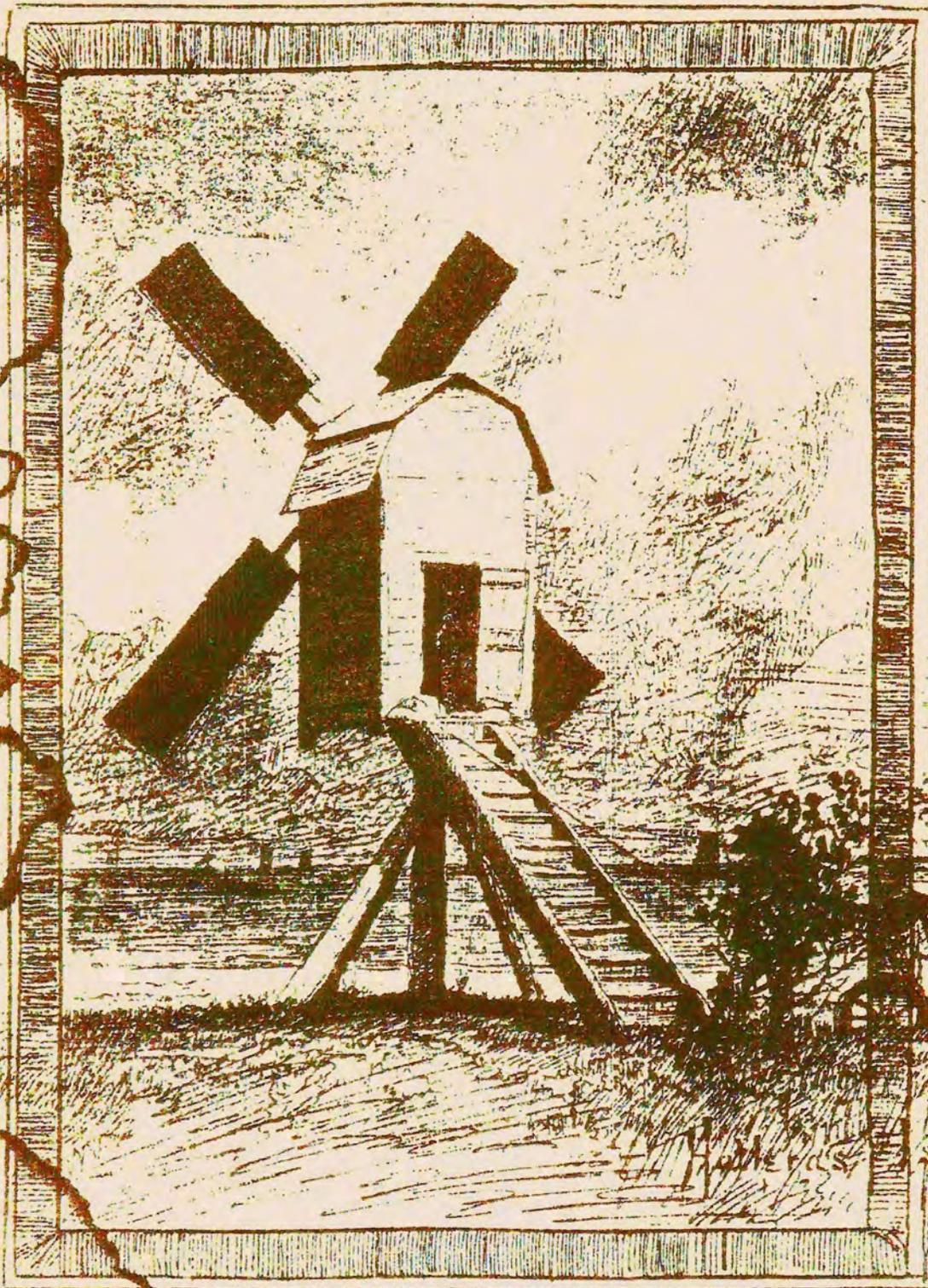


**A CONTINUING CONFLICT for
CHICAMACOMICO'S CAMP LIVE OAK:**

**By
Mel Covey**

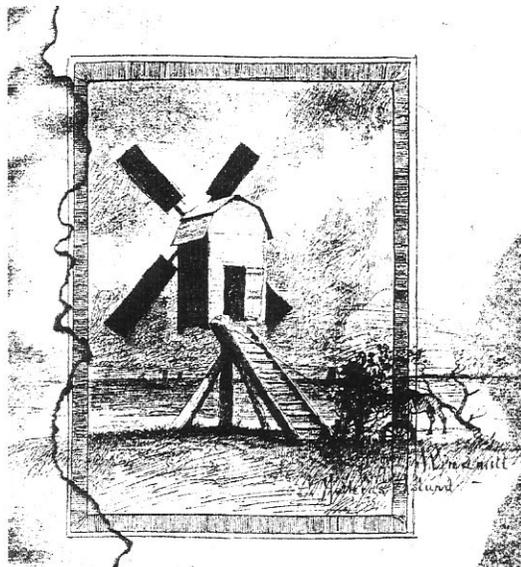


**UNBEKNOWNST TO BABITS -
A CRITICAL ANALYSIS of the BABITS et al
FINAL REPORT**

About The Cover:

This pencil sketch is representative of the windmills that dominated the Cape Hatteras landscape in 1860. It was drawn by Edwin Champney, a nineteen year old volunteer with the 5th Massachusetts Infantry Regiment, Company G. Young Edwin spent several weeks bivouacked at the original Cape Hatteras Lighthouse during parts of January and February of 1863. Although some of his sketches were subsequently damaged, as evidenced by the water stain coursing down its spine, his drawings remain among the most telling and revealing vignettes of the Civil War for Hatteras Island. His contributions to the historical record of the Outer Banks still continue, long after his duties here, and they have proven to be a genuine treasure. Visit the Outer Banks History Center at Manteo's Festival Park to examine Edwin's portfolio and other such resources from their extensive holdings. You will not be disappointed.

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This document is the fruition of findings which culminated from a thoroughly objective investigation into the controversial subject of the Chicamacomico Races. What was previously thought to be only a minor military footnote that played out during the early months of the American Civil War has now been reexamined and reinterpreted. What emerges is a historical account that reads much differently from its published predecessors and this latest effort will assist in subsequent reevaluations. It will also facilitate a better understanding of Cape Hatteras' strategic importance to the war effort of both parties engaged in America's epic conflict. No doubt, what happened along Hatteras Island's shores and its adjacent waters altered the course of American history and many events that transpired in coastal North Carolina affected actions that continue to reverberate long after the guns have been silenced - but, not its discussion. The following material presents a counterpoint view to the 2014 Babits' archaeological component of the Waves investigation and only reflects the considered opinion of the writer based on the totality of all of the evidence he has uncovered and discovered.

A Continuing Conflict for

Chicamacomico's

Camp Live Oak:

*Unbeknownst to Babits - A critical
Analysis of the Babits, et al Final Report*

By

Mel Covey

In Kind Memories of

Nellie Wahab Midgett Farrow

February 14, 1913 – February 20, 2012

ABSTRACT

A Continuing Conflict for Chicamacomico's Camp Live Oak extensively documented the 2013 Civil War investigation at the Wenberg residence in Waves Village; part of North Carolina's Outer Banks. In the 1800's the village was the southern half of Chicamacomico, the northern most settlement on Hatteras Island. Introduced within were new historical aspects of the island which included discussions of the island's marine geology, its barrier island dynamics, cartography, hydrology, and the ecological succession of its maritime forests. It also supplemented the topics of windmills, shipping, timbering and farming, and was a compilation of resource materials used in Mel Covey's Civil War investigations. It embodied an objective, thorough, and intellectually honest discussion of material which was unrepresented in the Babits, *et al Draft & Final Reports*. Included is evidence that vigorously contradicted the positions of Lawrence Babits Ph.D. and of those solicited from Geologist Stanley Riggs Ph.D., and which defends a southern Chicamacomico location for Camp Live Oak. The breastworks of the 20th Indiana were constructed on a part of the 504-acre Midyett Plantation (1784). Also identified was a central corridor for the earthworks that were all constructed between 1852 and 1866.

Babits, *et al's Draft & Final Reports* embraced a hypothesis suggested by Maryland author Lee Oxford (2013) and both offered additional interpretations which were contradicted by historical sources included within this critique; described by Covey as the Oxford/Babits' Hypothesis, it was the distillation of four major, debatable components. Babits' Reports also offered scenarios beyond the scope of Oxford's account of the 'Chicamacomico Affair'. These were discussed and deconstructed by *A Continuing Conflict . . .*, while documents, survey maps, aerial photography, nautical charts, and other exhibits supporting Covey's Hypotheses were simultaneously provided.

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THE OXFORD / BABITS' HYPOTHESIS

The Oxford/Babits' Hypothesis was incumbent upon a northern Rodanthe location for the Union Civil War encampment named Camp Live Oak. To be considered verified the hypothesis must detail, account for, and contain the given documented components:

1. Chicamacomico's described characteristics must include those of the northern village's known to exist in 1861. This included its cemeteries, landings, roads, vegetation, terrain, and adjacent waters, but most particularly its windmills.
2. Camp Live Oak was located north of present day **Black Mar Gut** and **Greens Point**, and was in the vicinity of Rodanthe's **36th parallel** of latitude.
3. Jethro Anderson Midyett was the owner of Midyett's Mill, identified as the station of **Windmill** on Coastal Surveys of the era.
4. Immediately prior to its capture on October 1, 1861, the Union vessel *Fanny* was anchored directly off of the northern end of Chicamacomico in Pamlico Sound.

The Babits, *et al Final Report* additionally contended:

1. if a windmill was constructed during the mid-1800's in coastal Carolina, but was not implemented as a Coastal Survey station, then the mill could not have existed.
2. there was no evidence suggesting fortifications were planned for, or ever attempted at Chicamacomico.
3. extensive, significant, and distinctive physical features not represented on Coastal Survey T-367 (1852) existed, nonetheless.
4. a large, distinctly unique formation of sand in Waves, North Carolina (Wenberg Ridge) was a completely natural feature in origin.
5. a deed for 50 acres of land conveyed to Jethro Anderson Midyett was for property located in Rodanthe, near present day **Black Mar ('Back Mire') Gut**, and was in the vicinity of **Greens Point**. A past Coastal Survey station (**Windmill**) was on this tract.

COVEY'S HYPOTHESES

A Continuing Conflict . . . systematically deconstructed Babits, *et al's* major asserted statements, and others, offered in their *Final Report*. It performed likewise for Babits' *Draft Report*, which was detailed within correspondence letters and position papers reproduced in the **Addenda**. As alternative hypotheses, the following were offered:

1. A unique 'dune' of sand (Wenberg Ridge) in Waves was a cultural feature of post – 1852 origins that exhibited indications of excavations performed before 1866.
2. Earthworks adjacent to Camp Live Oak were constructed upon an agricultural impoundment possessing an artificially excavated pond in its northwestern corner. Both were represented on Coastal Survey (T-367).
3. The unfinished fortification was in excess of three acres in size and was a small portion of the original 504-acre Midyett Plantation of 1784. It also extended into an adjacent 100-acre tract of marsh Midyett purchased from Christopher O'Neal. In the Civil War, the tracts of land were controlled by Midyett's sons.
4. A centrally located thoroughfare, within and parallel to the entrenchments, was also constructed between 1852 & 1866. Breastwork materials traveled upon it.
5. The genesis of Chicamacomico Banks' Loggerhead Inlet was concurrent with those of Hatteras and Oregon Inlets.
6. Many windmills existed on Hatteras Island in 1852; Waves had at least two.
7. The tug *Fanny* was captured at the west entrance to **Cedar Hammock Channel**.
8. Many of Camp Live Oak's identifying characteristics were extant in Waves, NC.
9. Nathan O'Neal was the original owner of a windmill attributed to Jethro Midyett.
10. Banister Midyett's (dec'd: 1841) gristmills were immediately south of and close by fortifications under construction adjacent to Camp Live Oak in 1861.
11. North Carolina's Outer Banks have continually endured extensive soundside erosion. This contradicted the theories of many published geologists who asserted a westward migration of the coast's barrier islands continues to occur.
12. There was no absolute, direct correlation between coastal windmills and the Coastal Surveys of the 1800's. The majority of windmills (over 80%) were never used for such purposes.

ACKNOWLEDGEMENTS

From this writer's perspective, a resource rivaling the promise of today's youth is the wisdom and experiences of the island's elders. By recognizing the value of their life stories, opinions and observations at an early age, I was easily captivated by their shared recollections and conversations. So, I mentally filed much of it away for future reference, whilst simultaneously attempting to visualize and comprehend what they had described. Surely, my attempts paled in comparison to what was shared. Nonetheless, it was fortunate through the years the village elders witnessed many significant events along their home shores; most were of relation to my mother's family. All were special, but one was a particular favorite of mine – Ms. Nellie Farrow.

The late Dalton O'Neal, a Rodanthe native known for his boxing ability, could be overheard to say "dynamite comes in small packages". Although it often referred to his powerful fists, I am sure he would have agreed the phrase was applicable to the diminutive, prim and proper Ms. Nellie. Her daughter Jackie shared that she was fortunate to have lived "most of her life in the house in which she was born in South Rodanthe (now Waves)", and also wrote her mother "witnessed many changes on Hatteras Island and had a ring side seat to maritime warfare in both World War I and II." For me, Nellie's personable demeanor and her infectious joy of life made it impossible to refuse occasional requests to help keep her house in proper repair; her home was built by her father Zion Midgett (Circa 1894). Her personality was also dueled by a bit of feistiness I came to admire and enjoy while we were both working at my family's seafood restaurant – a result from having only older brothers for siblings? During my visits to her home in Waves, mostly for performing simple tasks to those a bit more laborious, I was often reminded of my first experience there, but I remained perpetually intrigued by the odd, long, "dune plateau" across her entire front yard. Although it was a topic of discussion between the two of us more than once, I always sensed there was much more to the subject than she could ever tell.

As one might expect, a large compliment of talented individuals was needed for the 2014 Camp Live Oak field investigation at Waves. This was certainly no exception since work in many disciplines was required and performed. These included fundraising, historical research, aerial photography, cartography, deeds, land grants, genealogy, wills, media, logistical support, meals, and, archaeology. All were important and collectively they have enabled an informative reexamination of Hatteras Island's early history, as well as North Carolina's colonial period. Jackie and Ken Wenberg (owners of the site portion investigated) graciously allowed an archaeological team assisted by volunteers to invade their premises, temporarily disrupt their lives, and carry out several investigative processes, including excavations, in order to proceed. They were consummate hosts who have constantly expressed a willingness to give to their cherished community. Nothing would have transpired on the site without their thoughtful cooperation and assistance.

Their nearby neighbor, Mr. I. D. Midgett, was another valuable source of local information, having lived his entire 80 plus years on site in Waves. I also want to thank Selby Gaskins, Jr. for offering additional areas for investigating. Selby owns the northeast corner of the fortification and Babits' Cow Well. Essential to this work were my friends at the Graveyard of the Atlantic Museum in Hatteras Village, who assisted with several components of the investigation. Quite simply, there would have been no proper investigation without the assistance of my support group, The Friends of the Graveyard of the Atlantic Museum – their visionary chairman Danny Couch in particular. Museum staff members Clara Scarborough and Mary Ellen Riddle were indispensable and rescued me more than once.

I would be ashamed of my upbringing if I failed to acknowledge several individuals who positively impacted what was accomplished in Waves. My introduction to the island's windmills occurred as a young teenager in the 1970's while exploring Pamlico Sound off Salvo. When later inquiring from the elderly storekeeper Dan Leary what was behind his store in the sound, I was remanded to stay off his oyster rock (a grindstone). Next, an even younger Dale Midgett (son of I. D.) helped uncover Banister's buried mill stones while he and a cousin were digging for old bottles. They were immediately told to rebury them, lest the National Park Service confiscate them, and possibly with it their land too. Salvo natives Jimmie Hooper and Richard Austin also confirmed what was there. Several other islanders were considerate enough to share information involving

artesian wells and other observations that have been extremely helpful in understanding our barrier islands' unique ecosystems: Bill Balance, Dwight Burrus and Rudy Austin. Also, thanks are extended to Renee Scarborough Barnett and Earl Fountain for sharing the current location's remnants of a sawmill in Frisco; the mill was adjacent to the former Camp Bailey.

Both Reisha Midgett and Joyce Midgett Waters kindly provided corroborating information about the grind stones, the use of the broken ones for porch steps, and stories about their long deceased family members who operated a windmill in Waves. They were raised on site and both still live close by. Another native islander, Bruce Midgett, shared his teenage discovery of Nathan's millstone and others he and my best friend (the late Eddie O'Neal) found while duck hunting. Also donating his time, his boat and much of his energy was Jack Painter, my boat captain and one of my editors. It would have been helpful to have met Jack a lot sooner.

For almost 20 years, Joseph and Melanie Schwarzer have been a constant, unwavering source of advice, support, and encouragement. They are the epitome of genuine friends and are a favorite couple of mine. Each is blessed with abundant abilities and both have personalities that enrich others they meet. Their natural objectivity, boundless energy and enthusiasm were just a few of many things that resonated early in our friendship. Mel and Joe, as I call them, recognize potential when they see it, understand its role in the larger picture, and both enjoy facilitating the process. I turned to them first.

Around the same time I met Joe Schwarzer, I was befriended by Earl W. O'Neal, Jr. of Ocracoke. To describe Mr. O'Neal as a retired nuclear engineer, genealogist or historian would be grossly inadequate because he, like the Schwarzers, is much more than his impressive resume could ever reveal. As a tireless public servant, volunteer and unofficial ambassador for all of the Banks, his opinions warrant special consideration. His advice and assistance are continually sought and his successes in just the past two decades are more than a life's work for most. Preserving history is but one of many passions of his. I personally know of no one who has assisted as much on the Outer Banks to improve the human condition for all: sidewalks, airports, a helipad, a ballpark, scenic byway and more. Fortunately, I have enjoyed an inside track to his insight for two decades, and I will forever be indebted for his assistance. Without Mr. O'Neal this composition would not exist.

While visiting the adjacent outlying counties surrounding Dare for research, I noticed several common threads braided into the line that twines the neighboring communities together; it more than transcended the commonality of places with similar names. I found regardless which courthouse, administrative building, archives or library I visited; the individuals who were employed there for the disposition of the people's business were knowledgeable, proficient, and eager to assist. I am thusly compelled to mention a lengthy list of people, each of who helped move me along my way.

In Dare County, Robin Etheridge was extremely helpful at locating and making copies of archival imagery critical for deciphering land use histories and their past owners. This project accelerated exponentially due to her assistance. Her able colleagues, Bettie Scarborough-Burton and Jaime Deringer, frequently helped me with accessing the county's data base, and the proficiency of all three at the Dare County Tax Map office saved me countless hours of valuable research time. These both advanced the project and served as an impetus for the next related task already begun – The Chicamacomico Genesis Project. Likewise, for three more delightful ladies who helped me access the records at the Register of Deeds office in the same courthouse: Deputy Register Claudia Fry Harrington, and Assistant Registers Toni J. Midgett and Lana Scarborough Vestal.

In Hyde County I found more of the same helpful attitude. Ms. E. 'Merita' Lewis-Spencer, Register of Deeds, quickly got me up to speed and I believe a record was set for the most copies her assistant Pam Sawyer ever made for any one person; 460. I must confess to similarly 'abusing' the staff at the Currituck Courthouse as well. Not as many at once, but more trips. Deputy Register Iris Parker Pope was a blessing as were her colleagues: staff Assistant Register Natalie R. Twiddy, Deputy Registers Tammy K. Flowers & Emily H. Castelow. Many thanks are extended to Tyrell County's Register of Deeds also; Gene P. Reynolds and his Assistant, Sheryl A. Reynolds, who were gracious enough to help me with their system and their records.

Of particular importance to the research was Veronica Brickhouse, presently Manteo Library's Branch Manager. But some years ago (more for me than for her from outward appearances), she was a young enthusiastic lady who tenaciously pursued numerous esoteric references needed for my quests. Most were by way of the interlibrary loan system. Her 'going the extra mile' resulted in the acquisition of source materials that academics and NOAA desired, but had been unable to find. She has cultivated a similar desire to succeed with Library Assistant Amanda Albarty, who now cheerfully helps in the same capacity. Across town on the east side of Manteo is the Outer Banks History Center (OBHC); Dare County's hidden gem facility directed by Curator KaeLi Schurr. She and fellow archivists Tama Creef and Stuart Parks II were always happy to locate items in the Archive's holdings and produce copies needed for my research. A past, major, personal highlight of mine was chairing the 14 member "Friends" board at the OBHC, which was comprised of individuals with accomplished efforts superior to mine. I felt privileged to lead such a prestigious group who saw value in my leadership for two eventful years. Usually, one is fortunate to have a current or future recipient of North Carolina's Order of the Long Leaf Pine at their side for advice and assistance. I had four at once. No doubt, still more of my directors from that board will be awarded in the future.

Recently, we said goodbye to Sarah Downing before she relocated to Asheville. While it was sad to lose such a knowledgeable friend to a fellow archive, nonetheless I still blame her, Wynne Dough and Brian Edwards for originally encouraging this journey down the tantalizing path of historical discovery. Once you enter you can never leave; their own little version of 'Hotel California'. Thanks for that one – friends. Likewise, to former volunteers Jack and Virginia "Lou" Overman, my late pals Ron Spears, Lois Bradshaw and Mary Bruce Dowd – and lastly, to a mentor of mine, David Stick. David's portrait at the OBHC often reminds me his works endure, but he too will always remain 'on the hook' for me as well. He was just as complicit in the conspiracy to lure me in and keep me there. In memory to all of the above, past and present, I will forever treasure our times together in conversation, our works together, and the help I received with my projects.

Raising funds necessary for this investigation was rather rewarding. I mostly enjoyed meeting the majority of Chicamacomico's entrepreneurs and business managers. But it was taxing due to the time of, the cost of, and the amount of effort expended. In retrospect, it would have made better financial sense to forgo the local fundraising, concentrate more on grants, and just pay the rest myself. For me to have just contributed more would have actually saved me money in the long run, but would have done little to promote the endeavor. It also would have gained little for the community and would have denied the area's merchants the opportunity to participate in, become a part of, and perhaps develop something of lasting value and importance.

When worthwhile local projects are launched, one of the first sources of funding solicited is The Outer Banks Community Foundation. There is good reason for that since their works here are almost legendary. In the future, I would like an opportunity to personally thank each of the directors for their support. In particular is the rank and file who make it all possible, but who sometimes go unrecognized; it was not always the one posing for photographs or representing this fine organization that made Mr. Stick proud. Those who did the heavy lifting never went unnoticed by him and I would be remiss if former aide Denise Wells was not properly thanked – thank you, Denise. We never would have been awarded one of the Foundation's wonderful grants without your professional and timely assistance. I would also like to single out Shirley Hamblet for her efficient responses.

Please recognize that Elvin Hooper and Richie Midgett were instrumental in convincing their fellow Cape Hatteras Electrical Cooperative directors of the importance of the investigation to the island. The directors launched us and that created awareness, interest and momentum; then others soon became inclined to assist, as well. This was important for getting the Dare County Tourist Bureau at the Outer Banks Visitor Center to join in. A well deserved thank you is extended to Debbie Nepper, Aaron Tuell and Natalie Cavanaugh for shepherding this through their ranks for approval. Additionally, it was George Meade who was primarily responsible for getting the Rodanthe, Waves & Salvo Civic Association to support the project in its infancy. Naturally, it was essential to demonstrate the cooperation of those in the village we mustered; it afforded us instant credibility, which was vital for acquiring additional funding. If those in your own neighborhood are not behind you, you are done before you have started. Thanks to George and his fellow directors of the RWS Civic

Association, this was not the case. Although Babits' Methodology eliminated the opportunity to investigate Wenberg Ridge on the adjacent parcel now owned by Century Link, Covey still has his eye on this for later considerations. We would like to take up their offer to excavate further in the future. A big thank you is extended to employees John Lamont and Randal Mathews for their assistance and interest.

While it may have been an aberration due to my livelihood in the construction field, the building contractors on the island were the most responsive. It began with my partners at Covey's Construction (my father Pete & my brother Robert), who also had to continually rearrange work schedules to allow the pursuit of this endeavor. Green Island Builders (David Wade), Albaugh Construction (Kenrick "Rick" Albaugh), Hatteras Island Construction (Sam Hagedon), Dills' Concrete & Finishing (Brian Dills) and Sound Construction (Kyle O'Neal) all stepped up with generous contributions; thank you gentleman, one and all.

While many Chicamacomico merchants enthusiastically supported the project, there were some notable exceptions. My advice to future fundraisers would be to not waste precious time with franchise operations. They are mostly here to take from the community, not generally to support, or to enrich it. Also, seeming to possess a similar philosophy were the numerous realty branch offices that rent vacation properties in the tri-village area, except for one. It was both telling and ironic the large majority of those who would benefit the most from the shoulder season's anticipated increased visitations could do nothing to make it possible. However, at the same time, generous financial donations were received from their competitors off of the island. A very large thank you goes to Glen Futrell (Roanoke Properties) and Sharon Aldridge (Pirate's Cove Vacation Rentals) for there generous contributions.

Fortunately, there is almost always an exception to every circumstance and the success of the project hinged on this one – Alex Risser, owner of Outer Beaches Realty based in Avon. When the many other local realtors came up short in our hour of need, Alex came to our rescue by providing the investigative teams with exceptionally splendid accommodations (a personal house of his). This allowed the project to proceed in the eleventh hour. It also saved us a large sum of money we used for other expenses and it made him one of our largest benefactors. Of course, there are many reasons other than his philanthropy that have made Alex Hatteras Island's most successful Realtor, but, I sincerely hope his magnanimous gesture will be rewarded with future additional rentals from touring Civil War enthusiasts, heritage tourists, and those who come searching their ancestry – this I whole heartedly encourage. The same goes for the merchants of Chicamacomico (about one-third of) who helped with financial and in-kind contributions. Their businesses should be sought out and patronized by future visiting historical enthusiasts, and they are listed in no particular order:

| | | |
|-------------------------------------|----------------------|-----------------------|
| Sea – Sound Motel | The Fishing Hole | Island Cruisers |
| Hatteras Island Surf & Sailing | Rodanthe Pier | Hatteras Jack |
| Lisa's Pizzeria | The Blue Whale | Hatteras Tours |
| Ocean Waves Campground | The Sunset Salon | Sea Treasures |
| Hatteras Recycle | Camp Hatteras | Leonardo's Pizza |
| Pea Island Art Gallery | Rodanthe Watersports | Dale's Auto |
| St. Clair Landing Family Campground | Sandbar Dream | Frank's OBX Dog House |

Also needing to be recognized were several businesses outside of Chicamacomico who also made in-kind contributions. Angela Connor of Connor's Supermarket, Buck Scott - owner of Askins Creek Island Shop, Chris O'Neal of the Red Drum Market and Gee Gee Rosell, owner of Buxton Village Books, all helped provide for the needs of the volunteers or assisted with project logistics. An unexpected source of surprise came from friends who personally donated to the quest without approach. Despite some wishes for anonymity, they were: Robert 'Bob' Barris, Elizabeth Greller, Danny Couch, Melanie Schwarzer, Dennis Howard, DDS, Virginia O'Neal, Joseph K. Schwarzer, Ms. S. A. Flowers, Robert Covey, Justin O'Neal, and Ken Mason.

Eric L. Moser, the Microfilm Lab Supervisor for the State Archives, was instrumental in acquiring copies for a vast amount of early land grants, maps, and charts. Also unbeknownst to all would be the considerable time and effort my daughter spent in the NC State Archives poring over its wills, maps and land grants not only for

me, but also for my ultimate goal. Sarah Covey Blount, now a lawyer, is also a researcher in her own right and has saved the project countless hours and expense with the tasks she performed. A thought provoking aspect I came to appreciate was that she and my son Joshua are all directly descended from many of the local participants who were part of the past events in Chicamacomico. The same for many other central characters subsequently discussed: Thomas, Daniel, Banister, Ira, James M., Little Nicodemus & Efrica Midyett, Thomas & Christopher O'Neal and Joseph Claude Jennette. The realization my children would not exist today, had the battle experienced a different outcome, still creeps into my mind the more I become aware of the predicament faced by my ancestors. For over four months, Chicamacomico was a no man's land between opposing armies, each intent on destroying the other. The villagers were abandoned by one army and they carried a price on their head for the other. From late August of 1861 until early February of 1862, anarchy generally prevailed there and what later became my home town was, at that time, a land without a country; and we think we are stressed today.

My heartfelt thanks are expressed for the help and advice needed to disseminate this paper to the public over the internet. Without Robin Payne, Rob Smith, and my son Josh Covey I was concerned most would not become aware of what remarkably occurred. I am grateful to all three for helping me get the word out and for their patience with an 'old dog' who is trying hard to learn a few new tricks. Another who made an important contribution, which unfortunately we are yet unable to fully exploit, was local surveyor Don Rankin. Don now owns the Trent Church Picket and he spent considerable time and effort to locate the plats of the site's many parcels and then to produce the composite master site plan blueprint that Babits' was supplied with. It was necessary for recording all the site features listed in the project goals (#6). We still wait for Babits' work to be properly and accurately documented so Don can complete the essential master site plan.

I take this opportunity to express my profound appreciation for my team of dedicated volunteers, who were kind enough to lend a hand in the trenches. Without their work and energy, nothing would have been done in the field, but I also knew how important it was for them to be engaged in recovering the past. Although Babits' made sure they were recognized in the *Final Report*, it was important for me to do so here again. They were Dawn Taylor, Jenny Farrow Creech, Kevin Farrar and his son, Thomas, Steve "Bam Bam" Gibson, Bruce Higgins, Mike Paxton, Harvey Scarborough, and Doug Howe. I would also like to single out Dawn and Jenny for their research assistance as well. Both were gracious with sharing their own findings and for providing other resources I had never seen. Like the rest of the team, they have a considerable amount of experience with past archeological projects, and their knowledge of local genealogy and history were of much assistance.

One final point needs comment; I do hope my volunteers will not forever remain disappointed over the inability to reach that which remained just beneath us. And, that they can now better understand why, despite our modest success, I was not disappointed about the archaeological aspects of the dig. All volunteers are keenly aware even when unsuccessful, something is always learned; but, it pained me to withhold the 'eureka moment' I experienced when seeing the exposed sub-surface strata for the first time at the base of Wenberg Ridge. Please forgive me for using my best poker face possible, whilst feeling absolutely ecstatic inside. By then, it was apparent the cards I played would have to be held closer to my vest until the call had been made and it was time to show our hands. Pardons are asked for not sharing the knowledge we held an outstanding hand all along. Please understand it could not be played until I was assured all would play out as expected. It was very important to first see how the photographs would turn out and then wait for their interpretation. The entire project was hanging in balance and the stakes were too big to risk. Considering Lawrence Babits, Ph.D. was a last minute replacement, it can be understood why I was not concerned by the lack of progress, but remained confident all would end well. It is not always about what is seen; occasionally, what is not seen is much more important and that was definitely the case here.

Last but not least, a large thank you is extended to Roger Meekins of Manteo & Mirlo Beach, who is owed for willingly sharing his ancestral family's important role in early Chicamacomico's history. Additionally, pardons are asked here from all of those who played a part, but were not directly recognized. I know there are still more of you, each time I 'finished' this section I would later remember more I had previously forgotten and at this point I had to share our findings and declare; "my work here is done for now."

A CONTINUING CONFLICT for CHICAMACOMICO'S CAMP LIVE OAK:

UNBEKNOWNST to BABITS – a CRITICAL ANALYSIS of the BABITS, et al FINAL REPORT

PROLOGUE – The Spring of 2015

New information detailing the early history and heritage of Chicamacomico has emerged, compliments from the results of an ongoing systematic survey of Hatteras Island's land grants and its early property deeds; more will soon follow. Long known to be repositories for a wealth of history detailing the 18th and 19th centuries, but thought by many to be too voluminous to manage, the North Carolina Archives and the Deed Registers of six counties proved to hold troves of long-sought data. Collectively, they helped focus this project's work on the early history of the northern three of the four 'Banks' forming the globe's largest barrier island. One unforeseen result of this undertaking was a clearer understanding of Chicamacomico's dire situation prior to being victimized by the Civil War.

Chicamacomico was already enduring one of America's earliest emerging ecological disasters when the devastating hurricane of 1846 inundated all but the higher elevations of the island. Still struggling to recover fifteen years later, Hatteras Island became the next stage of events for Union attempts to reunite the nation. Although the North's first victory was at Hatteras Inlet in late August of 1861, Chicamacomico gained little relief except for a brief span of time two months later. Their dilemma had been magnified by regional ostracism since, unlike the majority of the state's population, many islanders were neutral to or did not support the '*Southern Cause*'. Then the '*Affair*' arrived and ravaged the village. It was truly their darkest hour; ecological disaster before a major hurricane, followed by political turmoil laced with anarchy, and lastly a civil war. Despite these adversities Chicamacomico persevered, a testament to that generation's tenacity and fortitude.

One listing of deed data began with the first accurate description of Chicamacomico's physical range. From Cape Point northward the Banks were Cape Hatteras, Kinnakeet and Chicamacomico. The latter originally stretched from New Inlet (south of **Oregon Inlet**) south to **Cedar Hammock** (below **No Ache Bay**). However, during the middle 1800's, the populations of the bisected village of Chicamacomico were located in the present-day towns of Rodanthe and Waves, and to the National Park Service's Salvo Day Use Area (US Census: 1850; Bache: 1852; Bishop: 1878). This project succeeded by correlating census records, nautical charts, deeds, genealogies, land grants, survey maps, aerial photographs, and wills for locating Camp Live Oak and several other related sites. The cumulative effort resulted in property boundaries superimposed on survey maps, illustrating the positions of the land grants and their subsequent divisions. This enabled the structures represented on the 1852 Coastal Survey (T-367) to be identified with a particular family.

Initially a small, thriving community prospering by virtue of its easily exploited natural resources, the tiny village was pummeled by the powerful hurricane of 1846. During the violent storm's aftermath, and less than a generation later, a war they hoped to avoid instead forcefully landed uninvited upon their shores. These consecutive blows forever altered its existence. Unlike bookends for each other, the northern area (now Rodanthe) historically endured more of the consequences from severe storms than the safer and more protected area to its south (currently Waves). This continued to hold true in modern times.

It was well documented this devastating hurricane created the island's two present-day inlets, but the forceful bisection of Chicamacomico from the storm's surge was less known. Previously unrecorded was the opening of Loggerhead Inlet from the same event. The inlet was first mapped in 1849 and its prior existence was not supported by the deed histories for this expanse of the island. One of the early inhabitants of the village was New England "tobacconist" Thomas Wallace (Appendix A1). According to the colony's records, Wallace's house stood just north of the 1744 survey line mandated by the royal government. Presently, this would be north of Rodanthe's "Burying Ground" and presumably on the soundside ridge of Mirlo Beach. The latter, a residential community, was formerly part of a much larger swath of land separating the Atlantic Ocean from Pamlico Sound. The northern portion of this property was developed by a longtime friend and client of Covey's, who was a direct descendant and namesake of the Rodger Meekins shown in Appendix A2.

In 1768 planter Thomas Pugh purchased 100 acres immediately north of the mentioned Thomas Wallace. Fifteen years later he received an additional grant for 640 acres north of Thomas Peirce and Thomas Midyett, also Chicamacomico planters. Evidently, Thomas was a popular first name for early arrivals. A year later in 1784, Thomas Pugh's son, George, acquired a 326-acre grant (No. 62) extending northward from his father's tract to New Inlet. The next day Daniel Midyett, youngest son of Thomas, received his 504-acre grant (No. 70, Appendix A1) for Midyett Plantation in present day Waves – the original site of the earthworks investigated. There was no inlet along Chicamacomico Banks in the 1700's besides New Inlet. It was, as its name suggested, a mostly contiguous stretch of the island.

Prior to the catastrophic hurricane of 1846, the waters behind this narrow expanse of the island were named the "End of the Hills Bay" (Appendix A2). This area was near **Sandy Ridge** on modern quadrangles, which was the northern terminus for the dynamic area of Rodanthe's 'S-turns'. This problematic zone was Loggerhead Inlet in the Civil War and the highway laid over it has followed at least five different courses since 1962. Unquestionably, the island has historically been among America's most dynamic landscapes with relentless waves of all size constantly reshaping its sandy margins. As positioned, the island largely withholds Pamlico Sound from merging with the Atlantic Ocean and this causes the smaller feature to function as an energy reservoir – primarily kinetic and potential; thermal and chemical are two others. In one sense it is an enormous energy sink, or capacitor, not to be mistaken for a lake. The restrained sound, an unpredictable ocean, and two shifting inlets contribute to the process of continually shaping and defining Hatteras Island, while storm events often produce the dramatic transformations experienced and widely reported.

Fortunately, less than a decade after the Civil War, Nathaniel Bishop (1878) left behind some particularly important observations. They were made during his late-1874 watery trek by canoe in coastal North Carolina and one of his descriptive passages was repeated below;

“The two Chicamacomico settlements of scattered houses are each nearly a mile in length, and are separated by a high, bald sand beach of about the same length which was once heavily wooded; but the wind has blown the sand into the forest and destroyed it. A wind-mill in each village raised its weird arms to the breeze.”

Just as divided as Chicamacomico became was the chasm formed between two prevailing opinions for the location of Camp Live Oak. Rarely ever were historical investigations approached with only a dichotomous argument to be resolved. Instead, usually, several possibilities had to be examined for their authenticity and accuracy. Seldom were investigations concerned with only two distinct alternatives; right or left, North or South, Rodanthe or Waves. Without exception, the camp’s recorded characteristics described Waves, while Rodanthe had but a common few. Every citation of the literature or detail on maps, charts and in artwork of the period was accounted for in the southern village.

From this and more, Covey easily and confidently deduced the Union camp must have been in present-day Waves; not his home town of Rodanthe as espoused by others. In this body of work are many of the twenty-plus supporting facts that substantiated this hypothesis and almost as many that trumped the alternative view. Archaeology was but one of many tools this writer used. When objectively attempted in the past, it typically yielded conclusive results, in contrast to what resulted from the limited Babits, *et al* effort. However, because of a preponderance of supportive material, knowledge and insight acquired from this quest, it grew wearisome to continually debate what others may have perceived or contended to be history. For at least one opinion, it was past time to let the evidence speak for itself.

To simplify and expedite this task, the primary focus of the debate detailed what the Babits Team (henceforth Babits’) had presented, altered or omitted. Due to this, the reviewer was less than appreciative of several needless diversions from his research and from having to correct mistakes and misconceptions of others’ by performing bothersome and time consuming exercises for such purposes. Perhaps the following scenarios will illustrate the point since each and every one of these undocumented events, without exception, must have occurred for the Waves location to be in error and for Babits’ to be confirmed.

- ~ The Confederate amphibious assault that landed three miles north of Camp Live Oak could not have occurred, since a distance of three miles would have had them wading ashore on a little shoal island in the middle of Loggerhead Inlet, instead.
- ~ If a windmill was not listed as a survey station, the mill never existed.
- ~ A singular tree was inexplicably mistaken for a hammock of live oak trees. This tree was not located, yet served as a boundary marker for a tract over two miles away.

- ~ A 20-acre stand of pine trees stood where no stand had ten years before.
- ~ On October 1, 1861, the compass direction of **East** mysteriously shifted approximately **22½°** and became the recorded **ENE**, instead. Pamlico Sound's depths were also doubled three miles from shore, allowing the Union gunboat *Fanny* to run aground in charted waters of increasing depths which had no shoals.
- ~ Midyett's Mill was not on Midyett Plantation. It was farther north, over two miles away, and was owned by a family other than the Midyetts.
- ~ A long, wide and elevated ridge went unseen by mapping surveyors, and once more for a Cartographic team, while each surveyed or mapped around the feature.
- ~ A Union commander abandoned a superior position to encamp "*almost within the shadow of the opposition's forts*", where no drinking water was available.
- ~ A naval engagement was on **No Ache Shoal** – in water too shallow to float a boat.

These contradictions and impossibilities were exacerbated by the addition of mathematical errors and by problems with scale. The investigation was additionally compromised from the inclusion of misrepresented exhibits and instances of circuitous thinking coupled with specious logic. It suffered from an over abundance of gratuitous padding, contained multiple misquotes of personal communications (including the reviewer's), and had noticeable omissions. The effort also reported invented citations and exhibited contrived evidence. Incredibly, the *Final Report* based its *Conclusions* for the two most important aspects of its findings on opinions from an individual unfamiliar with the site and/or subject.

Covey and Babits' agreed the Coastal Survey station **Windmill** was at the north end of Chicamacomico. They agreed both this mill and the Waves site were represented on the same map (Bache, T-367: 1852), and both were consistent with Covey's identified present day locations. They also agreed the disputed feature Covey identified as Wenberg Ridge (in recognition of its current owners) existed before 1901, as evidenced by the marked grave of L. N. Midyett. They also shared the opinion that other graves were in the same ridge. Unfortunately, concerning Chicamacomico, they found little common ground.

After reviewing the *Draft Report* submitted by Babits', Covey suggested wholesale revisions on passages involving barrier island formation systems and windmills, but those options were declined. However, corrections were made for other minor items of related historical matters. Some were for computations on georectification, and a few were for map interpretations. Outwardly, it also appeared some results were possibly determined before the input of the listed data. Because of this characteristic, passages from the *Draft Report* and *Covey's Correspondence* to Babits and Stephen Smith, Ph.D., were included in the **Addenda** for comparison, academic inspection and additional information to better complete the record of the project.

To the investigators' defense, entire topics and several passages of the *Draft Report* were excised from the *Final Report* following Covey's preliminary evaluation. That development, plus the late inclusion of other material, resulted in what only superficially resembled its draft. But, this development was also adversely affected by the introduction of additional errors. At one point, it appeared alterations of prior research were produced to support what had become necessary to address. They included, but were not limited to, distortions, misrepresentations and omissions in the *Draft Report* made issue of by Covey.

After the initial attempt paralleling Oxford (2013) failed, the *Final Report* succeeded in publishing independently acquired material purposely withheld. The more a preexisting discussion of Jethro Anderson Midyett's possible windmill possession was deflected; the more determined the lead investigator became to pursue and base their findings on it. But the misinterpretation of Babits' had the opposite result from what was determined. The reliance on and the advancement of Oxford's minor footnote error resulted in the total destruction of the two most important components of the Oxford/Babits' Hypothesis.

** Please note the arrangement of the subject matter was a sequential review following Babits' format. Apologies are extended for the occasionally choppy text resulting from adhering to this platform, but it simplified and expedited the task of critiquing the *Draft & Final Reports* while simultaneously providing correct, counter-interpretations of evidence accompanied by a respective *Exhibit*. Also presented were many resources not discussed in either of Babits' reports.

As a matter of format and an ease for reading, the 12 point Calibri font was selected for the text. This lettering indicated the reviewer's (Covey's) contributions and his observations.

Italics designated Covey's Exhibits, Latin phrases, quotes, naval vessels, and works of others.

Bold letters denoted Babits' Figures, relevant geographical areas and important numerals.

