Burr. and asked what the western people had done with him. Burr sitting by the fire in deep thought with his head down now turned round. & sprackly - said I am Aaron Burr, what do you want with me. flashed his eyes upon the old man wo draped back with amazement & said you Aaron Burr, you are not I dont believe you - I think if I was to see Aaron Burr I should ~~Aaron Burr~~ - ~~I should expect to see a different~~ see a different looking man from. looking man from you. Malone then requested Beven to walk out & told him it was

Aaron Burr & that he was under duress & forbid him to mention his name again the old man was then silent - the intended route was by Chester C.H. but in consequence of wishing to avoid public places, the party frequently deviated from the main road & went round villages & settlements as little as they could - But finding it difficult to travel in this way they concluded to get again into the main route & to guard Burr more closely as they had now entered Fla. when his son in law had much influence & when it was feared he would be rescued - before entering the village of Chester C.H. they placed two men in front of Burr. two behind & two on each side. the party intended to go rapidly through the village without stopping but when getting near the C.H. & opposite to a public house on the west side of the street & where there was an assemblage of people & music & dancing in the house & a group of men standing in front of the door Aaron Burr then jumped off of his horses and ran

and pronounced himself to be Aaron Burr under military arrest & claimed the protection of the civil authority - As soon as he jumped off of his horse five or six of the guard with Maj Perkins also jumped down each one with a pistol in his hand & cocking them - Perkins ordered to remount his Horse - ~~He refused~~ He said he would not the people fled in the house to get out of the way of the pistols - Perkins being a powerful man took Col Burr up & put him on his horse by main strength - Malone ~~whipped~~ took hold of the reigns of his bridle & led his Horse on, some of the party whipping the horse - As soon as we had got through the village, burr was discovered to be and tears & seval of the party became very much affected themselves, seeing the condition to which he was brought, to occasion tears. Here the party halted & Perkins counseled with Malone & they agreed to by a gig.+ After the understanding was made, malone went on with Burr, Perkins went back to C.H. & bought the gig - He joined the party that night with the gig - The next morning Malone took his seat in the gig by the side of Burr & they & drove in this way the company traveled to Fredericksburg in Virginia - Some where in Virginia this side of Fredericksburg, the party went to a public

+ While they were determining to buy the gig, some of the party asked Burr why he ~~attempted~~ ~~to~~ did so - "if you were detected as I am you would have done so too

home to get dinner, Malone drove the gig up to the door, a man who had been a sergeant at arms of the Congress by the name of Wheaton he recognized Burr slept out to the gig recognized Burr & helped him to alight accosted him very affectionately took him by the hand & led him in the House. In the presence of Malone he entered into much conversation with this Gentleman. Wheaton asked him what all this meant & why he was in such a situation. he merely replied that he was under arrest. nothing happened as far as Fredericksburg. When they reached this place they there received instructions from Washington to take Burr to Richmond. the party took the stage at Fredericksburg & ~~at Richmond~~ to Richmond. nothing happened till they got to richmond except that the stage turned over. stopped at a tavern and had to guard Burr several days. Here Burr ~~got his suit~~ was treated in the kindest manner by many ladies of rank in richmond. they sent him many presents. he dressed fine & had the dentist to work on his teeth. His Lawyers Wickham & Peyton Randolph came to see him upon the subject of his arrest. About 4 days after their arrival Judge Marshall sent for Burr & Perkins. took the testimony of Perkins & bailed Burr. upon a small amount. then the party went to Washington

there then accounts were settled, their expenses paid & a compensation by so much a day for their services. It was the hardest trip ever made they stopped not a moment, encountered all kinds of weather. The party then returned home some of them by way of Kentucky & some in a more direct route.

Notes upon Arvon
Burr.

