
The Carolinas

THE section now known as the Carolinas was first named Florida by the Spaniards and the French adopted the name. The English, after colonizing Virginia, called it Southern Virginia.

In 1629 the name Carolina was indefinitely applied to that region, and not until the territory was made the subject of a grant by Charles II, in 1663, was it definitely so designated.

After the French abandoned their settlement at Port Royal in 1563, no other European settlement was attempted in the Carolinas until the ill-fated Raleigh colony settled at Roanoke, in 1585, followed by the Chowan settlement, sixty-eight years after Roanoke. Meanwhile, English colonization had been successfully established in several parts of Virginia, New England and Maryland.

All the land in tidewater Virginia having been pre-empted by settlers, and by absentee holders living in England, Robert Green, in 1653, led a company of a hundred pioneers from Virginia into the Chowan River region, bordering on Albemarle Sound, North Carolina. Governor William Berkeley of Virginia (later one of the Carolina grantees) had granted them a thousand acres; and an additional ten thousand acres were offered, if occupied by a hundred settlers. [5]

A party from Massachusetts had settled on Old Town Creek in the Cape Fear region in 1661, but at the end of two years they had become so discouraged that they had left their cattle with the Indians and returned to Massachusetts. Evidentially cha-

grined, and thinking that others might attempt a settlement there, they affixed to a post "a writing which disparaged the land about the river, and to the discouragement of all who should thereafter come there to settle."

George Durant obtained an Indian grant on a neck of land in North Carolina in 1662, and a year later, Governor Berkeley of Virginia granted to George Cathmaid a large tract there, for having located sixty-seven settlers along Albemarle Sound.

Governor Berkeley in 1663 granted to Thomas Rolfe, son of Pocahontas, his heirs and assigns for ever, 750 acres along the Pasquotanck River in North Carolina, at an annual land rent, payable to the king, of 1s for every fifty acres; provided that, if not seated or planted within three years, it should be subject to allotment to others. Grants were made, similarly, to Robert Peel, 350 acres for transporting seven persons thereto; to John Harvey, 850 acres at Currituck; and to John Jenkins, 700 acres. [134]

Charles I of England had in 1630 conveyed the Carolina territory to Robert Heath, his attorney-general. Thirty-three years afterwards, the privy council in England declared that, as no settlement had been made in the country, and as no one had responded to its notice to present his patent, the Heath grant was declared void.

Upon the Restoration of Charles II in 1660, there were many loyal, if not servile, supporters of the old monarchy to be rewarded, and many creditors with claims upon the treasury and the bounty of the new sovereign. Some of these were recognized by Charles in his grant of the Carolinas on March 24, 1663. This grant [145] was made to Edward, Earl of Clarendon; George, Duke of Albemarle; William, Lord Craven; John, Lord Berkeley; Anthony, Lord Ashley; Sir George Carteret; Sir William Berkeley, and Sir John Colleton.

The grant comprised all the land now within the boundaries of North and South Carolina, and most of the present state of Georgia, westerly to the South Sea (Pacific Ocean). The grantees were empowered to build forts, establish markets, enact laws, appoint judges, create counties, baronies and colonies, erect manors, confer titles of nobility, and to raise a militia and de-

clare martial law. In consideration, the grantees were to pay Charles a yearly rental of twenty marks, and one-quarter of all gold and silver found. Two years later the Bahama Islands were annexed to the grant.

Bancroft [5] said: "To satisfy the greediness of favorite courtiers, Charles II, in 1663, narrowed the limits of Virginia by giving to eight favorites the basis of an immense speculation in land, through the Carolina grant, a territory large enough to have given each one of the eight grantees a tract as extensive as the kingdom of France."

It may be of interest to know who these eight men were, to whom Charles granted this princely domain: George Monk, the turncoat general of the Parliamentary Army served with Cromwell in opposition to the monarchy, was captured and imprisoned two years in the Tower of London. At the death of Cromwell he became singularly conspicuous in the Restoration of Charles to the throne, who then rewarded him by elevation to the peerage, as the Duke of Albemarle. He was made privy councillor, endowed with the Order of the Garter, made prime minister and loaded with pensions, inheritances and honors. [5]

Anthony Ashley Cooper, for whom the Ashley and Cooper Rivers were named, had been particularly recommended to Charles by George Monk to be one of the king's council. He was regarded as a politician; had espoused the cause of monarchy, then of the parliament, and then again of monarchy, as it suited his ambition. Yet he long retained the favor and confidence of the king and became chancellor of England and Earl of Shaftsbury. He was the most influential in the early policy of the Carolinas. [126] "The most unprincipled of ministers and most unprincipled of demagogues" [97]—and the protector of vested rights. [5] He was later imprisoned in the Tower.

Edward Hyde, Earl of Clarendon, capable, covetous, but arrogant, had lived abroad fourteen years when he became the companion of Charles in his exile and, after the death of Cromwell, had materially contributed to the re-establishment of the monarchy. [126] Hated by the people, he was faithful only to the king. When the Clarendon ministry fell, eight years after the Restoration, he became an exile. [5] His daughter married the

king's brother, the Duke of York, who became King James II; and their children, Mary and Anne, became queens of England.

The Earl of Craven was an old soldier of the German discipline, and distinguished for his military service. He was one of Charles' privy council, held a military command and was supposed to be husband of the Queen of Bohemia. [5]

Sir John Colleton had been an active partisan of royalty by his uncalculating zeal in its cause. After the ascendancy of Cromwell he retired to Barbados. Upon the Restoration of Charles, he returned to England and was made a baronet. [126] He was of no historical notoriety. [5]

Sketches of the other two grantees, John Berkeley and George Carteret, are given in the chapter on New Jersey.

The proprietors held their first meeting in London, appointed officers, and ordained rules for the government of the Carolina province. No fixed policy was ever established and their acts were usually vacillating and injudicious. Most selfishly, they proposed that: "the first colony of settlers may, at its own expense, fortify the seacoast, and the entrance to the river on which they locate, and that a court house and other public buildings be erected by the colonists on land to be granted by us on some small payment."