Bold italics represented quotes of the Babits, et al Final Report (Babits') and Covey's boldfaced 'points of emphases'.

~~~~~

*"There are few names more widely known in the United States  
or localities of which a greater ignorance prevails than  
Cape Hatteras"*

*H. H. Brimley*

## I INTRODUCTION

One of the minor unfulfilled goals of the Babits' Team effort was the georectification of the 1874 Life Saving Station's original site at Chicamacomico (**Goal # 4, p. 1**). First attempted as reported in the *Draft Report*, it was a total failure. The station represented on Coastal Survey T-367 was not in the position reported by Babits', east of **Greens Point**. The station's location was 5,000 feet north of and well east of Babits' georectified position, out in the Atlantic Ocean. More importantly, **Goal # 6** was left undone. The stated intent there was to:

***“Establish and map the full extent of the surviving landscape features that can be construed as possibly relating to the proposed fortification. This question will be a matter of recording key points on landscape features and setting them within the landscape created during georectification. Superimpose the existing earthworks, older (pre-1900?) house sites, cemeteries, the windmill, wetland excavations, the elevated hammock, the pine and live oak stands and anything else of importance we may discover onto a site map. . . Identification of these points will principally be accomplished by including natural features noted during field recording and cultural features identified through excavation and archival research (p. 2)”***

A blueprint of a surveyor's composite map for the entire three-plus acre site was provided to the Babits' Team. Platted features on the map included current buildings, former building sites, cemeteries, driveways, property lines, utilities, and **NC Highway 12**. Neither the earthworks nor Babits' investigated transects were superimposed, though, and no site plan of the archaeological work was forwarded. This effectively stalled a vital, necessary, and contracted obligation of the archaeological investigation.

Another corollary question contemplated by Babits', although not germane to the project, was listed as **# 7a (p. 2)** and was inappropriately suggested as having been answered.

***“A part of this demonstration will include the probable impact of the Coriolis Effect on filling in of land on the soundside of Hatteras Island since the basic 1852 survey.”***

This contradicted other evidence presented later in the *Final Report* and ultimately the Coriolis Effect's influence went unreported, leaving Babits' statement completely unsupported. As demonstrated within this body of work, there has been no historic accretion or deposition on the soundside of Hatteras Island; only erosion. In direct opposition to much published opinion, all nautical charts, maps, and the U S Army Corps of Engineers were consistent with this newer assessment. Babits' reference also exposed their lack of understanding with the topic, since it was an incorrect application of the directing influences for its effect on water. They are counter-clockwise in the northern hemisphere, the geographical opposite of Babits' unfinished premise. The reviewer's *Draft Report* critique found in the **Addenda** (p. 212) explored this misapplication, revealed its misuse in this instance, and provided a proper analysis of the effect's influence on Pamlico Sound.

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## II HISTORY

### *Natural History*

***“Generally speaking, the island migrates toward the mainland by building up on its western face and eroding on the ocean side. To some extent this is not correct on Hatteras where erosion is occurring on both sound and ocean sides while also moving southward (Pilkey, et al 1998: 41-42)” (p. 3).***

Hatteras Island was indeed advancing southward. However, Covey disagreed with all of his geology professors over the westward migration component of this theory during his years as an undergraduate. While defending his Honors Program’s *Conclusions* during his dissertation, conducted before a panel of eight of his campus’ Ph.D.’s, a spirited discussion reached a decisive juncture after Covey challenged his inquisitors to identify anywhere on Hatteras Island along its 50-plus mile length where westward migration occurred. Because there were none, the panel’s members declined the invitation and this writer got his A.

While attending N C State University in 1975, Covey postulated sea levels were at one time at least 400 feet lower than those of the 20<sup>th</sup> century. The correlation between underwater canyons offshore and their respective onshore river systems led him to conclude the canyons were actually drowned river valleys and were not caused by down-cutting turbidity currents as academics championed at the time. The beaching of Ice Age fossils washing ashore at Rodanthe and existing swathes of ancient submerged forest in the ocean east of southern Pea Island supported this hypothesis. Despite undue criticism for what was accepted later, Covey never yielded his point. Nonetheless, he questioned the value of opinions offered by individuals, no matter their expertise, who were slow to recognize and acknowledge the obvious. His challenge regarding the island’s westward migration remains.

Sea level has been slowly rising for millennia. Almost as slow was the academic advancement of viewpoints embracing what experts should have conceivably known. One only needed to review the body of published works with their respective dates to confirm this. Understandably, it was the U S Army Corps of Engineers who first accurately gauged what local islanders always contended with; erosion and a rising sea level (*Exhibit 30*, p. 103; Appendix B). Convincingly, the Army Corps studies were based on comparisons of modern maps with the same Geodetic Survey maps used by both Babits’ and Covey.

Riggs, Pilkey, and other published marine geologists were behind the curve on this and their shifting points of view have struggled for relevance. Nowhere was Hatteras Island moving westward as they and the US National Park Service’s information all instructed. The island’s only westward ‘movement’ was towards submergence. For centuries, many soundside cemeteries on Ocracoke, Portsmouth, and Hatteras Islands had been overtaken by erosion. Covey first saw this macabre and disturbing sight as a small child during a visit to his family’s old cemetery on Rodanthe’s soundside, and then about ten years later at Little Kinnakeet.

Recently, he visited another cemetery four miles down shore from his family's, within the National Seashore's Salvo Day Use Area (*Exhibit 1*). The graveyard there had been a subject of controversy amongst the native families for decades due to the inability of the National Park Service to stabilize its eroding shoreline. Covey had extended family and ancestors at rest adjacent to the former Miss Kitty's Landing, precursor to the past settlement of Clarks. Once Clark's Island disappeared from offshore there, the area's erosion rates accelerated.



***Exhibit 1*** – Clark Cemetery, NPS Salvo Day Use Area: Circa 1995.

Those interred there included an ancestor of his who was a Union soldier during the Civil War (1<sup>st</sup> NC Infantry Volunteers). This writer, like many other islanders, was appalled to see recent storms had opened the vaults to the elements (*Exhibit 2*) – some were of individuals he knew. The concerned citizens were bewildered by the US Department of the Interior's inactions allowing the destruction of some of the National Seashore's historical and cultural resources, by declining to protect them, while expending scarce funds on and committing labor to other new capital investments such as soundside parking lots. Apparently, for past National Park Superintendent's, new shoreside bulkheads and other amenities for visiting kite surfers were more important to the Seashore's Mission Statement than the sites they inherited; sites they were responsible for preserving and protecting for future generations.



**Exhibit 2** – Open crypts on the Clark’s area soundside. Hatteras Island’s purported westward migration toward the mainland was a fallacy and a myth.

### ***Dune Systems***

After working with available resources on the subject for the past 45 years, the reviewer envisioned how Hatteras Island formed, the relative age of many of its sections, and what their futures will ultimately be. Though he made no claim to be a geologist (nor archaeologist, historian, or writer, either), his life experiences on the Banks, his education in several fields of study, and his areas of continuing research all provided him with a skill set leading to several archaeological, cartographic, historical, natural history, and scientific revelations. Observations made during a lifetime of activities with the island’s oldest construction company and his involvement with numerous archaeological projects, both marine and terrestrial, supplemented these. Taken together, they prepared him to oppose an attempt to portray an inadequately investigated cultural feature to be one of natural origins, especially after Wenberg Ridge’s visible characteristics were initially described by Lawrence Babits, Ph.D., (henceforth Babits) to be consistent with fortification techniques.

Hatteras Island’s “***primary (sea front) dunes***” were manmade and dated no earlier than those of the Civilian Conservation Corps’ works of the 1930’s. In comparison, the suggested relic dune ridges of Babits’ were absent in all artwork, maps, nautical charts, and vintage photographs (*Exhibits 3a-3d*) available for examination.

The “**Dunes**” present in the 1850’s were the island’s original true dunes befuddling Babits’, but they bore no resemblance to Wenberg Ridge in form. These dunes were well represented on Coastal Surveys T-367, T-377, T-790, T-1246, Farquhar’s map (1864), and several aerial photographs discussed in the review. The island’s true sand dunes were consistently referred to as the “*Sea Side Hills*” in deeds dating back to the early 1700’s (Appendix C). A small sample of them was exemplified by the following deeds and grants:

NC State Archives – Patent Book 8, p. 133: 1716

Currituck Co. B 4, p. 41: 1782

“ “ B 4, p. 220: 1784

“ “ B 6, p. 71: 1790

“ “ B 3, p. 405: 1803

“ “ B 9, p. 223: 1806

Hyde Co. Book V, p. 518: 1825

Dare Co. Book 17, p. 493: 1937.

The true dunes, or ‘*Sea Side Hills*’, were distinctly separate from each other. They were mounds, some slightly lengthened, but were mostly hemispheric in shape. They occurred near open beaches as expected from their name, not on the backside of the island as reported by Babits’, and their beach locations were also supported by citations found in the 1977 Dare Co. Soil Survey (see Newhan – Corolla Complex). The dunes cited were typically strung-out in elongated, gently curved arrays, especially as the dune field approached an inlet (e. g., Jockey’s Ridge & Old Roanoke Inlet, Hatteras’ Sea Side Hills & Hatteras Inlet, Styron’s Hill & Old Hatteras Inlet). True dunes were not migratory either, as mistaken by Babits’; they grew in place due to the entrapment of windblown sand by beach grasses. They persisted in a state of perpetual growth until they were recycled by high banks erosion accompanied with its encroaching shoreline. The “*Sea Side Hills*” of Hatteras were prominently depicted in Alfred Rudolph Waud’s famous line sketch of the Civil War’s first amphibious assault that occurred on the beach of Hatteras in late August of 1861. Union General Butler’s troops came ashore east of them for protection from the artillery of **Fort Clark**, just down the beach towards the inlet. Capturing the event with its artful casting was a Heritage Trail marker on the town’s east end close by. Most of Waves’ “*Sea Side Hills*” were bulldozed and sacrificially incorporated into its frontal dunes or eroded away.

The “**dune ridges**” Babits’, Riggs, Pilkey, *et al* theorized to be ‘*paleo*’ were not all ancient in origin. Many in Buxton Woods, Kitty Hawk Woods and on northeastern Roanoke Island were the result of early settlers’ poor conservation practices first employed for timbering, and subsequently with agriculture. This began on Hatteras Island as early as 1712 with the grant administered to absentee owner William Reed. Reed’s vast holdings were scattered throughout coastal North Carolina and southeastern Virginia. Soon after the conclusion of the Tuscarora War, Carolina’s Lords Proprietors and King George I expedited several legislative acts better facilitating the creation of settlements (1715) and allotted a series of land grants. By 1716 a number of them were successfully acquired along the Banks and the island’s first real estate boom began.



**Exhibit 3a** – North Rodanthe, West view: 1899

Courtesy of Outer Banks History Center



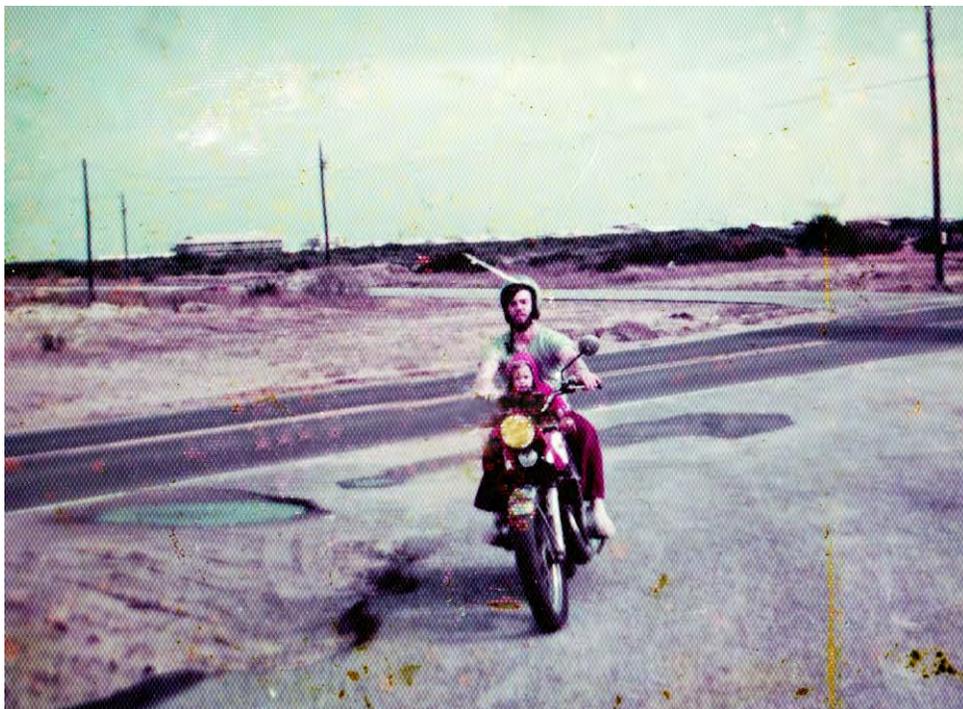
**Exhibit 3b** – Rodanthe, East View: 1899

Courtesy of Outer Banks History Center



**Exhibit 3c** – Clark’s Beach: 1899. Note the ‘bald beach’ & lack of any ridge formations.

Courtesy of Outer Banks History Center



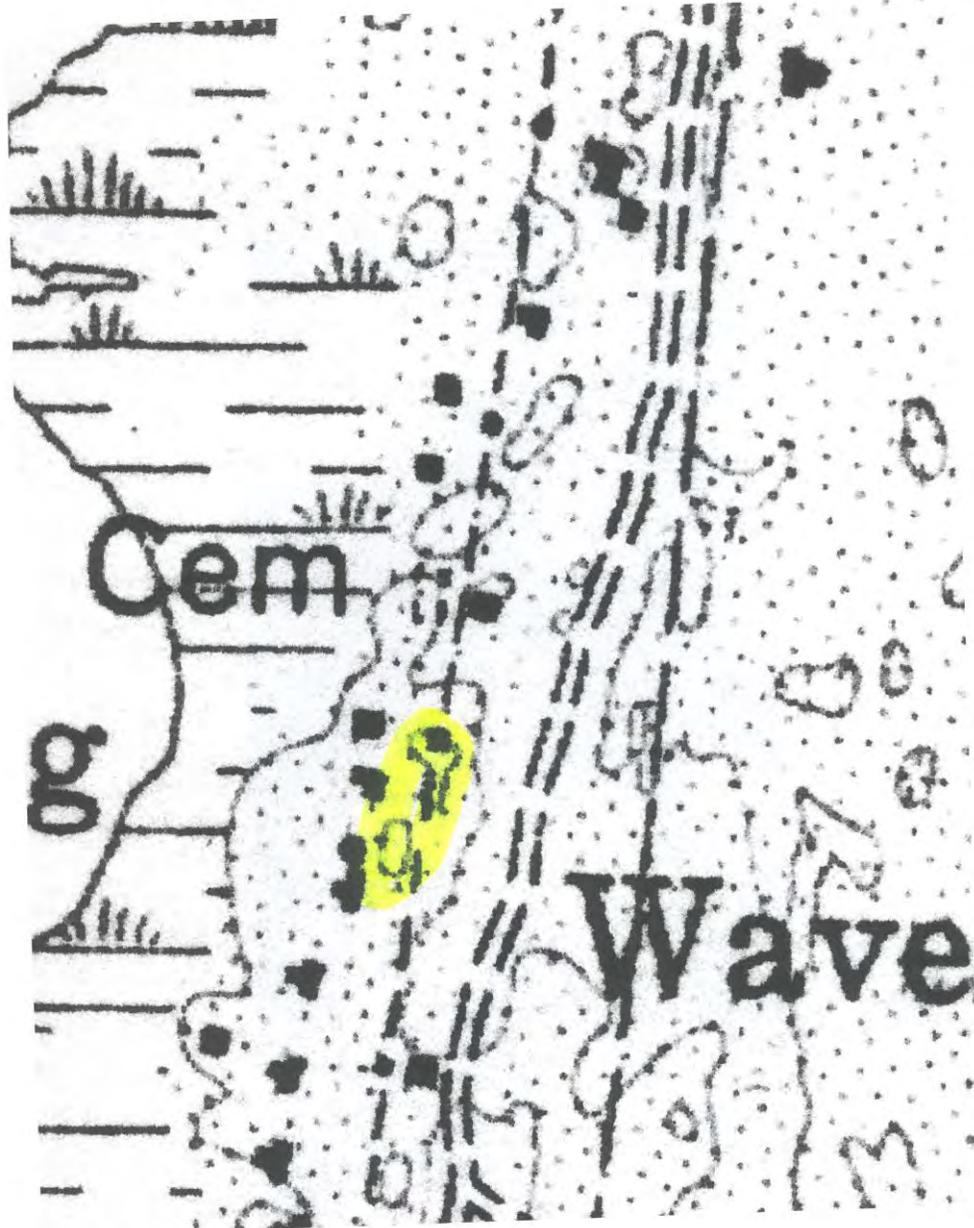
**Exhibit 3d** – A Rodanthe Landscape. East view from the west side of **NC 12**: Circa 1975.

Many more soon followed as indicated by the numerous land grants and deeds of conveyance Covey researched. His collection of copies of land tracts on Hatteras Island soon exceeded 1,750, in addition to several hundred more from the same islanders' extensive holdings throughout the Albemarle/Pamlico basin and southeastern Virginia.

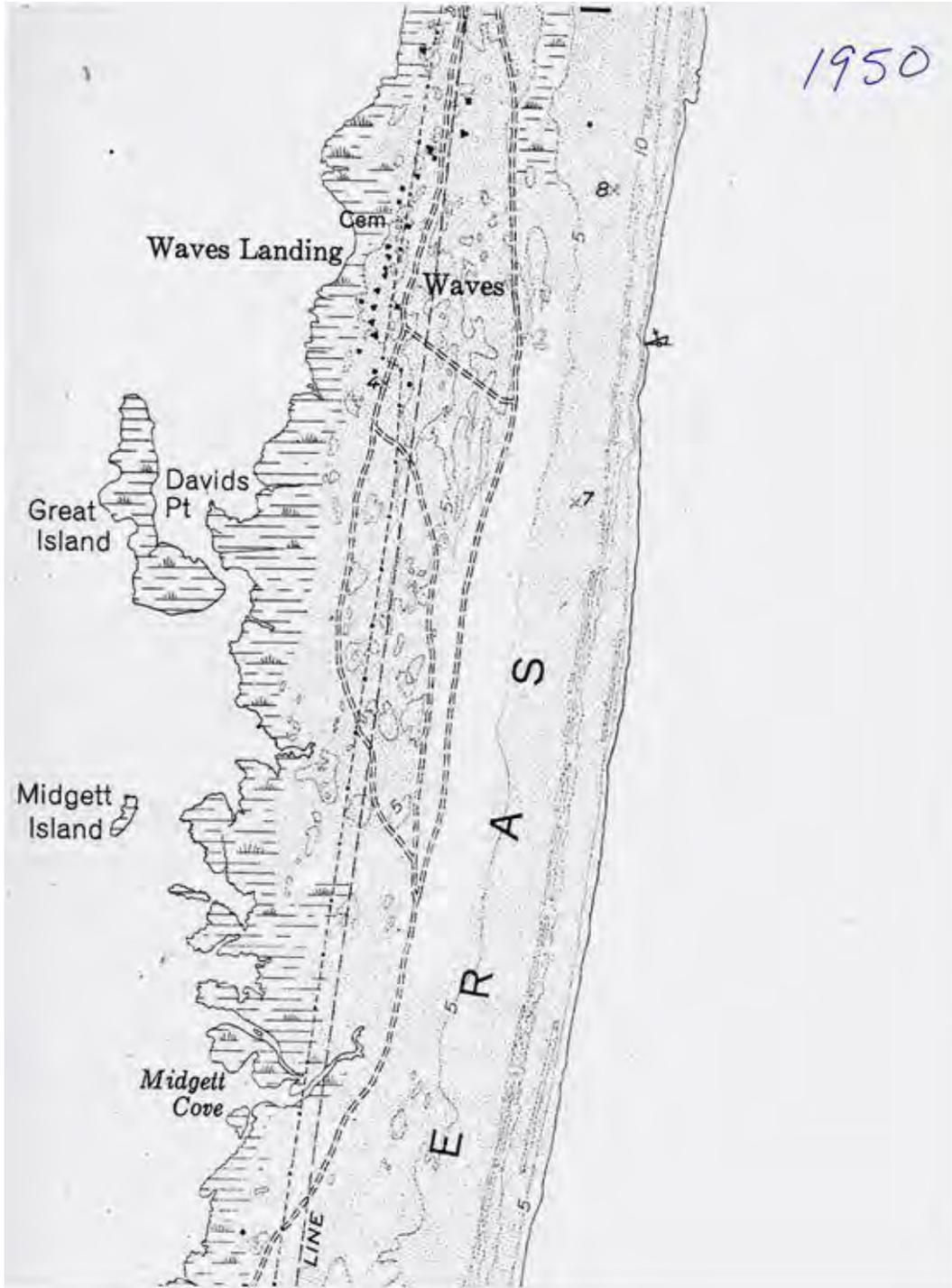
While installing pilings, Covey occasionally recovered ballast stones, bottles, handmade bricks, ceramics and square metal spikes from excavations in the ridges. All were discovered on top of ancient forest floors comprised of slowly decomposing stumps and their root systems. Some of the items were recovered from Frisco's northern most dune ridge and were discovered from depths exceeding thirteen feet. Since the northern ridge of **Buxton Woods** was considered the oldest by prevailing geological theory, and because ancient forest floors were under many of the "**dune ridges**" exposed, Covey reasoned the forest's topography of today had little resemblance to the ancient forest buried beneath. Sometimes even the specie components differed and they cumulatively indicated an ecological succession induced by a metamorphic landscape. The forested dune ridges were not ancient, but were instead mostly a result of severe deforestation that climaxed prior to the 1850's. Fortunately, this era came to a close with the advent of metal ship construction techniques, just in time to save the few remaining groves of live oak surviving on the island.

It was a gross over-simplification to suggest, as Babits' did on its **page 4**, that a "**bare surface indicates an active dune**" anywhere on the island. A barren area almost due south of Wenberg Ridge was offered as an example of this supposition. But, contrary to this view, a large vegetated hill stood there previously and was removed in the 1960's. Anywhere on the island subjected to the blades of earth moving equipment, except its marshes, would qualify for such a hypothetical geological 'definition'. The 1950 topographic quadrangle enlargement (*Exhibit 4a*) of the same area adequately showed both Wenberg Ridge (keyhole shape's southward end) and Babits' "**bare patch**" hill south of the site. Coinciding with the recorded account, the latter was likely where Colonel Brown's troops assembled prior to the regiment's ragged retreat south to the lighthouse (Logansport Journal, Oct. 7, 1861). Contrastingly, no hill was mapped at the Oxford and Babits' site area they identified, described as where the **36<sup>th</sup> parallel** crossed over Rodanthe. For purposes of present and future discussion, Oxford/Babits' northern, barren site was designated Camp No Live Oak, although the names Camp No Hill and Camp No Good Water were also appropriate.

Babits' envisioned the village lying protected between two, parallel ridges in a low swale (p. 6), but this Poquoson landform was not indigenous to the area. Contrastingly, common sense dictated buildings and cemeteries were set on the low profile soundside ridges (all Coastal Surveys) to avoid storm surges. Babits' misconstrued the low dune ridges as being 'protective' barriers, but they were not. Survivability then was more a function of elevation to avoid severe storm surges, distance from the ocean to avoid its large waves and blowing sand, and from oak trees affording protection from high winds. House moving as Babits' conceptualized was performed during major storm events, but their final resting places were decided by nature. In 1944, Midgett's General Store washed from its low ridge and was stranded on the beach. Buildings sited as Babits' proposed would be fated for worse.



**Exhibit 4a** – Waves: 1950. Noticeable here were the absences of **NC Highway 12** and of any perpendicular roads joining the unimproved main road. Colonel Brown’s hill (the southern mound of the two in yellow) was removed in the 1960’s and became Babits’ **“bare patch”**. Previously, it was covered with mulberry trees on its south side and it had an extensive canopy of overhanging wild scuppernong grape extending beyond its northern slope (Carroll Midgett, Sr., personal communication: 2015; reviewer’s childhood observations: Circa early 1960’s). Mr. Midgett owned the northern section of the fortification site and had lived there most of his life. Wenberg Ridge was the southern part of the keyhole shaped hill also shown highlighted in yellow. It was an artificially built mound that extended south from the previously existing hill standing on the north end.



**Exhibit 4b** – Waves Quadrangle section: 1950. **NC Highway 12** and the perpendicular 1852 ocean access road of Midgett Plantation were both unrepresented. **Midgett Island** and **Midgett Cove** were both present and **Waves Landing** demarked the former “**Uncle Jimmy’s Landing**”; currently owned by descendents of James Meekins Midgett (1857-1934). In his time, the southern village eventually became Waves, but it was an anachronistic name for the Civil War era.

Babits' further confused the fortification's east wall with an unrepresented, relic dune ridge. This aspect regarding the most critical component of the *Final Report's Conclusions* was conceived during telephone conversations with a geologist who never visited the site. Ostensibly, if he had, it would have been immediately recognized the ridge on the Wenberg land exhibited none of the identifying characteristics all of the world's migrating sand dunes must exhibit. All mounds of sand were not the same on Hatteras Island, and presumably, migratory dunes were also not satisfactory for burying the village's dead. The undermined circumstances pictured in *Exhibit 5a* and the ghastly consequences that would soon disturb the remains of their departed loved ones demonstrated why. Regardless of location:

~ migrating sand dunes are Aeolian features composed of striated strata and, if unsupported by trees or other objects encountered, they also possess an angle of repose less than **38°**. Their windward slopes are gently inclined in contrast to their noticeably steeper leeward sides, which identifies its direction of migration (Personal communications with Dr. Paul Hosier: 1979; Dr. James Parnell: 1980; Professors Jack Dermid & David Dummond: 1980).

~ migrating sand dunes possess a defined, "*meandering ridge line*" crest that cascades over onto the dune's leeward side (*Ex. 5b*). Wenberg Ridge had no crest; the ridge's profile possessed a 40-foot wide plateau across its top (*Ex. 5c*).

~ migrating sand dunes have "*complex slopes*". Covey likened them to ruffled blankets on unmade beds. After stabilization from covering vegetation, the end result has a typical rolling, undulating landform found in all of the previously mentioned forests. It was this inconsistency that first intrigued Covey over its origin; Wenberg Ridge's slopes were equally uniform in grade (*Exhibits 5c & 6a*).

The total reliance upon telephone conversations for the *Conclusions* of this investigation was inappropriate and it was unacceptable this standard investigative ethic was ignored, especially after the investigator previously demonstrated an inability to correctly relay information received in person. Covey was also disappointed with the individual's conduct on site, his unwillingness to follow a designated course of action, his performance in the field (including his methodologies), and by the editing of some of the evidence provided to the team. Also unsatisfactory was the lead investigator's less than adequate comprehension of Hatteras Island's Civil War history, his demonstrated lack of complete objectivity, his poor initiative, and his failure to complete a site plan. All of these factors impacted the investigative effort in a negative fashion.

It was inappropriate to describe any modern and/or cultural feature as a geologic "*relic*". The cited survey map (T-367) conclusively confirmed Wenberg Ridge did not exist before 1852; the ridge was unquestionably a more recent addition. This definitive aspect was also consistent with its unique morphology. Overwhelming evidence presented within agreed with this archaeological fact and collectively they vacated the Babits' position, since it was meritless without the ridge's presence prior to 1852.



On the Back of the Hatteras Sand-Wave.

(The sand-wave has passed a stunted live-oak, cutting the sand from around its r

## SAND-WAVES AT HENLOPEN AND HATTERAS

*By John R. Spears.*

**Exhibit 5a** – Migrating sand dune, Hatteras: 1890. Note the undermined and exposed tree root system, the uneven and meandered ridge line, the dune's complex slopes, and its sparse vegetation. This article was published eleven years prior to the internment of Little Nicodemus Midyett's within Wenberg Ridge in 1901.

Born of the wind and the sea, on the sandy beach of each cape is a curious natural phenomenon. A mammoth wave of sand, that towers aloft like a sea-wave, even curling over in places like a huge breaker, is rolling inland irresistibly, and lacking only the element of speed in its career to carry such terror to the hearts of the inhabitants as is inspired by the sea-waves that follow an earthquake, for the destructiveness of the sand-wave is limited only by its scope. Though similar in origin, substance, and motive power, there is yet so much difference between the two waves in form, extent, and speed of travel, and in the actual destruction of property, that each is a study in itself. Especially noticeable is the difference in the devastation wrought, for while one is laying waste a forest of small value, the other is burying inexorably a hundred lowly homes.

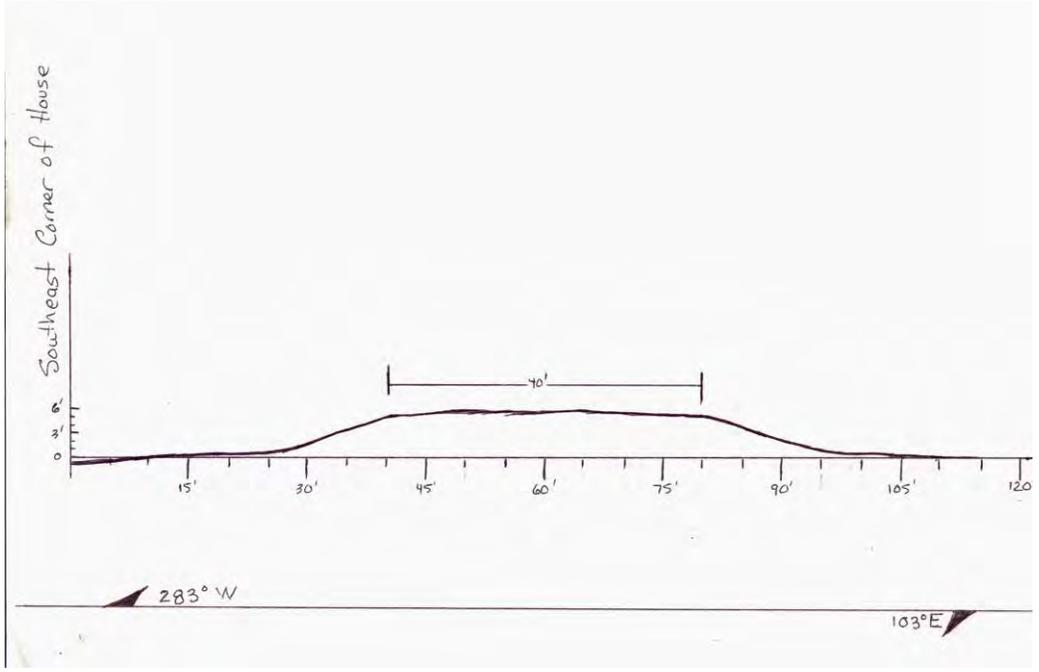
According to gray-haired observers living near Henlopen, the sand-wave there was, fifty years ago, simply a great dune or ridge lying along the northerly side of the cape. Its foot was washed by the waves whenever a northeasterly gale was blowing; its crown was covered with twisted pines interspersed with patches of coarse grass. A Government engineer, who in 1845 surveyed the cape, placed the elevation of the dune at seventy-two feet above the sea, as testified by one who resided in the survey. The height was nearly two miles. Behind the ridge was a swamp through which the salt water ebbed and flowed to the depth of several feet at every tide, and which, with the low plain beyond, was crowded with dense growth of timber and brush, including many pines that were large



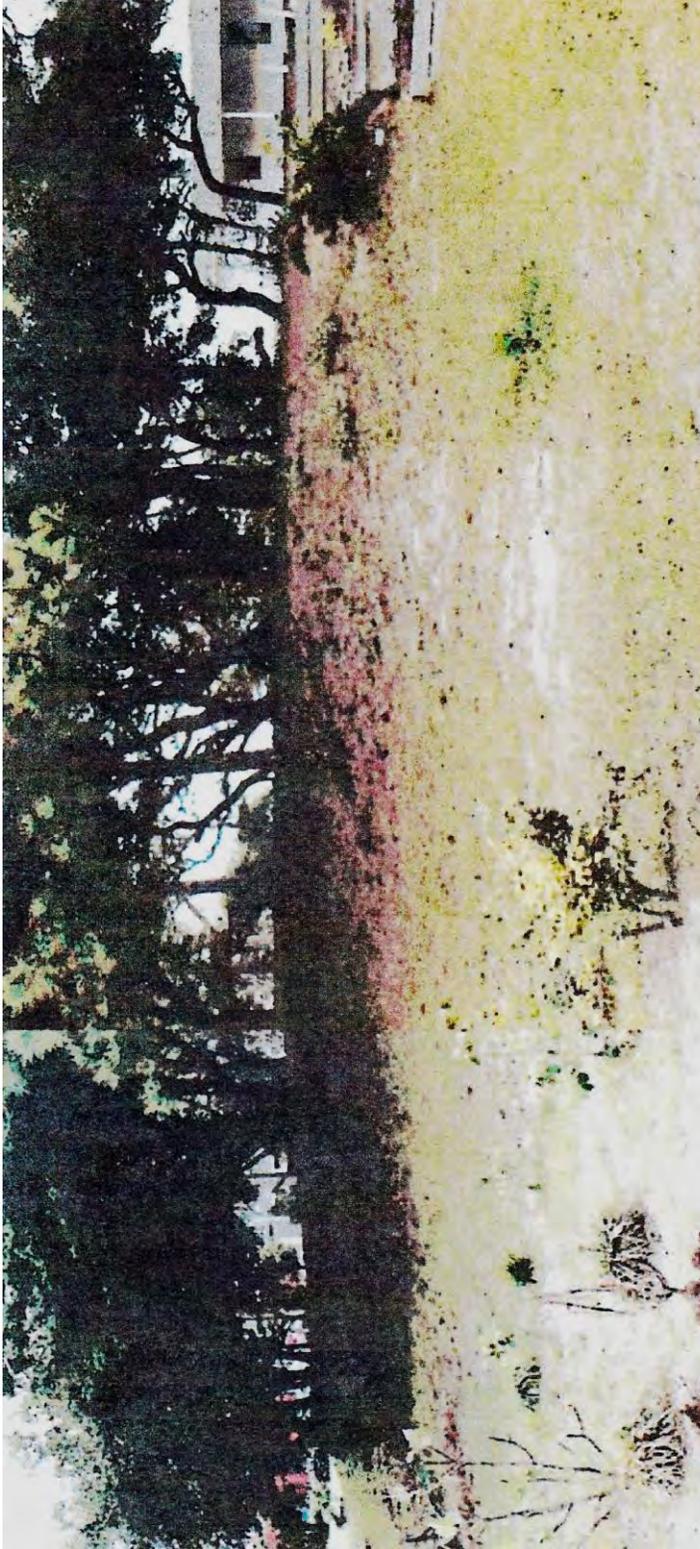
Side view of the Hatteras Sand-Wave

Original from

**Exhibit 5b** – Meandering Ridgeline – Hatteras (Spears: 1890). Represented above were a dune crest’s wavy ridge line (shaded/not shaded) and the distinctly contrasted differences of its opposing slopes. The dune’s migration was from left to right as indicated by the steep slope of the dune’s right side. This was illustrated by the dead trees on the left and the threatened tree on the picture’s right side.



**Exhibit 5c** – Wenberg Ridge Profile. Note the uniformity of its opposing slopes and the 40-foot wide crested plateau, in contrast to the meandering crest line of a ridge.



27

**Camp Live Oak**

**Breastwork of the Federal Forces, 20<sup>th</sup> Indiana Infantry.**

Located at Waves on right hand side of Route 12 going south.

**Exhibit 6a** - Wenberg Ridge: 2013. Note the presence of its uniform grade and the absence of any “*short, complex slopes.*”

Photograph by Earl W. O’Neal, Jr.

## ***Site History***

Babits' interchanged the name Chicamacomico, which was a bisected village less than three miles in length, with the more extensive term referred to but unmentioned – Chicamacomico Banks. This was a common misconception arising from an incomplete understanding of the island's history and its geography. Also inadequate was Powell's (2006) citation concerning Rodanthe's post office. It opened on November 6, 1874, not in 1864 as he reported. Edward Payne, Jr. was its first postmaster and he, and his wife Sabra, were the land grantors to Covey's maternal family (the Midgetts) in 1926.

On **page six**, Babits' postulated the villagers moved their houses to higher elevations after the 1846 hurricane, but before T-367's mapping began in 1849. They were already there to begin with. Understandably, the villagers had weathered many severe storms before then. Also, Chicamacomico extended much further south (US Census: 1850; T-367: 1852; Bishop: 1878) than Babits' understood. The research findings also revealed the 20<sup>th</sup> Indiana's late September trip was not the only Union visit to Chicamacomico as historians and Babits' had surmised. Company I of the 20<sup>th</sup> Indiana and other elements of the 9<sup>th</sup> New York Infantry revisited on other occasions. Other historical errors noted in this section were references to the U S National Park Service arriving in the 1930's, islanders exploiting visitors, confusion over ground heights, and incorrect interpretations of soil compositions.

The park's federal authorization was in the 1930's, but the park's creation was first delayed by World War II, and then later until the early 1950's by a lack of funding needed for the nation's first National Seashore. Babits' incorrect and irrelevant comment islanders

***“are more than willing to exploit them (outsiders) for profit” (p. 6)***

displayed both an ignorance of who ***“islanders”*** truly were and a poor understanding of the history and mission of the park. It was prejudicial against this minor faction of the island's population, unwarranted, and hypocritical considering the compensation Babits' received for its incomplete investigation. The statement was not worthy of further discussion.

As for the site, the ground was actually higher on the west side of Wenberg Ridge than on the east, the opposite of Babits' surveyed report (**p. 6**). Even after being backfilled the east side remained lower, as shown in *Exhibit 5c*. This also illustrated why the strata on the east side lacked any appreciable Aeolian deposits while still possessing the lowest ground height of the profile, despite having been raised with beach sand; the same imported sand thoroughly investigated later with metal detectors. This lowered ground was adjacent to and immediately east of Wenberg Ridge and was a result of borrowed fill being removed from its surface – the same readily available material needed and used to create the fortification's east wall. After periods of heavy rainfall, sheets of perched standing water remained only on the eastern side while slowly percolating downwards. This was one of the reasons the 1977 Soil Survey cautioned against making assumptions for mapped areas less than two acres in size and how the water table prevented recovery of items buried deeper.

*Exhibit 6b* portrayed site owner Ken Wenberg holding a smoke green bottle recovered four feet below the surface in front of Wenberg Ridge. The 12-inch high bottle (*Exhibit 6c*) was cast from a three piece mold and discovered when he planted the small fig tree pictured in the foreground; it was nearly identical to one recovered at **Fort Clark**.

The aerial photograph described as “*undated*” had the date stamped on its margin; March 14, 1962 (Appendix S). It was taken shortly after the destructive Ash Wednesday Storm. Of much more importance was Dunbar’s omitted photograph (*Exhibit 7*) picturing the extent of vegetative cover on Wenberg Ridge described as “*devoid of ground cover indicating an active dune field*” (p. 7). In stark contrast, Dunbar’s 1955 photograph revealed extensive vegetative coverage from beach grass, vines, and mature *Yucca* plants instead (Appendix D), not the absence of plant growth described in both the *Draft* and *Final Reports*. Because of these circumstances, Babits was reminded it was both improper and unacceptable to discuss material in his reports without including them for interpretation. The presence of *Yucca* plants and their relevance to the investigation (there are three endemic varieties), their tubers, and their natural propagation were further discussed by correspondence to Babits (Georectification, p. 225).

The mentioned “*U*” shaped borrow pit in the marsh was an excavated pond created for the plantation’s use. It was a source of fresh water for the impoundment and also seasonally doubled as a “*cow well*”. They were common features of the era and were also occasionally used to mark property boundaries (Wallace, Appendix A: 1739). Babits’ stated its remnants were neither represented on T-367 or the 1955 photographs, nor existed today (p. 7). Despite this contention, it was used as a point of reference, or point of control, from T-367 and the 1962 aerial photograph to produce the fortification sketch (*Exhibit 8*). The cited aerial photograph (**Figure 10, p. 27**) prominently displayed what Babits’ contended was missing, in spite of its poorly reproduced image. The well’s extant remnants were easily located since its remaining portions continually hold standing water.

## **Mills**

While the placement of Midyett’s Mill was undeniably a salient component for solving the mystery of where Camp Live Oak and its associated bombardment field were, the nearby windmill was only one of twenty other clues used for locating the camp. As previously stated, all of these factors were in agreement for the southern site. Because only a few of them could be found at Camp No Live Oak, the alternative viewpoint’s sparse evidence compelled the case for the camp’s location to be along the **36<sup>th</sup> parallel**, near the windmill close to **Greens Point**. Only the presence of **Windmill** station forced this incorrect rationale, since this perspective was also incumbent upon Chicamacomico having only one mill. With this scenario Midyett’s Mill had to have been **Windmill** station in present-day Rodanthe, instead of its real site in Waves. Both Babits’ and Oxford based their hypotheses for a singular mill’s northern location on this premise and its presumed miller being Jethro Anderson Midyett.



**Exhibit 6b** – Ken Wenberg, his planted fig bush, and his excavated Civil War era bottle:  
Sept. 2015. Wenberg Ridge can be seen on the left side of the photograph.



**Exhibit 6c** – The 12-inch, smoke green bottle recovered from the base of Wenberg Ridge seen in the background: Circa 1860. Note the faint mold seam line running down the bottle’s center.

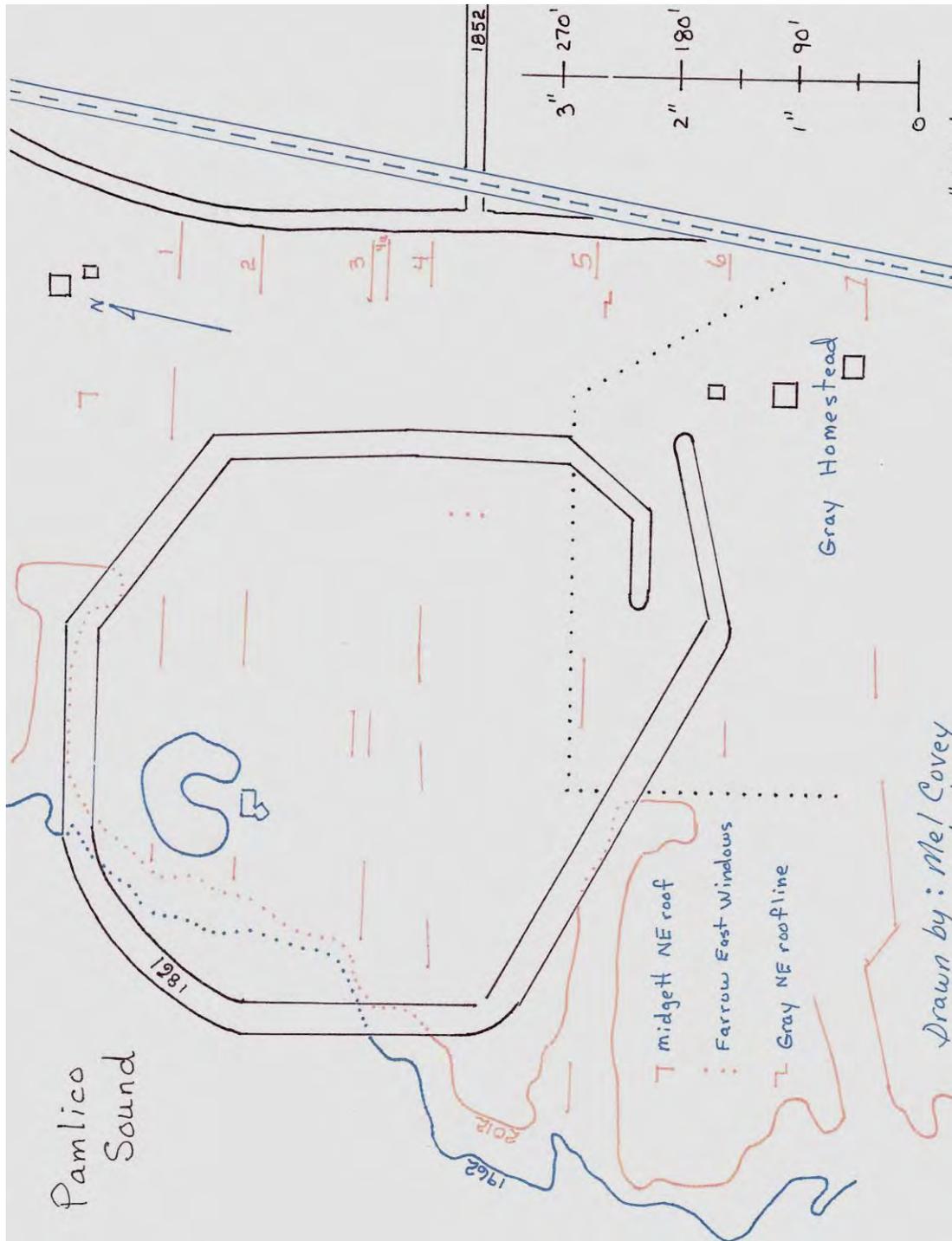


Zion Midgett House  
Circa 1955

Exhibit 7

**Exhibit 7** – Wenberg Ridge. Presented here was the extensive ground coverage from beach grass species, vines, mature *Yucca*'s and their smaller clones; cumulatively described by Babits' as "**sparse**" cover. Also visible was the wide gap in Wenberg Ridge seen on the right; the ridge continued onward to the north of the missing section. See Appendix D (p. 148) for its enlargement.

1955 Photograph by Gary Dunbar; published in 1958.



**Exhibit 8** – Fortification Sketch. This image was produced using a transparent overlay of the 1962 NCDOT aerial photograph, the 2013 Dare County tax map, from scaled measurements taken from Coastal Survey T-367 (1852), and extant features on the ground. Note the absence of the north & south boat basins and their channels, which were unrepresented by the blue marked shoreline of 1962. Also, the cow well's presence can be seen in the structure's northwest corner.

***“Complicating the issue is that the 1840 census (US Census 1840:19) reports three householders on Hatteras identified as millers (D.B. Taylor, Clim Sadler and Daniel Midyett) who are listed sequentially and therefore neighbors.***

Babits’ above citation (p. 10) was mostly fabricated. Taylor was only a fictitious individual and Sadler did not live on the island. They were not listed sequentially either, as described (Appendix E), and no Taylors, nor Sadlers, were listed for all of Hatteras Island. Taylor was not an island surname and Clim Sadler lived on the Hyde County mainland (1840 Census, p. 355: #39). Illogically, Babits’ implied all of Hyde County’s millers lived in the remoteness of Chicamacomico. This suggested more than one mill was in the village, while unconvincingly, the rest of the county had none. This completely contradicted their stated assessments and if this secondary viewpoint was genuine, then it automatically disproved the Rodanthe position they championed. Clearly, Babits’ was incapable of advancing the research on windmills and had little to contribute to the subject. Also disturbing, occupations were not listed in the 1840 census, further demonstrating the entire citation given was contrived.

Likewise, Babits’ emphasis on Daniel S. Midyett’s importance to Covey’s Hypotheses was of no real consequence either, since the conjecture offered was also mistaken (p. 10). Briefly, Daniel was a son of the much discussed Banister Midyett (1766-1841), the latter who was Daniel Midyett Esq.’s brother. Speculations about Daniel S.’s property holdings were moot, because he did not gain title of the land where he lived, nor of the windmill there, until well after the war. Both were former holdings of Banister’s. Plus, the elder Daniel Midyett cited in the *Final Report* was a fisherman on the mainland, not Daniel S. Midyett, who was Chicamacomico’s only miller (Appendix F), and Daniel Esq. died in 1810. Neither did Daniel S. inherit the double windmills, nor his father’s plantation house. The remaining homestead was sold by his mother to her grandson, Dameron Midyett (Appendix G). It was Dameron who was presumably interred alongside his wife – somewhere within Wenberg Ridge.

***“In Branson’s North Carolina Business Directories, there are references to mills and their owners. In 1866, there is a mill in Kennekeet [sic] owned by Ignatius Scarborough and another in Chickamacomico [sic] owned by Jethro A. Midyett (Branson 1866-67, 80-81)”*** (p. 11).

This reference too, was another fabricated citation containing false listings. Neither any Midyetts nor any Scarboroughs were found within the entire publication and the Rev. Levi Branson did not produce directories independent of his partner before 1869. *Branson and Farrar’s* was also self-published (See Appendix H), not by J. A. Jones, its later publisher.

For Oxford and Babits’ to be correct, there could have been no mill at Waves in 1861, Jethro Anderson Midyett had to be the owner of Midyett’s Mill and that mill must have been in Rodanthe (**Windmill** station), not Waves. It was painfully apparent if Camp No Live Oak had been as similarly scrutinized as Covey’s Waves site had, the original, alternative and competing contention would have quickly been discredited and then properly discarded.

## Midyett's Mill at Greens Point?

For this additional section of the reviewer's it was helpful to revisit why **Windmill** near Camp No Live Oak could not have been Captain Jardine's lookout post from whence he hastily observed the attacking Confederate vessels. Jardine's account, and statements given by others, all placed this windmill close by and immediately south of the encampment. The *Logansport Journal* reported it as being left of the camp. Assuming they were not standing with their backs turned towards the enemy, this too meant towards the South. Regardless of which, it was immaterial to Covey's Hypotheses since both a windmill and a hill were on either side of the site in Waves. Camp No Live Oak had no hills and one mill; another of the many disqualifying factors since it failed to match the location's description. Metaphorically speaking, **Windmill** on Chicamacomico's northern end was an inappropriately selected, large square peg that was unsuccessfully forced into a small round hole at its southern end.

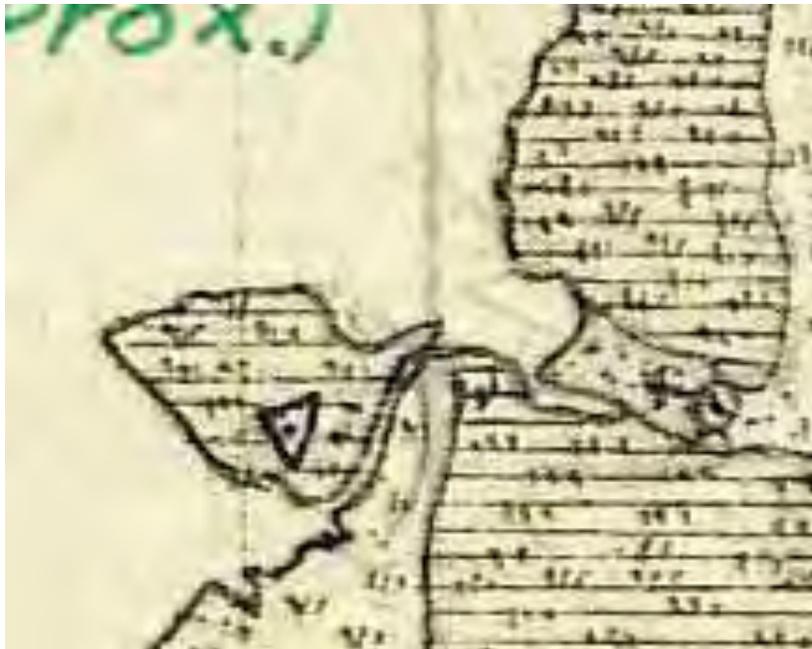
As shown by *Exhibit 9*, the northern mill stood over a small, artificially created island of marsh accessed by a foot bridge. **Windmill** was south of only water and its small island was over 5/8 of a mile away from the proposed Camp No Live Oak location attributed to be "close by". The suggested encampment was separated from the mill by Thomas Paine's Boatyard and also from its adjacent estuarine complex, *Back Mire Gut (Black Mar)*. All of this information was either unmentioned or was contradicted by Jardine's account and, taken cumulatively, they helped to properly eliminate Rodanthe's site from consideration. Most germane and definitive to the study was Captain Hotchkiss' report of his vessel's logged position triangulated three miles straight off from the camp (**East**), and with an equal distance to the windmill on the "Northern end", but with an **ENE** bearing instead (*Exhibit 10*). The latter bearing proved Camp Live Oak was south of the mill near **Greens Point**, and not north of it as the Oxford/Babits' Hypothesis was forced to defend. For over 20 years, Covey knew where to find Camp Live Oak, mostly due to the report of Hotchkiss. Later, all of the other puzzle pieces quickly came together when the search finally began.

## Bache, Riggs & Windmills

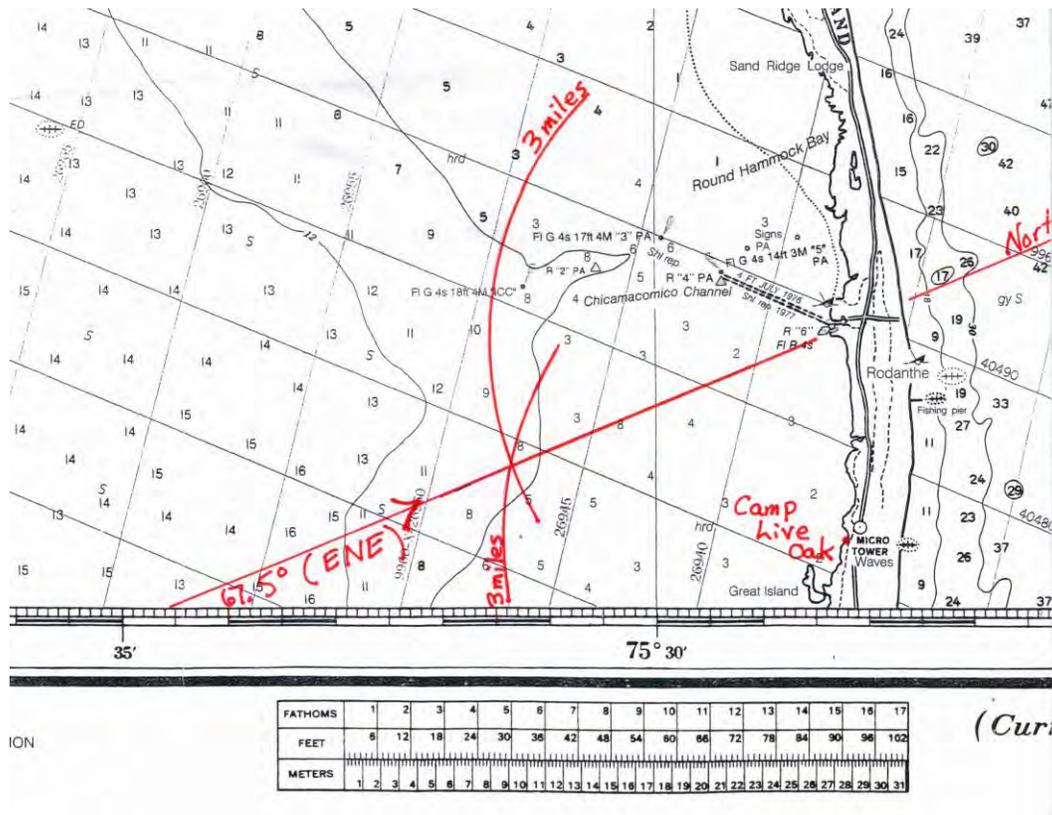
It was interesting Stanley Riggs, Ph.D., was not also listed among the report's many authors, since the *Final Report* had much less to advance without Riggs' contributions on barrier island dynamics and his purported insight connecting windmills with surveyors. Riggs' offering of his expertise, where apparently it was unqualified, and Babits reliance upon it for the investigation's *Conclusions* greatly influenced and impacted the credibility of the *Final Report*. What resulted was a travesty of errors ultimately exposed, discussed and dissected.

After misquoting Slotten (1993) and initially communicating with Riggs on the subject (5 Dec. 2014), an oblivious Babits' declared on its **page 19**,

***"If a mill was not shown, it almost certainly was not present because any mill provided the long range sighting opportunities required by the surveyors."***



**Exhibit 9** – Windmill Station & 'Back Mire Gut', 5/8 mile southwest of Camp No Live Oak.



**EXHIBIT 10** – Capt. Hotchkiss' bearings. His vessel's position was marked by the intersection of the three red lines. Camp Live Oak was directly west of the microwave tower.

The preceding citation represented the specious logic and circuitous thinking pervading the Babits' reports and which adversely affected their *Conclusions*. But before continuing to dismantle the Oxford/Babits' Hypothesis, the reviewer was enticed to engage in some freelance speculations of his own, since while there were several definitive, demonstrative reasons as to why Riggs was mistaken, there were other plausible reasons for such as well.

1. Access to private property was not a given and no one was obliged to grant access.
2. The surveyors' visit may have come at an inopportune time, since windmills were often very busy, particularly after storms or periods of light wind.
3. The windmill might have been under repair at the time of the request. Millstones wore out, often cracked, and had to be switched out for different grain types. This was an arduous, dangerous and time consuming task. Or, the mill might simply have been stuck in a position unsuitable for sighting purposes; they only had small windows and one door. Many also succumbed to lightning and high wind events due to their vulnerability.
4. The men could have been away at the time of the surveyor's visit to any of the other plantations the Midyetts' held throughout the Pamlico/Albemarle region.

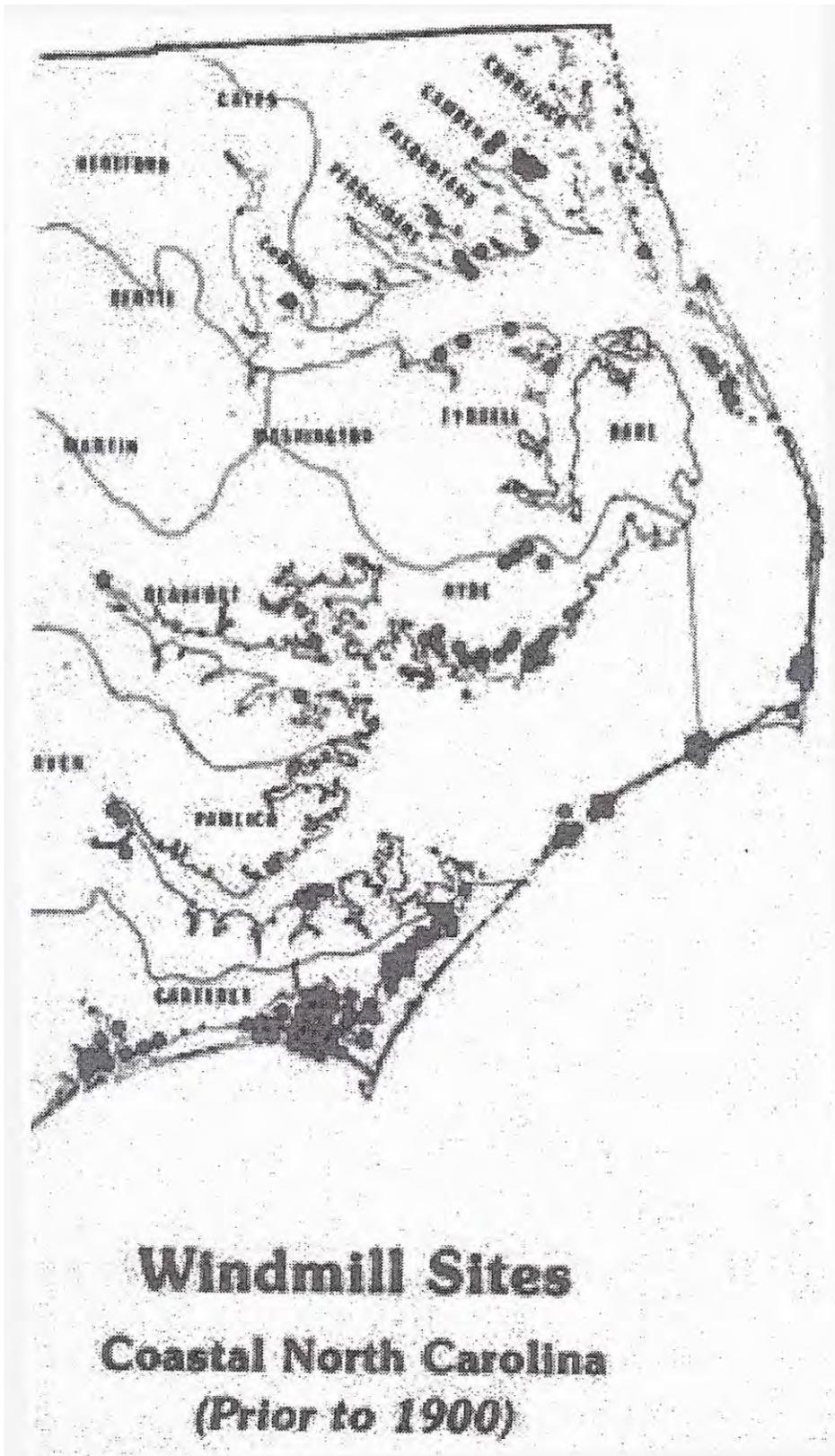
Or number 5 below, a more probable scenario and Covey's favorite as he knew his maternal bloodlines well. The Midgetts of Chicamacomico had a heralded family history and were a frequent topic of various publications. A full 25% of the total of Gold Medals awarded by the U. S. Coast Guard (8 of only 32) was bestowed upon this one extraordinary clan in honor of their inherent bravery and selfless sacrifices. In recognition of their devotion to duty, a 378-foot High Endurance Cutter named *Midgett* was launched in 1972. Home ported in Seattle, the vessel fast approaches the end of a service that exemplified a family renowned for its courage, seamanship and understatement. The Midgetts were also of like mind for not suffering fools kindly, a trait inherited by at least one descendent.

5. The surveyors' arrival before the Civil War would not have been welcomed by all. Covey extrapolated back 100 years from his youth and envisioned some '*officials*' visiting the docks at Rodanthe Harbor in 1961 and demanding access to the roof of Jethro Midgett's fish house for their purposes of surveying. There should be no doubt his Uncle Jethro, his older cousins Mac Midgett, Ellery Midgett, Dalton O'Neal, his Uncle Herbert Midgett and likely his grandfather, too (Richard W. Midgett), would all have engaged, if present, in a friendly competition to see who could launch the men the highest or heave them the farthest from the docks into the harbor. Many might have assumed the imposing largess of a man known as "Mac" would win, since he could have been physically mistaken for Blackbeard the pirate – except Mac possessed a pure heart of gold. Others might have chosen Richard (1917 – 2006), undeniably one of the county's strongest men. But, Covey would have bet on Jethro (Appendix W), because his stout uncle had practice. It was he who taught young Covey and many other village boys 'how to swim' with similar fashion. This writer hopes to carry that experience with him the rest of his natural born days.

All sport aside, one only had to consult Bache's Coastal Survey maps of 1852 to obtain the needed data which somehow eluded Babits'. They, and Riggs, all failed to comprehend surveying efforts of the era were accomplished by triangulating from whatever lines of sight were available for viewing defined targets for their positioning. The exercises were for the surveys of land, not for cataloguing windmill locations. Babits' and Riggs speculations would have altered Bache's survey for the remaining coast of North Carolina and beyond. For example, Dunbar's effort (*Exhibit 11a*: 1958) recorded 40 windmills within Bache's survey area and he correctly surmised he could not possibly have tabulated them all. Issues of access (many were only by water), their susceptibility to storms, their sheer multitude and the isolation of some of them made it next to impossible for him to do so in his time.



**Exhibit 11a** – Dunbar's Windmill Location Map: 1958. Note the three windmills mapped for Chicamacomico – the eastern most gristmills in the state. Of those three mills, the northern most was **Windmill**, Midyett Plantation was at the southern end of the village and Nathan O'Neal's mill was the one represented in the middle.



**Exhibit 11b** – Littleton’s Windmill list: 1980. Note the abundance of mills on Hatteras Island.

Dunbar's suspicions were later conclusively confirmed by the comprehensive investigation of Tudor R. Littleton (*Exhibit 11b*: 1980). Littleton documented 155 windmills existing prior to 1900 and he too correctly assumed he had not discovered them all. He also realized some may have been over reported due to multiple ownerships through the ages. For this, Hatteras Island was a fitting example and according to Littleton's tabulations, Dare County was the third most represented in the state that had the most in the country. There were several others on this survey that were duplicitous, but Covey was also aware of some that were not on any list. Contrary to Riggs and Babits' conjecture, Bache only surveyed from 26 windmills and the other 125 or so did not vanish because he declined to utilize them.

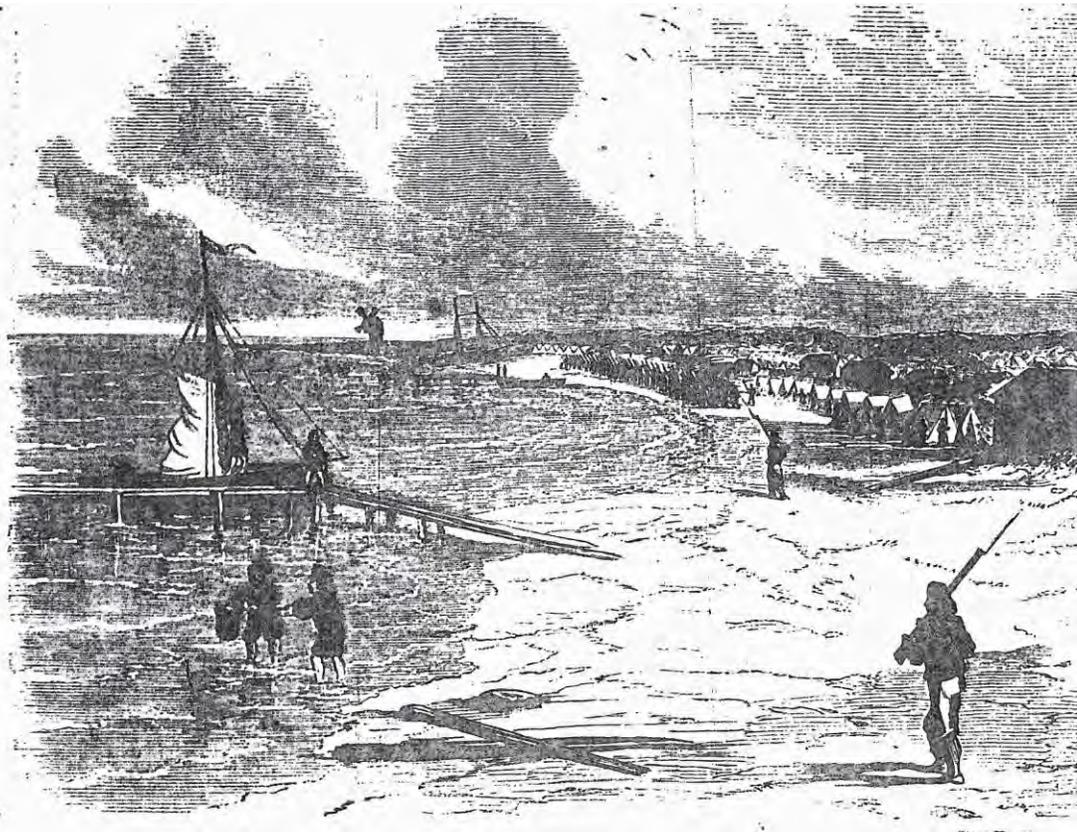
Superintendent Bache, himself, bypassed the mill across the channel from **Greens Point** when he established the primary base line necessary to measure and calculate from. This major base line segment ranged from **Pea Island Main** all the way across the open waters of the Pamlico to **Gull Island**. Neither **Windmill** nor Midyett's Mill were needed for the task. Furthermore, it was not necessary to investigate all of North Carolina's mills, or to even look beyond those on Hatteras Island, to discern the weak foundation for Riggs' conjecture. The answers were already in the sources used to support their case. Babits' mentioned Charles Johnson's keen interest in the island's prolific windmills and also the budding artist's redundant drawings of them from many views. Several were illustrations in the young infantryman's *Long Roll* (1911) and they were a frequent topic in the soldier's journal.

In contradiction to Riggs, none of Bache's Surveys in Progress or the Coastal Surveys of 1860 (T-790) and 1872 (T-1246) used the windmills in Hatteras Village. **Stowe's Mills** were on the town's west end (Appendix I) and the **Windmill Picket** was on its east side (Exhibits *12a & 12b*). Their presence was documented before, during, and after the war and they were also represented on Farquhar's map. In contrast, Joseph Claude **Jennette's Mill** was discussed and sketched by Corporal Davis and later published in the *Long Roll* (*Exhibit 12c*) and it was represented on all of the respective "**T**" maps and on Bache's Coastal Survey Progress Sheets. Therefore, if the *Final Report* accurately relayed Riggs' information received from conversations with Babits, then reality overruled his solicited opinion.

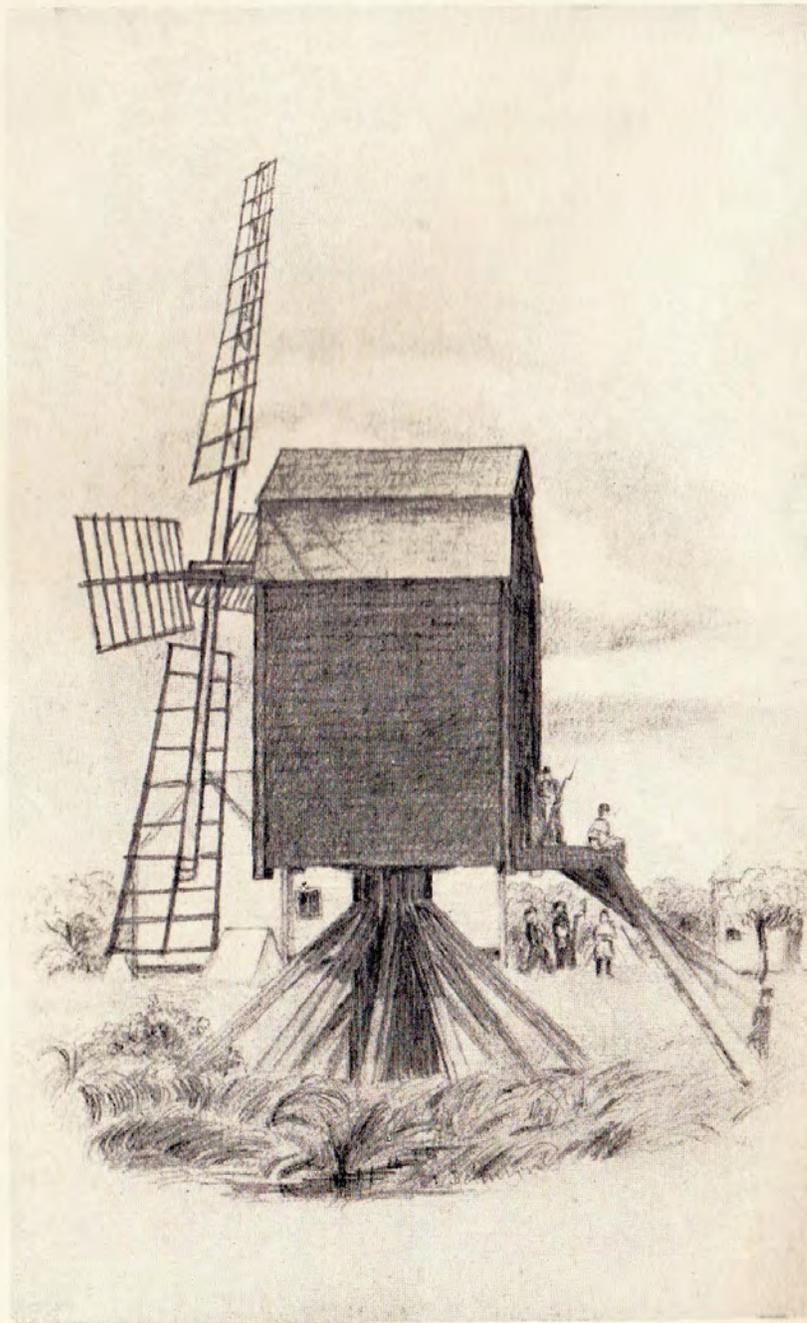
Babits' speculations regarding surveying and windmills continued on its **page 64** where a second set of transit positions were introduced. They were secondary survey stations represented by what the investigators described as both a "**diamond**" and a "**triangle**" on the same page; they were triangles. In this instance the *Final Report* mistakenly suggested they were contemporaneous with the original map survey from Bache (1852).

***"We believe this circle represents a short range back sight to refer and realign instruments on the nearby station prior to longer range operation"***

This failed to unravel an interesting and relevant question whose solution was acquired with the additional research which completed the rejection of the Riggs surveying opinion. In 1873 another mapping team arrived on the Outer Banks to survey the positions of the first seven U. S. Life Saving Stations being simultaneously constructed along the coast.



**Exhibit 12a** – 9<sup>th</sup> NY Infantry encampment at Camp Wool, Hatteras Village (Leslie’s Illustrated: 1862). Note the Windmill Picket on the horizon, left of center. The viewpoint was looking down the Pamlico Sound shoreline towards the southeast from the northwest. (See Pullen, *et al*: 2001, p. 76 for an excellent colorized reproduction of this line sketch)



The Windmill Picket at Hatteras

PLATE XIII

**Exhibit 12b** – Windmill Picket (Johnson: 1911) – East side of Hatteras Village: 1861.

### JOSEPH C. JENNETTE

Joseph C. Jennette (1805 - 1866) was perhaps one of the most qualified and capable keepers that the lighthouse has ever known. He was the son of William Jennette, one of the children from whom the Treasury Department bought the original four acres for the first lighthouse, and wife, Naomi Farrow Jennette, was the daughter of Thomas Farrow.

Joseph C. Jennette was well respected in the coastal region. He was consulted in matters of government affecting the Cape Hatteras District of Hyde County and had contacts and friends in Raleigh and Washington. Jennette not only owned large chunks of land locally, he also owned land on mainland Hyde County at Lake Mattamuskeet, where he grew corn for use at his windmill in Buxton (at that time simply called "The Cape").

Jennette's mill at the Landing, where the Pilot House Restaurant is today, was the mercantile center of the village. All horse and cart trails into the woods and out of the village toward Trent and Hatteras village ran from this spot. He is thought to have kept his residence before and after his lighthouse duties across the road from where Our Lady of the Seas Catholic Church stands today.

Tradition on the island maintains that Jennette took his responsibility as keeper seriously, and research by Ross Holland, who published a comprehensive manuscript for the Park Service about the lighthouse in the late 1960s, confirms this tradition. Holland pored through Lighthouse Board records at the National Archives in Washington, and he indicates that Jennette's superiors had confidence in his abilities. When problems and complaints were leveled at lighthouse operations, investigations tended to vindicate Jennette and direct the blame to inferior equipment or even administrative failures of his superiors.



**Exhibit 12c – Jennette’s “Trent” Mill.** Sketch by Corporal Davis, 9th NY Infantry (Johnson: 1911). Jennette’s short biography was reproduced on the left. Given to Covey’s Collection by Beatrice MacArthur, a dear departed friend, fellow researcher, island genealogist and neighbor. “Aunt Beattie” left her entire life’s work in genealogy to the reviewer, who promptly donated the extraordinary collection of her lifelong works to the Outer Banks History Center for conservation and future researchers.

These secondary surveying positions were represented by marks centered within small circles. The circles were 1873-1874 surveying stations and they will not be found on original copies of the 1852 “T” maps; if an original one like Colonel Hawkins held is ever located. Also, Rodanthe’s **Windmill** remained standing in December 1874, as observed by Bishop. This subsequent survey team triangulated the Life Saving Stations with the gristmills standing near them as indicated by the maps. This was supported by a map date of 1873 found inscribed near the station at **Gull Island** (*Exhibits 13a & 13b*) and an additional 1874 date added at **Pea Island** (*Exhibit 13c*). The latter date coincided with the opening year for the first group of seven Life Saving Stations built along North Carolina’s coast.

Continuing with the inspection, nothing illustrated the shortcomings of Babits’ investigation better than the second paragraph on the same page of the report where it was suggested –

***“The “T” almost certainly represents a large tree. Myrtle Station on T-377 is obviously named for a tree and, instead of a triangle and a dot there is a large “T”. There are numerous “T”s on both maps, usually associated with growth variously interpreted as brush or scrub tree growth” (p. 64).***

Firstly, the “T” did not represent a single tree and **Myrtle Station** was not named for a singular one (they were mostly stunted bushes on Hatteras Island). Instead, land grants and deeds referred to the area as the “**Myrtle Hammock**” (Currituck Co. Deed Book 7, page 338; Book 8, page 240; Book 9, page 110; Appendix J). The numerous “T”s Babits’ interpreted “**as brush or scrub tree growth**” were actually cartographic icons for dead trees. They were the remnants of the vanishing forest recorded in Chicamacomico’s deeds and later described by Bishop. The dead tree zones predominated where the villager’s deleterious effects to the marine forest were the most consequential and where the impact to the tree canopies were intensified by the forest’s closer proximity to caustic, oceanic salt spray. This caused “*halide necrosis*” to the trees, inhibited their growth, and predictably led to their demise. The trees were most prevalent near the oceanfront at the village’s north end where the adverse effects were most extreme; east of Oxford/Babits’ presumed site.

The majority of coastal land grants and early deed copies cited at least one tree for a boundary marker. Before many were logged out, oak trees were often used because they were plentiful and were the most durable fixtures of the landscape. In practice, many deeds used rows of live oak for boundary lines. In testament to this, an important resource for early land transactions on Hatteras Island was entitled “*By a Line of Marked Trees*” (Brayton, 2000). This implementation was documented by the following list of Appendix K:

- Currituck Co. Book 4, p. 208: 1784
- “ “ “ 4, p. 211: 1784
- “ “ “ 5, p. 209: 1784
- “ “ “ 5, p. 368: 1788
- “ “ “ 7, p. 399: 1797
- “ “ “ 3, p. 179: 1801.



**Exhibit 13a** – 1873 Bearing line from **Gull Is.** to Gull Shoal Life Saving Station No. 19.



**Exhibit 13b** – “Gull I. 1873”. Note inscription on bearing line from island to station.



**Exhibit 13c** – Bearing from Pea Island Life Saving Station No. 17. The inscribed 1874 date on the middle-left of the map can be seen for **Pea Island** Survey Station.

Hoffman (1979) termed them “*witness trees*”. To suggest a singular unreferenced tree, described only by its species, could somehow be definitively located anywhere amongst a described forest of trees defied reason. The Babits Team staked their claim to a tree growing over two miles away in Waves, not in Rodanthe where it was needed for their hypothesis. Unfortunately for Babits’, any remaining hope for a northern encampment site dissipated after the inclusion and citing of the Jethro Anderson Midyett evidence as Oxford first did. Midyett Plantation was never in Rodanthe and Jethro’s 50 acre tract cited by Babits’ was most definitely in the southern village below the dividing **North Drain**.

**North Drain**, first called the “*Paine Drain*” in the middle 1700’s, was a southern boundary for one of Thomas Paine’s land grants preceding America’s independence. His holdings were one of only a handful of the villages having a boundary separating neighbors in a direction not generally East to West. This was due to the configuration of Chicamacomico’s freshwater marshes which the drain connected to Pamlico Sound. Later, it became the appropriately named “*Sand Drain*” and finally its current name after a 20<sup>th</sup> century storm created the smaller and younger South Drain, a little below the older one to the north.

In the summer of 1999 Joseph Schwarzer, his son William, and Covey (Appendix L) labored several weekends to rehabilitate the cemetery where Jethro Anderson Midyett and his family were buried; his son, Rasmus' daring 1899 rescue feat was soon to be recognized on its 100<sup>th</sup> anniversary. In the 1800's Jethro's parents, Richard and Phebe, owned hundreds of acres immediately north of Midyett Plantation, but their land was never a part of it as their surnames might have suggested. As common surnames and repetitive first names abound, family histories can be confusing and the lack of sufficient records often rules, including unmarked burial sites. Nonetheless, the closeness of kinship indicated by only their names and locations, to whatever degree, is undisputable. Several genealogies indicated Joseph F. Midyett was Richard's youngest brother. Those two, Jethro's brother, Ezekiel, his sisters Cordelia and Angelica all held large parcels between Richard to the north and Camp Live Oak to the south. Richard's mother was a grandchild of Thomas Neal, who with his brother, Christopher, owned more of the Banks than anyone but the English monarchy before 1741. Their father, John, was among the earlier settlers and he received his first grant in 1716.

Jethro Midyett was Chicamacomico's pre-eminent sea captain of his era and his biography contrasted that of a miller. More importantly, Covey had been trying to protect an undisclosed millstone on a site adjacent to Jethro's 50 acres, so he tried to keep the Babits on course and away from its 'Jethro diversion'. But, a willingness to choose conjecture over fact made Babits solely responsible for what followed. Although questions remain, Jethro's connection to a mill may have been based more on the mill's proximity to him than on any ownership; Jethro died in 1866 (Meekins & Gamiel: 2001), before Midyett's Mill was listed.

Of supreme importance, Joseph F. Midyett also sold a single adjacent acre of "marsh land" a year before (*Exhibit 14*) and for only \$5.00. The buyer was another large plantation owner from Chicamacomico, Nathan O'Neal (1776-1852), and his deed specified the sale was for erecting a mill. Regardless of ownership, or what windmill in the southern village was destroyed, this proved the camp and its bombardment field were in Waves, and not in Rodanthe. These seminal aspects of Covey's Hypotheses were validated and confirmed. Today, at least one millstone from Nathan's Mill lies *in situ* where the mill once stood nearby. Although Jethro died the year after the war's end, Nathan's Mill remained standing until at least 1899 when it was operated by Ms. Camille Midgett who lived across the main road from it. However, Babits' assumed all mills were businesses and therefore they falsely concluded all should have been listed in *Branson's Business Directories*. Littleton enlightened with the following distinctions sweeping Babits' logic aside (***boldface mine***).

*"Post mills erected to grind corn for the local plantation or the personal use of the plantation owner, his slaves, or farm hands were called "**plantation mills.**" Those erected for the general public were called "**custom mills.**" Some combined both purposes and were called "**plantation custom mills.**" The owner of the custom mill did not buy or sell grain. Rather, he received his income in the form of a toll which he extracted from the grain he milled"* (p. 12).

Obviously, privately owned mills on plantations were not listed in business directories.

May 25, 1846

State of North Carolina Hyde County  
 This Indenture made the 25<sup>th</sup> day of May in the year of our Lord one thousand eight hundred & forty six between Nathan O'Neal of the one part & Joseph F. Midyett of the other part Witnesseth that for and in consideration of the sum of five dollars to the said Joseph F. Midyett in hand paid by the said Nathan O'Neal at or before the sealing and delivering of these presents the receipt whereof he doth hereby acknowledge, and thence, release, acquit and discharge the said Joseph F. Midyett, his executors and administrators by these presents he the said Joseph F. Midyett, granted, bargained, sold, aliened and confirmed and by these presents doth grant, bargain, sell, alien and confirm unto the said Nathan O'Neal and his heirs a certain piece of Marsh land to the contents of one acre for the purpose of erecting a mill situate and lying in the County of Hyde in the afore said State and I for my self, my heirs, executors and administrators shall and will warrant and defend for ever the said piece or parcel of land with all and every of its appurtenances free from all lawful claims of any person or persons whatsoever unto the said Nathan O'Neal, his heirs and assigns forever in witness whereunto we our hands and seals this May the 25<sup>th</sup> 1846

Witness my hand  
 Joseph F. Midyett  
 Ira Midyett  
 Ezekiel Midyett

Hyde County N.C.  
 August Term 1846 } Then was this deed from Joseph F. Midyett to Nathan O'Neal duly proven in open court by the oath of Ira Midyett a witness thereto & ordered to be registered.  
 Test A. M. Moore clerk  
 Regd Novr 24<sup>th</sup> 1846 Pr  
 Green Bridgman P. S.

This Indenture made this 29<sup>th</sup> day of August in the year of our Lord one thousand eight hundred and forty six between Israel Brooks Esquire Sheriff of the County of Hyde on the one part and William S. Smith of the County of Hyde on the other part Whereas by virtue of a writ returnable from the County Court of Hyde being numbered 22 returnable to August Term 1846 at the instance of William S. Smith against Abraham St. Richards

(Witness) Joseph F. Midyett to Nathan O'Neal

**Exhibit 14** – Nathan O’Neal’s Windmill Deed (1846) in Waves. Granted by Joseph F. Midyett, grantor for Jethro Midyett’s adjacent parcel of 50 acres, one year later. Also, note the identity of the two witnesses, Daniel Midyett’s sons, Ezekiel and Ira (Jethro’s cousins and his neighbors). One source said Daniel’s sons were twins.

Even if Bache's survey team had access to Midyett's Plantation they would not have used a windmill there. Selected Coastal Survey map segments provided an overlooked critical factor. The primary reason of several why Midyett's Mill was not used by survey crews was there were two mills standing in 1849, not just one, and twin landmarks could have led to confusion for future surveyors over which recorded one was left if only one remained. Hotchkiss smartly avoided a similar conundrum by accurately describing **Windmill** as on the "*Northern end*". The need to draw a distinction over its location in itself correctly implied more than one windmill existed. An enlargement of T-367 (*Exhibit 15*) showed both mills, side by side, south of the plantation house of the young son who inherited it, Ira Midyett. Ira, along with his brother Ezekiel, was a witness for Nathan O'Neal's nearby windmill acre.

Unlike other structures in the villages, which were primarily north to south from each other or northwest to southeast to better block the arctic winds for the leeward structure, Banister's two mills were uniquely positioned east to west opposing each other. This position prevented one mill from interfering with the prevailing northeast and southwest winds for the other mill's sails. This efficiently allowed both wheat and corn to be ground simultaneously without the burdensome task of changing out the millstones. Equally convincing was their expected location in relation to the fortifications; immediately south of and close by as described – four times closer than **Windmill** was to Camp No Live Oak.

Furthermore, the illustrated mills were shown standing within a fenced off area of about two acres in size (one acre per mill as Nathan's), with a western opening leading directly to the south branch landing of the bifurcated creek flowing behind it. Covey identified every 1850 family residence by cross referencing the 1850 census, the structures drawn on T-367, the chain of titles to the properties, and the current property tax identification numbers. It was decisively determined the two structures represented by 'rosettes' on the 1852 survey (mapped in 1849) were not occupied dwellings when the US Census of 1850 was taken.

All examined photographs and drawings of Hatteras Island's windmills exhibited four blades (props) and it was not coincidental the two 'rosettes' drawn on the map were shown with four petals. Meanwhile, the dwellings of Chicamacomico were all quadrangular. The interpretation of this icon was confirmed by identical 'rosettes' on the lower island's "**T**" maps representing several documented windmill positions, including **Barnes Mill (Figure 38, p. 65; Appendix M)**. Additionally, present day citizens who knew of the grindstones for Banister's mills all agreed they remain buried on the east side of the south branch of the creek, directly west of where the old house with the broken, millstone porch steps stood (*Exhibit 16*). This was precisely where the mills were mapped. Also buried on the southern part of the same tract was Banister Midyett, the owner of the mills until his death in 1841.

Banister, son of the original plantation owner Daniel Midyett Esq., left behind what was termed by his widow Charlotte ('Miss Kitty'), as being "*a large personal estate*" (C.R. 053. 508.41; Appendix N: 1841). Banister's experience with windmills, their operations and their repairs were well established. Father of many and twice a husband, he left a valuable estate the court ordered to be divided to satisfy the children from his first marriage.

Another piece of evidence Babits' misinterpreted concerned an extraneous "windmill apparatus" auctioned off from Banister's estate. Due to its sale, Babits' hypothesized if Midyett's mill existed in Waves, then it must have left the family's operation before it was surveyed in 1849. As with any repairman of worth, one would expect most held extra, or serviceable, second-hand replacement spares to valuable to discard, especially when one owned several windmills. The difference between an "apparatus" and a windmill was easily determined by the deed for the mill at **Mill Creek**, along with its "apparatuses" (*Exhibit 17*).



**Exhibit 15** – Banister's (deceased) double mills at Midyett Plantation: 1852. The horseshoe shaped feature was the impoundment (at the map's top third) and the 1852 road was to the East. The North structures were homes of Ezekiel Midyett and his son Nicodemus; the middle two houses were Ira Midyett's and Daniel's old home. The lower two within the fence were the windmills, east of the bifurcated creek landing. The fence kept free ranging livestock away from the mills' blades.



**Exhibit 16** – NCDOT Aerial Photograph, Waves: March 14, 1962.

Pictured here was **NC Highway 12** before the bicycle paths were added and the roadway was widened. The remaining “*Sea Side Hills*” were the long, gently curved arrays of separate sand mounds strung-out on the eastern side of **Highway 12**. They were the light colored ellipses seen here and they were non-migratory in nature. In contrast to Wenberg Ridge, these dunes had no meandering ridge crest lines, they were mounded instead. Their sandy soil horizons were striated, mostly due to the trapping action of beach grasses (*Uniola paniculata* & *Ammophila breviligulata*) and beach pea (*Strophostyles helvola*) on blowing sand. Minerals such as magnetite, ilmenite, and rhodolite provided the prominent dark bands seen in *Exhibit 28*, p.99).

Tom Fisher’s Creek and its estuary were shown on the upper soundside shoreline. The dark, comma shaped feature (that which bulged westward) south of the creek was Babits’ Cow Well and the thin, angled, light-colored line immediately south of the well was the central **30°** cart path. (See enlargement – Appendix S, p.181)

Know all men by these presents that I Ezekiel Hooper of the County of Hyde and State of North Carolina for and in consideration of the sum of Two hundred and Seventy five Dollars to me in hand paid by Pharoah Tarrow at and before the Sealing and Signing of these presents Receipt and payment Whereof is hereby Acknowledged have Bargained and Sold a certain Wind Mill Where she now stands together with all her apparatuses and materials belonging to her and the Land where she now stands Bounders as follows to wit Beginning at a cedar post near John Papperwells House Running West to Crooked Creek thence Northerly and Easterly with the creek to the mouth of Deep Creek then and Easterly course with the Marsh to the mouth of Hoopers Creek then with the said creek Southerly and Easterly so far as til the first Station Bears West then West to the first Station to conclude two Acres of Patent Land be there more or Less within the Bounds with all Ways Woods Waters & Every other members Belonging to or appertaining free from all Lawful claims of any person or persons whatsoever unto the said Pharoah Tarrow his heirs and assigns As Witness my hand and Seal September the 16<sup>th</sup> Day One Thousand Eight Hundred and Seventy four

Attest Clifford Tarrow  
John Papperwell

Ezekiel Hooper

Deep Creek  
Hooper Creek  
Crooked Creek

Hyde County 3<sup>rd</sup> August Term 1826. This was this deed proven in open court by the oath Clifford Tarrow and Evidence thereto Let be Registered

Geo B Jasper CC

Registered the 20<sup>th</sup> May 1828  
2 acres  
May 20, 1828  
by Danl W Martin Regy

Pharoah buys Ezekiel's windmill

Exhibit 17 – Pharoah Farrow buys Ezekiel Hooper’s Windmill “where she now stands together with all her ‘apparatuses’ and materials belonging to her” in Kinnakeet: 1828.

Babits' curiosity aside, there was nothing to be '*intrigued*' about concerning the descriptive terms in Jethro's deed. The discussed term "*ways*" described simple conveyances (p. 66) expressed in a large number of the property deeds. It was a term for transportation, as its name implied for its era, not of a yard as suggested. Every landowner with a path or creek ('*ways*') did not possess a boatyard. Also, Babits' discussed insight concerning property values was not adjusted for family relationships. This clouded the interpretation because of the closely related families; *e.g.*, Covey had some of nearly every commonly listed surname mentioned in Chicamacomico in his maternal ancestry. To accurately estimate true value, it was more appropriate to examine genuine property values between those of none, or of distant relations, or by those not involving strong family ties. Alternatively, family properties exchanged between members with close relationships were represented by Jethro's and Nathan O'Neal's purchases from Joseph F. Midyett, and the close relationship of all three. Both tracts were acquired for the fair family market rate of the day – \$5.00 an acre. Nathan's one acre was for the aforesaid amount and \$250.00 purchased Jethro's 50 acres.

Furthermore, the rationale presented concerning Jethro's hypothetical mill also failed to consider he was only a 26-year-old seaman at the time, and his modest acreage would not have warranted a mill, even if all of his land was in production, which wasn't. Fifty acres was the typical amount of land sold between family members in the era as revealed by deed histories. More revealing, land on the island was not usually sold to those without strong family connections and therein laid its true value. Even though there were more mills than only the singular one the Oxford/Babits' Hypothesis allowed for, the villages would have literally been carpeted with them in the 1840's if this hypothetical supposition was correct.

For Oxford and Babits' to be affirmed, only a single windmill could have been present at Chicamacomico in 1861 and it must have been the same mill later reported as "*shattered*" by Jardine, "*dashed to pieces*" by Merrill (1866, p. 488) and "*destroyed*" by newspapers. However, it was immaterial how many mills were there in 1861. What mattered was there was a windmill not far from **Greens Point** for Captain Hotchkiss to see and acquire his bearings from and Covey's Hypotheses required at least one more mill to be south of it. Important information of Dunbar's (1958), missing in the *Final Report*, detailed the mills of Chicamacomico and it substantiated the former presences of those in present day Waves.