Thomas Malone came from North Carolina John Murrel & family, James Morse, Goodwy Mirick, George ~~Northe~~ Norsworthy, young lad name Robert Callier a William Murrel with 52 negroes, came to Knoxville & below there at So. Pt. point took water with the women children, Baggage & negroes & ~~wagons~~ - a party went through the Cherokee country south of the tennessee to Mussel shoals - the took down the river & got out ~~near~~ at the head of the shoals the house of Doublehead a ~~Chief~~ a Cherokee Chief. Here the party got on Horses & the greater number walked - they stoped in the Chickasaw nation at Levy Colbests - a half breed made short stop & got advice from him as to the best place to go into the river to build Boats they went to gin a gin House which had some years before been rected by the Gov for the indians, a half breed by the ~~Jam~~ name George James lived there. This gin stood on the West Bank of the Tombigbee & is the place where Cotton Gin Port now stands - In the early part of January 1802 the party begin to build Boats - They made two large long dug outs, but badly made, some of the men came on to the Bigbee settlements by land - ~~other~~ Mr Thomas Malone staid with the main party - John Murrel had been in Alabama before & he said he could conduct the party savely down the river - they all embarked, the river was ~~[illegible]~~ high

& running strong & very narrow crooked & full of fallen timber - The two Canoes were put parrel 5 feet apart and about 40 feet long they tested with cross pieces at each end - ~~for~~ a cane mat was made across reaching from inside gunnel to inside gunnel - the Canoes were made with axes & grubbing hoes the only tooks among the party. on the cane scaffold the baggage was put - the ~~negroes & the people~~ party got into the Canes the raft in between each Canoe - they proceeded down the Tombeckbe & struck in going a few miles against a log which was in the Channel - this was in a low place & in a Cane brake & the water was all ~~in~~ all over the bottom. The boat when it struck went down & under the log. John Murrel went with it & when he rose he held in his arms his daughter 4 years old she was drowned. Mrs Murrel was saved have a babe in her arms Thomas Malone swam a shore. Most of the negroes got on trees and looked as thick as Black birds many of them went under with the boat - It was cold weather - By assisting the negroes by the reaching the end of long canes Mr Malone succeeded in getting many of the negroes from the tree to a small island - finally all the party alive - except two of Malone's negroes who had got a log raft, had reached this small island, cold & wet & ~~hungry~~ without a partable

of fire, ~~nothing~~ They suffered intensely & Mr Malone seeing that the only chance to save the lives of many of them was to procure a fire - He prevailed on one of Col James Callei's negroes a boy about 1800 - to go ~~to at a land~~ to the Camp they had just left & try & get fire & to endeavour to make his way back - this brave boy started across the ravine that the island off from the highland proceeded up to on the west side of the river & reached the camp got fire & returned in about an hour. brought fire, he went off in the dark through the cane break soon after dark - He got back by the frequent hollowing of the party when he arrived, there was nothing to make fire with but a little dry cane - Here the miserable party hovered over the little fire & kept alive but many were badly frost bit. Here the party remained untill 10 ~~ock~~ oclock without any thing to eat no cloths still wet & cold. About 10 oclock an indian Slave belonging to George Colbert was ~~to~~ boging about in the swamp & Mr ~~Colbert~~ Malone - employed him to get off his two which he effected by bring them to the little island ~~when~~ on an old indian raft. There were 21 negroes and ~~one~~ white child drowned.

The party proceeded from the island to the camp through the cane brake there to the House of ~~John~~ George James the half breed, here they were able to procure a small quantity of ~~meal~~ bread after eating which they walked on 12 miles to the House of Levi Colbert. Here they were treated kindly & he attended them all the assistance he could. While at this place, the indian Slave took a negro girl from Malone & ran off to his master George Colberts. Malone being much troubled asked Levi Colbert what he must do to get his girl again he told him to go to George Colberts & he would make the indian give her up & he sent a negro with Mr Malone. Notwithstanding he was almost overcome with hunger & fatigue he started off on foot & in the night in travelling westward they came to a hot house where they heard music the negro could not be prevailed on to pass this place & they both entered the hot house where the indian men & women were dancing. It was a very hot place and a large fire was built up in the middle. Whenever the savages would become almost suffocated with the heat, they would run out & stand in the rain & cool, then come back and renew the dance. Pretty late at night the company retired all except a young squaw and a warrior who continued to dance the night out, evidently making

