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**COLONIAL COMMERCE:
RACE, CLASS AND GENDER IN A LOCAL ECONOMY,
ALBEMARLE, NORTH CAROLINA, 1663-1729**

By

Kristi A. Rutz-Robbins

A DISSERTATION

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ABSTRACT

COLONIAL COMMERCE: RACE, CLASS AND GENDER IN A LOCAL ECONOMY, ALBEMARLE, NORTH CAROLINA, 1663-1729

By

Kristi A. Rutz-Robbins

Colonial Commerce explores the ways men and women, whites, blacks, and Indians and merchants, traders, laborers and planters interacted together in the Albemarle region of North Carolina. Analysis of colonial documents, such as county court records, debt receipts and merchant accounts along with political letters reveals a vigorous local economy in early colonial North Carolina that transcended race, class and gender. Local markets supported a lucrative transatlantic trade in skins and "goods and wares." Local trade brought blacks, whites, and Indians and men and women of different classes into numerous economic relationships with one another. Such contact fostered cycles of cooperation and conflict reflected in North Carolina's unstable political history and complicates our understanding of divisions in race, class and gender in the local economy of early colonial America.

ACKNOWLEDGMENTS

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remainder of my program advising, editing, and encouraging me along. I am eternally grateful for his professionalism and friendship.

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PREFACE

In colonial America economic activities of blacks, whites and Native Indians created a context for cultural interaction. Local trade was central to the colonial experience. Traditional colonial economic history largely focuses on export economies and transatlantic trade. Community studies briefly survey local economies usually in the context of politics and culture. Changing patterns of local trade are linked to changing local politics, multicultural exchange and women's economic and political positions over the course of the seventeenth and eighteenth century. Scholars have begun to integrate Indians, blacks and whites into colonial narratives. However, more scholarship is needed in order to make regional comparisons between the ways men and women, whites, blacks, and Indians and merchants, traders, laborers and planters interacted in local economies.

This study of the Albemarle region of northeastern North Carolina between 1663 and 1729 analyzes colonial documents, such as court records, government correspondence, merchant accounts, journals, diaries and archeological studies to reveal the political, racial and gendered characteristics of this local economy. I argue

that local trade brought blacks, whites, and Indians and men and women of different classes into numerous economic relationships with one another and that the merchant classes were dependent on such trade relationships. Local trade supported participation in the transatlantic economy and fostered cooperation with political allies, both Native Indian and English, as well as conflict with political and economic competitors. North Carolina's unstable political history marks the degree to which a network of local merchants defended their political positions of power.

In Chapter 1, *"For her Sweetheart": Marriage, Merchant Alliances and Political Power*, I argue that local merchants tied to the colonial Atlantic world supplied English goods to the local community. The Albemarle Sound river system allowed the region to function as an urban market center without a major port city. Accusations of government officials involvement in piracy, illegal collection and non-collection of shipping tariffs and government established monopolies in the Indian trade point to the centrality of merchants in local politics. A local merchant alliance, in part created through marriage ties, struggled to maintain their positions in the local colonial government. This struggle led to both the Culpeper and Cary Rebellions.

In Chapter 2, *"Promises of Great Rewards": Merchants, Indian Traders and the Skin Trade*, I argue that Indians supplied local traders, merchants and planters with skins in exchange for various European goods. This skin trade supported the expansion of English settlement in Albemarle. Indian and merchant alliances point to the centrality of Indian-White trade connections as a central feature of diplomatic relations. King Tom Blunt diplomatically negotiated trade and peace between the North Carolina government and his Indian towns during the Tuscarora War, and successfully maintained his towns status as an English ally and trade partner. This and the illegal frontier Indian trade activity during the war, points to the vital importance of the Indian trade to both Native American and English communities. The lucrative nature of the trade gave enormous power to merchants exporting skins.

In Chapter 3, *"Indebted by Account": Courts and Credit in the Local Economy*, I argue that courts served as places to verify and collect debts across all classes. A series of court cases sometimes linked a chain debt suits back to the initial prosecutor, thus canceling out portions of debt without money or goods 'in kind' being transferred. More commonly, one suit, often in response to the settlement of estates, spurred a chain of debt collections. Such cases

point out the interconnected economic ties that bound colonists to each other. Merchants, traders and tavern keepers kept accounts with each other and with artisans, planters and Indians within the community. Cases such as these reveal complex economic ties among and between all classes in this early colonial frontier region.

In Chapter 4, *"The Custom of their House: Tavern Keepers and Local Trade"*, I argue that taverns, also called ordinaries, provided a center for local exchange in this colonial community without a major urban center. Tavern keepers served as part time merchants and credit houses, exchanging corn, pork and tobacco for provisions, dry goods and spirits. Tavern keepers brought debt suits to court revealing the range of credit they extended throughout the local community. The 'ordinary' cases that came to court point to the extensive network of local trade established by tavern keepers. That court was held at taverns during this period increases the importance of taverns as centers of law, politics and economic exchange.

In Chapter 5, *"By her Bill": Women in the Local Economy*, I argue that during the initial years of settlement colonial women played various visible roles in the local economy. Women came to court to as attorneys for their husbands settling trade debts. Women also came to

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court to settle debts contracted through their own economic activities such as tavern keeping, whaling, the skin trade and retailing dry goods. Importantly, white and black women engaged in trade with each other regardless of law and probably in greater numbers than the records allude to.

In Chapter 6, *"To Trucke, Deale & Trade": Black and White Trade in a Comparative Perspective*, I argue that black slaves engaged in trade, legally and illegally, with tavern keepers, artisans and merchants in Albemarle. Carolina laws increasingly regulated interracial trade as slavery expanded. Enforcement, however, was up to the community and community customs dictated the enforcement or lack of enforcement of such laws. Irregularly enforced racial boundaries created social and economic realities that conflicted with established legal frameworks. Ultimately, black slaves created independent economic niches that remained established for centuries in North Carolina.

Throughout *Colonial Commerce* I present a complex local economy that belies any simplistic understandings of trade in the early colonial period. Pervasive networks of local trade linked colonists to each other and to the larger Atlantic markets. Native Indians, blacks, and whites, both

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men and women, participated in various ways in a local economy that centered along rivers, in homes and taverns.

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INTRODUCTION

Studying the early colonial period with a focus on economics and social-political relationships the Albemarle, North Carolina community reveals marked economic, social and cultural diversity across region and time. Initial periods of economic expansion do not occur at the same chronological time for all colonies. They were not settled at the same time, and so initial developmental stages occurred during different periods depending on the colony studied. For example, European expansion in Albemarle, Carolina as the northeastern region of North Carolina was called in the seventeenth century, began two generations after initial European settlement in Virginia. This multi-temporal, multi-regional approach to the colonial world aids in understanding processes of change, particularly in terms of race relations.

Nevertheless, the 1680s, or more generally the last quarter of the 17th century coincides with a number of major transformations in the colonies. Importation of English labor declined. Shipments of slave labor to the Chesapeake accelerated rapidly. A firmly established Barbados sugar industry pushed small planters into the Carolinas. Expanding slave laws marked increasing racial

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division between white laborers and black slaves.

Philadelphia begins to become an economic center, which will outstrip Boston and increase the linkages of trade among the colonies. The problem with such overarching generalization is that regional difference and processes of change are lost. McCusker and Menard note the "pattern of economic change in British America varied widely by region and over time."¹

The export and domestic markets are two different lenses from which to view colonial history. In studying Albemarle's local economy during the proprietorship years, 1663-1729 through court records, journals and accounts the centrality of trade to the settlement process stands out. McCusker and Menard argue, "Overseas commerce did not merely make colonial life comfortable: it made it possible."² They emphasize the fact that the colonies were not self-sufficient and point to the central importance of foreign trade in the domestic economy. Roughly twenty percent of total income was derived from commodity exports. The export economy was really sets of colonial economies linked with London and not really linked together until

¹John L. McCusker and Russel R. Menard, The Economy of British America, 1607-1789 (Chapel Hill: Published for the Institute of Early American History and Culture by the University of North Carolina Press, 1985), pp. 9.

²Ibid., pp. 71.

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late 1700s. The development of the export economy fueled the success of the British colonies. For example, in Albemarle the lucrative nature of the skin trade and then later the tobacco trade fueled settlement expansion in the late seventeenth and early eighteenth centuries. Over a few decades in the mid 1600s England went from being a major importer of tobacco and sugar to being an exporter of both, its colonies were now economic assets and increasingly they became market assets as exports of English manufactured goods increased between 1700-1770.³ T.H. Breen argues for the rise in imported English manufactured goods in trade for the colonies staple exports adding that increases in scale of production allowed tobacco planters to expand exports.⁴

North Carolina's per capita trade values lag behind those of Virginia. Roger Ekirch argues, "Shortages of

³For some key older works see Davis, "English Foreign Trade, 1770-1774," Historical Economic Review, (1964) and McCusker, "The Current Value of English Exports, 1697-1800, William and Mary Quarterly, (1971); Egnal, "The Economic Development of the Thirteen Continental Colonies 1720-1775" William and Mary Quarterly (1979) and Kulikoff, "The Economic Growth of the Eighteenth-Century Chesapeake Colonies," Journal of Economic History (1979) McCusker and Menard cover this too and really are the best place to get a good overview of the older literature to their publication date.

⁴T. H. Breen, "An Empire of Goods: The Anglicization of Colonial America, 1690-1776 Journal of Business Studies, 25(1986). Lois Green Carr, and Russell Menard "Land, Labor and Economies of Scale in Early Maryland," adds to this argument by including the expanding grain export economy into the picture. See also, Lois Green Carr and Lorena Walsh, "Economic Diversification and Labor Organization in the Chesapeake, 1650-1820"

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capital, labor, and a marketable cash crop all combined to render the economy less productive than the plantation systems of Virginia and South Carolina," adding that Carolina's jagged coastline hindered shipping.⁵ However, perhaps the total amount of trade is less important than the social structure, alliances and conflicts generated by local trade. Also, accusations of illegal trade indicate that a fair amount of North Carolina's trade slipped by undocumented. Some illegal trade was prosecuted, such as the case concerning John Pettiver who brought a shallop through the Port of Roanoke with a two ton load of "Sundry Goods and Merchandizes." He unloaded without making an entry in the port or getting the permits for payment of customs in Virginia.⁶ However, a report to the Lords of Trade in London complained, "The inlet of Roanoake is frequented with small vessels trading to & from the West India Islands. Pyrats & runaway Servants resort to this place from Virginia etc," indicating that many traders slipped by customs.⁷ Another such complaint written to the

⁵A. Roger Ekirch, "Poor Carolina": Politics and Society in Colonial North Carolina, 1729-1776 (Chapel Hill: University of North Carolina Press, 1981), pp. 3.

⁶William S. Price, North Carolina Higher-Court Records, 1702-1708 The Colonial Records of North Carolina, Second Series, Vol. IV (Raleigh, North Carolina: Departments of Cultural Resources Division of Archives and History), pp. 106. Hereafter stated as Higher-Court Records. This case dates from July 1704.

⁷Ibid., pp. 467.

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Lord's proprietors accused Captain Valentine Bird, the collector at the time, of "suffer[ing] the New England Traders to load and carry away the Tobacco of the Country without paying the said Duties," revealing that local merchants with political power allowed those within their kinship and trade alliances to avoid making customs payments.⁸

The Pasquotank, Chowan, and Roanoke rivers come to sea together in Albemarle Sound, one of several inlets along an irregular coastline. Albemarle is the northernmost sound of North Carolina, just south of the Chesapeake. As Albemarle Sound meets the Atlantic shifting sand banks form barriers between the Albemarle community and the sea. These outer banks were a notable and influential geographic feature of North Carolina coastal settlements. Atlantic waves created and recreated these sand reefs whose ebbs and flow

⁸Ibid., pp. 257, 292. Valentine Bird "appointed Collector who went on collecting ye same until the yeare 1676 In which yeare there being A warr with yet Indians & the people of the said Countrey for yet reason in armes they were perswaded by Geo. Durant, Valentine Bird the Collector & one White with others to fforce the Governor to remitt to the New England men (by whose hands were brought to them all sorts of English Comodities) three farthings of the said 1d Plb the said Durant having then a considerable quantitie of Tobacco to receive & which hee was to ship for New England." 292. The colonial parliment made during culpeper disorder included Tho. Collen Speaker, James Blunt, Anthony Slocum, Jon Vernham, Henry Bonner, Jon Jenkis, Sam. Pricklove, Willm Therrill, Caleb Calloway, Alexamder Lillington, Willm Crawford Vallentine Bird William Jenings, Tho. Jarvies, Enoch Bilings, Rich Sanders, Patrick White & Willm Sears. The Court was made up of Jon Jenkins, Willm Craford, James Blunt, Patrick White and Valantine Bird with Richard Foster as chief Judge, pp. 273. George Durant was Attorney General, pp 282. Such merchant alliances produced governmental instability during the initial two generations of settlement.

