

# To Refrain from Drinking Ardent Spirits: The Bet between Peter Byrns and Francis Preston\*

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## Introduction

In an earlier issue of the *Smithfield Review*<sup>1</sup> we presented a transcription of a previously unpublished letter written to John M. Preston of Abingdon<sup>2</sup> by Andrew Creswell, a participant in the Battle of King's Mountain. That letter is in the collection of one of the authors.<sup>3</sup> Creswell wrote an eyewitness account and answered the long-standing question as to who at the battle's conclusion received the flag of surrender. The flag was accepted by William Campbell of Aspenvale,<sup>4</sup> which is near Seven Mile Ford, Virginia.<sup>5</sup> Campbell died of natural causes at Yorktown, Virginia, in 1781. Had he lived longer, Campbell would have become the father-in-law of Francis Preston, who is discussed here.

In this article we present a transcription and describe a second document from the Gilliam collection: a contract formalizing a bet made in 1807 between Francis Preston and his employee, and the tutor of his children, the former redemptioner Peter Byrns.

Unlike the Creswell letter, the Byrns-Preston contract is a very minor matter with almost no historic import beyond being what it is. It is a written document, a formal agreement to a "bet," with two

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signatories and four witnesses, that seals a deal between an employer and an employee. The deal was that the employee would be rewarded if he stopped drinking and punished if he continued.

### **The Document Formalizing the Bet**

Here is a transcription of the contract document, which is untitled:

Whereas on the 18th Day of April 1807 there was [?] had passed and mooted [?] a certain conversation between Francis Preston of the one part & Peter Byrns of the other of respecting the said Peter's getting intoxicated, the said Preston expressing his belief that the said Byrns could not refrain from drinking ardent spirits over much, when the said Byrns declared he could resist the temptation of drinking inordinately & tendered to Bet a horse worth twenty pounds that he the said Byrns would not get drunk for five years; which tender of Bet the said Preston accepted, and the said parties do now upon honor bond themselves to each other to fully and unequivocally comply with the obligation here entered into, to wit that in case the said Byrns gets drunk within the term of five years he will pay to the said Preston or heirs a horse worth twenty pounds, and the said Preston agrees if the said Byrns does not get drunk in said period or before his death should he die within said period that he will pay the said Byrns or his heirs or assigns a horse worth twenty pounds – in both cases to be valued at Cash price in case the parties cannot agree. As Witness of our hands and seals this 16th Day of April 1807.

Frans Preston  
Peter Byrns

Test[e]  
Hercules Whaley  
Wm C Preston  
Eliza H. Preston  
Sarah B. Preston

Figure 1 is an image of the second or reverse page of the document, which is written on 8½ × 14" legal-sized paper. This image shows the concluding two sentences of the agreement and the signatures of the two principals and the four witnesses. It is reproduced here at about 80 percent of its original size.

Cash given in case the parties cannot  
 agree — On Wednesd our hands seals  
 this 10 Day of April 1807  
 Test  
 Francis Preston  
 Wm C Preston  
 Eliza H Preston  
 Sarah Preston

Grant Byrns  
 Eliza Byrns

Figure 1: Above, the signatures of the two principals (on the right) and four witnesses (on the left) to the Byrns-Preston bet.

There is no indication as to where the document was drafted and signed, but because Francis Preston was living with his family in Saltville in 1807, there is a high probability that it was there that the bet was made and the document signed. A conceivable alternative site for the signing and witnessing might have been Preston's law office in Abingdon.

### Gambling and Drinking on the Early Frontier

In 1807, when Byrns and Preston made their bet, Southwest Virginia was an early American western frontier. The region at this time was often referred to as the "backcountry" or the "back settlements."

Gambling and drinking are two aspects of life on the early frontier not addressed in the standard works<sup>6</sup> of regional history — an omission perhaps understandable in works devoted in large measure in establishing family histories. For example, on consulting a number of standard sources we found that there is a complete absence of index entries for the topics "drinking," "alcohol," "betting," and "gambling."

However, these aspects of life did not escape the attention of the historian Carl Bridenbaugh,<sup>7</sup> who was much interested in those soci-

eties that, in his words, “prefigured the South that was to be.” Speaking of gambling among the upper classes of eighteenth century Virginia, he wrote:

We cannot overlook the predilection of many gentlemen for gambling, which became a fashionable vice and part of the extravagance that characterized the aristocracy.<sup>8</sup>

So we may be confident that Francis Preston was an experienced bettor.