Meanwhile, the proprietors dispatched to Barbados the ship "John and Thomas" with arms and ammunition to be *sold* to those who desired to undertake, "on liberal terms," risking their lives in a settlement of Port Royal. This town was to form a barrier between the proprietors' land in Carolina, and the Spaniards at St. Augustine.

"Every person who goes, or sends an agent, well armed, to Carolina shall have one hundred acres, at an annual rental payable to the proprietors. Later arrivals to have a reduced acreage." Many pamphlets were issued to induce settlers and thereby sell land.

The proprietors promptly committed the care of their interests on the Chowan to Governor Berkeley of Virginia. He appointed William Drummond (whom he afterwards hanged) as governor of Albemarle County, bordering on Virginia. The proprietors advised Berkeley that one-half-penny per acre, per

annum, land rent was "as low as it is possible for us to descend, and we hope to have settlers upon better terms for us."

Colonel John Yeamans, a Barbados planter, father of Major William Yeamans, arrived at Port Royal early in 1663 in the ship "Adventure." He had with him some commissioners to explore the Carolina coast with the view to making a settlement. They found Spaniards and hostile Indians there and decided to go to the Cape Fear River, which Yeamans ascended for a long distance.

Later in the same year, a second expedition went from Barbados to the Cape Fear River in the ship "Adventure," in command of Captain William Hilton. They found that the cattle and swine, which had been left there by the Massachusetts people, had increased in number.

Negotiations were had with the Indians for a location on the river. Upon arriving back in Barbados, the following January, they gave a favorable report and many settlers went there. A proposal was made to the lords proprietors, by "several gents and persons of good quality," for a thousand square miles (640,000 acres) of land, on which to locate two hundred settlers.

Colonel Yeamans, in 1665, brought several hundred settlers from Barbados to the Cape Fear River, in a small frigate, a vlei-boat of 150 tons, and a sloop. The vlei-boat stuck on the bar and was lost. The sloop, when sent to Virginia for provisions, was wrecked on Cape Lookout, and two men were lost. [132]

These adventurers, together with some English, and some Dutch who had come from Manhattan after the English conquest there, brought the population in the settlement to eight hundred. Yeamans received a grant of land for his colony and was knighted and appointed governor of all the territory within the grant. Dissatisfaction arose respecting the location and the land allotments, and two years later the colony disbanded; the settlers scattering to Albemarle Sound, to Nansemond, Virginia, and some to Massachusetts.

The Massachusetts people, who had, a few years previously, abandoned their Carolina settlement, became active in claiming the land, when they learned that all the Carolina region had been granted to the eight lords proprietors. However, the lords

ordered Yeamans "to make everything easy for the people of New England, from which the greatest immigration is expected, as the southern colonies are already drained of people." Within a quarter of a century, all this land relapsed into its original condition, roamed over by deer and Indians.

Showing the effect of increased population and community development in creating an unearned increment in land value, which is then charged upon industry and private initiative, a tract of 111 acres of formerly valueless land with a frontage of 1,800 feet on the Cape Fear River, below Wilmington, was, in 1939, being 275 years after the Yeamans settlement, sold for \$69,000, as a location of an oil terminal.

In 1665 the proprietors proclaimed to the settlers what they designated the "Concessions and Agreements of the Lord Proprietors of the Province of Carolina," in which they stated: "The assembly may levy taxes equally to raise money on all lands excepting the lands of the lords proprietors. May erect baronies and manors, with the necessary courts, jurisdictions and privileges as to them shall seem convenient. May erect forts, cities, and villages, and the same to fortify from public funds [taxes] but they may not at any time demolish such forts. Shall make provision for the maintenance of the governor appointed by the lords, and for support of the government; also the constables of the counties shall collect the land rents payable annually to the lords, and pay the same to the receiver that the lords shall appoint, whereby the lords may have their land rents duly collected without charge or trouble to them."

It was made illegal, as it was in all the proprietary colonies, for any individual, other than the lords proprietors, to purchase land from the Indians. The proprietors claimed, by the king's grant, to be the sole owners of every acre of land in the Carolinas and most of Georgia, westward to the South Sea. They expected their colonies to be established by driving the Indians away from their homes and the graves of their ancestors. [126]

The treaty of peace between England and Spain in 1667 acknowledged the claim of England to its possessions in America, whereupon the Carolina proprietors directed their earnest attention to the settlement at Port Royal, under Ashley Cooper, Earl Shaftsbury.

To induce speedy immigration, all free persons over sixteen years of age settling in the colony before March 25, 1670, were to have 150 acres, and an additional 150 acres for himself for every able indented man servant, and 100 acres for every indented woman servant, or man servant under sixteen years, that he should bring. For later arrivals, a decreasing acreage in the next two succeeding years was provided. All indented servants at expiration of their term should have a hundred acres each as their own; provided all such grantees should pay to the lords proprietors an annual land rent for every acre. The statute *quiaemptores* was set aside, thus allowing subinfeudation (subtenantry) in Carolina, although it had been forbidden in England during the preceding 379 years.

More settlers came from England, New England and the West India Islands, but, to get land, they were obliged to engage to pay the lords proprietors in London an annual ground rent of from one-half to one penny an acre.

The "Fundamental Constitutions" were solemnly adopted by the proprietors in London, in 1669. Under them, the eldest proprietor was to serve as palatine, or governor, with regal authority. An hereditary nobility was created by the eight lords proprietors, each of whom selected a large area of choice land as a barony, with the hereditary title of seigniory. They sold large areas, as baronies, to those upon whom they conferred the hereditary title of nobility of landgrave, or cacique. These titles were secured, and their dignity supported, by making their land forever inseparable from the titles and privileges of the respective orders of Carolina nobility.

All grants of land obliged the grantees to pay an annual land rent of one-half-penny per acre; increased twenty years later to one penny.