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sometimes made shipping difficult. Ekirch argues, "Because of the economic burdens imposed by their poor port facilities, North Carolinians conducted a considerable trade through neighboring Virginia and South Carolina. All told, only about a half of the colony's trade went through its own ports."⁹ However, Joseph Goldenberg argues, that despite the problems with North Carolina's port, the region still 'engaged in a fair-sized trade with coastal, West Indian and European ports."¹⁰ Smaller ships like sloops and schooners were the more common trading vessel and he argues much of the trade was conducted with New England, rather than London.¹¹ A smaller number of larger British owned vessels, which were probably built in North Carolina, conducted trade between Britain and the colony.¹²

Over the course of the colonial period, shipping rose significantly across the colonies. Ekirch, argues "it was estimated that the annual value of goods exported through North Carolina ports averaged L76,000 sterling by 1768-1770, as opposed to only L8,000 in 1736."¹³ A comparison to

⁹Ekirch, pp. 16.

¹⁰Joseph Goldenberg, "Names and Numbers: Statistical Notes on Some Port Records of Colonial North Carolina." American Neptune, 29(3), 1969, pp. 155.

¹¹Ibid., pp. 156.

¹²Ibid., pp. 158.

¹³Ekirch, pp. 17. See also, James F. Shepherd and Gary M. Walton, Shipping, Maritime Trade, and the Economic Development of Colonial North America (Cambridge: Cambridge University Press, 1972), pp. 47.

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average annual value of exports for the years 1768-1772 shows North Carolina's annual exports valued at L152,000, Virginia's at L731,000, and South Carolina's at L447,800. At one count during this period the white population for North Carolina was 30,025, for Virginia 259,272 and 49,047 for South Carolina. Thus, the value of exports per white resident in North Carolina was L1.17, for Virginia L2.82 and South Carolina L9.13.¹⁴ However, if Goldberg is right and half of North Carolina's exports went through other ports its export value would be closer to L300,000 making North Carolina's per capita export value nearer to L2.34 per person and thus nearly equivalent to Virginia's per capita export value.

Lack of centralized port facilities made North Carolina town development take a different course than South Carolina's, Charleston, Virginia's Alexandria, Pennsylvania's Philadelphia, Massachusetts's, Boston or New York's, New York City. North Carolina's towns remained small through the mid-eighteenth century with none developing into a major port city. William Byrd II wrote about Edenton, the largest town by the mid 1700s,

¹⁴Ekirch, pp. 18.

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describing "may be forty or fifty houses, most of them small and built without expense."¹⁵

Analysis of the export economy must be compared with the domestic economy. Production for the domestic market and items purchased for personal use make up the larger part of the colonial economy. Betty Pruitt argues that even supposedly self-sufficient colonial farmers engaged in the local market and therefore were not truly self-sufficient.¹⁶ Menard, Carr and Walsh find the same involvement by planters in the domestic economy in late 17th century Maryland.¹⁷ Richard Bushman argues that geographically market production was a greater force along rivers which provided easier market access.¹⁸ Thus, Albemarle's river system promoted planter participation in local markets, even without urban growth.

Demographics also influences social, political and economic development. James Axtell, for example, studies the early period with an emphasis on contact between white Europeans and Indians. He defines a frontier as a contact

¹⁵Louis B. Wright, ed., The Prose Works of William Byrd of Westover: Narratives of a Colonial Virginian (Cambridge, Mass., 1966), pp. 207.

¹⁶Betty Pruitt, "Self-Sufficiency and the Agricultural Economy of Eighteenth-Century Massachusetts, William and Mary Quarterly, 41 (3) 1984, pp. 333-364.

¹⁷Lois Green Carr and Loren S. Walsh, "The Planter's Wife: The Experience of White Women in Seventeenth-Century Maryland," William and Mary Quarterly, 3rd Ser. 39 (1977), pp. 542-571.

¹⁸Richard Bushman, "Markets and Composite Farms in Early America," William and Mary Quarterly 55(3), 1998, pp. 351-374.

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arena where multiple autonomous societies engage in generally egalitarian mutual cultural exchange. Once a group establishes hegemony and other groups' control over their own destiny is compromised, the region is no longer a frontier. According to this definition, Albemarle until the defeat of the Tuscarora was a frontier community. Axtell argues that Indian communities adapted creatively to Euroamerican culture.¹⁹ Europeans depended on Indians for food, tobacco, labor, transportation, military alliances, sexual/social partners. Indians adopted technology, clothing and alcohol into their society and with contact came deadly diseases. Once the balance of cultural exchange tipped towards Europeans, a new phase in the sequence of development began. This was true for North Carolina, but this tipping in balance of power occurred much later in this colony than in Maryland or Virginia.

During the late seventeenth century around 150 Meherrin Indians and 200 Chowanoc, Pasquiutank, Poteskeet and Yeopim Indians lived within the borders of English settlement.²⁰ The southern banks of Albemarle Sound marked the edge of

¹⁹James Axtell, The Invasion Within: The Contest of Cultures in Colonial North America (New York: Oxford University Press, 1985).

²⁰Peter H. Wood, "The Changing Population of the Colonial South: An Overview by Race and Region, 1685-1790" in Peter H. Wood, Gregory A. Waselkov, and M. Thomas Hatley, eds., Powhatan's Mantle: Indians in the Colonial Southeast (Lincoln: University of Nebraska Press, 1989), pp. 38, 43-46.

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English colonization to 1713: the Tuscarora Indians occupied this southern and southwestern region.²¹ Prior to the Tuscarora war, 30,000 Tuscarora and Algonquian Indians lived in the coastal Carolina region.²² The Tuscarora pursued trade relations and allowed English settlement in the northern regions of the Albemarle Sound area. In 1672, Albemarle leaders and Tuscarora chiefs reached an agreement in restricting English settlement south of Roanoke (Albemarle) Sound and the Chowan river.²³

English settlers had moved into the area from Virginia in the 1650s. Possibly the oldest land grant record in North Carolina was that made by the King of the Yeopim Indians to George Durant for land on the Perquimans River and Roanoke sound.²⁴ The English numbered only a few hundred in the 1670s. Lord Culpeper estimated the Tuscarora in 1683 somewhere near 7,000, at least twice that of Albemarle English settlement at the time, implying that

²¹Thomas Parramore, "The Tuscarora Ascendancy" The North Carolina Historical Review Vol. LIX (4) 1982, pp. 315.

²²Wood, "The Changing Population," pp. 38, 43-46.

²³Donald W. Meinig, The Shaping of American, Vol. I Atlantic America, 1492-1800 (New Haven Conn.: Yale University Press, 1986) pp. 147, 307-309, 312-131 and H. Roy Merrens, Colonial North Carolina in the Eighteenth Century (Chapel Hill: University of North Carolina Press, 1964) pp. 20.

²⁴William Saunders, ed., The Colonial Records of North Carolina, Vol. I, (Raleigh N.C. 1886 and Willmington, N.C.: Broadfoot Publishing 1993). Hereafter cited as Colonial Records.

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the English numbered only a few thousand if that.²⁵ The balance of power lay with the Tuscarora as colonists actively courted the deerskin trade. Expanding English settlement by land purchases from neighboring Indians and colonial grants meant that by 1709 at least fifteen Indian towns were included in the colony, most in Bath County.²⁶

The demographic collapse of most eastern woodlands Indians populations in the 17th century is significant. Mitchell argues that the 1680s were a watershed in colonial history.²⁷ Indian resistance on the coast had been eliminated and slavery had been securely established in the Chesapeake. North Carolina, however, did not reach this moment of watershed until the early 1700s.

Settled as a frontier zone of Virginia, Albemarle county attracted English colonists seeking land from more established colonial regions, principally Virginia. Settlements incentives for those arriving before January 1, 1665 were eighty acres for every armed freeperson and spouse and servant men coming in and "for every weaker Sarv't he or she hath brought or sent or shall bringe or send as afores'd as woemen children and slaves above the age of fowerteene yeares, forty acres like measure And for

²⁵Parramore, pp. 313.

²⁶Colonial Records, Vol. I, pp. 743.

²⁷Mitchell, "The Colonial Origins of Anglo-America."

every Christian Serv't is brought or sent within ye said time to his or her proper use and behoofe when their time or Sarvitude is expired forty acres of like measure." For colonists who arrived in the second year of settlement, thirty acres was granted for each slave brought in.²⁸ In the third year, the colony granted forty acres for a man servant, twenty for weaker servants or slaves. At the expiration of indentured servants term of service, Christian servants were to be given twenty acres.

In court planters recorded headrights for servants and slaves as well as family. Thus seen from these records, North Carolina built a black as well as a white population. Black men and women arrived from the beginnings of colonial settlement as servants or slaves. Presumably most came as slaves, Virginia having already set a precedent for black slavery. Imported blacks rarely were named, but rather listed as "negro"; if they were named, no last names were given as they were for the presumably English servants. For example, one court record stated, "Wm. Symons proved 5 rights, Wm. Symson, Robert Smith, Emanuel Altooy, Maria a negro transport, Hannah Symson freedom right."²⁹ Later

²⁸ Colonial Records, Vol. I, pp. 87-88; thirty acres was given for slaves brought in during the second year of settlement and twenty for the third year.

²⁹ Higher-Court Records, 1670-1696, pp. 11. This example came from March 1680.

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headright records often did not record even first names. For example one court session granted headrights to several colonists bringing in black men, women and children. John Bently imported "Richard Bently Jean Bently Mary Bently Sarah Bently a negre Boy a Negroe Woman an Indian Boy." Christopher Butler brought in "his wife & tow children and a negroe girl." Edward Mayo got rights for "Edward May Senr Eward Mayo Junr Sarah May Ann Mayo Elizabeth Mayo three Negroes John Nixon Em Nixon Ann Nixon Affica Pike Samuel Pike in all thirteene." Mr. Patrick Baly recorded "himself Lucy Harvey an Negroe Woman Margrett Hamelton two Rights John Hudson Simon Daxter"³⁰

Incoming families usually brought in one or two black slaves along with family members and a few English servants. In another instance, recorded in January 1696, "Thomas Speight proved tenn Rits Whoes Names are under Wretten vix himselfe Richard Malone Nich Perru John Morres Elizabeth Morres John Morres Juner William Morres Mare Marres Nathaniel Rave Fone a Negro." Fone, like most blacks, was listed last, which given the order for listing of names, was lowest social strata. This was also the case for Francis Foster who "proved Six Rits Whose names are under Wretten William ffoster John ffoster Elizabeth

³⁰ Colonial Records, Vol. I, pp. 394-396.

ffoster ffrancis ffoster Jeane Wetman a Negro Hanna."³¹ A few incoming colonists brought in greater numbers of blacks, and interestingly their status can not always be inferred as slave. For instance, "Anne Stuart Ser proveth 6 rights viz four negroe one English servt and Virgill Simons"³² This is interesting because the English servant is not named either and the negroes could very well have been servants by this wording. Other entries point to similar assumptions, for instance, "James mills proves his right to eight hundred and fifty acres of land by the importacon of Jmes Mills. Edw Conquest, Geor Sutton and his wife Nthanl Sutton, Josehp Sutton, Mary Gosby Eliz Sutton, Wm Hague Natianiell Marker, one Neg servt, James Hunds Jon Pinck and his wife Jane Garrett, Jno Overton Joseph Pitts."³³ This suggests James Mills brought in a negro servant, not a slave, because he or she was not listed as just "negro," as more common, for example that of Samuel Swann who "Sheweth that he hath Right to 640: acres of Land for the Importation of 13: persons Into this Countrey (viz.) Samuel Swann, and Sharah his wife, William, Samuel, Samson, Henry

³¹ Ibid., pp. 480.

³² Ibid., pp. 415. In the September court of 1694.

³³ Colonial Records, Vol. I, pp. 436.

and Thoma. Swann, Eliza Hunt Tom, Mary, Hannah, Elizabeth and Jane Negroes."³⁴

Negro women initially dominated black imports according to headright records. Typical entries followed that of Thomas Speight who imported "Mary Speight Sen Ditto Jun John Hetterter Mary Fitt Garrat Elizabeth Do Negro Hannah & himselfe."³⁵ Another reads, "Dennis Macclendon praying to prove Rights to a Hunderd Acres of Land by the Importacon of two persons visl Michael Downing & Habelle a Negro & is admitted."³⁶ The following year "Isaac Wilson by his Subscripcon proves Rights to Twelve hundred acres of Land by the Importacon of Mary Coasman Eliz. Boasman, John Morris Richard Ruckman, Negroe Phebe Indian Mall Negore Patt Negro Maria James White 2 Anne Barker Geroge Baits 2 my wife Rebekah Ratcliffe George Rice Richard Gove Simon Alderson Joseph Canerle Richard Turner, William Barnstable John Hooks Isaac Ricks & Abraham Ricks." ³⁷ Each of these families imported family members, servants and one black woman except for Isaac Wilson who imported three black women and one Indian women.

³⁴ Higher-Court Records, 1670-1696, pp. 82.

³⁵ Colonial Records, Vol. I, pp. 582. This case is from 1703. Mary Fitt Garrat later shows up in court as Speight's servant on bastardy charges and given additional time.