In 1955 Dunbar engaged an elderly man from Chicamacomico in conversation who informed him there were previously three mills in the villages; one in Rodanthe and two in Waves. Given his advanced age as an elder, his observation must have extended back into the 1800's. If the gentleman's memory was correct, then all of the discussed windmills were accounted for. One of the two mills on Midyett Plantation was destroyed and one survived. That better explained the seemingly 'lucky' cannon shot that shattered Jardine's lookout post, the target size having been doubled for the Confederates using the northwestern approach to Waves Landing. The mill on Nathan's single acre was the second one enumerated and it was correctly positioned as the middle one on Dunbar's Map (*Exhibit 11a*, p. 46). Meanwhile, all parties to the discussion were in agreement about the third one, **Windmill** at the "*Northern end*". This left one other minor misconception to be clarified.

There was no mill in Salvo – ever. Babits’ was misled by an abandoned grindstone later pressed into service as an oyster rock (Daniel Leary, personal communication: 1972). It was over a quarter-mile out into Pamlico Sound and was performing well at its second location when a younger Covey last saw it. Other stones had their useful lives extended, as well. One of the broken stones (from the shattered windmill?) was used as a step to the back porch of the old house east of the buried mill stones. Regrettably, it was not recovered before the current, unconcerned landowner deposited it into a trash dumpster at his new business.

There was another of Babits’ conjectures which pertained to windmills and logging (p. 8). This writer was not prepared to speak of windmills off of the island that may have somehow sawn wood, since the subject and locations were not germane to his research. However, live oak was not sawn except for sectioning crosscuts. This was for reasons known by all who have worked with this extremely durable hardwood. In 1945, live oak samples stored by the U.S. Navy were tested for use for the *USS Constitution*. However, when it was cut the

*“saw was severely damaged, mill workers were nauseated by the stench and the Master Joiner stated (with certain pertinent and pithy comment) that the job could not be undertaken under any circumstances.”* (Wood: 1980, p. 65).

The ripping of live oak (*Quercus virginiana*) into timbers or planks was simply not done. Live oak was hewn, not sawn, and the ship’s timbers Babits’ spoke of were chopped from patterns instead. The War Department decided it best they be taken into the woods to act as templates, or “*moulds*” for each custom component being shaped (Wood: 1980, p. 25).

Transporting the extremely dense, heavy logs of live oak over the soft sandy soils surrounding the island’s mills would have quickly proved impractical. Alternatively, the island’s sawmills were associated with the forests of **Buxton Woods**, close to the pine, cedar, and cypress trees as expected. One sawmill was near **Jeanette’s Sedge**, west of **Dipping Vat Road**. Another one (later the Fountain property) was next to the long deserted Camp Bailey in Frisco. Windmills would be useless in the forests where they would be sheltered from the wind and one look at the structures’ exteriors revealed how impossible it would be to saw lumber from within. Even if grindstones were miraculously exchanged for saw blades, the carriage and rails needed for cutting lumber could never fit inside their small ‘houses’, nor the lumber being cut. Also considered was the cutting of lumber within a centrally balanced pedestal structure would continually shift its center of gravity and eventually render it useless. There was, however, at least one other practical application for windmills. They were extensively used for pumping water, especially in North Carolina’s southern rice producing counties. Nearer to Hatteras Island, **Shell Castle Island’s** windmill of the 1790’s was used for pumping fresh water from an aquifer below Pamlico Sound. Additionally, Babits reported he had observed stone windmills in Europe and he offered –

*“in the European examples, only the mill’s crown (top) moved when the tiller was pushed into position whereas the entire post mill building rotated.”* (p. 13).

Although MacNeill wrote post mills were of German design, Littleton reported the first documented were in France in 1180, they were in England by 1191, and the first one constructed in America was near the upper James River in Virginia. The latter was just fourteen years after the founding of James City (Jamestown) and it aptly illustrated the vital, but insufficiently recognized, necessity of windmills fueling the successful colonization of early colonial America. Regardless of their origins, all windmills were of European design; this was in conflict with Lawrence Babits' incomplete observation.

One final related topic concerned Babits, Covey, and windmills which was indicative of ineptness in several ways at once. Very troublesome was the lead author's inability to correctly relay verbal information, and particular exception to the misrepresentations of some of Covey's *Exhibits* was taken. But, especially infuriating were the misquotations attributed to this writer, which were tortured interpretations at best. So the opportunity was taken here to set the record straight because of Babits' prior reluctance to do so. Repeated below was Covey's written response to Babits after reviewing the *Draft Report*.

*"The report also managed to cite Williams (1975) incorrectly. Williams was attesting that both Kinnakeet mills were constructed by Pharoah Farrow (the island's largest slave holder). He says Pharoah sold the mills before he died [1847], one to the Miller's and the other to the Scarborough's, which was two years before Bache's baseline survey. Williams writes that Bateman Miller and F. L. Scarborough became the mills' eventual owners."*

***"Now for what I have to say because I do not appreciate being misquoted in print. Both Bateman and F. L. were too young to have been the owners in 1861. Bateman had just turned 20 ten days before the capture of the Fanny and Farrow Langford (F. L.) was only seven. Williams says nothing about any Barnes owning any mills. I on the other hand shared my color photographs of the same grindstones that appear in Williams' book with Babits and offered to take him to see the stones. They are about 2 minutes from the rental house Outer Beaches Realty made available for the teams in Avon. Babits declined. Now if I offered to show the stones in Kinnakeet that Williams published pictures of, how could they be mistaken for the Midyett Mill stones buried on site in Waves?"*** (See Exhibit 18; Appendix O)

The above two paragraphs of correspondence revealed the investigator could not be depended on to accurately relay personal communications. He also seemed incapable of interpreting what was written, his initiative was anemic, and he cared not to amend what was known to be mistaken. In this instance, even when errors were exposed, no effort was made to correct the record for the *Final Report*.



**Exhibit 18** – Gristmill stone from a Kinnakeet windmill. Earlier photographed and published in 1975 (Williams). The shaft hole was approximately six inches in diameter. Additional photographs were exhibited in Appendix O.

## ***Military History***

Of minor importance to the project, after the Union victory at Hatteras Inlet General Butler returned to Fort Monroe leaving Colonel Hawkins in command; Hawkins was the highest ranking officer left in the field. Under his brief command at Hatteras Inlet were the 9<sup>th</sup> and 20<sup>th</sup> New York Volunteers, Company B of the 99<sup>th</sup> New York (Union Coast Guard) and some members of the 2<sup>nd</sup> US Artillery. Of major importance to the investigation, Babits' assumed the *Fanny's* crew had no time to transfer equipment ashore before being captured five miles south from Camp Live Oak. Apparently, the interpretation was to deny the 20<sup>th</sup> Indiana had any digging tools; suggesting they would have been unable to construct the east wall and cart path that remained after their departure. Babits' refused to accept any tools made it ashore, despite several contrary reports otherwise. A barge load and small boats, not acknowledged by the *Final Report*, delivered their cargoes to camp October 1.

Additionally not considered, Midyett Plantation would have been equipped with a limited number of barrows, beasts of burden, carts, blacksmithing tools and tools for entrenching and timbering. It also had a boatyard and a saw pit to further facilitate the construction of the fort as soon as the troops arrived. Without artillery, the 20<sup>th</sup> Indiana was in a precarious position fifteen miles from the enemy and forty miles from supporting forces. It was not conceivable a regiment sent to Chicamacomico to defend it, and which would later impress its commanding general with its entrenching prowess, was doing anything but its assigned mission. Military logic dictated they were building a fort while awaiting the arrival of the guns. Their lives possibly depended on it and all were aware of the situation. Conceivably, they did what any military unit in their situation would have done; seize the high ground where water was available and 'dig in'. The abandoned earthworks, excavations, and cart path attested to their efforts. Babits' final point to the discussion was circuitous thinking.

***"No entrenching tools are mentioned, an omission suggesting they were not aboard."***

Babits' **page 15** left it at that, so Covey advanced it further. The "*many other useful articles intended for the 20<sup>th</sup> Indiana*" as related by adjutant Turner three years later would have included the tools (**p. 15**). Obviously, not every item was reported and the entrenching tools were among the most "*useful articles*" of all considering their mission. Babits' assumption the tools were not on board meant one of several things, not just the one they advanced. Either the Confederates threw them over (highly unlikely as they were simultaneously fortifying Roanoke Island), the tools were never sent (also unlikely since their arrival was expected and necessary), Turner forgot about some inventoried items after a few years, or most likely, shovels were too insignificant to mention within a short summary list of a large inventory and they were immediately unloaded for the first load ashore.

The authors further surmised that sufficient water was

***"a problem since the wells of the area's several homesteads would have soon been drained by the additional soldiers drawing on their water." (p. 17).***

This false assumption was a byproduct from an unfamiliarity of how a fresh water lens operates on a barrier island. With the fine, particulate sands of Waves' well fields, problems might have temporarily surfaced if withdrawal volumes exceeded the lateral flow rates of the water table. But, they could not stay dry for long. The worst case was they might have become tainted with brackish waters upwelling from below the depleted lens during droughts. But, military records, letters of soldiers', newspapers and journals all reported an earlier series of gale and tropical storms had just occurred. The two most recent of these were the storms the troops encountered in the ocean on their transit to Hatteras Inlet and the gale that was blowing the day the Fanny was captured on the first afternoon of October.

Babits' was not accountable for the following, because it was not commonly known, but it was another cryptic item of information supporting the Waves site over Rodanthe's. Decent potable water did not exist on the village's northern end. The groundwater there was brackish and was imbued with tannins emanating from an ancient, slowly decaying cedar and cypress forest floor that was buried. The stump systems later became submerged after being overtaken by the sea level's rise. The lens was also contaminated by a thick layer of peat under the extinct forest. Layers of sand having crushed shell, interspersed with peat layers, continued beneath. For many of the island's cross-sections in Rodanthe, peat soils were surface layers on the soundside, but emerged on the ocean bottom beyond the two fathom line where they were several feet thick. Covey encountered them while installing pilings for Rodanthe's fishing pier and he explored the submerged peat ridge on his dives.

His family's construction business set pilings for every one of Dare County's wooden ocean piers (from a total of seven), except for the one in south Nags Head. During his long career, Covey was contracted to install pilings on the beach and those for houses, commercial buildings, bridges, water parks, commercial signs, retaining walls and bulkheads; soundside piers and docks as well. This encompassed the entire width of the island except for under **NC Highway 12** and it was extremely informative. Covey's Construction, the island's oldest construction company, developed special tools and techniques for overcoming buried obstacles like the described ancient stumps. But, his familiarity with the area did not end there. His bachelor's quarters was the former kitchen of the Pea Island Life Saving Station (*Exhibit 19b*), which had been previously relocated several miles southward. For decades it was the northernmost house in Chicamacomico and was along the shores where the first wave of the amphibious assault landed; south of Loggerhead Inlet and three miles north of Camp Live Oak. The well traveled house was built as a Life Saving Station kitchen at Pea Island, was later a cottage in Rodanthe, and lastly a museum in Manteo.

Because of the poor water quality on the north end, the older homes there had cisterns or elevated tanks. However, many fortunate citizens in Waves used wells for drinking water in the ridge zones where the fresh water lens was clearly superior. But, the paucity and quality of drinking water to the north would have been worse during the Civil War, since the presence of Loggerhead Inlet close by at that time would have shrunk the size and depth of the lens there. This would have also increased the salinity of its groundwater and would have further ameliorated the already tainted water lens there close to the surface.



**Exhibit 19a** – Pea Island Life Saving Station; the kitchen was in the center. This photograph was taken from a roadside exhibit in Pea Island National Wildlife Refuge.



**Exhibit 19b** – Pea Island LSS kitchen relocated to Rodanthe (author Karl Baarslag’s cottage): February 1980. Covey was the resident caretaker prior to and for the first months of his marriage. After a nor’easter blizzard floated his vehicle into the sound, his distraught newlywed decided his hometown was no longer acceptable. Karl’s likeminded, but delightful wife Esther, only agreed to spend two summer months per year at his beloved second home. Here the former USCG Cmdr. kept a library and composed books on epic sea rescues.

### III CARTOGRAPHY and AERIAL PHOTOGRAPHY

#### ***1862 Preliminary Map In Progress: 1845 – 1862 US Coast Survey***

***“This map is the key to understanding cartographic resources at Hatteras Island in 1861 because it explains how the survey was conducted and shows the entire network of survey stations from which triangulation sightings were made to create the 1852 survey’s T-367 and T-377 maps.”***

***“If a mill was not shown, it almost certainly was not present because any mill provided the long range sighting opportunities required by the surveyors (Slotten 1993:41: Stanley Riggs, personal communication, 5 December 2014).”***

The above two sentences of Babits’ framed and presented Covey’s argument best; nothing could illustrate the point better than Babits’ and Riggs’ own contradictions. The first statement was an accurate one, however, it was demonstrated that the second one was not. This was one of the insurmountable problems diminishing the *Final Report*.

Covey also cautioned Babits earlier in his critique of the *Draft Report* where he wrote;

***“This report is not considered complete until all cited exhibits are included. If maps, charts or photographs are cited, they must be exhibited.”***

Presumably, all were properly instructed to never attempt otherwise, because it was considered improper to do so. It would be construed as a deception by the reviewer – who would certainly note its absence. It was, and the reviewer did, several times. So, to better complete an assignment left undone and to help complete the record, a copy of the original Bache Survey was included (*Exhibit 20: 1851*). For this, it was helpful to recall neither of **Stowe’s Mills** (Appendix I) nor the **Windmill Picket** (*Exhibit 12b*, p. 48) was included on the survey, but **Jennette’s Mill** (*Exhibit 12c*, p. 49) to their east was. Also, Chicamacomico’s **Windmill** and Kinnakeet’s **Barnes’ Mill** (Appendix M) were not the stations used in 1873, but Bishop saw both mills the following year. This left Riggs’ opinion on windmills and coastal surveying vacated, and disabled this component of the Oxford/Babits’ Hypothesis.

#### ***1852a US Coast Survey***

While first studying in detail the much discussed “**T**” maps for his earliest research during the late 1970’s Covey realized, while absolutely superior to all others, there were still a few inherent problems with them. Chief among them were the multiple sets of latitude and longitude lines superimposed upon the originals. Babits’ relied on the National Archives for information on the maps, and when Covey contacted the map Historian, he too received the similarly incomplete information which Babits’ reported.



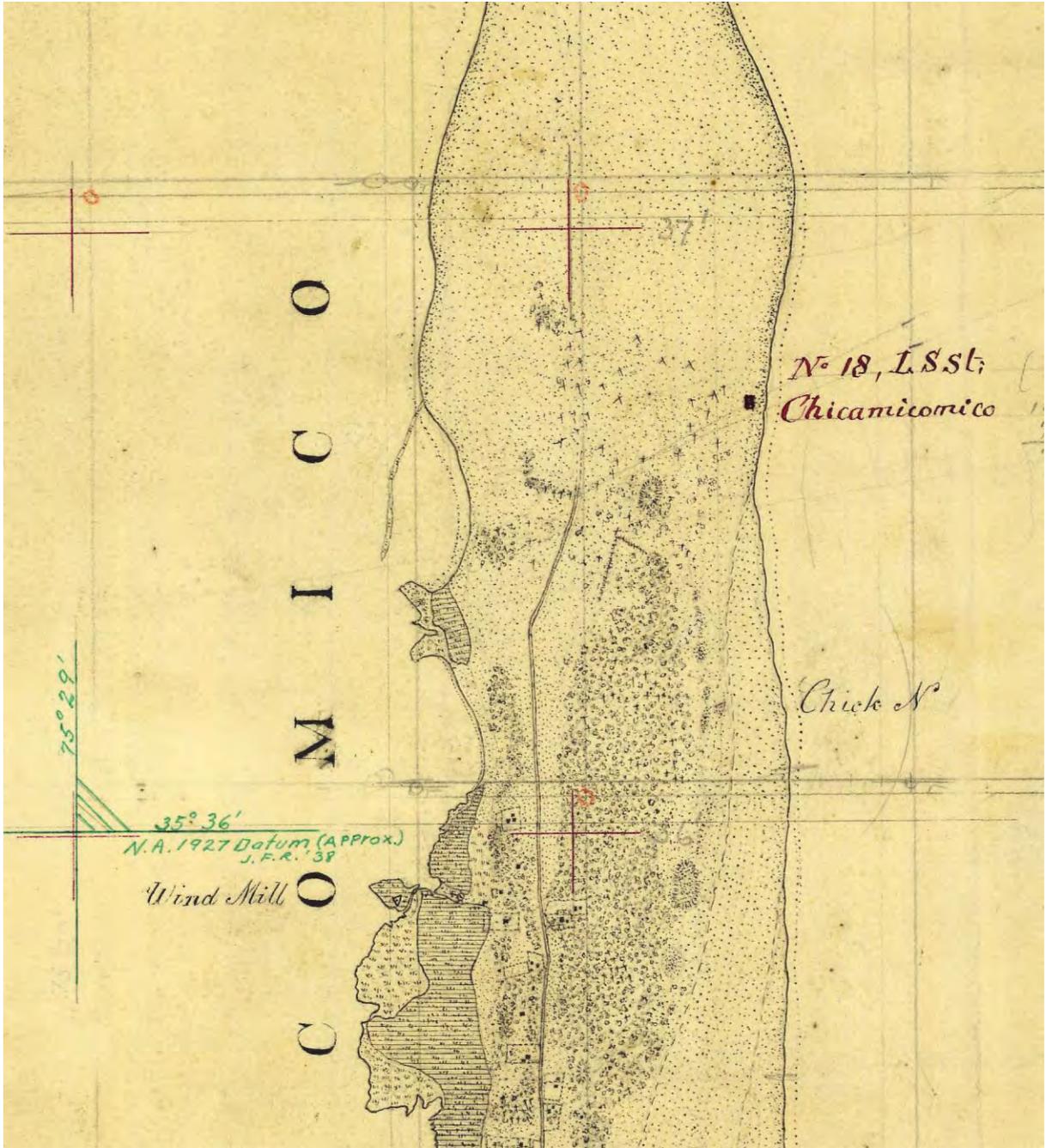
Knowing it to be a simplistic and incomplete response (Appendix P), Covey researched it further. *Exhibit 21* was produced as an enlarged copy portion from T-367 and displayed a list of additions onto a more manageable exhibit. Of the solid grid patterns, the eastern, southern and lighter gauge lines were derived from the original stations used for 1852 construction of the maps and the station coordinates appear in the tables Babits' cited. Covey described this set as the 'Mehan Lines' because "John Mehan" appeared in handwritten script with an arrow pointing to this grid at the bottom of the T-377 survey. Conceivably, "Mehan" was an incorrect spelling of John Mechan's surname (cartographer of the adjacent survey T-790: 1860) applied in pencil in 1921. It was found where T-377, T-790, and T-1246 all overlapped each other near the zone encompassing the Cape Point quadrant.

Before the November 1852 release of T-367 and T-377, someone with the initials W. T. S. began adding handwritten tabulations for mileages of roads, shoreline of islands, sea coast, etc. He had begun this phase of the project before its publication as his initials dated on Dec. 1, 1851 indicated and he continued this endeavor until at least December 2, 1854. It was perhaps the scripted date of 1851 that misled the map historian to say the date was 1857 (Appendix P). The top stroke of the numeral 5 confused a number 1 for a 7, instead.

The western, northern, and heavier set of lines were labeled on T-377 as "correct" and "new date" on T-367; obviously later additions that were presumably concurrent with the next completed map, C. T. Iardella's T-1246. The middle grid represented Iardella's 1872 effort and some of these quads had small, heavy, red-colored pencil marked circles at selected points of intersecting latitude and longitude lines.

In 1873 a completely different set of surveying stations were added to the Coastal Survey maps. Whereas the first were plotted on the maps using a dot within a triangle (Babits' "*diamond*"), the second survey typically utilized small circles to differentiate the two. Construction of the Life Saving Stations had recently begun and they were completed in 1874, not in 1878 as a penciled-in date for Chicamacomico's station suggested. *Exhibit 13a* (p. 51) was of a mapped circle on **Gull Island** with a faint 1873 date inscribed on a line bearing upon the next station to the south under construction, Gull Shoal (No. 19) at **Cedar Hammock**. The circular additions had nothing to do with the explanation offered in the *Final Report*. The penciled additions were drawn in 1921 by an individual whose initials (R. L. J.) were found in the Cape Point Region of T-377. Mehan's pencil inscribed name was close by.

On December 19, 1923 the red ink corrections of one R. F. S. were added. They were the red ink cross-haired coordinates and they represented the fourth attempt for accurate latitude and longitude line grid positioning on T-367. This was verified by a correction plat charted east of New Inlet and was presumably added after the Life Saving Stations were applied to the maps, since they too had similar red ink over the station's name. The 1927 North American Datum was the most recently used data for the next addition. It was used in 1938 by a J. F. R. whose crosshairs were highlighted in green ink on several maps. Its correction for the 1923 grid was detailed on the map close to **Windmill**, southwest of **Greens Point**. Lastly, the area's first modern topographic quadrangle maps were produced in 1940.



**Exhibit 21** – Latitude & Longitude additions to Coastal Survey T-367. Multiple latitude lines north of **Windmill** marked five various attempts to determine the **36<sup>th</sup> parallel** on the 1852 Survey (Camp No Live Oak's vicinity).

There were several Datum and Epoch changes to the Coastal Surveys post-1938 and Covey soon encountered the quagmire Oxford and Babits' later wandered into. The reviewer previously avoided the same circumstances by concentrating on spatial distances between mapped features and their respective relationships to identifiable features on the landscape for arriving at identifiable locations sought. It was also noticed each time Babits' offered a probable site for the encampment, it 'migrated' closer to the site in Waves and farther from the **36<sup>th</sup> parallel** (N 35° 36' Latitude) site they advanced and based their theories on. More revealing was the failed attempt to georectify the original position of the 1874 Life Saving Station's location when Babits' placed it a mile south of its original position. Its 1874 coordinates were also situated eastward offshore in the ocean, but the mistake was discovered before the release of the *Final Report*. Other results from the implemented methodology arrived at a reversal of some listed north and south positions and, they too, were removed from the *Draft Report* after their mistakes were exposed.

### **1852b US Coast Survey**

Here the *Final Report* listed eleven survey stations and, though correct, they were noticeably incomplete. Each of the two maps had at least 22 stations different from the other, while **Bay Signal** was the single, common overlapping survey station on both maps. Not surprisingly, once more, Babits' was in error about Covey's research. It was true the sum of Wenberg Ridge's many peculiar characteristics helped convince him Camp Live Oak was near the Wenberg site in Waves, but it had nothing to do with leading him there. It was also true Covey had been intrigued by the unique feature for decades, but he was completely unaware of the impoundment feature on the map until October of 2013. It was after first reading Oxford's book when he felt compelled to precisely locate the camp. Twenty other clues, some cryptic and others glaringly obvious, had confirmed this deduction without a single inconsistency in the research findings. Also, Covey preferred to describe the impoundment as a '*horseshoe*', not circular in shape as the authors preferred. Judging by Babits' further offered interpretations, confusion reigned;

***“ . . the original version clearly shows the marsh line, the landowners' lots, a path to the water and a small beach or landing at the water's edge.” (p. 20)***

What the original version "**clearly**" showed was a marsh line extending over a mile in length inconsistent only within the narrow confines of the '*horseshoe*'. The "**landowner's lots**" were anachronistic, since all of the land portrayed there in 1852 was from Midyett Plantation and was undivided prior to 1866. The "**path to the water**" was more than an access to the sound – it was the impoundment's damaged south wall. The wall's function was preventing brackish sound water from contaminating the "*cow well*" in the north-west corner of the impoundment (Babits' Cow Well henceforth) and the other agricultural components within the dike's walls. Babits' labeled the well a "**U**" shaped structure, although inverted for its shape, and the *Final Report* intermittently followed the feature with its **Figures** of aerial imagery and of its cited maps with varying degrees of success.

The ***“small beach or landing at the water’s edge”*** (p. 20) was the impoundment wall that eventually extended westward into the encroaching sound and it showed extensive damage from the hurricane three years before its mapping. Although the shoreside wall was obviously altered from the storm, some of the dike’s remnants remained extant for over a century and they served as a buffer against erosion in the immediate area. The 1962 aerial (*Exhibit 16*, p. 57) distinctly showed the impoundment wall retaining its shape 100 years after the *“Affair”*. The wall performed so well Babits’ Cow Well was still completely extant, likewise for the **30°** cart path bisecting the field. If it were a beach as Babits’ assumed it to be, instead of the mound of sand it was, it would have succumbed to erosion long before and it would not have been able to maintain its structure as it did. Especially, with the wall projected outwardly, far into the sound, and in the uncharacteristic position shown.

It was Covey’s ***“supposition”*** the surrounding marsh was drawn differently from that within the impoundment. While the difference was described as minor by Babits’, it was important enough for the cartographer to record. However, the report suggested it was either

***“a change in the map’s inker, a resumption of inking after a rest, slight damage associated with updating the longitude line, or a fold in the map”*** (p. 20).

Covey applauded the team’s creative thinking and then objectively put it to a test. First, he shared the image with ten individuals who were unassociated with and unfamiliar with the project. They were simply asked if they noticed any difference between what was drawn for the areas inside and outside of the *“horseshoe”*. Without exception, all ten perceived a noticeable disparity. Since the map was appropriately placed on the cover of the *Final Report* for all to see, it was left to the reader to decide which was correct.

As for Babits’ four explanations, a ***“map’s inker”*** had little to do with its measured line spacing – the focus of that debated. ***“A resumption of inking after a rest”*** seemed highly unlikely since it was only but a tiny feature to begin with. ***“Slight damage associated with updating the longitude line”*** made no sense, since the spacing in question paralleled lines of latitude and not longitude. This left only ***“a fold in the map”*** to be explored and the map did indeed have two folds reproduced on the copies of T-367. However, the fold closest to the impoundment was north of the **41<sup>st</sup> parallel**. All four explanations were insufficient and it was evident the cartographer differentiated the landforms as warranted.

Another misrepresentation of this writer’s work followed. Babits’ was of the opinion it was necessary for Covey to see the withheld map to realize why Hawkins would have selected the site. However, the attributes of the site and its relationship to the near shore waters were obvious and immediately apparent. But, most of this was lost on the Babits’ Team because they were unfamiliar with the area and nautical charts were not consulted until after the *Draft Report* was released; charts were not a part of the investigation’s first attempt. Easily excused was the team’s unfamiliarity about the role of fences to animals, as they were different than most places. But, the village was on an island, so charts were needed for an area whose principal means of access and transport was largely waterborne.

Hatteras Island's first settlements were chosen for their landings on the soundside and these were predicated by a vessel's ability to access suitable land from deeper anchorages. The landings were a critical fixture for the villagers, so it was imperative Babits' inspected both charts and maps. The failure to properly consult nautical charts allowed the team to place the *Fanny's* capture, five miles from the **36<sup>th</sup> parallel**, on a charted shoal (**No Ache**) deep enough to float only toy boats. This also led the team to dismiss Chicamacomico's best landing site (**Waves Landing**) as too inferior, although it was the one the attacking fleet used. Babits' was also mystified about what the impoundment was for, where they offered

***"a cattle enclosure would probably have [a] ditch to keep them in" (p. 21).***

This was partly right, but not for the reason given. Typically, these large island ditches were used for the purpose stated, but they were mostly performed as boundaries for the larger land grants, not the smaller sub-divided 50-acre parcels that were the norm. Many of the original boundary ditches were extant, some were drawn on the "**T**" maps, and their inclusions in various grants and deeds helped locate the tracts. However, the impoundment wall was for keeping salt water out, not for keeping animals in.

Unbeknownst to Babits', and to most others too, because it was an island fences were mostly used to keep free ranging animals away and not for enclosure. While livestock could always be counted on to supply fresh meat, as it did for the 20<sup>th</sup> Indiana at Camp Live Oak, it was a profitable industry whose real value was in leather. Because it was unmarred from fencing it commanded a premium and it was a common item for export. This era ended in the 1930's when legislation halted the island's remaining free-range practices. The story of 'Old Buck', the last of the free range cattle, is a continual part of Rodanthe's annual celebration of 'Old Christmas'; one of the last few American communities to celebrate the 'twelfth day of Christmas'. Old Buck's story and his horns still survive. Also providing a glimpse into the past animal husbandry practices of Chicamacomico were the many kinds and numbers of farm animals auctioned from Banister Midyett's estate. Continuing on

***". . .considerable doubt has to be raised about a heavy artillery fortification sited in a marsh when high ground was located nearby" (p. 21).***

At first impulse it may have appeared to be true, but the fort's guns had to be able to effectively reach offshore into waters deep enough for the enemy's vessels to enter. Due to the extensive shoals, this necessitated it to be built up close to the water's edge. The 20<sup>th</sup> Indiana also had a short lived 'sense of security' for this same reason. They had been falsely assured the sound's two-foot deep shallows prevented bombardment from attacking boats. Conversely, the same situation did not exist at the northern site, which was easily accessed from deeper waters near shore. This proved to be a decisive miscalculation of Col. Hawkins'. The Confederate vessel *Cotton Plant* was a shallow drafting boat making use of the deeper water leading to **Waves Landing**, the same passage Morrison declined to use. Important too were the earthwork's strongest defenses facing north through west; the directions from whence the attacks of the 'Affair' were launched and the direction of the landing's channel.

As for the marsh aspect, which disqualified the site in Babits' opinion, it did not stop the constructions of **Forts Hatteras, Ocracoke or Oregon Inlet**. No two forts were built alike, since no two defended areas were the same, either. Form always followed function and good officers made the most of what was present. This included the terrain, the fort's placement in relation to its waters, the availability of building materials near the site, and the proximity of other resources that could be commandeered. Hawkins was intelligent enough to choose a site with potable water that was positioned with a broad, protective shoal to its west and an island of peat to its southwest. It also possessed fruit trees, livestock, turf, grapes, a sweet potato field, and the premier boat landing. Babits' further reasoned the fort should have blocked the main road instead of being adjacent to it, as was done. **Fort Clark's** citing helped discredit the Babits' argument here. Why block roads that were needed? Farquhar's map and *Exhibit 8* (p. 39) showed both of the forts' roads nearby.

When Hawkins first visited the plantation he would have seen a structure suitable for a field hospital, beasts of burden, carts, barrows, tools, and a gristmill. His troops could also make use of a blacksmith shop, a boatyard, a sawpit, and could use the watercraft there. But, the most important asset of the south site was the soundside impoundment that could be expeditiously transformed into a fortification. Any military officer worthy of command in the field would have easily recognized its attributes were far superior to those of the northern village. The lower-lying northern Chicamacomico had a boatyard, a mill, a wharf and little else to offer, except for the estuarine swamp of '*Back Mire (Black Mar) Gut*'.

A much bigger concern was the vulnerability of Chicamacomico since its field of engagement was already an overreach beyond the Union's effective field of force and the chief goal of the mission was to defend the village and its people. But, it would have been irrational to compound their dire situation by moving even closer to their adversary, whilst simultaneously distancing themselves from any reinforcements. Likewise, they would also have abandoned a superior position and further exposed their rear flank. The plantation was in Chicamacomico as specified and time was critical due to an invasion forming just over the horizon. The impoundment greatly expedited the construction of earthworks by providing a raised outlined perimeter, thus minimizing the volume of material transported and decreasing the amount of manpower and time expended. Admittedly, it was a less than perfect situation and it was probably why Hawkins wanted to place more troops farther north according to reports published by the New York Times soon after the *Fanny's* capture.

*"Fortifications will be thrown up as soon as possible, with the view of permanent occupation. It is the idea of Col. Hawkins to establish another encampment some distance beyond."(October 6, 1861)*

This was another detail eliminating Rodanthe as the Union site. If the camp was north of the **36<sup>th</sup> Parallel**, not enough land existed for "*Hawkins to establish another encampment some distance beyond.*" They would have already been there and the main island would not have been present for the assault to wade ashore on. That was three miles north at Thomas Paine's wharf, where deeper water was commonly known to be closer to shore.

Lastly for the section, Covey was unsure what the authors were trying to convey with their final sentence. But, the assigned objective there was designed to eliminate the possibilities of any other forts from ever having been constructed anywhere in Chicamacomico. Did any military need of fortifications ever exist, besides the time between late September of 1861 and the first week of February in 1862? Was there ever any other time when a fortification on the soundside made sense? If a fort was found, did it have to be associated with Camp Live Oak? The short answers here were no to the first two questions and yes to the third.

### ***1896 Post Office Route Map***

Perhaps the “***interesting***” part of this section was why the authors included this padding to the report, since the events of the investigation occurred 35 years earlier than the citation. What was relevant, but unmentioned, was Hatteras Village had the only post office on the island during the Civil War (in contradiction to Powell) and Trent (Frisco), Kinnakeet (Avon), and Chicamacomico’s twin villages (Rodanthe and Waves) all surrendered their names for new postal identities soon after the opening of their respective post offices. The connection between the concurrent constructions of the additional US Post Offices and the US Life Saving Stations, previously unnoticed by historians, were the most “***interesting***” here.

### ***1899 US Coast and Geodetic Survey Chart #142***

Many of the exhibits provided to the investigators appeared to have been altered, or misrepresented, or they were omitted altogether. It was the latter mentioned items which were the most damaging to the Oxford/Babits’ Hypothesis and which remained unaddressed or thinly disguised. The following paragraph accounted for their absence because it set aside any argument for a northern (Rodanthe) location for the camp. Chief among the neglected evidence provided was the Hotchkiss Report, which was briefly referred to, but it was not referenced by Babits’. For this, Oxford’s misreading was duplicated by Babits’ misinterpretation of what the account actually reported.

The northern wind mill was three miles away on an **ENE** bearing, while simultaneously being straight off from Camp Live Oak. That had to have been **East** and it was the second leg of the triangulation, not the same one of **ENE** as misinterpreted by both Oxford and Babits’. From this it appeared both of the gentleman’s opposing viewpoints were unfamiliar with the commonly employed navigational concept of triangulating like Hotchkiss recorded and Bache depended on. All accounts had a windmill known to be south of the camp. Therefore, it would be physically impossible for Camp Live Oak to be north of **Greens Point** or of the mill nearby as predicated by both Oxford and Babits’. Covey had provided the Hotchkiss chart position (*Exhibit 10*, p. 42), but the competing view declined to address it and it remained the proverbial 600-pound gorilla not bemused to share his space with an ostrich whose head was buried in the sand. Next, it would be instructive to compare *Exhibit 10* with the last minute interpretation of **Figure 41** – sequestered at the end of the *Final Report*.

Before the Babits Team left the site it was obvious an objective investigation could not be accomplished as was being performed. It will be left to others to explain, not only what was missed that was in plain sight, but also why the staggering number of revealed errors committed in the two reports should not translate into a loss of academic relevance. However, by no means did this reflect on the other members of the Babits Team. Covey recognized they were diligently working as instructed, however oblivious they were to the actual circumstances involved. He has much respect for their abilities and for the efforts they expended on the project's behalf. He was very appreciative of their assistance and definitely entertained the idea of working with any of them in the future, as he has a compliment of significant sites already identified. Covey held Babits alone responsible for the multitude of errors in the *Final Report* and the sparse results achieved in the field.

Covey shared the above because the Hotchkiss evidence represented some of Babits' worse. Umbrage was taken over the following because it was significant the charted positions and its orientation were distorted, were included at the end of the report, and also at the eleventh hour. There was no objection to using an earlier chart for the exhibit. Although not as detailed, it was closer to the war in time and the charts were fairly consistent when compared. There were, however, two major problems with Babits' **Figure 41**. It was a distortion of evidence and it contained an additional element of obfuscation.

*Exhibit 10* (p. 42) accurately depicted Captain Hotchkiss' account. The point formed by the intersection of the three, red drawn lines approximated where he was in relation to the "windmill on the Northern end" (**ENE**), to Camp Live Oak (**East**) and the distances to both (three miles). This was the first exhibit produced and it properly directed the search towards Waves and away from Rodanthe. The contrasting water depths in both areas also confirmed it was accurately interpreted and positioned. On Babits' **Figure 41**, an extraneous bearing line of no one's report had been added to the position of Camp Live Oak with an **ENE** direction. It was an invention of Babits'. No such bearing was reported by Hotchkiss or by anyone else. The captain's position was logged for the windmill on the northern end of the village and for a completely different position for the camp. Hotchkiss' second bearing line was for Camp Live Oak, not for a windmill in Waves as confused in the *Final Report*.

Complicit with the incorrect interpretation of Hotchkiss' logged entry, the *Final Report* shielded the error afterwards by altering the chart's orientation. It tried, but failed, to make **ENE** appear to be **East**, instead. It was well known the long northern leg of Cape Hatteras was in a general north to south direction and it was oriented as such on all exhibits, charts and maps, except for **Figure 41** (p. 94). It also further demonstrated how unprepared Babits' was for discussing the "*Chicamacomico Affair*". Both of Babits' *Reports* had mistakes layered over still more mistakes. The report continued;

***"[ . . . Figure 41] is important for referencing the location of the USS Fanny when it was captured" (p. 23).***

Consulting any charts earlier would have been beneficial and it was unquestionable some should have been a part of the initial investigation – not during its completion. Had the team done so, they would have soon realized the gunboat's capture provided several additional clues for Camp Live Oak's location and all were consistent with the Waves site.

Five miles south of the fortifications laid **Cedar Hammock Channel**, where the depths funnel vessels headed towards shore into this narrow passage. The *Fanny's* captain, Master John M. Morrison, would have quickly found this channel much the same way others have for over a century – by following the darker, deeper water back towards the island. Only it would have been much easier for Morrison to find from his elevated viewpoint than those in small boats. While it may have been mostly speculation here, it completely matched the accounts at first appearing to contradict one another, but actually confirmed the point. Next, Covey considered the curious actions of the soldiers on board and of the ship's civilian crew regarding the cannon on the *Fanny's* bow. Afterwards, a second viewpoint was developed to better explain the events of the nautical chase.

The reviewer was at first perplexed by the apparent 'role reversal' between the soldiers aboard and the ship's civilian crew during the short pursuit. Several facts were initially bothersome, but perhaps no longer. Covey originally found it odd it was largely a few of the ship's small busy crew, with minimal help from the soldiers, who were throwing munitions and cargo overboard. It was also the sailors, and not the army officers, who wanted to do the same with the heavy cannon on the boat's bow. Previously, historians presumed these actions were explainable from a military perspective and were attributable to denying the enemy weapons and munitions. It probably had only a little to do with it.

If all others but Covey were correct here, then it would have been the many idle soldiers aboard, not the small busy crew, who would have expeditiously accomplished the task while underway. Although the despondent soldiers' desire to freely partake of the sutler's wares aboard ship figured into the events of the day, Covey hypothesized it was more about the crews' desire to eliminate weight, reduce the *Fanny's* draft and increase their speed – not the denial of armaments to the opposition. A hard east wind had drained the water levels in the shallow sound, as it was prone to do, and the crew was desperately 'lightening' the boat to make it through a channel normally deep enough to transit. This was the same slough that communicated with the landing five miles south of Camp Live Oak where one company of the 20<sup>th</sup> Indiana was encamped. But, passage was not possible during the easterly gale blowing that day and it prevented the soon to be captured gunboat from reaching the reinforcements watching helplessly from shore nearby.

The above was most likely what caused the heated discussion about throwing the cannon overboard. The added weight greatly increased the draft of the vessel, particularly at the bow where the effect was more acute, which was why it was the crew, and not the soldiers aboard, who wanted it jettisoned. The decision not to do it was made for the men's better treatment after capture. As islanders knew it to be, it was all about the wind; if light or from the southwest, which usually occurred, and *sans* the cannon the *Fanny* might have escaped.

It was understandable Morrison and his crew prudently chose not to be captured and abandoned the *Fanny* by rowing away, since they were also probably disgusted with the less than commendable actions of the troops. Morrison did everything possible to avoid the Confederates, but debate on his loyalty probably began as soon as he refused to anchor closer to Camp Live Oak to expedite the transfer of their cargo. Cited as evidence for colluding with the enemy, it was most likely done to avoid placing the *Fanny* in a shallow, bottlenecked dead end during a falling tide. This was the northwest channel to **Waves Landing**; the passage successfully exploited by the Confederates vessels three days later.

After briefly running aground from steering southwest for safety too soon, the *Fanny* was backed off the shoal to her port (the Waves 'bump-out'). The increasingly desperate crew was forced to head almost west, and finally southwest once more for deeper water and towards their base at the inlet. But, the short delay allowed the gunboats approaching from Roanoke Island to close fast on the steam tug's starboard flank; the *Curlew* from the west and the smaller vessels *Junaluska* and the *Raleigh* from the northwest. It's reasonable when Morrison recognized he was being outflanked, the captain correctly determined his only remaining option, besides surrender, was to follow **Cedar Hammock Channel** back towards shore. This would have also momentarily altered the chase. The *Fanny* had three vessels attacking her broadside, but when the steam tug veered hard to port she also effectively reduced her target size by presenting mostly her stern. At the same time this forced the three pursuing vessels to abandon their broadside attacks and begin filing into the channel. While momentarily reducing the threat to the *Fanny*, Morrison would have also understood his desperate action prevented any further fire from being returned from the *Fanny's* bow. However, his inexperienced gun crew was not properly trained, they had already missed every shot they attempted, and he intended for the cannon to be cast overboard anyway.

However, it might be doubtful the captain and some of his crew deserved total exoneration, since two troubling aspects remained to be adequately explained. The first was when the *Fanny* was reported "*drifting*" at some point while underway before surrendering; stopping while being pursued initially made no sense. The second was Morrison's crew's reluctance to present strident defenses for their actions when serious accusations of treason against them flourished. Covey thinks these two events were related and were best explained by items of value going overboard late that afternoon with the intention of their later retrieval. That would explain why both the *Fanny* was momentarily adrift and why the crew and Morrison were so tight-lipped. Covey thinks he has deduced what areas to search.

Though inadequately charted, fishermen were aware of the deeper waters of **Cedar Hammock Channel**. It was a remnant of an ancient inlet long since closed off and it also connected to another inside channel separating **Gull Island** from the main island. The main channel's first fathom line encroached southeastward  $2\frac{3}{4}$  miles offshore – the distance from land the *Fanny* was reported captured. In his teenage years, Covey periodically set 100 crab pots and/or several hundred yards of gill nets there and he was certain the hard east wind blowing October 1<sup>st</sup> would have likely prevented the *Fanny* from passing through waters normally deep enough to transit, but were then only four-foot deep.

The recorded military record detailing the easterly gale wind of the day was corroborated by what was visually reported by many individuals who were ashore, but was unheard by all – over 30 cannon balls being discharged with malice. The wind was blowing so hard from the east the sharp reports of the cannon were muffled and were prevented from reaching the upwind shores from whence hundreds of observers witnessed the chase. Although described and recounted by others, apparently only local watermen could understand the significance of what it actually meant that historic day; the *Fanny's* capture was the first Union naval vessel surrendered during the War Between the States.

Covey was of the opinion he possibly determined the positions of the vessels on the first October afternoon of 1861, and also the situation with the wind and the tides. Previously, he had seen areas of Pamlico Sound become exposed bottom for over a mile from shore when hard winds with an eastern vector arrived, and he understood how it could have affected the captains' strategies and their actions that early autumn day. Covey theorized Morrison desperately tried to enter **Cedar Hammock Channel** towards help, or else head south towards safety by way of the inside channel. The aid of darkness would soon arrive due to the time of day (1630 Hours) and the season of the year. Furthermore, examination of the 1920 chart of the area (Appendix X) showed a fish house on the northeast corner of **Gull Shoals**. It was where **Cedar Hammock Channel** led to the inside passage just described.

It was known the *Fanny* was captured five miles south of Camp Live Oak, but five miles south of Camp No Live Oak was squarely on top of **No Ache Shoals**, the largest and shallowest of the island's adjacent waters. It would have been impossible for any vessels to approach anywhere close to there and this was inconsistent with the opposing viewpoint. Incidentally, **No Ache** was most likely the correct pronunciation and it absolutely had no relationship to the absence of any discomfort, as others had speculated. The alternatively suggested **No Egg** of Babits' was not correct, either. The small, triangular marsh island in **Cedar Hammock Bay** was **No Ache Island**, not the larger island misidentified on tax maps to the south of the aforesaid (Appendix Q). It was called "*Nowache*" in one of Christopher O'Neal's land grants and deeds referred to **No Ache Creek** around the same general vicinity.

The term '*ache*' may have been associated with colonial livestock herding practices on artificially created 'islets', or on similarly situated small necks of land as was commonly done in that era. Unstable 'floating marshes' growing at **No Ache** rendered it unsuitable for livestocking purposes; hence "*No Ache*" could have been an appropriately descriptive name. While several of these artificially created impounds were extant there, other early deeds of the area named it as '*No Wake*'. This was either a phonetic misrepresentation, as was a very common occurrence, or perhaps an equally appropriate descriptive name because the broad, extremely shallow shoals there allowed 'no wake'(s) to traverse it. Phonetic varieties abounded – Chicamacomico had over 20 different spellings in the grants and deeds. To date, research conducted on the topic has revealed no such lingual connections. It was more probable the name's genesis could be traced to land holdings once granted to the Noake family of colonial southeastern Virginia. The **No Ache** area was altered significantly in the past and, quite possibly, continuing research will reveal the name's true origin.

## **NOAA Chart # 12204**

***“This map was used as a means to assist geo-rectifying the 1852 with a modern one. The points used for geo-rectifying, located and named with the same name on both maps, were as follows: Great Island, Eagle Nest, Jack Shoals, Hatteras Lighthouse and David’s Point.”***

While it was desirable and prudent to georectify modern maps with the 1852 survey, they did not rectify the modern map with the Wave’s site. **Eagle Nest** and **Jack Shoal** stations no longer existed. **Hatteras Lighthouse** was in the ocean and **Great Island** was best not used. It was a low, large marsh island without a fixed point and it was constantly being reduced in size and being reshaped, as was nearby **David’s Point**. It was especially difficult to believe either of the two was used, since the report ‘positioned’ **Great Island** in a different place with the geo-rectifying attempt of the *Draft Report*. Apparently, the island migrated to where that report described it to be for the point being explained at a particular time.

## **Google Earth Imagery**

This section replaced what was first described after several false assumptions rendered the initial *Georectification* section useless (Jan. 2015). Unfortunately, it was attempted by using points of reference not extant. These were further confused with features of modern origin, some less than a decade old. Inexplicably, what was achieved by one process was later presented as having been acquired by another (*Draft Report* vs. *Final Report*). This, too, was troublesome. The problems inherent with this section persisted and predictably, the results remained as they were. The report specified –

***“The fortification sketch used as the base map for georectifying the fortification was provided by Mel Covey and linked to the 1852 map by features shown on the fortification map. The points utilized included fence corners, houses and road intersections on both the Covey map and the 1852 map. These features were taken by Mr. Covey from his copy of the T- 367 map and therefore should be the perfect points for rectifying the two maps.”***

This statement was only partly true. For reasons unexplained, material identified by Covey was to be acquired by the Babits’ Team and then shared under a gentleman’s agreement if accomplished. But, the identified ‘better copy’ of T-367 was not forwarded to Covey until weeks after the field work was completed, too late to impact the on-site field work. While it was perhaps easy to criticize the quality of the fortification sketch, Babits was aware it was a tracing of the only version of T-367 the project possessed at the time. Notwithstanding, the T-367 copy held, several county tax maps, and the scaled enlargement of the 1962 aerial were all used in conjunction with each other to create the scaled fortification sketch. As a result, all four images were interchangeable and could be overlaid, or superimposed, on each other in any combination – a concept unrecognized by Babits’. (See Appendix R)

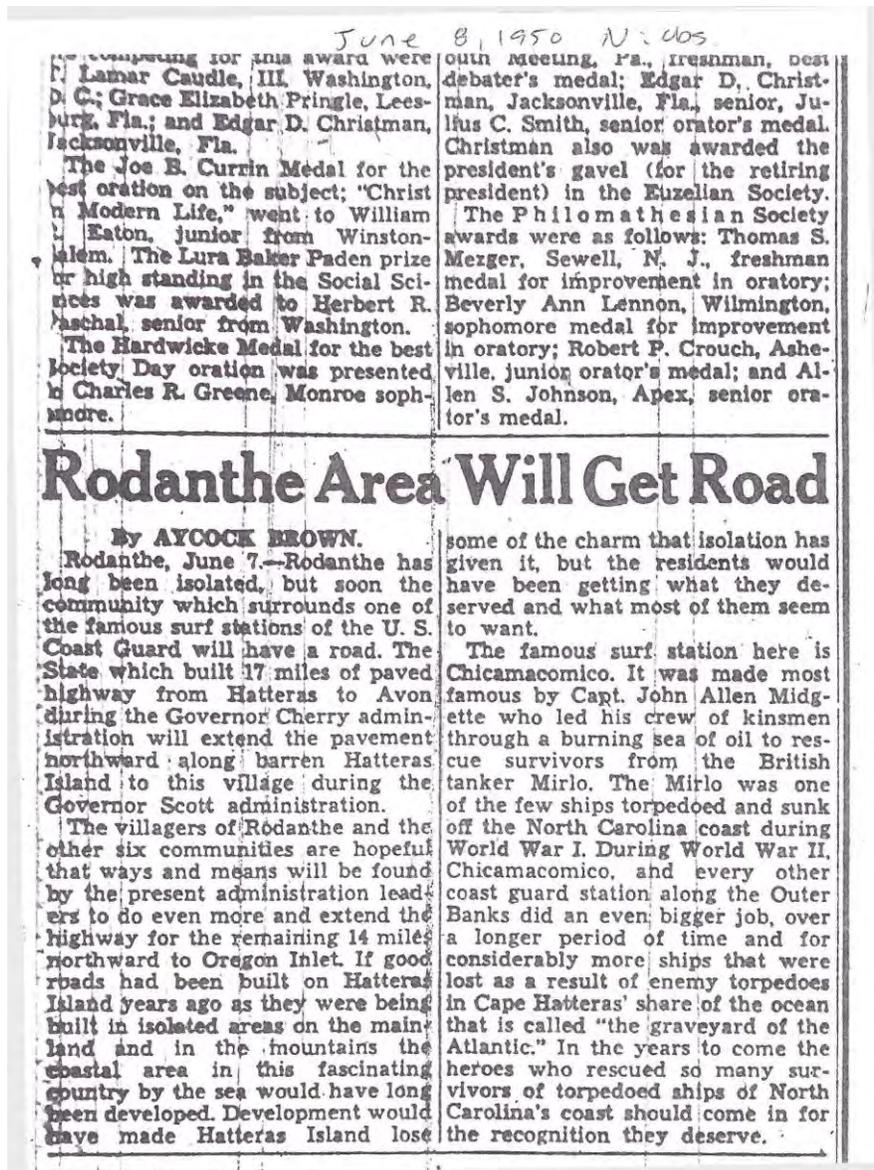
Since each image was scaled and produced from a transparency, or as a 'tracing of the other', a scaled rectification was automatically achieved in the process of each creation. However, none of Babits' representations of the fortification sketch were properly exhibited. The georectification detailed in the *Draft Report* was doomed from the assumption the 1852 sand road and **NC Highway 12** were within the same corridor. They were not (*Exhibits 4a*, p. 28; *Exhibit 8*, p. 39). Babits' was also impressed by the

***"striking view of the Waves site" and "NC Route 12 appears as a more visible trace, probably because it has been aligned, graded, and possibly tarred" (p. 26).***

This partially accounted for Babits' envisioning twenty acres of pines where there was no stand to see, how Wenberg Ridge could be interpreted a decade before it existed, and why ***"relic dune ridges"*** were determined to be where none were before. *Exhibit 4b* (p. 29) and the news about a future highway published the same year in 1950 (*Exhibit 22*) highlighted Babits' struggles in this arena. There was no road to see, ***"aligned, graded, and possibly tarred"***, since the modern highway did not exist at the time the picture was taken.

Babits' also mistook the intersecting side road on the 1852 Coastal Survey map to be the current residential access across the highway from the site. But, the apartment complex and its access were less than a decade old. Covey lived immediately north of and adjacent to the same land in 1973, across the highway from Wenberg Ridge. However, the original 1852 access road was indeed relevant to the location of Camp Live Oak. Coastal Survey T-367 revealed it was the only such perpendicular road in Chicamacomico. It was the avenue for access to the ocean on Midyett Plantation and it directly communicated with the wide gap in the eastern fortification wall. Much of the plentiful supply of sand to the east (the *'Sea Side Hills'*) to be used for the fort's construction would have been transported with the plantation's carts and beasts of burden via this route. Colonel Hawkins would have probably seen this as yet another attribute supporting the site's selection. *Exhibit 4a* also revealed no such perpendicular road was extant in 1950, prior to the construction of **NC Highway 12**.

Unfortunately, other errors existed with the remaining group of rectified reference points concerning fences, roads and houses surviving the *Draft Report*. Why it was needed to rectify items which were already mirrored images of each other was as mystifying as how rectifying with points not existing for at least 65 years could have occurred as described. The acreage of the fortification site was not partitioned until after the war, when Ira Midyett first bequeathed the northern quarter of his 50 acres to his eldest son, L.N. (Little Nicodemus – Hyde Co. Book 17, p. 493: 1866). It was Little Nicodemus who was laid to rest in Wenberg Ridge in 1901, forty years after his burial mound was created. Also, the modern property line the georectifying team set their survey from was not extant and was equally insufficient for the project's purposes. Regrettably, the error was compounded by an additional decision to coordinate the survey from a property line remaining unequally recognized between the current adjacent owners. One family's driveway appeared to be on another couple's land according to Dare County's Tax maps and property plats. Not only was the surveyed line anachronistic, the proper position of the survey line was not clear.



**Exhibit 22** – Discussion of Rodanthe's future road (News & Observer: June 8, 1950).

*"The scale of the Covey sketch appears to be in error" (p. 24),*

was an erroneous presumption to state. The sketch discussed was produced from a transparency of a section of the 1962 aerial photograph that matched the 2013 Dare County tax map enlargement provided to the Babits Team. The original impoundment dimensions were calculated by scaled measurements taken from Coastal Survey T-367 and checked for consistency with the 1962 aerial photograph. All of the exhibits discussed shared the same 1962 transparency and were, therefore, all equally scaled. Each one was represented by a common one inch equaling 90 feet (1"= 90' or 1: 1080).

Conversely, it was ironic the investigators were unable to demonstrate any proficiency with the subject of scaled measurements themselves, based upon georectification foibles, the mistakes with Farquhar's map, and the treatment of the sketch segments reproduced in Babits' **Figures 33, 34, and 35**. The fortification was almost consistently reproduced in all three **Figures** as presented and varied less than one-quarter of an inch in width. However, the background images of all three **Figures** used were shown with three different scales that varied considerably. This was easily discerned from the dissimilar spacing of the original 1852 cartographer's lines representing the ground cover within the impoundment area. These manipulations grossly distorted the sketch from the resources cited and the survey copy underneath it. Lastly for the section, the **"final georectification"** linked the T-367 map with the 1899 Chart by matching latitude and longitude lines between them. *Exhibit 21* (p. 69) and its accompanying passages demonstrated how unlikely this claim was to be correct.

### ***Aerial Photographs of the "U" Earthwork (Babits' Cow Well)***

#### **Babits' Figure 7**

***"shows the back barrier ridge line as an intermittent series of light and dark blocks, some of which are "L" shaped. We believe some are either shadow from the earth mound or developing ground cover rather than the buildings which have a different shape in the photo"***.

This was another example of poor interpretations producing errant conclusions. Briefly, the **"L"** shapes mentioned were indeed buildings, despite their analysis otherwise. That shape was the prevalent architecture style used in the villages before the photograph was taken in 1962, and before lumber in excess of 16 feet long became more available for construction. After the closure of the island sawmills, but prior to 1963, lumber came by water since the island was not accessible by a bridge until then. Any basic rectangular structure could easily be modified into a **"T"** shape, but most were **"L"** shaped instead, typically designed with open porches built within their interior angles. Also apparently unbeknownst to Babits' was almost all available aerial images were taken after significant storm events for storm damage assessment and they needed to be interpreted with such considerations in mind. Dark spots consistently called land were instead all standing water, including the **"U"** shaped 'cow well' once incorrectly interpreted as a mound.

***"The southern, 30 degree path Covey mentions as the southwestern earthwork wall is present."*** (p. 25).

This held many shortcomings in a single sentence. To begin with, the **30°** path had consistently been described as parallel to and bisecting the entire impoundment. It was centrally located, which automatically eliminated the possibility of it being under the southwestern earthwork, or any other walls for that matter. It was not by coincidence it was militarily precise, in the center of the earthworks, and equidistant to its parallel walls.

Secondly, it demonstrated the lead investigator's inability to accurately report his personal communications with others. The third was Babits' failure to thoroughly investigate the site. The path's existence was the most discriminating component needing interpretation for the entire site, but its significance went unrecognized in the *Final Report*. Fourthly, it showed Babits' could not differentiate a path from an entrenchment. And lastly, it was compelling evidence that the on-site georectification was anything but, as it was off by hundreds of feet – or half of the width of the earthworks, whose calculations were listed in *Exhibit 23*.

It was significant Babits' cited the **30°** path (*Exhibit 24; Covey's Path* henceforth), although both its relevance and its cited position eluded them. However, others in the discussion, professionals and laymen alike, understood its importance. It was included because of its archaeological significance and to better define the date of the site's genesis. Both Covey's Path and Wenberg Ridge did not exist in 1852; T-367 conclusively proved this and there was not one scintilla of evidence supporting their presences. They were positively not there, despite Babits' groundless contention otherwise. Yet Wenberg Ridge was a reality when Little Nicodemus was laid to rest within it in 1901. It was also there in 1894 when Zion Midyett built his house' and it could have been when the ridge was bisected (if ever) for the front path. More likely it was left open to accommodate the transfer of the fill used to enlarge the walls. This was likely considering its excessive width for a path (Appendix D), but more particularly, by its position directly between the perpendicular access road to its east and the central **30°** cart path to its west. In contrast to the *Final Report's* error about it, Covey's Path was the most, definitive, documentable, and conclusive feature on the site.

Both Covey's Path and Wenberg Ridge were created by the 20<sup>th</sup> Indiana's efforts in 1861. Before then, the path was just a part of a low field. Once the soldiers lowered the field's ground height it would have ruined the field's original agricultural function. Was this field the source of the many sweet potatoes reportedly consumed by the troops? The T-367 "**paths**" Babits' discussed were not paths. Instead, they were the impoundment walls Hawkins intended to incorporate into the fort's walls. Covey's Path served two major purposes. By providing a central access within the fort, it became the only means for moving fill between the two excavated fields. It would also provide safer passage for the soldiers by not exposing them to direct fire, otherwise, an attack could jeopardize men traversing the ramparts. More significantly, the path was created by borrowing fill from within the earthwork's interior to help build the walls. Its relief was not raised, *per se* – the adjacent grounds were lowered. The path's elevation roughly equaled the former fields' height. Coupled with the subsequent rise in sea level, this allowed a marsh to form later.

Covey's Path did not exist in 1849 for the surveyors to see, or in 1850 for the cartographers to map. If there, they would have utilized it and mapped it afterwards like everything else they meticulously recorded. The path originated before the tract's division; proved by its old contrary course over several defined properties. The abandoned path traversed three separate pieces of land later divided in 1866, 1874 and 1875, and the paths with "**different angles**" (p. 28) referred to these modern additions. The paths Babits' mentioned were all parallel to the current property's boundary lines and were all post Civil War in origin.

Fort Dimensions 1852 1:20,000

0.25" = 5,000" =  $\boxed{416.6'}$   $\approx 4\frac{5}{8}"$   
width

0.30" = 6,000" =  $\boxed{500'}$   $\approx 5.55"$   
length

138% scale  $\boxed{1" = 90'}$

Written by: Mel Covey  
 Date: 11/20/13

|                                   |                |   |       |             |                                                                                                                                             |
|-----------------------------------|----------------|---|-------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Asa Gray                          | 105.43'        | } | 5.87" | 138%<br>Map | $\frac{5.87''}{527.42'} = \frac{1''}{X'}$ $X' = 527.42' (1'')$ $\frac{5.87''}{5.87''}$ $X' = 89.85'$ $\underline{\underline{X \doteq 90'}}$ |
| Nellie Farrow                     | 122.47'        |   |       |             |                                                                                                                                             |
| Telephone Co.                     | 51.36'         |   |       |             |                                                                                                                                             |
| Lance Midgett                     | 85.16'         |   |       |             |                                                                                                                                             |
| Selby Gaskins                     | 63.00'         |   |       |             |                                                                                                                                             |
| Carroll Midgett                   | 100.00'        |   |       |             |                                                                                                                                             |
| Cumulative Property<br>Dimensions | <u>527.42'</u> |   |       |             |                                                                                                                                             |

**Exhibit 23** – Fortification dimension calculations. Earthworks extended over 6 parcels wide.



**Exhibit 24** – Covey's 30° Cart Path was in the course of the broken red line. Babits' Cow Well was the dark, comma-shaped feature north of it. The south wall was the linear, curved feature below the red line almost intersecting the southeast end of the red line. The path terminated at Wenberg Ridge's open break. (See Appendix S)

Babits' inability to decipher aerial imagery was further evidenced by the interpretation of a "**shadowed rectangular area**" being mistaken for "**marsh covering slightly higher ground**". It was a pond overflowing with standing storm water from the Ash Wednesday nor'easter.

While the actual westward extent of the western wall will most likely remain undetermined, it was obvious the eastern wall (Wenberg Ridge) was at least partially completed. As shown on T-367 and all cited aerial photographs, the unnatural convex-shaped extension of the northwestern wall out beyond the normally concave shoreline of Pamlico Sound indicated the wall existed well before erosion began attacking its base. This would presumably push its construction date back to Daniel Midyett's era. This protrusion first appeared on the often mentioned 1852 Coastal Survey map, although in a state of disrepair from the recent hurricane of 1846. Nonetheless, the earthworks were substantial enough to persist over another hundred years and were prominently visible on the 1962 aerial photograph. In comparison, the same margin was eroded and barely visible on the 2013 Tax Map.

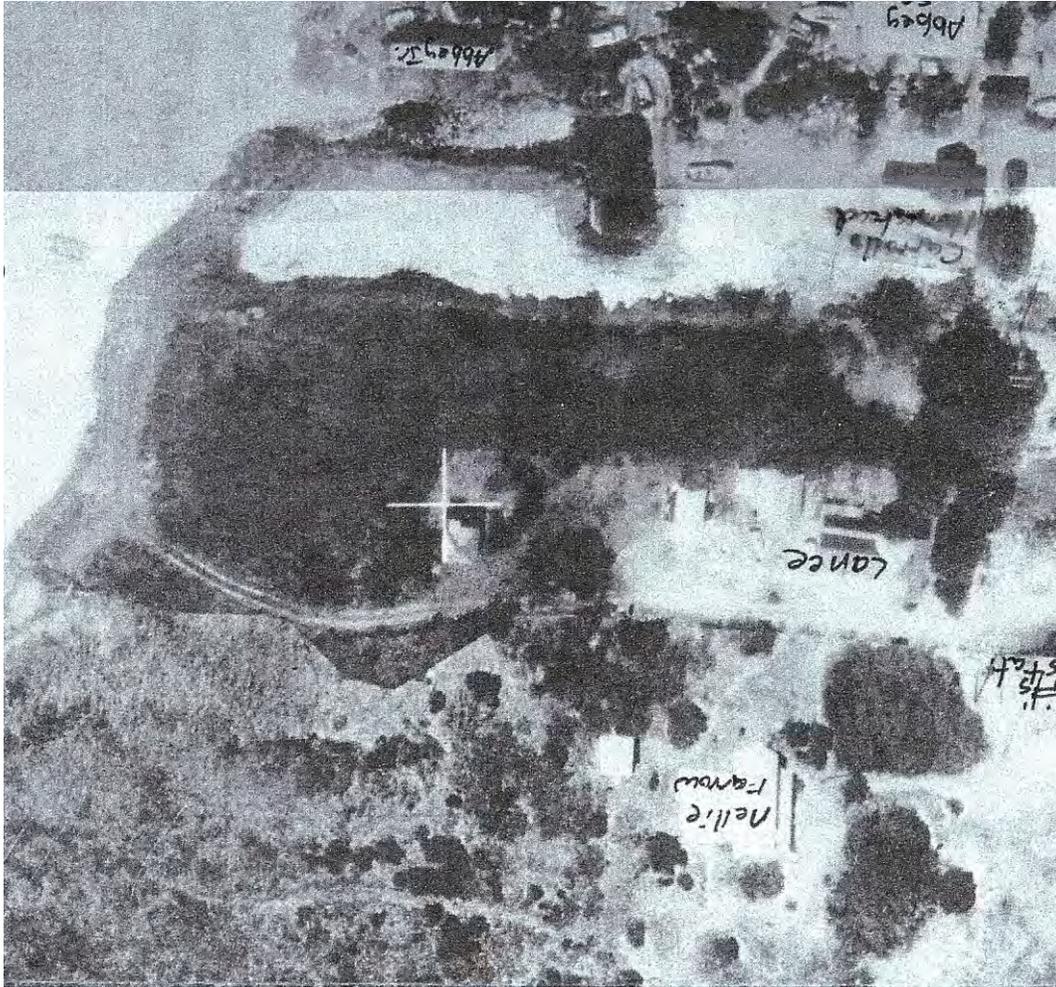
The "**path**" of the southwest perimeter was a retaining wall withholding several feet of dredge spoil spread behind it. It was utilized by Mr. Gray for the dike required for his U S Army Corps of Engineers permit. It formed part of the sediment pond and was pumped full of dredged spoil removed to create his boat basin and channel, creatively identified as one of the "**inlets**" by Babits' which were, of course, something entirely different. The fill was left to be roughly the height of the eroded earthworks surviving the past 100-plus years.