Any lord of a seigniory or barony was to be permitted to lease a part of his land to others and, if in one piece of between three thousand and twelve thousand acres, it might be constituted a manor.

The lord of each seigniory, barony or manor could try his leetmen or vassals (tenants and indented servants) in all civil and criminal cases, without appeal, except by previous registered

agreement. Nor could any leetman or leetwoman have liberty to go off from their particular lord and live elsewhere, without license of said lord under hand and seal. The tenants were American serfs in a feudal land system, as had been the settlers under the Dutch patroons in New Netherland.

Of these baronies, one can today find the Colleton barony, the Wadbro barony, the Broughton barony and others, owners of which are drawing rents from the labor of those who cultivate them. [21]

The lords proprietors and their deputies (each proprietor living in Britain had the right to appoint a deputy resident in Carolina) were in the nature of sovereigns. Landgraves and caciques had an hereditary right of succession and the pernicious and unnatural law of primogeniture was recognized. Those of Carolina title of nobility, resident in Carolina, largely composed the upper house in the provincial assembly.

Freeholders or freemen were landholders below the nobility, and had the right to vote for, and to be elected, members of the provincial assembly, but no one holding less than five hundred acres or otherwise worth £1,000 was eligible to election.

Ever changing the conditions for disposing of land, it was ordered in 1669 that for five years landholdings be restricted to 660 acres, except by proprietors, landgraves and caciques.

The area a colonist might take up on land rent was reduced to sixty acres for himself, and fifty or sixty acres for each person brought with him. Later it was fifty acres, without distinction, for each person that came in. [8]

In Albemarle, land was granted to anyone upon request, the annual rent of one-half-penny per acre to begin three years after date of the grant.

Population and development, at Chowan and Albemarle, were retarded by selection of unfavorable locations; and when the rents became due the people became dissatisfied. Instead of sudden wealth, the colonists there gained a living by raising cattle, cultivating tobacco and corn, felling forests to export lumber, and trafficking with traders from New England; the remuneration from which, however, left them nothing beyond bare subsistence and nothing with which to pay land rent.

Settlements subsequently expanded southward to the Pamlico and Neuse Rivers, by immigration of Huguenots and Swiss, and of Germans from the Palatinate. A governor was appointed for the northern region, and an assembly held, but this section was largely neglected by the proprietors and the government at Charles Town, and occasionally the Albemarle settlement was without any government. [112]

The members of the board of proprietors in London contributed £500 each towards sending an expedition to Carolina. A fleet of three vessels, in command of Joseph West, with Governor William Sayle, and equipment, ammunition and provisions for eighteen months, sailed from England in January, 1670, stopping at Kinsale, Ireland, to take on twenty or more indented servants for the proprietors. They arrived at Port Royal the following March. Their determination not to build at Port Royal, which was chosen for them by the proprietors, was, no doubt, because of its exposure to attack by sea and land by Spaniards at St. Augustine, and by warlike neighboring Indians under Spanish influence.

Governor Sayle, with about two hundred colonists, started a settlement on the west bank of the Ashley River. Here they laid off streets and town lots, and built a fortification and dwelling houses fifteen by twenty feet. They named the settlement Charles Town (not the present Charleston). More colonists from Bermuda arrived at Port Royal but later went to Charles Town.

The governor was directed to make presents to the neighboring Indian chiefs to secure their good-will and friendship, also to deliver to needy persons merchandise, guns and ammunition from the storehouse of the lords, on credit, at 10 per cent interest.

The ship "Blessing," owned by the proprietors and carrying a crew of ten, was in 1671 sent from Carolina to New York, and returned with settlers.

The proprietors in England wrote Mr. West in Carolina: "The carrying of passengers to Ashley River is the main end of our sending out this ship." Shipmasters were forbidden, as they were in Penn's domains of West Jersey and Pennsylvania, to carry away any settlers, without previous posted notice.

Cultivation was chiefly by white indented servants and In-

dian slaves, the latter purchased from their Indian captors, who had taken them in warfare. Sir John Yeamans in 1671 brought Negro slaves from Barbados to cultivate his plantation, the first Negro slaves ever seen in Carolina, fifty-two years after their first importation into Virginia.

Yeamans was instructed by the proprietors to lay out a "grand modell" of a town, in plots of three hundred feet square. Immediately adjacent to the town there was to be a common, one-third of a mile in width, open to the use of all inhabitants, on which to graze their cattle. With each square, as a town lot, eighty acres in the colony, and four hundred acres elsewhere in the precinct, were granted on land rent. [112] Some preferred buying land outright, rather than pay annual land rent to absentee proprietors.

Creation of baronies, as provided in the fundamental constitutions, began in 1671, and orders were given to have land surveyed for any of the provincial nobility who requested it. [112]

The royal grant had guaranteed to the settlers an assembly, but this had been largely nullified by the proprietors, who at first constituted their legislature and for some time remained chief wielders of the law-making power. [8]

Eight years after the initial settlement, the proprietors wrote the governor: "You are to summon the freeholders and require them in our name to elect twenty persons who, with our deputies as our representatives, are, for the present, to be your assembly to make such laws as you shall find necessary. You are to require the assembly to choose five freemen, to be joined with five deputies of the proprietors who, with the five eldest men of the nobility—being fifteen members—are to be your grand council. There is no thing to be debated or voted in the assembly but what is proposed to them by the council." All freemen elected to the council were obliged to swear allegiance to the king and subscribe fidelity and submission to the proprietors, and the form of government.

The landgraves and caciques being created by the lords proprietors, the proprietors would have a majority in the assembly. The proprietors themselves, in England, had the final vote on all laws passed by the provincial assembly. Whatever

was proposed therein must first have been passed by the grand council.

No law passed by the assembly could come permanently into force until ratified by the palatine himself and three lords proprietors. All laws were to expire at the end of sixty years. Such was the grand model of government which the proprietors stated to be for "establishing the interest of the lords proprietors and that would avoid erecting a numerous democracy."