³⁶ Colonial Records, Vol. I, pp. 618. January 1704/5.

³⁷ Ibid., pp. 652. January 1705/6.

These headright claims underscore the make up of a multiracial dependent class. Plantations were peopled with white, black and Indian servants and black and Indian slaves. By 1710, a letter from Rev. Adams claimed, "we have in this parish of Caratauk five hundred and thirty-nine souls, whereof ninety-seven are Negroes, one Quaker, and five or six of no professed religion." Thus, according to his count around 1 in 6 persons was black.³⁸ In 1721, a Representation of the Board of Trade to the King Upon the State of his Majesty's Plantations in America reported, "We are not thoroughly informed of the number of Inhabitants, but according to the best accounts we could get the number of persons in their Tythables or Poll Tax were not long since about 1600 of which about one third were Blacks."³⁹ This meant that the black population was in continual contact with the white population and that most whites had regular contact with blacks, either their own servants or slaves or their neighbors.

The population figures are sparse. Four thousand white people were estimated in 1694.⁴⁰ Historian Alan Watson

³⁸ Ibid., pp. 722.

³⁹ Colonial Records, Vol. II, pp. 419.

⁴⁰ Donna Spindel, "Women's Civil Actions, 1670-1730" The North Carolina Historical Review, LXXI (2) 1994, pp. 154. She cites Evarts B. Greene and Virginia D. Harrington, American Population before the Federal Census of 1790 (New York: Columbia University Press, 1932) pp. 156; and

concludes that in 1700 there were approximately 10,000 inhabitants. By 1720 there were 21,000 inhabitants. In 1729 when the North Carolina was purchased from the Lords Proprietors, the population was estimated at 36,000.⁴¹ Watson estimates the black population at 1,000 in 1705 and 6,000 in 1730. Thus in the early eighteenth century the ratio of black to white was 1 in 6.⁴² Slaves, he argues, were found in 37 percent of the eastern counties' families.⁴³ This means that blacks lived closely among the white population rather than in slave quarters with large numbers of other blacks. North Carolina followed a demographic pattern somewhat similar to that of the Chesapeake. Until the late 1670s, servants outnumbered slaves nearly five to one, but by 1700, slaves outnumbered servants by over three to one in Maryland. Even so, only twenty percent of farmers owned slaves, and of these ninety percent only owned one or two.⁴⁴

The society created was stratified. In Bertie county, North Carolina, the western edge of Albemarle, Watson found that "the poorest 30 percent of the population owned 1.7

George Burrington to Board of Trade January 1, 1733, in Colonial Records, Vol. III, pp. 433.

⁴¹ Watson, Society in Colonial North Carolina, pp. 3-4.

⁴² Ibid., pp. 6.

⁴³ Ibid., pp. 20

⁴⁴ Mitchell and Groves, North America: The Historical Geography of a Changing Continent, (Totowa, N.J.: Rowman & Littlefield 1987)

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percent of the wealth and the richest 10 percent, 58.8 percent."⁴⁵ A majority of planters owned less than 250 acres in 1735 quitrent lists. Ekirch argues "Few owned more than 1,000 acres, and only four in excess of 5,000." He argues that "A 1720 Perquimans County tax list, itemizing both landholders and nonlandholders, reveals that nearly three-quarters, or 72 percent, of all household heads owned land. A recent study of slightly earlier tax lists has arrived at a similar figure for neighboring Pasquotank County as well as for Perquimans." In Pasquotank, more than 63% of the population did not own slaves in 1739. None held over ten and most being 1-5 slaves.⁴⁶

However stratified, the class and racial structure was still fluid to some extent. This extent is debated in the historiography. Jordan argues that slavery and racism were interrelated forces and enslavement was an 'unthinking decision.' He places heavy emphasis on English notions of 'others' and beliefs in social hierarchy generated from the great chain of being that developed from the scientific community. He paid little attention to economic forces which provided important justification for slavery.⁴⁷

⁴⁵Watson, Society, pp. 8.

⁴⁶Ekirch, pp. 20-21.

⁴⁷Winthrop D.Jordan, White Over Black: American Attitudes toward the Negro 1550-1812 (1968).

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Edmund Morgan analyzing the way in which slavery replaced indentured servitude as the dominant form of labor in the Chesapeake argues that racism was a product of slavery.⁴⁸ T.H. Breen and Stephen Innes echo this argument giving evidence for increasing racism in the seventeenth century Virginia eastern shore.⁴⁹ Breen writes, "The status of black men in mid-seventeenth century Virginia remains obscure; a few were free, some were indentured servants and most were probably slaves. After 1660 the Virginia legislature began to deprive black people of basic civil rights... The problem with this interpretation is that it relies too heavily upon statute law as opposed to social practice, and dismisses the fact that some whites and blacks cooperated-even conspired together- until the late 1670s."⁵⁰ The servant and slave conspiracies and rebellions of the 1660s-1680s included white and black laborers and black slaves. Economic status marked this group in the eyes of the planters.

Interracial coupling created complex social realities furthering the development of a multicultural strata of society. For instance Watson argues that "John Carruthers

⁴⁸ Edmund Morgan, American Freedom, American Slavery (1975)

⁴⁹ T. H. Breen and Stephen Innes, "Myne Owne Ground" : Race and Freedom on Virginia's Eastern Shore, 1640-1676 (New York: Oxford University Press, 1980).

⁵⁰ Breen, "A Changing Labor Force and Race Relations," pp. 7.

Stanly, a prosperous mulatto, was generally assumed to be the son of wealthy merchant John Wright Stanly."⁵¹ Such realizations are important to understanding North Carolina society's racial fluidity. Black, White and Indian sexual unions and family formations blur the borders of racial separation. Indians had contact with both white traders and black traders, and through these contacts marriages and liaisons further tied the white, black and Indian communities together. James Merrel argues, "Meeting with Afro-American became more common after 1700 when blacks from the colonies of Virginia and Carolina began entering the Piedmont to exchange European goods for native deerskins. Most of these men were probably owned by white traders. Whatever their status in colonial society, it seems likely that upon reaching Indian territory they left legal distinctions behind. As Peter Wood has shown, frontier conditions were not conducive to the maintenance of a racially segregated, rigidly hierarchical slave system."⁵² For example one of the first English families to settle in Albemarle, the Durants, married into the Yeopim Indian community.⁵³ However, the Indian status of their

⁵¹Watson, Society, pp. 27.

⁵²Merrel, "Racial Education of the Catawba Indians" Journal of Southern History, 50(3), 1984, pp. 367.

⁵³Colonial Records, Vol. I.

spouses was not noted until April 1714, when "Jno Durant a Yawpim Indian" brought forward a case arguing "that when he was out against the Indian Enemy under the command of Mathew Midgette, the Said Durant tooke an Indian Slave Woman. " The court ruled the slave woman belonged to Durant, not Midgette.⁵⁴ Jonothan's previous court cases did not leave record of racial identity. Such multiracial family alliances complicate simplistic assumptions about race in the early colonial period.

The same point can be made regarding women's position in North Carolina early colonial society. Watson notes that "in seventeenth-and early -eighteenth century North Carolina married women may not have been too severely disadvantaged. In the colony's developing frontier society widowhood and remarriage were frequent, the legal system was in its infancy, and public life was less institutionalized. As a result, domestic and public roles were less distinct and more subject to overlap." He also found that as the century progressed and North Carolina became more settled "women in and beyond marriage found fewer opportunities to participate in the legal system" This he blames on the increasing rigidity of the English common law, the appearance of professional attorneys and

⁵⁴ Higher-Court Records, 1709-1723, pp. 481.

the "increasing separation of private and public spheres of life"⁵⁵ Therefore when George Durant put his "loving [wife] Ann Durant to bee my true and lawful Attorniee...To aske deamaund sue for]leavy] Recover and Receive of all and every maner of person or person...all many of debt or debts either by bill bond or account and likewise all other maner of goods ware or Chattles that are or properly may belonge to mee..." she clearly had more economic independence within the family than is generally recognized.⁵⁶ Ann legally represented her husband, and at the same time hosted court in her home.⁵⁷

Studying the intersection of commerce, with race, class and gender brings forward the outlines of a multicultural colonial society and economically interdependent classes. Indians were active in the local economy through the animal skin trade and local provision trade. The skin trade tied local merchants to the broader Atlantic world and brought in English goods. Planter merchants, tavern keepers and pack traders dispersed these goods throughout the community and served as middlemen for local provision exchange. Black slaves engaged in tacitly

⁵⁵Watson, Society, pp. 24.

⁵⁶Higher-Court Records, 1670-1696, pp. 8. She represented George until October 1685, pp. 361.

⁵⁷Higher-Court Records, 1670-1696, pp. 11, 358, and 360.

accepted economic exchanges. Such activities complicated black white boundaries. Predominantly, white women and black slave women engaged in such trade. That women, both white and black, were most heavily associated with marketing underscores women's central role the local economy. Women ran taverns which served as a center of local exchange for corn and pork and skins, provisions, dry goods and spirits. Such centrally placed women hosted court and played larger public roles in colonial society that generally assumed. Thus, local trade patterns fostered complicated race, class and gender relations in this early colonial community.

Chapter 1

"FOR HER SWEETHEART": MARRIAGE, MERCHANT ALLIANCES AND POLITICAL POWER

In late seventeenth and early eighteenth century North Carolina, merchant networks created and maintained through marriage ties and personal loyalties connected the local colonial economy with the British transatlantic economy. Transatlantic merchants supplied goods on credit to local farmers, planters, shopkeepers and traders. Jacob Price notes, "It was claimed as early as 1733 that only about one-third of the tobacco shipped to Britain came on the consignment system; the rest came on British account, presumably acquired through store trade or direct purchase."¹ Court records and letters reveal social and political conflict between merchants and between merchants and local buyers. Political turmoil dividing the merchant community, such as the Culpeper and Cary Rebellions, interrupted coastal and transatlantic trade.

The Albemarle region figured more prominently in the coastal economy of the seventeenth century than it later would in the mid to late eighteenth century. For this reason, Albemarle is often overlooked as a subject of

¹Jacob Price, "Buchanan and Smith, 1759-1763: A Different Kind of Glasgow Firm Trading to the Chesapeake," William and Mary Quarterly, 40 (1983) 3-41.

colonial study. Albemarle's increasing economic marginality in the eighteenth century was due in part to closure of the Currituck inlet after the hurricane of 1693, the progressive filling of the Roanoke inlet, the political conflict of the Cary Rebellion between 1708-1711, the devastation of the Tuscarora War in 1712 and the rise of a wealthier society based on slavery in the Cape Fear region bordering South Carolina. Political power shifted away from Edenton southward in the eighteenth century.² However, from initial European settlement until the transfer of the colony from the Proprietors to the Crown in 1729, the Albemarle region was the center of North Carolina trade.

Two processes fostered the growth of British trade in the American colonies: the growth of British export trade and the "consumer boom" in the eighteenth century. In 1701, the American colonies received only thirteen percent of English exports and reexports. By 1733, the colonies received thirty three percent of the British export trade.³ This growing export trade is evident in the early colonial

²John L. McCusker and Russell R. Menard, The Economy of British America, 1607-1789 (Chapel Hill and London: University of North Carolina Press, 1985), pp. 131-133. In the Chesapeake region, which Albemarle most closely resembled in geography and economy and demographics, the extensive river systems in the region made the development of a densely populated urban center unnecessary to economic development, pp.170

³David Hancock, Citizens of the World: London Merchants and the Integration of the British Atlantic Economy (Cambridge: Cambridge University Press 1995), pp. 29.

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court records of the Albemarle region. Vast proliferation of debt suits point to increasing consumer demands and reciprocal credit relationships, as well as the effects of a depression in the tobacco industry during these years. Historian David Hancock argues that "During the eighteenth century, British factories began producing pottery, ceramics, glassware, cutlery, leather, and paper goods at unprecedented rates and in unprecedented volumes."⁴ He also notes "an increasing profusion of commercial information between 1688 and 1768."⁵ Such literature helped promote orders for English goods.

The structure of trade between the American colonies and Britain relied on merchants who represented planters as factors and on independent merchants. Hancock argues that the 1660s witnessed a rise in the number of merchants serving colonial interests and that "most international merchants, whether or not they were involved in the American trade, were 'in some respects Factors'; indeed as

⁴Ibid., pp. 29.

⁵Ibid., pp. 33. See also Paul Langford, A Polite and Commerical People: England, 1727-1783 (Oxford: Oxford University Press, 1989). The increasing advertisement of commercial goods is documented in John J. McCusker and Cora Gravesteijn, The Beginnings of Commercial and Fianacial Journalism: The Comodity Price Curents, Exchange Rate Curents, and Money Currents of Early Modern Europe (Amsterdam: NEHA 1991).

