

Multithreaded, Intertwining Conflicts in Bryson City Area Civil War Families

Don Casada August 7, 2023 (updated January 13, 2024)

North Carolina was the last state to secede from the Union, doing so on May 20, 1861. Some Confederate units had already formed, such as Company A of the 16th Regiment, which enlisted men on April 27, 1861 at Webster. Among those enlisting that day were brothers William Asbury Burns Noah Hezekiah Burns, who lived on Deep Creek, a bit north of Betts Branch

The Burns family provides an excellent case in point of the complex and – to those of us removed from the time and place – terribly confusing circumstances which would have involved family relationships at any time (particularly for a couple of these outfits), let alone in the midst of a Civil War where allegiances varied not only within families, but within individuals over time.

My attempt to explain the family below may serve more to confuse than to clarify. If so, in a way that makes the point. To whatever extent it can be absorbed, perhaps it'll give a sense of matters.

The Burns family as a whole was strongly pro-Confederate. That included Uriah C. Burns, father of the brothers named above. However, the Burchfield family of Uriah's wife, Sarah, including her father Noah and brothers, Robert L.D. and Samuel Carson "Smoke" Burchfield, were pro-Union.

The killing of Uriah Burns

In 1862 loyalty tension may have been at least an element in a local altercation which resulted in Uriah Burns being killed. The death of Burns has been passed on by family lore and tradition as the work of Smoke Burchfield, who purportedly then fled to Tennessee and lived out his life in Cades Cove. That's the family lore, as told in *Heritage of Swain County*. But then there's the rest of the story.

The circumstances are not fully known, but Uriah Burns was shot while resisting arrest for assault on his daughter-in-law, Adeline Morris Burns (by this time, widow of William Asbury Burns). While it is possible that Smoke was one of a party of 18 who came to arrest Burns after he had refused to be peaceably arrested by Deputy Sheriff William Butler Garrett, his name does not appear in the North Carolina Supreme Court's review¹ of the case.

Three men were convicted of the murder of Uriah Burns at the fall, 1862 term of Buncombe County Superior Court and sentenced to be hung: R.L.(D.) Burchfield, John Morris, Sr, and William B. Garrett. Burchfield was, as noted, pro-Union and later served in the Union 3rd NC Mounted Infantry, also known as Kirk's Raiders. John Morris was the father of Billy Morris and father-in-law of Joseph Shuler and Hill Cathey, all of whom were in the Confederate Service. He was also the father of Adeline Morris Burns. William B. Garrett was from a pro-Union family, including his father Matthew Garrett, but his principal involvement in this affair was as Deputy Sheriff.

See Wendy Meyer's article on the [killing of Uriah's son, Noah Hezekiah Burns](#) a dozen years later. In that case, lingering resentments from the war don't appear to be a part of the equation, but there is a familiar theme – the beating of a Burns widow by another man in the Burns family. It seems highly likely that Civil War loyalties were at least a part of the equation here (in the case of Robert Burchfield), but it was obviously a quite personal family matter to Adeline's father, and presumably it was principally a matter of enforcing the law to Garrett.

The family lore tale of Smoke Burchfield shooting and fleeing shortchanges the considerably more complex, convoluted family picture which follows.

¹ [State v. Garrett et al](#), 60 N.C. 85 (1863). The NC Supreme Court reversed the lower court. See discussion in the Appendix.

Here are some of the Uriah and Sarah Burchfield Burns family connections (with Civil War service noted), starting with their children:

- Son William Asbury Burns (Confederate) married Sara Adeline Morris (brother and two brothers-in-law in Confederate service).
- Son Noah Hezekiah Burns (Confederate) married Mary Cline (three brothers – Alfred, William R., and John W. Cline and a brother-in-law, Benjamin Kirkland, all in Confederate service).
- Daughter Elizabeth Jane Burns married to James M. Seay; Seay served in three separate Confederate organizations before being enlisted by his wife's uncle, Robert L.D. Burchfield, to serve in the 3rd NC Mounted Infantry (Union), infamously known as Kirk's Raiders.
- Son Samuel Taylor Burns married Juliette Shuler, whose father William and a brother-in-law were in Confederate service.
- Daughter Charlotte Burns married Andy Cline, brother of Mary who married Noah Hezekiah Burns, so also had three brothers and a brother-in-law in Confederate service.
- Daughter Margaret married George Washington Shuler who served the Union (3rd TN Mounted Infantry). George's twin brother, Thomas Jefferson Shuler, enlisted in Co. F, NC 29th Infantry (Confederate) on Aug 31, 1861. He was listed as deserted in June 1862.
- Daughter Lillie married Jim Ute Wiggins who had four brothers and one brother-in-law, all in Confederate service

Sarah Burchfield Burn's brother, Samuel C "Smoke" Burchfield, married Mary Ann Shuler. He had eight brothers-in-law in Confederate service; one apparently later switched to Federal service. Another brother-in-law was Jacob Shope, Union sympathizer and one of the central figures in the [Big Bear Farm Brouhaha](#).

