

## Macay, Spruce <sup>[1]</sup>

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## Macay, Spruce

by James S. Brawley, 1991

**ca. 1755–29 Feb. 1808**

Spruce Macay, lawyer, judge, and law tutor of [Andrew Jackson](#) <sup>[2]</sup>, was born in the Jersey Settlement on the banks of the Yadkin River in Rowan (now [Davidson](#)) [County](#) <sup>[3]</sup>, the son of James Macay, a large landowner and sheriff of [Rowan County](#) <sup>[4]</sup> from 1774 to 1778. His mother's name is not known. After preparing for college at [David Caldwell](#) <sup>[5]</sup>'s school <sup>[6]</sup> in [Guilford County](#) <sup>[7]</sup>, forty miles from Macay's home, he was graduated from the College of New Jersey (now [Princeton University](#) <sup>[8]</sup>) in 1775. Afterwards, he began the study of law in Salisbury, probably under [Waightstill Avery](#) <sup>[9]</sup> whom he had known at Princeton. He was licensed to practice in the several courts of the state in 1778.

Macay's rise to prominence was rapid. In 1779 he was appointed [state's attorney](#) <sup>[10]</sup>, a position he held until 1786. In 1781 he was named one of two commissioners in Rowan County to settle confiscated property; this property formerly belonged to [Loyalists](#) <sup>[11]</sup> and was sold to the highest bidder. In 1783 Macay became attorney and solicitor for Rowan County, and from 1784 to 1785 he served as Salisbury's representative to the [House of Commons](#) <sup>[12]</sup>. In 1782 he was elected judge of the court of oyer and terminer for the Western District, which comprised western North Carolina and the present part of eastern Tennessee. In 1790, when a fourth position was created on the superior court, the state legislature selected Macay to fill it. At that time the superior court was the [supreme court of North Carolina](#) <sup>[13]</sup>. He remained on the bench until his death.

In 1800 the people chose Macay to be one of the [Federalist electors](#) <sup>[14]</sup>. At the electors' meeting in Raleigh to cast their votes for president, Macay was elected chairman.

Possessing large tracts on both sides of the Yadkin River as well as in Tennessee, Macay was one of Rowan's largest landowners. In 1783 he purchased lots 19 and 27 in the western square of Salisbury where the Rowan Public Library now stands. In the purchase he acquired a small law office and a home that belonged to [Adlai Osborn](#) <sup>[15]</sup>, former clerk of the Rowan court and of the [Committee of Safety](#) <sup>[16]</sup>. It was in this little office that Macay taught Andrew Jackson law during 1784 and 1785; it has been claimed that he also taught [William R. Davie](#) <sup>[17]</sup> law here. He sold this property in 1796 to [Archibald Henderson](#) <sup>[18]</sup>, a lawyer and his brother-in-law. Henderson found the law office too small for his needs and erected a larger one on the corner of Church and Fisher streets which still stands. Macay's office was sold by A. H. Boyden, Henderson's grandson, to an entrepreneur who dismantled it and shipped it to Philadelphia for display in the exposition of 1876. It was never seen again.

After selling his town property, Macay probably moved to the plantation he had acquired from Thomas Frohock in 1794. It included 20 slaves and two thousand acres on both sides of Grants Creek near Salisbury; later, Macay owned 111 slaves. The saw- and gristmill that Frohock operated had fallen into decay by the time of the purchase. It was an old mill, having been the site of a muster ground during the [Revolution](#) <sup>[19]</sup>. Macay rebuilt the dam, millpond, and mill which stood until the early twentieth century. The millpond, known for its mosquitoes and ice skating, was drained in 1872 as a health measure.

Macay, who was interested in [education](#) <sup>[20]</sup>, was one of thirty-two trustees appointed for the [Salisbury Academy](#) <sup>[21]</sup>. In the 1784 bill that created the academy, which Macay helped draw up, there was a provision for the establishment of a school for higher learning in North Carolina. That provision of the bill failed to pass but was revived ten years later by William R. Davie and was enacted, thus creating [The University of North Carolina](#) <sup>[22]</sup>.

As mayor of the borough of Salisbury, Macay headed the delegation that welcomed [President George Washington](#) <sup>[23]</sup> on his arrival on 30 May 1791. The original address of welcome read by Macay and the president's response are on display in the Rowan Public Library.

Macay was married twice, the first time to Frances Henderson, daughter of [Richard Henderson](#) <sup>[24]</sup> and sister of Judge [Leonard Henderson](#) <sup>[25]</sup> and of [Archibald Henderson](#) <sup>[18]</sup>; they had one child, Elizabeth, who married [William C. Love](#) <sup>[26]</sup>, a congressman. His second wife was Elizabeth Haynes, of Halifax, by whom he had a daughter and two sons, William and Alfred. Macay was buried with his kin in the old Jersey Meeting House burial ground along the banks of the Yadkin River. There is no marker at his grave.

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Rowan County Court Minutes, 1771–1808, Deed Books 4, 12–15, 23, and Will Books E, G (Rowan County Courthouse, Salisbury).

Jethro Rumble, *History of Rowan County* (1881). <sup>[27]</sup>

William L. Saunders, ed., *Colonial Records of North Carolina*, vol. 5 (1887). <sup>[28]</sup>

#### **Additional Resources:**

Macay and McNeely Family Papers, 1746-1918 (collection no. 00447). The Southern Historical Collection. Louis Round Wilson Special Collections Library. University of North Carolina at Chapel Hill.

[http://www2.lib.unc.edu/mss/inv/m/Macay\\_and\\_McNeely\\_Family.html](http://www2.lib.unc.edu/mss/inv/m/Macay_and_McNeely_Family.html) <sup>[29]</sup> (accessed January 8, 2014).

Profile portrait of Judge Spruce Macay (1755-1808), Accession No. THS 193. Tennessee State Library and Archives. <http://tnsos.org/tsla/imagesearch/citation.php?ImageID=13876> <sup>[30]</sup> (accessed January 8, 2014).

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#### **Origin - location:**

Davidson County <sup>[38]</sup>

Rowan County <sup>[39]</sup>

Salisbury <sup>[40]</sup>

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