The role played by alcohol in the back settlements was considerable. For example, along with churches, taverns played a dominant role in the social life of backcountry settlers and travelers and served as gathering and meeting places.<sup>9</sup>

But although taverns played a useful institutional role in the formation of backcountry society, abuse of liquor was rampant. Carl Bridenbaugh wrote:

In Back Country lore, the infallible panacea for hard work, bad diet, and discouragement was liquor in generous and frequent doses. Intemperance was an endemic vice in all ranks. Hard cider and peach or apple brandy were the commonest beverages, rum was consumed in large quantities, but in these pre-bourbon days, rye whiskey was the grand elixir.<sup>10</sup>

So the Byrns-Preston bet took place against a social background in which excessive drinking and extravagant gambling were commonplace.

### **The Bettor Peter Byrns<sup>11</sup> (1742–1824)**

The only biographical sketch of Peter Byrns of which the authors are aware comes from the reminiscences of William Campbell Preston, eldest son of Francis Preston and one of the witnesses to the document transcribed in this article. William C. Preston wrote:<sup>12</sup>

Our letters were taught to us by an Irishman named Peter Byrnes, a weaver by trade who had come into my grandfather’s family as far back as 1780, and had continued to teach letters to successive children of the family and lived to teach her letters to my daughter Sally, in 1824. He had always been a member of the Preston family, died in it at the age of 82 and is buried in the family grave yard at Aspenvale, Washington County, amidst

numbers of his pupils, he being the only one (except another) a stranger to the blood whose remains are buried there.

From the above quotation we deduce that if Byrns was 82 in 1824, then his dates are 1742–1824.

Preston family sources record that Peter Byrns was a former redemptioner.<sup>13</sup> A redemptioner was typically a person of European origin who had migrated to America with a passage paid by a landowner. In return, and under contract, the redemptioner then paid back the landowner by working for a previously agreed specified period of time — often seven years. This redemption system of voluntary servitude was widely recognized by law and by custom. When the redemptioner had fulfilled or “redeemed” the contracted apprenticeship or servitude he (or, very rarely, she) was released to join American society as a free person.

One other public reference to Peter Byrns comes from a rare volume of Delaware history,<sup>14</sup> which lists in an appendix the “roster of Delaware volunteers in the war of the rebellion,” *i.e.*, the Revolutionary War. According to that roster, Byrns in 1778 was a corporal in Company E of the second regiment of the Delaware Infantry Volunteers. It has not been possible to obtain confirming documentary evidence of this fact, but in 1778 he would have been 36 years old — a somewhat advanced but not unreasonable age for him to be a redemptioner who had completed his seven years service.

From these relatively slender facts about Peter Byrns, we can make an approximate tabulation of some key events in his life (Table 1). This table is probably as close to a biography of Byrns as we are likely to get, and much remains unknown. For example, we do not know if he was ever married or had children.

### **The Bettor Francis Preston (1765–1835)**

If Peter Byrns is obscure and difficult to find in the historical record, the opposite is true of his co-bettor, Francis Smith Preston.<sup>15</sup> Francis was the son of Colonel William Preston and Susanna Smith Preston. He was born in 1765 at Greenfield near present-day Fincastle in Botetourt County but spent his formative years at the Smithfield Plantation in Blacksburg, where his family had moved in 1773. He was a graduate of the College of William and Mary, a lawyer, and a member of the Virginia House of Delegates and the Virginia State

**Table 1: Some Key Events in the Life of Peter Byrns**

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1742 .....	Born in Ireland
1770 ( <i>circa</i> ) .....	Comes to U.S. as a redemptioner
1778 ( <i>circa</i> ) .....	Redeemed from his contract, he is in Delaware Infantry Volunteers
1780 ( <i>circa</i> ) .....	Reaches Smithfield and becomes associated with the Preston family as a teacher
1793 (or later)	Moves to Salt Works following the marriage of Francis Preston
1807 .....	Makes a refrain-from-drinking contract with Francis Preston
1824 .....	Dies and is buried in the Aspenvale cemetery

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Senate. He served as a brigadier general in the War of 1812 and two terms in the U.S. House of Representatives. He married Sarah Buchanan Campbell on January 10, 1793, at the “Stone House” in Botetourt County and moved to Saltville, where he took over the operation of the Salt Works that his new wife had inherited from her father. (Sarah’s stepfather, General William Russell, who had previously been operating the Salt Works, died a few months after the couple were married).