Sarah's other brother, Robert L.D. Burchfield, married Sarah Battle. Three of his brothers-in-law were in Confederate service.

The transition of loyalties, with respect to the Cherokee soldiers who left Thomas's Legion and enlisted in Kirk's Raiders, is also noted in the [Big Bear Farm Brouhaha](#). It was not limited to Cherokees, of course. James M. Seay enlisted early on in the 16th NC Infantry where he was a brother-in-arms with Noah Hezekiah and William Asbury Burns. He apparently was introduced by them to their younger sister, Elizabeth Jane Burns, and the couple was married during the years of the conflict. Their first child, Emma, was born April 18, 1864.

The 16th Regiment was transferred to Thomas's Legion in late summer, 1862. After being listed as AWOL in November-December 1862, Seay was listed with Company K of the 39th NC Regiment, a company known as the "Jackson Rangers." He was discharged for reasons unknown in March, 1863, long before his three-year original enlistment period had run its course. On February 28, 1865, in Knoxville, Seay enlisted with the Union 3rd NC Mounted Infantry (Kirk's Raiders). The man who signed Seay's enlistment papers was his wife's uncle, the aforementioned Robert L.D. Burchfield.

This bit of tangled familial connection is but one of many, and when extended just one level, becomes orders of magnitude more confused, leaving one's head spinning like a top.

Things remained tangled beyond Lee's surrender at Appomattox Courthouse. Late in the day on July 29, 1866, Robert L.D. Burchfield paid a visit to the home of Alfred Cline. This is the same Alfred Cline noted above (one of the brothers of Mary Cline, wife of Noah Hezekiah Burns). The home of Alfred and his wife, Lucy Ann Raby Cline, was located near the IGA grocery store on the east end of Main Street in today's Bryson City. This was still Jackson County at the time. Swain County wasn't formed until five years later, and even then, this was on the outskirts of the new county seat of Charleston. Here's how the *Charlotte Democrat* of October 9, 1866 told the tale of Burchfield's visit:

“A man by the name of Cline, residing in the lower part of Jackson County, was shot down in cold blood, a short time since, by a band of marauders from Tennessee, known as the Robert Burchfield robbers. Four of them came to the house of Cline a little while before dark, called him out, and pretended that they wanted to trade with him, he being a merchant, loitered about until dark, then pretended that they wanted a candle to count out their money. As soon as the candle came, without saying a word, two of them shot him—the balls taking effect near his heart, causing instant death. He leaves a wife and a large number of small children to mourn his loss. The murderers were able to make their escape to the dominions of Governor Brownlow.”

Alfred Cline had served as a Sergeant in Thomas's Legion. There were several encounters between the Legion and Kirk's Raiders, in which Burchfield served, during the recent war. There's no question but that the men knew each other because of family connections like those noted above. Alfred Cline's brother Andrew was married to Burchfield's niece, Charlotte Burns and his sister Mary was married to Burchfield's nephew, Noah Hezekiah Burns.

Burchfield didn't stay in his Tennessee sanctuary, but was back in Swain County soon after its formation. In 1873, he sold 10 acres of a 640 acre tract to the county, apparently as a possible alternate location for the county seat.

Later that year, both Robert and his wife Sarah were convicted for dealing in a gold counterfeiting scheme, along with a fellow from West Virginia, Lee Bocker, Jason Hyde who was the former High Sheriff of Graham County, and Adam Cable, characterized as *“a rich planter of Chewoah (sic), Graham County”* by a *Knoxville Weekly Chronicle* account of November 26, 1873. Robert was fined \$1,000 and sent to prison for two years. That paper noted that *“Mrs. R.L.D. Burchfield was convicted, but in consideration of sex, and the fact that she has a babe about eight months old, her sentence was suspended.”*

His prison sentence at the [federal prison in Albany, NY](#) completed, Robert Burchfield came back to Swain County, intent on revenge. In the words of the August 27, 1876 issue of the *Wilmington Morning Star*:

“Burchfield lived within one mile of Charleston, the county seat of Swain. Mr. D.K. Collins is a merchant living in Charleston, and had incurred the enmity of Burchfield by having been a witness against him at the time of his conviction as a counterfeiter, this enmity having found vent on several occasions by threats against both the life and property of Collins. During the week, Mr. Collins had become aware of the fact that Birchfield was engaged in filing a key to fit his granary, and had watched him for several nights. On Saturday night Mr. Collins hid himself behind some planks some 10 steps from the granary door, and armed with a double-barreled shotgun loaded with buckshot and a navy pistol, awaited the result. About 12:00 o'clock Burchfield approached the door of the house having a froe under his arm and with his key endeavored to open the door but the key not fitting he stepped back from the door apparently deliberating what next to do.

