

NATIONAL REGISTER OF HISTORIC PLACES  
INVENTORY - NOMINATION FORM

(Type all entries - complete applicable sections)

STATE:	North Carolina
COUNTY:	Burke
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

**1. NAME**

COMMON:  
Swan Ponds

AND/OR HISTORIC:

**2. LOCATION**

STREET AND NUMBER:  
On S.R. 1222, .5 mile from the junction of S.R. 1222 and N.C. 126

CITY OR TOWN:  
Morganton vicinity (Tenth Congressional District, The Hon. James Broyhill)

STATE North Carolina	CODE 37	COUNTY: Burke	CODE 023
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**3. CLASSIFICATION**

CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
<input type="checkbox"/> District <input type="checkbox"/> Site <input type="checkbox"/> Object <input checked="" type="checkbox"/> Building <input type="checkbox"/> Structure	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private <input type="checkbox"/> Both	Public Acquisition: <input type="checkbox"/> In Process <input type="checkbox"/> Being Considered <input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input type="checkbox"/> Preservation work in progress	Yes: <input type="checkbox"/> Restricted <input type="checkbox"/> Unrestricted <input checked="" type="checkbox"/> No

PRESENT USE (Check One or More as Appropriate)

<input type="checkbox"/> Agricultural	<input type="checkbox"/> Government	<input type="checkbox"/> Park	<input type="checkbox"/> Transportation	<input type="checkbox"/> Comments
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Private Residence	<input type="checkbox"/> Other (Specify)	_____
<input type="checkbox"/> Educational	<input type="checkbox"/> Military	<input type="checkbox"/> Religious	_____	_____
<input type="checkbox"/> Entertainment	<input type="checkbox"/> Museum	<input type="checkbox"/> Scientific	_____	_____

**4. OWNER OF PROPERTY**

OWNER'S NAME:  
Mr. Warlick P. Avery

STREET AND NUMBER:  
Route 2, Box 180

CITY OR TOWN:  
Morganton

STATE: North Carolina	CODE 37
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**5. LOCATION OF LEGAL DESCRIPTION**

COURTHOUSE, REGISTRY OF DEEDS, ETC.:  
Burke County Courthouse

STREET AND NUMBER:  
Union Street

CITY OR TOWN:  
Morganton

STATE North Carolina	CODE 37
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**6. REPRESENTATION IN EXISTING SURVEYS**

TITLE OF SURVEY:

DATE OF SURVEY:  Federal  State  County  Local

DEPOSITORY FOR SURVEY RECORDS:

STREET AND NUMBER:

CITY OR TOWN: STATE: CODE:

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## 7. DESCRIPTION

CONDITION	(Check One)					
	<input type="checkbox"/> Excellent	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Deteriorated	<input type="checkbox"/> Ruins	<input type="checkbox"/> Unexposed
	(Check One)			(Check One)		
	<input checked="" type="checkbox"/> Altered	<input type="checkbox"/> Unaltered	<input type="checkbox"/> Moved	<input checked="" type="checkbox"/> Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE

The road to Swan Ponds winds down hill through pasture land for about one-half mile from the paved state road. The house sits in a shaded area near the Catawba River but somewhat up the hill to avoid the flood plain. The seeming remoteness of the area lends an unexpected aspect to the appearance of the large mass of the brick house. The two-story house has a low stone foundation beneath the brick walls which are laid in Flemish bond above the water table on the front and west side and in common bond below and on the east and rear. A low hip roof with wide overhang supported by rafter brackets, rests on a wide, stucco frieze. The roof is pierced at each end by two interior end chimneys.