It was ordered by the grand council that the people should settle on the land allotted them; four poles of land within the town, for a town lot, and five acres outside the town, for a planting lot, for every person in each family. The lots were to be designated (allotted) by the freeholders by chance.

The neighboring Indians, realizing in 1671 that they were being more and more dislodged from their hunting and fishing grounds, and that they were being driven closer to enemy Indian tribes in the interior country, declared themselves in favor of the Spanish garrison. Urged by the Spaniards, they made depredations on the white settlers. The grand council ordered war on the Indians; the soldiers' remuneration for services was the ancient soldiers' pay of sale, or ransom, of their prisoners.

A specimen bill of lading of that time read: "Shipped by the Grace of God, in good order and well conditioned, for the account of the lords proprietors of Carolina, in and upon the good ship, 'William and Ralph.'"

The proprietors in London wrote the governor: "We being informed that there are many whales upon the coast of Carolina, which fish are reserved to us, we hereby grant to our colonists the privilege of catching them for their own use during the next seven years. We prohibit the coasting for ambergris, spermacetti and wreck-goods to any but such as our governor, three of our deputies, and our agent shall license. We would have none licensed to coast for ambergris, etc., but such as will give security to make good to us one-fifth part of the ambergris they discover."

Besides securing to themselves the largest share in the administration, the principle was announced by the proprietors that a balanced government chiefly depended on the proper pro-

portion of landed estates held by the proprietors, the nobles, and the common people.

Concessions on land rents were, in 1672, offered people in Ireland to migrate to Carolina.

Rivers [126], a Carolina historian, notes that "the unalterable laws" of 1669 avowed the objects of the proprietors to be: a pure aristocracy, to avoid a "numerous democracy," and that the welfare of the settlers was not so much regarded as the pecuniary advantages and political importance of the lords proprietors.

The settlers completed a fort at (original) Charles Town in 1672. Streets and sixty-two town lots were laid out. The same year, Oyster Point Town (modern Charleston) was laid out, and some settlers at Charles Town moved thereto. Seven years later all the settlers moved there, taking with them the public offices and the name; and thirty houses were erected.

The following year the lords proprietors in London wrote the governor: "Take notice that Oyster Point is the place we appoint for the Port Towne, which you are to call Charles Town. Each of the proprietors is to have five acres reserved within the said towne. You are to grant land to others beneath the degree of proprietor, with the proviso that his house shall be erected within two years; and any one having erected one house shall have more lots, provided that within twelve months after taking the lot he erect a house of a least sixteen by thirty feet, two stories high, with garret."

While those "beneath the degree of proprietor" were erecting buildings and developing the community, the proprietors alone were allowed to hold land unused, to reap the unearned increment created by others.

Ten years after the charter was granted the same cause for dissatisfaction of the settlers—that of land rents—which had existed at Chowan and Cape Fear now existed at Charles Town and in other proprietary colonies.

The proprietors in London in 1674 wrote to Andrew Percivall, their agent in Carolina: "You are to grant land to none that comes to settle but upon conditions they settle in townships and take up land according to the draft herewith, viz., five acres for a house and garden, ten acres in the common cow pasture

and thirty-five acres in a piece beyond the common, and an out-lot containing three hundred acres in one piece in the same colony whenever they will take it up. The home lot shall always inseparately belong to the house in town, which, whenever it is not inhabited and kept up, the house and home-lot shall devolve into the hands of the lords proprietors."

Five of the proprietors decided to form a coterie to trade with the Indians, and forbade the governor, the council and other inhabitants of Carolina to trade with the Indians, "it being in justice and reason fit, that we should not be interrupted by them in our transactions with the Indians, with whom by our grant and charter from his majesty, we alone have authority to treat."

The governor was instructed by the proprietors that, since beads were highly prized by, and had a high monetary value with the Indians, particular care should be taken not to allow every settler to barter beads with them, lest such articles should become too common and cheap in their estimation.

At a meeting of the committee of trade and plantations in London, in 1679, it was ordered that, for the transportation of French Protestants (Huguenots) to Carolina, two ships, each drawing not above twelve feet of water, be fitted out in England.

With the increase in population, land in Charles Town increased in value; cleared and fenced land twenty miles from town rented at 10s per acre per annum. [132]

Some planters had as many as eight hundred head of cattle. Salted beef began to be exported to Barbados, Jamaica and New England. Lumber, pipe staves, ginger, indigo, silk, cotton, wine and wax were exported to the West Indies, and sugar, molasses and rum were received in return. Only seventeen years after the first settlement was made, as many as sixteen trading vessels to carry this commerce were at one time at anchor in Charles Town harbor.

The third "fundamental constitutions" were put in practice in 1682, by which the proprietors again changed conditions in making new deeds to land. At first land was allotted at an annual rent of a penny an acre "or value thereof." The new constitutions left out the words, "or value thereof," and added the

right of re-entry by the proprietors if the land rent was not paid. Re-entry was not mentioned in the first deeds.

Many who had arrived early did not at once take out deeds, and these must now accept the new form of deed. Requests that the land rent might be paid in produce, at "the value thereof," were met by the reply of the proprietors: "We insist to sell our lands in our own way," with the result that, as one chronicler wrote: "Many hundreds of people have deserted the colony and many thousands have forebore to come hither." This led, some years later, to the overthrow of the government of Governor Colleton.

The proprietors in 1682 proclaimed: "Any of the squares [a square being 12,000 acres] of a county that are made choice of [selected] by a proprietor shall be a seignory for ever belonging to that proprietorship. Any landgrave or cacique that is not in Carolina may have his attorney take up the said land belonging to his Dignity."

Instructions of the proprietors for granting land provided: "No man that hath a right to land in Carolina by purchase, and is under the degree of a proprietor, shall have liberty to choose the land due to him until he have subscribed in the book to bear allegiance to our sovereign lord the king, his heirs and successors, and to be true and faithful to the palatine and the lords proprietors, their heirs and successors."