“At this juncture Mr. Collins hailed him and asked him what he was doing there. Burchfield turned towards him endeavored to draw his pistol and commenced to advance when Collins fired upon him with his gun the load taking effect just above the left hip inflicting a terrible wound; he continued to advance, however, to within 3 feet of where Collins was standing still endeavoring to bring his pistol to bear upon the latter

when Collins fired upon him with his pistol the ball taking effect in the breast causing Burchfield to fall backwards with the exclamation that he was killed.

“Collins immediately repaired to the residence of the sheriff’s and informed him what had been done, and the two arrived upon the spot within a few minutes. The wounded man died in some 15 minutes after being shot, but without being enabled to say anything. The key with which he attempted to enter the building was still in his hand when he fell.

“Mr. Collins on the Tuesday following was examined before two magistrates and discharged, on the ground of justifiable homicide. Judge Cannon, it is stated, publicly said that he intended to have Collins before him on a bench warrant and to refuse him any bail, but finding the sentiment of even his own party against him, this idea was abandoned.

“Burchfield leaves a wife and seven children, and his wife had that night begged him to desist from visiting Mr. Collins’ granary, but to no avail. He was considered a desperate man and was almost universally feared and shunned.”

D.K. Collins was, like Alfred Cline who Burchfield had killed a decade earlier, a veteran of Thomas’s Legion (or, according to Collins’s self-designed [gravestone](#), the 69th Regiment, Company F). It appears likely that residual Civil War animosities played little to no role in Collins-Burchfield encounter, but they certainly wouldn’t have ameliorated matters.

But there was considerable post-war tension throughout North Carolina. Martial law was imposed by Governor William Woods Holden in the Caswell-Alamance County section of north-central portion of the state in 1870 because of intimidation by the Ku Klux Klan, including murders of several black men and Republican State Senator John Stephens. Holden unwisely picked George Kirk of the above-noted Kirk’s Raiders notoriety to enforce it. His overreach ultimately led to Kirk himself being arrested (and then fleeing the state). Holden was impeached in early 1871.

Indirect indicators of diminished resentment

In 1903, Jeremiah Shank came to town and established Bryson City Pump Works, an industrial operation which would last for over three-quarters of a century, becoming Carolina Wood Turning Company in 1925. Shank was a Union veteran (Co. C, 156th Ohio Infantry). In 1910, his daughter Jesse Shank, an Oberlin College graduate, was working as bookkeeper for Bryson City Bank. D.K. Collins was a principal stockholder and President of the bank.

Twenty-six Civil War veterans are buried in the Bryson City Cemetery. Twenty-one served in the Confederacy, four in the Union and one in both (the previously mentioned J.M. Seay). Six of the Confederate soldiers and none of the Union soldiers have military markers.

Appendix

(see footnote at the bottom of p. 1 of the main body of this article)

In its June, 1863 term, the North Carolina Supreme Court heard an appeal in the case of the trial for the murder of Uriah C. Burns. The following background was provided in the introductory discussion to the case in 60 N.C. 85 (1863), p. 85:

The defendant William B. Garrett and the other defendants, ten in number, were put upon their trial for the murder of Uriah C. Burns.

Verdict of guilty of murder as to W. B. Garrett, John Morris, Sr., and R. L. Birchfield, and judgment of death pronounced against them; and verdicts of guilty of manslaughter were rendered against six others, who were sentenced to imprisonment for six months, but were permitted to escape imprisonment by entering into the army. Two of the defendants, J. H. C. Morris and J. M. Morris, were acquitted. W. B. Garrett, John Morris, Sr., and Robert L. Birchfield appealed to this Court.

It is notable that the Attorney General represented the State while the defendants had no counsel appearing at the Supreme Court appeal.

The central point made by the Court in declaring the lower court in error was:

“His Honor ought to have instructed the jury that, as the deceased had put himself in resistance to the officer and his guard, they were not only authorized, but were bound to use such a degree of force as was necessary in order to execute the warrants, and were entitled to a verdict of acquittal on the ground that the homicide was justifiable, if no unnecessary violence had been used, unless from the fact that the prisoner had started to cross the fence the jury should be satisfied that he had abandoned his deadly purpose of resisting to the death the execution of the law, and was attempting to make his escape by moving off; in which event there was no longer any necessity for shooting, and the officer, or some portion of his men, should have run after him and captured him in that way, and in passing on this question it was for the jury to determine whether the intention of the deceased in attempting to cross the fence was to make an attack on Birchfield or to rescue his son, or run away; and in the latter case, if he still retained his purpose of resisting to the death, and to make a running fight, the officer and his men were not bound to risk their lives by rushing on a desperate man who still kept his gun in his hands.”

The Court went on to state:

“When a man puts himself in a state of resistance, and openly defies the officers of the law, he is not allowed to take advantage of his own wrong, if his life is thereby endangered, and to set up the excuse of self-defense.”

The Supreme Court record noted that six others were convicted of manslaughter, but avoided their six-month prison term by enlisting in the (presumably Confederate) army. At the time of this writing, the names of those individuals are not known. If they are learned in the future, this article will be updated to provide the names and, if possible, how they fared in the war.