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the author of a popular trade directory noted, it was 'very hard to distinguish the Merchants that are not Factors.'"⁶

Such transatlantic merchants supplied North Carolina traders, tavernkeepers and shopkeepers with "Goodes and Wares" in exchange primarily for furs, tobacco and pork. Historian Joseph Goldenberg writes, "Despite poor harbors and navigational hazards, North Carolina engaged in a fair-sized trade with coastal, West Indian and European ports."⁷ Using port records from 1771-1776, Goldenberg found that sloops and schooners were the most common trading vessel. In this five year period, four hundred and fifty vessels traded from the Roanoke Port. Most common were New England owned trading vessels, and consequently "the major portion of North Carolina's coastal trade was conducted with New England."⁸ Larger British owned vessels, which were probably built in North Carolina, conducted trade between Britian and the colony.⁹

North Carolina's local economy functioned similarly to those of other North American colonies characterized by small holdings, those on the New England frontier and the

⁶Ibid., pp. 124.

⁷Joseph Goldenberg, "Names and Numbers: Statistical Notes on Some Port Records of Colonial North Carolina," American Neptune, 29(3), 1969, pp. 155.

⁸Ibid., pp. 156.

⁹Ibid., pp. 158. See Capt Godfrey's shipment for an example of such trade.

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Chesapeake.¹⁰ Kevin Sweeney, in his analysis of a merchant family, the Williams, of western Massachusetts, notes that "Merchants and professionals such as the Williamses played important roles as mediators and brokers within the local exchange system and between the local market economy and the larger regional and inter-colonial economies."¹¹ Based on this Western Massachusetts family's account book, Sweeney argues that "well-to-do farmers regularly used local market exchanges to acquire basic foodstuffs such as wheat and beef."¹²

In the Chesapeake region, which North Carolina most closely resembled, the store system and the consignment sytem operated simultaneously. But, as Price indicates, both models left the region dependent on British merchants. He argues "neither [model] has any place for independent merchants in the Chesapeake, though we know that there were such from the earliest days of

¹⁰ McCusker and Menard, 138-140. They argue that planters 'often engaged in trade and they provided capital to provincial merchants.' However, they argue that until 1760s these merchants were primarily factors for British firms. This does not seem to be true of seventeenth century North Carolina. Law suits by British firms appear by the early 1700s, but prior to this the suits were brought to court by merchants representing themselves and who were landed in the colony.

¹¹Kevin Sweeney, "Gentlemen Farmers and Inland Merchants: The Williams Family and Commercial Agriculture in Pre-Revolutionary Western Massachusetts," Dublin Seminar for New England Folklife, 20 (1986), pp. 66.

¹²Ibid., pp. 67.

settlement."¹³ Such independent merchants traded on small accounts.¹⁴ For instance, Price argues, "The best known example of the primarily retail type is William Cuninghame & Co., whose postwar debt claims consisted overwhelmingly of accounts owing under L10 each."¹⁵ Such independent practices were similar to those of merchants in South Carolina too. Using a Charleston merchant, John Guerard, to characterize merchant planters, historian Gary Nash found that "The goods were sold to planters and shopkeepers from Guerard's stores, sales which were supported by regular advertisements in the South Carolina Gazette."¹⁶ Small debt suits were common in the North Carolina courts and point to numerous small independent merchants rather than agents of British merchant houses.

North Carolina merchant planters most commonly brought small debt suits to court. Many of these debts were called in during the settlement of estates and so provide glimpses of trade that otherwise would have been finished and recorded in long lost accounts. For example, Mary Porter and her son John Porter, executors of Mary's late husband's will, brought John Salley to court for fifty pounds eight

¹³Price, "Buchanan and Simson," pp. 3.

¹⁴McCusker and Menard, pp. 133-134.

¹⁵Price, "Buchanan and Simson," pp. 4.

¹⁶R.C. Nash, "Trade and Business in Eighteenth-Century South Carolina; The Career of John Guerard, Merchant and Planter," South Carolina Historical Magazine, 96(1), 1995, pp. 16.

shillings and a penny in skins at two shillings per pounds for "Divers wares and Goods & Marchandizes."¹⁷

A majority of colonial merchants traded on small scales, and many only for brief times. Zahedieh found in examining the 1686 London port books 1,800 persons participating in colonial trade.¹⁸ Of these, sixty percent of merchants exported goods worth less than L50, similar to the Williams family of Massachusetts. Half of the merchants recorded in 1686 do not appear in the previous or following year. Zahedieh argues that "the leading colonial merchants of 1686 were 'new men' not only in the sense of having built up capital through accumulation in trade but also in the sense that only around one-third of the group were born in London."¹⁹

Colony based merchants facilitated the export of British goods to the colonies. Zahedieh argues that of the fifty eight merchants studied, a vast majority concentrated trade to one colonial port. He argues "this strong specialization by port stemmed from the overwhelming necessity of firm reliable credit networks dependent on little more than the fragile ties of reciprocity and

¹⁷Colonial Records, Vol. II, pp. 116.

¹⁸Zahedieh, "Making Mercantilism Work: London Merchants and Atlantic Trade in the Seventeenth Century," Transactions of the Royal Historical Society [Great Britian] 1999, pp. 146.

¹⁹Ibid., pp. 148.

reputation and the difficulty of maintaining more than very few such relationships."²⁰

In Albemarle for example, Captain John Hecklefield brought a debt suit in 1703 against Captain Richard Sanderson for ten pounds. Hecklefield also prosecuted a suit against William Nicholson and got an attachment against his estate. Another merchant Nathenial Chevin brought John Blish to court in 1713 for a debt of eleven pounds. The court that Blish pay "ye Sume of Eleven pounds with Costs al Esx."²¹ Chevin also brought suit against James Fleming for debt of three pounds five shillings and four pence.²² John Blish himself was a merchant and on being prosecuted for debt due to Chevin he prosecuted George Cooper for a debt of three pounds one shilling and three pence.²³ Blish also brought suit against John Powell for forty shillings.²⁴ These merchants lived in North Carolina and had land holdings. They were colony based merchants who trade on small scale within their community.

These colony based merchants shipped to and from an economy centered along the river systems that supplied the

²⁰Ibid., pp. 154.

²¹Colonial Records, Vol. I, pp. 97.

²²Ibid., pp. 99.

²³Ibid., pp. 101 and 107.

²⁴Ibid., pp. 101.

Albemarle Sound.²⁵ In letters from Mr. Blair's Mission to North Carolina he described the settlement pattern as such: "this precinct, as they are all bounded with two rivers, and those rivers at least twenty miles distant, without any inhabitants on the road, for they plant only on the rivers, and they are planted in length upon those rivers at least twenty miles."²⁶ Accusations that colonists protected and supported international pirates, Spanish and French traders as well as British suggest that the river systems were central to the local economy and functioned as an urban market center, illegal as well as legal. For example, a letter from Edward Randolph described, "the swift Frigate being drove out of Virginia by storm and coming a shore upon the sands in that Province, the Inhabitants Robb'd her ... tis a place which receives Pirates, Runaways, and Illegal Traders."²⁷ Furthermore, he explained, "the inlet of Carituck lies conveniently for carrying away the Tobacco made in the Southern parts of Virginia. The inlet of Roanoake is frequented with small vessels trading to & from the West India Islands. Pyrats & runaway Servants resort to this place from Virginia etc."²⁸ Trade along such a river

²⁵Harry Roy Merrens, Colonial North Carolina in the Eighteenth Century: A Study in Historical Geography (Chapel Hill, N.C., 1964) pp. 33.

²⁶Colonial Records, Vol. I., pp. 602.

²⁷Ibid., pp. 527.

²⁸Ibid., pp. 467.

system was difficult to regulate, and control of trade was a pivotal issue in local politics.

Indeed, like control of trade, control of the colonial government was a question brought to royal court by trade advisors many times in the eighteenth century. Control over trade was central to North Carolina's political turmoil. A 1705 letter to the Queen reporting on the proprietary and charter governments in America described the region as such: "they have assumed to themselves a power of making Laws contrary & repugnant to the Laws of England, and directly prejudicial to Legal Trade... There colonies are the refuge and retreat of Pirates and Illegal Traders and the receptacle of Goods Imported thither from Foreign parts, Contrary to Law."²⁹ A similar description fifteen years later suggests little change, and warned "The Government of the Province having for many years been a very disorderly on this becomes a place of Refuge for all the Vagabonds whom either Debt or Breach of the Laws have driven from the other Colonies on the Continent and Pirates have too frequently found entertainment amongst them."³⁰

²⁹Ibid., pp. 633.

³⁰Colonial Records, Vol. II., pp. 420.

The political disorder in early Carolina stemmed from merchant planters struggles for local political power. Control of trade brought potential for great profits, either through making allowances for piracy, selling goods at high prices, or letting ships pass without payment of duties. The proprietors and the assembly enacted laws to try to regulate trade, but realistically merchant alliances determined actual functioning of such laws. In the Acts of the Assembly of Albemarle confirmed in January 1669 -70, "An Act Against Ingrocers" stated, "Whereas divers adventurers have transported Commodityes into this County which hath binn engrossed by some particular persons to retaile again at unreasonable rates to the Inhabitants of this County..." Ten thousand pounds of tobacco was the fine for "sell[ing] and retaile[ing] againe at unreasonable rates to the Inhabitants."³¹ No cases come to court under this law.

In order to centralize the collection of duties, tariffs and customs, and to control pricing, a fine was set for every ton loaded or unloaded anywhere else but in a port town.³² No cases came to court under this law either, but two major political uproars, the Culpeper and the Cary

³¹Ibid., pp. 185.

³²Ibid., pp. 202.

rebellions, drew out accusations that tariffs were not collected, along with accusations of piracy among government officials. For example, Robert Holden wrote to the commissioners of customs in June of 1679, reporting that "about ½ dozen traders of this place with their complices receive the greatest part of the production of tobacco in the County of Albemarle in the Province of Carolina annually & a person whom through their interest with the people have factiously made on Mr. Culpeper (a Gentleman I know not) the Collector of his Majesty's Customes." Holden accused them of "such notorious pranks with the specious pretences of doing justice and preserving the King's rights... they have liberty without further examination here to carry the same (tobacco) to Ireland, Holland, France, Spain or any other place under the notion of fish and such like goods by which the trade is so diverted from the true rules of Commerce that trafique in this Western world."³³

Control of trade was a central issue in the Culpeper rebellion of 1677. Thomas Miller stated in an affidavit in court that "hee had gotten into his custody sundry specialties and other effects of Tobacco received to the quantity of 8 or 900 hogsheads together with sundry other

³³Ibid., pp. 244-245.

European Goods seized as illegally imported to the value of 1200L sterling." These were taken from him in a rebellion contrived by, "Richard Foster, John Culpeper and several others and that the said John Culpeper assuming the title of Collector of his Ma'tys Customs took the same into his custody & embezzled greate part thereof if not the whole and suffered vessels illegally to trade."³⁴ Another such complaint written to the Lord's proprietors accused Captain Valentine Bird, of "suffer[ing] the New England Traders to load and carry away the Tobacco of the Country without paying the said Duties."³⁵ Thus, the Culpeper rebellion was about control of trade as much as control of government.³⁶ However, Mattie Parker argues that "In considering the causes of the Albemarle uprising of 1677, the constitution crisis of the colony should be given emphasis. Although

³⁴Ibid., pp. 255.

³⁵Ibid., pp. 257, 292. Valentine Bird "appointed Collector who went on collecting ye same until the yeare 1676 In which yeare there being A warr with yet Indians & the people of the said Countrey for yet reason in armes they were perswaded by Geo. Durant, Valentine Bird the Collector & one White with others to fforce the Governor to remitt to the New Englandmen (by whose hands were brought to them all sorts of English Comodities) three farthins of the said ld Plb the said Durant having then a considerable quantitie of Tobacco to receive & which hee was to ship for New England." pp. 292. Parliment made during culpeper disorder included Thomas Collen as Speaker, James Blunt, Anthony Slocum, Jon Vernham, Henry Bonner, Jon Jenkins, Sam Pricklove, William Therrill, Caleb Calloway, Alexamder Lillington, William Crawford Vallentine Bird, William Jenings, Thomas Jarvies, Enoch Bilings, Rich Sanders, Patrick White & Williamm Sears. The Court was made up of Jon Jenkins, William Craford, James Blunt, Patrick White and Valantine Bird with Richard Foster as chief Judge.

³⁶Mattie Erma Parker, "Legal Easpects of 'Culpeper's Rebellion," North Carolina Historical Review, 15(2), 1968, pp. 11-27.

other factors probably were involved in the colonists' actions, they appear to have been of secondary importance."³⁷ Lapses in the Fundamental Constitution and delays in delivering commissions fostered competition for leadership, but powerful and competing local merchant communities were involved in delaying the commissions and creating the opening for multiple interpretations of authority.