The three-bay main facade has a central entrance consisting of a double door, each leaf having four raised panels of various sizes. The door is surmounted by a transom which has panes arranged in a diamond pattern and flanked by sidelights which have the same pattern in their upper halves. The large windows to either side of the entrance extend almost from floor to ceiling and have twelve-over-twelve sash. All exterior architraves are similar being wide, symmetrically molded, and punctuated by corner blocks with roundels. At the second level are three smaller windows with twelve-over-twelve sash. The central bay contains a three part window with sidelights similar to those of the door below. A low hip-roof porch featuring bracketed eaves, a low pedimented central pavillion, and columns square in section, shelters the first floor of the main facade. The west facade has a pair of windows at each level, each with nine-over-nine sash, placed at the center of the facade between the interior end chimneys. Correspondingly, the east facade has two doors at the first level and no openings above. A one-story full width screen porch with a shed roof is a recent addition to the east facade. The rear or south facade is similar to the main one, but it has a shed porch and lacks a transom above the entrance and the diamond glazing pattern of the sidelights.

The interior follows a central hall plan two rooms deep. The first floor west rooms are joined by a large four-leaf folding door. The north-east room has a chimney closet to the north of the chimney breast and an exterior door to the south. It is connected to the southeast room (now a kitchen) by a single-leaf door. The central hall contains an open-string stair with wave brackets which rises along the east wall in a long initial flight to a transverse landing over the rear door, and doubles back in a short flight to the second floor. Under the first flight is a closet entered from the southeast room. The stair has a rounded handrail supported by thin balusters, square in section, and a simple turned newel which tapers to a rounded cap. The second floor is similar in plan to the first. The northwest room has a chimney closet to the north of the fireplace and a window to the south with the southwest room having the same arrangement in reverse. The east rooms differ, having closets on both sides of the chimneys and a door connecting the two rooms.

The door and window architraves throughout the interior are similar to the exterior ones, and there are deep, splayed window reveals. The front and rear doors have deep reveals whereas the doors found in the east facade are recessed into the walls from the outside. The doors leading from both

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halls to the various rooms are placed in deep, splayed reveals. Some doors in the house retain early wood graining. Mantels throughout the house have uncluttered Greek Revival lines. Some are quite plain, whereas others include such features as symmetrical molding on the pilasters and across the frieze as well as plain or paneled center tablets and end blocks.

8. SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

- |                                        |                                       |                                                  |                                       |
|----------------------------------------|---------------------------------------|--------------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Pre-Columbian | <input type="checkbox"/> 16th Century | <input type="checkbox"/> 18th Century            | <input type="checkbox"/> 20th Century |
| <input type="checkbox"/> 15th Century  | <input type="checkbox"/> 17th Century | <input checked="" type="checkbox"/> 19th Century |                                       |

SPECIFIC DATE(S) (If Applicable and Known)

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- |                                                  |                                      |                                               |                                          |
|--------------------------------------------------|--------------------------------------|-----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Aboriginal              | <input type="checkbox"/> Education   | <input checked="" type="checkbox"/> Political | <input type="checkbox"/> Urban Planning  |
| <input type="checkbox"/> Prehistoric             | <input type="checkbox"/> Engineering | <input type="checkbox"/> Religion/Phi-        | <input type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Historic                | <input type="checkbox"/> Industry    | osophy                                        | _____                                    |
| <input type="checkbox"/> Agriculture             | <input type="checkbox"/> Invention   | <input type="checkbox"/> Science              | _____                                    |
| <input checked="" type="checkbox"/> Architecture | <input type="checkbox"/> Landscape   | <input type="checkbox"/> Sculpture            | _____                                    |
| <input type="checkbox"/> Art                     | Architecture                         | <input type="checkbox"/> Social/Human-        | _____                                    |
| <input type="checkbox"/> Commerce                | <input type="checkbox"/> Literature  | itarian                                       | _____                                    |
| <input type="checkbox"/> Communications          | <input type="checkbox"/> Military    | <input type="checkbox"/> Theater              | _____                                    |
| <input type="checkbox"/> Conservation            | <input type="checkbox"/> Music       | <input type="checkbox"/> Transportation       | _____                                    |

STATEMENT OF SIGNIFICANCE

The large brick house at Swan Ponds, built in 1848, is a handsome, well-preserved example of Greek Revival architecture, one of the best of its period in the area. Far surpassing the architectural significance of the house, however, is the importance of Swan Ponds to the history of western North Carolina. Primary among the early leaders of the region was Waightstill Avery, who was active in the upper echelons of North Carolina politics seemingly from the moment he arrived in Edenton in 1768 until his death in 1821. From the time Avery settled at Swan Ponds just after the American Revolution until after Reconstruction, the Avery family was outstanding in many aspects of the young state's life and contributed much to the development of the region. Swan Ponds, the family seat, was long a center of lively and often important gatherings and activities and is of considerable significance to the political and cultural history of western North Carolina.