Minute instructions were given for laying out the land. In the deeds it was provided that, "On any default in payment of the annual land rent for ninety days, it shall be lawful for the proprietors, their heirs and assigns, to enter and distrain, and the distresses then and there found, to take, lead, carry and drive away and impound, and to detain and keep until they shall be paid all arrears of the said rent."

Land was usually allotted on an annual land rental, but some was sold at £50 per thousand acres. For making wine, Francis de Vowser was granted eight hundred acres, and Arthur Middleton an equal number for making oil and cotton, subject to payment of land rent.

The proprietors agreed with certain Scots for a settlement in Carolina, whereupon Lord Cardosse, a Scot, arrived at Port

Royal in 1683. With him were ten families; among them, those of the name of Hamilton, Montgomerie and Dunlop. They founded Stuarts Town. The charge for passage from England at that time was £5. The following year, in July, Lord Cardoso wrote: "I was, and still continue to be, taken ill of the fever and ague." He returned to Scotland.

In 1686, though Spain was at peace with England, Spaniards from St. Augustine landed at Edisto, fifty miles south of Charles Town, with three galleys and a force of Negroes and Indians. They broke open the house of Joseph Moreton, then governor, murdered his brother-in-law, and carried away all his money and plate and thirteen slaves, to the value of £1,500. Two slaves returned. Demand was made on the Spanish governor for the remainder. He replied that he could not deliver them without an order from the King of Spain.

The Spaniards committed other depredations, and the English fitted out two vessels, with four hundred men, well armed, to attack St. Augustine. But James Colleton, who had just arrived from Barbados, with a commission as governor, threatened to hang the English if they proceeded, so they abandoned their plan. A chronicler said, "I am well informed there was a design to carry on a trade with the Spaniards."

Attempts to collect land rents on both cultivated and wild lands, in 1687, met with resistance, and the assembly defied the governor. [5]

Suit was brought in 1689 against Governor Seth Sothell for nine years' arrears of land rent of £36, on four thousand acres at 2s per hundred acres. [12]

The agent of the proprietors was directed in 1677 to "sett out" one whole colony of twelve hundred acres to John Berkeley, Simon Perkins, Anthony Laine and John Pettitt, upon their landing in Carolina.

The proprietors in 1689 wrote Governor Colleton advising him that he had been made a landgrave, with forty-eight thousand acres, and adding: "We have sent some further instructions for the method of passing acts of assembly which you are to observe."

Thomas Smith was a landgrave, with forty-eight thousand acres. The twelve thousand acres which had been held by John

d'Arsens, were assigned to Smith when he married D'Arsens' widow. Thomas Amy was granted twelve thousand acres in 1694. John Price was created a landgrave, with forty-eight thousand acres, and Dr. Christopher Dominick was granted twelve thousand acres. But it seems that such large areas were seldom deeded to those to whom they were granted.

The proprietors in 1690 wrote from London to their agent, Andrew Percivall, complaining of the unsatisfactory condition of affairs in Carolina: "As to the land grants, it is the manner lands are granted here in England, wherein land rent is reserved. Though the annual rent is 1*d* per acre, we are willing to take the rents in indigo and other commodities at prices current. We are informed that some of the first settlers have discouraged any people of worth that have come amongst you; they discouraged above five hundred people who arrived in Carolina in one month, including the Scots and French.

"The Scots intended to have sent ten thousand people there. We doubt not but there would have been many thousands more men in Carolina, but wise men who have anything will never come into a country where there is no settled government . . . By our charter from the crown, power is given to us to exercise martial law."

From the letter of Lord Cardosse, just quoted, it might appear that the prevalence of fever and ague, the attack by the Spaniards on the Scots at Port Royal and disturbances about land rents, regarding all of which the settlers had naturally informed their friends in Scotland, had actually discouraged further migration from Scotland.

A colony from the French (Huguenot) settlement on the James River, in Virginia, settled along the Pamlico in 1690.

Contentions between the settlers and the proprietors continued respecting land rents and arbitrary government. The proprietors wrote from London to their governor: "We require that you ratify no law that diminishes or alters any of the powers granted to us in our charter from the crown."

The assembly presented grievances on the conveying of land, and appointed a committee to meet a committee of the upper house (representing the proprietors), to consider the form of

granting land and a system of government, but no committee from the upper house appeared.

The proprietors insisted upon their own interpretation of their powers and kept the terms of disposal of land alterable at their pleasure. There was continued impotency, misrule, disaffection and opposition.

Rivers [126] wrote: "We cannot refrain from remarking that the 'true and absolute lords' of the immense region of Carolina, with all its mines, quarries and fisheries, whose objects were declared to be the diffusion of the Christian religion among those who knew not God—must now have appeared to the colonists to have abandoned their dignity and best policy, for sordid calculations. Instead of the Gospel, the Indians were offered only glass beads; and the colonists, though needy and still struggling to maintain themselves, were required, by preparing cargoes of timber 'at moderate rates,' to repay, with 10 per cent interest, what advances had been made them. Unless punctual payment was made, the settlers should expect no more ammunition or fish-hooks, blankets or provisions. At the same time, the first set of fundamental constitutions was repudiated by the lords, and repeated amendments with essential alterations substituted, to the detriment of the colonists, and despite charter requirements, numerous laws were enacted without the concurrence of the people, and to which they were expected to yield unmurmuring obedience."

John Locke, the eminent philosopher, secretary of the council, had framed this fantastic constitution, said to have been inspired by Lord Shaftsbury. Locke's ideas of landownership underwent a radical change during succeeding years, probably influenced by the atrocious terms of that constitution. Twenty-one years after the issue of the constitution, Locke published his renowned *Essay on Civil Government*, an excerpt from which is given in the Epilogue herein.

This constitution was abandoned within three years after publication of Locke's essay, but the ill effects of absentee landholding which it created continued.