John Jenkins and Thomas Eastchurch each claimed legitimate control of the local government. The collector of duties and tariffs, Thomas Miller, acting in place of Eastchurch, had assumed leadership during Eastchurch's delay in arriving in Albemarle. He was desposed by Jenkins supporters who gave the position of collector to Thomas Culpeper. Merchants George Durant, Capt. Gillam, Thomas Porter, James Blunt, Valentine Bird, Thomas Cullen, and Richard Foster supported the Jenkins government. The constitutional crisis created the opening for governmental dispute, but the merchants involved knew the power of the positions they tried to control. On the death of Eastchurch in Virginia, a new appointment to the governorship by the proprietors left the Jenkins government intact. The proprietors appointed fellow proriator Seth Sothell to the

³⁷Ibid., pp. 127.

governorship, but he was kidnapped by pirates and they appointed John Harvey in his place.³⁸

This appointment of a local planter/merchant as deputy governor quieted the divisive factions within the colony for a while. Harvey, although a Jenkins supporter, had not been centrally involved in the ousting of Miller. Harvey, however died in 1679 and Jenkins, then a member of Harvey's council, was elected by the assembly as acting governor.

On his release in 1681 from the pirates, Seth Sothell took up his appointment as governor until 1689. While he was away in 1684 and 1685, a prominent powerful Quaker, John Archdale, performed the duties of of deputy governor.³⁹ His fellow proprietors advised Sothell on his appointment to consult Archdale before making colonial appointments. Archdale's religious and familial trading associations figured heavily in the coming Cary Rebellion.

Merchant networks based in religious networks assisted in transatlantic trade, and the Quaker networks were central to trade politics in North Carolina. As Zahedieh argues, "Ready-made trust networks were clearly important tools for the aspiring merchant but for most people they

³⁸Colonial Records, Vol. II, pp. xi, and Higher-Court Records, 1670-1696, pp. lvii, lviii.

³⁹Stephen Jay White, "From the Vestry Act to Cary's Rebellion: North Carolina Quakers and Colonial Politics." The Southern Friend: The North Carolina Friends Historical Society, 8(2), 1986, pp. 6.

were confined to kin networks."⁴⁰ Furthermore, he argues, religious networks helped Quakers and Jews "spread their trade more widely." For instance, communication networks between Quaker Meetings would provide "detailed business information about their own members but also good general intelligence."⁴¹ Hence the centrality of Carolina Quakers within Atlantic trade networks.

Within this larger world made small by such trade ties, the proprietors in 1691 authorized two separate legislatures for the Carolinas with a deputy governor for North Carolina who was supposed to be secondary to the governor in Charles Town.⁴² In 1699, Henderson Walker was elected as president of the Council and acting deputy governor. He replaced William Harvey. On Walker's death in 1703, Robert Daniel replaced him as deputy governor.⁴³ A year later he was removed because he was so unpopular with the large number of Quakers in the colony.⁴⁴ Thomas Cary was named deputy governor in his place. He was a Charles Town merchant and step son-law to John Archdale. However, Cary alienated a faction of Quakers by enforcing an oath of allegiance to sit in the legislature. So in 1706, John

⁴⁰Zahedieh, pp. 154.

⁴¹Ibid., pp. 155,156 and 158.

⁴²White, "From the Vestry Act," pp. 4.

⁴³Ann Walker, Henderson's widow married Edward Moseley. Her marriage and family ties clearly reveal that the Culpeper alliance still held power.

⁴⁴Ibid., pp. 8-9.

Porter went to England representing the Quakers to lodge a complaint to the proprietors. He returned with a commission for new appointments of proprietary deputies. The council was authorized to elect a president to act as deputy governor in Cary's place.

However, on Porter's return, William Glover now acted as deputy governor and Cary had moved back to South Carolina. Glover however, also refused to accept Quakers on the council without an oath and Porter and his Quaker alliance turned back to Cary and formed a new council elect Cary as president and acting deputy. The legislature was elected, and the Cary faction maintained control from 1708-1711 (John Porter had never given Glover the new instructions from the lords proprietors which meant Cary by law was still governor). Emanuel Lowe, John Archdale's son-in-law, was appointed to the land office.⁴⁵ Glover was supported by Colonel Thomas Pollock and Cary by speaker of house, Edward Mosely. This Cary, Porter, Mosely, Lowe faction held control until 1710 when the Lord's proprietors appointed an independent governor for North Carolina, Edward Hyde, a cousin of Queen Anne.

⁴⁵Ibid., pp. 12-13.

Hyde's respectability and declining support for Cary enabled his easy transition to governor in 1712.⁴⁶ But Hyde then declared that all proceedings of Cary's courts in the past two years void and laws nullified. The assembly petitioned for the removal of Cary, Porter and Moseley from share in the government. Cary's faction withdrew support from Hyde and kept all records and symbols of office from Hyde's appointees.⁴⁷ When Hyde sought to arrest Porter and Cary he was blocked by Cary's heavily fortified house and armed ships, one being Emmanuel Lowe's, the Quaker son-in-law of John Archdale.

With assistance from Governor Spotswood of Virginia Hyde arrested the Cary faction. In 1711, Cary and his supporters were freed without a trial in England and Cary returned to North Carolina. Hyde was instructed by the Lords Proprietors to not punish any party participating in the Cary Rebellion. Shortly thereafter Cary moved to the West Indies.⁴⁸ Pollock, a supporter of Glover against Cary, was governor in 1712, but Edward Moseley continued as a prominent figure in North Carolina government leading the

⁴⁶Ibid., pp. 13-14.

⁴⁷Ibid., pp. 15.

⁴⁸White, "From the Vestry Act," pp. 18-19.

Assembly in 1715. He was an Assembly member until appointed member of the Council in 1734.⁴⁹

Court records from these years of unrest reveal alliances among the merchants involved. For example, Jacob Overman again came to court having a deed of sale from Colonial Thomas Cary to James Tookes and Colonial Edward Moseley proved by Mr. Thomas Parris.⁵⁰ A court record from 1713 tells us that Tookes was a merchant. In this suit Moseley represents Tookes further solidifying the bonds between them.⁵¹ Parris was a councilman and tavern keeper whose tavern was a central site of much of the turmoil and intrigue of the Cary rebellion.

A generation earlier Thomas Harris' tavern had featured prominently in the Culpeper rebellion. In a deposition Diana Harris, wife of Thomas Harris "saiethe that Thomas Miller being in hir house in discourse s'd y't of all Religions in the world the Cavallers are the veriest rogues & Thomas Will answered why soe & Thomas Miller replied againe how can there be righteous dealing when ye King hath his hand in a whores placket & furthter saith not."⁵² That desposition strongly suggests the Harris's

⁴⁹Colonial Records, Vol. II., pp. xi, and Vol. IV., pp. XI-XIII. Moseley died in 1749.

⁵⁰Ibid., pp. 103.

⁵¹Ibid., pp. 105.

⁵²Colonial Records, Vol. I, pp. 316.

allied with Jenkins, Porter, Foster, Culpeper, Durant and Gillam faction.

Diana was not the only woman involved in the uproar. An affidavit by Henry Hudson declared, "That in July '75 this deponent being att the house of one Mr Jo'n Jenkins in Albemarle County in Carolina did then and their both here and see a designe Contriveing and Carrying on by Jo'n Culpeper Thomas Wills and the s'd Jenkins wife against Mr. Thomas Miller privately in the s'd Jenkins Lodging & chamber... designe was to lay the s'd Miller under' the imputation of speaking treasonable worlds... which accusation the s'd Miller ws committed in irons a prisoner by ye s'd Jenkins."⁵³ Merchant wives not only involved themselves in the local power struggles, but through marriage they maintained and strengthened alliances.

For example, on the death of Thomas Harris, his widow, Diana, married William Foster, presumably the son of Richard Foster of the Culpeper rebellion. William in his own right signed a petition to the Lords of Trade a few years later. In 1694, Sarah Culpeper, widow of John Culpeper, married Patrick Henley.⁵⁴ Patrick Henly recalled over a bottle of wine at his house "in some discourse I

⁵³Colonial Records, Vol. I., pp. 290.

⁵⁴Higher-Court Records, 1670-1696, pp. 22.

told him [Richard Plater] ... that his brother Harry meaning Henry Palin had procured or was a great Instigator in his sister having Henderson Walker for her sweet heart."⁵⁵ Thus, Walker, Plater and Palin allied through expected marriage ties, assisted each other in trade. Through these alliances we see some continuity between the two rebellions. Sarah Culpeper married Henley, associate of merchants Walker, Palin and Plater who in turn would be supportive of Cary.

Similar marriage and familial ties fostered trade bonds among those opposed to Cary's Rebellion. For example, former governor and proprietor Seth Sothell's widow married Colonel Lear, a close affiliate of Thomas Pollock who supported Glover against the Cary coalition.⁵⁶ Anna Lear was executor of her deceased husband Seth's estate. In turn, her death left Col. Lear her executor. On his death, Captain Thomas Godwin brought a case to court against Pollock for goods due Godwin from Lear's estate claiming a debt due him from Southell's estate.⁵⁷

Another, more unusual, example of a trade alliance marriage case reveals that merchant James Blount, "unlawfully married with Mary Daugher of Mr. Nich Tyler

⁵⁵Higher-Court Records, 1696-1701, pp. 529.

⁵⁶Higher-Court Records, 1670-1696, pp. 134.

⁵⁷Higher-Court Records, 1697-1701, pp. 23. At that same April 1697 court session Godwin brought a suit in behalf of Anna's estate for "the sum of three hundred pounds Due for the work of five slaves for the space of two years and more," pp. 24.

having before married with Katherine Daugther to the said Nicholas and sister to the said Mary." James was to be whipped and Nicholas Tylor as "great promoter" of the marriage was bound to the court on good behavior and no longer eligible for government positions. Capt. Thomas Blount "great promoter etc. "was given the same punishment.⁵⁸ Blount and Tyler were trade associates, and closely tied by marriage.

The marriage of Alice Walker, widow of former governor Henderson Walker, to Edward Moseley reveals much about the marriage and familial ties among local merchant supportive of Cary. She wrote an extensive prenuptial document ensuring her agreements on marrying Moseley would be binding in court. In August 1705, Edward bound himself for one thousand pounds to Samuall Swann or Jonothan Lillington ensuring that he would faithfully execute her wishes. Such an agreement reveals further community ties between Anna Walker and Samual Swann and Jon Lillington.⁵⁹ Anna was the

⁵⁸Higher-Court Records, 1697-1701, pp. 469.

⁵⁹Higher-Court Records, 1702-1708, pp. 202. The document stated, "in Consideration of the estate of the Said Walker" Edward "not having any Land or Tenements whereupon to settle a Joynture to the Said Walker...Therefore The Condition of this Obligation is Such that if the Above bound AnneWalker Should happen to Survive the Said Edward Moseley that then he the Said Edward Moseley in his last Will and Testament shall leave unto her in Money plate Jewells Slaves or household Stuff the full Summe of 500L without any Manner of Charge Limitation or Incombrance whatsoever And also that the above bound Edward Mosely shall at any tyme during the Said marriage permit the said Anne to make and putt her last will and Testament in writeing tand therein to give

sister of Samual Swann for she gave him power of attorney in March 1705, recording "Ann Walker widow and Executix of Honorable Henderson Walker esqr. have made ordained and deputed, and In my Staed and place by these present Constituted my Loveing Brother Samuel Swann of the precinct of Pequimans my true and lawfull attorney for me and In my name, and to my use and behoofe to Aske, Demand, Recover, and Reievall and all mannyer Singular Debts, duties, and Sums of money porke or Corne or any other Commodities goods, ware, or Merchandizes as are or Shall be due or oweing unto me the said Ann Walker.." ⁶⁰ Susannah Hasell was Ann's mother. Her sisters were Mrs. Mary Vailand and Mrs. Sarah Porter, according to Edward Moseley's will. ⁶¹

The Swann family engaged in extensive merchant activity. Court records reveal small debts characteristic of colonial based merchants. For example in January 1698-9, "Mager Samuel Swann Shewen that Beniamen Gidden Is Indebted to him two pound eight Shillings and sigh pence Halfe penney." Swann also brought suit against Richard Bachelder, "In a plea of debt ye sd Bachelder Confesed Judgement ordered that Richard Bachelder pay to Mager

and Bequeath unot any person or person whatwover any Summe or Summes not Exceeding five hundred pounds."

⁶⁰Higher-Court Records, 1702-1708, 177-178.

⁶¹Bryan Grimes, North Carolina Wills and Inventories, (Raleigh Edwards & Broughton Printing Company 1912), pp. 316.

Samuel Swann two Hundred and fifty pounds of pork With Cost Alex Excec."⁶² Thomas Swann likely was a son of Major Swann. He also engaged in trade as one document suggests, "his Suite agt James McDaniell in a plea of Debt [for] the full Sume of four pounds Six Shillings & five pence."⁶³

Knowing that Anna was formerly a Swan helps extend our knowledge of the Porter, Cary, Archdale, alliance to include Moseley, Swan, Walker, and Lillington. Other documents suggest that merchants Bird, Tookes, Clark and Palin and Plater and tavernkeeper/shopkeeper, Thomas Parris also traded within this alliance.⁶⁴ Thomas Parris proved a deed of sale from Col Thomas Cary to James Tookes and Col Edward Mosely by his oath.⁶⁵ Several months earlier Parris had proved by oath a power of attorney from Nathaniel Pirkins of Boston to Captain Jonothan Pettiver which reveals connections between local trade networks and the larger atlantic world.⁶⁶

Boston merchants were principle trade partners and numerous cases reveal local connections through power of attornies and debt suits increasingly by the early

⁶²Colonial Records, Vol. I, pp. 521-524.