Interestingly, the extreme northeast corner of Mr. Gray's boat basin was compromised by the surviving southern wall. The odd shape of the basin showed the extant southern wall interfered with the basin's creation. Mr. Gray left the corner as it was, instead of incurring the extra expense and effort of removing the wall and then temporarily constructing other retention dikes to the north and to the east. The prohibitive cost of the task to square off his boat basin for the gain of a little triangle helped keep another section of the earthworks intact. The southwestern wall and the northwestern protrusion could be discerned in the 1962 aerial photograph enlargements (*Exhibit 16*, p. 57; Appendix S).

Similar circumstances affected the fortification's northern wall. It, too, experienced a similar treatment when Mr. Midgett excavated his boat basin and dredged its channel. His land was also partially raised several feet higher by the same process described above. This was evidenced by the 1981 aerial photographs of Babits' **Figure 13** and by *Exhibits 25a* and *25b*. This backfilling practice limited LiDAR imagery from revealing little more than the raised perimeter for the soundside areas of the site. In this instance, backfilling obscured the relief of the interior and helped camouflage the walls.

The report's **Figure 7, 8, 9** and **10** were last minute additions that were not forwarded to Covey and their arrival is still anticipated. In the meantime, little could be gleaned from them as shown. It would have been instructive to see what they possibly exhibited because Babits' interpretations were often misguided. Apparently, limited space was not an issue for the report since a numbered page (**p. 52**) was left blank and other wasted spaces abound.





**Exhibit 25b** – Dare Co. Tax Map enlargement: 1981. This two piece composite photograph showed backfill spread behind the north wall (vicinity of picture splice near the picture’s top). But, the backfilled area’s southern margin did not impinge upon the narrow easement along the north edge of the adjacent property owner (Selby Gaskins, Jr.). The lower curve was the 30° cart path (Covey’s Path) and was mistaken by Babits’ to be the south wall, which was not visible here. It was intercepted by a modern path placed there after the property was sub-divided. The original path’s course could be tracked by examining the available aerial photographs and continuing in a southeastern direction to the naturally higher elevation under the Wenberg residence (formerly Nellie Farrow’s). It terminated directly in front of the gap in Wenberg Ridge.

Indisputably, Babits’ interpretations were scattered over the landscape, both literally and figuratively. Babits’ Cow Well could be seen beginning with the 1852 map and continuing through every adequately reproduced **Figure** Babits’ introduced. Just as puzzling was the observation Covey’s Path “*is no longer visible*” (p. 28). Yet, Babits’ described it in the interpretation of the 1962 aerial photograph taken seven years afterwards (p. 29).

It was also incorrect Covey associated Babits' Cow Well with both Wenberg Ridge and the 30<sup>o</sup> cart path. They were unrelated. The northwest impoundment wall was obviously constructed with fill removed during the excavation of the agricultural pond, which was entirely different from the description in the *Final Report*. The 'cow well' and the impoundment ostensibly dated to before Daniel Midyett's death in 1810, since Daniel's will specified his slaves were to be freed upon his passing. The slaves were then to decide which of his children would provide for their welfare. If not a postwar addition to the map, this suggested the well and the impoundment were likely constructed between 1784 and 1810.

Babits' correctly speculated about a "*shed*" Ken Wenberg reported recently destroyed. Its destruction from Hurricane Irene was responsible for strewing metal throughout the field (**Figure 16**) and it was one of several reasons why Babits' was instructed to stay away from the Wenberg's backyard. The small building was the first of many structures Covey constructed. He and a cousin of his built Jackie Wenberg's mother, Ms. Nellie Farrow, a laundry room separate from the house when he was a teenager. Discarded bottles, ceramics, glassware, buried junk, and other associated material from the early 20<sup>th</sup> century were recovered during the installation of the foundation's pilings.

Nothing proved the point of Babits' woeful photographic misinterpretations better than an examination of the three quadrangles drawn on the photographs of **Figure 40** found on their **page 92**. The one on the right was NCDOT's 1962 photograph. While it did enclose Babits' Cow Well, it only encompassed the northwestern quadrant of the fortifications. Babits' then dismissed the probability the

***"feature is a relic of the Civil War because it does not appear in the 1938 aerial photograph."***

The report was correct about the photograph, but also wrong about why. Babits' inexplicably drew three different rectangles on the three pictures shown for three distinctly different areas. None of the three designated areas were in agreement with each other as represented; therefore, any conclusions given here were meaningless.

The report's **Figure 12 (p. 29)** offered more errant interpretations, contradictions and further instances of incomplete research. Ironically, it was evidence previously presented by the authors that unwittingly deconstructed their argument even further. As previously stated, Babits' Cow Well remained visible, but more importantly, Babits' misidentified the soil type for "***the eastern part of the site***" as Duckston fine sand (No. 12) – it was not. Instead, it was beach sand trucked in for backfill in Wenberg's backyard and the discussed area was never meant to be a part of the investigation. The spread backfill was a second reason it was off limits for the Waves project (the Wenberg's privacy was a third). It was also not the eastern part of the site as described. That area would be one of three sites Covey had permission to explore and the area Babits was hired to investigate. Admittedly, the reviewer was perplexed by the consistent inability of Babits to locate the site he was assigned to investigate, regardless if on a chart, a map, in a photograph, or on a soil survey.

The eastern part of the property was categorized *Type Number 22*, the “*Newhan-Corolla complex*”. The following was taken from the Text Material of the 1977 Soil Survey previously cited (Part 1, p. 53; *Exhibits 26a & 26b*) and was reproduced in its entirety (***bold face mine***) because its characteristics were normally expected to be found there. But, its identifying factors were inconsistent with Wenberg Ridge, which reinforced the concept of it being a cultural feature. It was not a natural one which confirmed one of Covey’s Hypotheses. This

*“mapping unit consists of two soils, the dominant Newhan soils and the minor Corolla soils. They occur in such an intricate pattern on the landscape that it was not feasible to separate them at the scale used in mapping. In many places, this unit actually occupies the transitional zone between the **higher-lying dunes to the east and the broad flats to the west**. It consists of **low dunes with short, complex slopes and the nearly level, intervening basins that separate the dunes.**”* The Corolla soils are flat and low ranging and ***“have water within 15 to 20 inches of their surface”***.

Although Wenberg Ridge was firmly ensconced within this zone, it lacked the expected *“short, complex slopes”* which is unique to the island – except perhaps for the other Civil War entrenchments Covey located earlier. The ridge resembled the extant northwest wall of **Fort Clark** he discovered on **Hatteras Point** in 1996, but it was much more robust than those of the two Civil War encampments in Frisco he identified in 2014; the Trent Church Pickett of the 9<sup>th</sup> New York and the 20<sup>th</sup> Indiana’s Camp Bailey.

Appendix T (pp. 182-184) was acquired for Covey’s Honors Program project at the University of North Carolina – Wilmington (1980) and it exhibited part of the southern end of Hatteras Island. It was one of his areas of investigation into the ecological succession of the maritime forest there and the appendix entry was a product of the same over flight that produced the 1962 aerial photograph of the Waves site. It was included for its instructiveness for discerning the existing ***dune ridges*** (top of photograph), the adjacent ***migratory sand waves*** resulting from deforestation, and the Seashore’s ***artificial oceanfront dunes***. The extremely important ***true dunes*** or ‘*Sea Side Hills*’ proliferated in-between and grew in place throughout the broad and otherwise flat zone. However, Wenberg Ridge was dissimilar to all four types of sand dunes listed above and it possibly represented yet a fifth type of sand dune feature for the island. Babits’ also found it

***“interesting that the bottom of the sound adjacent to the site”*** was identified as ***“Dredge spoil”*** (p. 29).

Once more handicapped by an apparent lack of knowledge, but offering an opinion nonetheless, Babits’ theorized on the same page it was possibly attributable to

***“extensive dredging and resultant spoil coming from Oregon Inlet.”***

If so, the spoil would have been transported in a clockwise direction, contradictory to the unexplained position advanced in the Introduction concerning the Coriolis Effect (**#7a**).

Since this directing effect is manifested in a counter-clockwise motion throughout the northern hemisphere, it was geographically opposite of what was suggested. Babits' may have been guilty here of trying to 'cover their bases', by attempting to 'have it both ways', but both were wrong. The "**dredge spoil**" deposits were dislodged from the adjacent sandy shorelines slowly succumbing to erosion. These deposits were sorted in the water column, which was periodically energized, and they had contributed significant amounts of overburden into the system of sand transport. The sand seen here had migrated and settled southwest from the shoreline. In this instance, "**dredge spoil**" was a term of convenience for its physically well sorted *persona*, and was misunderstood by Babits' with this application.



**Exhibit 26a** – Revealed above was a long, north to south Interface separating Waves' salt marshes (*Type 18*) from the higher ground to the east (*Type 12*). The distinctly dark protrusion directed eastward at the top of the picture was the Midyett Plantation's impoundment. Likely constructed prior to 1810, it was the foundation for the fortifications. It appeared on amended copies of the 1852 Coastal Survey, one of which was in the possession of Colonel Hawkins during his short visit to Chicamacomico. (See enlargement on next page)

What was significant was the obvious anomaly within the horseshoe-shaped perimeter of the site's walls. Specifically, this natural feature was the miles-long eastern marsh interface consistent everywhere in the Waves area's soil survey (*Exhibit 26b*), except within the dark, football shaped image in the zone. It was deviant from its surroundings and was representative of a classic, textbook cultural feature.

Lastly for the section, the gentleman referred to as "**Asa**" was not from the Midgett family as mistaken by Babits'. He was Asa Hamilton Gray III, a friend of Covey's for over 50 years. Mr. Gray's ancestors acquired the land after the property was divided in the late 1800's. It was Asa who confronted Babits for parking on his land without asking for permission to do so. His property was identified in **Figure 13** and in the fortification sketch (*Exhibit 8*, p. 39) as the 'Gray Homestead' to distinguish it apart from the rest of the former Midyett Plantation.



**Exhibit 26b**— Soil Survey Enlargement of the Waves Site: 1977. Prominently shown was the darker, elliptical image in the lower left portion of the photograph. The excavated area within this low zone extended well eastward beyond the heavy line, as portrayed. It was designated soil type #12 (Newhan – Corolla complex). The heavy interface line extended north and south for several miles, except within the relatively small region of the disturbed terrain as shown by the eastwardly advanced zone of this soil type – an obvious cultural feature.

## IV ARCHAEOLOGY

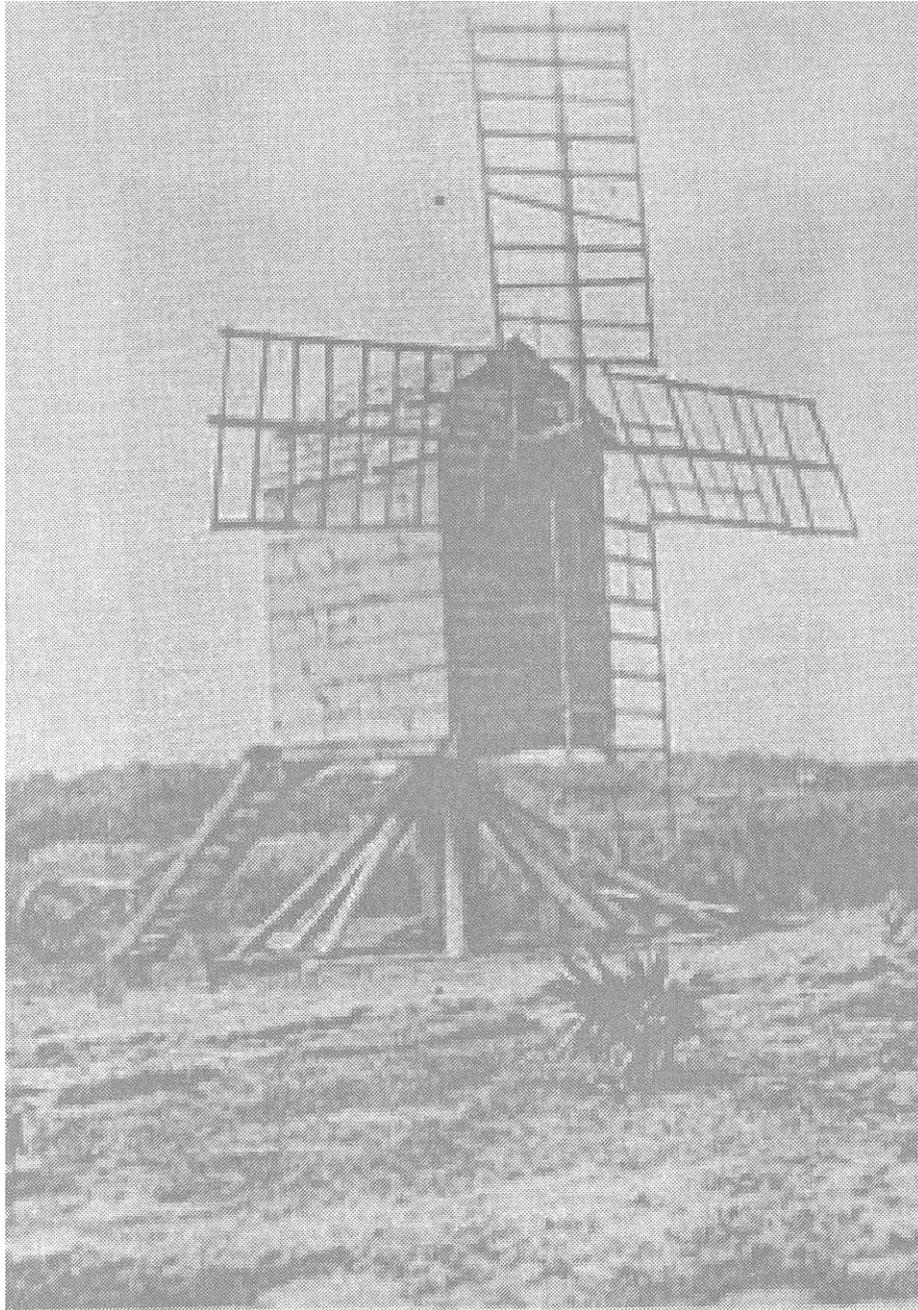
### *Anticipated Results*

Found on *page 35* – “*Revetments such as this are documented in contemporary commentary illustrations . . .*” was a less than inaccurate statement. Covey’s colleagues, Drew Pullen and Bob Drapala, were cited (2001) and their contributions were contemporary sketches borrowed for their book. An illustration on their *page 56* was an often reproduced image of *Leslie’s Illustrated*, but it was a misrepresentation of the peat block technique used for the forts at Hatteras Inlet. The residues of these organic blocks were reconstituted as buried soil horizons at **Fort Clark**.

Although an excellent book for its targeted audience, a review of this source illustrated the inherent problems from using “*Pictorial Tour*” books for academic purposes (*e.g.*, both **Camps Wool** and **Winfield** were placed in errant positions). **Camp Wool** was on the soundside between the two mislabeled positions as confirmed by the drawing credited to Champney on *page 76 (Exhibit 12a, p. 47)* and by multiple published pieces and oil paintings. Covey was the Austin house caretaker for the largest intact section of **Camp Winfield** in the early 1980’s and had set pilings for several house foundations both there and at **Camp Wool**. **Camp Winfield** was detailed in the *Post Returns* and *Troop Reports from Hatteras Inlet* and by various sketches, but was not pictured where cited.

The vintage windmill (*Exhibit 27*), displayed in Babits’ **Figure 2** and reprinted from Pullen and Drapala’s *page 15*, was partly mislabeled. Archived at the North Carolina State Museum, it was taken of **Jennette’s Mill** in present day Buxton, the southernmost of the four recorded windmills on the island utilized for the Coastal Surveys. The critical concept developed by Riggs between windmills and surveying previously expressed was correct about the usefulness for the purpose described. Bache’s crews used signaling mirrors to precisely triangulate distances from their elevated viewpoints and the conspicuous presences of their structures increased the desirability to seek their vantage points and survey from them, despite their compromised durability and fleeting existences.

However, the accounted aspect for Babits’ and Riggs’ offering was about placement. Windmills were typically on points of land to help accommodate the transport of grain and meal, and to better access the wind. From these setback positions, triangulation could then be achieved. Without them, it was harder to survey linear shapes like barrier islands; **Gull Island** and **Jack Shoals** were used for this reason. Photographed in 1903 in the dilapidated state seen, not “*circa 1862*” as reported, the mill was one of the few to survive the 19<sup>th</sup> century. It was owned by Joseph Claude Jennette, who died the same year as Jethro Anderson Midyett in 1866. Its next operator was Joseph’s son, Benjamin Claude “B. C.”, who suffered an early demise himself eight years later at the age of only 28 (Meekins & Gamiel: 2001, p. 153). Taken by naturalist H. H. Brimley, the photograph was reproduced by Dunbar.



This vintage Dare County windmill at Buxton, believed to have belonged to B. C. Jennett, listed in Branson's "N.C. Business Directory" as early as 1869, had been abandoned for several years when photo was taken by H. H. Brimley ca. 1903. It was destroyed by a storm the next year.

**Exhibit 27** – Joseph Claude **Jennette's** "Trent" **Mill**. Joseph died in 1866. His son, Benjamin Claude "B. C." Jennette, died less than a decade later.

### ***The Metal Detecting Survey***

It was both simplistic and inaccurate to describe the function of metal detectors as receiving a signal “***reflected***” by metal when they were actually responding to disturbances within the Earth’s magnetic field induced by a particular metal object’s presence. Magnetic and paramagnetic types of metals produce anomalies within relatively consistent magnetic fields and it was these resultant disturbances, or interactions, within this background field that were being measured, not the detection of a “***reflected***” signal.

Slightly more misleading was Babits’ contention;

***“More recent models and dectorists can tell by the signal what what type of metal is there and how deep it is” (p. 37).***

The above sentence probably exaggerated both the abilities of man and the capabilities of the machines, since both were often fooled. Covey’s most proficient volunteer employed his own personal detector that was at least a decade older than all of the others used by the team and some targets were too massive to be sufficiently discriminated against, such as the metal wash basins and leaded iron drain pipes uncovered.

Partly because of the *Methodology’s* design, the on-site archaeological excavations were less than productive for the recovery of significant artifacts. While this was chiefly caused by the high water table present, it was also due to the strategy employed. The techniques that unfolded in the field seemed designed more to avoid surveying where artifacts might be found, surveying areas not meant to be explored, and eliminating the possible discovery of definitive artifacts (cannon ball fragments). It was also responsible for needlessly sampling copious amounts of imported beach sand where no *in situ* artifact recovery was possible. The unique ridge feature in the Wenberg’s front yard and the land immediately adjacent to and east of it was one of Covey’s three proposed study sites.

**Figure 15** on Babits’ **page 37** had an imperceptible legend, its labels could not be read without the aid of magnification, an obligatory scale was lacking and the illustration offered no orientation. It did not suffice for a site plan which, for reasons unexplained, was not submitted. Babits work remains incomplete until it has been forwarded to Covey (***Goal No. 6, p. 2***).

Without any doubt, the metal detection phase was the most disappointing exercise of the investigation and this was at least partly due to the choices of the *Methodology* employed. Much time, effort, and logistical support was expended on an exercise that was inadequate from the start. To better facilitate the reader’s understanding of how and why the team’s efforts were mostly unsuccessful, Covey shared his communication and criticisms with Babits over the concerns with this investigatory phase on the following page.

## Excerpts from Mel Covey's Logbook

*Directions were given to stay out of the Wenberg's back yard and to respect their privacy as they had requested. Babits suggested sampling along a 10 foot wide easement to the north of the Wenbergs which he mostly ignored and proceeded into the backyard anyway where modern junk was known to be scattered below surface. While the owners were away, he directed my volunteers to begin excavating targets in the junk field they spent most of the morning acquiring and discriminating. Needless to say, the Wenberg's were not pleased to find their back yard being dug up upon their return. When I questioned Babits as to why he was digging where permission had not been granted, he replied "he was mostly trying to assess the capabilities of my [Covey's] volunteers", even though he was aware that most of the metal detecting crew could only be there that first day. The entire first day was wasted.*

*On the second day, Babits insisted on more sampling, this time in the front yard where extensive amounts of beach sand had been brought in for backfill. These transects also avoided the areas we wanted investigated (a zone where an old bottle similar to one recovered at Fort Clark had been dug up by the owner from a depth of 4 feet). Even after realizing he was only having modern surface strata investigated, he nonetheless insisted continuing with the endeavor. Another entire day wasted.*

*On the third day, Babits had my crew finish what they had started the day before and then extended it eastward onto the right of way of N. C. Highway 12. More backfilled land, only deeper. I then insisted he stop and redirect his attention to the areas that we hired him to investigate. His next choice was a transect paralleling the length of a building Wenberg uses for his shop. That transect was laid out directly beneath the building's roof overhang. Targets were acquired for the next day. A third day wasted with one remaining.*

*On the fourth day it immediately became clear that Babits' selected transect consisted almost entirely of roofing nails lost over the roof's edge from when it was shingled. That is when I stepped in and demanded he attempt what I consider some actual archaeology, it being the last day scheduled. Babits protested that he wanted to finish his transect, but I insisted he try to accomplish something in my designated field of study. Reluctantly, he abandoned his transect with shingle nails and laid out one parallel to and down slope from the ridge.*

The exercise's strategy assumed definitive artifacts of sufficient quantities associated with the camp would be left *in situ*. This view was not shared by Covey, who recognized the limits of the field of archaeology, especially for such small undertakings. Babits excavated a total of 27 square feet from over a three-acre site. The results there were not surprising considering the small transect's area, even if lower water tables had been present that day.

The extremely small odds were easily calculated, but it was also understood a few artifacts retrieved from underground would be insufficient since most anything discovered, including multiple fire pits, could have been from later occupation by Union troops or from the two days long running engagement of the “*Affair*”, and not Camp Live Oak. Because of the multitude of past military incidents, the entire island from inlet to inlet warranted further consideration for recognition as a historic Civil War site. Supportive of this concept was the 70-miles long Heritage Trail that exhibited many of the war’s events on the Outer Banks.

There was however, a strong exception to the discussed situation regarding certain artifacts that were more definitive. It was a given anything of value left behind fell victim to the occupying Confederate soldiers, since they took everything of value they possibly could. It was documented the Confederate steamer *Cotton Plant* stayed anchored overnight off of Camp Live Oak to transport the prisoners and the pillaged goods taken back to Roanoke Island. Adding insult to injury, the Confederates absconded with all of the villagers’ 100-plus watercraft upon their departure. The average of two boats per family there identified the strong maritime characteristic of Chicamacomico and the twin villages could not be properly interpreted without the insight provided from examining their charts.

Anything of value the retreating invaders left behind would have quickly been taken by the desperate citizens, leaving little else behind – except for ‘worthless’ cannon ball fragments. From researched accounts, it was reasonable the bombardment field could be saturated with ordinance and exploded fragments that rained down during the hour long cannonade. Presumably, many would have been left undisturbed and would have quickly become buried from the actions of wind scour and blowing sand enhanced by the metal’s density.

After sharing this rationale with Babits, Covey was astonished to learn less than a half-hour later the volunteers were instructed not to excavate any ferrous targets. Instead, they were told to expose only those determined to be made of metals other than Iron. The stated ‘logic’ was reportedly predicated by the discovery of the two targets that were mostly ferrous and too large to discriminate against. These events were predictable due to the limitations of metal detecting mentioned earlier. However, the decision to exclude iron was made before the targets were excavated; therefore the rationale given was invented.

***“After numerous hits were recorded, the same area was reswept with iron excluded (Figure 16). While excluding iron when the presence of artillery projectiles might be expected seems illogical, . . .” (p. 38).***

It was agreed to be illogical then and remained so. The entire metal detecting exercise seemed designed to avoid confirming Camp Live Oak was in Waves. Metal detecting, when properly implemented, was a valuable tool that served this writer well in the past and, no doubt, it will continue to do so in the future. About a dozen small boxes of metal artifacts were recovered by Covey’s volunteers from the **Fort Clark** site of similar size. Contrastingly, most of the Camp Live Oak site’s area remains uninvestigated and thankfully, several landowners of the three-acre site remain interested in participating further.

## ***Excavations***

Two small test pits were excavated, but the first (STP #1) was 50% smaller than first described by the *Draft Report*. It was but one square meter, not two as reported. Its photograph was added to the *Final Report* in response to concerns voiced about discussion of material Babits' cited, but where no **Figures** had been exhibited for inspection.

Babits excavated the first pit down to where the "**water table was reached**" (p. 42) in his estimation. Not seeing any, he was asked to exit the hole, and then Covey proceeded to remove ten more centimeters from the pit's bottom. After agreeing the pit was too small to accommodate deeper excavations, Babits doubled the second pit's size to 3' x 6' (STP #2). He excavated this transect until, once again, he determined water was reached. Once more, fill was excavated from the bottom described as water table. This time an additional twenty centimeters were removed from the whole transect's bottom, not the 20 x 20 cm<sup>2</sup> reported in the *Draft*. Covey next took three-foot long cores from below the just exposed interface to ascertain what depths the soil horizons of the 1800's (shell/sand/gravel) could be reached. They were discovered ten centimeters below the elevated water table.

Above this horizon was wind sorted sand largely lacking any visible stratification. This could only be explained to be a disturbed soil and it was an extremely significant finding, mostly unrecognized and insufficiently discussed by Babits'. Covey remained silent about the absence of layering while in the field. First, he had to make sure the photographs taken would reveal the subtle differences he was delighted to see. Second, he wanted Babits to stake a position without knowing what had been witnessed in the pit walls. The reviewer saw no need to debate with an individual who was either ignorant of its significance, or who was attempting to conceal its true findings, especially in front of his volunteers. Much to their amazement at the time, Covey shared with both the other investigative team members on site and with his volunteer crew that he was not disappointed with the excavation results. Later, Babits was notified in writing no attempt to influence his findings would be made, but he should be prepared to defend them in a proper forum (**Addenda**, P. 203).

Nearby, about 250 yards to the south of the site, Dill's Concrete & Finishing was completing the installation of an underground propane tank immediately before the investigative field work began at the Waves site. Brian Dill and his workmen had pumped the water table down over six feet below the surface in order to form up and pour concrete, and later secure the tank to its massive slab. Mr. Dill, the owner and a financial contributor of the investigation, offered the use of the electric pumps, well points, manifolds, hoses and other equipment they used if needed for similar purposes at the archaeological site. Unfortunately, the investigation did not involve any transect excavations until the last half of the final day despite Babits reluctance to perform any; they only occurred then because of Covey's insistence they do so. The field work will restart at a later date without further assistance from Lawrence Babits.

***“No visible layering was seen in the soil profiles during and after excavation” (p. 43).***

This absence of layered strata eliminated any remote possibility of a natural genesis for Wenberg Ridge. If Riggs and Babits’ were correct, then stratification must have existed within the ridge since natural dunes accrete, layer by layer, as evident in *Exhibit 28*. The photograph was taken from east of Camp No Live Oak near the **36<sup>th</sup> parallel** (Oxford & Babits’ site) and displayed what would have been found at Wenberg Ridge if it had not been manmade. It was a fitting example of natural dune forming processes in play. But, Babits’ mentioned consistency within the exposed profiles (the opposite of strata) until it described

***“the few colors involved combined to present something that was not seen at the time . . .” (p. 43).***

This was attributable to the presence of weak, chemically reduced compounds within the homogenous matrix of inert grains of sand. Joan Wiley, Ph.D., Covey’s faculty advisor for his deep sea manganese nodule research and his chemical oceanography professor, always insisted her samples be collected as quickly and airtight as possible because of the chemical reactions of free oxygen (oxidation) on her samples – the same for temperature too, where controllable. Wiley usually had her new students wait thirty minutes for the oxidation of these compounds in exposed strata, and with it the resultant color changes, to demonstrate the processes in play. This phenomenon can normally be seen when excavations are performed on the island. Many times the stratification remained almost imperceptible until the reduced compounds became oxidized and dry. Only then did the layers of the soils become apparent. Entrenchments made of sand would have the ***“no visible layering”*** characteristic found in the ridge and documented by Babits’; natural dunes could not.

It was perplexing how Babits’ could describe things not there to be seen (*e. g.*, 20-acre pine stands, unmapped ridges and hills, a highway before it existed, land confused with standing water), yet fail to see what was plainly observable. Compounding this handicap was a penchant for overstating the efforts expended. An excavation first reported, but not shown, was later revealed to be only one-half as large in size when exhibited. Three-meter cores were three feet long, three-foot wide lanes were described as six, and pits dug to water were dry in the bottom. This rendered any exhibited data suspect and removed any possibility of reliable *Conclusions* there. Next, strident issue was made of **Figures 22** and **23**.

***“The two wall profile drawings suggest a possible excavation’ (p. 44).***

Plainly visible in the photograph, it was there the Camp No Live Oak supporters had to resuscitate an impoverished idea or capitulate. The only course available to continue their case was to insist one could not believe what one was seeing, but believe instead what could not be seen. The solution to this self-inflicted quandary was to engage the universal *‘Duck Principle’*. Generally accepted was if it looked like a duck, walked like a duck and quacked like one, too, it must have been a duck. Covey suggested in this instance, that in question also had a flat bill, feathers, wings, webbed feet, and alerted when called Donald.



**Exhibit 28** – Striated Strata of an excavated migrating dune, east of Camp No Live Oak.  
Seen here was the natural stratification missing in Wenberg Ridge

## *Interpretations*

Babits' reported Covey "**repeatedly**" stated the excavations were not reaching Civil War era strata (p. 46). No apologies were offered by this writer for conveying information seen to be 'not registering'. Due to Babits incomprehension of the actual dynamics of barrier islands, Covey soon became convinced the archaeologist was less than suitable for sites in lower lying coastal areas until he mastered the concept of rising sea levels, and he understood how they affected coastland investigations. The concern over high water tables first surfaced due to recent standing water on the site that occurred after an extended period of heavy rainfall. Since Covey often had to pump ground water for the majority of structural pilings he installed, it was essential to his business he comprehend the island's hydrology.

While water tables vary substantially on the island through time, hydrologists might be surprised daily tidal fluctuations were responsible for fluxing tensions within the perched lens of fresh water. Likewise, groundwater could be forced to the surface, knee-deep, during long periods of rough water in the ocean. The point made here was daily and seasonal water tables in Chicamacomico varied considerably. They were a fact islanders dealt with on a frequent basis because the water was close to the surface and the sandy soils were easily saturated in the island's lower regions. That was why a contingency plan was in place to overcome the obstacle. Unfortunately, Babits waited until the very end of the investigation to excavate any transects, rendering it too late to pursue at the time.

Understanding the rise in sea level was, and remains, paramount to the advancement of archaeology in coastal North Carolina. Just as germane to the concept has been the rate it was occurring. Based upon his observations, tempered with other researcher's findings, Covey had consistently calculated a reasonable, but still conservative, estimate was about one foot per century. This inferred sea level was presently a minimum of 1.50 feet higher than the water height of Pamlico Sound was during the Civil War. Artifacts collected during Covey's archaeology and marine construction experiences both agreed with this inference and if prepared Babits would have been aware of this, too – but he was not. This was obvious from the attempts to portray Covey's statements regarding the immersed strata being sought as being anything more than what they were – attempts to cast light where there was no illumination.

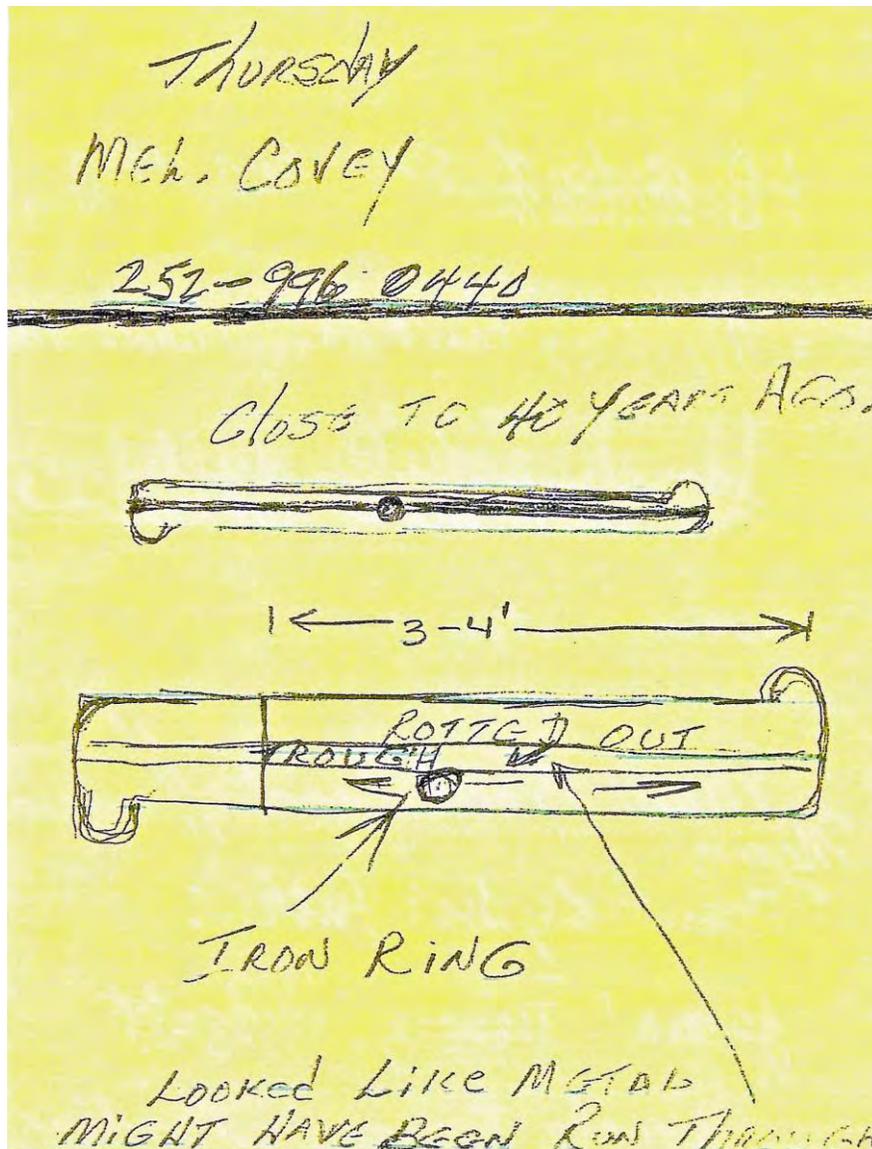
Perhaps Riggs was relevant to the topic of sea levels, where he had expertise to offer, since his view suggested the sea rise was 50% greater than Covey's (2011, p. 2), this would have negatively impacted artifact recovery even more. In 2014 the Permanent Service for Mean Sea Level Rise was the international data repository for information released to researchers all over the world. Less supportive of Riggs higher estimate was a recently released Harvard study of sea level data which measured a 25% over estimation of the rise during the years 1900 through 1990 (Wall Street Journal: Feb. 28, 2015). However, the same study also reported an acceleration of those rates in recent years and this was also in agreement with those recently released by the Intergovernmental Panel on Climate Change (IPCC) of the United Nations.

This new correction factor for long term sea rise was also consistent with Australian information released in the journal of *Nature Climate Change* (Virginian Pilot, p. 17: May 15, 2015). It would appear the actual rate of the rise of the world's oceans could be reasonably interpolated to be somewhere between the two parameters set by Covey and Riggs. Regardless, it was a given sea levels of 1861 were fairly below those of 2015 and with 1.50 to 2.25 feet of water drained from them, coastal North Carolina's marshes would no longer be estuarine wetlands. The clearing of Dare County's forests began over three centuries ago. Allowing for a three to four and one-half foot rise in water levels since then revealed the past relationship between abandoned fields of agriculture and modern day marshes.

Historically, the island's width was much greater and this would have lessened the impact of salt spray on the more diverse, indigenous plant species described in early grants and deeds. This extra width was well represented by Coastal Surveys T-367 and T-377, and the vast acreages of soundside and oceanfront properties lost to submergence since their printings were startling. With over one and a half feet of backfill spread over the eastern portion of the Waves site, the rise in sea level since 1861 accounted for the situation found there. The concurrence of these processes further negated Babits' given insight into 1861 land elevations and, of course, also opposed Babits' assumption the fortification site was constructed in a marsh. Due to the rise in sea level, that which was an island marsh in the 21<sup>st</sup> century was not necessarily a marsh over one hundred and fifty years earlier in 1861.

Complicating the issue, except mostly for near shore areas of the sound subject to erosion, nautical charts concealed sea level rise to some degree. The sound's depths resulted from the deposition of sorted sediments governed by the intensity of currents, event driven ones in particular. This explained why increased depths from sea level rise were not easily discerned with nautical chart readings published through the ages. Presumably, a layering of the bottom occurred while similar processes were creating strata on land. Since water depths were partly a function of energy flow within the water column, equilibriums were reached dynamically from the summation of the factors affecting depths in any one area.

Mr. I. D. Midgett, a retired ferry boat captain, and his eldest son discovered an old anchor stock (*Exhibit 29*) in Pamlico Sound in the 1970's. It was almost straight off of, or just a little **South of due West**, from the Wave's site near where Mr. Midgett lived close by for over 80 years on a former section of the Midyett Plantation. This quiet, but industrious, gentleman's home site was once part of Chicamacomico's southern windmill tract. It was almost directly between where the mill's owner and an ancestor of his, Banister Midyett, was buried to the south in a marked grave, and where the twin mills once stood to his north. Banister died in 1841 and left behind a valuable estate and many children. Today, Mr. Midgett steadfastly remains a commercial fisherman who was never known to embellish, regardless of the subject. What he said could be taken for gospel and it was he who first informed Covey about the shoals becoming shallower where the *Fanny* slipped her cables during the failed attempt to escape her captors. This was significant since deposition had the opposite effect of the sea level rise seen in *Exhibit 30*. More significantly, the *Fanny* was moored straight off the camp in Waves and hurriedly left an anchor near where the old stock was found.



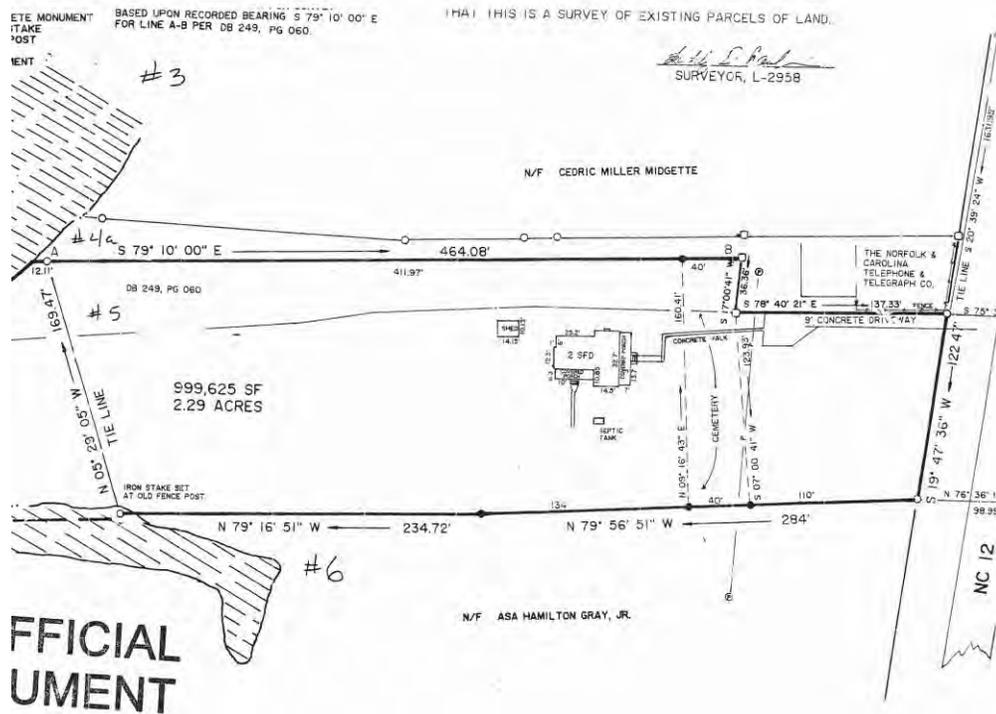
**Exhibit 29** – Mr. I. D. Midgett’s sketch of an old anchor stock seen in Pamlico Sound in the middle 1970’s, almost directly **West** of the Waves site.

### ***The Ground Penetrating Radar Survey***

This section of the investigation (henceforth GPR) was nearly as disappointing as the metal detecting survey. Once more, the construction of the *Methodology* became an issue. Covey’s hopes for informative data were soon dashed when Babits chose not to have Charles Ewen, Ph.D., employ his GPR equipment over wall sections where permission to excavate had been acquired. Babits selected an area marked “CEMETERY”, instead (*Exhibit 31*). Since nothing relevant to the topic was addressed in the *Final Report*, other than the inadequate exhibition of some of the earlier **Figures**, Covey’s response to the earlier *Draft Report* was included.



**Exhibit 30** – Submerged fresh water swamp overtaken by a rise in sea level (Croatan Sound).



**Exhibit 31** – Surveyor’s Plat of the Wenberg residence and the telephone switching station. Note the presence of the area designated “CEMETERY” on the Wenberg tract. The gravesites of Effica and Little Nicodemus “L. N.” Midyett were situated in the ridge section north of the ‘concrete walk’ (under the marked arrow).

### **More Notes from Covey's Logbook:**

*The investigators were extended the opportunity to excavate several portions of the wall to determine how they were constructed, but they declined. It was the only chance to evaluate the data and assess the suitability of the equipment for the investigation. Such tactics are indicative of poor judgment, flawed methodology and a lack of initiative. And while on the subject, how is it the investigators became so mistaken concerning the presence of graves in the southern end of the ridge? Babits' got it backwards. Covey and the Wenbergs were well aware of the situation there. Babits had Ewen trying to locate fort remnants in a disturbed burial section of land clearly identified as a cemetery on the Wenberg plat and where two children's graves were known to be. Long ago, a neighboring family asked for the children to be buried there, closest to them, not in the middle of Zion's front yard.*

*A peripheral hope was Ewen might find the missing graves of Mrs. Wenberg's great grandparents, Dameron and Cordelia Midyett, not the children. Presumably, the adults might be located towards the north end, closer to family members that are in the adjacent marked graves and it was known the children were on the south. Dameron was a younger brother of Nichodemus who is buried along side his wife in the ridge. All four of them, Dameron & Cordelia and L.N. (Little Nichodemus) & Effica, died between 1900 and 1912.*

*The selection of the northern transect was just as inappropriate. That entire strip had been built in the modern era, as evidenced by the presence of a retaining wall that prevents the ridge from cascading onto the sidewalk. It was apparent to Covey and confirmed by Dunbar's 1955 photograph (Ex. 7, p. 9) and Babits was aware of the situation before having Ewen proceed. The Dunbar photograph is discussed and misrepresented in the report, but not shown.*

*For the record, Dr. Ewen professionally answered Covey's questions concerning the capabilities, limitations and suitability of his equipment for the assigned task. He described the inability of GPR to detect small targets, his past experiences of failing to find signs of burial over some marked graves and him pretty much using the device mostly for locating where to dig. Babits knew he couldn't dig in the cemetery, he wasted a second transect on post-war terrain and he chose not to dig in the ridge where he could. It is not enough to say someone used GPR on the site. Anticipated Results for GPR should have been stated prior to its employment, not interpreting colorful squiggly patches on paper afterward. What was the objective here and what else did the investigators expect to find in a cemetery, but graves, with this strategy?*

Babits' countered with;

***"We have tried to avoid the wrong one methodology whilst taking advantage of the better processes" (p. 48).***

If true, then GPR would not have been used over a cemetery and it would not have been employed over a wall section known to be not extant for the time period. It also would not have been run parallel to the feature's length, but perpendicular instead, and it would not have been used to confirm small targets already identified where it was not very suitable. While it was a given tree growth could not be removed to facilitate the functions of the equipment for the areas investigated, the volunteers were prepared to clear other sections of the wall where the project had permission to do so. However, Babits chose not to engage the option, although Ewen had graciously confided he used GPR mostly to locate where to excavate. Only by excavating afterwards ("**ground truthing**", p. 49) could the GPR imagery be truly assessed and analyzed for accurate and relevant interpretation. However, that could not be performed where marked graves eliminated those possibilities.

**Figure 26** was unsuitable for inclusion in the report. It did not show placement of the investigated feature (Wenberg Ridge), it exhibited no scale allowing for its placement, it lacked orientation, the illustration was not properly labeled and the legend was too small to read. As for the difficulties described in collecting data on a slope, while more difficult and more time consuming techniques existed for overcoming these types of problems encountered in the field. Some were successfully utilized by Covey with his gradiometer and magnetometer investigations over large sand dunes near **Fort Clark** having "*short, complex slopes*".

The GPR image in **Figure 27** (p. 50) labeled as being on the "**Sound End of Mound**" was incorrect and should probably have read south instead, since the "**mound**" was parallel to the soundside. **Figures 27, 28** and **29** were also in need of scale and orientation information. The perspectives viewed were not clearly described, or labeled for these features, either. It was also unclear as to how the transect sections were represented; if profiles from the side view, then incipient bedding and mounding was perceivable which would be supportive of Covey's position. More significantly, if natural, and not manmade, then stratification had to be present since it would have been a moving dune built from accretion (*Exhibit 28*, p. 99).

Lastly for this section, as mentioned before, Pullen, *et al's Pictorial Tour* book citations, while interesting, were not the most suitable sources for technical aspects. Their photographs and reproductions were published for a widely targeted audience much different than academic history researchers. The original, vintage illustrations of **Fort Clark** reproduced were originally inaccurately drawn and were stylized representations of a distant artist who was working from another's crude sketches and notes. The reproduced drawings contained several factual errors not supported by the literature, the military records, or by existing photographs of the forts at Hatteras Inlet. They also did not resemble any of the forts' multiple archived blueprints or field sketches, they did not match the specifications listed in the Army Official Records, and they were contradicted by several personal reports offered in newspapers and in the soldiers' correspondence. Other information on the subject was included in the **Addenda** (p. 206).

## V INTERPRETATIONS

### *Introduction*

This section was

***“divided into topics first raised when the project was initially created. That is, the search was for Camp Live Oak, a possible fortification, the movements of the Union and Confederate forces, and mills.”***

While this was mostly true, Babits’ was largely incorrect about their diverted tangent involving troop movements. The reviewer’s only concern about this topic was for what transpired in Chicamacomico. As soon as the Union troops left the hill adjacent to the earthworks (Babits’ “*bare patch*”), it was of no consequence to Covey’s Hypotheses as to what happened afterwards. The exercise to document the 20<sup>th</sup> Indiana’s trip south was mostly an attempt to resuscitate Oxford’s failed effort at the same and was done in order for Camp Live Oak to be translocated to Rodanthe from its true location over two miles away. The exercise there was not to find the site objectively, but to subjectively force a predetermined location instead. In comparison, the efforts of Babits’ *Draft Report* on the subject were measurably inferior to Oxford’s (2013) published account. Still, after earlier unveiling the shortcomings of both of their *Conclusions* Covey was disheartened to see yet another similar study included in the *Final Report*. It was not that the technique was without merit. In the 1990’s, the reviewer easily located their route and resting stops using the Coastal Surveys while exploring possible sites for inclusion in Dare County’s Heritage Trail.

During the past years, Covey occasionally and openly shared findings of his research with Oxford, Pullen, Schurr and Babits. Some detailed the resting stops mentioned during the retreat and were consistent with anecdotal stories concerning artifacts illegally collected along the route. While interesting to many, they intrigued the reviewer not since he was never a Civil War artifact collector. For him the story was only about what happened in Chicamacomico. But, he questioned how the same errant findings could be achieved using three different sets of data and he remained disappointed by the repeated impoverished attempts to report such subjectively gained information.

Paradoxically, the investigators were aware the distances offered by the federal forces were extremely precise because they held copies of the original Coastal Surveys to calculate from, yet failed to use them themselves for the same. The federal troops were not estimating, as both Babits’ and Oxford did, but were measuring map distances as Covey performed earlier. These resources greatly aided the efforts to relocate many referenced distances from Camp Live Oak’s site in Waves. Included were locations of anchorages, landings, attacked positions, capture points, and resting stops. Oxford’s Troop Movements were never an assigned objective of the investigation and Babits was reminded of this when objections were raised over verifying other research while this one remained incomplete.

## **Camp Live Oak**

For this critical section, the report relied on generic interpretations given by multiple handed accounts instead of those who observed the action themselves and who offered consensus viewpoints. The level of Babits' selective mining of material used to support their view rivaling the Hotchkiss Report episode would be what was offered next. It was ironic from among the many passages removed from the *Draft Report* the focus would return to the General Mansfield Report. Despite previous discussion, which had already decisively placed Camp Live Oak in Waves, it was all deemed by Babits' to be trumped by only the three words they preferred and repeated – "**on the beach**" (p. 53).

Babits' failed to deceive the reader with the given implication it was not known where the camp was situated. All discovered accounts were in agreement. The camp was in the trees and the trees were mostly pines. This was the much described pine forest of 20-acres drawn on T-367 standing east and northeast from Midyett's Mill in Waves. Also detailed on the Coastal Survey were the live oaks that dominated the slightly higher soundside ridge where the inhabitants made their homes. Additionally, the camp's location was confirmed by Captain Lytle's correspondent letters to his hometown newspaper, *The Valparaiso Republican*. Camp Live Oak was in the trees, but the fortification was between the woods and the sound. It was not suggested Babits' Spartan description did not match what was sent up the chain of command to the distant Mansfield. "**On the beach**", while generic and lacking much in any specific detail, did not contradict. But it was a woefully inferior source to cite when many superior, neglected first-hand ones were readily available.

For Babits', if the windmill used by Captain Jardine as an observation post was near

***"Green's Point Mill, then some elements of the 20<sup>th</sup> Indiana camp were probably within 350 yards of the mill given surface distances from the mill to the back barrier ridge line (See Figures 36, 37)" (p. 53).***

In this instance, Babits' cited their evidence for Rodanthe, but it was actually of the Waves site, instead, two miles south of the incorrectly identified "**Green's Point Mill**". This effectively concluded any possible debate about Babits' interpretive skills. As enumerated before, the scale for all of the island's "**T**" maps cited was 1:20,000. From the quoted statement above, Babits' interpreted distance was 350 yards, which translated to 1,050 feet, or 12,600 inches. This represented 0.63 inches on map T-367. The discussed area was shown on a map enlargement to better display the landform components (*Exhibit 9*, p. 42). However, whatever scaled distances Babits' offered (*e.g.*, the one above, the location of resting points, marsh islands, Life Saving Stations or soundside landings), all had to be inspected. The tabulated data was often mistakenly listed and some were skewed for a more favorable outcome for Babits' positions than history described or supported.

For example, with this Babits' scenario, the reported distance did not coincide with the described route. After crossing the footbridge from **Windmill** Island and passing over the narrow strait Babits' mistook for **Black Mar Gut**, Jardine would have had to have traveled along the south shore of '*Back Mire Gut*' and then detoured south around its southern estuary. Only afterwards could he have exited the marsh in the direction of the ridge envisioned by Babits'. But, that would have placed him in the contradictory position of east of the mill, instead of north as described. As also detailed before, the mill was not south of anything except Pamlico Sound. This suggested distance also would not have gotten Captain Jardine out of the marsh, much less to the ridge, even if he had sprouted wings and flown straight from his lookout post. No amount of contorting the landscapes' true compositions or misinterpretations can make **Windmill** in Rodanthe become Midyett's Mill in Waves. Also, the **36<sup>th</sup> Parallel** location of Oxford and Babits' was about the same distance still farther beyond to the north – over twice as far away as calculated by Babits' scaled measurements.

Each time the location of Camp Live Oak was discussed by Babits'; it shifted closer to Covey's site in Waves. Metaphorically, the solution to the problem of large square pegs in small round holes was not to use a bigger hammer or to whittle away the peg's edges since one size clearly did not fit all. The correct approach was to find the right peg to fit the hole. Oxford, perhaps, understood this, but he stumbled into pitfalls involving errant latitude designations. Hopefully, *Exhibit 21* (p. 69) will give those who follow valuable insight into the "**T**" maps. It took many hours to research, but much was learned from the process. However, Babits' would have been better served by 'borrowing a page' from Oxford in this instance (p. 107). While Covey was never concerned with others who took issue with Oxford's account about topics irrelevant to his project, he considered his book published in 2013 to be a valuable resource for him – but with several unfortunate errors of location.

Oxford did a splendid job of revealing many peripheral facts about Chicamacomico, some quite germane to its story. The cited works listed in its bibliography alone made it worth owning and it became an ear-marked book in Covey's library. If Oxford's additions were all slid south to the **34<sup>th</sup> parallel**, instead of the **36<sup>th</sup>** he chose, all of the detailed components would be represented in their proper position. This excluded **Windmill** of course. It was not Oxford's discovery and it must remain where it stood, where it was mapped, and where it was observed by Hotchkiss. Only then would the spatial relationships between the features be represented as they existed. Oxford's approach was similar to Covey's following effort in that the spatial placements of the components sketched were the most critical. Once accomplished, it should have been rectified with the area's features – but, not beforehand.

However, Covey was always cognizant Oxford's detour was the route for his own success. Without his fellow investigator's misstep, the actual site of Camp Live Oak would most likely have remained undiscovered, quite possibly forever. This was because of the advancing ages of all parties involved, the dwindling numbers of native islanders, the extensive real estate development, erosion, the rise of sea level, and other alterations that had occurred on the Waves soundside, both natural and manmade since the 1962 aerial photograph was taken over fifty years ago. (See Dare County Tax map: 2013; Appendix R)

The cardinal mistake made by the early investigations was a failure to comprehend the significance of Hotchkiss' observations (*Exhibit 10*, p. 42), especially the importance of his **ENE** bearing. The three referenced positions for the *Fanny*, the windmill, and Camp Live Oak formed a triangle; not a redundant straight line it was misread by others to be. Both cartography and nautical chart production required triangulation and this method proved the camp had to be south of **Windmill**, not north of it as Oxford and Babits' misconstrued. Hotchkiss left behind the first of many descriptive accounts Covey uncovered twenty years ago allowing him to bypass Rodanthe and later focus on Waves, instead. Except for deciphering the precise location of the camp, Babits' would have accomplished more by studying Oxford's many sources and abandoning their speculations. Conjecture was not necessary where accurate, definitive answers were readily available, as was this case.

Oxford's second misstep was perhaps more puzzling. From the consult of several relevant historical references, it became immediately apparent the island had many more windmills than were ever to be imagined by those not fortunate enough to witness their 1860's omnipresence on the landscape. Johnson's exaggeration of their number read;

*"there are a greater number than I supposed were in existence in the whole country"* (p. 53).

It should have alerted all to their past abundant existence and quickly raised suspicions for any lone windmill scenarios. Johnson's key observation was echoed by Dunbar, Littleton, MacNeill, and Stick, but curiously, not by other acknowledged historians such as Ashe (1925), Wolf (1977), and little by way of the prolific Powell. It was a huge oversight windmills were entirely omitted by both Ashe and Wolf, while Powell's contribution for windmills, and their vital role with the viability of the colonies, was almost unmentioned in his landmark effort, *"North Carolina Through Four Centuries"* (1989). His contribution to the topic of mills along the north coast of the state, in his otherwise exhaustive multi-volume set, was but one sentence.

*"Numerous windmills to grind grain were erected on the Outer Banks from the eighteenth century and used into the twentieth."*

Left unmentioned was an entire industry, the interstate importation of grain, and of its exported meals. Also ignored were the windmills' contributions towards sustenance, their integral roles in commerce, and particularly the herculean transportation efforts involved with their operations. While the numbers of schooners and barges needed and produced were prodigious, the resultant, regressive ecological successions were mostly concealed in the land deeds. Regressive succession was caused by the impact of vast acreages of the coast being cleared for timbering, farming, plantations, and maritime functions. All were underestimated and research into the scope and size of the efforts, and their relations to the windmills on the Banks were a revelation since the multitude of plantations and the magnitude of their impact on the various habitats had largely been ignored. Poorly recognized to date, they were directly responsible for altering the terrains, habitats, and ecosystems forever, and coastal biomes need to be reexamined from this perspective.

Judging by the grants, the deed histories, and by investigating the ecological succession of the islands and their altered landscapes, it became apparent nearly the entire Outer Banks, and the adjacent mainland areas surrounding the coast's sounds, had been drastically transformed from the various steady-state forest climaxes existing before the European invasion. Yet to be accounted for were the effects of the commercially huge shingle, timber, post, and barrel headings production associated with the clearing of the land. Unlike the important and better known industry of naval stores, though barely mentioned, they dwarfed all other colonial North Carolina exports combined. This also accounted for why historical names like Cedar Bay, Cedar Creek, Cedar Hammock and Cedar Point were no longer accurately descriptive. These ecologically deleterious activities were recorded in the ecological regressions of the forests, their altered terrains and waterways, and their starkly unnatural forest margins. It was also revealed by the area's maps and charts and by the few surviving shipping records of the colonial ports. Like visions of the past, it was echoed by the repetition of family names across the region, in their land deeds, and the similar geographic identities across the sound's waters from family holdings held on both sides. Many mills were required for ground meal production needed for America's survival and vast numbers of schooners, barges and other watercraft were necessary for its transport and commerce. Huge stands of trees and forests were clear-cut, dramatically altering the coast forever.

The buyer of the windmill at **Mill Creek** (*Exhibit 17*, p. 58) was the island's largest slave holder and landowner, Pharoah Farrow. Farrow died a wealthy man before the Civil War and according to the deed registries of Currituck and Hyde Counties he purchased large tracts of land and then resold them shortly thereafter. His enterprise flourished from selling slave harvested timber and reselling the acreage as cleared farmland. As such, he often witnessed land transactions. This was due to him owning so many land parcels and from the practice of enforcing the veracity of one's own claim by the testament of a neighbor, as Ira and Ezekiel did for O'Neal's Mill. Farrow was also frequently asked to be a witness for the signing of wills or entrusted to be the executor for their estates. Judges often appointed him for administering civil actions such as inventorying a deceased villager's assets or affirming the actions of others. Due to the hard labors of his and others' slaves, few would know their own real estate if seen in the 1700's. This was especially true for Carolina's coastal plains.

The early *Colonial Records* (Saunders: 1886) contained enacted laws governing the placement, construction, and operations of windmills for the success of the colonies. The subject of mills was often visited and in November of 1715 the Lords Proprietors passed "*An Act to Encourage Windmills*" (*Chapter 37*, p. 48). An outburst of land grants for settlers on Hatteras Island followed within a year, with the commencement beginning shortly after the end of the state's Tuscarora War and King George 1<sup>st</sup>'s ascension to the throne of England.

Afterwards, positions for mill locations were given special consideration and one could force the sale of such properties if the land was not being used for such purposes. Gristmills were universally recognized as being necessary for survival and they were vital for successful colonization. In November of 1955, MacNeill produced a seminal article on the topic titled "*Wind Drove Their Mills*". It was concurrent with Dunbar's research, but more definitive.

Though a journalist, who correctly disavowed any claim to being a historian, his writings there were unparalleled. Not even the reviewer's late friend and history mentor, David Stick, left behind such a dossier of the island's windmills and, no doubt, he would have been disappointed to have read it here as one of his protégé's comments. Apologies to the late historian aside, a passage was cited below in the hope it becomes used in future quests.

*“There were at least ten of these ponderous machines on Hatteras Island. These I have discovered record of and there are as yet not wholly verified accounts of two others. There were others on Ocracoke, probably two, at least one on Portsmouth, another on Harker’s Island, at least three on Roanoke and on the tip of land where Camden County touches North and Pasquotank [R]ivers there were at least five. Those add up to 22 windmills in the tidal reaches of the Sound country and no trace of them remains except, here and there, a pair of weathered millstones.”*

MacNeill made available a large amount of original information covering Kinnakeet's windmills, the millers there, and some photographs not widely published before. A caption under a photograph of a broken millstone held a special significance. It read;

*‘Nobody can be altogether sure now, but it is believed by many that this is half of one of the two stones in the Bateman Miller mill. It is now used as a door-step to the Evan Williams home. The other half is at the back door.’*

The cited caption reminded this writer of the stones from Midyett's Mill in Waves – the serviceable ones reburied where Banister rests near by, and the shattered one that was salvaged for a porch step there too, just as the two in Kinnakeet were; similar secondary uses for similar stones. At this point, Covey felt he could safely share more of what he had learned the past 45 years. While he too had evidence of over a dozen windmills on Hatteras Island, he could only document eleven to date. He suspected there were more; at least two others in Hatteras, two more in south Kinnakeet, one north of Little Kinnakeet, and possibly one other in lower Trent. However, he knew of five that were in Chicamacomico.

- |   |                                                                 |               |
|---|-----------------------------------------------------------------|---------------|
| * | 1. <b>Windmill Station</b> – south of <b>Greens Point</b>       | Rodanthe      |
|   | 2. Daniel S. Midyett's Mill – South end                         | Rodanthe      |
|   | 3. Nathan O'Neal's Mill – adjacent to Jethro                    | Waves         |
|   | 4. & 5. Banister Midyett – Midyett Plantation                   | Waves         |
| * | 6. Ezekiel Farrow's Mill – by 'ye old wheat patch'              | North Avon    |
| * | 7. Askins Creek Mill / ' <b>Barnes Mill</b> '                   | South Avon    |
| * | 8. Joseph Claude <b>Jennette's Mill</b> – ' <i>Trent</i> ' Mill | Buxton        |
|   | 9. Windmill Picket – north of <b>Camp Winfield</b>              | East Hatteras |
|   | 10. & 11. Stowe's Mills – Stowe's General Store                 | West Hatteras |

\* Labeled on "T" maps; most were represented by rosettes with four petals.

*Note: Only 4 of at least 11 known windmills on Hatteras Island were Coastal Survey Stations.*

Oxford's third misstep was duplicated by Babits'; a failure to consult nautical charts. Returning to Oxford's discussed illustration (p. 107), Covey's soundside bachelor's quarters were abreast from where Oxford located the hypothetical northern camp site. This area was where some of the northern amphibious assault forces waded ashore, but both Oxford and Babits' were unaware of its charted shoal broadly extending a little north of there all the way south to **Black Mar Gut**. It was where Covey's duck blind stood in the sound, northeast of the old barge abandoned offshore (Appendix U). Commencing with Colonial times, boat landings were handled a little further north of there at Paine's Landing, not to be confused with his boatyard to the south at the harbor of *Back Mire Gut*. The landing's wharf was drawn on T-367 and its docks were built for the deeper drafting boats. Stick reported Port duties were collected beginning in 1764 and the port's existence was noted in the *Colonial Records*. But, Covey failed to locate any records of duties reported. Conceivably, due to Chicamacomico's immediate access to the Atlantic via New Inlet, smuggling played an important role in the commerce of the island, both coming and going. But, Loggerhead Inlet was less important because of its late birth, shallow draft, short life, and narrow width.

Of major significance was the absence of a building for the improvised "*hospital*" nearby to Camp No Live Oak (T-367). However, at the southern site, either Ezekiel Midyett's house to the north of Wenberg Ridge or Ira Midyett's homestead to the south (*Exhibit 15*, p. 56) was the structure destroyed by the invading Confederate forces. Coincidentally, the remains of an old home site north of Wenberg Ridge were referenced on a plat the island's surveyor, Don Rankin, used to produce the unfinished master site plan. Also disarming the *Final Report's Conclusions* were the mapped 36<sup>th</sup> parallels crossing the "*Burying Place*" where the high ground was already reserved for the dead by the early 1800's, as shown by its markers (*Exhibit 3a*, p. 25). No reference of a large cemetery at Camp Live Oak has surfaced.

***"If Camp Live Oak was at Waves, there is the basic problem of a mill that is not shown on the 1852 map and does not appear in the written record before 1869 when the only mill at Chicamacomico was owned by Jethro A. Midgett" (p. 53).***

The enigma of the missing, unsurveyed windmill was laid to rest, since only one-sixth of the mills were survey stations. This was not the total use needed to confirm the discarded hypothesis, and Nathan O'Neal's Mill and Banister's twin mills were also all previously unreported. As for a timeline, Banister's death in 1841 preceded both the Civil War and the 1869 date Babits' cited. Also occurring earlier were the estate auction of an "*extraneous apparatus*" to one of his mills and Daniel S. Midyett's presence in the 1850 U S Census listing him as Chicamacomico's only miller (Appendix F1). Daniel, one of Banister's many sons, lived by another of his father's mills to the north he later acquired. However, Banister's part of Midyett Plantation was sold by his widow, Charlotte, to their grandson Dameron (of the missing gravesite in Wenberg Ridge). And lastly for the topic, those of the dead could not truly be said to "*own*" anything. Chicamacomico had many windmills, not just one, but Jethro A. Midyett saw no more of them after his death March 27, 1866, if his tombstone was correct. His date of death was three years before Babits' information provided; therefore the information cited there was also false.

***“One report says the Hoosier’s tents could be seen from the water (Clark cited in Oxford 2013:104); another stated that the 20<sup>th</sup> did not have enough tents because they had not all been brought up until 3 October and some were captured on the Fanny (Morrison 1861” (p. 54).***

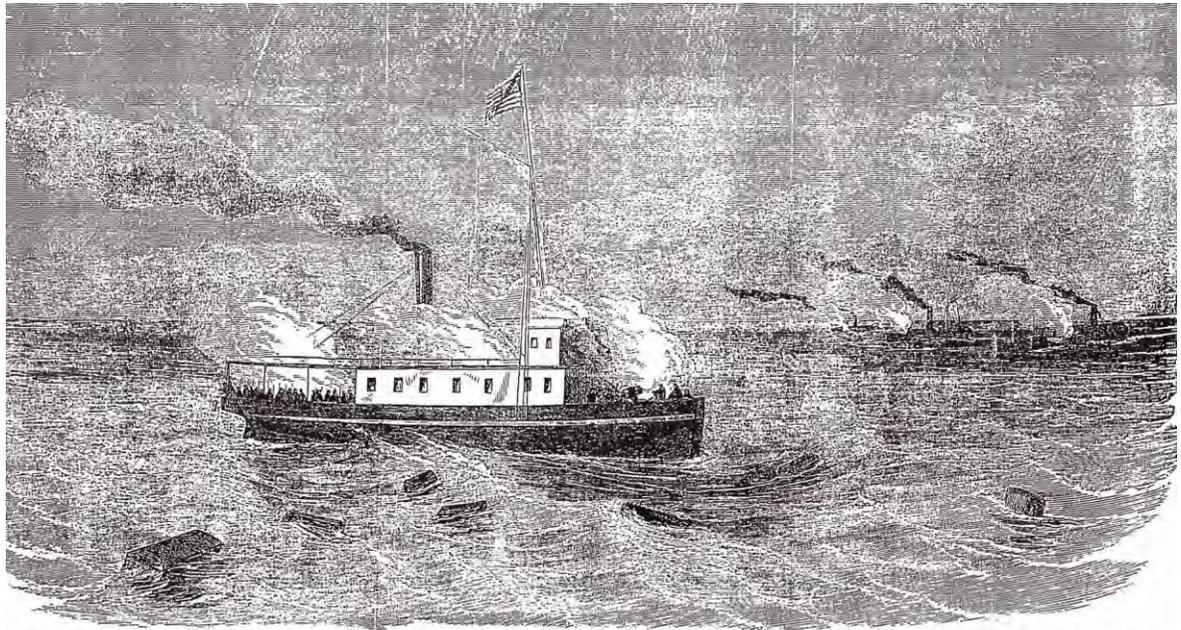