love to each other - In the morning Malone proceeded on to George Colberts, where after walking 20 miles, he arrived ~~no sooner arriving than~~ the Indian fled before he got with the girl to the ~~Coll~~ John James - George Colbert for a long time refused to give the girl up claiming one negro for saving the other. After great expostulation on the part of Malone, Colbert was induced to take a watch & a guinea - He then made the mark of his hand upon a scrap of paper with a pen & gave it to Malone to be presented to the indian as an order for the girl - He now set out on foot for ~~John~~ ~~George~~ James, and altho nearly barefoot, in great pain, much exerted & very hungry, he got there, delivered his paper to the indian who no sooner saw the mark, than he delivered up the negro - Malone pursued on alone with the girl & the next day overtook the main party - The party after great privations & suffering reached the ~~Tensaw~~ Bigbee settlements The company who had started down on the West-side of the river - viz Morse, Norsworthy, Minick & ~~Robt Collier~~ and some young negro men, they instead of taking to trail to St Stephens pursued the main path towards mobile - getting far down in below the Spanish lines, they nearly starved to death had to kill some of their horses to subsist on & finally got to the bigbee settlements

(18) (17)

1802 a gin was at Pearce's - John Caller was in Ala ~~1800~~ 1798 - James Caller came, ~~in~~ in the ~~same~~ on the same route to the Muscle shoals but continued on - to the Natchez by water, then he came by land on pack Horses to the Bigby settlements in April 1802. He brought his family & a few servants - In 1802 the whole state of Alabama was Washington County - as far as perl river which was the dividing line between Miss settlements and those of Bigbee. The first court held in the County was a County court about 1800 at McIntosh's Bluff at the house of John Johnson Esq. John Callier was chief Justice, John Johnson ~~assistant~~ & Cornelius Rain assistants Richard Lee clerk or prothonitor as called They had trials about debts &c - Mag Perkins was a lawyer, Samuel Kentucky Henry, Robt Tenor, Leonard D. Shaw & Joseph Carson were lawyers - About 1802 the Legislature established a superior court. the Judge was an irishman from Natchez by the name of - - He continued to hold that court once a year untill the fall 1804 Toulmin held in ~~1805~~ 1805 - The 10th Judge held his first court Macintosh Bluff on the Wt. Bank of the Bigby 7 miles above the cut off.

This court lasted about one week - About 1803 the County Court ~~was~~ ~~was~~ the Court Chancery & Admiralty was merged in this Court - The Sheriff acted in the character of Marshall also - the attorney Genl was solicitor for the whole territory Thomas Malone was the clerk. Nicholas Perkins was Solicitor & Samuel Henry was also during the time - There were a good many cases prosecuted for Smuggling - Convictions were very rare - the smuggling was chiefly smuggled articles chiefly from Pensacola & Mobile - The admiralty Court was held at Fort Stoddart by the same Judge.

Judge Toulmin came in the County in 1805 & that fall held his first Court at Warkefield when the C.H. was then moved - Judge Toulmin came from Kentucky by N.O. first lived near Fort Stoddart near a Cantonment - There was no papers in the whole of Alabama, Mr Malone had to advertise the libels against boats for smuggling in the N.O. papers of Bradford & Anderson - Communications sent by vessels ~~in~~ to N.O. It was 300 miles to Mobile, was the reason papers were not advertised in them.

Mr Malone
Came from Warren County N.C. was a clerk there in the land office at Raleigh for several years - was also clerk in the treasures office, he was a clerk also in the supervisors office at the head of which was William Polk -

James Caller was one of the first to go to the Legislature at Washington Miss^r -

the Carsons came from Georgia in 1801. & Sam Dale pilot them out -

the Mims & Hollingers were very early settlers - indian countrymen.

were 22 days going down the river - 120 days upon the road from N.C. ~~1st Point~~ to Tombigbee - Came into Tenn nessee high up.

~~[illegible]~~

on one occasion you you to Mobile with Capt Gaines - had to obtain a written petition in Spanish from Zeno Ato, it was usual to pay $2.00 for this this - and then had after buying the goods had to pay Don Miguel Eslova the collector duties - in a purchase of $5. 50^cs would have to be paid.

Note from
Thomas Malone
of
Mobile County
Jany 21st 1848 -