⁶³Colonial Records, Vol. II, pp. 103.

⁶⁴Higher-Court Records, 1696-1701, pp. 529. Palin and Plater were brothers. Their sister was once the sweetheart of Henderson Walker. Their sister may have been widow Judith Clark. Walker later married Anna. The courtship either ended or Judith died.

⁶⁵Colonial Records, Vol. II, pp. 103, July 1713.

⁶⁶Colonial Records, Vol. I, pp. 81.

eighteenth century. For example, in July 1713, "A Boston Merchant" Nathaniel Pirkins lost a claim for seven pounds three shillings and six pence of fresh pork from John Mixon. Mixon claimed the obligation had been for the Pitch not pork.⁶⁷ In 1694, Samuell Shrimpton "of Boston in New England Merchant have nominated made ordained and appointed and by these presents in my place and stead doe put and constitute my trusty friend Rich. Plater of roanock Merchant my true sufficient and Lawfull attorney for me."⁶⁸ In another case Thomas Handry a merchant of Boston gave power of attorney to John Palin.⁶⁹ He then had John Palin bring a suit against Richard Morton "Late of the precinct of Coratuck Tailour" for one pound seventeen shillings and a penny for a note dated January 16, 1711. An attachment was made to the estate of Morton.⁷⁰

In yet another example of the Boston-North Carolina merchant connection, John Boddard having left Curituck for Boston by November 1694 declared himself a merchant "justly Indebted and owing unto John Boreland of Boston" thirty pounds. He bound himself "to pay or cause to be paid or delivered unto Mr. Thomas Steel in North Carolina or in his absence to Mr. Thomas Pollock of North Carolina Merchants

⁶⁷Colonial Records, Vol. II, pp. 99.

⁶⁸Higher-Court Records, 1670-1696, pp. 48.

⁶⁹Colonial Records, Vol. II, pp. 104.

⁷⁰Ibid., pp. 106.

twenty Barrells of good and well salted and pickled porke of thirty one Gallons gage per Barrell for the account of the said John Boarland." ⁷¹ Thus, we find that Pollock and Steel were business partners who kept accounts running with John Boarland of Boston. John Rickard, a local merchant acted as "Attorney of Thomas Selby of Boston in New England" in 1723. Rickard prosecuted "an Originall Attachment against the Estate of William Dowers late of Edenton in Chowan precinct for the Sum of ten pounds" for Selby in order to settle" an Account."⁷²

Carolina Merchants also traded with merchants from Bermuda. In one such case the court "Ordered that ye Honorable Danl Akehurst esqr be requested and hereby impowered to take acct of wt Goods belonging to Mr Robison and Mr. Duncombe Bermuda Merchants are in ye custody of Mr John Philpott and made delivery thereof to them ye sd Robison and Duncombe."⁷³ Such Caribbean connections were directed towards Bermuda in limited numbers. Merchants in the colony also conducted direct trade with London. For example, one letter from missionary Urmstrong reported that

⁷¹Higher-Court Records, 1670-1696, pp. 103.

⁷²Higher-Court Records, 1670-1696, pp. 207.

⁷³Colonial Records, Vol. I, pp. 437.

"Captn Godfrey (who to the Great astonishment of every body is come a second time with a small ship from London)".⁷⁴

In the Albemarle economy, merchant trade ties to local taverns provided links between the colonial community and the Atlantic world. In one case, "Capt Henderson Walker and Col William Wilkinson Exr to Majer Alex Lillington desesed" brought suit for a debt of fifteen pounds and one shilling and four pences in pork against Diana White. She at the time ran a prominent tavern in the community and had for many years.⁷⁵ Diana contracted with numerous merchants and probably ran a small shop within her tavern as was common during the period. For example, Diana along with (or pushed to by) her new husband Thomas White, brought suit in 1695 against Mr. Richard Plater arguing that he "hath at diver's time Contracted account with the said Diana whilest she was sole and with the said Thomas White for meat and drinke and other Comoditys to [the] value of Eight ponds Nineteen shillings in porke as by his account."⁷⁶ It is the other "Comoditys" that draws attention and curiosity here. Plater we know from other records was a merchant tightly aligned with the Walker, Palin, Moseley alliance.

⁷⁴Colonial Records, Vol.II, pp. 247.

⁷⁵Colonial Records, Vol. I, pp. 489.

⁷⁶Higher-Court Records, 1670-1696, pp. 169.

Several decades later another case reveals a prominent tavernkeepers trade contacts. William Badham "Assignee of Collonel Thomas Harvey of perquimons in the province aforesyd by William Little his Attorney come to prosecute his Suite against John Rickard of Edenton in the precinct of Chowan Merchant and Thomas Parris of the sayd Town and precinct Ordinary keeper" for a debt of two hundred pounds.⁷⁷ Thus, Thomas Parris partnered in trade with John Rickard who sometimes represented Thomas Selby of Boston. Thomas Parris's trade connections with Moseley, Cary, Jenkins, Porter Swan, and Walker connections put his tavern in the center of the colonial merchant system and political power and turmoil, just as Thomas and Diana tavern had been a central site of the Culpeper rebellion.

Local merchants wielded considerable economic and political power in the colonial Albemarle community. Through intermarriage among business associates and friends, they maintained tight trade networks that collectively struggled to maintain control over the local government within the legitimate structure of British colonial government. The merchant community through transatlantic trade contacts supplied British "Goodes and Wares" to tavernkeepers, shopkeepers, Indian traders and

⁷⁷Ibid., pp. 206.

planters. In turn, such contacts generated the loyalty that allowed political struggles for power to erupt beyond the confines of the merchant elite. For example, a 1711 letter reveals that "Mr. Porter one of Cary's pretended Council was with the Tuscaruro Indians, endeavoring by promises of great rewards to engage them to cut off all the Inhabitants of that part of carolina that adhered to Mr. Hyde."⁷⁸ The especially lucrative Indian trade figured heavily in trade and politics in the early colonial period, as well as in political turmoil brought about by competing merchants.

⁷⁸Colonial Records, Vol. I, pp. 781-783.

Chapter 2

"PROMISES OF GREAT REWARDS": MERCHANTS, INDIAN TRADERS AND THE SKIN TRADE

In the summer of 1703, Thomas Barcock declared in a court deposition "he gave to tom Harriss an Indian a sow Shote and after he had had itt a Considerable time it Run from him and was Gott amongst Mathew Winns hoggs and the Indian Coming to me Desired me to go to Mathew Winns with him to gett the Shote." Winn agreed to return the shoat, but Harris "never had it til Daniell Phillips Recovered it by a Warrant from Jno. Jenkins."¹ This incident reveals several aspects of Indian-English relations in the early colonial period. First, the English and Indians engaged in mutually beneficial trade. Second, many Indians living within and closest to English settlements in Albemarle region were Christianized, at least in name. Thirdly, Indians used the colonial court system and English allies when necessary to protect their rights. For example, John King, "an Indian" lodged a complaint in court "that John Parish and William Godfrey hath offered some abusse to him and other Indians." Parish and Godfrey were ordered to

¹Higher-Court Records, 1702-1708, pp. 54. A shoat is a growing pig.

appear at the next court.² Both the above cases point to sources of Anglo-Indian conflict, but also cooperation. Ultimately, conflict over land brought the Tuscarora to war in 1711.³ The Tuscarora war furthered the racialization of European ideology, and lead to the movement of a large faction of the Tuscarora north to join the Iroquois. Indian and English alliances, and kinship networks based on trade complicate generalizations about the conflict. In the midst of the war, King Tom Blunt's alliance with the English against the warring Tuscarora faction point to the maintenancence of Carolina-Tuscarora trade alliances even during the war.

Inconsistent identification of people based on nationhood or race poses a serious problem when studying early colonial documents. English records generally do not denote tribal affiliation among individuals identified as "indian". This tends to homogenize the multiple Native Indian communities colonists dealt with and understood as distinct entities. Even more confusion results when no race is signified in one record and we assume the person to be white, but another record labels the person an 'indian.'

²Higher-Court Records, 1670-1696, PP. 178. October, 1695.

³David H. Corkran, The Carolina Indian Frontier, Tricentennial booklet number 6 (University of South Carolina Press: Columbia, South Carolina 1970).

Similar ambiguity of racial identity exists when the same person is noted in one record as an "Indian" and in a subsequent record as a "negro". Such confusion, as in the case of Mr. Woresely's servant Pompey, highlights the complicated relationships among Indians, English colonists, and blacks in early colonial North Carolina.

On November 4, 1718, the North Carolina council received an account that "a great body of Indians are now about Bath Town that they have seized Mr. Worseleys daughter and sonn with a white servant and Negroe." As it turned out, the "whole affair [was] a Villianous confederacy of Mr Worseleys Children and servants with his slave Pompey in order as it is believed to keep the said Slave from the deserved punishment due to him for former Roguerys of this kind done by the said Pompey." In the end, the son, John Woreley was sentenced to receive 39 lashes on his bare back and the servant, Nathaniel Ming, the one "discouering the above said Roguery," to have 29 lashes on his back at the same time and place. The council fined Mary Woreseley ten pounds.⁴ The council also recomended "that all possible means be used towards apprehending and takeing the aforesaid Indian slave either Dead or alive and

⁴Colonial Records Vol. II, pp. 357-358.

in case he should be taken alive that the Governor desired to bring the said slave to speedy Justice." King Blount was to be told of the matter and asked to encourage his Indians to apprehend Pompey.⁵ Thus, Pompey's racial ambiguity points to the complexity of identity in the early colonial period. Pompey was either Indian or African descent, or both. That the Indians bore the brunt of the initial accusations surrounding the disappearance points to existing tension between the colonists and the Indians. Yet, despite the tensions the English council sought help from Tuscarora allies in recovering Pompey. Such intercultural/interracial relationships of various sorts were central to the early colonial life. Alliances did not rest solely on race, trade and kinship played important mediating roles.

Such complicated relations are the result of the demographics of the region. In the mid 1600s approximately 30,000 Tuscarora and Algonquian Indians lived in the coastal Carolina region. In the Albemarle region of North Carolina, approximately 150 Meherrin Indians, who were Iroquoian speaking, lived on the Meherrin river. The Chowanoc on the Chowan River and the Pasquotank, Poteskeet,

⁵Ibid., pp. 313-315.

and Yeopim Indians, all part of the earlier Weapomeoc confederacy, lived north of the Albemarle sound and numbered about 200.⁶ Thomas Parramore argues that the Tuscarora from 1654-1712 "defined the limits of English settlement in North Carolina." He writes, "the Tuscarora hunted and traded on the Virginia frontier to the headwaters of the Potomac, and not infrequently, to the shores of Chesapeake Bay itself, despite efforts by Virginia to prevent such activity."⁷ The Tuscarora pursued trade relations and allowed English settlement in the northern regions of the Albemarle Sound area. In 1672, Albemarle leaders and Tuscarora chiefs reached an agreement restricting English settlement south of Albemarle. This remained the southernmost boundary of English settlement for the next thirty years.⁸

English settlers had moved into the area from Virginia in the 1650s. Possibly the oldest land grant record in North Carolina was that made by the King of the Yeopim Indians to George Durant for land on the Perquimans River

⁶Peter H. Wood, "The Changing Population of the Colonial South: An Overview by Race and Region, 1685-1790" in Peter H. Wood, Gregory A. Waselkov, and M. Thomas Hatley, eds., Powhatan's Mantle: Indians in the Colonial Southeast (Lincoln: University of Nebraska Press, 1989), pp. 38, 43-46.

⁷Thomas Parramore, "The Tuscarora Ascendancy," The North Carolina Historical Review, LIX (4) 1982, pp. 315.

⁸Ibid., pp. 307-309, and 312-313.

and Roanoke sound, known in the nineteenth century as Durant's Neck.⁹ The English numbered only a few hundred in the 1670s and Lord Culpeper estimated the Tuscarora in 1683 somewhere near 7,000, at least twice that of Albemarle English settlers at the time.¹⁰ The balance of power lay with the Tuscarora. Expanding English settlement by land purchases from neighboring Indians and colonial grants meant that by 1709 at least fifteen Indians towns were included in the colony, most in Bath County.¹¹

The Native Indian population seriously declined during the early years of English colonization. Epidemics swept through the colonies wiping out entire villages of Indians. In 1696 and 1698 influenza outbroke alongside smallpox across the south.¹² Serious disease epidemic was recorded in the Carolinas again in 1718.¹³ In 1701, John Lawson in his travels through the North Carolina upcountry noted the heavy loss in the Indian population. He wrote, "there is not the sixth Savage living within two hundred Miles of all

⁹Colonial Records, Vol. I.

¹⁰Parramore, pp. 313.

¹¹Colonial Records, Vol. I, pp. 743.

¹²Timothy Silver, A New Face on the Countryside: Indians, Colonists, and Slaves in South Atlantic Forests, 1500-1800, (Cambridge: Cambridge University Press, 1990) 75 and Merrel "The Indians New World: The Catawba Experience, " William and Mary Quarterly, 3rd ser., 41 (1984) pp. 542.