“**One report**” given, while accurate, was but one from a host of others who were all in agreement about the trees. They were mentioned in letters of some of the soldiers who were camped there, scattered throughout and amongst the shelter afforded by the 20-acre pine stand. Covey had previously determined the ‘tree aspect’ was documented enough to be included on the list of 21 facts validating his hypotheses. Since there was neither a forest, nor a large hammock of pines, at Camp No Live Oak as revealed on T-367, it also led a second list of disqualifying factors for the northern site. So, it was surprising to revisit the tent aspect again – it was easily a given. The topic was as insignificant as the pretention the 20<sup>th</sup> Indiana had no digging tools either, just because what was given did not specify shovels from amongst the “*equipment*” making it to the camp. Captain Clark did not say sand or seagulls were “**on the beach**” either, but it was safe to assume they were there.

Paradoxically, the identical commissary captain (*The Boston Courier’s* former editor) quoted by Babits’ to support the previous position about a “**beach**” location, was also used to buttress a different position about trees and tents, (both ways again?). It was also peculiar Babits’ quoted Oxford in order to cite Morrison, instead of using the actual source. Babits’ confusion concerning his personal communications only clouded the issue after the report used Oxford to relate Morrison’s testimony. Also, did the second half of the cited sentence imply a shortage of tents meant they couldn’t be seen at all? The pages found there were a trivial, irrelevant divergence and appeared to be little more than additional gratuitous filler. The specious thinking reproduced in the cited passage was founded on a source which was given a report, which came from a politically appointed captain. It was not a quote and it was less than sufficient for the investigation. If Babits’ really wanted to make a mostly irrelevant and minor point about tents, then it should have been properly vetted. But, there was a simple answer first rejected by Babits’. Apparently, it was better to be complicated for their purposes – but it was not. It was easily understood and probably went something like Covey’s correspondence to Babits’ did below.

*“Carter, the Commissary Captain, was on board the Fanny. The Fanny’s deck sits very high off the water (Exhibit 32). Carter did not say how many tents he saw. He did not say he saw all of the tents and even two tents would be plural. It remains immaterial what type of tents or how many tents were used. Chicamacomico was a low lying area with stunted scrubby trees and bushes. The Waves site is the highest naturally elevated area on the north end of Hatteras Island and from the captain’s elevated perspective offshore the tents would have appeared to be “in the trees”. Considering all of the preceding, it would be inconceivable for anyone with their eyes open to miss seeing some. It was only natural for Carter to see tents since it would have been impossible to hide them all. They would be sticking out like sore thumbs and could not possibly be mistaken for anything else but tents.”*

## The "Fort" at Camp Live Oak

Left unexplained were the alterations, the misrepresentations, and the omissions of much of Covey's material in the two reports. Whether by design or consequence, it was perplexing how anyone, especially with the background and credentials presented, could be so wrong about so many things. Then Covey reflected back to his former attorney, who confided in him she could easily handle five little remaining items of his divorce on her plate. However, she was very concerned about the one very big one still left to be resolved. Suffice it to say, by the end of the proceedings, Covey had to handle the five small items himself with the resources of his wallet. But, the one major concern of hers was of no concern at all to the judge. She was a perfect six for six, all being wrong. Like Lawrence Babits, she was a last minute replacement who was credentialed, came with recommendations, charged a lot of money for a short amount of time, expended a minimum of effort, and was as wrong as she could have been – it happened. But Babits' actions spoke volumes better than any offered explanation ever could. Covey referenced this in his next passage with his strident criticisms.



CAPTURE OF THE PROPELLER "FANNY" IN PAMLICO SOUND BY THREE CONFEDERATE STEAMERS WHILE CONVEYING MEN AND STORES TO THE TWENTIETH INDIANA REGIMENT.  
On the 1st of October, 1861, Colonel Hawkins dispatched the propeller *Fanny*, with two cannon, ammunition, supplies and provisions, to the camp of the Twentieth Indiana Regiment, then stationed at Chicamaconico. They were landing their stores into boats they were attacked, about five o'clock in the afternoon, by the Confederate steamer *Norhampton* and two lugs, which came from the direction of Roanoke Island, and after a brief combat the *Fanny* was surrendered to the enemy.

**Exhibit 32** – Gunboat *Fanny's* imminent capture. This stylized line-sketch pictured the Union vessel underway in an incorrect direction (upwind and towards her attackers). This would have been towards shore with the east gale wind blowing that day, the opposite direction of her failed escape route. Also observable on the right was her jettisoned cargo with one cask floating away, but ahead of her bow, inexplicably leading the way and traveling towards shore against the wind.

While it was one thing to misrepresent another's work, it was yet another to misquote them. But, it was unpardonable for one to publish an untruth for the purpose of avoiding an ugly consequence to oneself. It was inexcusable and deserved no place in the *Final Report*. It was also disingenuous, for if Babits' had convinced others all had been thoroughly examined and nothing had been concealed, it could then be used to deny there was ever an intent to fortify Hatteras Island's north end to begin with, as the investigative team advanced. After attempting deception over the arrival of equipment used to construct fortifications, similar means were employed once again to deny Colonel Brown's assignment ever existed. If unsuccessful with the exercise, then Covey imagined the next step using this dysfunctional strategy would be to deny the 20<sup>th</sup> Indiana ever ventured to Chicamacomico, or perhaps ever visited Hatteras Island. Continuing an absurdity to the extreme, there was no battle, there was no war? Historical events did not matter if one pretended they did not occur? Babits' was purposely being deceptive where it declared;

***"Aside from Brown's comment about "means of entrenching" (Brown 1861a), the New York Times contain the only discovered reference to fortifications on northern Hatteras" (p. 55).***

Covey previously corrected Babits over this misstep by the correspondence repeated below.

*"Multiple accounts exist detailing with fortifications at Chicamacomico. A personal favorite is from a New York Tribune correspondent that was eventually published on October 8, 1861";*

*". . . Colonel Hawkins detailed the 20<sup>th</sup> Indiana Regiment (less three companies, which were left at Fortress Monroe), "Colonel Brown commanding, with orders to proceed to the head of the island, about forty miles from Fort Hatteras and fifteen miles from Roanoke Island (separated chiefly by shallow waters), where they were to **throw up intrenchments [sic] and effectively fortify that point.**"*

Later, the correspondent continued with the topic in the same article with the following:

*"I will state here that it was the intention of Colonel Hawkins to send up **artillery** to support the Indiana Regiment, which would enable them to make good their position until their **intrenchments [sic]** were completed, when they were to be supplied with **heavy guns. . .**"*

The bold prints in the passages were included above and beyond to emphasize the 20<sup>th</sup> Indiana was sent to defend the villagers by constructing fortifications to be armed with heavy artillery and this was consistent with Covey's Hypotheses. Hawkins' plan to fortify Chicamacomico was not a secret mission, nor a nonexistent one as Babits' maintained. James M. Lytle, the previously mentioned captain, was doubling as a war correspondent and authored a series of letters eventually published after the "*Affair*". The first one mentioned their assignment before the regiment ever set foot on Hatteras Island.

*“On board steamer Spaulding off Cape Hatteras, September 27, 1861”;*

*“. . . we anchored off the Cape at 11:30 today our orders as usual have been changed, and we are to sail at 2:00 p. m. for the head of Cape island, which is the same island upon which is located Fort Clark. **The object intending us there is to build fortifications, . . .**”* (Valparaiso Republican, Oct. 10, 1861).

Two days later on the 29<sup>th</sup>, after learning they will not land at Hatteras Inlet, a second writer (Sgt. Theodore Bartlett) wrote in the same newspaper edition that their

*“destination was about 40 miles down the Sound, where it is the intention to throw up a fort, or battery, to prevent pirates and privateers from running into the Sound”.*

The next day (Sept. 30), Captain Lytle revealed they have been ordered “up the Sound” to disembark at Loggerhead inlet [sic] “and **erect the necessary fortifications** for our defense”. In the same letter, Lytle later wrote from Chicamacomico,

*“We are waiting the **arrival of our artillery**”* (Valparaiso Republican, Oct. 24, 1861).

After the “Affair”, the *Howard Tribune’s* correspondent reported on the 8<sup>th</sup> of October that they “had been placed at that point by order of Col. Hawkins, and **we were to have artillery sufficient to hold the post**”.

As a side note, Oxford too was aware the 20<sup>th</sup> Indiana’s mission to Chicamacomico included the construction of fortifications where he correctly concluded and wrote:

*“Fortifications were a first priority at Live Oak”* (p. 69) and the 20<sup>th</sup> was sent there “to **erect fortifications** necessary for the defense of the island” (p. 60).

Cumulatively, all of these removed any lingering doubt about the 20<sup>th</sup>’s mission to build a fort. Next, Covey corresponded to Babits as part of the *Draft Report* critique.

*“What do you suppose hundreds of troops who had been sent to build a fort were actually doing? Enjoying a vacation, sipping yaupon tea cordials and working on their suntans perhaps? Their unit had already distinguished themselves for their proficiency at hurriedly, but cheerfully constructing earthworks. I submit they were very busy doing what they were sent to do and the evidence of the wall and the 30 degree cart path they left behind testifies to that. How did you miss this one as it was in the literature you were provided? This is more subjective source selection. I have others but have decided it is pointless to try to change the opinion of someone who has made his decision on the expedition before the digs began. I will save them for a proper forum. It is painfully apparent after enduring your draft that you do not know the subject matter and are unprepared to discuss the actions of the war on Hatteras Island.”*

Colonel Brown's report (1861) was clear about the fortifications, who gave the orders, and the intent to supply future artillery when he wrote,

*"he [Colonel Hawkins] then promised to **send the guns**, also to send barrows and other **means of entrenching**" (p. 55).*

There was no better source than Colonel Brown, the officer charged with the task. Still, Babits' refused to yield and countered with a speculative self-serving answer not proven:

*"**The equipment was never sent**", it was opined (p. 55).*

Actually, the equipment had been sent as previously detailed. Another point to be made was entrenchments would have begun immediately upon the 20<sup>th</sup>'s arrival considering their vulnerability, their mission, and their proximity to the enemy. Any officer worthy of command in the field would have seized the high ground where water was available and 'dug in', as the 20<sup>th</sup> did. Knowing some of what they needed to accomplish their mission was already waiting for them at Midyett Plantation further assured Col. Hawkins he was in the best possible location for defending the attack everyone knew would soon be coming.

Three pages followed (pp. 56-58), previously authored by Babits regarding entrenchment construction – none of which matched the 20<sup>th</sup> Indiana's performance at **Hatteras Inlet** or at Camp Bailey. Soon after Covey discovered **Fort Clark**, he physically located where the *Long Roll* and others detailed General Williams' futile attempt to construct a "moat" east of the fort from the sound southwards to the ocean. There was also an "angular breastwork" built between the fort and where the failed moat was excavated. Covey used both of these features on the ground to find the bulldozed remnants of **Fort Clark**, and he saw some of these areas exposed from hurricanes and from the Park Service's sand road and beach ramp construction activities. The angular breastworks exhibited few of the features suggested in the *Final Report*. They appeared to have been hurriedly thrown up and were mostly sand, as expected. It was unfortunate Babits' cited no one but himself (2011, p. 56) to discuss expected patterning within the entrenchments. Totally ignored were written accounts of those who participated with the entrenchment construction on Hatteras Island. Here, it appeared Babits' penchant for accumulating citations and co-writings of his literature whilst covering his conjectures superseded first hand information (see References Cited for Babits). Included to help complete another task undone was S. T. Montgomery's quote to the *Howard Tribune*, written from **Fort Clark** and describing their efforts (Oct. 17, 1861);

*"all hands went to work throwing up "breast works" and **during the day we completed over one-half mile,**" (boldface mine).*

Though not the larger entrenchments s found at **Fort Clark** or Wenberg Ridge, their works mirrored those created at the two outposts in Trent Woods. The dimensions reported were ten feet wide at the base and four and one-half feet high. This matched earthworks Covey had seen at Camp Bailey (20<sup>th</sup> Indiana) and at the Trent Church Picket (9<sup>th</sup> N Y).

This allowed their activities to be described and their productivity to be quantified without regressing on speculations. Later in the same dispatch Montgomery continued with:

*“After the breast works were completed, Gen. Williams paid the Indianians a high compliment for their industry”.*

He then relayed how they performed the labor for creating “breast works”.

*“Each company was divided into squads of forty, and each squad relieved the other every half hour.”*

An additional military factor unconsidered was volunteer regiments did not have the training or the leadership regular US Army units did. Volunteer officers who mustered in largely lacked experience since many were appointed through social and political standings. As a result, many of these regimental companies were handicapped from inexperience and politics were always in play. Several entries in *The Long Roll* recounted such activities in the ranks. In contrast, US Army regulars were mostly commanded by Academy graduates who garnered their experience through service. While bravery was an admired attribute many young officers quickly sought to prove in battle, it was a poor substitute for the abilities, experience, and knowledge gained through military careers. It would be unexpected to find a fort built ‘by the manual’ that was constructed by the Indiana troops. The fragile laced opinion collapsed with another *faux pas* in the same passage on their next page (p. 62).

***“Since the site was never reoccupied, although it was visited (Johnson 1986:75), the issue became moot. Johnson commented that if the Navy had cooperated with us, ‘we would probably have re-occupied Chicamacomico [sic] – if not permanently, at least long enough to teach the rebels a lesson, but as they did not, there was nothing for us to do but to turn about, and cover the retreat’ (Johnson: 1986, page 58).”***

While it was appreciated the report removed some of its earlier interpretive errors involving Johnson’s *Long Roll*, Babits’ cited a journal entry from the first week of October and applied it to the following four months. But, Johnson was not divining the future with his dated entry of October the 5<sup>th</sup>. Obviously, it could not be used, as the *Final Report* did, to reflect what came afterwards. After being enlightened about other Union visits to Chicamacomico, Babits’ mentioned the brief visit of Co. I’s Corporal Davis. Davis, a former employee of *The American Bank Note Company* and later a famous artist, gathered much of the Union’s local reconnaissance. He was the artist who drew the picture of **Jennette’s** (‘Trent’) **Mill** (*Exhibit 12c*, p. 49). Johnson recorded Davis’ criticism of the 20<sup>th</sup> Indiana’s retreat, based on what the corporal observed and relayed. Davis then drew a sketch to help explain why he thought they could have offered resistance. Presumably, Davis felt something existing there would have aided their defense (earthworks?). Not found by Babits’ was the second, more significant event of Company I’s trek back to Chicamacomico. Covey only gave another hint of its presence after freely sharing the discussed reference.

*“Many times, that which one seeks can only be found by what is not there to be seen. Often, it is more about what is not there in the passage being read, and this is what led Covey to this undiscovered fact. Sometimes you just have to read the whole story to really understand. Then, after you truly know the background material and are able to place things in their proper context and sequence, you can look between the lines and finally realize, there it was all along, patiently waiting to be explored.”*

Reading between the lines of another story helped to better explain the inconsistencies of various testimonies, and with those of the associated congressional investigations and military reports citing the *Fanny’s capture*. Once the idea something valuable went over the side that afternoon for later retrieval was entertained, it could be understood why offered inconsistencies were possibly not conflicted after all. However, only a bit more here can be shared without the risk of compromising the search in the sound. It was only offered, since this was an island, an islander eventually becomes aware it was always about the wind. Was it there? Was it not? If it was, how hard did it blow, from whence did it come, and how long and hard would it be blowing that way? Most importantly, as islanders soon learned, what was happening to the waters that made it an island and what would then happen next?

After one acquired an islander’s acumen, one could better fill the shoes worn in 1861 Chicamacomico. While the reviewer’s counterparts were largely focused on a singular topic of windmills they were mostly ignoring the other twenty some he was diligently working on. Suffice it to say, the search for something that might prove the southern site location wrong has continually failed to do so. There was only one place and one place only where the various depths of the waters and the weather of the day could position where the *Fanny* was anchored on the 1<sup>st</sup> of October, and how she was soon captured five miles away to the south. Also considered intriguing was the analysis of the total five mile distance the *Fanny* covered during the 35 minute event, which allowed a few minutes for her brief grounding and a few more for her “drifting” time. Those parameters yielded a speed less than 10 knots, a distinctly possible accomplishment and reasonable speed for the pursued vessel.

As suggested before, by sliding Oxford’s sketch southward from the **36<sup>th</sup>** to the **34<sup>th</sup> Parallel**, all of the pieces fell into place and it was an epiphany for Covey when seen the first time. The odd feature that mystified him as a curious child of four was deciphered by him 55 years later. But, Wenberg Ridge was not what generated the interest in Waves, although it was unique with an unknown history. Some of the other villagers remained puzzled by it for decades and he occasionally saw it himself, even living a little across the street from there when he was seventeen. Later, the interest deepened after his studies at Wilmington sharpened his insight into barrier island dynamics, marine forests and ecological succession. That was when his suspicions about its origins were confirmed; the ridge was manmade.

Next door in Mr. Asa Gray, Sr.’s back yard was another unusual feature; not the **30<sup>o</sup>** path, it was hundreds of feet to the north. The latter was long forgotten until this writer saw it once more in late 2013 on a NCDOT aerial photograph. Pictured in 1962, the path was obscured in a few short stretches from its lack of use after the additions of newer, individual paths.

Instead, the second feature out of place was ultimately utilized as the southwest wall of Mr. Gray's dredge spoil pond, which was necessary for creating his boat basin and its channel (its 'way'). One of this writer's first trips to the Waves site happened the summer before his only sibling was born. Robert came into this world on Halloween of 1960 and for part of the summer before then the elder son was being cared for in Rodanthe for a short by his great-grandmother, Aretta Midgett (1890 – 1989). Late one morning, after 'helping' his grandfather, Richard W. Midgett, fish and pull up several nets near **Scott's Reef** off of Waves, the two made a short detour to deliver some of the fresh catch to Ms. Nellie Farrow and Mr. Gray. The latter, Mr. 'Acey', was the child's local Sunday school teacher and the proprietor of the general store out front on **NC HWY 12** at the time. His store was in the same building Babits parked in front of prior to him meeting Asa Gray III.

That becalmed morning the sound was like a mirror and the water and the sky became one. With the little boy perched upon the wet nets in the bow, Midgett gently eased the small juniper fishing boat ashore slightly to the north of Ms. Nellie's. They repeated what other fisherman had done for centuries past, anchoring at what modern maps called **Waves Landing**. It was originally **Uncle Jimmy's Landing**, but not the one mislabeled farther north where Covey's 'bachelor cottage' (Pea Island Life Saving Station's kitchen) stood as a solitary sentinel outpost on the northern Rodanthe soundside. Covey later determined 'Uncle Jimmy' was his great-great-grandfather, James Meekins Midgett, who owned where some of Covey's cousins lived on the slight rise Babits' termed "**a back barrier ridge**". Babits' Cow Well was on a small western piece of the land, close to the shore in what was now a marsh.

However, 100 years after the war, the small child was unaware his grandfather was leading him along the **30<sup>o</sup>** cart path to gain entrance into Ms. Nellie's backyard. Although he had previously heard the word 'Yankee' uttered despairingly by then, the boy was much too young to fathom its meaning, and he certainly had no concept of civil war at the time. But, this was just before the Cuban Missile Crisis and at a time when he knew his father went into the ocean on a submarine with torpedoes on it for sinking ships. Concepts of war came early for Cold War era children, especially when your father's third tour of duty was a nuclear ballistic sub commissioned into the US Navy during a ceremony held on a very tense and somber morning – the day after your president was assassinated November 22, 1963.

After staying long enough for the granddad to clean a large fish, probably a sturgeon the elders rather enjoyed, and for his charge to be scolded twice over playing on top of the strange ridge, the two visited Mr. Acey's old house next door to the southwest. The earlier incident confused the boy because it was when he first learned about the inappropriateness of walking upon a gravesite, but the graves there were not marked. Decades later, he was amused to hear Mr. I. D. confess he had done the same as a small child himself – to the same result. That would have been in the middle of the 1930's. Evidently, it was never allowed. Taking a more direct route returning to the boat, the unmatched pair trekked upon the southwest wall that split the marsh and led them back to the shore. Covey remembered this well because Richard Midgett was not known to be the most tolerant man in the world.

Marching the little boy towards the boat, perhaps more annoyed with the incessant questioning than with the green-headed flies feasting upon them, the ever inquisitive grandson asked him why the sand was dumped in the marsh. The older, exasperated man replied, “*it was a ditch bank.*” This seemed peculiar to the young grandson because he had already been disciplined earlier that summer for playing with his toy boat in the ditch along the unpaved, residential street in front of his home in Norfolk. After agreeing with the small lad there was no ditch in the marsh, and having no good reason to offer why, the grandfather’s patience was almost gone and the child realized that had better be his last question for awhile. Covey didn’t get his answer until well after Richard ‘Dick’ Midgett passed this world, too late to be shared.

One day soon the NCDOT staff and Covey will examine the aerial photographs of the site stereoscopically to better interpret the relief of the terrain clearly discernable. Besides Babits’ Cow Well and Covey’s Path, the less noticeable southwestern wall confounding the report’s authors was visible on *Exhibit 16* (p. 57) and Appendix R2. The photograph was taken on Covey’s 6<sup>th</sup> birthday, less than 18 months after he first walked on it during a breathless, sunny summer morning in 1960. It was not the ridge, nor the path, nor was it the wall on the south section that led him to discover it was a fort. Only later in his quest did he realize the significance of what had intrigued him for over 50 years. It was definitely one of those rewarding eureka moments of discovery keeping him in the quest.

Directly offshore from Camp Live Oak and only a few miles away, the *Fanny’s* abandoned anchor was an important starting point. There was good reason to believe the wooden stock was gone, but possibly the metal section remained (*Exhibit 29*, p. 102). Additionally, where she ran aground at the head of **Cedar Hammock Channel** was important too, in the likelihood small, but significant items were cast over at the last possible moment to avoid seizure. But, it was more difficult than it sounded. Once more, it was about the wind. Yet unmentioned was its integral role in decisions made before the *Fanny* even dropped her anchor the day she was captured. Those pieces of the puzzle assembled at a spot directly off of the Waves site for Camp Live Oak. Covey would like to learn more about John Morrison and his crew, especially whether they returned to the Pamlico’s waters offshore Chicamacomico later, either during or after the war. If so, it may have been figured out why.

When the underwater phase of the investigation is completed, data acquired will be surrendered to the state. It is hoped future cooperative endeavors between the state and its universities with marine archaeology programs will continue to develop for the benefit of all. This effort only sought to find, identify, and plot targets for future studies. No artifacts will be recovered unless instructed to do so by the state branch of underwater archaeology. The illegal and premature removal of any artifacts would hinder the attempt to link the *Fanny* to the camp in Waves, and the story of what actually happened that day was recorded by the course she navigated and from the location and types of items she discharged. At least one-half of a dozen uncovered facts connected the *Fanny’s* capture with the Wave’s site. Covey was encouraged with the current methodology employed, the search of a likely target, and he was excited for the underwater project’s prospects.

### ***'Forts' and "Campaigns"***

One unnecessary exercise the investigators conducted concerned the term 'fort' used in association with the uncompleted fortification attempt at Waves (p. 62). Babits' initial thoughts on the topic were addressed by Covey earlier, who reminded him most forts first began as camps. Only after its completion and its outfitting with cannon would it merit a formal name and become a designated fort, since a fortification could not truly be called a fort without its armaments. After its artillery arrived for placement, it would have been appropriately called **Fort Chicamacomico**, or else named to honor a high ranking officer. **Forts Hatteras, Oregon Inlet and Ocracoke** set the pattern for the first criteria described. But the fort wasn't completed, the artillery never arrived, and the fall of Roanoke Island four months after Hawkins' folly all made fortifications in Chicamacomico a moot point. Inasmuch, Covey saw no real value in wasting valuable research time, effort, and money on something so trivial (with no possible reward) and was disappointed Babits' proceeded to do it anyway. A similar such search for the title of the military engagement at Chicamacomico would first find its name linked to "Affair", then later to "Races". The only reference to the misnomer "**Campaign**" would be the Babits' *Final Report* (p. 69).

Except for the better copy of the T-367 Coastal Survey they provided, the Babits Team contributed little of historical relevance and few resources to advance the project. Unfortunately, the lead author was relied upon to pursue both the above 'better copy' of the poor quality map held and also several identified vintage aerial photographs that had been tracked down. It was well into the field work before it was learned the Babits Team possessed the long sought copy of T-367 and weeks after the dig the promised information arrived in digital form. From prior discussions, Babits was aware a more accurate sketch could not be produced without the acquired, superior T-367 map. It was less than helpful to not have promptly shared the survey when it was known it could negatively impact the study. This was revealing and was what first raised Covey's concerns about any bias in Babits' objectivity.

After an unacceptable breach of confidentiality soon thereafter, it was best decided to withhold a large file of additional information prepared for the investigative team. The same file had rapidly expanded faster than the Babits' Team seemed able to assimilate the material. Beginning earlier, it appeared Babits was possibly being overloaded from the sheer volume of research he had been handed, and he seemed somewhat incapable of digesting all of it, or of recognizing some of its significance. Most of the remaining material information that overwhelmed the lead investigator has now been made available to the public by way of this endeavor.

To dispel any possible doubts about what transpired, it helped to be aware a similar thing occurred with the acquisition of aerial photographs. Covey furnished the necessary information for their sources (Appendix V), but Babits' declined to investigate any other aerial photography resources until after the *Draft Report* was completed. However, several were subsequently reproduced with poor quality copies providing limited information.

The Babits Team was neither responsible for, nor obligated to acquire research materials for the Waves project, except for the aerial photographs and the discussed copy of Coastal Survey T-367. Of course, there was no objection to other efforts, but not at the expense of objectives still left unfulfilled. Babits' selected aerial photographs have yet to be forwarded for their inspection leaving them unanalyzed for accurate interpretation.

Returning to **page 44** of the *Final Report*, the last item of discussion for the section was Babits' deceptive observation.

***“The two wall profile drawings suggest a possible excavation.”***

There was no other acceptable explanation for the presence of non-layered strata in any such features other than an excavation – period. The lack of striated layering was conclusive proof Wenberg Ridge was not naturally formed, but was instead manmade. The surface slopes in the north walls of both excavations were also opposite to the respective slopes of the sub-surface strata, confirming this analysis (**Figures 23 & 24**). It was conclusive, definitive and undeniable proof Wenberg Ridge did not grow in place as a result of accreting sand layers blown in on site (*Exhibit 28*, p. 99). Just as definitive as there were no striations found in the upslope strata needed for Babits' Hypothesis to be affirmed. Incredibly, the *Final Report* later contradicted its own assessment on its **page 62**. No photographs were there to be seen for comparison where its vacillated position shifted to the opposing, contrary view expressed in the citation above.

***“No evidence was seen in the test walls indicative of any prior excavation.”***

It was hard to debate those in disagreement with themselves. But, the report's evidence did speak forcefully enough for itself. Wenberg Ridge was undoubtedly manmade. The question then pivoted to how it was accomplished, for what purpose, when it was done, and by whom.

After examining its proper siting, every relevant Babits' **Figure** of the Waves site presented in the *Final Report* confirmed the absence of Wenberg Ridge in the middle 1800's a decade before the war. Hallucinations or pretensions of others aside, it was not there beforehand to be seen. Covey deduced this less than five minutes into his ride home the same evening after seeing Babits' T-367 laptop copy the first time for less than two minutes. After quizzing both of the investigative team members present for possible explanations, while all were assembled for a briefing the following day, it was evident no one was aware of the lack of representation for Wenberg Ridge on the survey. Nor did anyone suggest why such a prominent feature was missing from the map, Babits included. This was a teaching moment. Once more, it was not about what was present to see, but about what was not there to be seen; invisible ridges notwithstanding. It was so very simple and yet simplicity could often be deceptively sublime. The ridge was not there to be mapped in 1852. It was a manmade structure that wasn't created until the first week of October in 1861.

## **Cartography**

***“Covey identified the earthen mound in front of the Wenberg house as the east wall of the fort. The mound is oriented in a north-south direction. The enlarged section of the 1852 T-367 map (Figure 5) does not appear to show any type of dune or tree line” (p. 62).***

This was completely true and was one of the few remaining areas of agreement between Babits’ and Covey. But then Babits’ had to acknowledge the ridge’s absence or reverse course for another road. Unfortunately, the latter was traveled by insisting the absence of the feature on the map was **“misleading”**, when the only thing misleading was the unfathomable explanation for how a ‘phantom ridge’ must really be there – it just could not be seen to be mapped or to be represented cartographically. The debates between Covey’s and Babits’ positions were reduced to charades of contradictions, mirages, and misinterpretations on both a Coastal Survey and in pictures of pit walls.

**Figure 36** on Babits’ following page was revealing for what it did show; the Waves site location did not coincide with its respective picture shown. The quadrangle on the photograph was farther south than its investigated counterpart to the extent of leaving most of the earthworks outside of the box drawn. It had been displaced so far south Babits’ Cow Well and the three northern properties of the fortification were not included. This amounted to over fifty percent of the three-acre site. Whether this was from carelessness, by misinterpretation or was a manipulation was immaterial, as all were inexcusable. The same competence level was repeated on **page 92**. Except, three completely different quadrangles vied for Covey’s singular site there. Apparently this caliber of research qualified Babits’ to say they were

***“well within acceptable tolerances when georectifying” (p. 63)***

– despite their less than successful attempts to accurately locate a site they were assigned to investigate. What was **“acceptable”** for Babits’ was definitely not the same for the writer.

Furthermore, that which Babits’ presented as a dune or a line of trees was instead a road (**p. 63**). But, it was not the same roadbed previously misidentified as **NC Route 12**. This glaring mistake extended 5/8 of a mile from north of Midyett Plantation southward to Banister’s double mills. Unrepresented were Wenberg Ridge, Covey’s Path or any semblance of parallel dune ridges on map T-367 because none of them existed before 1852. Also missing from the survey map was the primary dune line described by Babits’ (**p. 63**). Here, the report was confused by the 20<sup>th</sup> century dunes constructed on the ocean side. Missing too was any suitable land matching the described representations of the photographs. Babits’ dune/tree line was all marsh on its left, instead, where it was divided into two paths represented by red lines on the photograph. Contrary to Babits’ interpretation, there were no dunes, high ground, road, or trees in the area. This was confirmed by an on-site inspection and was in agreement with *Exhibit 6a* (1977, p. 90).

Babits' confusion over the little circled survey stations with a dot inside and those with a diamond, or triangle, could have easily been avoided with a more thorough research effort. Just as was repeated with this exercise, Covey soon lost count of the number of errors he corrected for the Babits Team initial effort. It was more than a temporary setback for the project Babits was not prepared to offer additional insight into the "*Chicamacomico Affair*". Fortunately, what could have been a disaster developed into the positive outcome realized due to the larger parallel investigation of Covey. A fuller discussion of the "*T*" map research below completed what was attempted by Babits'.

In 1873 surveying crews returned to the coast to plot the seven newly important Life Saving Stations being simultaneously constructed from Jones's Hill southward to Kinnakeet. It was not by coincidence the earliest station keepers all began serving on the same day; December 4, 1874 (Stick, p. 170n: 1958). Apparently, the construction of the stations was the impetus for additional post offices on Hatteras Island as well, since Buxton's (The Cape) and Avon's (Kinnakeet) opened the same year survey crews returned. Chicamacomico's (Rodanthe and Waves) opened the following year, just four weeks before its station.

Jethro Anderson Midyett was first proposed as the proprietor of Midyett's Mill by Oxford (2013, p. 218). Oxford's last minute entry was not thoroughly vetted and it was not found in the book's table of contents, its index, or its passages, although it appeared embedded in the footnotes towards the book's end. But, the purported deed for the windmill's property was interpreted for the first time by Babits' in the *Final Report* on **page 65**. However, it was not the significant or definitive source needed for supporting the position of a northern camp location as presented. Unfortunately for the archaeological team's and Oxford's positions, it was in Waves and not in Rodanthe as they had mistakenly assumed it to be. To better document the record, it was more accurately reproduced here with the following:

*"Beginning at a live oak near the Sound & running East course to the Sea. Then a North course to Richard Midyett line. Thence running a west course with said Midyett line to the corner and thence Southerly to Joseph F. Midyett line or corner, Then with said Midyett line to Frances Midyett West corner and thence Northerly to Richard Midyett North Corner then with said Midyett line to the Sound side and then with the various courses of the Sound so fare [sic] as until an East course will hit the oak at the Beginning and all houses, buildings, orchards, ways, waters, water courses, profits, commodities, her editaments and appurtenances" {Hyde County Deed Book 2:204}."*

With the above deed, any minimal chance for a Rodanthe location for Camp Live Oak dissipated. After reading the *Final Report*, Covey immediately dispatched copies of the property deeds surrounding the above tract of land to Babits to provide its proper context. The 50-acre tract Jethro got from his parents, Richard and Phebe, was nowhere near **Greens Point**. This writer researched the property in 1999 and its chain of title extended back to King George the 1<sup>st</sup>. Also of some interest was the suggestion Jethro's mother, Phebe Scarborough Midyett, was behind the quirky named **Aunt Phoebe's Marsh** on the property.

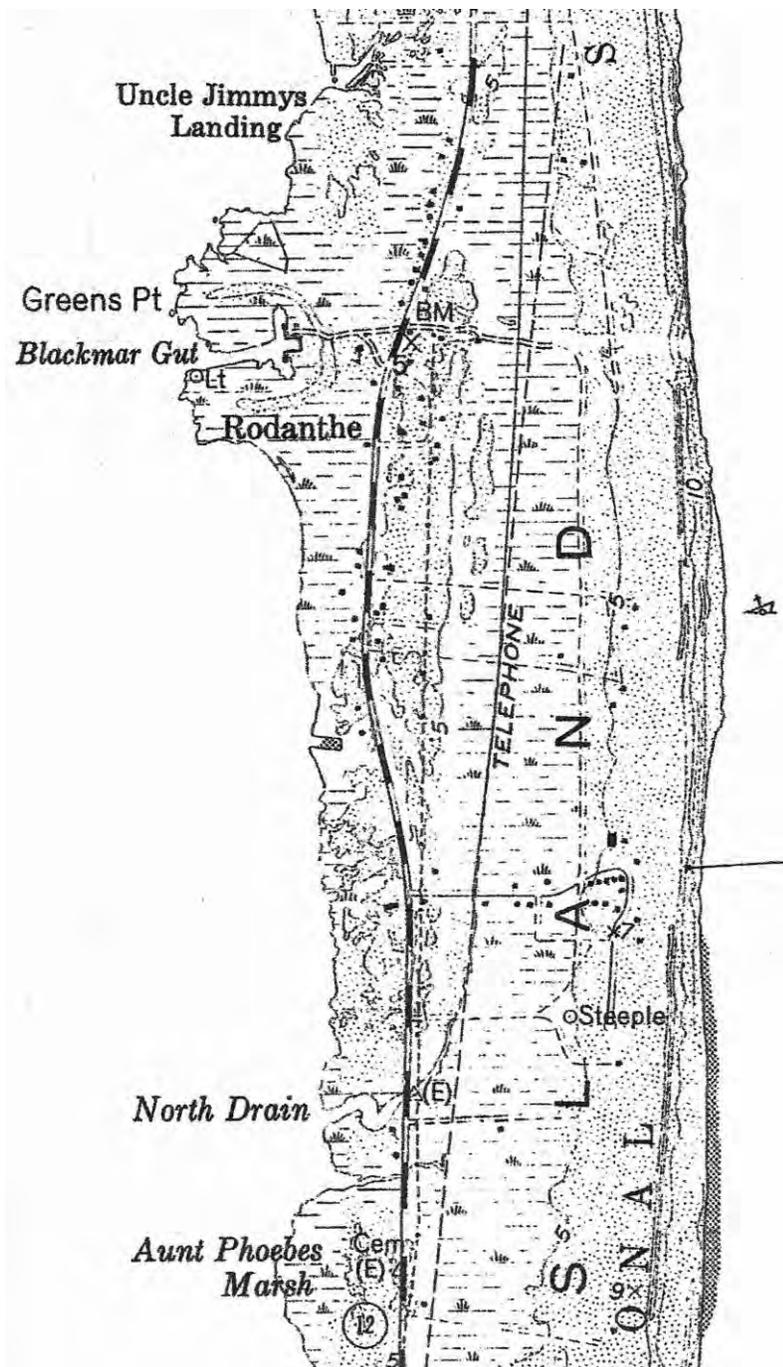
**Aunt Phoebe's Marsh** was located on Jethro's parents' former soundside tract, now in northern Waves, and the area was also represented on 20<sup>th</sup> century maps (*Exhibit 33*). Of more significance was the lack of a windmill itemized within the lengthy list of items conveyed to Jethro by his deed, while everything else of value was recorded. This implied a windmill did not exist there. Here, it was all about what was not mentioned, not what was listed. Other points mentioned by Babits' in the section needed multiple corrections as well.

***"There is also a water course, Black Mar Gut, separating Green's Point from the main island: "water's" are represented by the embayment above Black Mar Gut."***

On **page 66**, Babits' confusion surfaced for another breath. **Windmill** station was never directly associated with **Greens Point** and the mill was situated further west than the northern point was (T-367: 1852). Actually, **Windmill** station was on a tiny island carved from the more prominent point of land to the southwest of **Greens Point**. **Windmill** Island was created artificially by removing a narrow, but thick surface peat layer responsible for its separation from the main island (*Exhibit 9*, p. 42). This was the identical technique used in similar areas of the island for controlling livestock (an ache?). The fence around Banister's mills and the ditch separating **Windmill** from the main island were both used for keeping free ranging livestock away from the gristmill's rotating blades. To do otherwise at the time could have been both disastrous for the mill and injurious to the animals.

Currently, **Greens Point** is the north side of present day **Rodanthe Harbor**; therefore it was on the main island already, not separated as Babits' mistook it to be. The completely eroded **Windmill** Island was on the south side and no longer exists, while **Black Mar Gut** was the harbor's estuary that divided the two. On Hatteras Island, a 'gut' represented an estuarine body of water formed by multiple drains from marsh all collectively feeding into a single body of water that communicated directly with the sound. In natural terms, it could perhaps be described as a barrier island's soundside cloaca, or its natural sewer (storm drain). They were not the narrow passages of water separating small islands from bodies of land as understood by Babits'. The pestilence of this estuarine feature would have further dampened desires for a northern Chicamacomico site for Camp Live Oak, due to numerous biting flies and mosquitoes present there. It was definitely unbecoming of the descriptions found in the soldiers' letters describing a land of milk and honey where clover abounded.

At **Black Mar Gut**, the channel marker light has been on the south shore there since at least 1950 (*Exhibit 33*) and it was nowhere near the way's and waters of Jethro Anderson Midyett. Always standing on a small point of land connected to the main island during Covey's youth, the navigational light is presently over 100 yards out into Pamlico Sound – no westward migration here, either. It has always flashed its signal light from east of where **Windmill** Station used to be. Lastly for this section, one other minor point needed clarification. Jethro's widow Bethaney and his father Richard did indeed live in Kinnakeet Township as Babits' reported. It was immaterial and would be expected since Rodanthe, Waves, Salvo and Avon formed that township. Buxton, Frisco and Hatteras villages comprised Hatteras Island's only other – Hatteras Township.



**Exhibit 33** – USGS Quadrangle of Rodanthe: 1950. **Uncle Jimmy’s Landing** was not correctly located; it was south of **Aunt Phoebe’s (Phebe) Marsh** in Waves. It was the present **Waves Landing**, before the town name of Waves was selected by the Postal Service. **Greens Point, Black Mar (‘Back Mire’) Gut,** and **North Drain** were all correctly positioned. Note the location of the Navigational Aid (‘Lt.’) south of **Black Mar Gut**. **Windmill** station formerly stood west of this light beacon, now well out into Pamlico Sound.

***“The use of a single live oak as a landmark by the terrestrial property surveyor and then, possibly, by the Coastal Survey party, agrees with the name of the 20<sup>th</sup> Indiana’s encampment, Camp Live Oak, which was first used in soldier’s letters (Oxford 2013:66). If they were camped in a forest, it is more likely they would have used the plural” (p. 66).***

Reading these same letters of correspondence from some of the troops at Chicamacomico left no doubt there was more than a single live oak tree near their encampment. For an enlightenment of this trivial semantic discussed, Virginia Wood’s *Live Oaking* (1981) would be appropriate since both viewpoints cited her excellent offerings. Also, most deeds of land usually mentioned more than one tree in the descriptions of the properties’ corners, so Babits’ was technically correct about surveying practices using freestanding live oak as singular landmarks as early as 1847. With minimal effort one would realize they were used as early as 1700 and were still used in modern times, although it might have been a slight embellishment to describe Chicamacomico’s depleted hammocks as forested in the 1860’s. The villages probably surrendered their best chance for that definition earlier in the past. But since Oxford’s recent book was cited here, it was first left to the same author to repeat the following from his *page 65*.

*There were Hatteras men fishing along the sound where the regiment was preparing to land. Thinking the Indiana Troops were Confederate soldiers, the weatherworn natives turned and ran, then waved small “white flags of truce” from the safety of the live oak.*

It must have been a bizarre sight to see, all those fisherman waving white flags while safely crowding behind a single tree. Convincingly, the account was described by the New York Times as “several North-Carolinians timidly approaching from the **woods**” (Oct. 6, 1861).

***“At the same time, any reference to a pinpoint location of Camp Live Oak seems pedantic” (p. 66).***

Understood was a viewpoint associated with an anemic effort, but nothing “**pedantic**” was related to Asa Gray’s southern wall, Banister’s and Nathan’s mills, Covey’s Path, Midgett’s northern wall or Wenberg Ridge. They did more than “**pinpoint**” the site, they defined it.

***“In order to better understand the Confederate and Union movements as well and more accurately pinpoint the Camp Live Oak site, eight key features found on 1860’s era maps, and still largely extant, were derived from firsthand accounts and reports of the “Chicamacomico races”. They are shown in Figure 39 . . .” (p. 67).***

**Fort Hatteras** and Rodanthe Mill (**Windmill**) were over a hundred yards out into Pamlico Sound. **Bald Beach** and **Hatteras Light House** were both submerged and lost to the ocean. Loggerhead Inlet no longer existed, and the coordinates given for **Fort Clark** were incorrect. After closer inspection, there was little “**extant**” to be derived with Babits’ reference points.

*“By using the 1852 T-367 and T-377 maps, combined with the 1864 map drawn by Lieutenant Francis Farquhar of the Union army engineers, distances were measured from each point to the others. These distances were derived using lines of latitude found on the 1852 maps, and a scale bar on the Farquhar map for longitudinal distances as appropriate. Longitudinal distances from the Farquhar map scale were used in measuring distances from Fort Hatteras to Fort Clark and from Fort Clark to the Hatteras Lighthouse (see Figure 39)” (p. 67).*

This passage revealed where the off-site georectification calculations were derailed soon after the moment of their first implementation. There were several problems with a strategy using errant data and, predictably, garnering false conclusions. Of minor interest was the 1864 map’s true cartographer. While Farquhar rightfully deserved credit for the map, the actual mapmaker’s name could be found in the small print. While it was correct to refer to the map that was attributable to his name, as it was known by, it perpetuated a common misconception to say that he drew it when he only ordered it to be drawn.

Firstly, to use a scale bar as described was not the best available practice; it was there for convenient use in the field. Proficient map readers used measured distances taken from the map sheet to correctly determine accurate measurements on the ground after calculating from its drawn scale; it was, again, 1:20,000 for the Coastal Surveys and for Farquhar’s map. This procedure would negate the larger errors of estimation. Secondly, the inherent problems of using the latitude and longitude lines on the “**T**” maps were previously detailed and were responsible for Oxford’s originally flawed analysis plotting the camp’s location. Babits’ repeated the error and likewise, it too, got a similar result.

Covey avoided this quagmire for the **Fort Clark** discovery almost 20 years ago with a more ‘nuanced technique’. However, he did not discover a major scale discrepancy of the Farquhar map until determining where Babits’ went off course. Once more, additional knowledge was gained because of another’s miscalculations. Thirdly, the distance from **Fort Clark** to the **Lighthouse** was unverified since their **Figure 39 (p. 69)** confirmed the lighthouse was not on the map used. And fourthly, it was more appropriate to use Babits’ employed interpolation techniques only as a final means of last resort. As stated, map distances gauged true distances by first measuring and then calculating with its scale. Also relevant was the inconsistent spacing of some of the “**T**” map quadrangles introduced additional variances, a fact uncovered from research of T-1246’s **Fort Clark** quadrangle.

It appeared the above “**T**” map used by Covey (and avoided by Babits’) and Farquhar’s map disagreed concerning the distance between the two forts at Hatteras Inlet. Coastal Survey T-1246 accurately exhibited the reported, physical locations at the true distance of 5/8 of a mile. While both maps were drawn to the identical 1:20,000 scale, the same distance on Farquhar’s map was over reported by **16%**. When extrapolated forward to Chicamacomico it became slightly more understandable how the team’s georectification initially placed the 1874 Life Saving Station at a position almost a mile south of its construction site. It was also eastward of it and had been overtaken by erosion and submerged under the ocean’s waves.

***“Then, given that the mill which Jardine left just before it was struck by Confederate shelling was south of Camp Live Oak, the camp must be north of the only mill shown on the contemporary map, that is Green’s Point. The mileage figures provide some support for this conclusion but it is hardly conclusive” (p. 68).***

At least the investigators agreed it was **“hardly conclusive”**. While aware the camp was north of the mill, they were unaware **Windmill** was not south of anything but Pamlico Sound. They were also not cognizant **Greens Point** and where the mill was were not the same place. And, saying the mill was **“struck”** by cannon fire vastly understated its destruction from accounts detailing it as **“shattered”**, **“dashed to pieces”** and **“destroyed”**. That was important since the Oxford/Babits’ Hypothesis only allowed for a single gristmill. This meant for the northern camp location to be correct, Chicamacomico no longer had a functioning mill. This was another unaccounted oversight on the opposition’s part since Bishop reported one standing there while on his canoe trip in late 1874.

The reviewer did not bother to check all of the measurements offered in **Tables 2 and 3 (p. 68)**. A cursory look at the first distance given should have read 0.62 or 0.63 (5/8 mile = 0.625 mile) to reflect reality and not the 0.71 listed. Therefore, he proceeded no further with **Table 2**. The first column in **Table 3** listed a distance of eighteen miles to **Barnes Mill** to camp. The next data point just two miles away reported its distance as seven miles, a significant error. Again, there was no need to proceed any further due to its flawed data.

While entertaining, the opposition’s ‘wanderings’ left behind the unanswered question of why two reports of actual distances, estimated over short spans, were both rejected. One was in the *Final Report’s* own citations (both Mansfield’s & Merrill’s), but avoided and not mentioned. The other account (Hotchkiss’) was far superior to any given during the entire *“Affair”* and was paralleled by Peacock aboard the *Fanny*. They were the most precise and informative of any report discovered for describing the locations of Camp Live Oak, its bombardment field, the *Fanny’s* anchorage, and its associated capture point. Hotchkiss’ positioning was recorded in clear conditions, triangulated over short distances, described by two compass directions, and was additionally confirmed by the contrasted depths of the waters. However, even after citing Peacock (**p. 93**) it was all ignored in deference to what was given thusly; by an individual who knowingly overstated distances, who was estimating well beyond the horizon, who was hectically leading hundreds of men while running for his life from the enemy, and who recorded it afterwards. The 20<sup>th</sup> Indiana was not stopping to take detailed notes while being pursued.

Because Covey knew where the retreat’s starting point was and where the other various troops were stationed, he easily and successfully ascertained the resting points or ‘stops’ of the Indiana troops during their harried southward retreat. Because he and the troops were using the same map, though 145 years apart, he was able to follow their forgotten tracks where his colleagues were led astray. Covey suggested the difference in caliber between comparisons of Colonel Brown and Captain Hotchkiss was synonymous with that between Babits’ and himself and an objective peer review has been proposed by the reviewer.

## **METT-TC and OCKOA**

Despite the unsuccessful attempts of Oxford and Babits' to accurately retrace the troop movements during their long retreat, the technique was viable because it was accomplished in the 1990's, as mentioned several times. However, Oxford and Babits' subjectively investigated the issue by using predetermined locations and both were handicapped with incorrect starting points. Faulty assumptions and several following errors of judgment ultimately resulted in the mistaken conclusions obtained and reported. It was the decision to eschew objectively determined distances for subjective, unreliable ones of less promise which plagued their efforts.

Simple, avoidable mistakes kept piling up in numbers for Babits'.

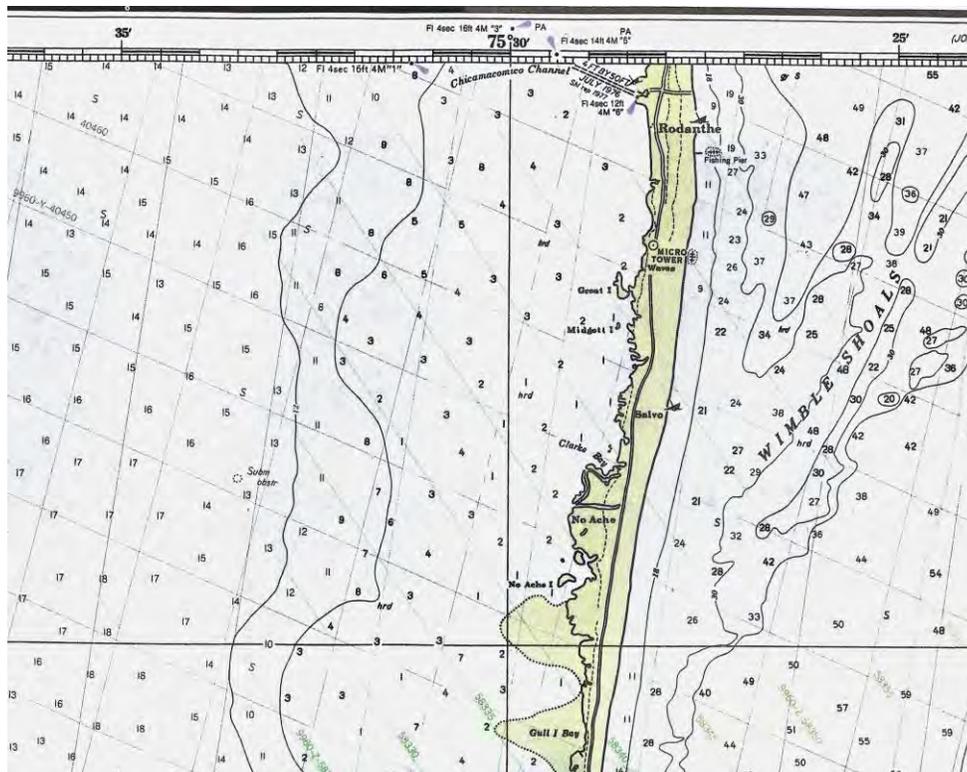
***“Five miles below Waves would be almost to Bald Beach. Five miles below Rodanthe would be about 2.5 miles below Waves and opposite Great Island.”***

Continuing with improper form, the inability of Babits' to interpret maps and use accurate scale determinations surfaced for air yet again and, once more, it eliminated any possible development of meaningful conclusions. Actually, the reported distance below Waves was arrived at in-between **No Ache** and **Dolphin Wreck** stations, nowhere close to Babits' calculated location. Five miles south of Waves was near where Jenkins Hammock ranged by the ocean, not **Bald Beach**. **Great Island** remained in Waves, not **“2.5 miles below Waves”**.

**Great Island** was another attribute for Colonel Hawkins placement of the fortifications. Its thick peat soils could be expeditiously mined for blocks to be placed within the walls of the fort, as was accomplished at Hatteras Inlet. The island was southwest of, close by and visible from the Waves site. More importantly, as represented on nautical charts, its broad, shallow waters would have effectively shielded the fortification's southwestern flank by hindering amphibious assaults from that vector. Allowing for a less than full compliment of heavy guns, which were scarce, this would enable the conceived fort to train its limited fire power to the north and to the west – the directions facing the enemy. Hawkins probably saw this as a means to effectively concentrate what would be his limited number of artillery pieces into the most vulnerable approaches of the fort; it was not by coincidence the amphibious assaults were launched from those identical directions.

Colonel Hawkins was cognizant his southern flank could be reinforced from Union troops garrisoned to his south and by gunboats from Hatteras Inlet. Meanwhile, the ships of the line patrolling in the 'Anaconda Plan' and large gunships, such as the *Monticello*, controlled the eastern flank as was effectively done on October the 5<sup>th</sup>. It was the delayed return of two gunboats aground in Hatteras Inlet, and a false assumption the troops were shielded by the shallow waters of Pamlico Sound, which left the camp vulnerable and victimized by the circumstances playing out just before the 20<sup>th</sup> Indiana's retreat.

The reported five miles below the Camp No Live Oak site in Rodanthe would place one on **No Ache Shoals**, another of many reasons the investigators should have realized their locations were not in agreement with those of the recorded events. Its broad, extensive shoals would have prevented any naval engagement from ever occurring there because it was the shallowest expanse of water on the island's soundside (*Exhibit 34*). A depth of only one foot extended westward for miles, making it impossible for any naval operations to be conducted there. This further demonstrated the inadequacy of interpreting maritime events using maps without first consulting charts before the report's *Conclusions* were formulated. It defied logic and was indicative of another insufficient capacity to advance the project. Also suggested was the "**movement of any sizeable group of men**" (p. 77) was restricted because of the sandy soils. Though soft sand was a burden, the 20<sup>th</sup> Indiana and the villages' elders, women, and children all managed to do it anyway during the "*Affair*". There was no need to review the subject's remaining six pages – its reasoning self-destructed from the lack of cartographic abilities and the incorrectly positioned sitings of reference points. Three more pages followed titled "**Principles of War**", which Covey dismissed as mostly more gratuitous padding and largely irrelevant to the project's objectives.



**Exhibit 34 – No Ache Shoals.** Vast expanses of extremely shallow water dominated the southern section of the chart making it the most improbable site for naval maneuvers in Chicamacomico's part of Pamlico Sound. In contradiction to Babits' and Riggs, Hatteras Island was once much wider as evidenced by the shoals and Coastal Survey maps.

## VI CONCLUSIONS

It was difficult to fathom an investigative report so overwhelmed with contradictions, errors, misrepresentations, obfuscations, and omissions. Babits' *Final Report* demonstrated a profound lack of familiarity with several relevant subjects. It was extremely loose with details, with its interpretations and those of others, and it suffered from an insufficient number of firsthand accounts. It contained instances of subjective reasoning, cited fabricated evidence, employed circuitous thinking, used specious logic, and indulged in unsubstantiated speculation. Also lacking was a thorough examination of several exhibits and resources, often ignoring contradictory evidence in the same resource cited. Some of the most important evidence furnished to the team was noticeably unrepresented.

The *Final Report* also revealed instances of poor methodology. It had simple mathematical errors rendering several investigative efforts almost entirely useless and it strayed far from its mission. It also relied on weak choices for literature citations and was heavily padded with considerable amounts of gratuitous passages previously authored by Babits. The reviewer felt the report did not have command of several aspects and was particularly incapable of resource interpretation, regardless of the material. This rendered the reports findings inconclusive at best and it possessed an extremely limited archaeological value. It also held a considerable amount of pertinent information unrecognized by the authors.

Conversely, despite an often demonstrated inability to interpret information accurately, the investigation obtained sub-surface evidence definitively proving Wenberg Ridge was manmade. It also positively exhibited signs of excavations. Although some of Babits' cited aerial photographs and the required site plan are yet to be forwarded, the 'better copy' of Coastal Survey T-367 provided conclusive evidence as well. It was consistent in all manners with recorded accounts and contained the necessary site components described by those recorded from 1861. The absence of representation for both Wenberg Ridge and Covey's Path on Coastal Survey map T-367 closed any debate concerning their nonexistence beforehand.

The NCDOT aerial photograph of 1962 distinctly displayed the perimeter of Daniel Midyett's agricultural impoundment and it was in complete agreement with Coastal Survey map T-367. The rosette representations of the two windmills immediately south of and close by Wenberg Ridge in 1852 were also consistent with those representing windmills on the other "T" maps of Hatteras Island. Additionally, the windmills relative locations about a decade before Camp Live Oak existed matched the recorded accounts.

Most importantly, Master Hotchkiss' nautical triangulation encompassing the Union encampment's position properly eliminated Rodanthe from all considerations concerning the Union encampment's location, while vigorously supporting a southern Chicamacomico location for the same. Likewise, for all comparisons between the investigated nautical charts and the information recorded regarding military actions in Pamlico Sound.

Both major supporting legs of the Oxford/Babits' Hypothesis previously discussed and listed below were proven to be false.

- ~ If Jethro Anderson Midyett ever owned Midyett's Mill, as the competing hypothesis is based on, then the aforementioned windmill could only have been in present day Waves. This decisively terminated any possibility for a Rodanthe location.
- ~ Since Wenberg Ridge had no striated layering, it was not natural. It had no requisite "*meandering ridge line*" nor any "*short, complex slopes*" inconsistent with each other, either; therefore it was manmade and consistent with Covey's Hypotheses.

Likewise, the Babits'/Riggs Hypothesis was proven to be equally meritless because of the following finding.

- ~ Since well over eighty percent of North Carolina's documented windmills were not utilized by surveyors as surveying stations, this minor secondary hypothesis was both invalidated and revealed to be totally without merit.

## **VII RECOMMENDATIONS**

The reviewer confessed he did not bother to read any further. There was no need to. Trying to make sense of what was submitted rendered any further input from Babits undesirable and meaningless beyond the forwarding of the aerial photographs discussed and the completed master site plan, as originally agreed upon and required for contract fulfillment.

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Appendix A1 – Grants for Daniel Midyett (1784) & Thomas Wallace (1739).

*States of North Carolina*  
 N<sup>o</sup> 49 Know ye that We have granted unto John Anderson for himself and  
 his heirs one acre of land in Currituck County the said North Carolina beginning  
 at a place standing in Alexander Whitehells line running south fifty  
 six degrees fifteen M. West twenty seven chains and twenty four links  
 then South East seven hundred and half chains North fifty six degrees  
 fifteen M. East twenty seven chains twenty five links thence to the  
 first Station To hold unto the said John Anderson his heirs and assigns  
 forever dated the 27<sup>th</sup> day of October 1784  
 J. Glasgow Secretary *Alleg. Martin*

*States of North Carolina*  
 N<sup>o</sup> 50 Know ye that We have granted unto Daniel Midyett for himself  
 and four acres of land in Currituck County the said North Carolina  
 beginning at a stake on the sound side of Daniel Conrains line East twenty  
 four chains to the sea then along the sea side south four and two  
 hundred and ten chains to Francis Peals line thence West thirty  
 four chains to the sound thence along the sound side to the first  
 Station To hold unto the said Daniel Midyett his heirs and assigns  
 forever dated the 27<sup>th</sup> day of October 1784  
 J. Glasgow Secretary *Alleg. Martin*

*States of North Carolina*  
 N<sup>o</sup> 51 Know ye that We have granted unto John Anderson for Daniel  
 Midyett

*504 acres*

George the Second &c. Know ye that we have given & Granted to Thomas  
 Wallace one hundred and fifty acres of land lying in Currituck County beginning  
 at the first place at a lockwood Cypress and running to a place called the  
 Well on the sound side in Chickamacock banks beginning at a cedar  
 stake bearing S. 2 W. 5 N. 6 1/2 poles to the low well then E. 150 poles to  
 a pine, then N. 95 W. to the lockwood cedar, then W. 12 poles to the  
 first Station. To hold unto the said Thomas Wallace his heirs and assigns  
 forever dated the 16<sup>th</sup> of February 1739  
 Geo: Johnston

George the second &c. Know ye that we have given & Granted to James Grant  
 six hundred and forty acres of land lying in Tyrrel County on the E. side of  
 Deepferry River beginning at a Laurel standing in the swamp in  
 Turkey Bluffs Bay & bounding on Deepferry River running thence

Appendix A2 – "End of the Hills Bay". The hills area today is **Sandy Ridge** on modern  
 Quadrangles, towards the south end of Pea Island Wildlife Refuge.

Isaac Farrow sells 50 acres to May 17, 185  
 Rodger Meekins. North of End of Hills Bay

Although the new map does not show the 1170000  
 but the original map shows the  
 Isaac Farrow to Roger Meekins

20th Christian People's whom Isaac Farrow sold some fruiting know for that Isaac Farrow  
 of the family of Quaker and ownership North Carolina for a number of years of land  
 passed to me in hand had before the building and building land by Roger Meekins of the  
 family and Isaac Farrow the said Roger Meekins of the family and Isaac Farrow of the  
 fully developed and contented and that of every part and piece thereof to be conveyed  
 of and divided of the said Roger Meekins his heirs executors administrators  
 parents have given grants Benjamin and Benjamin and Benjamin and by their  
 parents to fully paid and absolute give grant Benjamin and all Henry and Benjamin  
 and the said Roger Meekins and his heirs executors administrators and Benjamin  
 being on Quakerman's lands in the family of Benjamin at about at the End of the Hills  
 Bay running north by the line of the water to the contents of fifty acres of meadow from  
 to the said Roger Meekins Joseph Meekins and the said Benjamin and Benjamin  
 with the adjacent meadow of Quaker and Benjamin of the same Benjamin or many  
 more adjacent to him the said Roger Meekins and his heirs executors and the said  
 Isaac Farrow and some meadow and some of the Government and meadow and  
 open to and with the said Roger Meekins his heirs that before the building and that  
 = my hand for the true do and successful name of the said Benjamin Benjamin and  
 having in my self good right full power and successful authority - meadow

## APPENDIX B1 – Shell Castle Island.

North of Portsmouth Island in lower Pamlico Sound, it was once much larger and was the most valuable piece of real estate in North Carolina when port duties were collected there. Note the adjacent submerged wharf structures. They offer additional evidence of a rising sea level, which buttresses the argument that erosion is driven by this same rise in water levels. **Shell Castle** also had a windmill used for pumping fresh water that flowed from an aquifer below. Closer to the Portsmouth Island soundside was a vertically mounted pipe through which discharged, until recently being damaged, sulphur tainted water of an artesian well. Hatteras Village also had artesian wells and there is a freshwater outflow several miles offshore from Hatteras Point on the bottom of the Atlantic Ocean. It is evidenced by a large plume in the water (Personal communications; airplane pilot Dwight Burrus and several boat captains from the Hatteras fleet: 2012).



**APPENDIX B2 – Shell Castle Island’s submerged wharf.**



APPENDIX C1 – The "Sea Side Hills" of Hatteras: 1785.

Right full power and Lawfull authority to Grant Bargain Sell Convey and Confirm the Bargained premises  
 in Maner above D. & that the D. Ambros Beasley his heirs & assigns shall and may from time to time  
 and at all times forever here after by force and vertue of these presents Lawfully peaceably and quietly  
 have hold use Occupy possess and enjoy the D. Demise and Bargained premises with the Oppurtion  
 - ones free and clear and freely and clearly acquitted Conceded and Discharged from all & all manner of  
 former or other Gifts Grants Bargains Sales Leases Mortgages with Intails Forfeitures Dueses Judgments  
 Executions Innuerances and Intents. Furthermore the said William Beasley and for my self my heirs  
 Executors and Adm<sup>r</sup>. Do Covenant and Engage the above Demise premises to him the said Ambros  
 Beasley his heirs and assigns against the Lawfull Claims or Demands of any person or persons who  
 - soever forever here after to Warrant Demand and Defend the same hereunto us had let our hands and  
 Seals this third Day of April One thousand Seven hundred & Eighty Two

Witness our hands and Seals  
 Peter Newman Just

William W Beasley  
 Peter Newman

Sea Side Hills "Hatteras Banks"

Quitted County of Currituck June 1782. Pursuant to the Warrant full the justices  
 their Order of Sale from William Beasley wife to Ambros Beasley was made by the Court of Peter Newman in due  
 form ordered to be Registered  
 and according to and is Registered July the 10th 1782 - 100 lbs

Just Peter Newman Register

Page 21 of John Neal & wife to Christopher Neal 1782

1782