Its interest today lies in the fact that it reveals the type of society which Whigs, the most liberal of the governing classes

in England, would have established in America, if they had not been defeated by the irrepressible and stubborn realities of life on the frontier. [10]

And, as the Beards say, the realities of the frontier did defeat the grandiose plan of the proprietors. Judge Henry A. M. Smith, writing in the *Carolina Historical Magazine*, on "The Baronies of South Carolina," states that the land was not laid out nor taken up in squares, nor were seigniories or baronies of twelve thousand acres laid out for the proprietors, landgraves and caciques, but cites sixteen baronies, of which the largest, for twelve thousand acres, was for the Earl of Shaftsbury.

The value of the swamp and river lands along the coast was unknown, until, in 1693, a ship from Madagascar (undoubtedly one of the many pirate ships that rendezvoused about that island, and frequently harbored at Charles Town) put into Charles Town with a bag of rice aboard. The rice was planted in the low land and produced a bountiful crop. Rice became a staple commodity, which caused increased importation of slaves. Cotton production was unimportant until Eli Whitney invented the cotton gin in 1792, resulting in the establishment of cotton factories in England.

Popular ferment continued regarding the tenure of land, payment of land rents and naturalization of Huguenots. "We part with our lands only on our own terms" reiterated their lordships. "And," retorted the people, "we consider your deeds invalid, because only some of you have set your hands and seals thereto."

Discontent in the colony was so acute that Governor Smith advised the proprietors to send over one of their own number, whereupon they sent John Archdale, a pious and intelligent Quaker, who had obtained a proprietorship through purchase of Lady Berkeley's share. The assembly solicited him to remit the arrears of land rent, which now was a grievous burden upon all the people.

After many months, Archdale consented to remit arrears of rents, provided the remaining debts were secured, the town fortified by means of taxes and prompt payment of land rents was promised in future.

Land rents were to be held at a penny an acre, or the value

thereof in indigo, cotton, rice, silk, peas, beef or barreled pork. In case of non-payment of the rents, the receiver could distrain—the land to revert to the proprietors if payment was delayed seven years.

New settlers were to be exempt from land rent for five years. The sale price was fixed at £20 per thousand acres (about 10¢ per acre), with an annual land rent in addition of 12*d* per hundred acres. The land was not revertible until non-payment for twenty-one years.

After thirty-five years of contention, the fifth and last revised set of the “unalterable” constitutions was submitted to the assembly. It omitted mention of manors and leetmen. It still created landgraves and caciques, with the hereditary right of succession to the upper house of the assembly, and continued to proclaim that land was the foundation of “all power and dominion” in Carolina.

With these constitutions, six engrossed certificates with blank spaces for filling in names of new landgraves, and eight for caciques, were sent to be distributed to those who would be the most influential in behalf of the proprietors. The latter complained that settlers took up more land than they would cultivate and then complained of a want of neighbors. At the same time, members of the assembly, in an address to the proprietors, complained: “Such great tracts of land are permitted to be taken up in one entire piece to the great prejudice of the colony and the inhabitants thereof. We request that in future no more than a thousand acres may be taken up in one piece, which would much strengthen this settlement; that your lordships will condescend to grant the freedom of whale fishing for twenty-one years; and intercede for taking the British import tax off of rice, turpentine, pitch and tar imported from this colony.”

Edward Randolph, who had been sent by the Lords of Trade in London to report on conditions in the colonies, reported from Charles Town, in 1699: “There are but few settlers in this province, the lords having taken up vast tracts of land for their own, which prevents peopling the place and makes them less capable to preserve themselves. The civil government differs from that in other provinces. There are not above eleven hun-

dred families, English and French here, and five thousand slaves; with four Negroes to one white man. The inhabitants complain that during the French War the proprietors never sent them a barrel of powder or a pound of lead to help them, and his majesty did not send any soldiers."

Of the Huguenots who came to America, some preferred the warm climate of South Carolina. Grants of land on land rent were made them late in the 1600's, and within two years they acquired more than fifty thousand acres. After being admitted to full citizenship, they became influential citizens.

Towards the end of the seventeenth century, four or five grants were often made, through fraud in head-rights, against the arrival of one indented servant, and large tracts near settlements were likewise obtained by speculators. The proprietors directed that, thereafter, no more than five hundred acres should be granted to any one person, except to landgraves and caciques.

England declared war on Spain in 1701—the War of the Spanish Succession—which continued thirteen years. The Carolina assembly enacted an import and export tax for defense, but the proprietors revoked it; upon which the colonists declared they would hazard conquest by the Spaniards rather than acknowledge the right of the proprietors to repeal their laws. However, the following year, the assembly voted an expedition of ten vessels and 350 men by sea, and a land force of a hundred white men and five hundred Indian allies. "The encouragement to the soldiers being free plunder and a share of all captives to be sold into slavery."

Threats to have the proprietors' charter annulled were met by expressed doubt as to whether it might not involve "an infringement on the privileges of the proprietors," who were peers of the realm; consequently action was withheld.

A protest signed by 150 inhabitants in June, 1705, cited: "These proprietary monarchs have their eyes upon the land rents; their concern is of interest; they are step-fathers and strangers in the government, and they have shown it, for their ears are stopt and shut to the complaints of their oppressed people; they govern them by sub-tyrants and connive at their tyrannies." [134]

A settlement of French Huguenots was made between the Neuse and Trent Rivers in 1707.

For inducing Huguenots to settle in Carolina, Rene Petit and Jacob Grinard were each granted four thousand acres, [21] on a land rent basis.

Baron Christopher de Graffenried, who had been made a landgrave, and Lewis Mitchell, engaged to found a settlement of six hundred Germans and Swiss at Newbern, on the Neuse River. Each family was to have 250 acres, paying 2*d* per acre rent annually after five years.

The town of Beaufort, named for the Duke of Beaufort, who had become a proprietor, was ordered laid out into lots in 1710. Huguenots, Swiss and Germans were among the early settlers.