¹³John Duffy, Epidemics in Colonial America (Baton Rouge 1995) pp. 82-83.

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our Settlements, as there were fifty Years ago."¹⁴ Thus by, 1720 the colony's population was estimated at approximately 18,000 whites, 3,000 blacks with only several thousand Indians remaining. Therefore, approximately 1 in 6 persons were black and 1 in 9 persons were Indian. By 1730, the white population was over 30,000, blacks numbered 6,000 and Indians fewer than a thousand.¹⁵ Some of this decline occurred as a result of the migration of a majority of the Tuscarora north to the Iroquois following the Tuscarora War.

The remaining Indian communities increasingly lived alongside English colonial settlements as Albemarle settlement spread across the newly vacated lands. Many other Indians lived within the English community as workers, indentured servants and slaves. Headrights for colonist in Albemarle during the initial years of settlement reveal little about these Indians than their presence within families entering the colony. For example, Caleb Calloway entered four rights, one for "an Indian boy." John Bently recorded importation of "Richard Bently

¹⁴John Lawson, A New Voyage to Carolina. ed., Hugh Talmage Lefter (Chapel Hill, N.C.: University of North Carolina Press, 1967) pp. 232.

¹⁵Higher-Court Records, 1724-1730, pp. xii. The numbers vary immensely. Colonel Pollock estimated in 1717 that there were 2,000 tithables. Thus, maybe 9,000 black and white people in all. Gov. Burrington in 1730 estimated 30,000 whites and 6,000 negroes. See Saunders, Vol, II, xvii. Thus the range reported for 1720 is wide, 9,000 to over 21,000.

Jean Bently Mary Bently Sarah Bently a negre Boy a Negroe Woman an Indian Boy."¹⁶

Some Indians contested their status as servant or slave in court. The case of Alexander "an Indyan" was one of a few that came court. In October 1705, Alexander came to prosecute his suite against Juliana Lakar. He argued that in May of 1692 "by A certaine writing obligations contracted to & with the Defendant to Serve her the Defendant the full time & term of twelve yeares ... att the end or Expiracon of the Sd terme [he] was to be free & att Liberty." He argued in court that he served one year over that time and sought damage of ten pounds and "an Ordere for his freedom." Juliana claimed she never engaged in such a contract for his freedom. The jury of twelve found for Alexander Saunders.¹⁷

Other Indians in the community were clearly slaves. In one court case dated March 31, 1713, Nathaniel Chevin prosecuted Colonial William Reed Esquire for 29 pound five shillings for the public work done by Chevin's Indian slaves.¹⁸ In another, John Blish accused Captain Richard Sanderson of keeping an Indian woman slave named Ann and

¹⁶Colonial Records, Vol. I, 394. This was recorded in court February 1693(4).

¹⁷Ibid., pp. 626-627.

¹⁸Colonial Records, Vol. II, pp. 95.

one female child that Blish claimed as his own inheritance and declared damages of sixty pounds. The jury found for Blish, but only for thirty pounds and Sanderson filed for a stay of judgement.¹⁹

Indians living in the households in Albemarle were not always slaves. For example, in the 1690s Henry Norman complained that his "man Servent an Indian called Georg West" ran away in the past September taking with him, a canoe a gun, a blanket, clothing and carpentry tools.²⁰ He may have joined the maroons living in Dismal Swamp.²¹

Such runaways like George and Pompey, and hundreds others from North Carolina and Virginia sparked fears among the Carolina and Viriginia governments that unity among the escapees to the Dismal Swamp would provide fuel for colonial rebellions. One record described anxiety over "hundreds of idle debters, theeves, Negros, Indians and English servants" who would from the Swamp "make Inroads and dayly Incursions, whence great mischief may follow which may better be foreseene and prevented than after remedied, for considering the vast coast and wild woods of the backside of Virginia they may come from Maryland & the

¹⁹Ibid., pp. 113-114.

²⁰Higher-Court Records, 1670-1696, pp. 326.

²¹See Leaming, Hidden Americans: Maroons of Virginia and the Carolinas, (Garland Publishing: New York & London) 1995.

Wilderness between Virginia and Albemarle."²² However worrisome such relations proved, Indian trade relationships dominated council concerns more so than that of escaped slave and servant 'mischief' or contested master-servant relationships.

The first trade contact between the English and Indians in the Southern region took place in 1584 on Roanoke Island.²³ Indians approached the English ships and traded fish for a hat, shirt and wine. A couple days later more exchanges took place. Captain Arthur Barlowe reported, "we fell to tading with them, exchanging some things we had for Chammoys, Buffe, and Deere skinnes."²⁴ In 1654, a Tuscarora chief told the English of a "very rich " Spaniard, "having about thirty in family, seven wherof are Negroes" who lived among the Tuscarora.²⁵ Thus, the Tuscarora were familiar with European trade possibilities to some extent. These contacts were the precursors to the very lucrative Indian trade. Establishing a monopoly on this Indian trade was one of the proprietors early goals for the colony. Instructions sent to the governor by the proprietors in 1676 commanded the colonial government "to

²²Colonial Records, Vol. I, pp. 261.

²³This was not the Native Americans' first contact with Europeans two European ships foundered in the Outer Banks earlier. See Silver, 68.

²⁴Ibid., pp. 68.

²⁵Parramore, pp. 311.

observe the rules of strict justice and friendship and amity with the neighbour Indians...you are to take spetiall care to prohibite all trade and comerce between the Indians and any others that are noe freeholders of our Province of Carolina."²⁶

Intercultural contact through trade, diplomacy, intermarriage and enslavement created a tenuous symbiotic relationship between local Indians and the English. In August 1697, William Lees John Spilman John Hardy and Henry Hayes and Dorothy Stills "bought som venson of som Indans."²⁷ The next day they claimed Indians "Came Creping up in the bushes and fired at us and shott Henry Hays throu the shoulder." A majority of trade contact, however, ended on more positive mutually beneficial terms. King Tom Blount's and residents of his town of Tuscorora Indians figure heavily in the colonial records. He sought council

²⁶Colonial Records, Vol. I, pp. 231. See page 187 also for similar concerns.

²⁷Higher Court-Records, 1696-1701, pp. 126-127. They had come away with the "Goods and Chattels of the said William Steel her said Husband viz. One Bed, one Rug, one Blankett, two bolsters, one bag and Corne, one sifter one small Rope [one] brass kettle, a pott, and pott hookes, one Jug, two treys, one bowle, tow bowles, one pail, one hammer, a parcel of nailes, one fring pan, one broad ax, and narrow ax, a Runlett of soape, a firkin of soape, four bottles, one Lignum Vita mortar and pestell, <one gun> three firelock Guns, one cake of talloe, one sheet, four Spooones, one striped serge coat and briches, one lookinglass, one trunk, one smoothing Iron, a brass ladel, a canlestick, and saveall, two plates, one pewter dish, one pepper box, and Olignum Vita Cup, one small jug, and a Canoe and Sailes and one Chest being of theValue of eight pound did take and carry away."

help with English violation of land boundaries, and assistance against enemy Indians. The English sought his alliance during the Tuscarora war and enlisted his aid in recovering runaways and lost livestock. King Blunt's Indian town was tied through trade to the Albemarle settlement and products from the Indian trade made up a significant part of the North Carolina's early colonial export.

Trade networks that Blunt worked so carefully to preserve were not new to Indian communities in Carolina. Coastal Carolina Indians already participated in trade with neighboring tribes, and thus Europeans fit into established trade practices.²⁸ Indians fit foreign goods into existing cultural patterns, but as James Merrell noted, intercultural exchange led to a dependency on European goods in daily life, and that was new.²⁹ Furs, primarily deerskin were traded for cloth, hats, axes, and nails.³⁰ Rum increasingly became a trade item, as did guns.³¹

²⁸Silver, pp. 69.

²⁹Merrell, pp. 551.

³⁰Higher-Court Records, 1702-1708, pp. xx. Traders such as John Lawson, and Micajah Perry, a London merchant dealt in furs.

³¹Silver, pp. 87-91. See also James Axtel, The European and The Indian: Essays In the Ethnohistory of Colonial America (Oxford University Press: Oxford, 1981), pp. 257; Merrell, pp. 549-550 and Michael Morris, "South Carolina's Board of Indian Commissioners and the Struggle to Control the Public Indian Trade," Proceedings of South Carolina Historical Association (1998) pp. 52.

William Byrd wrote in 1728, "The Goods of the Indian Trade consist chiefly in Guns, Power, Shot, Hatchets (which the Indians call Tomahawks) Kettles, red & blue Planes, Duffields, Stroudwater blankets, and some Culary wares, Brass Rings and other Trinkets."³²

But even as Indians gained greater dependency on European trade goods, they were not duped consumers. As Merrell wrote, "If hoes were too small, beads too large, or cloth the wrong color, Indian traders refused them."³³ While Europeans remarked over the number of skins exchanged for a metal dish or copper kettle, Indian traders looked on the goods as luxury items and worth the exchange of common items such as skins.³⁴ Such trade was so important that by 1701 Lawson wrote that the Tuscororas protected their English trade, "hating that any of these Westward Indians should have any Commerce with the English, which would prove a Hinderance to their Gains."³⁵

The Tuscorora Indians expanded their sphere of trade during the mid seventeenth century after the English

³²William. K. Boyd, ed., William Byrds' Histories of the Dividing Line Betwixt Virginia and North Carolina, (New York: Dover Publications) pp. 298, 300, 302.

³³Merrell, pp. 549. See also Michael Morris, The Bringing of Wonder: Trade and the Indians of the Southeast 1700-1783, (Greenwood Press, Westport, Conn, 1999), pp. 7.

³⁴Silver, pp. 68.

³⁵Lawson, pp. 64.

defeated the Powhatans who were protectors of competing Carolina coastal Indian groups. The Tuscarora's subsequent increased hunting territory made them suppliers of skins to Virginia's Indian trade. By the late 1600s the Tuscaroras supplied Mississippi Valley and Great Lakes Indians with European goods.³⁶ North Carolina proprietors courted this already established trade network and promoted the Indian trade within the colony. With the founding of North Carolina the Proprietors immediately secured revenue from a very profitable Indian trade. This trade was significant to the prosperity of the fledgling colony. In the Acts of the Assembly of Albemarle Rattified and Confirmed by the Proprietors the 20th January 1669, the "Act prohibiting strangers from trading with the Indians," reasoned that "as much as there is often recourse of Strangers from other parts into this County to truck and trade with Indians" justified preventing "strangers" trading with any neighboring Indians that belong to the country.³⁷ Proprietors John Archdale, Thomas Archdale, Craven (Palatine) Ashely and P. Colleton and Thomas Amy, wrote private instructions to Collonel Philipp Ludwell, Governor of Carolina in November 1691, "Whereas it hath been

³⁶Silver, pp. 72.

³⁷Colonial Records, Vol. I, pp. 187.

insinuated to us in a paper signed by Andrew Percivall Robert Qurry Ralph Izzard George Muchamp John Harris and John Berresford That James Colleton Esqr our late Governor did sett up Martiall Law thereby to better Ingrosse the Indian trade to himself you are to make strict Inquiry into that matter upon Oath and give us yor report thereof in writeing."³⁸ In a later letter, they advised "You are to suffer all persons that will freely to trade with the Indians."³⁹ Carolina colonists accusations of the governor's monopoly and concerns over illegal Indian traders during the Tuscorora war point to the vital importance of the Indian trade to Albemarle colonists.

Between 1702-1708 the Indian trade grew in North Carolina.⁴⁰ 32,724 Beaver skins alone were exported to England in 1702.⁴¹ Looking at South Carolina's trade 1699-1715, merchants exported approximately 54,000 skins a year, peaking in 1706 when 160,000 skins were exported.⁴² While on a smaller scale than South Carolina's trade, North

³⁸Ibid., pp. 381. Jon Harris was Diana Harris Foster White's son, the tavernkeeper. This suggests that John, and his mother may have been involved in some degree with the Indian trade. Given that they ran the tavern together for several years and that taverns were centers for trade.

³⁹Colonial Records, Vol. I, pp. 383.

⁴⁰Higher-Court Records, 1702-1708, pp. xx.

⁴¹Higher-Court Records, 1711-1723, pp. xvii; Colonial Records, Vol. I, pp. 873-874.

⁴²Michael Morris, "South Carolina's Board of Indian Commissioners and the Struggle to Control the Public Indian Trade," Proceedings of South Carolina Historical Association. (1998) pp. 49.