For six or seven years, Francis Preston operated the Salt Works himself. Later he leased the operating rights to William King. During this time, the business was apparently very profitable.<sup>16</sup>

Eventually, around 1810, Francis and Sarah Preston moved from Saltville to a large new home in Abingdon, which today is incorporated into the Martha Washington Hotel, located on Main Street across from the present Barter Theater. Francis Preston died in 1835 in South Carolina at the home of his son William Campbell Preston, who witnessed the bet.



**Figure 2. Aspenvale Cemetery. Peter Byrns the redemptioner is buried here in the illustrious company of many founding members of one of the first families of Southwest Virginia. Byrns' small head-stone is in the foreground. To the right and center is the grave of Elizabeth Henry Campbell Russell ("Madam Russell," sister of Patrick Henry and wife successively of Revolutionary War Generals William Campbell and William Russell). To the left, the flat grave-stone, partly obscured, covers the remains of William Campbell, "the hero of King's Mountain." Beyond Campbell, the three large obelisks in a row in the center of the picture mark the graves of Francis Preston (discussed in this article); Francis' wife, Sarah Buchanan [Campbell] Preston, daughter of General Campbell and Madam Russell; and Charles Henry Campbell Preston, son of Francis and Sarah Preston. The box grave immediately behind Byrns' stone is that of Ellen Wilson, first wife of John M. Preston (1788–1861) of Abingdon, who built the ford at Seven Mile Ford. The stone in the far corner commemorates William Campbell's mother.**

## The Witnesses

### **Witness Hercules Whaley (1778?–1832?)**

Hercules Whaley is absent from the fine-print, three-column, 40-page index of Summers' standard work on early Southwest Virginia people,<sup>17</sup> and the only written account of him of which the authors are aware comes from the reminiscences of William C. Preston:<sup>18</sup>

The next step in my education was to be placed under the tuition of a Mr. Hercules Whaley, a private tutor brought into the family, a man of rare and curious accomplishments. My father picked him up in remote valleys of Lee County, where he accidentally met him apparently shrinking from exposure and seeking obscurity. My father struck with his conversation prevailed upon him to enter our family as a tutor. He continued with us for many years but there was always a mystery hanging about him. In the course of time we gradually learned that he was a native of New York, that he had been bred for the ministry, that he had become an actor and at length had joined Gen. Wayne's army as a dragoon. These circumstances gradually dropped or rather leaked out in the course of our intimate relations with him for several years. He never entered upon any distinct account of himself and having dropped a hint, would lead off in some other direction. He was found to be a capital Latin scholar, familiar with the Classics contained in that language, not ignorant of Greek, and speaking French pretty well. Besides he had eminent skill in music, sang and played upon the violin with wonderful execution, and read and recited poetry with exquisite power.

Internet resources<sup>19</sup> reveal the additional information that a Hercules Whaley was born in England within two years of 1778 and came to America accompanied by two brothers and a sister. He is listed in the 1820 Washington County census return, and his will is dated 1832, the year of his death in Abingdon. This seems to be our witness to the bet, but some of the genealogical information is inconsistent with William C. Preston's account of the man. Further evidence is needed to ensure that the information is about the same man.

### **Witness William Campbell Preston (1794–1860)**

The witness William Campbell Preston was the previously mentioned eldest son of Francis Preston and Sarah Buchanan Preston. He

was born in Philadelphia in 1794 while his father was engaged there in service as a Congressman. Like those of his father, William's public and private lives are well documented in the historical record, and a chronology of his life was prepared by Minnie Clare Yarborough.<sup>20</sup>

In April 1807, when the bet was sealed, William C. Preston was thirteen years old and a resident in Saltville with his family. As he himself states, while in the family home he studied under both Peter Byrns and Hercules Whaley.

Subsequently, William C. Preston graduated from South Carolina College in 1812 and was admitted to the Virginia bar in 1820. South Carolina College had opened in 1805 and, much later, in 1906, became rechartered as the University of South Carolina. As a young man, Preston traveled widely in the western U.S. territories and later in Europe. He married Maria Coalter in 1822, settled in South Carolina, and went on to serve in that state's legislature and subsequently as a U. S. senator from 1833 to 1842. From 1846 to 1851 he was president of his alma mater, South Carolina College.

### **Witness Eliza H. Preston (1795–1877)**

The witness Eliza Henry Preston was the third of the fifteen children born to Francis Preston and Sarah Buchanan Preston.<sup>21</sup> She was born at the Salt Works and was just eleven years old when she inscribed her signature as a witness to the Byrns-Preston bet.