Carolina was that year divided into North and South Carolina. Taxes for extraordinary purposes were raised from land, improvements and personal property, and generally from export and import taxes.

The price of land was increased to £20 per hundred acres, with an annual land rent of 10*s* in addition, with all minerals found thereon reserved by the lords proprietors. Some planters had a thousand cattle (two hundred was a common herd), swine in great numbers, grains, vegetables and fruits in abundance.

Encroachment of the whites on the hunting and fishing grounds of the Tuscarora Indians, the most powerful tribe in North Carolina, on the shores of Pamlico Sound and along the Roanoke River, caused an attack upon the settlers in 1711, which continued three days. Three hundred whites were killed. A force of fifty whites and a thousand Indian allies was sent 250 miles overland from Charles Town to the Neuse River, where they attacked the Indian fort and killed, it is recorded, fourteen hundred Indians.

The North Carolina assembly voted £4,000 for defense, and to build three forts. Appeal for help was made to Virginia and South Carolina. Virginia voted £4,000 to assist, provided North Carolina would mortgage to it a strip of land along the northern boundary of the province.

The Tuscaroras and allied Indian tribes were so nearly destroyed that the remnant went to New York, where they joined the Five, which then became the Six, Nations. This was the first important Indian war in the South and the worst single Indian disaster experienced by the English east of the Alleghenies. [112]

During the forty-two years preceding 1712, the Carolina people drove from office six of their fourteen governors. During the same period, there were two rebellions, and constant unrest. Because of irregularities, the proprietors closed the land office in 1712. Many squatters settled on land, and validity of titles was disputed. [12]

A vicious war broke out in 1715 between the whites and the Yamassee Indians, in which the Indians complained of the whites seizing their land, fraud in the purchase of peltries, sale of intoxicating liquors to the Indians, and seducing their women.

The agency of the province, which had been established in London, getting no response from the proprietors for help in the war, had an address sent to the king, which was referred to the Lord Commissioners of Trade. They gave the opinion that Carolina, being a proprietary territory, its government should be surrendered to the crown, if the crown must protect it.

Sir George Carteret, in London, then palatine, wrote the board: "We, the proprietors of Carolina, find that we are utterly unable to afford our colony suitable assistance, and unless his majesty will graciously interpose we can foresee nothing but utter destruction in those parts."

The assembly proposed to raise money by selling to settlers the land near Port Royal, which the settlers, at great loss of life, had taken from the Yamassee Indians. But the lords proprietors laid claim to the conquered territory, and sent orders that fifteen baronies, each of twelve thousand acres, be laid out for their private use in the Yamassee territory, with no more land to be granted to any person whatsoever.

The assembly having offered a bounty for importation of white indented servants, the deputy-governor, in 1716, informed the assembly that he had bought thirty Highland Scots, rebels captured in the Scottish rebellion, and wished for power to pur-

chase more. The assembly sanctioned the purchase, but wished no more "until we see how these will behave themselves."

Attacks by Indians on the whites continued in 1717. Many settlers abandoned their farms, and upon returning to them after the war, found all their lands in possession of speculators. Upon seeking redress, by law, many settlers and their attorneys were arrested, imprisoned for weeks, and then heavily fined. The wrath of the land speculators fell upon all who opposed their schemes. [140]

At the first meeting of the assembly, in 1717, Governor Johnson inveighed "against addresses being sent from the colony to England, as such were disrespectful, unjustifiable and impolitic." The governor asked the assembly to order a rent-roll made for the benefit of the proprietors, saying, "If you will not do this they will pursue other methods to recover their just land rents. If you will look over their charter you will find them to be your masters."

The proprietors had, in 1709, if not earlier, limited to 640 acres the acreage to be granted to any one man, other than grants to landgraves or caciques. They complained of the many exorbitant and illegal grants, and ordered that all who desired land must apply to the proprietary board in London. Three years later this was revoked and grants, not exceeding five hundred acres, were made as they had been ten years earlier. Abuses continued, and the proprietors in 1718 revoked this privilege, and again required that application for land must be made to the board in London. [140]

The assembly laid a tariff tax of 10 per cent on imports of British manufactures. This caused threats in England of prosecution against the charter, if the act were not repealed.

The proprietors in 1719 wrote to Governor Johnson: "The lords proprietors' right of conferring and repealing laws was so particularly a privilege, granted to us by the crown, that we can never recede from it. We name such persons as we think fit to be of the council with you. You are commanded hereby to dissolve the assembly."

The assembly appealed to the king as follows: "All the inhabitants of the province are convinced that no human power

but your majesty's can protect them, and fervently desire that this once flourishing province may be added to those under your protection."

Yet the charter was not revoked. A committee of the British Parliament appointed to consider the malfeasance of all the charter governments in America, and to prepare a bill for resuming their grants, found various personal claims and conflicting influences and hesitated, even for great national advantages, to subvert by its vote the vested interests of the lords proprietors.

The people became greatly incensed at the arbitrary actions of the proprietors in monopolizing land, and complained, among other things, about their refusal to part with an acre of their immense uncultivated domains to settlers, against the expressed design of the charter. Especially so, after the colony had expended thousands of pounds sterling to bring several hundred immigrants from Ireland. These immigrants were each promised two hundred acres of land, which upon arrival was refused them, and they now must starve in Carolina, or beg the means of returning to Ireland.

The colonists asked: "Have the proprietors at any time helped the colony in its distress, beat back the Spaniards from St. Augustine, or quelled an Indian horde? And after all these provocations if we choose to rebel, and throw your vaunted absolutism to the winds, where are your forces to suppress our revolt?"

The people in general were prejudiced against the lords proprietors to such degree that it had grown almost dangerous to say anything in their favor. Governor Johnson, in addressing the assembly, tried to frighten and subdue the colonists by saying that if the charter were revoked it would also cause revocation of land titles made under it to the colonists.

The assembly formed itself into a convention, and by acclamation of the people, proclaimed James Moore as governor, in the name of his majesty, the King of England. This was subsequently approved by the crown.