Waightstill Avery, a graduate of Princeton, was born in Connecticut and came to North Carolina by way of Edenton on February 5, 1768. On leaving Edenton he journeyed to Halifax, Hillsborough, Salisbury; he received his license to practice law from Governor Tryon at Brunswick. On April 18, he arrived at Charlotte and engaged living quarters in the home of Hezekiah Alexander. Thus, wrote Dr. Edward Phifer, Jr., "within three months he had visited every important place in the province, with the exception of the New Bern District and had made the acquaintance of the most prominent persons at all the places he had been." In 1776 he was elected to the state legislature and in 1777 was appointed attorney general of the state. He was appointed colonel of the Jones County regiment of militia by Governor Caswell on July 3, 1779.

After his retirement from military service, Avery acquired a tract of land in the Catawba River valley from "Hunting John" McDowell and moved his family from his wife's Jones County plantation in order to escape malaria. Shortly after establishing himself at Swan Ponds (as he called his new home), he resumed the practice of law and entered immediately into public affairs, representing Burke County in the legislature 1783, 1784, and 1785. During the legislative session of 1784 he was appointed to a five-man commission to select a site and acquire land for a courthouse in Burke County. One historian wrote, "A man of culture and great dignity, he wore the powdered wig, knee breeches, and full dress of the colonial gentleman and continued to do so until the day of his death in 1821."

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Avery is perhaps best remembered locally for a duel with Andrew Jackson in 1788 which grew out of a heated courtroom session. Neither man was injured in the duel. His will, drawn several years before his death, provided adequate land and slave holdings for each of his three daughters and a dowry for his wife, but the major portion of his estate, including Swan Ponds plantation, went to Isaac Thomas Avery, his only son. (In 1818 Waightstill Avery owned 13,000 acres in Burke County alone.) Isaac also inherited his father's extensive library, said to have been the largest in western North Carolina. When the State House was destroyed by fire in 1831, the governor was able to draw from the Avery library the only complete collection of printed copies of the acts and journals of the General Assembly known to be extant.

Isaac Avery was forced into the administration of a large plantation at the age of sixteen in 1801, after his father suffered a riding fall which left him crippled. Unlike his father, he had little opportunity for formal education, attending Washington College near Jonesboro in Washington County, Tennessee. Like his father, however, he embarked early into the political world. He represented Burke County in the state legislature in 1809, 1810, and 1811. In 1824 and 1828 he was a presidential elector from North Carolina. In 1829 Isaac Avery was appointed head of the Morganton branch of the North Carolina State Bank. He continued in that capacity for thirty years. These were the times when the gold mines at Brindletown in southern Burke County were thriving; Avery was extremely optimistic regarding the future of this industry in western North Carolina. He was a member of the State Board of Internal improvements for the years 1821-1822 and was for many years president of the unsuccessful Catawba Navigation Company which attempted to render that river navigable from its upper reaches to the South Carolina line. In 1831 Isaac Avery was appointed to a commission to plan and supervise the construction of a permanent courthouse in Burke County and he served on this commission until the work was completed. He was described as a towering, big-boned, loose-jointed man with large craggy features and "hair parted on each side and brushed up high in the middle of his head." His voice was deep and his language formal. He was regarded as a man of culture and learning and it was said of him that "there was scarcely any subject on which he was not well informed."