In 1820, in Abingdon, she married Edward C. Carrington. They had seven children, two of whom died in infancy. She lived for many years with her husband in Halifax County and, as a widow, spent the last twenty years of her life in Charlottesville, where she died in 1877.

### **Witness Sarah B. Preston (1778–1846)**

Sarah Buchanan Preston is, like her husband, an historical figure with an extensive and well-documented record. Born Sarah Buchanan Campbell, she was the daughter of General William Campbell<sup>22</sup> and Elizabeth Henry,<sup>23</sup> one of the sisters of Patrick Henry. At the time of her marriage to the twenty-eight year old Francis Preston, Sarah was only sixteen. By then, she was the stepdaughter of General William Russell.

## Conclusions

Although we lack direct evidence, Byrns likely won the bet because seventeen years after making it he was buried, in a place of pride, in the Campbell/Preston family cemetery at Aspenvale. At the time of Byrns' death in 1824, Francis Preston had eleven more years to live. Byrns' prestigious place in the cemetery must surely mark Francis' high esteem and affection for his former childhood tutor and is a fair indication that Byrns won his gamble. Byrns is one of only two persons buried there without either a blood or marriage tie to the Preston family.

Francis Preston is prominent in the historical record but Peter Byrns is obscure. From the available facts, the authors have reconstructed a plausible biography of Byrns.

Of the four witnesses to the bet, three were members of Francis Preston's immediate family, while the fourth was a schoolteacher employed in Preston's household. The three family members are well known from the historical record, but the teacher, Hercules Whaley, is obscure. Internet genealogical sources provide additional tantalizing, but not necessarily convincing, information about Whaley.

Two of the witnesses (William C. and Eliza Preston) had been students of Byrns. Perhaps we may be permitted to speculate they had personally observed Byrns' liking for ardent liquor and may even have brought such inclinations to the attention of their father.

## Acknowledgments

The authors thank the several anonymous reviewers, who have aided them in substantially strengthening this article and improving its logic, and the editor of the *Smithfield Review* for correcting several misconceptions in an early draft. We thank Mr. John M. Preston of Knoxville, Tennessee, for a review of the final draft of this article. We thank Deena Flinchum for helpful editorial comments on an early draft. All the mistakes, infelicities, and embarrassments that remain are the sole responsibility of the authors.

## Endnotes

1. Hubert Gilliam and Jim Glanville, "An Unexpected Enemy and the Turn of the Tide: Andrew Creswell's King's Mountain Letter," *The Smithfield Review*, vol. 10 (2006), pp. 5–20.

2. John Frederick Dorman, *The Prestons of Smithfield and Greenfield in Virginia* (Louisville, Ky.: The Filson Club, 1982). Hereafter cited as *The Prestons of Smithfield*. As is well known to readers of this journal, William Preston moved from his home near present day Fincastle in 1774 to the Smithfield Plantation adjacent to the campus of present day Virginia Tech. William Preston's son, Francis, one of the signatories of the contract described here, was an eight-year-old at the time.
3. Hubert Gilliam.
4. Aspenvale is often spelled "Aspinvale" in some of the older sources.
5. The entrance to the cemetery is sign-posted off the road that runs across the railroad tracks and parallel to U.S. Route 11. To reach Aspenvale, cross the tracks in Seven Mile Ford and turn left. The gravel road that leads to the cemetery is on the right about a mile from the railroad crossing. Park on the grass. Gary and Linda Sutherland, who live in the house about a hundred yards south-east of the cemetery, are wonderful and welcoming neighbors.
6. Mary B. Kegley and F. B. Kegley, *Early Adventures on the Western Waters: The New River of Virginia in Pioneer Days, 1745–1800* (Orange, Va.: Green Publishers, 1980), vol. 1; Lewis Preston Summers, *History of Southwest Virginia, 1746–1786, Washington County, 1777–1870* (Johnson City, Tenn.: Overmountain Press, 1989), originally published 1903 (hereafter cited as *History of Southwest Virginia*); Goodridge A. Wilson Jr. *Smyth County History and Traditions* (Bowie, Md.: Heritage Books, 1998), originally published 1932; Elizabeth Lemmon Sayers, *Smyth County, Virginia, Volume 1. Pathfinders and Patriots: Prehistory to 1832*, ed. Joan Tracy Armstrong (Marion, Va.: Smyth County Museum and Historical Society, Inc., 1983).
7. Carl Bridenbaugh, *Myths and Realities: Societies of the Colonial South* (New York: Atheneum, 1970), originally published 1952. (See especially pages 119–96 "The Back Settlements.") Hereafter cited as *Myths and Realities*.
8. Bridenbaugh, *Myths and Realities*, p. 27.
9. Daniel B. Thorp, "Taverns and Tavern Culture on the Southern Colonial Frontier: Rowan County, North Carolina, 1753–1776," *Journal of Southern History*, vol. 62, no. 4 (1996), pp. 661–88.
10. Bridenbaugh, *Myths and Realities*, pp. 177–8.
11. The spelling "Byrns" used here comes from the contract and particularly from Byrns' signature which is so spelled [see Figure 1]. However, the spelling "Byrnes" is used both on his headstone in the Aspenvale cemetery and in several written sources, such as in the work of William C. Preston.
12. William Campbell Preston, *The Reminiscences of William C. Preston*, ed. Minnie Clare Yarborough (Chapel Hill: University of North Carolina Press, 1933), pp. 2–3. Hereafter cited as "Reminiscences of William C. Preston." These handwritten reminiscences were found among Preston's papers at the time of his death in 1860, and remained unpublished for 73 years. Yarborough speculates that the reminiscences were written circa 1858.
13. John M. Preston, Knoxville, Tennessee, personal communication, 2006, consisting of a map of the Aspenvale cemetery and a list of the persons buried there, with a brief biographical commentary.