Disturbances became so pronounced it was proposed that the British Parliament appropriate funds, with which the king could buy the land from the lords proprietors. Carteret, who

was one of the eight proprietors, and at that time palatine, refused to sell his share. The other seven consented and, in 1729, were paid £50,000 for their shares; whereupon the proprietary government ceased, and the two Carolinas became two crown provinces, each with a governor appointed by the king.

Carteret retained a one-eighth undivided share in the land in the two Carolinas and in Georgia and the western region until 1744, when he relinquished all claims in return for the grant of a strip of land in North Carolina, forty miles wide, extending along the North Carolina northern boundary, "from the Atlantic to the Pacific."

John, Lord Carteret (Earl of Granville), son and heir of Sir George, inherited this land, which he utterly neglected. His grant being confiscated by the new state during the American Revolution, he strove until his death to re-establish his claim. [169] Holding claim to the land, but not using it, and in no probability having any intention of ever using it, he brought suit to eject settlers, who were cultivating some of it to maintain themselves and their families.

His claim was disallowed by the United States Supreme Court. Consequently, the £7,143 sterling which Sir George was offered and rejected eighty-three years previously, with interest during all that time, was lost to the Carteret estate.

To diminish as much as possible the remaining area of land which the crown had purchased of the proprietors, the governor, prior to actual transfer, secretly disposed of land on whatever land rent terms he could find takers for; even issuing deeds in blank. [5] He granted four hundred thousand acres to the commissioners who ran the boundary line between North Carolina and Virginia.

The large grants to landgraves and caciques were often not surveyed, or recorded in the land office; consequently, it was difficult to determine how much land had been granted and how much the crown was entitled to receive in the purchase. After the purchase, the attorney-general and solicitor-general in London declared, in 1730, that the grants to the landgraves and caciques were illegal, because they did not designate the exact location of the land conveyed.

A court decision in Charles Town held that a landgrave grant indefinite as to time and place, and not taken possession of during the lifetime of the original grantee, was, nevertheless, valid, and the title of the succeeding holders good in law. [140]

Following the revolution in Carolina in 1719, the proprietors closed the land office and it remained closed until two years after the crown had acquired the land. Meanwhile, as population increased, holders of old grants began to seize all the desirable land and new colonists suffered from inability to get land. It was afterwards estimated that, while the land office was closed, about eight hundred thousand acres of the most valuable land were granted by the lords proprietors to landgraves and caciques. [2]

A law afterwards passed guaranteed the validity of all grants made by the lords proprietors, notwithstanding any defects in describing the land, provided some part of it had been actually surveyed by a sworn surveyor. Practically all grants made to landgraves and caciques were thus confirmed, because a large part of the province had been surveyed between 1720 and 1730, and two years' additional time was allowed to complete the surveys, which led to great frauds. [140]

After the purchase of the land by the crown, land continued to be subject to the payment of rents, with the rents payable to the King of England. The arrest of a man in North Carolina, in 1737, for non-payment of land rent caused a mob of five hundred to join in "cursing his majesty, and uttering many rebellious speeches." After forcing release of the prisoner, threats of vengeance were made against any official who dared to demand land rents.

The limit of royal grants at that time was 640 acres. The crown recommended the passage of a law compelling all grantees at once to settle on and cultivate their lands. It was also urged that future grants be restricted to fifty acres for each member of a household, including indentured servants and slaves.

This was wisely aimed to discourage speculation in unused land, and to attract settlers but, in anticipation of this, many old settlers who were already land-poor, obtained some six hundred thousand acres. By avaricious grabbing of land by those who

could not use it, there was not a thousand acres within a hundred miles of Charles Town, or within twenty miles of a navigable stream, not already taken possession of.* New settlers were obliged to locate on undesirable and uneconomically situated land.

Henry McCullough, a London merchant, and his associates, held patents to 1,200,000 acres in the Piedmont section of North Carolina, free of rent for the first twenty-one years. In 1739 the king sent him to Carolina, to adjust the land rent problem in the two colonies. He antagonized everybody and, during the seven years he was there, he accomplished nothing. [12]

Grants were made in 1744 at 3s sterling or 4s proclamation money for a hundred acres; the rate established in North Carolina by the royal government. [12]

The assembly of South Carolina endeavored in 1745 to get a bill passed requiring holders of township lands to cultivate them, on penalty of forfeiture. But the council, protecting the speculators holding unused land, induced the assembly to desist. [140]

The following year the assembly claimed that there had been great abuse in granting land, and unwarranted fees charged. The settlers demurred at paying the land rents. [5]

The council, prior to 1760, was for the most part composed of leading merchants and importers of Charles Town. Representing, as they did, the creditor class, they allied themselves with the crown officials, in opposition to the planter element in the assembly. [140]

By 1771 the assembly superseded the council as the potent influence on legislation. Because of the unsettled conditions in the colony, the king in 1773 directed that the land office in South Carolina be again closed. During the remainder of the Colonial Period there was but little effort made to check fraudulent land grants, but all the best land already had been granted, or otherwise grabbed.

The large grants to the landgraves and caciques were mostly in South Carolina. There were very few large estates in North Carolina; the inhabitants there being mostly small landholders. Land being readily obtainable, the poor whites, including re-

*Pub. Rec.

leased indented servants from the southern section and from Virginia, had a chance to improve their condition by getting land.

At the outbreak of the American Revolution, the North Carolina Declaration of Rights, which asserted that the land belongs to the people, was incorporated in the state constitution, and all royal land rents were abolished.

Instead of paying land rents to the British king, the settlers now paid taxes levied by the new state on all property.

Since the constitution recognized that the land belongs to all the people, it would have been wiser to have collected from the private users the annual rental value of the land for the public treasury, instead of, as was done, and still is, levying taxes on privately owned improvements and personal property. Levies on capital and labor are suppressive taxes on industrial development, home-owning, and creation of wealth.