The State of North Carolina. To all to whom these presents shall come know ye that I John Neal Sen<sup>r</sup> of  
 the County of Hatteras Province afd. for and in consideration of the sum of one hundred pounds Lawfull  
 Money of this State to me in hand paid by Christopher Neal Sen<sup>r</sup> the Receipt whereof I do hereby acknowledge  
 - and my self therewith to be fully satisfied Contented and paid have Bargained & Sold and  
 by these presents do Grant alien Enfee and Condemn to the D. Christopher Neal Sen<sup>r</sup> his heirs  
 Ex<sup>r</sup>. adm<sup>r</sup>. and assigns eighty acres of Land lying and being in Hatteras Banks and Currituck  
 County Beginning at the mouth of Kingfishers Creek and running the various Courses of the D. Sea  
 & then S. E. to the Sea Eighty and then N. E. also four acres will contain Eighty acres and then N. E.  
 to the Sound and then with the barings of the Sound to the first Station with all Edifices and all  
 appertinences belonging to the said piece or parcel of Land 10000 and to hold the above  
 Granted and all the said premises to him the said Christopher Neal and his heirs Ex<sup>r</sup>. adm<sup>r</sup>.  
 or assigns for ever to his and their proper use benefit and behoof fully and clearly the State Dues  
 only excepted and paid for the John Neal do Covenant and agree to and for my self my heirs Ex<sup>r</sup>.  
 adm<sup>r</sup>. to Warrant the Sale of the above mentioned Land and premises as unto the D. Christopher Neal  
 his heirs and assigns against all person or persons saying any Claim to the said piece of Land.  
 Witness whereof I have hereunto set my hand and seal this 25th Day of March & in the sixth year  
 of our American independency. one thousand Seven hundred & Eighty Two

Loaned Over

John O'Neal to Christopher  
 Hatteras Banks



APPENDIX C3 – Little Nicodemus' widow, Efrica, et al, sell their portion of the "Sea Side Hills" of Chicamacomico in 1937.

Recorded February 8th, 1937.

Melvin R. Daniels  
Melvin R. Daniels, Registrar.

(Deed-Efrica Midgett et al, To T.T.Lane)

Feb 10, 1937

North Carolina Dare County;

This Deed, made this 10th day of February A.D. 1937 by Efrica Midgett, (Widow), Annie Midgett, (Unmarried), Mordecia Midgett (Unmarried), Ersie Midgett and husband Theo.S.Midgett of Dare County and State of North Carolina of the first part, to T.T.Lane of \_\_\_\_\_ County and State of New Jersey of the second part; "WITNESSETH"

That said Efrica Midgett, Annie Midgett, Mordecia Midgett, Ersie Midgett and husband Theo.S.Midgett, in consideration of One Hundred & 00/100 Dollars and other valuable consideration to them paid by T.T.Lane the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey to said T.T.Lane, his heirs and assigns, a certain tract or parcel of land in Dare County, State of North Carolina, adjoining the lands of J.M.Midgett and others, and bounded as follows, viz;

*South of J.A. Midgett  
"To the Hills"*

All that certain tract of land lying and being in Kennekeet Township, Dare County, North Carolina, adjoining the lands of J.M.Midgett, J.A.Midgett, G.B.Midgett Estate and others and bounded as follows; Beginning at G.B.Midgett's (deceased) South line at the telegraph poles, and running thence an Eastwardly course along G.B.Midgett's (deceased) South line to the sea; thence running a Southerly course along the Sea to J.M.Midgett's North line; thence a Westerly course along the North line of J.M.Midgett's **to the hills**; thence a Northerly course along the hills to J.A.Midgett's South line; thence running a West-erly course along J.M.Midgett's North line to the poles; thence a Northerly course along the poles to the place of beginning, containing 61.6 acres. Same being a part of the lands deeded to Jethro A.Midgett on July 2, 1883 and duly recorded in the Register of Deeds Office of Dare County in Book "B", page 109.

To Have and To Hold the aforesaid tract or parcel of land, and all privileges and appurtenances thereto belonging, to the said T.T.Lane, h/ his heirs and assigns, to their only use and behoof forever. And the said Efrica Midgett, Annie Midgett, Mordecia Midgett, Ersie Midgett and husband Theo.S.Midgett for themselves and their heirs, executors and administrators covenant with said T.T.Lane, his heirs and assigns, that they are seized of said premises in fee and have right to convey in fee simple; that the same are free and clear from all encumbrances, and that they do hereby forever warrant and will forever defend the said title to the same against the claims of all persons whomsoever. In Testimony Whereof, the said Efrica Midgett, Annie Midgett, Mordecia Midgett, Ersie Midgett and husband Theo.S. Midgett have hereunto set their hands and seals, the day and year first above written.

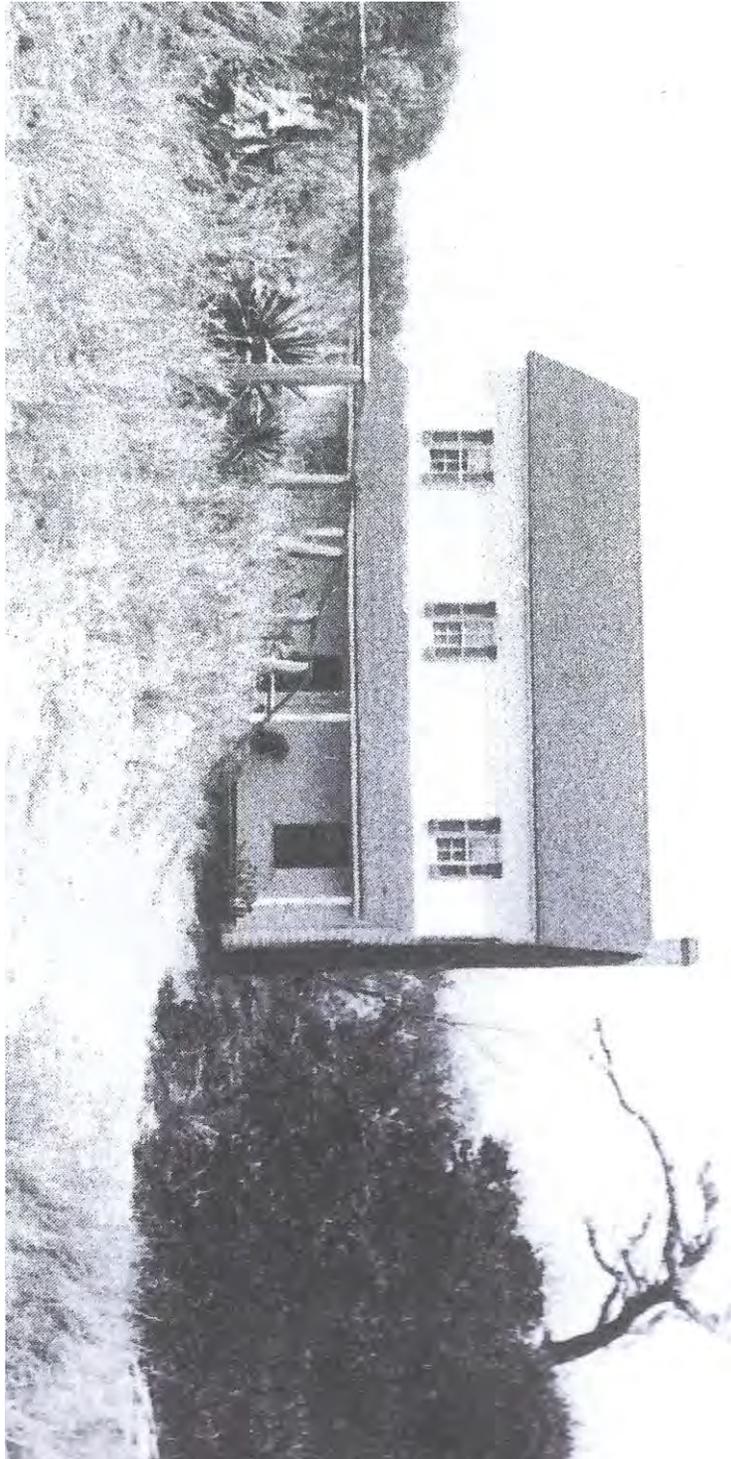
(STAMP 50¢)

her  
Efrica X Midgett, (SEAL)  
mark  
Annie Midgett, (SEAL)  
Mordecia Midgett, (SEAL)  
Ersie Midgett, (SEAL)  
Theodore S.Midgett, (SEAL)

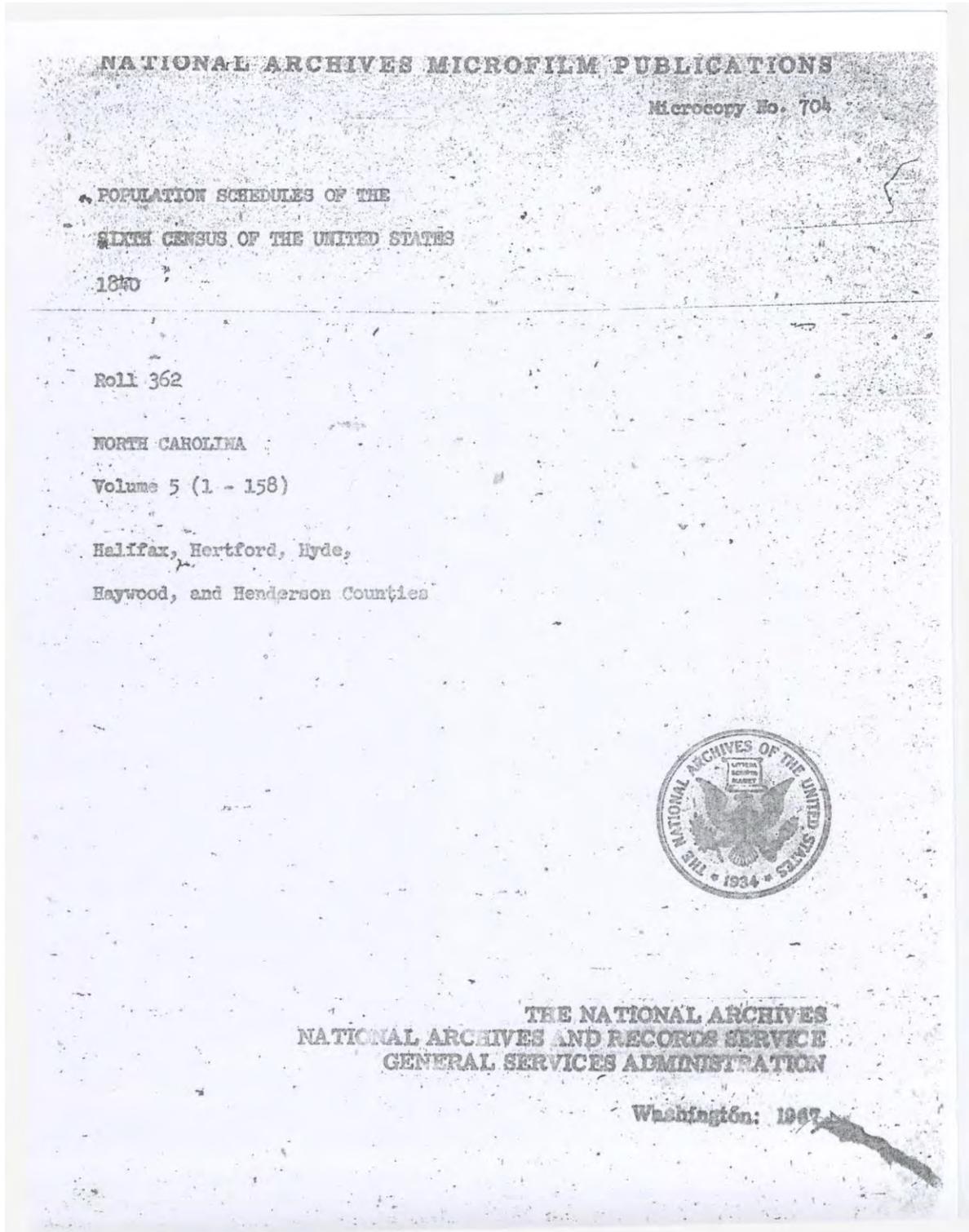
Attest; C.P.Midgett.

OVER

**APPENDIX D** – The Zion Midyett House - 1955 (Dunbar: 1958). The gap in Wenberg Ridge on the right was presumably left open for the transit of material necessary for the construction of the fortification walls. A concrete walkway to the house was later added for access. It was further stabilized by a retaining wall in the modern era and its backfill was unnecessarily examined by GPR.



**APPENDIX E1** – US Census: 1840 Hyde County cited by Babits' to support its position. In contradiction to the *Final Report*, occupations were not listed in America as reported until the following US Census of 1850, a decade later than the erroneous information offers.



**APPENDIX E2** – Babits' cites this census for sequential listings of Daniel Midyett, Clim Sadler and D. B. Taylor as neighbors and Hatteras Island's millers (**P. 10**). The listing is of the Hyde County mainland, not Hatteras Island and Sadler is not included with the others as reported. D. B. Taylor did not exist.

| OF HEADS OF FAMILIES. |              |               |               |               |               |               |               |
|-----------------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Under 5               | 5 & under 10 | 10 & under 15 | 15 & under 20 | 20 & under 30 | 30 & under 40 | 40 & under 50 | 50 & under 60 |
|                       | 1            |               | 2             | 1             |               |               |               |
|                       | 1            |               |               | 2             |               |               |               |
| 1                     |              |               |               |               |               |               | 0             |
|                       |              |               |               |               | 1             |               |               |
|                       |              |               |               | 1             |               |               |               |
|                       |              |               |               | 1             |               |               |               |
| 1                     | 2            |               | 1             |               |               |               |               |
|                       | 1            |               |               |               |               |               |               |
| 1                     |              |               |               |               |               | 1             |               |
| 1                     |              |               |               |               |               | 1             |               |
|                       |              |               | 1             |               |               |               |               |
| 0                     |              |               |               |               |               | 1             |               |
|                       | 1            | 1             |               |               |               | 1             |               |
|                       |              | 1             | 2             | 2             |               |               |               |

**APPENDIX E3** – The was bottom half of the sheet for Clim Sadler’s & Daniel Midyett’s 1840 census listing. The Daniel Midyett listed is an older fisherman from the mainland, not the younger miller from Hatteras Island.

|               |   |   |   |   |   |   |   |
|---------------|---|---|---|---|---|---|---|
| Mich. Lenton  |   |   |   | 1 |   |   |   |
| Clim Sadler   | 0 |   |   |   |   |   | 1 |
| Geo. Pugh     |   | 1 | 1 |   |   |   | 1 |
| Reb. Pain     |   |   | 1 | 2 | 2 |   |   |
| M. Douglas    |   | 2 | 1 |   | 1 |   |   |
| Mr. White     | 1 |   | 1 |   |   |   | 1 |
| Celia Pugh    |   |   |   | 1 |   |   | 1 |
| Mary Hall     |   |   |   |   |   | 1 |   |
| B. Hall       | 1 |   |   |   |   | 1 | 0 |
| J. Pain       | 1 |   |   |   |   |   | 1 |
| Geo. Neal     | 2 | 1 |   |   |   | 1 |   |
| Wm. Pugh      |   | 1 |   |   |   | 1 |   |
| Mr. Midyett   | 1 | 2 | 2 |   |   |   | 1 |
| Dan. Midyett  | 2 | 1 | 1 |   |   |   | 1 |
| Ben. Mitchell |   |   |   |   |   | 1 | 1 |
| O. O. Neal    |   | 0 | 1 | 0 |   |   | 1 |
| Brady Easter  |   |   |   |   |   |   |   |
| John Bell     |   |   | 1 | 1 | 1 |   |   |

APPENDIX F1 – US Census: 1850 – Chicamacomico listing of Daniel S. Midyett, a 39-year old miller.

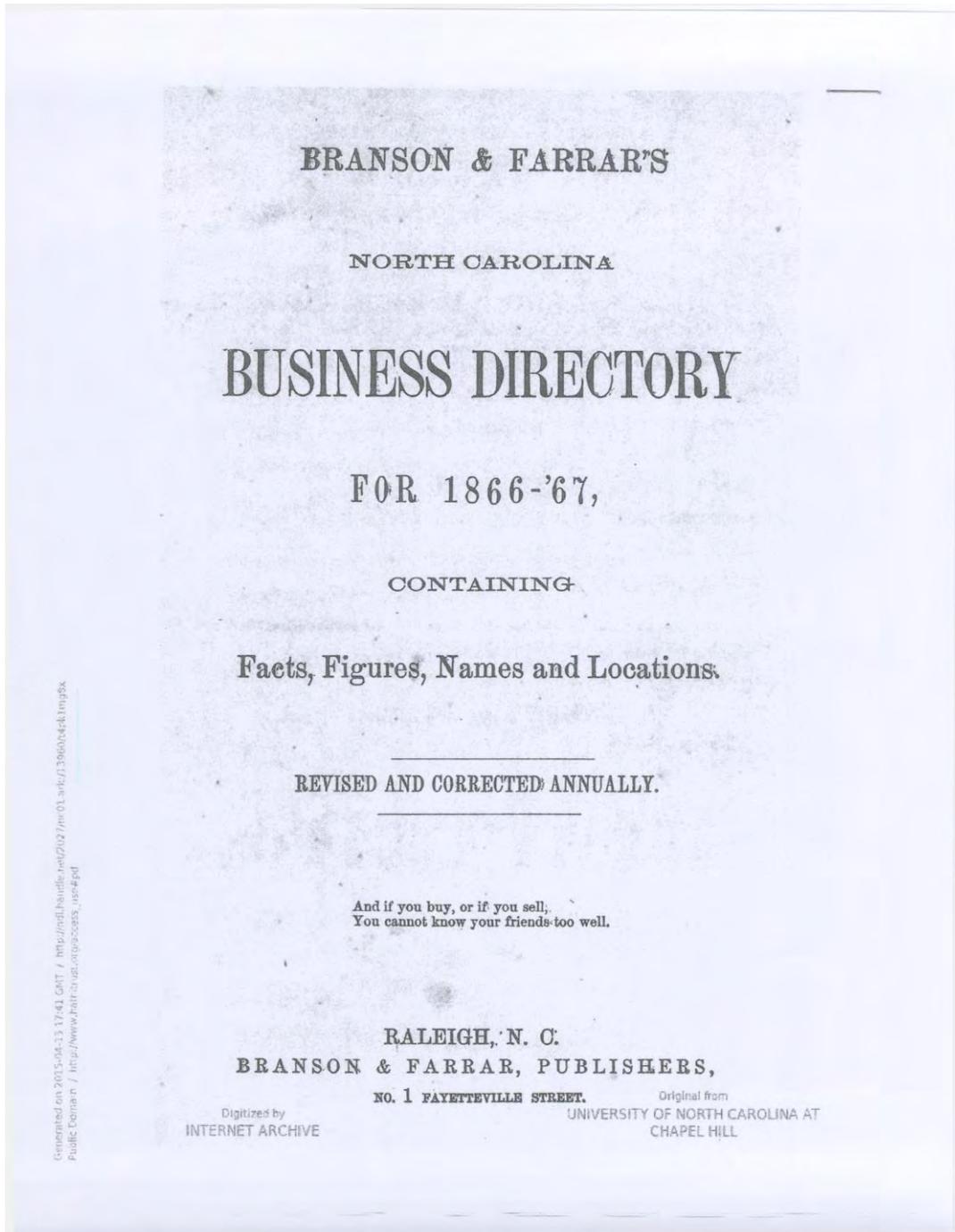
|    |                      |      |           |     |   |    |
|----|----------------------|------|-----------|-----|---|----|
| 16 | Anthony Gray         | 34 M | Fisherman |     | " |    |
| 17 | Joseph Gray          | 31 M | Fisherman |     | " |    |
| 18 | John Gray            | 20 M | Fisherman |     | " |    |
| 19 | David Gray 1807      | 43 M | Fisherman | 150 | " | 17 |
| 20 | Rhoda Gray           | 42 F |           |     | " |    |
| 21 | David Gray           | 3 M  |           |     | " |    |
| 22 | Walter D. Gray       | 19 M | Fisherman |     | " |    |
| 23 | Benjamin M. Gray     | 17 M | Fisherman |     | " |    |
| 24 | Rebecca Gray         | 12 F |           |     | " |    |
| 25 | Anthony G. Gray      | 9 M  |           |     | " |    |
| 26 | Ann M. Midyett       | 43 M | Yeoman    | 150 | " | 18 |
| 27 | Calvin M. Midyett    | 39 M |           |     | " |    |
| 28 | John M. Midyett      | 18 M |           |     | " |    |
| 29 | Samuel G. Midyett    | 17 M |           |     | " |    |
| 30 | Elizabeth A. Midyett | 15 F |           |     | " |    |
| 31 | Edward D. Midyett    | 12 M |           |     | " |    |
| 32 | Riley D. Midyett     | 7 M  |           |     | " |    |
| 33 | Andrew Midyett       | 6 M  |           |     | " |    |
| 34 | Barbara Midyett      | 6 F  |           |     | " |    |
| 35 | John P. Midyett      | 2 M  |           |     | " |    |
| 36 | Martha D. Gray       | 10 F |           |     | " |    |
| 37 | John P. Midyett      | 39 M |           |     | " |    |
| 38 | Elizabeth Midyett    | 25 F |           |     | " | 19 |
| 39 | William Midyett      | 21 M |           |     | " |    |

6-22





**APPENDIX H1** – This is the actual reference for Babits’ non-existent business citation for the millers of Chicamacomico. The authors & publisher are errantly listed and Jethro A. Midyett and Ignatious Scarborough are mistakenly named by Babits’ as being listed in the directory (p. 11) on pages 80-81 (Appendix H2 & H3). However, neither Midyetts nor Scarboroughs are listed anywhere in the entire directory. Jethro died in 1866 and plantation mills were not listed in Business Directories (Tudor: 1980).



**BRANSON & FARRAR,**

80

Hawley, O. F., Blockersville.  
Huggins, W. T., S. E. corner Market and 2nd streets, Wil-  
minton.  
Heyer & Ulrich, Water street, Wilmington.  
Hutchins, C. W. D. & Bro., Masonic Hall Building, Ral-  
eigh.  
Lett, J. W., Person street, Fayetteville.  
Lougee, Augustus H., Wilmington street, Raleigh.  
Morse, A. H. Concord.  
McDonald, Harris & Co., Concord.  
Misenheimer, J., Mt. Pleasant.  
Nutall, J. O. H., with DeW. C. Benbow, Concord.  
Phifer, D. R. & J. L., “  
Pool, J. M. & Uzzle, Morgan street, Raleigh.  
Putney, Mrs., market square, Raleigh.  
Peck, L. W., Wilmington street, Raleigh.  
Rankin, W. D. & Co., Asheville.  
Rogers, James W., Hargett street, Raleigh.  
Sorrell, A., Wilmington street, “  
Tienkein & Bauman, 22 and 24 Front street, Wilmington.  
Upchurch, W., market square, Raleigh.  
Weill & Co., 13 Market street, Wilmington.  
York & Fitzgerald, Concord.  
Adrien & Vollers, S. E. corner Dock and Front streets,  
Wilmington.  
Ford, F. J., Wilmington.

---

**DRY GOODS.**

Aaron, David & Co., Market street, Wilmington.  
Aaron & Rheinstein, wholesale and retail, Wilmington.  
Arnold & Co., Wadesboro.  
Auderson, John H., Fayetteville.  
Angier, M. A., Durham's.  
Benbow, DeW. C., Greensboro.  
Brown, Parks & Co., Hillsboro.  
Barnes & Farmer, Wilson.  
Barnes & Moore, “  
Beasley, J. Q., Greensboro.  
Barringer & Wolfe, Charlotte.  
Brem, T. H., “

**APPENDIX H3 – Page 81 of *Branson & Farrar's* cited by Babits'. Babits' listings of both Midyetts and Scarboroughs are fictitious.**

**Publishers of the Dixie Series**

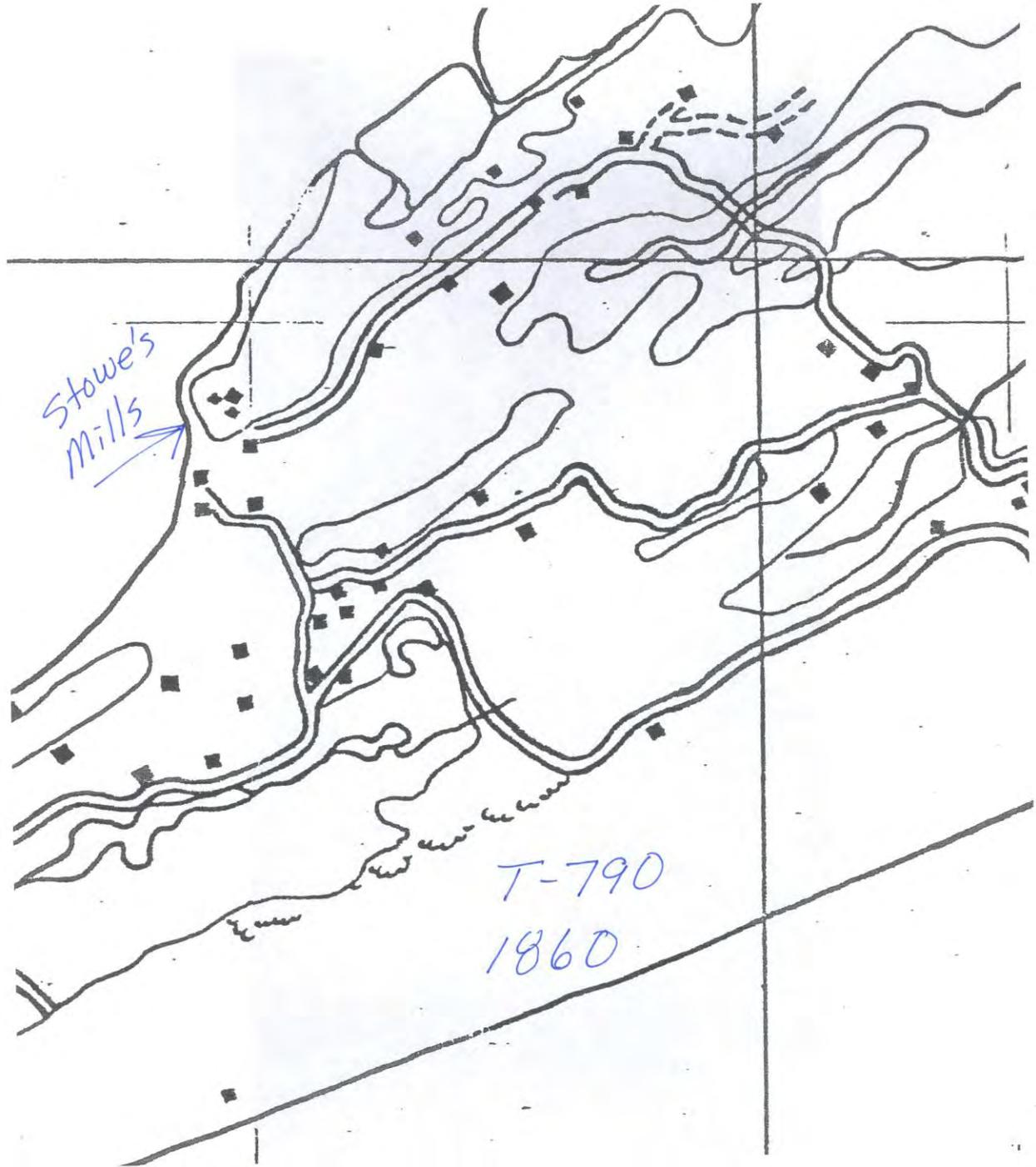
81

Buxbaum & Rosseler, Charlotte.  
Bradshaw, Brown & Co., Salisbury.  
Brown & Thomas, Louisburg.  
Blumenthall, S. & Co., corner Front and Market streets,  
Wilmington.  
Bauer, F. L., 23 Market street, Wilmington.  
Barrow & Yarborough, Louisburg.  
Bradley & Baldwin, (near) Rockingham.  
Bell & Chadwick, Beaufort.  
Barden & Bro., Clinton.  
Blount, R. H., Wilson.  
Burwell & Parham, Henderson.  
Broyles, W. & E. A., Asheville.  
Burgin, Kerr & Summey, Asheville.  
Brem, Brown & Co., Charlotte.  
Brown, J. L. & Co., “  
Belo, E., Salem.  
Beasley, J. Q., Greensboro.  
Boger & Carlton, Statesville.  
Charlotte, S. W., Beaufort.  
Carr & Bland, New Hanover county.  
Campbell, George J., Newbern.  
Cooke, George T., Fayetteville street, Raleigh.  
Cobb, J. & G., Sparta.  
Creech, A., corner Fayetteville and Hargett streets, Raleigh.  
Cotton, R. R., Tarboro.  
Crawford & Co., Salisbury.  
Conrad & Eccles, Statesville.  
Canaday, Thomas, Beaufort.  
Cobb, J. T., Smithfield.  
Cobb & Parker, Smithfield.  
Carmer, J. R., Tarboro.  
Carlisle, Thomas N., Louisburg.  
Carrington, D. C., Goldsboro.  
Carson & Wallace, Statesville.  
Carr & Cheek, Durhams.  
David, A. & Co., 53 Market street, Wilmington.  
Dawson, John, 19 and 21, Market street, Wilmington.  
Dodd, J., Hay street, Fayetteville.  
Davis, J. B., Wilson.  
Daniel & Tredwell, Wilson.  
Dozier & Bro., Tarboro.  
Drake, E. B., Statesville.  
Douthitt, Eccles & Co., Statesville.

6



**APPENDIX J** – Stowe’s Mills: 1860. Coastal Survey T-790. The mills shown are drawn on Farquhar’s map (1864) and described by Johnson (1911), but were not used as stations in any of Bache’s Survey maps – contrary to Babits’ and Riggs interpretations.



APPENDIX K1 – "Running by a Line of Trees". Henry Creed, Currituck County: 1784.

Page 211 of Henry Creed's wife to John Simmons

This Deed indented and made this 22<sup>nd</sup> Day of January 1784 Between Henry Creed of the County of Currituck and in the State of North Carolina of the one part & John Simmons of the County afo<sup>r</sup> of the other part Witnesseth that I the said Henry Creed with Dinah my wife for and in consideration of fifteen pounds a piece we in hand paid by the aforesaid John Simmons the Receipt whereof we do hereby acknowledge & our selves through & thro' the contents and paid one every part and parcel thereof one I do solemnly swear and discharge the aforesaid John Simmons him his heirs Executors and Administrators forever and by their presents have given granted conveyed sold all and singular and confirmed and by their presents do hereby fully and absolutely give grant bargain sell all and singular and confirmed unto the said John Simmons his heirs and assigns for ever one certain piece or parcel of Land lying and being in the County aforesaid and bounded as followeth Beginning at a Oak of former trees of the said Land then running by a line of marked trees that parts the aforesaid Land & the Land where the said Land now lies is wholly standing in the Line of the afo<sup>r</sup> John Simmons said now in the possession of James Sharpe then running along that line to a small former tree of James By - nees line to the first station the same being a certain piece of Land more or less whereunto the said John Simmons and his heirs and assigns with the appurtenances and privileges and Commodities to the same belonging or in any ways appertaining to him the said John Simmons to him & his heirs and assigns for ever to her and their only proper use benefit and behoof forever and I the said Henry Creed with Dinah my wife for us our heirs Executors and Administrators do Covenant promise & grant to and with the said John Simmons to him his heirs and assigns that before the Renewing and Dis - cussing here of that we are the true and Lawfull owners of the above Bargained premises & have in our selves a good Right full power and Lawfull authority to give grant bargain sell and convey the same with all and singular as afo<sup>r</sup> to John Simmons to him his heirs and assigns for ever and we the said Henry Creed with Dinah my wife for our selves our heirs Executors Administrators do Co - venant and engage the above Bargained premises to him the said John Simmons to him and his heirs and assigns for ever against the Lawfull Claim or Demand of any person or persons what so - ever to witte that we have hereunto set our hands and affixed our Seals this Day and Date afo<sup>r</sup> signed Sealed & Delivered in the presence of us wif. & afo<sup>r</sup>

Henry Creed  
Dinah Creed

John Simmons

Exam. Taken before John Simmons of Currituck County

Currituck County 1<sup>st</sup> March 1784 Present the Justices. This Deed of sale from Henry Creed & wife Dinah to John Simmons was acknowledged in Open Court one at the same time Dinah Creed was examined before John Simmons one of the Justices of said County and found the Proceed Registered according to order is Regis<sup>r</sup> tized this 26<sup>th</sup> 1784

John W. Currier  
Clerk

Page 211 of William Menden to John Woodard

This Indenture made this 4<sup>th</sup> Day of March One Thousand Seven hundred and Eighty four Between William Menden and Anne Menden his wife of the County of Currituck some of the one part and John Woodard of the said County of the other part Witnesseth that for and in consideration of the sum of Twelve pounds Lawfull money of Virginia to the said William Menden & Anne his wife in hand paid by John Woodard





APPENDIX K4 - "By a Line of Marked Trees". William Simmons, Currituck County: 1801.

and Lastly he the said Thomas Stowe and his heirs all and singular the premises hereby Bargained and sold with the appurtenances unto the said William Ballance his heirs and assigns against <sup>him</sup> the said Tho: Stowe his heirs and all and every other person or persons whatsoever shall and will warrant and forever defend by these presents. In Witnes whereof he the said Thomas Stowe: have hereunto set his hand and seal the Day and Year first above Written.

N.B. The ward: Granted: was Intended before assigned also the ward: to was Intended before assigned; Signed sealed and Delivered in the presence of - - - - - Thomas <sup>his</sup> Stowe <sup>mark</sup>

John Woodard  
Wm Guidley  
Marth Woodard  
Samuel Soary  
mark

Currituck County: August Term 1801  
This Deed of Sale from Thomas Stowe to William Ballance was proved by the Oath of William Guidley in open Court in

Due form of Law and ordered to be Registered: Just T. Batten of Col. Va  
According to order is Registered October the 1<sup>st</sup> Day 1801  
Just William Strain go Pub: Register

This Indenture made &c this Eight Day of July in the Year of our Lord one Thousand Eight Hundred and one Between William Simmons of the County of Currituck and State of North Carolina of the one part and Richard Jarvis of the County of Currituck and State of N.C. of the other part Witnesseth that the said William Simmons for and In consideration of the sum of two Thousand Silver Dollars to me in hand paid and to be paid the Receipt whereof is hereby acknowledged & my self therewith fully satisfied & paid have Granted Bargained and sold and do by these presents Grant bargain sell all in enfeoff convey, and confirm unto him the said Richard Jarvis his heirs and assigns forever a certain piece or parcel of Land lying and being in the County of Currituck Bounded as follows: Begin-  
-ing at an ash instead of a chestnut Oak the Beginning of Absolom Legittes patent in David Legittes line then Running along Absolom Legittes patent line by a line of marked trees fifty & half chain to a black Gum Samuel Fur-  
-ibees corner in the Run then along the Stream of the Run then to a haw tree William Glasgows corner then along his line & the patent line to a white Oak stump Willoughby Dauges corner then along an old line of marked trees to the first Station containing two hundred and fifty acres of Land be the same more or less To have and to hold the above Bargained & bounded Land and premises with all the appurtenances thereto belonging / carried over &c

**APPENDIX L1** - Cleaning up the Wenberg Ridge cemetery - Joseph K Schwarzer, Mel Covey & William Schwarzer: 2000. Note the headstone for Little Nicodemus "L. N. " Midyett (Died: 1901) in the foreground.



Photograph taken by Jackie Wenberg

**APPENDIX L2** – Reverse of previous photograph. Sincere apologies to my dear friends for mangling the spelling of their last name. It was early in our friendship, but still inexcusable. Fortunately for the project, I had finally begun to comply with the wise practice of labeling materials instilled in me at OBHC. However, the use of ballpoint pens (place & date) or felt tip pens (additional information) is not the best practice. I am told they should be in pencil.

Waves, NC – 1 April 2000

L.N. Midgett - grave site

Joe Swarzer

Myself

Joe's son William

taken by Jackie Wenberg

at her front yard

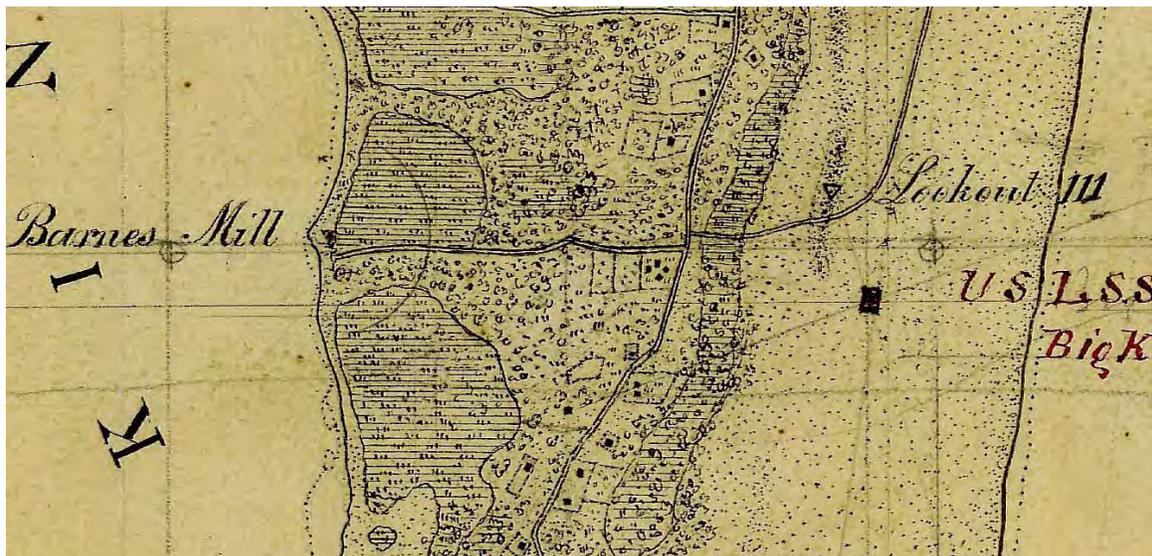


**APPENDIX M1 – Barnes Mill, South Kinnakeet; T-377: 1852.**

These enlargements are good examples of the cartographic practice of using ‘rosettes’ to represent windmills on Bache’s Coastal Surveys. Although a complete search of the land records for a connection between a Mr. Barnes and this windmill is incomplete, it may be yet another geographical error which seem to plague these references. For a fuller understanding of how some mistakes were initially generated, it is instructive to examine the nomenclature implemented for naming the Survey Stations. They are descriptive and colorful. It is quite conceivable that a Barnes lived close by or ran the mill for its owner.

There was another Station also called Barnes, but it was located a few miles to the north near Little Kinnakeet. This coincides with the 1850 census listing of a John Barnes there; he heads the list of Kinnakeet entries and his would be the first residence encountered by the census taker as he headed south that day from ‘Miss Kitty’s Landing’ below Chicamacomico. He is possibly the victim in the reported story of a man similarly named who was shot in the back by Union troops while rushing to his mother’s home for her protection. John Barnes (there were at least four males at that time with the same name) was said to be deaf and therefore unable to hear the soldier’s order to halt. This story has been recounted multiple times, but its best telling might be found in Williams’ (1975) offering. However, Williams’ information on Barnes’ wooden grave marker eliminates the 20<sup>th</sup> Indiana from being the perpetrators of the tragedy. The Indiana Volunteers arrived weeks after his death. John Barnes was not listed as being deaf in the census, yet others of his village were.

More likely it involved the 20<sup>th</sup> New York Regiment, instead, who were implicated in much controversial pillaging on the island according to the recorded consternation of Col. Rush Hawkins. This 20<sup>th</sup> was the ‘Germanic’ Regiment. Did the elderly John Barnes die that day, not because he was deaf, but perhaps because he was possibly hard of hearing and the command given was in German, instead? Note the USS Life Saving Station’s bearing line.



**Appendix M2 – Barnes Mill Enlargement, South Kinnakeet; T-377: 1852.**



Note the 'rosette' icon inscribed within the triangle marking the survey station of **Barnes Mills**. It is representative of cartographic imagery for windmills on Coastal Survey maps.

the said Banister died ..., leaving a large personal estate"

State of North Carolina }  
Hyde County }

Court of Pleas and  
Quarter Sessions Term 1841

The petition of Charlotte Midyett, widow and relict of Banister Midyett deceased, who died during the recess between this and the last Court, shews to the Court, that the said Banister died intestate at said County, leaving a large personal estate, and her of her Petitioner & her family surviving. That as his surviving widow she is entitled to have allotted to her out of her deceased husband's estate, viz his stock crop & provisions, so much thereof as will be sufficient for the necessary support of her and her family if or one year: Also one bed & its necessary furniture, one wheel and pair of Carts. She prays that the Court will appoint one Justice of the Peace & three freeholders, namely Selby Muckim Isaac L Farrow, Abram Farrow & William Withington, to view the estate of her said husband, and to set off and allot to her the same & if there be not sufficient on hand of said crop stock and provisions, to set off the same to her, then that they appraise the value of such year provision or of the deficiency & return the same under their hands and seals to the next Court, they having first been duly sworn to do Justice between her and those interested in said estate in this behalf & she will ever pray

Charlotte Midyett  
by M Shaw her atty



**APPENDIX O1** – Side view of the Kinnakeet millstone.



**APPENDIX O2** – Side view displaying stone masons engravings. This other stone was nearby.



**APPENDIX O3** – Broken gristmill stone at the same residence in Avon Village – 4 ft. diameter



**APPENDIX 04** – Close up of the mill stone’s keyway. Its center bore has been wallowed out into an elliptical shape enlarged to approximately 6 ½ inches in diameter.



**APPENDIX P1 – Covey's request to NOAA for a possible original, unaltered copy of T-367.**

CenturyLink Webmail

ewoj1132@embarqmail.com

**Re: T-367**

**From :** EARL O'NEAL <ewoj1132@embarqmail.com> Tue, Oct 29, 2013 05:20 PM  
**Subject :** Re: T-367

**To :** John Cloud - NOAA Affiliate  
<john.cloud@noaa.gov>

John:

Mel said to thank you, for the help. However, this is the same version of the map which we had down loaded.

This version has all been changed to up date it and has things added after the original 1852 was prepared.

If we can't get an original copy, then maybe there is another map of the area before the CW in 1861?

Any way we want to thank you again for your efforts.

Earl

----- Original Message -----

From: "John Cloud - NOAA Affiliate" <john.cloud@noaa.gov>  
To: ewoj1132@embarqmail.com  
Cc: "John Cloud" <John.Cloud@noaa.gov>  
Sent: Tuesday, October 29, 2013 2:02:14 PM  
Subject: T-367

Here is a lower-resolution crop from our scan of the 1852 T-367, cropped to Chicamicomico Island. Is this what you are after?

--

John Cloud  
NOAA Historian  
of the Coast and Geodetic Survey  
NOAA Central Library  
John.Cloud@noaa.gov  
301-713-2607, ext. 126  
202-277-4931 cell

**APPENDIX P2** – NOAA Affiliated Map Historian John Cloud’s terse response to Covey’s request. Compare this to *Exhibit 21* and its associated narrative.

**Webmail**

**ewoj1132@embarqmail.com**

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**Re: T-367**

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**From :** John Cloud - NOAA Affiliate  
<john.cloud@noaa.gov>

Wed, Oct 30, 2013 09:49 AM

**Subject :** Re: T-367

**To :** EARL O'NEAL <ewoj1132@embarqmail.com>

Re: This version has all been changed to up date it and has things added after the original 1852 was prepared. If we can't get an original copy, then maybe there is another map of the area before the CW in 1861?

I'm afraid you don't really understand how the T-sheets work. That was and is the original 1852 T-sheet. It was updated in 1857, as it says, and the datum marks were added in the 1930s to bring it into NAD 23 national datum. you can search all you want, but you'll never find another "original copy" as that is the original.

Good luck in future endeavors.

--  
John Cloud  
NOAA Historian  
of the Coast and Geodetic Survey  
NOAA Central Library  
John.Cloud@noaa.gov  
301-713-2607, ext. 126  
202-277-4931 cell

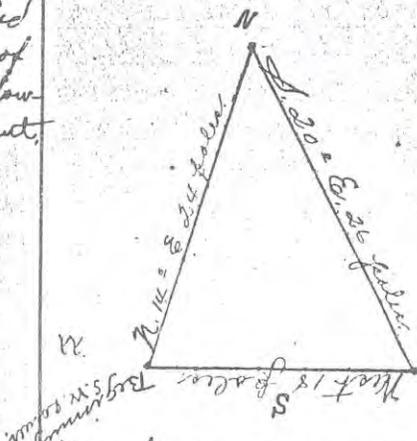
APPENDIX Q – David Pugh's grant for Noache (No Ache) Island: 1897.

Record of Deed  
Book - F

412

Noache Island 1897

Plot and  
Survey of  
the follow-  
ing tract.



I hereby certify that the above plot is of Noache Island, in the waters of Pamlico Sound, plotted by a scale of 8 poles to the inch, and ~~and~~ surveyed by authority of a warrant directed to me bearing date of entry 10th day of November 1897, and No 67, page 39; also by order of the Register of Deeds of Dare County,

North Carolina, to me as County Surveyor of said County. This plot represents one acre  $13/32$  part ( $1\frac{1}{32}$ ) of marsh land in Kinnakeet Township, Dare County, N.C. lying southward of Rodanthe Postoffice, between Rodanthe and Cedar Hammock Island, and bounded as follows: Beginning at the southwest point of Noache Island at the Pamlico Sound, thence following the various courses of the water North  $14^{\circ}$  East 24 poles to the North point, thence South  $20^{\circ}$  East 26 poles to point, thence West 18 poles to the first station, or beginning. Surveyed by me for David M. Pugh this Oct. 10 day 1897.

Chain } R. S. Midgett, Jr.  
Bearers } G. D. Midgett

P. Scarborough,  
Co. Surveyor.

copy  
State of North Carolina  
Know Ye, that we, for and in consideration of the sum of twelve and one half cents, Grant for every acre hereby granted, and paid into the Treasury on twenty second day of October, 1898, by David M. Pugh have given and granted, and by these presents do give and grant unto the said

**APPENDIX R1-** Enlargement of NCDOT aerial photograph, Waves: March 14, 1962.



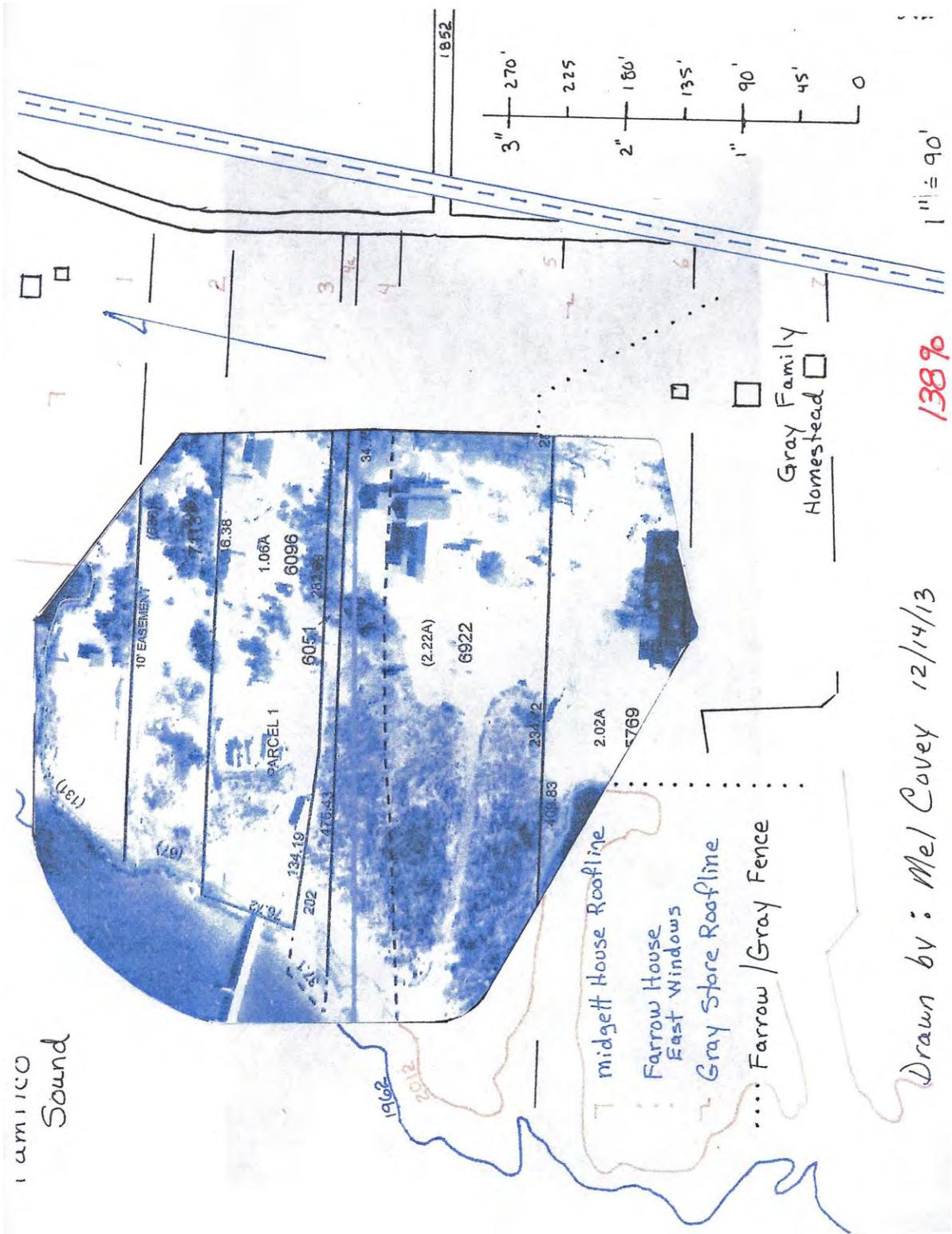
**APPENDIX R2** – Fortification sketch overlaid on 1962 aerial. Note position of the no longer extant perpendicular ocean access road, **Highway 12**, and the faint, parallel, numbered land parcels. Of particular importance is the southern wall, Covey's Path in the center and Babits' Cow Well in the northwest corner of the 3-acre fortification/impoundment.



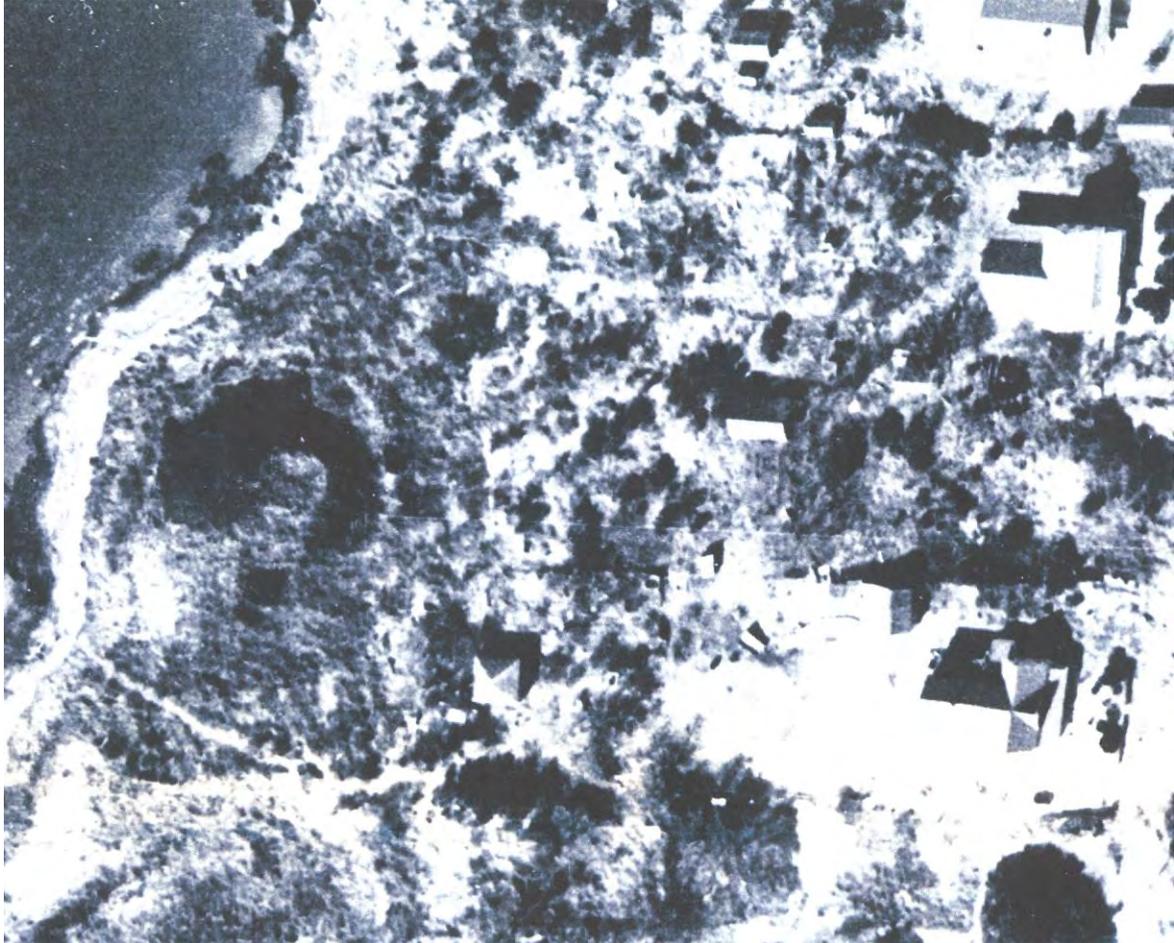
Drawn by: Mel Covey 12/14/13



APPENDIX R4 – Fortification sketch overlaid on Dare County Tax map of 2013.



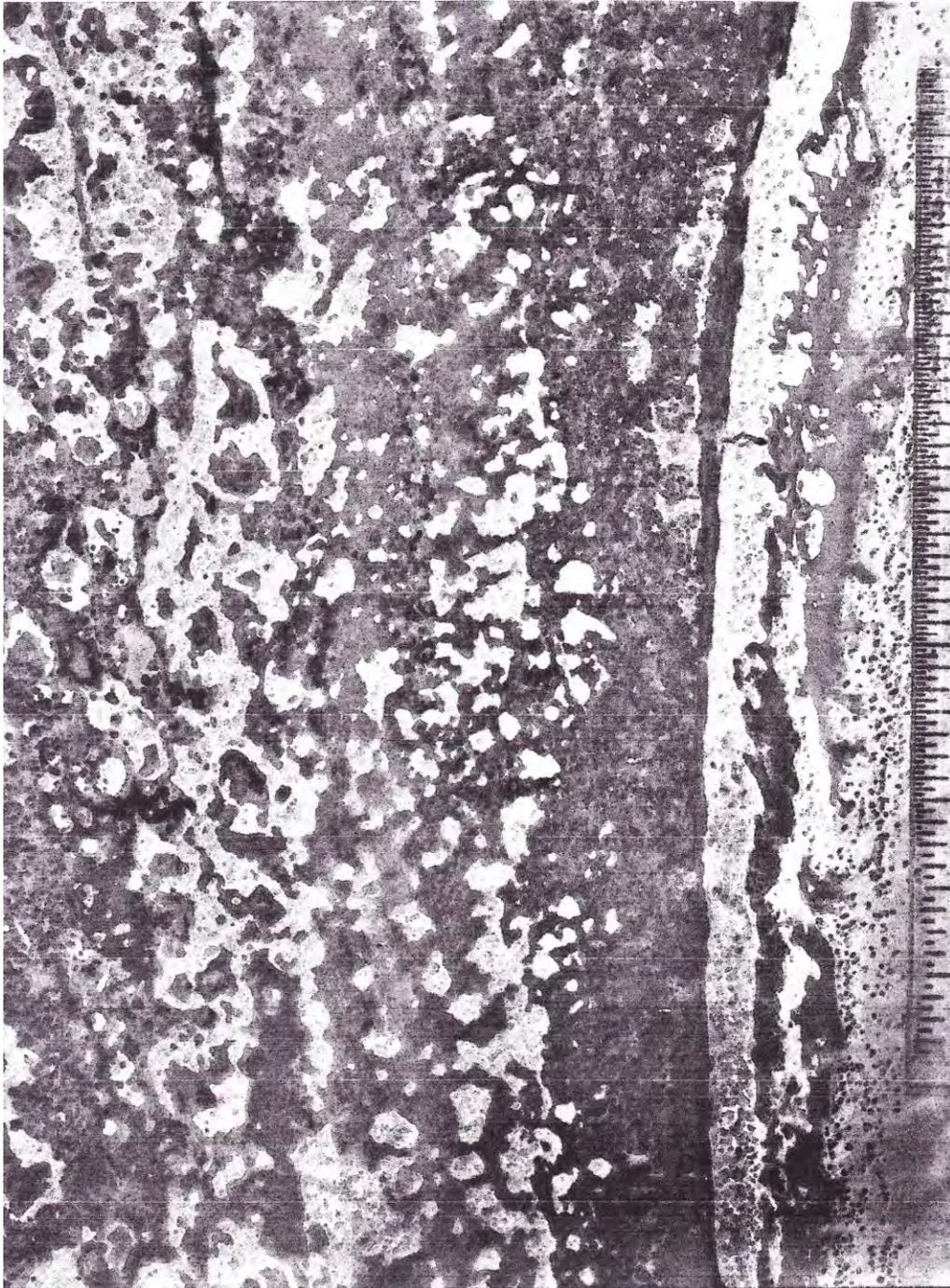
**APPENDIX S1** – 1962 aerial enlargement displaying Babits' Cow Well (the dark comma on the left) and the remnants of Covey's central 30° cart path (the thin, angled, light colored swath south of the cow well) 100 years after the battle.



**Appendix S2** – 1962 NCDOT Aerial Photography data for Waves.



**APPENDIX T1** – NCDOT aerial photograph of the **Creed's Hill** area: March, 1962. This is an excellent example of all four recognized dune types on Hatteras Island: relic dunes, migrating sand waves, the '*Sea Side Hills*' and the artificially constructed frontal dunes initiated by the Civilian Conservation Corps in the 1930's.



Appendix T2 – Similar example as T1, same flight, west of Creed's Hill area: March, 1962.



**APPENDIX T3** – A small portion of Covey’s Honor Program Research site conducted into the ecological succession of the **Creed’s Hill** area of southern Hatteras Island (1980). Note the weathered live oak remains of an ancient maritime forest which is now in an area that has reverted from its climax state (predominantly live oak) to an area that reemerged as a barren migrating dune (primary state). As shown, some “***bare patches***” remain from wind scour, but it is now largely populated with sea oats, beach grass and red cedar; an early stage of a maritime forest’s ecological succession.



**APPENDIX U1** – Pamlico Soundside at Camp No Live Oak. This is an area which is historically documented to be a broad extensive shoal that extends southward to **Greens Point**. The abandoned barge lies over a quarter of a mile offshore in about 3 feet of water. The shallowness of these waters is confirmed by the flock of sea gulls standing on the left on a barely submerged shoal: 1977.



**APPENDIX U2** - The same area seen from a vantage point in front of the Baarslag cottage, five years later and just to the north of the photograph above. The old creosote pole on the left is positioned on the shoals' shallower parts. The sand shoal is normally exposed, except during high tides, and the pole was installed to assist with the barge's salvage operations.



**APPENDIX V – Catalogue sheet of available aerial photographs (1940 – 1955)  
provided to the Babits Team.**

**CAPE HATTERAS AERIAL PHOTOGRAPHY.**

**KEY TO ABBREVIATIONS.**

**FILM.** COL=COLOR CIR=COLOR INFRA-RED PAN=PANCHROMATIC (BLACK AND WHITE) BIR=BLACK AND WHITE INFRA-RED.  
 MUL=MORE THAN ONE OF THE ABOVE AVAILABLE.  
**FRN**=TOTAL NUMBER OF FRAMES IN FLIGHT LINE. **FIRST**=FIRST FRAME NUMBER. **LAST**=LAST FRAME NUMBER.  
 IF ABOVE=0, INFORMATION WAS NOT IMMEDIATELY AVAILABLE AT TIME OF COMPILATION.  
**S**=STEREO COVERAGE = X IF OVERLAP IS 50 PERCENT OR GREATER.  
**SOURCE.** AGCS=AGRIC. STABIL. AND CONS. SERVICE. NASA=EROS DATA CENTER.  
 CENG=CORPS OF ENGINEERS. NOAA=NATIONAL OCEAN SURVEY, NOAA, ROCKVILLE, MD.  
 COMM=COMMERCIAL. OTHR=OTHER.  
 DIA=DEFENSE INTELLIGENCE AGENCY. USAF=AIR FORCE.  
 EROS=EROS DATA CENTER, SIOUX FALLS, S.D. USGS=USGS, RESTON, VA. OR EROS DATA CENTER.  
 NARC=NATIONAL ARCHIVES. USN=NAVY.  
 NAS=NAVAL AIR STATION. WALL=NASA/WALLOPS, VA. OR EROS DATA CENTER.  
**I.D.**=MISSION, ROLL, FLIGHT, ACCESSION, OR OTHER IDENTIFYING NUMBER.  
**NOTE.** FLIGHTS FLOWN WITH SCALES GREATER THAN 1/200,000 HAVE A 2.2-INCH FORMAT. ALL OTHERS HAVE A 9-INCH FORMAT.  
 MILITARY FLIGHTS CAN BE OBTAINED THROUGH THE DIA.

| LINE | START FLIGHT LINE   | END FLIGHT LINE        | DATE      | SCALE     | FILM | FRN | FIRST   | LAST | S | SOURCE | I.D.         |
|------|---------------------|------------------------|-----------|-----------|------|-----|---------|------|---|--------|--------------|
| 1    | OREGON INLET        | TO OREGON INLET        | 15-OCT-40 | 1/ 24,000 | PAN  | 2   | 38 TO   | 39   |   | USGS   | BARRIER REEF |
| 2    | HATTERAS INLET      | TO HATTERAS INLET      | 15-OCT-40 | 1/ 24,000 | PAN  | 2   | 54 TO   | 55   |   | USGS   | BARRIER REEF |
| 3    | OCRACOKE INLET      | TO OCRACOKE INLET      | 15-OCT-40 | 1/ 24,000 | PAN  | 5   | 73 TO   | 78   |   | USGS   | BARRIER REEF |
| 4    | OCRACOKE INLET      | TO OCRACOKE INLET      | 15-OCT-40 | 1/ 24,000 | PAN  | 5   | 80 TO   | 85   |   | USGS   | BARRIER REEF |
| 5    | COROLLA, NC         | TO LOOKOUT POINT       | 21-OCT-40 | 1/ 24,000 | PAN  | 139 | 1 TO    | 139  | X | CENG   | V            |
| 6    | WRIGHT BRIDGE       | TO OCRACOKE INLET      | 21-OCT-40 | 1/ 24,000 | PAN  | 51  | 23 TO   | 73   | X | DIA    | BARRIER REEF |
| 7    | ROANOKE BRIDGE      | TO RODANTHE            | 21-OCT-40 | 1/ 24,000 | PAN  | 15  | 20 TO   | 43   | X | CENG   | V            |
| 8    | BURTON              | TO OCRACOKE INLET      | 21-OCT-40 | 1/ 24,000 | PAN  | 31  | 44 TO   | 74   | X | CENG   | V            |
| 9    | HATTERAS POINT      | TO OLD NEW INLET       | 21-OCT-40 | 1/ 24,000 | PAN  | 25  | 115 TO  | 139  | X | CENG   | V            |
| 10   | HATTERAS POINT      | TO N OF RODANTHE       | 21-OCT-40 | 1/ 24,000 | PAN  | 25  | 115 TO  | 139  | X | DIA    | BARRIER REEF |
| 11   | WRIGHT BRIDGE       | TO N OF AVON           | 1-APR-42  | 1/ 40,000 | PAN  | 23  | 656 TO  | 675  | X | DIA    | US 2 1830    |
| 12   | WRIGHT BRIDGE       | TO BURTON              | 15-JUN-42 | 1/ 30,000 | PAN  | 19  | 662 TO  | 680  | X | DIA    | PHOJ ROLL-5  |
| 13   | HATTERAS POINT      | TO HATTERAS POINT      | 1-NOV-42  | 1/ 40,000 | PAN  | 1   | 8 TO    | 8    | X | DIA    | RHP 2        |
| 14   | HATTERAS INLET      | TO HATTERAS INLET      | 15-FEB-43 | 1/ 40,000 | PAN  | 3   | 77 TO   | 79   |   | USGS   | 27           |
| 15   | RODANTHE            | TO OCRACOKE INLET      | 23-FEB-43 | 1/ 40,000 | PAN  | 39  | 56 TO   | 85   | X | DIA    | PROJECT 27   |
| 16   | SALVO               | TO HATTERAS POINT      | 23-FEB-43 | 1/ 40,000 | PAN  | 35  | 57 TO   | 91   | X | CENG   | PROJECT 27   |
| 17   | OCRACOKE INLET      | TO OCRACOKE INLET      | 15-JUN-43 | 1/ 50,000 | PAN  | 1   | 86 TO   | 86   |   | USGS   | 27           |
| 18   | OCRACOKE INLET      | TO MID OCRACOKE        | 24-JAN-45 | 1/ 20,000 | PAN  | 7   | 886 TO  | 890  | X | NOAA   | 45C          |
| 19   | S OF HATTERAS INLET | TO N OF HATTERAS INLET | 24-JAN-45 | 1/ 20,000 | PAN  | 4   | 891 TO  | 894  | X | NOAA   | 45C          |
| 20   | HATTERAS POINT      | TO N OF AVON           | 24-JAN-45 | 1/ 20,000 | PAN  | 14  | 895 TO  | 900  | X | NOAA   | 45C          |
| 21   | RODANTHE            | TO ROANOKE BRIDGE      | 24-JAN-45 | 1/ 20,000 | PAN  | 19  | 909 TO  | 927  | X | NOAA   | 45C          |
| 22   | ROANOKE BRIDGE      | TO ROANOKE BRIDGE      | 24-OCT-45 | 1/ 15,000 | PAN  | 3   | 1 TO    | 3    | X | DIA    | 3539AA4M3935 |
| 23   | S OF WRIGHT BRIDGE  | TO S OF OREGON INLET   | 27-APR-47 | 1/ 14,000 | PAN  | 32  | 3642 TO | 3673 | X | DIA    | ANS AV 32 20 |
| 24   | ROANOKE BRIDGE      | TO RODANTHE            | 5-DEC-49  | 1/ 40,000 | PAN  | 14  | 1800 TO | 1813 | X | NOAA   | 490          |
| 25   | ROANOKE BRIDGE      | TO HATTERAS POINT      | 31-MAR-53 | 1/ 20,000 | PAN  | 53  | 37 TO   | 85   | X | NOAA   | 530          |
| 26   | N OF HATTERAS INLET | TO S OF HATTERAS INLET | 31-MAR-53 | 1/ 20,000 | PAN  | 6   | 79 TO   | 84   | X | NOAA   | 530          |
| 27   | N OF OCRACOKE INLET | TO OCRACOKE INLET      | 31-MAR-53 | 1/ 20,000 | PAN  | 7   | 85 TO   | 91   | X | NOAA   | 530          |
| 28   | BURTON              | TO HATTERAS POINT      | 31-APR-53 | 1/ 20,000 | PAN  | 3   | 0 TO    | 0    |   | NOAA   | 530          |
| 29   | S END OF OCRACOKE   | TO S END OF OCRACOKE   | 29-MAR-55 | 1/ 17,000 | PAN  | 6   | 5569 TO | 5574 | X | NOAA   | 55M          |

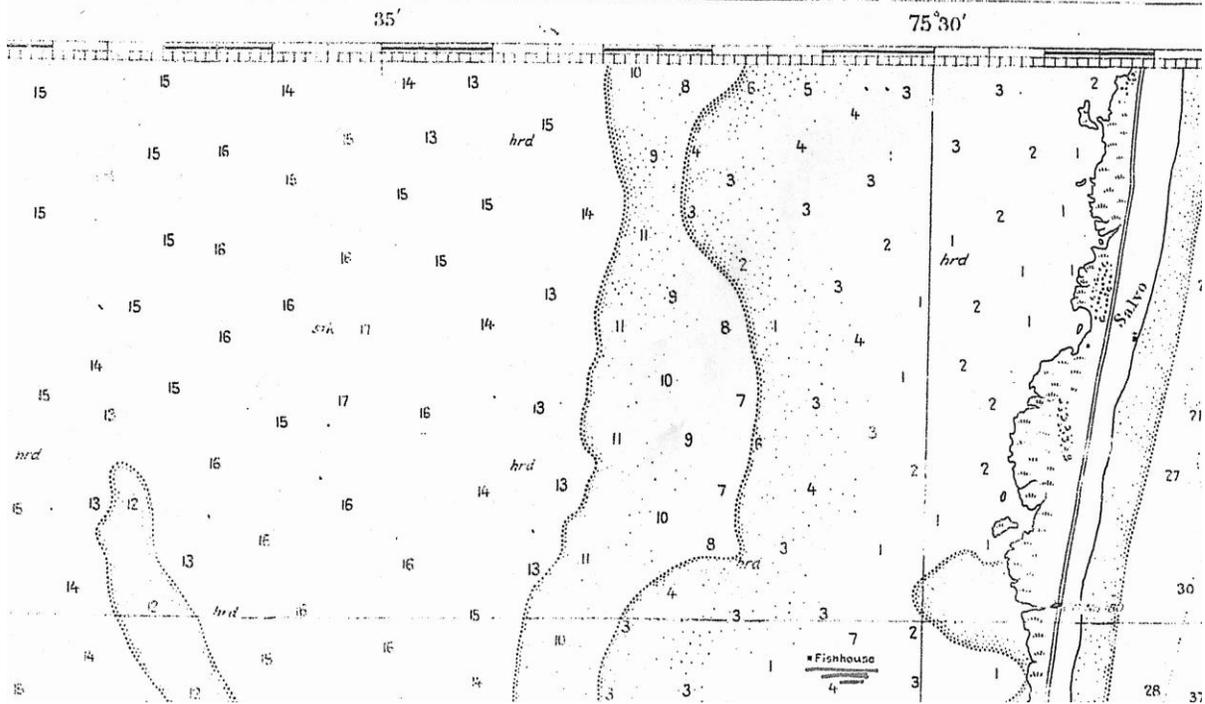
**APPENDIX W** – Jethro Midgett, United States Coast Guard: Circa 1947. Rodanthe - looking westward before the construction of **NC Highway 12**.



Courtesy of Edith Gaskins O'Neal of Ocracoke, daughter of Jethro Midgett (the young girl being lifted by her father).

APPENDIX X – Cedar Hammock Channel Fish House: 1920.

THE CAROLINA  
HATTERAS  
TO OCRACOKE INLET



Note the position of the fish house (underlined) on the south edge of the unmarked Cedar Hammock Channel.

## ADDENDA of CORRESPONDENCE

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## CHICAMACOMICO GENESIS

December 5, 2014

Hello Larry:

Dawn Taylor has helped me make some rather significant findings concerning the Camp Live Oak site. We now have a more complete understanding of the development of the entire village of Chicamacomico and what transpired there prior to late 1861 and who was responsible for it. This letter has been condensed from prior writings of mine and supplemented with our new findings. Feel free to use any of this additional information we are providing to you for the completion of your report. I will be most happy to provide the citations, references and documentation for your report if you wish. Of course, I do reserve all rights for any publication of any portion of the following passages without my permission:

On September 8, 1663 the Lord Proprietors granted their first charter to one of their colleagues, John Colleton for, "the island heretofore called Carlyle now Colleton Island". Soon thereafter a plantation had been constructed, although the processing of dead whales proved to be more profitable than farming. Treacherous seas and inlets along with shallows and shifting shoals inhibited commerce while attracting various rogue elements of the Virginia colonies that were deemed somewhat less than desirable by their more aristocratic northern neighbors. The last decade of the 17<sup>th</sup> century witnessed accounts of complaints that "Pyrats and runaway Servants resort to this place from Virginia". With the growth of the Carolina colonies, large land grants were acquired by wealthier individuals that were often managed by an agent/caretaker for their business ventures on the barrier islands.

Some of the earliest resident grant holders were Francis Farrow, Thomas Paine, John Neal (O'Neal) and Matthew Midyett. Beginning in 1714, Matthew began buying large tracts of land along the southern reaches of Albemarle Sound. Turning his attention to the Banks, he soon owned 9.5 miles of waterfront from Roanoke Inlet, south to near present day Oregon Inlet (Scott's Muck), from sea to sound.

The early European settlers of Chicamacomico (pre – 1715) were primarily squatters on the large land tracts or had acquired smaller parcels for themselves. Shortly thereafter the livestocking of cattle, horses, sheep and pigs initiated free range grazing. Most inhabitants survived by rotating occupations seasonally between farming, hunting, fishing, whale rendering and wrecking. Timbering of live oak and cedar soon expanded beyond local consumption. The standing forests of pine were also taken for lumber, pitch and turpentine. By the mid 1700's recorded documents often refer to individuals described as being from the Banks. Further infrastructure development began in earnest with the efforts of two brothers, Daniel and Bannister Midyett, grandsons of Matthew and sons of Thomas Midyett (1717 – 1787), a planter born and raised at Chicamacomico.

In 1784, Daniel Midyett was granted 504 acres in Chicamacomico, centered in present day Waves from sea to sound. This tract of mostly unsettled land was surveyed to span 24 chains (1,584 feet) across the island and 210 chains (13,860 feet) along the length of the island, precisely 2 and 5/8 miles long. Presently, this is the entire village of Waves, extending northward into Rodanthe and also southward into Salvo. Today, that would comprise well over one-half of the Rodanthe, Waves and Salvo tri-villages area. For the next 25 years Daniel engaged in land transactions with approximately 20 individuals. He was buying and selling tracts in Chicamacomico in multiples of 50 acres to his family members, friends and fellow planters to the day he died (the last one was recorded after his death in 1809). He also gained other substantial farms (mostly to supply grain for the mills) near the Body's Island portion of the family estate he inherited and adjacent to other family members farms in the Mount Pleasant. Some of his descendents still hold parcels from parts of these tracts in Waves and on the mainland area. Upon his death his estate, though smaller in size in his old age, was still described as a plantation and his will asked for his few slaves to be set free and taken care of by his surviving family members. Census records never reveal more than 3 slaves on the homestead.

Daniel's son Bannister II (1766 – 1824) became well versed in all phases of the plantation enterprise. His waterman skills were honed early in life on the docks of Capt. Thomas Paine's wharf, present day Rodanthe Harbor and his skills at farming, livestocking and repairing windmills have been well chronicled. Seventeen years after his demise, his son Bannister III passed away and much of the Midyett estate was liquidated. Among the extensive list of items sold off were his schooners used for transporting corn across the sounds, his boats, lumber and a windmill apparatus. Appropriately, Bannister III's marked grave lies on one of the tracts still held within the Midyett family, next to where Midyett's Mill stood and where one of the mill's round, flat, 5 foot wide grist stones remains buried.

Milling at the site continued on as evidenced by the 1850 census listing of his brother, Daniel S. Midyett, which described him as a 39 – year old Miller. Both Daniel S. and his father Bannister II are buried in the family cemetery on mainland Hyde County. I have been unable to locate the gravesites of Bannister I and Daniel Midyett Esquires.

#### OBSERVATIONS & COMMENTS

Although I have yet to be afforded the opportunity to study the copy of T-367 that Greg shared with us, it will no doubt prove to be a treasure trove. I am sure that he will remember that I almost immediately realized that the feature he terms a "landing" is actually an impoundment to hold back Pamlico Sound. A deeper one exists at Otter Pond Point, 18 miles south. It was created by slave labor during the live-oaking era before the Civil War. The island's largest was constructed by the Gooseville Gun Club in the 1930's and is misidentified on US Geological maps as Ft. Clark ruins. There was no need for another landing at the Midyett Plantation when they already had one, present day Waves Landing. I also postulated that this feature which existed in 1852 was agriculturally related in nature

and was a result of slave labor. Plantation owner Daniel Esquire's slaves were set free in 1809.

Your clear copy of T-367 exhibits a remarkable degree of detail consistent with physical features on the ground, both natural and cultural. The removal of terrain from along the natural boundary separating the unpopulated marshes from the higher, populated elevations, is recognizable in the soil surveys and aerial photos of the 1960's and 70's. T-367 clearly shows fence lines, roads, buildings, marshes, ponds, bald beaches, vegetated hammocks and elevated terrain.

Most importantly, the 1852 map shows no evidence of the feature we are investigating, but everything else around it is portrayed. It would have been impossible for the surveyors to have missed such a prominent feature. Just as important is the absence of the 30 degree cart path that is equally distanced from the north and south impoundment walls, but yet exists in the 1962 aerial photo. The path's course runs over property boundary lines that were created as the plantation was parceled out, but which have existed since August of 1874 as indicated by chain of title searches.

The telemetry work performed accomplished the objective of georectifying the site to the resources I provided. Variables will perhaps always exist, but I believe the technology proved its worth here. However, I can not say the same for ground penetration radar. I have experienced some of its short comings before, but was still disappointed to hear Dr. Ewen reveal it was not capable of discriminating small targets and that he had run the instrument over marked graves before without any disturbance noted. He told me he pretty much uses it only to see where it might be best to excavate, impossible to do in the cemetery, but not in the other permitted areas you chose not to investigate.

Please consider the following:

- That the two marked graves indicate the existence of the ridge prior to the first graves placement in 1901 (2<sup>nd</sup> grave 1912). This precludes any involvement in the Ridges construction by the CCC or WPA activities in the 1920's and 30's.
- That on both adjacent properties to the north and south of the site investigated, elevated areas of ground are directly in line with the existing ridge and indicate the ridge continued onward, among the elevated, leveled remnants of the wall that persist. Remember that the 20<sup>th</sup> Indiana was dispatched to create entrenchments for heavy artillery and no other earthworks of any size have been evidenced in Chicamacomico.
- That the locals are all in agreement that at least one gristmill stone remains on site to the west and south of the remaining wall feature. This is consistent with written

eyewitness accounts detailing the spatial positioning between the camp, the hospital, the hill where Col. Brown assembled his troops and the windmill. Additionally, an old broken millstone was reportedly pressed into service as stair steps for the old Midyett that has long since been demolished, but is shown in the 1962 aerial photo.

- That it was unnecessary to utilize Midyett's Mill as a surveying station for the finished product of the 1852 map. It was already surrounded by several other stations spaced along the shore at advantageous points for mirror reflective lines of sight needed for the survey. Unlike the Windmill Survey Station which was set well out in the open on a point of land, Midyett's Mill was positioned between Pamlico Sound and the oak covered hills where the troops assembled, a less than ideal situation.
- That the only Miller listed in the 1850 census for Chicamacomico was Daniel S. Midyett, 39 – year old grandson of Daniel Esq. As we mentioned before, the 1860 miller whose last name was Miller is the one I offered to show you in Avon. The Bateman Miller Mill can be found in the literature I gave you, THE KINNAKEETER by Charles Williams, the one with the picture of the grinding stone. It is the same one I showed you my photographs of. The miller at Midyett's Mill before Daniel S. was Bannister Midyett III, his 1<sup>st</sup> cousin. Bannister's marked grave is south and east of the mill site on the property of the 85 year old captain who found the anchor stock and has lived on the original Midyett tract his entire life.
- That the Hotchkiss report firmly fixes the FANNY's position as being directly west of Camp Live Oak as demonstrated in one of the 1<sup>st</sup> exhibits (10/2/13) I produced. His further description of the Windmill as being the one on the village's northern end implies the existence of more than one mill at that time.
- That the bottom features of Pamlico Sound and the written accounts of the FANNY's capture are consistent with the reported depths of water offshore and the distances from shore where they can be found.
- That an old, large, wooden anchor stock was recovered a couple of miles offshore in the Sound, directly off of the Camp Live Oak site. The FANNY was anchored directly off of the camp and had "slipped her cables" (left her anchor) in their haste to avoid capture by the 3 fast approaching Confederate vessels coming at them from the northwest.
- That the account of the 3<sup>rd</sup> Georgia coming ashore 3 miles north of Camp Live Oak places one at the large wharf shown on T-367 and that it was the northern most landing in Chicamacomico due to the presence of Loggerhead Inlet.

That the Midyett Mill area is the highest ground in all of Chicamacomico and the only area in the villages with a dependable source of potable groundwater. It is one of the few areas where underlying peat layers are nonexistent. Most of the other surrounding soils contain heavy concentrations of tannins and sulphur - laden groundwater.

- That the Midyett's Mill area was uniquely situated from a military perspective. Since the Union army had sufficient forces for their defense to the south, adequate protection from gunboats out in the ocean to the east and an offshore marsh island to the southwest, it needed to be placed where it could defend against an infantry assault from the north and an amphibious assault from the north and northwest - exactly what transpired. It possessed an abundance of material for construction of the fort (i.e. sand, peat, and timber) that no other part of Chicamacomico collectively possessed: abundant fresh water, fruit trees, crops for food, the village landing, oak trees for cover and pines and cedars for lumber and firewood. In turn, the plantation could provide a house large enough for the 20<sup>th</sup>'s hospital, rooms for the higher ranking officers, a source for wagons, tools, horses, a blacksmith shop, barns, a saw pit, food stores and a working windmill. The best accommodations Chicamacomico could possibly offer. One Hatteras correspondent described the 20<sup>th</sup>'s encampment as being in "honey and clover up to their eyes". He reported they were "delighted with the beautiful country they are now in possession of".
- The lack of artifacts was totally predictable considering the brief stay of the Union troops, the pillaging by the Confederate forces, actions of the local inhabitants versed in the work of salvage and subsequent visitations by the 9<sup>th</sup> New York. Furthermore, extensive modern era backfilling has occurred and high water tables produced by recent, excessive rainfalls precluded most artifact discovery. Most areas explored never reached the surface strata of 1861. Only the 27 square feet excavated had a reasonable chance of successful artifact recovery given the conditions at the time, an extremely small random sample and even those were above the shell sand/aeolian sand horizon. More importantly, it is indisputable that the sea level has been raised a minimum of 1.5 feet since the Civil War. Artifacts deposited in low lying areas are now well below the surface of the water table. This is a neglected fact that many people have failed to take in account for here in our low lying coastal areas. It can impact many fields of study unbeknownst to the investigators.

## CONCLUSIONS

Our research into the land grants, property title searches, census records, wills, cemeteries and genealogies of Chicamacomico's earliest inhabitants has revealed an astonishing history. Before now, others had only briefly visited the subject of Chicamacomico's genesis. The entire site I asked you to investigate is but a small portion of the initial 504 acre Midyett Plantation (1784), that dates back to soon after the close of the Revolutionary War and the birth of our nation. It was chartered by Daniel Midyett Esquire and like all plantations of that era, its activities were focused in many different directions. Each affected the island in a myriad of ways. The clear cutting of pine, oak, and cedar led to deforestation. Grasslands were over grazed, thus stymieing the nature progression of ecological succession on the island. Wildlife populations on land and in the estuaries plummeted, the wildfire component of the ecosystem was suppressed and the ecosystems collapsed. It was an ecological disaster and Hatteras Island regressed into the typical wasteland that was known to exist prior to the Civil War. In 1846 the village was split in two by the same hurricane responsible for the opening of Hatteras and Oregon Inlets. The devastation is very apparent from the 1849 survey work produced on the 1852 T-367 map. The map also portrays bald beaches and marshes which were punctuated by slightly elevated, vegetated hammocks. They were formed as a result of long shore spit development that initially separated the land from the sea. Here is where the local inhabitants were concentrated in modest, weathered wooden houses, each positioned north and south along the low ridge. Property lines primarily ran east and west from sea to sound, transecting the island into bands.

Almost immediately, Daniel divided his patent into two large parcels (north and south) and he began selling 50 acre parcels to his family members, friends and fellow island planters. At this time large stands of virgin maritime forest, vast expanses of marshes, and beaches with no dunes predominated. I have enclosed an aerial photo taken over my college site on the lower end of the island. It was taken on the same day in 1962 as the one you have of our site. Notice what true dune formations are like on the island. They are conical, not in ridges. The formations at the top of the photo are a result of moving sands previously exposed from deforestation during the live – oaking period of the late 1700's – the mid 1800's.

I disagree with Greg's assumption that the feature extending from the south and out into the water was a cart path leading to a landing that the resident farmer created. I think he is vastly underestimating the size of the farming effort there. Why waste the time and manpower for this endeavor when you already own the adjacent landing, present day Waves Landing? While a cart path definitely existed as drawn, I believe it was actually on top of the impoundment wall used to protect their crops from flooding tides. The path would have been necessary for constructing and repairing such a structure from damage caused by storm events and shoreside erosion. The ground protected by the wall had been lowered and leveled to grade the ground to achieve the proper height above the water table, a common agricultural practice. Once again, please bear in mind that sea level is now

at least 1.5 feet higher than it was in 1852. The fill removed from within the wall would have been used to construct the wall. This also explains why the "marsh" inside the wall is drawn differently than the true marshes represented outside the wall. The ground levels were at different heights, one man-made and the other a natural marsh.

This also explains away my only doubt about the fort. Did the 20<sup>th</sup> Indiana have enough time to construct such a fortification in the short amount of time they had? This is now understandable since much of earthworks had already been built by slave labor over 50 years before. Daniel's slaves were freed in 1809 upon his death. Col. Rush Hawkins already knew about the feature built there - it was on the 1852 map in his possession. When he arrived on site with Col. Brown he saw that the foundation for the proposed fort was already there in the best possible place in Chicamacomico they could have chosen, on a plantation at Midyett's Mill.

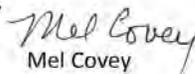
The 30 degree cart path is obviously another feature left behind by the 20<sup>th</sup> Indiana. It is not on the 1852 map and it would have negatively impacted the agriculture being conducted there. This path is parallel to the impoundment walls and bisects the fort structure. Also, transit paths on top of a fort wall would be impractical during battle. Interior paths would be necessary and would have allowed the transporting of fill for the fort walls construction. I provided you with a list of every descriptive element about Camp Live Oak that I could find in the literature and their references - over a dozen. Our site is the only one that matches the descriptions of all. Not one single exception exists, and there are major problems with trying to match up any other site in Chicamacomico. Statistically speaking, those are astronomically high odds, way beyond 3 levels of standard deviation.

There can only be one possible explanation that is consistent with all the evidence. Our site is part of Camp Live Oak. It is obvious the construction of the 30 degree cart path and the elevated ridge were both constructed at the same time since the 30 degree cart path crosses over property boundaries that have existed since the 1874. Both were the product of a large expenditure of manpower and Daniel only owned 3 slaves. Both features must have been built after 1852 as proven by T - 367 and the ridge must have been constructed prior to 1901 as evidenced by the grave of my great, great, great grandfather Little Nicodemus (L.N.) Midyett.

There can only be one possible explanation that is consistent with all of the evidence. Our site is part of Camp Live Oak which was on the property of the Daniel S. Midyett Plantation. The fort was to be constructed on the soundside on top of an agriculture impoundment that served as the plantation's sustenance garden which probably dated back to the late 1700's or very early 1800's.

Greg said you would be providing us with copies of the imagery he has found. Could you bring them on your next trip to the island? Likewise, I can provide you with the digital, high resolution imagery I purchased from the Outer Banks History Center of the 1962 and 1977 aerial photos if you would like. I am looking forward to seeing you soon.

Best wishes,

  
Mel Covey

January 3, 2015

Larry:

Best wishes for the New Year. Thank you for your recent phone call. I have been hard at work preparing my response to your report and it is not quite completed because of its scope. You should have it around the 10<sup>th</sup> if the mail service is catching up with their backlog. I realize you are in a hurry to travel so perhaps I can help give you a bit of a heads up about some of my concerns. Since I am positive nothing I have provided to you at this point will cause you to alter your conclusions, I will retain my strongest rebuttal material for a proper forum once the final report has been released. Those items will specifically address the location of Midyett Mill and its ownership, the relationship between windmills and mid-1800 geodetic surveys, barrier island dynamics, cartography, off site georectification and troop movements. You will be vigorously challenged on these topics and I look forward to a gentlemen's debate.

Enclosed are 34 pages of your report. I will continue to hold eleven more pages for the time being that require considerable corrections before I will be satisfied with the report. In their margins I have placed an X next to text passages that need to be addressed. While I realize they are insufficient for your purposes, for now they will at least serve to let you know about areas of more minor concern until you receive the first passages of my report next week.

I feel it would be constructive to define the debate at this time to further expedite the process by stating our positions. To focus on the least common denominator brings us to a juncture as it is really at the heart of the matter. Was Camp Live Oak in Rodanthe or Waves? You, Oxford, Pullen et al and Riggs are supportive of the former, I am insistent on the latter.

From the report I was able to glean the following:

- you feel that there was no mill at Waves when Camp Live Oak existed and instead Midyett Mill was on Green's Point, that the mill was close by the camp and immediately south of it
- you suggest Chicamacomico's houses were built in swales between 'dune ridges' and some dwellings had been relocated to the 'dune ridge' between the 1846 hurricane and the Bache survey of 1849
- you have suggested that the Midyett family owned the mill on Green Point and that Daniel S. Midyett was possibly the owner of the mill
- you hypothesize that Waves Landing was insufficient and was inferior to the landing site you selected on the northern end of the island

- the northern Rodanthe site agrees with cryptic references describing Camp Live Oak's location
- you believe your historical research and analysis of troop movements supports the location of Camp Live Oak at Rodanthe
- you are comfortable with the omission of materials provided by Covey and the exhibited materials are fairly presented
- you feel that the methodologies employed for metal detecting, ground penetrating radar, georectification, cartography and historical research were acceptably performed and yielded definitive results
- you are confident a thorough search of materials in the historical record was conducted and the report presents a balanced summation of available resources
- that the Wenberg ridge feature is a natural feature and this is supported by T - 367

I do not have the time, resources or desire to confront my opposition concerning the placement of Camp Live Oak in Chicamacomico. Too much misinformation has already been disseminated and I see it has gained traction. So much the better. However, I will gladly take the opportunity this report provides to deal with all of them at once. Indeed, I believe I have successfully drawn you, Riggs and Oxford et al out onto some very thin ice. The information I choose to hold unto will be released once the final report and its findings are ready to be defended against their upcoming challenge. I want to warn you now, I hear ice cracking.

Sincerely,



Mel Covey

January 5, 2015

Dear Larry:

*I cannot accept the content of this report as written. It is overwhelmed with numerous errors, major omissions, misrepresentations and improper interpretation of exhibits. It relies on discredited explanations and fundamentally flawed logic which are detailed in this letter along with the appropriate citations. In my opinion this paper as presented demonstrates an obvious lack of understanding of fields of study beyond the realm of the investigator.*

The report utilizes seriously flawed methodology employed in several areas investigated and the following passages address those concerns too. The report repeatedly relied on generalizations and invalid assumptions offered by unqualified individuals which directly affect its conclusions and which prove to be incorrect upon closer examination. It casts a subjective eye to a plethora of opposing evidence while trying to extend its scope of conclusions beyond the range of its assigned task. As written, this report is an exhaustive example of tactics that have no place in a scholar's work. Almost everything Covey was warned not to do in the preparation of a scientific paper was incorporated into this report. Among them are: selective mining of evidence, avoidance of conflicting evidence, mathematical errors, citations of exhibits not included and misinterpreting previously published writings. It also is guilty of misquoting personal communications, not once but at least twice, in citations it attributes to Covey. It is heavily padded with irrelevant material while overstating efforts expended. Covey strongly protests the avoidance of the substantial body of the evidence provided which works against the authors' proposed theories and strongly suggests the report and Covey's critique be submitted for peer review.

*Then all findings should be released and can be defended in public. Any finished product must offer a thorough, balanced examination of all information and evidence provided instead of the cursory and highly selective product that was submitted. I am particularly displeased with the inclusion of my misquoted personal communications whilst the investigator is depending upon such types of contributions for a substantial portion of the conclusions he arrived at. I strongly feel the investigator has failed to deliver that which he is under contract to produce. His source selection is weak and avoids using a multitude of readily available, first hand accounts that one would expect to find in any work of merit. I feel it represents an obvious attempt to skew data for the purposes of arriving at preconceived conclusions. It is heavily reliant on misinterpreted material from unqualified sources, some of which is in the Introduction but never covered in the body of the report.*

Towards the end of the dig Covey decided it was best to become more judicious in the sharing of information with the investigators because he had been given reason to believe something was amiss. Unfortunately, this did not prove to be unwarranted. While he does admit it has been tempting to first accept Babits, et al's report as written and then emasculate its contents by exposing the errors committed, he is more concerned about leaving something of value behind for the deserving people of Chicamacomico. He shares

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some of his comments to possibly avoid a catastrophe that no one else (not even Danny or Joe) has seen yet. Covey believes it would be prudent to table the final report for a brief period of time to allow consideration of his concerns and issues he has raised. Public review can begin shortly after the investigator is comfortable with the final edition.

*I apologize now for the format this critique is represented. It should be obvious that it, like the report, was cut and pasted together. It is foremost a letter (Italicized), but has the major elements of a critical position paper that was derived from past and current research of mine in response to this report. Although admittedly a bit annoying, the change in syntax and fonts between some passages allows me to extract whichever paragraphs from the main body I need for whatever the purpose dictates. However, I cannot apologize for the length of this paper since the Babits, et al report is riddled with errors, misrepresentations, misinterpretations, glaring omissions and false conclusions which are discussed in detail.*

*Please do not interpret this letter/critique as an attempt to influence your findings. It is not. I am merely trying to avoid a train wreck, but I will not be staying aboard this train much longer. This letter's contents are the last I will be sharing for the time being, the rest of the definitive evidence I possess, I choose to withhold until the appropriate time and forum. I only expect that the investigators stake a position, release their findings and be ready to defend them because they will most certainly be challenged. There is no liberty granted here to turn my project into a shaky platform for a rigged debate over matters that are not on my site or of my concern. There is a multitude of items I expect to be addressed within the final report. The lines have been drawn so let's start with some of the easiest items Babits, Oxford and Riggs are so mistaken about, the items that have indisputable, documentable evidence they should know about if they are truly the experts they would have others believe.*

January 5, 2015

Dear Larry:

Please find enclosed four more pages from your rough draft, several exhibits I would like to see discussed and the first 22 pages of my response. I am trying to get everything to you as soon as I can produce the text, assemble exhibits, edit, print, copy and mail it. I will dispatch the remaining material no later than this Saturday if not before. The final package will contain the rest of my response (17 pages) and will deal primarily with the following:

Barrier Island Formation, Georectification, Cartography, Principles of War

Conclusions – Logbook excerpts on Metal Detecting and GPR Surveys (Fort section)

Recommendations

Contained within the 22 pages of my response in this dispatch are discourses on:

Census Records and Windmills and the intro to Bache, Riggs & Windmills

Midyett Plantation Deeds

The Hotchkiss Report

Georectification - On site

GPR

The 30 Degree Cart Path

Military History including Water for the Troops

Interpretation including Tents and the "Fort" at Camp Live Oak

Dune Ridges

Camp Live Oak

Responses to all 10 conclusions excepting number 7

I will continue to hold onto the final six (6) pages until I feel it is the proper time and place. They are concerned with the following sections I have prepared on:

Troop Movements

METT –TC and OCKOA

Bache, Riggs and Windmills conclusion

Fortifications & Artillery for Chicamacomico

Georectification - Off Site

