

Waightstill Avery

Waightstill Avery was an eminent lawyer, born in the town of Groton, Connecticut, in 1747, and graduated at Princeton College in 1766. There were eight brothers of this family, and all true patriots; some of them were massacred at Fort Griswold, and some perished at Wyoming Valley. Some of the descendants still reside at Groton, Conn., and others at Oswego, and Seneca Lake, N.Y. He studied law on the eastern shore of Maryland, with Littleton Dennis. In 1769, he emigrated to North Carolina, obtained license to practice in 1770, and settled in Charlotte. By his assiduity and ability, he soon acquired numerous friends. He was an ardent advocate of liberty, but not of licentiousness.

In 1778, he married near Newbern, Mrs Leah Frank, daughter of William Probart, a wealthy merchant of Snow Hill, Md., who died on a visit to London. He was a member of the Provincial Congress which met at Hillsboro on the 21st of August, 1775. In 1776, he was a delegate to the Provincial Congress which met at Halifax to form a State Constitution, with Hezekiah Alexander, Robert Irwin, John Phifer and Zaccheus Wilson as colleagues. He was appointed to sign proclamation bills by this body. On the 20th of July, 1777, with William Sharpe, Joseph Winston and Robert Lanier, as associates, he made the treaty of the Long Island of the Holston with the Cherokee Indians. This treaty, made without an oath, is one that has never been violated. In 1777, he was elected the first Attorney General of North Carolina.

In 1780, while Lord Cornwallis was encamped in Charlotte, some of the British soldiery, on account of his well-known advocacy of independence, set fire to his law office, and destroyed it, with all his books and papers. In 1781, he moved to Burke county, which he represented in the Commons in 1783-'84-'85 and '93; and in the Senate in 1796. He was held in high esteem by all who knew him, and died at an advanced age, in 1821. At the time of his death he was the "Patriarch of the North Carolina Bar;" an exemplary Christian, a pure patriot, and of sterling integrity. He left a son, the late Colonel Isaac T. Avery, who represented Burke county in the Commons in 1809 and 1810, and three daughters, one of whom married William W. Lenoir; another, Thomas Lenoir, and the remaining one, Mr. Poor, of Henderson county.

Source: Sketches of Western North Carolina, Historical and Biographical by Author: C. L. Hunter