14. Thomas J. Scharf, *History of Delaware, 1609–1888*, vol. 1 (Philadelphia: L. J. Richards & Co., 1888), Appendix: Roster of Delaware Volunteers in the War of Rebellion. Fortunately, the relevant appendix from this difficult-to-find book is online at  
<<http://www.accessible.com/amcnty/DE/Delaware/DelawareAppendix.htm>>
15. *The Prestons of Smithfield*, pp. 52–6. See also Elizabeth C. Preston Gray, “General Francis Preston,” *Historical Society of Washington County, Virginia, Bulletin*, pp. 9–13, April 19, 1938.
16. Thomas L. Preston, *Historical Sketches and Reminiscences of an Octogenarian* (Richmond: R. F. Johnson, 1900); see especially pages 55–70. Written by Francis Preston’s son, this account is one of the best records we have of the early years at the Salt Works. See also Mack Blackwell Jr., *The Preston Salt Works: A Vital Link to Southwest Virginia’s Industrial Beginning* (Abingdon, Va.: self published), 1992.
17. Lewis Preston Summers, *History of Southwest Virginia*.
18. *Reminiscences of William C. Preston*, p. 3.
19. See, for example, the Whaley family web pages at <[archiver.rootsweb.com/th/read/WHALEY](http://archiver.rootsweb.com/th/read/WHALEY)> and the genealogy page of Lynn Airheart Brandvold at <[worldconnect.rootsweb.com](http://worldconnect.rootsweb.com)>
20. Minnie Clare Yarborough, “Chronology of William Campbell Preston,” pp. 134–5, editor’s appendix to the *Reminiscences of William C. Preston*.
21. *The Prestons of Smithfield*, pp. 204–6.
22. Agnes Graham Riley, “Brigadier General William Campbell 1745–1781,” *Historical Society of Washington County, Bulletin*, Series II, Number 22, pp. 1–32, May 1985. William Campbell’s bibliography is extensive. The article cited here includes 159 footnotes and references.
23. Elizabeth Henry, better known as Madam Russell, has an extensive bibliography. A partial list of entries includes: Thomas L. Preston, *A Sketch of Mrs. Elizabeth Russell* (Nashville, Tenn.: Publishing House of the M. E. Church, 1888), reprinted by Jerry W. Catron, Saltville, ca 1999); E. Runyon, *Madam Russell, Methodist Saint*, M. A. Thesis, University of Virginia, 1941; Nelly C. Preston, *Paths of Glory: A simple tale of a far-faring bride, Elizabeth, sister of Patrick Henry* (Richmond: Whittet & Shepperson, 1961); Douglas Summers Brown, “Elizabeth Henry Russell Campbell: Patroness of Early Methodism in the Highlands of Virginia,” *Virginia Cavalcade*, vol. 30, no. 3 (1981), pp. 110–17; Gladys Stallard, “Madam Russell: Elizabeth Henry Campbell Russell,” *Appalachian Quarterly*, June 1996, vol. 1, pp. 12–15.