We obviously disagree on a considerable amount about Camp Live Oak so I have tried to address what I feel are the most easily correctable elements with the 39 pages of my response you will be receiving, Hopefully this distillation will allow us to focus on a smaller field of debate. Please be aware that the last 6 pages contain material I consider the most damaging to the investigation, its results and conclusions. Though not arranged in any order of importance they are all ice breakers. As always your comments are most welcome and I look forward to critiquing your Final Report.

Sincerely,

A handwritten signature in cursive script that reads "Mel Covey".

Mel Covey

### **Census Records & Windmills**

The original plantation owner, Daniel Midyett (1750 – 1809), purchased 504 acres of Chicamacomico from North Carolina in 1784. His grant (No. 70) specified all the land from sea to sound, 24 chains wide, between the O'Neal tract southward 210 chains to the Francis Peal line (south of Salvo). Christopher O'Neal's grant of 500 acres was patented in 1741 and Covey's maternal family's homestead and their neighbors' original tracts (all sea to sound) are a portion of that patent. Because his family's property is over 0.5 mile south of Green Point, he immediately knew Wind Mill station was definitely on the O'Neal tract. The ownership of the mill is further corroborated by a wealth of evidence including the 1850 census records Covey provided. He prefers to use the 1850 census because it is concurrent with the T – 367 map (Survey 1849, pub. 1852) that is crucial to the project. This map grants him the advantage of being able to correlate a census record with a geodetic survey showing the home sites where the respective families lived. Since early childhood he has known which native family names are associated with each particular stretch of Rodanthe, Waves and Salvo. Covey's knowledge of the families, their deed histories and the 1850 census allows him to easily follow the path of the census taker on T – 367. From when he first came ashore at the north end at what has been titled "Uncle Jimmy's Landing" all the way through the village southward to Kinnakeet.

The first two entries of the 1850 Chicamacomico census record the O'Neal homestead where Christopher's son, Christopher, was born in 1780. In 1850 he is still living on his property which he shares with his son Thomas (born in 1810). The census shows there are five fishermen on the premises in two dwellings on the northern most end of the island. Christopher and two of his oldest grandsons (Thomas & William), plus Benjamin Williams, share living quarters in a dwelling I refer to as the "fish camp". Thomas, wife Nancy, her mom Christiana, and six children live in the big house, the one that's listed for the taxes. Boarding with the O'Neal family, and listed at the bottom of their entry, is one 32 year old man who identifies himself as a merchant, a Mr. Edwin Berry. Edwin is obviously not from the island as his last name indicates and he is the only merchant listed for the entire village of Chicamacomico. He is the village grocer, the one who grinds the corn from the nearby O'Neal mill across from where he boards (T- 367). Trying to extend the Midyett tract northward as suggested, until it somehow overlaps the O'Neal grant, defies logic. *But let us continue so I can bury this diversion once and for all.*

Soon after Daniel Midyette got his 504 acre grant, he sold the two 50 acre parcels to his south (Christopher Midyett 1786 & Gideon Daniel 1787), then he sold the two to his north (Rodger Meekins 1787 & Bannister, Daniel's brother, 1787). Each of these 50 acre parcels are over a 1/4 mile in length, again all sea to sound. Rodger's property is south of and adjacent to the O'Neal grant as specified in his deed. This gave Daniel over a 0.5 mile buffer of land at each end of his remaining homestead. Covey describes this as 'choosing your neighbors' and he is guilty of it himself. With the sale of Daniel's two northern parcels it becomes still harder for your hypothesis to be correct. Incidentally, it must be pointed out that this hypothesis has him selling Midyette Mill in 1787 before it was built and then

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having the Midyett family losing it to auction in 1841. Subsequently, it mysteriously reappears in Waves soon after the war in 1872. *But, let's continue.*

The last 27 individuals entered in the same 1850 census, those at the southernmost end of the village, are all some of Daniel Midyett's heirs and their respective families found in Daniel's 1809 will. Those 27 descendants of Daniel are the entire population of lower Chicamacomico. They all live on lands from the original plantation and they represent 13% of the population on the north end of Hatteras Island. Every square inch of the 1850 village's lower end is Daniel's homestead where his surviving family lives. All of the dwellings in that area are the homes of four families, which surround the Wenberg site, and are shown on T-367. That long list includes Ira, Daniel's son who owns the homestead (1809 will) along with his sons (Nichodemus and Dameron) who later inherit the investigated site when it was subdivided shortly after the war. Next door to Ira is Charlotte, the widow of another son, Bannister, the 'apparatus' owner who died in 1841 (estate papers). The 1852 map cited shows the dwellings encompassing the investigated area and is confirmed by the copies of the deeds. The provenance has been confirmed. The last steps the census taker took when he left Chicamacomico in 1850 on his way south to Kinnakeet were on Midyett Plantation.

*I assumed you knew that the 210 chains mentioned in Daniel's grant is exactly 2 and 5/8 mile (2.625 mi.), to the inch. Rounding off numbers here will not do. I thought you were aware of historical surveying techniques and the universal 66 foot chain. A chain's length (66 ft.) was elegantly chosen because it is evenly divided into both a statute mile (5,280 ft.) and an acre (43,560 sq. ft.). It is also a multiple of 4 rods or poles. Consult any decent dictionary or do the math yourself. Since the present day tri-village area is about 4.5 miles length in total distance, I am correct in stating Daniel Midyett owned over half of it.*

Numerous deeds indicate that Christopher and Daniel were both planters holding large tracts of land in several corn producing regions throughout northeastern North Carolina: Currituck, Roanoke Island, Stumpy Point, Body's Island, Mount Pleasant, lower Hatteras Island and more. With such large grain producing acreage in their operations, it was incumbent upon them to have sufficient capacity to grind the large volumes of grain they cultivated. One mill owned by a single planter would be insufficient for everyone's needs which is why each plantation had its own mill. The point the authors attempt to make about Johnson sketching windmills is weak. Corporal Davis drew the windmill referred to in Plate xvii, not Johnson. Davis is one of many 9<sup>th</sup> N. Y. troops Covey knows visited Chicamacomico after the battle so the report is wrong on this point. Davis, the Company artist, is the one who told Johnson that he thought the 20<sup>th</sup> could have stood their ground based on what he saw there. He also drew Johnson a sketch to illustrate his point. Johnson is often quoted as saying he had sketches of all of the windmills all the way to Chicamacomico.

*I possess a rather extensive file on windmills so I was disappointed to see the citation of Pullen's "Pictorial Tour" on the subject. A plethora of first hand accounts exist and are easily obtained. Please, no coffee-table book citations in the literature. I am not disparaging his*

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*book, I rather like it. Drew is a friend of mine with whom I have shared much material the past 18 years. Should this be doubted, know that he signed my copy of his cited book by including "You really deserve to get the credit for this book." While that is an over statement, the book contains no references or acknowledgments for previously published material, therefore is inappropriate for the purposes of this investigation.*

One has to look no further than the consultation of Pullen concerning the report's **Anticipated Results**. I provided the illustration of the earthworks at Fort Clark to Pullen over 15 years ago. While peat blocks were used for Confederate forts at the inlet, they were not visible to the eye as pictured. They were prudently covered in turf as dried peat liquefies into slippery mud and rain would turn what is drawn into a hazardous slop hole. As usual for the times the illustrator never visited the site and what's drawn is highly stylized and taken from a crude sketch with a description. Photographs of Ft. Clark do exist, but it is doubtful sand bags were on site as I've never come across any reference relating to them and the Union troops had too many other major concerns.

The only miller listed in Chicamacomico prior to the Civil War was Daniel S. Midyett (1811 – 1877), period. Daniel was the son of Bannister Midyett, the owner of the "windmill apparatus" that was sold when his estate was settled, beginning in 1841. I find it curious that the author now conveniently proposes that there was indeed a Midyett's Mill in Waves prior to the war. He states that it was sold because an extraneous "apparatus" of Bannister's (a known windmill mechanic) was auctioned in 1841, therefore no windmill could have been in Waves at the time of the attack. But Daniel S. Midyett was undeniably the miller (the only 1 ever listed) in 1850, nine years after Babits contends his mill ('the apparatus') was sold. The author suggests Daniel, a widower, traveled to the mill at the other end of town on the O'Neal tract to seek gainful employment while neglecting a much larger family enterprise in Waves.

Babits further surmises that since there was only one mill at the north end (Midyett's Mill on O'Neal land?) that it must have been destroyed by cannon fire. Since we know that it was shattered, he is therefore implying Chicamacomico had no functioning mills after the attack. Covey insists otherwise. Strange when one considers that all of the other villages on the island had two, one at either end of the village, which is exactly what Bishop said he saw in 1874, two years after Branson's listed it in 1872.

So, like mushrooms sprouting overnight, windmills suddenly begin reappearing sometime after October 1861, but now in both villages. Midyett's Mill reappears like a phoenix, this time roosting in Waves, in time to be listed in the 1872 Business Directory and for Nathaniel Bishop to later see "two Chicamicomio [sic] settlements", each with its own mill in 1874.

And one mustn't forget about another cited source (Dunbar, 1958) either. Dunbar relates where an elderly man told the author there were 2 mills in Waves (one to replace a shattered mill) but only one in Rodanthe. Now who could possibly repair a shattered windmill? Daniel Stanley Midyett, the miller. The same man listed as a carpenter in a later

census. But even Daniel couldn't repair the broken millstone so it was salvaged as part of the stair steps leading into the old house at the windmill site shown in the 1962 photo. New mills popping up everywhere in war ravaged Chicamacomico while the rest of the country abandons windmills for steam and internal combustion. This too is hard to rationalize. That is a lot of 'ifs' in order to get a scenario to have wings, besides being on the wrong land.

The report also managed to cite Williams (1975) incorrectly. Williams was attesting that both Kinnakeet mills were constructed by Pharoah Farrow (the island's largest slave holder). He says Pharoah sold the mills before he died [1847], one to the Millers and the other to the Scarboroughs, which was two years before Bache's baseline survey. Williams writes that Bateman Miler and F. L. Scarborough became the mills' eventual owners.

*Now for what I have to say because I do not appreciate being misquoted in print. Both Bateman and F. L. were too young to have been the owners in 1861. Bateman had just turned 20 ten days before the capture of the Fanny and F. L. (Farrow Langford) was only seven. Williams says nothing about any Barnes owning any mills. I on the other hand shared my color photographs of the same stones that appear in Williams' book with Babits and offered to take him to see the stones about 2 minutes from the rental house Outer Beaches Realty made available for the teams. Babits declined. Now if I offered to show the stones in Avon that Williams published pictures of, how could they be mistaken for the Midyett Mill stones buried on site in Waves?*

All of Babit's questions have simple answers. The evidence points to Midyett's Mill being on the Midyett Plantation and being operated by a man named Daniel S. Midyett who was the only miller ever recorded in a census there. Covey has additional supporting documentation he chooses to save for later. This is more than enough to disprove the competitive hypothesis, so let's not waste any more time on this aspect. There was a windmill on a map that proves what everyone agrees on -- there was a windmill on the "Northern End" for Captain Hotchkiss to see. The report fails to deal with it and does not explain how he could have confused **ENE** with **ESE**. *I have already listened to some amusing, contorted explanations and I cannot wait to hear what this one is going to sound like.*

*Forget about online records. I have copies of Bannister's voluminous estate settlement records (over 200 pages) which are in the state archives in Raleigh. Daniel's papers as well. I insist that information must have provenance, and this report is anemic in that regard. I only furnished an online copy to spare your eyesight as a courtesy, not for it to be disparaged in the report. (Speaking of eyesight, such large type size is not necessary for your report. It would save a lot of print and paper). The estate settlement and Daniel's papers have proven to be an important wealth of additional information and they, like everything else I have found so far, support my position.*

Bannister, like his father Daniel Esq., was rather prosperous too. Although Daniel S. did not live at the mill (I have a copy of his deed) as the report had presumed, it would only be natural that he, Bannister's son, become the miller (1850 census) and continue to perform

that part of the operation at the family plantation. Of further interest, Bannister's skill with windmills is well recorded from the early 1800's when his son Daniel was born (1811). Bannister lies buried in a marked grave on a part of the windmill site property still held by the Midgett family in Waves. Daniel S. Midyett is interred in the family cemetery across the sound in Hyde County where the family owned a considerable acreage of corn. The whereabouts of Daniel Esq. are unknown.

### ***Bache, Riggs & Windmills***

Since the integrity of this report is entirely predicated upon the reliance of Riggs' contribution concerning the crucial elements of windmills and barrier island geology it is surprising that he is not listed as another of the report's many authors. It is particularly troublesome that the report would be so reliant upon Riggs' insight for information which he is not only unqualified to give (windmills), but is sadly mistaken about as well (barrier island dynamics). I not only welcome the opportunity to set the record straight but eagerly accept the challenge, for without Riggs, the report has absolutely zero merit. Letting the air out of both of Riggs major summations destroys the hypotheses of the report and demonstrates the unreliability of him contributing anything meaningful to this investigation.

The report goes to great lengths to explain why Alexander Bache had to have used Midyett's Mill as a surveying post for his duties and stakes its argument on the mill not existing in Waves during the Civil War because it is not listed in Bache's table of surveying stations. The report neglects to mention that Midyett's Mill was listed in Branson's Business Directory in 1872. The author cites and misinterprets Slotten and he uses a telephone conversation with a geologist for the primary source who is less than a definitive source for windmills as I am about to demonstrate. Covey never said the surveyors wouldn't have used Midyett's Mill as a surveying point. He said that they would have used the opportunity to double check their triangulations if necessary and to reassure themselves that they were still on the right track if needed

It is not a given that the Bache's survey team had access to Midyett Mill. Access to private property was not a right and everyone was not obliged to grant entry. The mills were busy many times and visitors were not universally accommodated by all, particularly anyone associated with the federal government. Bache was in the South and many issues were yet to be settled. The principal author himself experienced some of a native islander's attitude towards strangers when he parked on the man's property. The mill might have been in a state of disrepair, stuck in an unusable rotation direction for surveying. It might have been being repaired while the survey team was in Chicamacomico. Millstones had to be changed for different grain types and were known to fracture. Switching them out was both laborious and dangerous because of their heavy weight and shape. The men might have been away and unavailable on any other tract of their vast holdings. There are a host of reasons why Midyett Mill might not have been used. Covey said it was a redundant mid-point and therefore unnecessary to list Midyett Mill in the table. *Share this with Riggs because he has gotten you way off track with this peddling of assumptions. His willingness to present himself as a definitive source has repercussions that have had negative effects.*

But supposition is not required where provenance rules and Covey insists on the later. The easiest way to prove just how wrong Babits and Riggs are is to look at Bache's master survey sheet for the entire North Carolina coast. Published in 1851 (Sketch D, Sec. 4), it shows all of the surveying stations and their associated telemetry. It was probably reproduced for the 1861 version Babits cited. Note Bache's heavy primary triangulation lines and all of the

smaller triangles his work crews used for making T – 367/377. For the Waves site, Bache's major transect is from **Pea Island Main** all the way down to **Gull Island** and bypasses the mill on Green Point. Once again, look at the spacing between stations and the lines of sight they presented. That is the criteria for selecting surveying station and Bache skipped it entirely. It is not a survey of windmills but of land. Covey has done quite a bit of surveying for the past 40 years here on the island and he, like the surveyors, know that you take advantage of whatever line of sight you are presented with. Babits and Riggs would have altered Bache's incremental spacing for the entire coast of North Carolina, just to accommodate an extra listing of a windmill in a station table. *But there is a lot more.* Look closer at the smaller triangles used to produce each map sheet. Babits was showed with coins marking positions on T-367, but he failed to completely understand. From **Wind Mill** station south the next station on the sound side is **Chick Main**. From **Chick Main** south the next one is **Gull Island**. Now look at the little triangles. The line of the triangle passes west of the Waves site out over the open water of Pamlico Sound. Midyett Mill was not needed. In fact, it sits firmly inside of its triangle. Bache's mission was to map the coast. He was not on a mission to plot all of coastal North Carolina's mills. Dunbar (1958) exhibits 40 mills in the same exact region represented by Bache's master maps (1851, 1861) and only a small portion of them are listed as survey stations. It is circuitous thinking to assume that just because it wasn't listed, it didn't exist. Not only is the reasoning behind Riggs and Babits premise flawed, but their position is not supported by other maps. *I want to finish here by further showing you another reason why Riggs is unreliable concerning windmills.*

The companion map adjoining and partially overlapping the T-377 map cited is map T - 790. It was started in 1860 but interrupted by the war. Fortunately, it was completed in 1872 and that one is labeled as T - 1246. So there are two editions of a Hatteras Island Geodetic Survey map, one drawn right before the war, one soon thereafter. The surveying stations encompassing Hatteras village, all the way down to the forts at the inlet, are **Porpoise**, **Durant's Pt.** and **East Inlet**. Now if Babits and Riggs were correct in their thinking, then the Hatteras windmills would absolutely have to be listed, too. But they are not, and it is indisputable that windmills were used for surveying. This is further confirmed on both T – 790 and T – 1246 where the station of **Jennette's Mill** is found on the sound side. However, nowhere are either of Hatteras village's two windmills drawn or listed as a station on either T map or on Bache 1851. All three (1851, 1860, 1872) show no sign of windmills on the lower end of the island with the exception of the previously mentioned Joseph Claude Jennette's Mill in present day Buxton. But, check Farquhar's map (1864) or Johnson's Long Roll (1861) and there are the mills, both of them, strategically placed at each end of the village. Hatteras village was just like Kinnakeet and Chicamacomico. The rationale about the absence of a Midyett Mill Station is bankrupt and makes it highly problematic to use any contribution from Riggs in this report as he has much to learn on the subject.

*The lead paragraph for this section is repeated word for word on pages 12 and 13. I passed over typos, grammatical errors and problems with syntax usually found in a draft, but that is a bit more and I thought you should be aware.*

### **Barrier Island Formation**

The report's passage on the island's natural history is not applicable to the feature investigated. Chicamacomico does not have a relic dune ridge. It is well documented that its only dune ridges were constructed in the 20<sup>th</sup> century, most certainly after L. N. Midyett was buried in 1901. Ample existing photos reveal the absence of such features, not their presence. The report correctly states that on Hatteras Island, erosion is "occurring on both sound and ocean side". Longshore spit development is responsible for the island "migrating" southward and for the southern migration of Oregon Inlet as well. Loggerhead Inlet's mapped features exhibit characteristics of a southern migrating inlet too, as expected. What was mapped in 1849 would have been vastly different than what the 3<sup>rd</sup> Georgia was confronted with. Most importantly, less of Hatteras Island existed on the northern end of the island in 1861 due to inlet migration southward. There already wasn't enough real estate for a 3 mile landing distance north of Camp No Live Oak on T – 367 to be staged in 1849, by 1861 there would have been even less. For Chicamacomico, the only "migrating" is underwater. One only has to compare the T 367/377 maps to current ones to realize, as the U. S. Army Corps has stated on record, that these old theories are contradicted by the available evidence at hand. They were finally discarded late last century. Riggs' statement that peat bogs stabilize the back side of Hatteras Island is just as incorrect. He is way over simplifying what he does not fully comprehend as the following consulting with T – 367 will demonstrate..

*I warned the investigator before about the conundrum he now finds himself in and I also told him that I had challenged the cited geologists published works while I was an undergrad. That challenge still remains 35 years later. Show me where Hatteras Island is migrating towards the mainland, anywhere on the island, and I will concede the point. If not, then all of Riggs' passages should be redacted, without exception.*

Green Point was actually not the most westward feature of Chicamacomico in 1849 (T-367). That would be the huge peat "bog" to its south that Riggs is generalizing about. Compare the shoreline of 1849 to any modern topographic map or aerial photo. Pick anyone as they all will do. Covey knows Hatteras Island exceedingly well but this particular stretch is most familiar to him. It was partly owned by his family before it eroded away and it was subject of a long arduous court case his family won almost 50 years ago. He is very knowledgeable of the area, its deeds, history, natural history, geology, maps, aerial photographs, people and much more. He has lived almost his entire adult life in six of the seven villages on Hatteras Island, and much of his early years too. Covey has thousands of hours on, in and underwater as a commercial fisherman, crabber, scuba diver, marine contractor, surfer and avocational archaeologist. He has countless more hours invested in exploration, research and cartography involving many aspects of the Albemarle/Pamlico basin and off shore waters.

Today, Green Point juts well out into Pamlico Sound but it didn't in 1852. While it too has definitely eroded away, most importantly, that expansive peat bog to its south has

vanished. Totally gone, over 1,100 feet of shore side has disappeared in the last 150 years, taking with it the oldest graves in Covey's family cemetery. Riggs couldn't be more wrong since the rest of the island is undergoing the same erosion patterns. Like Rodanthe, many of the island's cemeteries are being overtaken by the sound. It is happening in Salvo, Little Kinnakeet, Avon, Frisco and Hatteras too. None of them have been overtaken by an island migrating westward as Riggs would leave you to believe. All of them are succumbing to erosion and are washing away. The islanders have known all along what geologists have been slow to realize. Cemeteries eroding away are not a recent development. One of the first attempts to document these morbid circumstances was National Geographic in 1933. The report states an intent to demonstrate "the probable impact of the Coriolis effect [Force] on filling in land on the sound side of Hatteras i[island] since the basic 1852 [1849] survey. It wisely chooses to ignore the author's misconception and expose any additional lack of understanding beyond what the preceding sentence already reveals. Covey chooses not to ignore it due to the preceding paragraph. Briefly, the Coriolis Force, by definition, is proportional to the speed of a moving particle and its latitude. It cannot change the speed of a particle. It is a directing influence, not a source of energy and cannot be applied to a particle becoming energized enough to jump from water it is suspended in and cast it on the beach. That would be from wave action which is primarily an eroding force along the Pamlico shores.

To suggest that such an "effect" (the Coriolis Force) has filled in the feature that is still identifiable stretches credibility even further. Pamlico Sound is a small shallow body of water compared to the oceans. While the Coriolis Force is imparted to any body of water, no matter how small, it is negligible to the other much larger forces impacting the same waters. Those would be, listed in descending order: gravity (the watershed's downward flow of water entering the sound from higher elevations upstream), wind velocity (event driven), astronomical (tides), density (salinity and suspended particles) and then lastly the negligible Coriolis Force. It is analogous to comparing other physical forces of the universe such as nuclear forces that hold an atom together (strong force) with the weakest of nature's four forces, gravity. All of these examples are orders of magnitude apart.

As a result, it is inconceivable that the authors would imply that misapplied forces filled in a feature which still exists. This is an attempt at 'grabbing straws' while the premise is 'going down the drain' so to speak even if it is rotating counter-clockwise from the Coriolis Force. It is just as inconceivable to suggest a distant, broad, low-lying area of sand on an island built of sand that is only a few feet above sea level can now be called a "dune".

Dunes are not "formed by waves pushing the sand onto the beach" as the authors write and it is a given that the sand got here by water since it is the only material found at the waters edge on an island made of sand. A dune's physical, sorted composition reveals that they are a product of wind, not water. Wind builds them and water washes them away. Natural dunes are dome like or hemispherical and exhibit no resemblance to the ridge feature in the Wenberg front yard. The T- 367 map is definitive on the topic. It shows broad, low, rounded hemispherical mounds that are hundreds of feet eastward from the site. In fact, they are

closer to the ocean where you would expect to find them than they are to the ridge and inexplicable to the theory advanced, they lie beyond its designated zone. They are separate entities as defined by their contour lines. They form close to the shore, not the soundside as the authors would have them, and they are arrayed in curved, "J" - shaped lines, not the straight ones the authors have drawn.

In addition, the land west of the wall had been excavated (T - 367) prior to 1849 meaning there was nothing to stop the westward migration of the sand mentioned. Sand would have simply spilled over into the depression in the marsh. It would not have stopped right at the marshes edge and start morphing into a tall, flat ridge unlike any other on the island. For Babits and Riggs to validate their theories, they will need to locate a similar representative feature on Hatteras Island. Since the National Park Service owns 70% of the island that has remained undisturbed from development, it shouldn't present a problem if they are correct. But it will be impossible because the Wenberg ridge is unique and is a cultural feature. The investigators' circuitous thinking about the Wenberg ridge origins has yielded an incorrect conclusion. The ridge is not natural. One is left to wonder who is interpreting T - 367 for the investigators because their skills are woefully deficient. They also see 20 acres of pines and a hammock of Live Oaks growing on a low, flat, bald, wind swept, wash beach that is missing Brown's hill and where there are no trees. *I have heard of 'not being able to see the forest for the trees', but never of seeing a forest with no trees. Please offer an explanation.*

*I continue to be amazed that anyone would risk citing geologists who spent the vast majority of their professional careers totally oblivious about the interplay of rising sea levels and barrier island formation. Only recently have they acknowledged, in the face of a preponderance of information gathered from various fields of study from all over the world, that sea levels have rose by hundreds of feet during the last 15,000 years. Check their published body of work and their respective dates if you doubt what I am saying. Yet here they remain, profiting by still presenting themselves all the while as the authoritative, definitive sources concerning barrier islands (and some on windmill surveying). They have a subservient agenda that lacks transparency but which is easily followed by the money trail in their wake. Who is exploiting whom here? The principal author has it all backwards. The concept of a relic dune ridge forming anywhere in Chicamacomico whist sea level is rising is a contradiction in itself and if one was ever to form it would resemble others, not the unique feature investigated. With a falling sea level, perhaps, but sea levels have been rising now for over a dozen millennia. How old do you two surmise the Waves section of the island to be?*

*Larry, I am going to be blunt here. While I realize it is necessary to touch upon geological aspects, your paper is way too top heavy with this material for you to base your conclusions upon them. It is painfully apparent that you are not qualified for this and your conclusions demonstrate a fundamental lack of knowledge and expertise of barrier island dynamics that cannot be overlooked. It is apparent you are in way over your head and my responsibilities will not allow me to ignore this. If you are unable to offer definitive conclusions then set your ego aside and say so in your report, but you are not going to be allowed to bluff your*

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*way through this. Had I not spent my early years in the Life Sciences at the universities in Raleigh and Wilmington, plus years of independent research on the subject of barrier island dynamics and their associated ecological succession on Hatteras Island in a Honor's Program, you might have been able to get away with these tactics. But my knowledge gained from my degree in Marine Sciences coupled with my life's experiences lead me to believe otherwise, so you have to be challenged on this. **The ridge is a cultural feature.***

The report's interpretation of T- 367 displaying houses where people "were living behind the dune field, placing two lines of dune between their houses and the ocean with some opting to build on top of the dune field itself" reflects is either an inability to read maps or is an intentional misrepresentation. The author too is evidently unaware, as are the vast majority of non-residents, that most of Hatteras Island's damaging floods originate in Pamlico Sound and not the ocean. All historical maps are consistent in showing that houses were built away from the ocean's fury where nothing grew any longer and instead opted for the somewhat higher land westward where vegetation afforded cover and was less subjected to salt spray necrosis. When compared to any more recent topographic map it is obvious homes were built on top of low lying ridges throughout the entire length of not just Chicamacomico, but the rest of Hatteras Island as well. They were not on the lower swales as the authors envision. The houses in the village were all north and south of each other and the 1962 aerial and topographic maps (1940, 1970, 1980) all confirm this.

Modern topographic maps have contour lines to follow that can't possibly be misconstrued. When close attention is paid to where the houses are, it destroys the report's rationale. T- 367 does not exhibit "houses that were built between the primary and secondary dune lines" but instead shows exactly the opposite. There are no dunes present there and the houses were already built on higher grounds to begin with which is the complete opposite of the investigator's contention. Only an afflicted individual would put a dwelling where it had a much greater chance of being flooded and the islanders of 1849 were not idiots. Form always follows function and it is ludicrous and pretentious for anyone to assume that any established population had not chosen the best way of doing things in their area, no matter how skilled the person thought they may be at map interpretation. The higher ground in the villages has always been used for buildings and cemeteries and this is confirmed by photographs and the topographic maps cited.

*Furthermore, I take extreme exception to you relying on phone conversations with anyone who hasn't visited the site, credible or otherwise. This is disingenuous at best and totally unacceptable. I couldn't get away with those methods as a freshman and I am calling you out on this. We have invested too much time, effort and money for someone to simply 'phone it in' and have someone say "It must be a relic dune ridge because there happens to be some sand on the beach. We will call it a relic dune because geology cannot explain it. The befuddled islanders will scratch their heads in bewilderment. We'll collect our money and go happily on our way". You need to offer a better explanation, one that is grounded in undistorted fact and not supposition. I expect more. Had I wanted a marine geologist I would have hired one and it surely wouldn't have been Riggs. Please focus on the*

*archaeology you were hired for. Stop wasting everyone's time with ideas about who could possibly own what land, or which mills, or the mills relationship to surveying techniques, or who the money man was or who else the miller might be besides the miller and where the miller might live. Those are my jobs.*

## GPR

The investigator was extended opportunities to excavate several portions of the wall to determine how they were constructed, but he declined his only chance to validate the suitability of the equipment for the purposes of the investigation. Such tactics are indicative of poor judgment, flawed methodology and a lack of initiative that was omnipresent. And while on the subject, how is it the investigators became so mistaken concerning the presence of graves in the southern end of the feature? Babits got it all backwards. Covey and the Wenbergs were well aware of the situation there. Babits had Ewen trying to locate fort remains in a disturbed burial section of land clearly identified as a cemetery on the Wenberg plat provided and where two children's graves were known to be. A long time ago, a neighboring family asked for the children to be buried there, closest to them, not in the middle of Zion's front yard.

The hope was Ewen might find the missing graves of Jackie's great grandparents, Dameron and Cordelia Midyett, not the children. Presumably, the adults might be located on the north end closer to family members that are in the adjacent marked graves because it was known the children were on the south. Dameron owned the land and gave what is now the Wenberg tract to his son Zion in 1894. Dameron was a younger brother of Nichodemus who is buried along side his wife in the ridge. All four of them, Dameron & Cordelia and L.N. (Little Nichodemus) & Eficca were buried between 1900 and 1912. The selection of the northern transect was just as inappropriate. That entire strip had been rebuilt in the modern era as evidenced by the presence of a retaining wall preventing the ridge from cascading onto the sidewalk. It was apparent to me and confirmed by Dunbar's 1955 photograph and the investigators were made aware of the situation before proceeding. The Dunbar photograph is improperly represented in the report, but it is not shown.

However, Ewen was kind enough to answer Covey's questions concerning the capabilities, limitations and suitability of his equipment for the assigned task. He informed him of the inability of GPR to detect small targets, his past experiences of failing to find signs of burial over marked graves and him pretty much using the device only for locating where to dig. Babits knew he couldn't dig in the cemetery, he wasted one transect on post-war terrain and he chose not to dig in the ridge where he could. It is not enough just to say someone used GPR on the site. The **Anticipated Results** of GPR should have been stated prior to its employment not their interpretation of colorful squiggly patches on paper afterward. What was the objective here and what else did the investigators expect to find in a cemetery but graves with this strategy?

A minor point: The layout illustration should have all transects labeled and the legend is too microscopic to read. It helps to be able to read a legend. Also, the thin color strips are too narrow for interpreting.

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### ***Unaddressed Issues***

Fact: Both the 30 degree cart path and the wall do not exist on the 1852 map.

Babits, his crew members and the Covey crew saw no sign of the fort wall on T - 367 when Covey was finally allowed to see the archives map copy he had been waiting to see. It is simply not there now despite Babits' contention. Ignoring facts will not make them go away, nor will insisting a nonexistent relic dune ridge not there in 1852 miraculously translocated itself across a considerable distance and somehow morphed into a north and south orientation, flat across the top, 40 feet wide and unlike any others. What's described are not dunes at all, just low rises that are far closer to the shore than to Covey's site as T - 367 and photographs from the 1800's clearly show. Natural or cultural, either way one's left to believe the 1849 surveying crew mapped every feature on site, but somehow missed a huge ridge that was hundreds of feet long, too tall to see over and had to be surveyed around in order to map features surrounding it. It also insists the surveyors mapped all of the features of the impoundment along with the "U shape" pond whilst only the cart path down the center remained invisible to them, even though they would have walked upon it to perform the survey. All of his defies logic. That cart path crossed over boundaries set down in 1874 with Ira's deed to his son Dameron. And while Zion may have built the house in 1885 as the report says, Zion did not own the land then and he was fourteen at the time.

The path to the Wenberg house, like the graves in the ridge, is important in helping establish a time line for determining when the east wall was constructed. Logic dictates that the ridge must be older than the path as it clearly dissects the ridge. Not only does T - 367 show no sign of a ridge, path or 30 degree cart path where all exist now, it shows the Wenberg property with no structures on it in 1852 (it was agricultural). The property was subdivided in 1874 and the new property lines now crossed over the 30 degree path. The path is older than 1874 but younger than 1852. The Midyetts did not build the 30 degree cart path because it was in the center of their field. They already owned the whole section with its existing perimeter paths shown on T -367. The angled, central path would have been detrimental to their operation, but it was vital for the fort. The ridge is older than 1901 as evidenced by the grave marker of L. N. Midyett. If the house is older than 1894, the more defining it becomes for the timeline period of construction. However, Covey doesn't believe it is older than 1894 due to its architecture and Dameron gave Zion the Wenberg tract that year. Zion was only 23 in 1894. The path to the house was cut when the house was built or shortly thereafter, there being no need for it before the house's construction.

The ridge has to be older than the 1901 grave, it has to be older than the path to the house, and it has to be older than the house. But it wasn't there in 1852 and if the soldiers didn't build it, the time frame for the construction period gets shorter for the competing point of view. None of this aspect proves anything except the time frame for the development of the investigated features is 1852 - 1874 and that is consistent with Civil War action.

### ***Midyett's Plantation Deeds***

While genealogy can be a useful tool sometimes, Covey prefers to rely on primary sources for documentation (e. g. maps, charts, photographs, drawings, military records, census records, estate settlements, wills and land titles) and he would most definitely like to see more in the final report. The investigator is not being paid to produce a book report. Setting all conjecture aside to deal with facts only for a moment, it is indisputable that Jackie and Ken's house where she grew up was built by her Grandfather, Zion Midyett. Covey worked on the house periodically for Jackie's mom (and Covey's friend) in the 1970's until at least the year 2000. The first visit to the site Covey remembered was 1959 when he was three and he was scolded twice for playing on the ridge. He was a 'tad tow-headed' as a child.

Zion acquired his 3 acres from his father Dameron in 1895 (Book D, page 529). That land is described as a portion of the land Dameron received from his father, Ira Midyett, in 1874 (Deed Book A, page 25). That deed describes his gift to his son as being 1/4 of his 50 acres and adjoining Nichodemus (Dameron's elder brother, the one buried in the ridge). Brother Bannister gets 50 acres and 1/2 interest in another 50 acres, then proceeds to acquire more of his sibling's interest in the family plantation (Book 10, page 107). Each of these 50 acre tracts are over 1/4 of a mile long from boundary to boundary. Ira, in turn, was only 3 years old when Daniel died, but is mentioned and taken care of in his father's will of 1809 (Will Book 2, page 352). The will bequeaths most of Daniel's remaining tracts of land throughout the Pamlico region to his sons and daughters. However, it stipulates the 50 acre homestead goes to Ira after his mother's (Elizabeth) death. The chain of title is complete here.

Fact: Covey's site in Waves is part of the original Daniel Midyett homestead of 1784 and its provenance will stand up in any court of law. The Babits/Oxford site is on another tract of land granted to Christopher O'Neal 43 years before Daniel got his.

### ***The Hotchkiss Report***

For the Babits/Oxford hypothesis to be correct it will be necessary for the report to explain how the Hotchkiss report is in error, because it is one of many pieces of contradictory evidence that is conveniently missing. Master Hotchkiss, acting captain of the **General Putnam**, concisely states that the **Fanny** was positioned from “the windmill on the Northern End of Chicamacomac [sic] bearing **ENE Distant 3 miles**” and furthermore, that the boat was 3 miles off shore from Camp Live Oak. Look at the chart with the intersecting red lines I provided. It is drawn exactly as described by Hotchkiss. It is immediately obvious that Camp Live Oak had to be well south of the north windmill. It can’t be any other way, especially when we also know that Midyett’s Mill was adjacent to and south of Camp Live Oak, not a couple of miles to the north of it as the report has it. So now north is really south, both on land and now with a compass? This automatically eliminates the Babits/Oxford scenario.

The presence of the Black Mar Gut (Rodanthe Harbor) estuary complex between the northern mill and the ‘Camp No Live Oak’ site is problematic and is not supported by the literature cited. Now, while looking at the chart sketch Covey drew, notice the water depths 3 miles from shore as drawn and as described by the Mansfield report the authors cite. Incidentally, it is unpardonable to cite three little words (“on the beach”) of a passage whilst ignoring the more abundant contradictory evidence within the same passage cited. Repetitive attempts at cherry picking citations is reflective throughout the report and will not suffice or go unchallenged. This represents a seriously flawed methodology. All of the elements of the Hotchkiss report contradict Babits, Oxford, et al, but agree with Covey. If there was only the **one mill** present now postulated, despite a lot of evidence to the contrary, Capt. Hotchkiss would have simply said “**the** windmill”. After all, everyone agrees it is **the** prominent feature along the shore. But he didn’t do that. He said that conditions were “clear” and he differentiated between the standing mills by describing “the windmill on the Northern End” – to eliminate confusion. It wasn’t confusing then and no one should be confused by it now. There is only one possible explanation. Read it for exactly what it says because no amount of contorting facts or compass readings as Oxford tried can make this premise fit. Babits and Oxford assume that the captain didn’t know north from south but still managed to navigate between Hatteras Inlet and Chicamacomaco.

Although Merrill (1869) was not there (primary sources?), nonetheless a close examination of her offering yields another of many inconsistencies with the competing hypothesis. This is important because Merrill concurs with all other references that the 3<sup>rd</sup> Georgia came ashore south of Loggerhead Inlet, **3 miles north of Camp Live Oak**. Covey previously demonstrated to Babits that 3 miles north of the Waves Camp Live Oak site puts one precisely at “Uncle Jimmy’s Landing, the island’s northern most landing and the wharf for the vessels. The Babits/Oxford hypothesis has them landing on a shoal island in the middle of Loggerhead Inlet (consult T-367), which would have ruined the mission. Post 1849 inlet migration southward makes an impossible solution even more unlikely. Since landings are typically chosen for their depths of water, their lack of currents, their protection from high winds and tides, their shores and their proximity to work stations and/or dwellings.

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Landings cannot really be discussed for historical aspects without examining their relative nautical charts which is why it is amazing that Babits had no interest in them as a source.

It would be foolish to attempt a landing at an adjacent inlet because of strong, shifting tidal bores and flood tide shoals when better alternatives existed. Inlets are way more dangerous in reality than they appear to be on paper and they remain the scenes of many tragedies here on the Banks. Covey can personally attest to a large number of lives lost in them, friends and family included, he is sad to say. Presumably there were enough local men with the landing parties to make them understand the folly of trying to disembark where the flood tide shoals predominate, where it is vulnerable to the predominating northeast winds blowing over an open fetch of ocean water through the inlet, where the currents are the strongest and finally, their landing site is separated from their mission by the inlet. What a debacle that would have been - one cannot pick a worse landing site than the north end. Although Confederate forces were transferred to shallower drafting barges which they punted, they still had to wade a considerable distance while attempting to make landfall. The competing scenario suggests the attackers avoided using the only landing in sight, the one they had just watched the opposition's north picket abandon and retreat from.

#### ***Nautical Charts***

Old navigational charts of the Chicamacomico areas waters are remarkably consistent with their modern counterparts and the 1919 chart Covey used is much closer in time to the Civil War era than to the present. The water depth at the Babits/Oxford site ('Camp No Live Oak') is much too deep offshore, but matches the Waves site exactly as described by first hand accounts and the Mansfield citation quoted. Also, where exactly does the principal author figure the *Fanny* ran aground on October 1<sup>st</sup> in her haste to escape? With a wind blowing hard from the east at least gale force, the *Fanny* somehow managed to run up on a shoal where the water only gets deeper instead. Covey showed Babits his *Fanny* research the ONLY spot in nearby waters where this could have happened as described, directly offshore from the Waves site where the large wooden anchor stock was found by Mr. Midgett and his son in the 1970's. One of the most puzzling aspects about the entire report is the absence of discussion concerning landings and charts because they were an extremely important component of both Union and Confederate operations around Hatteras Island. To lack first hand knowledge of the local waters is a serious handicap for any investigator. To not consult the charts for a better understanding of the places, events and how the inhabitants negotiated island life is a prime example of why the Babits, et al report cannot be considered to have any academic merit

### ***Discrepancies Between First Hand Descriptions and Report Conclusions***

There are many other problems with the Babits/Oxford hypothesis as well. The authors speak of many cryptic clues describing the location of the camp, but it only cites the least revealing (“on the beach”) and conveniently avoids mentioning any of the more descriptive accounts. It is troublesome for the Babits, et al ‘Camp No Live Oak’ site since there are no live oaks near the shore or anywhere else nearby. There are no 20 acres of pine trees, no green grass, fair soil, wild grapes or fruit trees either. There is no hospital or hill south of the camp. They are all mentioned and present at the Waves site, but did not exist at the north end as indicated by T - 367. In fact, T - 367 shows the their site to be near the south end of a bare wash zone, low for pitching tents and certainly at odds with all accounts describing the high ground of the camp. A huge production is made of a missing windmill that is not really MIA while ignoring a long list of those that could never be found at ‘Camp No Live Oak’. And what about the most important factor of all, the potable water taken from shallow wells they dug, the water they could not exist without? The northern site offers no resemblance to the description the 20<sup>th</sup> rendered and could not possibly be mistaken for “a beautiful land” of “honey and clover”. All of this was 2.5 miles south in present day Waves.

On page 6 Big Kinnakeet is confused with Chicamacomico. Big Kinnakeet is south of Little Kinnakeet and is the village of Avon, proper. Maps do exist with an occasional typo but those errors are hardly reason for confusing the villages. Their separate existence is easily documented as early as 1717. It should be ignored. On the same page Powell is cited for how the islanders survived. He describes farming as limited despite the original tenants being recorded as planters and/or plantation owners who owned rather sizable farms. These are not dirt poor farmers trying to scratch out a living here. That came much later. Fishing in the 1700’s was primarily for local consumption and limited barter due to its extremely short shelf life. Powell does not seem to accurately portray how life on the Banks was lived. His speculations are unsupported by the written record and are woefully inadequate. That is an insurmountable problem when relying on those who were not there and separated by wide spans of time. Once again, multiple sources of documentable information produced by first hand accounts are available and Powell is just an encyclopedia editor. Much of what has been presented by Babits, et al as archaeology conducted is a simple regurgitation of previously published and undocumented speculation.

### ***Dune Ridges***

The report describes Primary and Secondary dune lines existing in the 1800's despite no evidence to support the assumptions. They are never included in the historical accounts describing flat, bald beaches of little relief. They remain invisible on all of the photographs of the era and they remain uncharted on the maps. Please offer an explanation, cite your sources, or remove it from the text. Simply repeating a fallacy does not make it true. The only dune formations here were largely built by bulldozers later in the 20<sup>th</sup> century. They are aberrant and are slowly disappearing from the natural systems, geologically speaking.

The investigator cites Farquhar's map but fails to report what it actually portrays. Farquhar's (1864) cartographer drew a string of hemispherical hills forming a J-shaped crescent. It is impossible to miss them as they are front and center on the map and are on the beach where dunes are found. There are no sand dunes on the soundside of Hatteras Island. Those round hills are the real dunes. Just like the ones in the aerial photo of the dune formations Covey provided and those he pointed out on T - 367. The same hills were drawn and published in 1861 by multiple artists depicting the 1<sup>st</sup> amphibious assault of the Civil War. They are not representative of the Wenberg ridge. The Union troops landed on the East side of those same massive hills to effectively shield themselves from cannon fire directed at them from Ft. Clark. And finally page 6 states that only the 20<sup>th</sup> Indiana occupied the outposts. That too is wrong as there were several others.

Page 8 describes an adjacent area devoid of vegetation as being part of an "active dune field". The activity and bareness mentioned was the result of a bulldozer. It is further evidenced by the shearing off of the ridge at the property line terminus at the south end of the ridge. The authors assert that the exposed bare patch of sand existing there must be an active "dune field" because it is bare. Anyplace on Hatteras Island, besides the marshes, that is subjected to any heavy equipment's blade will result in a patch of 'bare sand' and this is totally unrelated to the argument advanced. Displayed in the 1962 aerial photograph provided (M-266, No. 90) is the old home of Mr. Asa Gray, Sr. due south of the Wenberg's house. This is the site of the same "bare patch". It was taken on March 14, 1962 - not in the 1930's surmised. It is the same photo that Covey used to show the 30 degree cart path that remains unaddressed. The report mistakenly maintains that no 'mound running east-west above the "U" shaped depression that might be construed as a fort wall' existed. Actually there was hundreds of feet shown in the 1962 aerial of the north and southwest features.

When Mr. Midgett created his boat basin he used the wall feature as a retaining wall along the south wall of his new boat basin to prevent dredged fill from re-entering the water. The retaining ponds are monitored and are required for dredging permits. That is why the land behind these areas is elevated several feet higher than the adjacent marsh. They have been backfilled with dredged material. It precisely matches the northern edge of Covey's drawing. LIDAR cannot display relief if the area around the relief has been filled in to the height of the relief, as these were. This is also the case for the southern wall. So much relief existed there Mr. Gray altered the shape of his boat basin in its northeast corner to avoid

dealing with removing all of the extra sand. The wall became part of his dredge retaining pond as well, as the boundaries in the photo and Covey's drawn map portray. It is apparent that the authors did not visit either property to field check what they reported.

### **Georectification**

*Now as for the drawing itself.* Because the georectification does not coincide with the actual features on the ground, the methodology is flawed here too. The scale, morphology and orientation of the Covey drawing were acquired from T - 367. The boundaries were a product of Dare County's 2012 aerial tax map that had the property lines superimposed by the County contractor along with the accompanying measurements of the respective properties. Covey's transparency was produced from the 1962 aerial after the photograph had been enlarged to match the scale of the tax map. All four provided images are in complete agreement and can be interchanged with or superimposed on each other, yet the report drawing does not coincide with the features on the ground. It is most noticeable when looking at the comma shaped water hole ("U" shape) in the northwest corner of the fort. This is the feature that the authors say is nonexistent. All four of the Covey exhibits align with each other and overlaying the transparency on the 2012 tax map reveals the features current location which was one of the objectives to the exercise. The report image does not conform because it has been shifted so far eastward it appears one is seeing double. It is obviously in error because the copy misaligns with the comma shape. Unless, of course, the peculiar shaped waterhole was filled and another one was dug exactly like the first to the east where it is now suggested to be. That would be highly unlikely and the other elements of the feature don't match either. If one attempts to slide the landform to the east for such an exercise, then all of the landform components must travel with it.

Diagnostic strategies diverge here. The methodology of the report is fixated on points that exist on paper. Three sets of lat /long lines illustrate big variables with this strategy. Covey's strategy is partially based upon the relationship of actual existing features on the ground and the spatial relationship between them and other components of the area referenced. His biggest variable concerns are with the individual cartographer's abilities. Farquhar's map (he didn't really draw it as credited) is a perfect example. Although Covey uses it to corroborate other points of reference, nonetheless, its accuracy pales when comparing it to the T maps. Covey noticed lat/long spacing has varied on the T maps as well, another variable the authors are unaware of. Close inspection reveals some of the resulting quadrangles produced by the imposed coordinates yield measureable variations in size of the rectangles. To depend upon these multiple line sets and/or the interpolation techniques utilized is fraught with danger. That is why Covey interpolates only as a last step if necessary at all, unlike the investigators who based all of their calculations upon interpolating and borrowed map scales. Sadly, the report reflects the extensive resulting inaccuracies.

- For example, the report designates the 36 degree latitude as the site of Camp Live Oak. It later lists a site to the north of the camp (**Loggerhead Inlet**) as having a lower latitude number. Just as with the Hotchkiss' account, north can not be south. The investigator's exercise is fruitless and exposes a hopelessly flawed methodology. Only a novice would commit such a cardinal sin as it is an unacceptable practice. Of equal importance to their calculations is an incorrect distance used for the separation of Forts Clark and Hatteras. The map used by the investigators (Farquhar 1864) is incorrect and overstates this distance by

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16% when compared to the much more accurate T – 1246, which shows them to be 533 feet closer together than the investigators mistakenly believed. T -1246 shows the two forts were positioned 5/8 mile apart which agrees with military reports. This explains many of the miscalculations made by the investigator that plague their report.

The T – 367 map was incorrectly surveyed because of the multiple, conflicting lat/long lines drawn on it. Georectifying anything with the techniques described are of dubious value. It appears that the purpose for this exercise was to try and place the Wenberg ridge closer to a perceived “dune ridge” in a futile attempt to somehow explain how a ridge, relic or otherwise, could avoid representation on the T -367 map. The same goes for the 30 degree cart path. This will be vigorously challenged until the report adequately addresses the issue, since the explanation presented is implausible.

Page 8 describes the ridge feature as having “very little grass cover” when in fact it is completely covered with tall beach grass and large yucca plants that the cited photo plainly shows. This is a misrepresentation in the report. First the photo (1955) is cited, then it is misrepresented for what it actually exhibits and finally, the photo is absent from the report. Not only does it refute what is misrepresented, it shows mature yuccas that have obviously been growing on the feature for decades. Yucca species (the island has three) are slow growing, especially in high dry sand but are easily propagated from borrowed fill because of their hardy tubers.

Covey has yuccas from Chicamacomico growing on his ridge in Buxton that he put there almost 30 years ago (he’s a former Botany major who studied plant propagation). Those yuccas are growing at elevations between 8 and 12 feet above sea level and they are nowhere near as large as those in the picture. The ones pictured are extremely old. This is supported by the presence of younger cloned plants that have emerged from common underground tubers. The yuccas are obviously well established, quite old and probably resulted from a failure to remove the tubers from the fill used to construct the wall. Yuccas were not typically transplanted near houses as they can be very dangerous to contact. If such an entrenchment were being created it is doubtful they would have slowed the work to remove every little section of yucca roots that got dug up with the borrowed fill. It is impossible for their presence to have originated from blowing sand. Their dense tubers had to be physically placed uphill and somehow reburied. While Covey is not suggesting they were purposely transplanted by troops, a line of those growing where they are shown would effectively create a natural, formidable secondary cheval-de-frise. The 1955 Dunbar photo was taken 90 years after the war and is far more germane to the project than most of those included. That goes doubly for the 1962 aerial enlargement. *The fact sand blew in drifts is well documented but why cite someone’s recollection of subjective childhood memories when objective evidence (Dunbar’s 1955 photo) that predates it is available?*

The authors struggle to explain a pile of bulldozed sand to Wenbergs’ south that is missing when people have been borrowing sand on the island from any available source for centuries. There’s no mystery here, and it is not relevant to the project. And lastly for the

page, the islands mills are reported as "gristmills because there was little demand for cutting large timbers." No citation is offered here so I am left to wonder if this is more fruit from discussions with windmill experts Riggs, Pullen et al or is it further speculation on Babits' part? Actually, the barrier islands were fair producers of lumber initially, which is why much of the deforestation on the island occurred. Buildings, many schooners and other watercraft were built on the island. This was another well documented, vital industry for the island overlooked by Powell. The Confederates absconded back to Roanoke Island with all of Chicamacomico's 104 vessels in tow and that averages to more than 2 boats for every house in the village. Wind power is insufficient to cut wood, one more reason why a plantation's saw pit was an attractive component for the construction of a fort.

## **MILITARY HISTORY**

While part of Gen. Butler's mission was to close Hatteras Inlet, he prudently decided not to. Instead, he ordered the accompanying "stone fleet" to be towed west of Hatteras Inlet and scuttled in parallel formation almost perpendicular to the Ocracoke beach where they remain. Butler immediately hopped the next steamer back to Ft. Monroe, fully expecting to find his military career was in tatters when he arrived because of his decision not to blockade the inlet and to remain on Hatteras Island with force. He was not only forgiven for violating his orders but was praised for having made a better 'executive decision.' Hatteras Inlet was used by the Burnside Expedition soon thereafter in January 1862 and remained open throughout the war. There were two other units at Hatteras Inlet for the battle and Hawkins only had 3 companies of his regiment (C, G & H) until the 10<sup>th</sup> of September. The lack of the investigator's knowledge about the events of the war on Hatteras Island is a huge obstacle that presents many problems for the integrity of the conclusions given.

The report also is in error about the *Fanny* and her cargo. The *Fanny* did manage to successfully unload equipment onto one barge and some smaller craft before "slipping her cables" and attempting to escape on October 1. Considering that attack was presumed to be imminent, that their first order of business was to construct fortifications and that no entrenching tools were discovered on board the *Fanny* after its capture, it makes perfect sense that the 20<sup>th</sup> began doing just that. That would be the east wall. Besides, some digging tools, carts and barrows were readily available at Midyett Plantation the moment they arrived. When hundreds of soldiers have been placed in such a vulnerable situation, so close to the enemy and without artillery, they would presumably have been preoccupied constructing entrenchments for their safety without delay. Thankfully for them a good amount of the task had already been performed by the slaves in the construction of the impoundment on the map whose use can be discovered in Bannister's settlement papers.

### ***Adequate Water for the Troops***

It is important that the report mentions the logistics concerning adequate supplies of potable water needed for the hundreds of men at Camp Live Oak, since there is no potable water on the north end of the island. It is salty, infused with tannins and sulfides and unfit for human consumption. 'Camp No Live Oak' could also be aptly named 'Camp No Good Water'. The sound side is blessed with a thick surface peat layer that extends all the way across and underneath the island where it emerges from the strata underwater in the ocean at a depth of between 16 and 21 feet. The entire beach front at the north end has always had cedar and cypress stumps (but not oaks or pines) in the surf and out into the ocean. Because Covey contends with these stumps every time he installs piling foundations there within a couple of square miles, His construction company has developed several special tools and techniques for extracting them from below the water table and they have seen evidence of large tool marks in the wood. This is more evidence of logging deforestation on the north end that predated the 1846 hurricane which resulted in Chicamacomico's division.

The stumps and the peat imbue compounds from anaerobic sulfate reducing bacteria which are slowly decomposing the organic materials.

The oaks were absent for the 1849 survey and Live Oak (*Quercus virginiana*) is the slowest growing tree on the North Carolina coast. Its dendrochronology and role in ecological succession were a focal point of Covey's university studies at Wilmington so he is positive it would have been unnatural and impossible for a Live Oak hammock to exist there in 1861, a dozen years after the survey and fifteen years after the devastating 1846 hurricane. No Live Oaks, no Camp Live Oak. It really is that simple. Even without the stumps, the water is salty because it is near the saline waters of Loggerhead Inlet and its associated estuary. The relatively few old houses on that end of the village used cisterns to collect rain water for consumption, not nearly enough for 600 soldiers.

### **INTERPRETATION**

There can be no doubt that the camp was located "on the beach". Chicamacomico was almost universally described as being a bald, flat, wind-swept beach with little relief except for an occasional hummock of low lying trees. For anyone to pick any stretch of the island and say they were correct because they saw a beach is extremely specious indeed. It is comparable to saying you went to the beach and found sand. It's a given. Anywhere they could pitch a tent was "on the beach". However, once again Covey is compelled to comment on the citation sources. The report is quoting Mansfield who later arrived here when he assumed command. He is relaying information to his superior that has worked its way up through the ranks just to get to the General. He never visited Chicamacomico or anywhere near it. No telling how many "hands" that information passed through. First hand accounts are readily available and contain much more data than those that are mined for detail, edited and reinterpreted with each passing of 'hands'.