As Isaac Avery's family grew, the old brick house which his father had built became inadequate and a new and larger house was erected in 1848 in order to "meet the demand of hospitality." Between the old and new houses was an uncovered "bridge" about six to ten feet long connecting the two buildings. (The older building was destroyed in the twentieth century.) The kitchen was 150 feet from the house with laundry, storeroom, sewing room and weaving room adjoining. According to one description, "the furnishings of the house were simple--there were few pictures on the walls. The yard was covered with unkept grass and planted with trees common to the area: chinaberry, cedar, white pine and locust." A circle, thirty feet in diameter, of tall cedars was in front of the old house. On the south side was a large flower garden that "like everything else about the place, suggested the idea of being kept up

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solely for the flowers it grew." Guests were welcome at Swan Ponds, particularly, according to a contemporary diary, "those who brought from the outside world a new thought or were able to report a new phase or a change of trend in the political world. . . . The large table in the hall was always covered with the better American newspapers and frequently with some English newspapers."

Isaac Avery had ten children who lived to maturity, six of them sons, all born at Swan Ponds. His oldest son, William Waightstill Avery, had an active political career and was killed in 1864 while attacking a party of so-called Unionist "raiders" from Tennessee near his home. The second son, Colonel Clark Moulton Avery, died in 1864 of wounds received in the Wilderness Campaign. Colonel Isaac Erwin Avery, his third son, fell at the battle of Gettysburg (1863) and as he lay dying he wrote the following: "Major tell my Father I died with my Face to the enemy." (The major addressed in this message was Samuel McDowell Tate of Burke County.) William, Moulton, and Isaac had been active in organizing the Western North Carolina Railroad Company. The fourth son was Alphonso Calhoun Avery, associate justice of the Supreme Court of North Carolina, who rose to Captain in the Confederate Army before his capture and who was active in state politics following the war. Captain Willoughby Francis Avery was the youngest of Isaac Avery's sons. In the years after the Civil War he was connected with several North Carolina newspapers. His nephew, Isaac Erwin Avery (son of A. C. Avery), was also born at Swan Ponds and was a respected newspaper writer before his early death in 1904.

The Avery fortunes never recovered from the Civil War, and Swan Ponds was sold at public auction in 1893 to Judge P. A. Warlick. After Warlick's death in 1908, his daughter married William Harrison Avery, returning Swan Ponds once again to Avery family ownership. It is interesting to note that William Harrison Avery was the great-grandson of Isaac Avery, brother of Waightstill, whose orphaned children were reared by Waightstill. Swan Ponds is currently owned by William Harrison's son, Warlick Avery.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Research and architectural description by Charles Greer Suttlemyre, Jr., survey specialist.  
 Ashe, Samuel A., ed. Biographical History of North Carolina from Colonial Times to the Present. Greensboro, North Carolina: Charles L. Von Noppen.  
 Burke County Records, Burke County Courthouse, Morganton, North Carolina, Office of the Register of Deeds (Subgroups: Deeds and Wills).  
 Burke County Records, Office of Archives and History, Raleigh, North Carolina (Subgroups: Deeds, Wills, and Federal Census Records).

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			O R	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE		LATITUDE	LONGITUDE	
	Degrees Minutes Seconds	Degrees Minutes Seconds		Degrees Minutes Seconds	Degrees Minutes Seconds	
NW	0 ' "	0 ' "		35 ° 44 ' 36 "	81 ° 45 ' 23 "	
NE	0 ' "	0 ' "				
SE	0 ' "	0 ' "				
SW	0 ' "	0 ' "				

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: 8 acres

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE:

Survey and Planning Unit

ORGANIZATION

Office of Archives and History

DATE

15 January 1973

STREET AND NUMBER:

109 East Jones Street

CITY OR TOWN:

Raleigh

STATE

North Carolina

CODE

37

12. STATE LIAISON OFFICER CERTIFICATION

NATIONAL REGISTER VERIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National  State  Local

Name

H. G. Jones

Title State Historian/Administrator

Date 15 January 1973

I hereby certify that this property is included in the National Register.

Chief, Office of Archeology and Historic Preservation

Date

ATTEST:

Keeper of The National Register

Date

SEE INSTRUCTIONS