The description of no beach, just a "slight gap in the marsh" is inaccurate and misrepresentative. Actually, the area ruled out by the authors is none other than Waves Landing, Chicamacomico's premier landing. The principal author seems to have a knack for getting things wrong and once more he has underestimated the locals. It is both presumptuous and condescending to suggest the local population didn't know where they should anchor their boats, or build their houses. Many problems exist with the north end landing scenario. Its interpretation relies on an absent Mansfield and it reads as if the principal author witnessed "numerous boats drawn ashore" himself since he offers no citation. He also ignores a large offshore wharf there, which is not a community structure, used for larger vessels such as the ever present small schooner, many locally built. Such vessels are named in the Bannister Midyett estate records along with smaller craft of his.

It is not by coincidence that this structure is located near Loggerhead Inlet because it is a dock for deep draft vessels. These are the docks where Thomas Paine moored his sea going vessels that left through Loggerhead Inlet. They are the docks where the elder Bannister

Midyett worked for Captain Paine. Bannister was born in 1766 and too young for the Revolutionary War and these docks were where it is chronicled he spent some of his childhood. Just below this area lies an expansive shoal that extends southward to the mapped drain separating Rodanthe from Waves and includes Green Point.

The investigator's lack of initiative to consider vital provided information was unexpected and a negative influence to the success of the investigation. In this instance it resulted in many avoidable errors. Definitive interpretations of the maps for Hatteras Island are incumbent on an understanding of its adjacent waters. It is an island, and to do otherwise is just foolish. It is relying on information 'taken out of context'. It led the authors to choose an unsuitable site closest to the inlet where it is much riskier to land for small boats powered by sail, rowed or punted. To venture here is similar to what locals liken to the 'Missouri Boat Ride', not nearly as dangerous as a 'Nantucket Sleigh Ride', but still guaranteed to mess up your day. The docks are located farthest from where the villagers live in the more protected, higher elevations to the south as indicated by T-367 and confirmed by the census. Numerous boats do pull ashore at Waves Landing because there is no need for a wharf there. The islanders who managed to survive on Hatteras Island in the 1800's did not do so by being ignorant, or by taking unnecessary risks, or by wasting time, money, or energy. Their lives were not easy and Babits would be better served by taking such factors into account when he come ups with these condescending ideas. The islander's boats were important to them and locals have a word for visitors who entertain them by doing such amusing antics – dingbatter.

### **Tents**

Now for the tents. The entire passage on the subject is predicated on a source that cited a source that he purportedly read from another source that was given a report which came from a Commissary Captain. It wasn't even a quote and this is unacceptable. Especially since Oxford has been discovered twisting cited facts to subjectively advance his position instead of objectively following the trail of evidence to where it leads as Covey. Oxford also hides his errors in his footnotes. It just won't do. You want to make a point about tents then fine, make it. The section is informative but of minor concern. But, Covey has read the original passage and so should the investigator. Use the original and stop trying to score more points with Oxford, Pullen et al on his dime. Like every other extraneous idea presented in this report - simple, logical documented answers just don't seem to work for the investigative team. But it is not complicated.

It goes like this. Carter, the commissary captain, was on board the *Fanny*. The *Fanny's* deck sits very high off the water (check drawing). Carter did not say how many tents he saw. He did not say he saw all of the tents. Two tents would be plural. No one knows what type of tents or how many tents were used. Chicamacomico is a low lying area with stunted scrubby trees and bushes. The Waves site is the highest natural elevated area on the north end of Hatteras Island. Considering all of the above along with the Captain's elevated viewpoint, it would be inconceivable for anyone with their eyes open to miss seeing some

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tents. Of course Carter could see tents. It would be impossible to hide them all. They would be sticking out like sore thumbs and couldn't possibly be mistaken for anything else but tents. The section on tents, while informative, is mostly padding to the report.

#### **THE "FORT" at CAMP LIVE OAK**

The background material is much appreciated and I am sure it will be of use when the projects on the Frisco structures soon begin. This section includes a citation that self eliminates the report hypothesis. The author confidently writes "There was a mill immediately south of the camp that was shelled . . ." This is one more piece of quoted cryptic evidence that is audaciously used by the author to support a conclusion it plainly contradicts. **Wind Mill**, as portrayed on T-367, is not "immediately south" of anything but Pamlico Sound. It lies so far out onto Green Point it is neither south of nor immediate to anything but marsh and water and it is 5/8 of a mile away from 'Camp No Live Oak'.

Another inaccurate passage illustrates the author's lack of knowledge leading him to include more incorrect suppositions. He writes "Union officers did not seem to care that Confederate naval vessels operated as far south as Hatteras Inlet when in fact the record has many such instances that are in opposition to this glib supposition. One has to look no farther than the eventful day the 20<sup>th</sup> was routed at Chicamacomico. The Union troops mistakenly believed the invading flotilla spotted moving south of camp was in fact Union gunboats returning from the northern waters after chasing Confederate mosquito boats towards Roanoke Island and the north end of Pamlico Sound the day before. The author further speculates that the Waves site had "no room for cannon", only ranks of men. The length of the wall is underreported and the author once again reveals his failure to grasp the purpose of the fort, artillery not infantry, and the size of neighboring fortifications previously built. The horseshoe feature "too small" for a fort in the investigator's learned opinion is actually over 3 acres in size as calculated by its 1:20,000 scale representation.

Babits opines that a Waves fort would have been built over a "higher dune southeast". Amazingly he displays several shortcomings in a single sentence. The "dune" he speaks of is not only, not a "dune", but he fails to account for the main road traversing over top of his dune. A "dune" would not have a road on top of it as he suggests. It is only a low broad knee-high feature. Once more the author mistakenly believes the citizens of the village are not intelligent enough to know where to put their main road as he has with their choice of landings, anchorages and their home sites when it is obviously he who lacks the cognitive power to understand the reasons. Necessity is the 'Mother of Invention'.

*The picture at the bottom of the page currently numbered 44 is the closest approximation of what I was trying to demonstrate. Had I possession of the map I was waiting for you to provide I would have produced a better copy. However, I see no value to any of the others though, because of inadequate methodology and I remain perplexed as to what was really trying to be shown. It is not very clear.*

Babits is personally mistaken by his statement that it was a "circle" on a map that led Covey to think there was a fort on the site. Twenty – one separate pieces of evidence pointed him to the Waves site without a single exception. They all led him to where he knew the Wenberg ridge feature was located since he was a small child. He told Oxford years before he began his book to look near the microwave tower in Waves because that was where all of the descriptive accounts he had read at that time were pointing towards. Everything he has discovered since then has done the same. Besides, Covey always described it as a 'horseshoe' anyway, never a circle. That is most definitely someone else's musings.

No information is given by the author to considering the damage to the impoundment caused by the devastating hurricane that had eviscerated Chicamacomico less than three years before Bache arrived. By then, the slaves were long gone and the family's attention had to be directed to more pressing matters than rebuilding the impoundment's levy. There is indeed a difference in the cartographer's attempt to differentiate between the impoundment and the adjacent marshes. The line spacing within the horseshoe is closer together than those for the marsh and the vegetation symbols are drawn differently. The comma shaped pond in the northwest corner is visible in both maps as well. Covey has absolutely no problem seeing it on all of the sources provided and he can still locate remnants in the marsh on site, Despite what the investigator reports, it is not filled in entirely and has standing water in some remnants of it at all times. The same feature is a control point for all of Covey's furnished material produced and the investigators double imagery reveals manipulations that try to shift the proposed outline eastward. The 1962 aerial photo's most striking feature is the pond, its associated levy projecting outward into the sound, the north and southwest walls and the 30 degree cart path. The photo also confirms Covey's contention that severe erosion of the walls have occurred where the impoundment was artificially thrust north and westward into the sound.

Critically important to deciphering the history and development of T – 367 is to understand how this map has undergone multiple additions through the years. It has still not been adequately explained how and when a Life Saving Station built in 1874 can be represented on an 1852 map, seemingly a contradiction. The first additions were added by a W. F. S. in 1867. The multiple lat /long line corrections overdrawn are also later additions (R.F.S. 1923 & J.F.R. 1938). The investigators erroneously attribute a handwritten date (1878) as being added to the map that same year. The 1878 pencil additions were later and can be found on other T maps of the series.

Fact; Regardless of when the 1874 (1878) feature was added to T – 367, a survey crew would had to have been dispatched to the island to record all of the later built Lifesaving Station coordinates. Many other additions to the map may have been concurrent to those as well in order to finish updating it.

### *Georectification Off Site - The 1874 Life Saving Station*

An extremely egregious mistake has been made by the authors concerning the 1874 building. It drastically affects their erroneous conclusions, it is another example of poor map interpretation and it further demonstrates the report's inadequacies from a historical perspective. "The first Chicamacomico Station was built in 1874 but later moved." is indeed a correct statement as Babits writes. However, the "position shown on the updated 1852 map is for the later station." is an incorrect one. Actually, the 1874 building is currently undergoing restoration at its new home in Rodanthe, the "later station" site. But that site is not the station location later drawn on the 1852 map as Babits says. Its original site is in the Atlantic Ocean and is nearly a mile **NNE** of where the investigators georectified it to be. The investigators have incorrectly reported its mapped location and their georectification efforts were in vain and all resulting conclusions are highly suspect. The "later station" described is directly east of Green Point where the northern windmill once stood and that fact further confirms the investigators inability to georectify anything accurately with their chosen methodology. Because Covey is the only person alive who knows where all of these sites are physically located, including the forts, it was easy for him to field check his map coordinates long ago to see if they actually coincide with the locations on the ground. It appears the only field checking the investigators performed were on the Wenberg property.

*Any evidence presented as a personal communication must be viewed as suspect. The investigator failed in several instances to properly relate communicated information and has misrepresented myself at least twice, and possibly more, as well as others. That is unpardonable for me and it should be more than enough to cast doubt on any conclusion Babits arrived at concerning "personal communications".*

The second georectification is also of little value and so are all of its accompanying passages as well. This too deals with the investigators' hopelessly flawed methodology.

### ***Georectification Methodology on Site***

The georectification report begins by saying the investigator “utilized the corner of a property line shown on the 1852 map and a road running off the central island road”. Nothing could be further from the truth. For starters, the old road and Highway 12 are not on the same roadbed. Using an unidentified and undefined old road running somewhere from the central road for a reference won’t work either. Just as important, the property line did not exist in 1852 as is stated. It is post Civil War according to deed copies Covey possess. It was still under Midyett ownership until after the war. Covey labeled it the Gray homestead to differentiate the properties for those who were less familiar with them than he and because Mr. Asa Gray, Sr. (his childhood Sunday school teacher) was raised there and the Gray family still owns it today (Asa Gray III was the individual who confronted Babits about parking on his land). Once again, careless, anachronistic examples that are extremely loose with details are present. Unfortunately, this time it resulted in serious ramifications that rendered an entire important component of the study impotent.

Too complicate matters even more, the investigator chose a property line that remains in dispute. Without going into any detail, because these types of matters can be delicate, it is necessary to observe where the property line used is drawn in relation to the road and the building next to it. The Gray’s driveway is on land taxed to the Wenbergs (2013 Tax map). Both owners consider the corridor as their own, a Gray family driveway on Wenberg land - a corridor that has existed my entire life, but which did not during the Civil War. All three of the investigators points are way off. The methodology employed guaranteed their initially flawed methods would become a useless exercise. The collected data is meaningless and so are the georectification pages produced as a result of its data. At least their efforts verified the Waves site is where Covey calculated the investigated feature to be.

The report implied that Covey was deceived into believing the marsh/high ground interface that is represented by an ink line on the map, was actually the east wall of the fort. He said nothing of the sort and he is displeased about being misrepresented. Covey went through a lot of trouble to get the investigators to understand how the soils had obviously been altered along the line in question. The site had been excavated as indicated by the 1977 soil map I provided. An excavation is the opposite of the mound Babits imagines and the line they are calling a ridge is actually missing within a large part of the horseshoe. This is symbolic of a slope progressing downward into the marsh, not upward into a ridge as they would like Covey to believe. On several occasions Covey pointed out how the same discussed interface ran for over 1.5 miles long on T-367. The measurements he calculated for the length of the east wall are a small fraction of that. The interface is a natural appearing feature along its entire length except within the horseshoe. One can follow the length of the interface and it suddenly takes a jog east right at the impoundment/fort walls, and then continues along its natural path. This is a text book cultural feature and it is hard for to see what was done here as anything but a deliberate distortion.

As for the question as to “why was a fort built ‘most recently’ before ‘March and April 1852’ when there is no military necessity for one?” The answer is – There never was. That was the whole point of the objective Covey assigned. It was an agricultural impoundment built to dike away flood tides from the field until the day Hawkins saw it. It is actually rather ingenious and this agricultural practice is still very common around the Albemarle/Pamlico watershed today. Demonstrate that there was never a reason to have a fort on the soundside of Chicamacomico except from September 1861 until the first week of February 1862. Any fort found at the Waves site as Covey insists had to be Civil War related. The Union Navy’s gunboats and the Anaconda Plan successfully controlled the oceans after the fall of Hatteras Inlet. The need for a fort on Hatteras Island’s northern end evaporated with the fall of Roanoke Island in February 1862.

On page 23 a chart and a tax map are discussed without exhibiting them. All such types of references require representation. ***This report is not considered complete until all cited exhibits are included. If maps, charts or photographs are cited, they must be exhibited.***

While it may be instrumental to georectify a modern map with the 1852 map, it does nothing to rectify the modern map with Covey’s site. One cannot help but notice two coordinates listed for that exercise. **Eagle Nest** and **Jack Shoal** stations no longer exist. **Hatteras Lighthouse** is in the Ocean and **Great Island** could never be used. It is a large marsh with no fixed point on it and has been constantly changing its shape as it succumbs to erosion.

#### **CAMP/ENCAMPMENT**

*I thought I had addressed your concerns about the term “fort” before you started investigating on site so I am surprised to see them included, but I welcome the opportunity to have another correct interpretation included in the report. As I previously explained, I knew they didn’t have time to complete the task they were sent to accomplish. I also knew the fort was not completed and that heavy artillery never arrived. One cannot have a fort without guns so why would anyone call it a fort until it was completed and armed? Most Forts began as Camps and then were renamed when finished. So therefore, there was no reason to call Camp Live Oak a fort before it was completed or to record it as such. It would make no sense whatsoever to do so. The point to this exercise was to validate what we already knew? Filler serves as an example of wasted efforts that should have been better directed.*

## **CARTOGRAPHY**

*I will continue to object to your using such terms as dune, dune field, relic dune ridge, primary dune line or any other such associated terms until you can demonstrate a level of understanding and competency on what you speak of.*

This passage has people building on “top of dunes” where none ever existed. It is suggested that building occurred in a new location because of the 1846 hurricane, when people had already chosen where they were because the ground was slightly higher. Once more it is incorrectly assumed the locals aren’t intelligent enough to build on high ground when it is the author who cannot see that they already had. Again, the 1962 photo is clear on this. No need to go moving houses when they were already sitting on the higher ground to begin with. Also, less than 3 years had passed since the 1846 hurricane and the map survey of 1849. That’s not much time to go moving around houses Babits seem incapable of observing when they had no equipment to move them with. House moving here at the time was done by hurricanes and nor’easters. If a structure needed to be moved it was dismantled.

The exhibits on page 49 are a subjective fabrication at best. Drawing heavy lines across land forms the authors seem incapable of comprehending or interpreting does nothing to further their position. Trying to force an improper understanding of the area landforms into a nice, neat north/south little corridor drawn with heavy obscuring lines on T – 367 further demonstrates a lack of knowledge on the subject. It is simplistic and nature does not work that way. Indeed, the most immediately apparent aspect of T – 367’s topography is striations that twist across the landforms at an angle of approximately 014 degrees NNE. This “twist” is a cumulative effect from long shore spit development being altered by the prevailing forces of wind and water coming from the northeast vector, particularly during event driven episodes. This twist has been described as resembling a candy cane, a barber’s pole, a taffy twist or the paint job on the Cape Hatteras lighthouse. The 1977 soil map provides an excellent representation of the landforms being described but, unfortunately, the soil maps were not included because of the lead author’s decision. The misidentified 1962 aerial photo and the 1919 chart were inexplicably ignored as well and all three possess a substantial amount of extremely pertinent material this report should cover. They and many others are glaring omissions of very valuable information Covey supplied to Babits.

Equally damaging to the report’s theory is an overlooked fact that the investigated ridge terminates at the north wall. There is no trace of this mysterious imaginary “dune field”, within the corridor drawn, which has been extended to the north end of Waves. Amazingly, the authors admit no evidence of this “relic dune ridge” exists on T – 367 and then try to explain why that is misleading. The only thing misleading here is the futile tactics employed to explain an absence that destroys their theory. For the assumption to be valid the wall would have to continue running north where it should be in the corridor. But it doesn’t. It stops where T – 367 and Covey’s drawing stopped. This is not a coincidence as there is no other ridge like it on the Outer Banks. The authors have to explain this inconsistency as well as the others Covey has detailed. Buried deep in the report is the description of this feature

as being dunes or trees. Not only is this symptomatic of poor map interpretation skills, it further demonstrates an inability to express meaningful conclusions. It does, however, partly explain why the authors see trees and hills at 'Camp No Live Oak'. Not only does the Wenberg ridge not align parallel to the "twist of the terrain", it actually runs a little west of North further refuting the inventive contention. There is more Covey needs to shared now.

The land immediately to the north of the property where the wall stopped is a large cemetery Covey chose not to tell the team about. It was hidden from their view, but marked on the provided plat, in the stunted live oaks and myrtle bushes that are not tall enough to hide a tent. The cemetery is directly in line with and north of the investigated ridge feature. Tombstone dates demonstrate provenance and this cemetery predates the war and was still being used in the 1900's. This totally undisturbed (except graves) part of the site has overgrowth that would have mostly certainly captured a wandering "dune", unlike a ridge that inexplicably formed next to an excavation which would have accepted the moving sand. Unfortunately for Babits, et al, the cemetery shows no sign of migrating sand activities either, nor do they anywhere to its North. Only within and near the perimeter of the fort walls can you find such evidence. Please offer an explanation for this.

### ***Troop Movements***

Why are the authors including the rather lengthy passages on troop movements? It was never one of Covey's objectives and the math mistakes committed here further damage the team's credibility. Since the report stakes a large portion of its findings on this irrelevant section it is necessary to expose its poor methodology and errors that removes any possibility of this body of work from ever being seriously considered. Firstly, why bother with this exercise when appropriate sources are available on the companion map T-1246 that has both Forts Clark and Hatteras already on it? Instead of such needless convoluted exercises to calculate a distance between two forts for a scale representation on another map as the investigative team, Covey simply measured the actual distance from the map. He also discovered the investigators' had severely over estimated the distance because the Farquhar distance had been greatly exaggerated even though both Farquhar (1864) and T-1246 have the same 20:000 scale. All computations involving this measurement are bogus.

Secondly, the stations listed on page 51 as "still largely extant" are anything but as described and cannot be used. **Forts Hatteras** and **Clark** are both wrong because of incorrect scale issues and the GPS numbers for both of those are listed wrong. Covey discovered **Fort Clark** in 1996 and has extensively mapped the site, using GPS on site as recent as April of 2013 and he has made several dives on the **Fort Hatteras** site in Pamlico Sound. **Barnes Mill** and **Bald Beach** are incorrectly listed according to the map (T-367) the author used. **Waves Site** was acquired by GPS which is unacceptable unless the author calibrated this reading with the others as they were derived from drawings. This is unlikely since **Lighthouse** is underwater offshore in the ocean and so is **Bald Beach**. **Loggerhead Inlet** and **Rodanthe (Wind) Mill** were incorrectly recorded in an apparent attempt to skew

the results to advance their hypothesis. Their numbers had been altered to make it appear the two sites are farther apart than are recorded on T – 367. Now for the distance table.

**Barnes Mill** and **Lighthouse** are listed as being 12 miles apart when T -377 shows they are actually less than 6. Trying to make sense of troop maneuvers using this data is a hopeless endeavor as is deriving any useful conclusions gained here.

*Setting the inaccurate measurement blunders of T – 367/377 & Farquhar (1864) aside momentarily, it is pointless to argue about how many miles someone says a distance is when it is already known they are incapable of accurately determining such a distance to begin with. It serves no purpose but to confuse. Any measurement offered is an estimate, especially for distances beyond a line of sight, and error increases with distance. It is simplistic thinking that draws a line from A to B and then fails to understand the path taken and a distance between the two are hardly ever the same. The path is always longer. Once again, read the first hand accounts of those who participated and you should realize it is not hard to walk 30 miles between 2 points that are 26 miles apart, especially when you are running for your life. These estimates cannot be used to reliably calculate statute distances for anything as they are unreliable. However Hotchkiss' does.*

Babits purposely omitted several sightings taken over the very short distance of 3 miles because they expose the fallacy of Oxford's and his scenario and with that their cases implode. One citation concerns the landing of troops 3 miles north of the camp. Two more were taken over open water by a Captain, from an elevated viewpoint and which were triangulated from two references with the aid of a compass and matched the recorded water depth as well. That is an extremely definitive account of distance and direction and it was ignored. But, the authors will expound at great length over an account offered by someone who cannot accurately estimate a twenty some mile hike taken beyond a sighted distance, while running for his life, because it fits a preconceived idea. Babits rejects accounts registered over a short visible distance triangulated and confirmed with a compass yet he makes a big production over measurements estimated beyond the horizon and which are an order of magnitude larger. Even though the observations cited were being hastily taken while being pursued by the enemy and then later recorded from memory.

#### ***The Chicamacomico "Campaign"***

*I am curious about your uncited reference here and would like to know who you are attributing this to as I am always looking to learn more. I have come across several early references to the "Chicamacomico Affair" and read about the origins of the phrase "Races" (my personal favorite) but never a "Campaign". To what do you base this on?*

#### **METT – TC and OCKOA**

Many other early October accounts exist concerning the intent to fortify and defend Chicamacomico with heavy artillery. Babits was provided with others that contain more than the scant one related as being an "only". The report has some egregious map reading

mistakes in this section. Once again, an inability to read a map is revealed, thus distorting perceptions and yielding skewed results. Five miles below the 'Camp No Live Oak' site in Rodanthe would place one between the stations of **No Egg Point** and **Dolphin Wreck**, nowhere close to **Great Island** as the investigators determined. In addition to that Babits writes "five miles below Waves would be almost to Bald Beach and opposite Great Island". Actually, that would be much further south, (below Cedar Hammock). And **Great Island** is in Waves, not 5 miles away as stated. It is adjacent to the Waves site. It is nearby to the southwest and was in itself still another reason for choosing the Waves site for the fort which nowhere else in Chicamacomico had. The fort's southwestern flank would have been protected by an offshore marsh island negating any chance of attack from that direction. This would allow limited resources to be elegantly concentrated into the quadrants needing suppression (the north and west).

It is no coincidence that the Confederate flotilla "came to anchor about five miles below" Camp Live Oak. This matches the description of where the Fanny had been captured three days prior and is another important cryptic clue missed by the investigator. Both occurred in the same narrow passage leading back towards shore, Cedar Hammock Channel. It is but one of many corroborating points that verify Camp Live Oak is in Waves. Five miles below 'Camp No Live Oak' puts one south of **No Egg**, another reason the camp would not have been in Rodanthe. **No Egg** is the shallowest water on the soundside. Depths of only one foot extend westward for miles and would be an impossible place to expect the recorded maritime events to have occurred. Interpreting maritime events by using maps only and not in conjunction with charts of Pamlico Sound defies logic and is an extreme lack of initiative.

The author postulates that the "movement of any sizeable group of men" was restricted because of the island's sandy soils. Perhaps, but the 20<sup>th</sup> Indiana and Chicamacomico's old men, women and children managed to do it anyway during the "Races". Lastly, the total distance from 'Camp No Live Oak' to the south end of Salvo is only 4 miles. There was no need to continue on with the next 5 pages as the reasoning self destructed from the author's lack of cartography skills.

### ***Principles of War***

*I always enjoy dissecting the opinions of arm-chair generals and the "Races" are no exception. Here the report neglects to mention the overwhelming firepower directed at Camp Live Oak from the Confederates cannon mounted on their flotilla. Remember that Colonel Brown assembled his troops on the hill south of the camp. No such hill existed at 'Camp No Live Oak' but one still remains at my site. Remember the shattered windmill and the tents set on fire. Cannon barrage continued for hours and acted as cover for the amphibious assaults. In addition to that, the Confederates possessed superior numbers with better firearms. I find it presumptuous for anyone to speak of how they would have done things differently under circumstances they will never have to face. All my friends who have*

*experienced combat first-hand say these same individuals can be counted on to be the first to drop their weapons and run as fast as they can in the opposite direction.*

The 20<sup>th</sup>s muskets were little more capable than a modern shotgun. The “troops did not resist at the waterline” as is suggested because firstly, they had orders to withdraw if attacked, but more importantly, it would have been suicidal to have done so. Why not just have them wade out in the water and meet the attacking force head on? You could even have your troops mount a bayonet charge. Why wait and take all that fire at the “waterline” where there is absolutely no cover provided and you lack capable weapons to respond with? This rationale has the 20<sup>th</sup> making themselves cannon fodder until the Confederates exhausted their ammunition. The strategy represents a deficiency in military tactical strategy. *Now where exactly would you have been standing?*

## **CONCLUSIONS -Introduction**

### **Excerpts from Covey's Logbook**

Archaeological excavations were fruitless partly because of the high water table present and the over reliance of metal detectors, but mostly because of the faulty methodologies utilized. The methods employed seemed to be designed to avoid surveying areas where artifacts might be found and extensively sampling the beach sand that was brought in from off site, and where *in situ* artifacts could not possibly be located. The ridge feature in the front yard and land immediately adjacent to and east of it was Covey's proposed study area.

*Directions were given to stay out of the Wenberg's back yard and to respect their privacy as they had requested. Babits suggested sampling along a 10 wide easement to the north of the Wenberg's which he promptly ignored and went straight into the backyard anyway where we knew modern junk to be scattered below surface. While the owners were away, he directed my volunteers to begin excavating targets in the junk field they spent most of the morning acquiring. Needless to say, the Wenberg's were not pleased upon their return to find there back yard violated. When I questioned Babits as to why he was digging where permission had not been granted, he replied he needed samples from the whole site, and further stated "he was mostly trying to assess the capabilities of my [Covey's] volunteers", even though he was aware that most of the metal detecting crew could only be there that first day. The entire first day was wasted.*

*On the second day, Babits insisted on more sampling, this time in the front yard where extensive amounts of beach sand had been brought in for backfill. These transects also avoided the areas we wanted investigated (a zone where an old bottle similar to one recovered at Fort Clark had been dug up by the owner from a depth of 4 feet). Even after realizing he was only having modern surface strata investigated, he nonetheless insisted continuing with the endeavor. Another entire day wasted.*

*On the third day, Babits had my crew finish what they had started the day before and then extended it eastward onto the right of way of N. C. Highway 12. More backfilled land, only deeper. I then insisted he stop and redirect his attention to the areas that we wanted investigated. His next choice was a transect paralleling the length of a building Wenberg uses for his shop. That transect was laid out next to the building's roof overhang. Targets were acquired for the next day. A third wasted day with one remaining.*

*On the fourth day it immediately became clear that Babits' selected transect consisted almost entirely of roofing nails lost over the roof's edge from when it was shingled. That is when I stepped in and demanded he attempt some actual archaeology, it being the last day scheduled. Babits protested that he wanted to finish his transect but I insisted he try to accomplish something in my designated field of study. He reluctantly abandoned his transect of shingle nails and laid out one parallel to and down slope from the ridge. Two test pits were excavated. STP#1 was 50% smaller than described, it being only 1 meter square, not 2 as reported. This was not an accidental error but a deliberate attempt to exaggerate*

*the extent of sub-surface area excavated. This is confirmed by the authors' description of the orientation of the transect STP#2. In reality, it was a square which has no orientation, all four sides are equal. I feel it is not a coincidence that the investigator decided to only include photographs of the larger feature. Babits excavated the pit down to where he said he was in water. He exited and I proceeded to excavate another 10 cm depth. After I complained that the pit was too small, Babits enlarged the size of the second pit (STP#2). He again dug down to where he said he had reached water. I asked him to exit the hole and then I proceeded to remove another 20 cm from the entire bottom surface, not the 20 cm. x 20 cm reported, stopping when the water table was reached. All visibly exposed strata were Aeolian.*

Small core samples taken from the bottom of the hole revealed the shell sand horizon we sought was a little below the water table, less than four feet below the surface. The cores were taken with a 1 ¼" PVC pipe that was less than 3 feet long, nowhere near the 3 meter length described in the report. All of the sand investigated by Babits was not present on site during the Civil War. It is no surprise to not find artifacts where they cannot possibly be. The only serious attempts (45 sq. ft.) were conducted on the afternoon of the last day of the dig and this only occurred because of Covey's insistence over Babits' objection. The two excavated areas yielded the least modern era artifact collected. All of these factors plus the rise of sea level and civilian inhabitation for the past 150 years and the fact the site was ravaged by both occupying forces leaves little to be found.

Most of what remains on site is below the water table that is a minimum of 1.5 feet higher now than 150 years ago. Covey had hoped to find cannonball fragments from the long Confederate barrage throughout the site because they were of no practical use to anyone and they are heavy, therefore easily hidden by blowing sand. However Babits methodology removed that possibility. After targets were acquired by metal detecting crews, Babits had them discriminate the search fields and eliminate all ferrous targets. These would have included the fragments Covey sought, but Babits did not want them excavated. Rising sea levels are a critical component towards understanding the geological aspects of barrier island sites. The absence of it in the report of this subject's effect on archaeology conducted in low lying areas on the coast further illustrates the author's deficiencies in that arena and further negate any value in his conclusions and recommendations for the Waves site.

#### **Fort**

No background information that showed GPR was of any use in determining Covey's objective was presented. According to his conversation with Ewen, it is not. Furthermore opportunities to use the instrument over wall sections that could have been excavated were declined. That was the investigators' chance to validate some data and evaluate the suitability of the machine for such purposes and learn something. It was passed up.

*Of minor importance: The thin little color coded GPR are way too small to have any benefit. Of major importance: Finding graves was secondary. Looking for graves that were already known about was of little priority. I have already addressed the remaining content of this passage.*

### **Camp Live Oak**

The report states that the mill was immediately south of the camp and it was definitely there close by. However, an estuarine complex (Black Mar Gut) sits between the mill on T-367 and 'Camp No Live Oak'. In fact, the map places **Wind Mill** on Green Point, so it can't be south of anything as it should be. Only water is out there to its north, because the mill is so far out on a point. 'Camp No Live Oak' is on the far side of a swamp (one more reason not to put the fort there) and is over 5/8 of a mile from where the report places the camp to be that was supposedly close by. The citation used contradicts the stated position and coincides perfectly with the Waves site. It is another loose interpretation and shows more map interpretation deficiencies.

*I see no citations anywhere in this entire passage but the distances listed here are somewhat more accurate. The stopping place referred to is the oak hammock on the soundside within the Salvo Day Use Area. It is south of the drain below the village and immediately below the old cemetery there. It is also where many civil war artifacts and coins have been mined by the locals and visitors alike. But No Egg (Ache) Point lies further south.*

### **Covey's Response to 'Hypotheses'**

1. The site was revisited by elements of the 9<sup>th</sup> N. Y. on at least two separate occasions after the battle. The Confederates did not erase the Union presence from the north end as stated demonstrating a further lack of background knowledge of the war on Hatteras Island. One can find it discussed in several passages of the *Long Roll*. However, there is no evidence that Southern troops ever returned on land. As per orders, Hawkins personally visited the site with an original copy of T-367 in his possession and verbally told Brown what he wanted done. Brown had his orders and Hawkins promised him artillery soon.
2. Babits needs a wholesale revision on the mill section and Branson's lists Midyett's Mill in 1872, which is two years earlier than his citation.
3. The mound does not appear on the 1852 map at all. Period. It is not there. You are right about the "U" shape structure (it's a watering hole) being dug to provide fill for a structure nearby. Slave labor built it and I have their names. It is plainly visible on T-367. It remained plainly visible on the 1962 aerial and it also coincides with the 1977 Soil Map. Backhoes and highhoes did not exist before 1849 when the map was drawn, still more anachronisms. No need to wish for aerial documentation to prove when it was dug when it was already drawn in 1849.
4. Placing a fort on the north end where Babits would have placed it makes absolutely no sense at all. It was an unsuitable place for fortifications in the first place. Their

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mission was to defend Chicamacomico. T – 367 shows that this mission could only be accomplished from two places in the village that had bisected from a devastating hurricane fifteen years earlier. The Waves site is in the southern end of the village. They were already over extended. Too close to the enemy (15 miles away) and way too far away from the other troops at Hatteras Inlet (40 miles away). The solution suggested for the 20<sup>th</sup>'s dilemma was to move them even closer to the enemy, perhaps a dozen miles away, thereby separating them still farther away from their reinforcements. Meanwhile, that would be exposing their rear to an even greater possibility of becoming flanked (which almost happened anyway).

5. The author states that if a fort was to have been constructed it would have been placed on higher ground than Covey's site yet his site is the highest ground in Chicamacomico. Babits insists it would have been placed closer to the road when the Waves site is right next to the old road. He says the western wall is only 270 feet long but it is actually much longer. Recheck your scale. It is still larger than Forts Hatteras and Clark combined. Bigger than anything on Roanoke Island too. Also Fort Oregon and Fort Ocracoke (I have blueprints) so the point here is what?

### **Response to Hypotheses Continued**

6. The sally port is on the high ground in the southeast corner, the corner least likely to experience an engagement and has double walls (T-367). Friendly forces are to the East and South. The southwest corner is in the marsh, the west wall and northeast have to defend against amphibious assault. The north wall and east wall have to contend with infantry. It is really not complicated, just common sense any military officer should possess and a simple process of elimination. The fort's guns could easily command the road. As with everything else, the simple solution is usually the correct one. They were prudently making use of what was already there as Hawkins wisely ordered and were not wasting time since attack was imminent.
8. The author appears to be extremely confused about Great Island as he places it wherever it is important for the purposes of the point he is trying to make at the time. Great Island could not possibly block any view of the south from anywhere in Waves. Great Island is offshore in the sound to the southwest of and right next to the fort. Even if it was where Babits mistakenly places it, it is a marsh island that sits low to the water and one can see over it from anywhere they wish.
9. I have already discussed the shortcomings here. I have now seen the LIDAR imagery and I respectfully disagree with the interpretation of what it actually shows, but the imagery was omitted from the report. If the authors are going to discuss imagery then it is only fair they exhibit it within the report.
10. There is no record or evidence of any fortifications ever being constructed at the Lighthouse or at "picket posts a few miles to the north" except for Fort Totten. The fortifications at Hatteras Inlet were constructed by the Confederates, not the Union. Union troops did frequently conduct repairs on them though and they conducted modifications to the structures as indicated by subsequent blueprint editions. Furthermore, the authors neglect to mention the Confederate fort on the west bank Of Duncan Creek, or Union earthworks at Camp Bailey and the Trent Church Picket.

### **RECOMMENDATIONS**

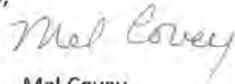
*I must confess that I did not bother reading any further. There was no need. Trying to make sense of what has been submitted has been mind numbing and I couldn't possibly consider taking any advice after what I have read. Never did I envision such a paper being submitted that is so rife with errors, was so misrepresentative and misleading. The report exhibits a profound lack of familiarity of several subjects. It is extremely loose with details, its interpretations and those of others, and is often absent of readily available first hand sources. It contains instances of subjective reasoning, circuitous thinking and much unsubstantiated speculation. It also lacks a thorough examination of several exhibits, often ignoring contradictory evidence in the same exhibit used. Some of the most important*

articles personally presented to you are missing entirely. I can attribute these tactics to be no more than subterfuge.

The report contains several instances of poor methodology, it has many simple mathematical errors that render conclusions entirely useless, its reasoning is flawed and it strays far from its mission. It exhibits some very poor choices of literature selected for inclusion and is heavily padded with considerable amounts of irrelevant, gratuitous passages. I feel it repeatedly demonstrates that the author does not have command of several of the subjects he is making conclusions for. This may appear I am being harsh about this but believe me when I say I have withheld much. I can think of more but I am trying to be as kind as the situation allows for the time being.

I have raised a multitude of issues that must be addressed before we can proceed any further. Demonstrate you have a grasp of the material, correct the multitude of mistakes committed and the misrepresentations presented, add the material you have omitted, clean up your citations and get someone else to cover the geological aspects. When that is done we will begin disseminating the report along with my critique on the internet. No need to wait for a book on a subject I never wanted to write about, it will be dealt with as part of a much larger endeavor later. I soon intend to share what happened here in Chicamacomica and we are now a footnote in a history that many are waiting to hear about. What will be your role?

Sincerely,



Mel Covey



UNIVERSITY OF SOUTH CAROLINA

SOUTH CAROLINA INSTITUTE OF ARCHAEOLOGY AND ANTHROPOLOGY

February 25, 2015

Mr. Mel Covey  
P.O. Box 182  
Rodanthe, NC 27968

Re: Final Report: Archaeological Test Investigations Fortification and Camp Live Oak  
Waves, Dare County, North Carolina

Dear Mr. Covey:

Dr. Lawrence Babits sent me a copy of the above referenced report to review and comment. As I understand it, the primary goal of the project was to determine if a fortification, associated with Civil War period Camp Live Oak, was located at Waves, North Carolina. More specifically, if a ridge line on the Wenberg property was a remnant of the fort.

Dr. Babits' team conducted a detailed historical and cartographic analysis of the area in question. Furthermore the team conducted field work consisting of metal detecting, hand excavations, and ground penetrating radar. These are very standard procedures for such investigations. In the end, none of the analysis or fieldwork provided any positive evidence that there was a Civil War period fortification at that location. I don't see any evidence for even a Federal camp there, for that matter, any evidence of mid-19<sup>th</sup> century occupation. It is my opinion that Dr. Babits' team did a thorough job of attempting to locate the suspected fort, given the time and effort called for in the research design ( 4 days in the field) and that the fort is simply not there.

Dr. Babits asked me to review the report based on my experience working at Civil War sites, which consists of nearly 30 years of Civil War archaeology. Furthermore, I have worked at two Civil War period sites on Folly Island, South Carolina, which is also a barrier island. One of these sites was a camp and the other a fortification. You may find copies of these reports at: [http://works.bepress.com/steven\\_smith1/](http://works.bepress.com/steven_smith1/). I saw nothing in Dr. Babits report that are reminiscent of my results (features, artifacts, etc.) on Folly Island.

I would agree with Dr. Babits that if there had been a Union camp at the site, some artifact from that time period, military or civilian, would have been found. The general location is also suspect in my mind. Based on my experience, Civil War camps on these islands tended to be along the ocean side beaches during the hot summers, and moved to the back side during the winter months. Although the Union might have

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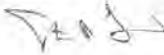
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camped on the back side at that time, given the historical descriptions of hot weather, they were more likely on the ocean side. I note that one source indicated that part of the camp was on a beach.

I also agree with the recommendations. A trench through the dune would conclusively confirm that it is natural or cultural. However, I personally do not think its worth the expense. The evidence from the current excavations makes it pretty clear that there is no camp or fort there. If this were a situation in which the archaeology was conducted to determine if new construction could proceed without harming significant historical or archaeological resources, I would have to recommend no further archaeological work necessary.

I appreciate the opportunity to learn more about North Carolina Civil War history.

Sincerely,



Steven D. Smith  
Director  
South Carolina Institute of Archaeology and Anthropology

Cc: Dr. Lawrence Babits

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March 15, 2015

Steven D. Smith  
South Carolina Institute of Archaeology and Anthropology  
1321 Pendleton Street  
Columbia, South Carolina 29208-0071

Re: Babits Final Report - Camp Live Oak

Dear Mr. Smith:

Thank you for your letter of February 25, 2015, though I must confess I was surprised by its premature arrival. As you may or not may not be aware, the landowners of the Chicamacomico site and myself are extremely displeased with Lawrence Babits; both with his performance on the project and his actions. Apparently, you are unaware that the remediation concerning his peer review had three conditions he and I had agreed upon. They were:

1. The reviewers must be archaeologists. Both you and Larry are well qualified. That was never an issue, although Larry was a last minute replacement who was selected because he was the first who could schedule and we are operating under severe time constraints. My only stipulation was that reviewers not be personal friends. I am not confusing this with professional engagement with a colleague, only personal time in the company of the other. If you have, this would disqualify your participation.
2. That we would both select archaeologists for peer review and their reviews would become part of the completed report.
3. That any review of his report would be accompanied by my critique. This did not occur since I am still in the process of completing it as you are reading this. While I apologize for the delay in responding to you immediately, please understand, as Larry is aware of, that I am an independent contractor who engages in historical investigation with limited free time. I voluntarily research, locate and facilitate the funding and archaeological investigation of historical areas of interest in Dare County.

Please do not assume I am blaming you for Larry's attempts to keep ahead of events while he is circling his wagons. However, I did make it very clear I was not going to be participating with a stacked deck in play. Your willingness to provide your learned opinion from a limited perspective that was influenced by a subjective participant is problematic and is exactly what I refuse to be associated with.

So after a week of reflection I am proceeding forthwith and offer several solutions to you:

Please find enclosed my scathing rebuke of Babits' draft report. You will find it to be extremely informative. Presumably, you already have his Final Report. It should immediately be obvious that it has been altered greatly from its draft because of my enclosed critique. Against my better judgment, I corrected a multitude of his errors and extended him an opportunity to make something of this mess of this travesty. You should notice sections have been removed, many other corrections were made and the sudden addition of last minute material that he agreed to provide prior to beginning his task. Conclusions gained by stated means are now suddenly gained for different reasons. To date, Larry has yet to fulfill his contracted obligations and provide a site map superimposed on a surveyors plat I commissioned and copies of aerial photography he was to provide before starting. He will be fully compensated when completed. This is not about money.

Unfortunately, Larry squandered his opportunity and has demonstrated once again that I should have issues over this concerning trust, as evidenced by the necessity of this letter. Knowing this, I am giving you the complete benefit of the doubt that you have been an unwitting participant so far. That changes upon your decision. You have, of course, the option of doing nothing furthermore. Your letter to me then becomes part of the North Carolina Archives holdings along with my papers after I soon donate them. His report, my final critique, which is perhaps even more critical of Larry because of his additional errors, and his peer reviews will be rebound into all copies submitted to the proper repositories. Correspondence between project members will also be included.

Should you desire to remove yourself from the process, with prejudice, then Larry can find himself another reviewer. If I hear from you no further, I will assume you are in agreement for inclusion and I have your permission to include your letter. Should you agree to continue on Larry's behalf, I will kindly forward my Final Draft critique to you in order for the Babits et al report to have a proper review. My critique will be finished in the very near future.

One last item. Please be aware that I stopped sharing my research with Larry months ago when I learned he was divulging information while the team was conducting on-site investigations. I withheld much additional information disproving him and confirming my hypothesis. Still more is currently on its way. All will be shared at the proper time and suitable forum after its release on the internet. To date, the overwhelming historical research in his possession was gained through me. Much of what his team provided proved to be of people, places and events that were of other areas. Their unfamiliarity with the subject material proved to be a considerable handicap that they never overcame, so I take considerable exception to your opinion that the "team conducted a detailed historical and cartographic analysis of the area in question." After reviewing the complete facts of the case you will presumably conclude the same. I am looking forward to your response.

Sincerely,



March 19, 2015

P. O. Box 182  
Rodanthe, NC 27968

Lawrence Babits  
1322C East Tenth Street  
Greenville, NC 27858

Dear Sir:

Your copies have been received and I am almost finished reviewing your Final Report. I am pleased you took the opportunity I extended to you to produce a better product. I can see where some corrections were made, where several contentious passages were removed and also where additional material has been included. While I have no problem with the late introduction of material you feel is supportive, I must remind you that you were only required to provide two additional resources related to my research, which you agreed to do. I have your copy of T – 367, but not the aerial imagery as per our agreement. Once I have them in some digital form of high resolution I will instruct Melanie to send you a check for \$1,000.

As for the report itself, I am sorry to say my Final Report Critique is very unflattering to your team's efforts. Some errors from the draft remain, many new ones have been introduced and regrettably, you doubled down and dug your heels in over Bache, Riggs and Windmills and also for Barrier Island Formations. You cannot possibly contend you were not forewarned about the melting and thinning ice.

My final critique will reveal a lot more additional information (I only dispense info on a 'need to know basis') that renders Riggs opinions as irrelevant as they truly are. For now I have enclosed a few more items for you to ponder while I complete my report. I realize this may be taking longer than you envisioned, but I am now in the most active phase of the year for my business. My free time has been devoted to my research, reviewing your final, replying to Stephen Smith and preparing this letter.

Over a month ago, I completed my correlation of the 1850 census records, T -367, relevant family genealogies and the land grants/chains of titles for the respective areas of Chicamacomico investigated, as well as others on the island. Beginning with 1716, I am now able to place every grant and subsequent property exchange on the ground for the entire 10 miles of historic Chicamacomico Banks. This, of course, includes the villages shown on the map. Furthermore, I now know what families lived in each structure, without exception, and have verified this with their respective title searches.

You should remember that I told you the following:

That I possess an extensive file on North Carolina's windmills.

That you only have a limited portion of my research holdings. You were, however, given sufficient information to complete your task.

That I began withholding information after you decided on your course of action.

Although some of my reluctance to continue our association was based on issues of trust, initiative, attitudes and competence, it mostly stemmed from my intention to keep the role of Jethro Anderson Midgett and windmills secret, but not for the reasons you think. Firstly, I am positive that you will never accept a valid explanation from me if it is not in agreement with your instincts. I also held supreme confidence that your efforts, if successful, would actually prove my case and disprove you and Oxford.

Sorry, but you have been an unwitting participant to the destruction of the Oxford/Babits hypothesis. I make no apologies here and you cannot honestly say that I did not try to steer you away from Jethro. Even though I did not want this aspect of my research revealed, I was always confident that the results would ultimately prove me to be correct. I have always desired more than to be considered as 'just being right'. That would be egotistical and counter productive of what I actually wanted, which was to have an archaeological investigation of an important battlefield site. So after wasting many thousands of dollars, many hours and a squandered opportunity to properly investigate the site, I find it ironic that your efforts have ended on a positive note for me, albeit your intentions aside.

As you may have guessed by now, I have known about Jethro's deed for some time. His land lays just a little north of the fort in Waves. The hidden cemetery you were unaware of is on his tract. Also on his homestead is his family plot where he rests in a marked grave. You see, Jethro lived north of Daniel's plantation on land originating from Daniel's father, Thomas. The deed you cite is over 2 miles south of where you and Oxford need for it to be and from where it can actually be found. One cannot conclusively interpret a deed without the context of its neighboring parcels and the chain of its title, so I have included enough for anyone to see I am correct.

Jethro's land, like many of the others I am now familiar with, can be traced back to King George II. In the interest of expediency, I will simply start with Jethro's grandfather, Jacob. The Richard Midyett mentioned in the deed you have is Jethro's father. Although Jacob's children inherited property from he and his wife, Phebe Scarborough Midyett (Phebe's Marsh on modern topos is named after her), Jacob earlier sold a 50 acre parcel to his son Richard in 1832. This parcel was south and adjacent to Nathan O'Neal, one of North Carolina's largest holder of plantations. Nathan's significance is detailed later within this letter.

Your Joseph F. Midyett acquired his 50 acres from his father four years later when his sisters Cordelia (one of the missing graves in the ridge) and Angelico received their adjacent parcels as well. Richard passed his to his son Richard W. (Winslow) Midyett. Richard Winslow was Jethro's brother and the Francis mentioned in the deed was Jethro's uncle. His sister Anneliza lived next door to Daniel S. (the miller). Another uncle's property (Ezekiel) separates Jethro's from the fort to its north. Ira, who inherited 50 acres of the original Midyett homestead, is immediately south of the fort. Banister's was just south of Ira.

Now for Jethro's adjacent tract;

The grantor in your afore mentioned deed is Joseph F. (Francis) Midyett. He is a younger brother of Richard and Ezekiel's. Over a year before Jethro bought his land, Joseph sold a relatively small portion (1 acre) of marsh adjacent to the parcel he later sold to Jethro. It is at the head of Tom Fisher's Creek, as described in its earlier deeds. This is where the grain was transported to and from between Nathan's mill and the shallow draft vessels of the plantation that were docked westward.

Joseph's deed clearly identifies it for the purposes of constructing a windmill and was conveyed to the previously mentioned Nathan O'Neal. Nathan owned considerably larger farms on all four of Hatteras Islands Banks (Chicamacomico, Kinnakeet, Cape Hatteras and Hatteras) and many other plantations throughout the Pamlico Basin. I now have copies of over 100 deeds/grants of land owned by Nathan, his father Thomas and his uncle Christopher. Included with my exhibits is Nathan's will which reflects the importance that he ascribed to windmills.

The second and overriding reason for me not reveal the above information concerning Jethro is because I have been trying to protect the grindstone from Nathan's mill from discovery. It presently lies *in situ*, half-buried, partially concealed by underbrush and marsh where it lays, and is a bona fide site all to its self. I have guarded this information for awhile and I am not pleased to have to discuss it now but your insistence on the matter of Jethro dictated otherwise. So I reluctantly disclose it now so you will finally understand most of the story and realize that Camp Live Oak was in Waves. Twenty-one separate pieces of evidence without a single contradiction tell the story where your archaeology failed, miserably.

Incidentally, your reasoning about the value of Jethro's purchase being increased because of a hypothetical mill on it is also invalid. The mill was yet to be built then and Jethro was a young man of only 26 at the time. His extremely modest acreage would never warrant a mill, even if all of the land was in production, which it wasn't. Once again simple answers exist. You were deceived by your instincts and failed to recognize that most property transactions then were between relatives and they reflect consideration of these relationships in the monetary terms you discuss. However, the true value of land is reflected in transactions between business associates where these considerations are not

warranted (e.g. Midyett to O'Neal). Nathan purchased his one acre windmill parcel from Joseph for \$5.00. This is exactly the same rate (\$5/acre) Joseph sold 50 acres to Jethro for, hence the \$250.00 price. Jethro's association with the mill was based on his proximity to it by his large adjacent parcel and not its ownership which is why the label continued after his death in 1866. However, Jethro was largely responsible for transporting the grindstones manufactured in the Caribbean islands that were needed for the area's mills. His travels and experiences with his shipping enterprise and as a sea captain are well documented.

You should also be aware that just as Johnson described, there were many windmills on Hatteras Island. I have known of 5 in Chicamacomico, not just the singular one you and Oxford are so insistent and reliant on. I did not want to cloud the issue or overload you with more information than you seem capable of assimilating and comprehending. The mill on the north end was next to the Thomas Neel (O'Neal) tract of 1741. Nearby were Thomas Wallis' granted lands (1739), William Daniel's (1741) and Thomas Paines (1765). There was another windmill present in Rodanthe as well. It was at Daniel S. Midyett's (the miller) property. Its presence and Daniel's central location suggest he participated in the operation of many of Chicamacomico's windmills. Over a mile south of Daniel's was "Jethro's", only a little bit north of the fort at the Waves site. Just to the south as described in 1861 is Banister's larger operation. Its two mills are also represented on T-367, surrounded by a fence with a gate on the west side that accessed the waterway directly behind it.

These two structures are also uninhabited as confirmed by the 1850 census. Unlike the other buildings in the villages, these two were oriented east to west from each other. This is the only possible arrangement that precludes one mill from possibly blocking prevailing winds from the other. As portrayed on the map, this pattern is juxtaposed with the other buildings that were arranged to block the harsh, northwest winter winds wherever the terrain and available space would permit. Where their intention was to block the wind, the mill positions were to maximize their exposure, the exact opposite. This also explains how the advancing Confederates were so successful at targeting Jardine's observation post. From the angle of their approaching vessels, their 'target' was twice as large to hit, thereby increasing the odds of their success. Three mills minus the one shattered by cannon fire still leaves the two remaining mills in Waves reported in Dunbar (1958). The mill you attribute to Salvo is actually a millstone placed well off shore in the Sound for the purposes of an oyster rock (personal communication from owner, Dan Leary, 1972). It came from Waves.

So you see Larry, yours and Oxford's intent to use Jethro Anderson Midyett and Midyett's Mill as ammunition against me has backfired, as I knew it always would. Now you, he, Pullen, Schurr and Riggs are immersed in frigid waters covered in ice too thin to support an overbearing weight. Take some solace in knowing that Riggs will be held more accountable for this travesty than you, but only if your personal communications with him are accurate in the Final Report. This will be understandable when you read the sections that are so devastating to his position.

Congratulations for inadvertently proving my hypothesis. Although it should prove to be embarrassing, you have completed your investigation and no other additions can be made to a report that you labeled as final. The record will show you were extended an opportunity to alter your draft, but you declined and submitted your Final instead. My full critique will follow soon. Incidentally, your surmising about the purpose of the circular marked survey stations and when they were used is also mistaken.

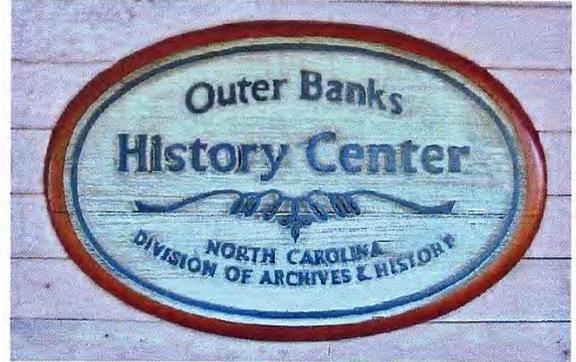
Sincerely,

A handwritten signature in cursive script that reads "Mel Covey".

Mel Covey

The facility is owned and is part of the North Carolina State Archives, North Carolina Department of Cultural Resources. It has a display area and research library with a large collection of documentation and maps of the Outer Banks of North Carolina.

The facility was started with the personal collection of documents along with part of the financial support of the Associates (Friends of the Outer Banks History Center) from David Stick, through the Outer Banks Foundation. David is a Legend, Author and Historian of the Outer Banks of North Carolina history.

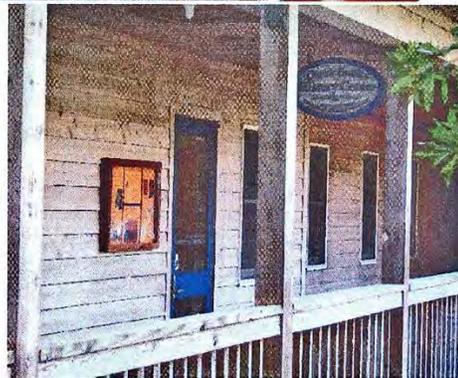


Lois Bradshaw, Librarian and long term volunteer at her desk.

Outer Banks History Center Library.



David Stick  
Noted Outer Banks of NC  
Author & Historian  
(Without David, the History  
Center would not exist.)



Courtesy Outer Banks History Center.



Earl O'Neal  
Historian & Author, was a member and  
Secretary of The Outer Banks History Center  
Associates, Bd. of Directors, now Friends  
of The Outer Banks History Center.

Both were elected to Life Time Officer of The Outer Banks History Center Associates by the Board of Directors in 2006, photographs by the author.