Carolina's trade was still significant. Historian Michael Morris argues "it was the wealth acquired from the Indian trade in deer skins which allowed South Carolinian planter to later invest in rice and indigo plantations and African Slaves."⁴³ Something similar can be argued for North Carolina. Jacob Price notes "there was sizable commerce with tribes inside the province [North Carolina]." Though the scale of Indian trade was not as large as that of South Carolina, it was greater than some historians argue.⁴⁴ The profitability of the Indian trade gave traders some degree of influence within the government, enough so that the Proprietors of Carolina wrote, they "with a bowl of punch get who they would chosen to the parliament and afterwards who they would chosen to the Grand Council."⁴⁵

Indian traders, like those out of Charleston, generally permanently lived in Indian towns. These traders often took Indian wives. A credit agency based in London supplied credit to local colonial merchants who in turn supplied the goods, often trading goods for skins to be taken in next winter's hunt.⁴⁶ One of the earliest documented traders in Albemarle was William West who

⁴³Morris, "Indian Commissioners," pp. 49.

⁴⁴Higher-Court Records, 1702-1708, xxii.

⁴⁵Morris, "Board of Indian Commissioners," pp. 49.

⁴⁶Ibid., pp. 50.

employed Richard Booth in 1667 "to go in a Canoe with Certain goods & to the Maherine Indians Towns." Booth went with "one Jno Browne and a certain Weyanoake Indian called Tome Frusman." ⁴⁷

Glimpses, like this, of the Indian trade can be gleaned from the court records. The primary transactions were unrecorded, but the Europeans who traded with the Indians appeared with the skins in court and provided the bare outlines of a thriving Indian trade. Another early skin trader was Captain Zachariah Gilliam. He answered charges brought by Thomas Millar, then collector of duties for region, that he had not paid his customs. Gilliam declared he had paid the King his custom in England.

⁴⁷Colonial Records, Vol. I, pp. 661-662. Edward Moseley took a deposition in January of 1707, during the Virginia and North Carolina border dispute that reveals early trade in the region. He recorded, "Richard Booth at aged sixty three years of thereabout who on his Oath on the Holy Evangelist taken saith that in or about the year 1661 this Deponent came into Virginia and served Major Merrit six years (who then lived about Twenty miles from the Weyanoake Indian Town the Weyanoks living very near a plantation that now belongs to Collo Harrison betwixt Blackwater River & Weyanoake and the Nottoway Indians removing nigher to it has since in this Deponent memeroiy gained the name of Nottoway River by the Virgininans) And this Deponent further saith that in the year 1667 he being employed by one William West to go in a Canoe with Certain goods & to the Maherine Indians Towns one Jno Browne and a certain Weyanoake Indians called TomeFrusman being in the Canoe with him as they went down Blackwater River thisDeponent then being a Stranger in those parts any other than by hearawayt enquired what river that was they first mett with on their Right Hand they answered it ws Wyenaokae and Opposite to the Rivers mouth was a field belonging to the Weyanoakes it being then about one of the Clock in the afternoon this Depointent enquired how far it was to Maerine River they answered they should get there beofe sun down which they did accordingly whereby this Deponent Computed it was about thirteen miles by Waters and this Deponent further sith that he never understood that the Weyanoake Indians ever lived to the Southward of tha River."

Gilliam had "sold his goods for Tobacco & Skins" and had paid near two thousand pounds custom.⁴⁸ This points to large amounts of imported English goods coming into the colony in 1680 in trade for skins and tobacco predominantly.

Skins also served as money in exchanges. For example, in October 1687, John Bunten acknowledged a debt to William Rigg for "one hundred and fourteen pounds and seven pence Currant mony of England" to be considered paid by the "sume of fivety and seven pounds seven pence Currant money of England, In Beaver at three shillings per pound Oater at four shillings per kin Old bucks drest at two shillings per skin does skins drestt at eighteen pence per skin Fox and Wild Cate skins at twelve per skin."⁴⁹ Riggs engaged in the fur trade for about ten more years until his death. A debt of one deceased William Steven to William Riggs, also deceased, listed Wm. Duckenfeld Esqr, and Thomas Gilliam as administrators and executors. The case stated Steven that "Purchaced the ssaid cloathes of the aforesaid Rigg in his Lifetime for Making of Indian Coats to the Value of twelve pounds." Alexander Mackfarland and Mr. John Bird proved

⁴⁸Colonial Records, Vol. I, pp. 287-309. Miller had been imprisoned on Gilliam ship, after boarding to try to sieze it. Customs and the Indian trade seemed to play a larger part in this rebellion than previously stated.

⁴⁹Higher-Court Records, 1697-1701, pp. 247.

this debt.⁵⁰ Thus, Rigg supplied Stevens the material to trade with and presumably arranged for the shipping of the acquired skins, possibly through Gilliam and Duckenfield.

It is significant that Gilliam and Dunckelfield were the administrators of Rigg's estate. Gilliam had brought thousand of pounds of English trade goods into North Carolina in one shipment in 1679 and probably gave Riggs goods on credit for later shipments of skins supplied by Riggs. Dunckenfield brought the estate of Colon Jno Lear, who was executor of Madam Anna Lear, to court saying that Anna Lear "by her bill bearing date of the 30th day of November 1694 became bound To pay to the Said William Riggs twenty eight drest skins."⁵¹ From the documents, it appears that Anna Lear also participated in the Indian trade. Sothell's estate inventory was given over to Thomas Pollock until John Lear gave security to pay all debts against the estate. Anna had originally been executor, but she died leaving John her executor. The estate listed "three hundered and eighteen gallans of Rum and spirits twinty one Bushells of slat forty eight pounds of Bair skins ninty siven drest buckskins one hundered and twinty six drest deer skins twinty nine [illegible] skins fourteen pounds of

⁵⁰Ibid., pp. 477. This case came to court in October 1698.

⁵¹Ibid., pp. 470.

Baver fourteen Fox skins foureen Catts skins one pair of Milstones, six hundered pounds of shoot fifty pounds of powder siven."⁵² The extensive number of skins points to considerable engagement in the Indian trade.

Colonel Thomas Pollock played an important part in the Indian trade by supplying goods on credit to Indian traders. In 1694, Pollock entered "his peticon against the estate of Thomas Hawkins Deced for ye sume of ten pounds four shillings in skins to be paid at ye Virignia rate."⁵³ Thus, Thomas Hawkins traded among the Indians with goods gotten on credit from Pollock. Sixteen years later, in 1710, Pollock wrote Mr. Chevin that he had "a few skins to send out by the first opportunity, would intreat the favour of your advise whether Mr. Porter in carrying out his skins hath not opened their eyes to the illegality of the Assembly, and whether many not send out some without paying their unreasonable and illegal duty." Thus, we know that Pollock shipped skins, and Porter also.

Gilliam, Pollock and Porter were a few of many suppliers to the Indian trade. A case from July 1699 suggests that Doctor Godfrey Spruill of Albemarle who

⁵²Ibid, pp. 39. Executor was Anna Lear, his widow. She married John Lear.

⁵³Colonial Records, Vol. I, pp. 452.

declared himself "justly indebted" to Captain William Randolph was a trader financed through Randolph. Spruill agreed to pay Randolph, "thirty two pounds sixteen shillings and five pence sterling in Indians Goods or truck in season ...he is to give true account of what he gave to the Indians for the Same."⁵⁴ In July 1702, Doctor Godfrey Spruill as Assignee of Mrs. Ann Pope Came to prosecute his sute against Mr. Wm Duckenfield and "Declars for the sum of £10 1 s. in skins and produces a Bill under the Hand and seal of the said Duckenfeld to Richard Pope in his Life time Late Husband of the Assignee Ann Pope."⁵⁵ Previously, in the summer of 1700 Dorothy Busskin of Nancemond County in Virginia also brought Wm. Duckenfield to court for debt of 9 pounds sterling in "well Drest buck and Do skins (as by his bill under Hand and seale beareing Date August 24 1699 will appear) she sought 20 pounds in damages."⁵⁶ Duckenfield also administered Lear's and Rigg's estates. Both colonists heavily engaged in the Indian trade as it appears did Duckenfield. William Duckenfeild brought Capt. Richard Smith to court for a debt of twenty nine doe skins and a separate debt suit against Smith for six pound ten

⁵⁴Higher-Court Records, 1696-1701, pp. 351.

⁵⁵Higher-Court Records, 1702-1708, pp. 31.

⁵⁶Higher-Court Records, 1697-1701, pp. 395.

skillings in dear skins or porke.⁵⁷ Thus, Randolph and Duckenfeild engaged with several colonist in trading Indian goods.

Captain Richard Smith, an apparent Indian trader, returned often to court. He shifted his supplier multiple times apparently because he refused to pay on his account. In June 1695, Richard Smith was in debted six pound sterling "to be paid in drest Buck skins at ttwo shillings per [piece] and Drest Doe skins at eighteen pence per [piece]" to Patrick Gomacke.⁵⁸ Richard refused to pay. In June 1697, Smith was in debt six pounds to be paid in buckskins at the rate of two shillings a skin or doe skins at the rate of eighteen pence the skin to Mr Patrick Gormack again.⁵⁹ In October 1697, Smith had not paid Colonel William Wilkison the "Accounts for three pound to be paid in skins at the Rate of two shillings for bucks and eighteen pence for does."⁶⁰ Wilkeson and Gormack supplied Smith with goods for the Indian trade. In July 1700, three years after his small scale Indian trade, Richard Smith of Bath was in debt to Robert Quarry and the Pensylvania

⁵⁷Ibid., pp. 132.

⁵⁸Ibid., pp. 48.

⁵⁹Ibid., pp. 9-10.

⁶⁰Ibid., 84. That same year Colonel William Wilkeson brought Mr. Thomas Lepper for "sum of forty two shillings to be paid in drest dear skins." At standard rate. And the sume of fifty eight shillings and two pence to be paid in porke. Pp. 171.

Company for one hundred and thirty three pound sterling, a significantly larger amount than previously. The debt would be void when Smith (and heirs) paid Quarry and Company "the Just Summ of sixty six pound nineteen shillings and nine pence halfpenny In Indian goods."⁶¹ In August 1700, Nicholas Tylor recorded receiving of Richard Smith "Nineteen Pounds fourteen shilins Eleaven pence halfpeny which is in part[torn] the within mentioned Obligation."⁶² Tylor received skins for Quarry and the Pennsylvania company.

A 1701 account listing Richard Smith, "debtor per contra credit" to a total of 172 £ 5 shilligs 3 pence to Colonel Robert Quarry, listed goods given over for trade: "44 pounds of shott, 1 dozen small Knives, 2 dozen bottles, 6 brass Ketters, 2 pounds of flints 118 pounds of shott, 2 barrel of powder, 2 pair of ble plains 1 pair red plains 1 pair stript duffella, 2 pair of blew plains, 66 pounds of tobacco 200 gallons of rum, 5 bras kettles, 1 pound virmillion and 1 ound red led, 6 dozen fish hooke, 700 flints 2 hogshead of tobacco." Smith seems to have paid 66 L 16 s 9 pence and half penny to the account. He returned 238 gallons of rum, 118 pounds of shott, 22 bottles, 25 gallon of rum, 116 pounds of shott, 4 dozen fish hookes."

⁶¹Ibid., pp. 534.

⁶²Ibid., pp. 535.

In August 1700, he got credit for 18 £ 14 s and 1 pence half peny for a total of "80 buck, 119 does 9 raccones, 14 fox and cat skins, 3 mustratt 2 otter and 5 ponds 6 ounces of beaver." On February 19 1700/1, he brought in "49 does, 29 bucks, 8 pricketts, 4 racoons, 1 cat and 1 bear" totalling 7 pounds 3 shillings and 10 pence. On Febrary 21 his unspecified skins amounted to 83 pounds 15 shillings and 10 pence. In May fifteenth he brought in 26 pounds of beaver 34 fox and catt, 29 racoon 2 wolves 2 bear, 3 otter, 21 pounds of beaver, 41 pricketts 194 does and 140 buck for credit of 40 £ 7 shillings and 11 pence. He returned 10 guns, 21 buckles and 31/2 dozen Spring tongs.⁶³ In the fall 1706, Nicholas Tylor again reported receiving seven pounds and eight shillings of skins and fur from Mr. Richard Smith. In April 1700 Smith's payment was "for the use of Colonel Robert Quarry and Company." Tylor wrote, "August the 2: 1700 Then Receive of Mr. Richard Smith 80 buckskins 119 doeskins 9 Raccoons 14 Foxes 3 Muskratts 2 Otters Beaver: 3 pounds 6 ounces for the use of Colon Robert Quarry and Company." The sum totaled 18 pounds 14 shillings and 10 pence ½ penny. He received similar skin deposits on August 22, 1701. December 31 1701, January 13 1702/3 and September

⁶³Higher-Court Records, 1702-1708, pp. 419-420.

1704.⁶⁴ Thus, Tylor was a middle merchant in the Indian trade between Smith and Quarry of the Pennsylvania Company.

Other merchant houses increasingly engaged in significant Indian trade in Albemarle. In February 1702/3, Frederick Jones of James City County in Virginia and Company Merchant in London complained against Thomas Dereham for debt of 247 pounds 8 shillings threepence "in Skinns and Furrs at a certain price there in mentions and Two hundred and Ten pounds Ten [torn] and Six pence in Country Commodities."⁶⁵ However, Jones's London Company was not the only supplier for Thomas Dereham. In January 1705/6, John Porter brought a debt suit against Levy Trewhitt and Thomas Derham for 11 pounds 3 pence in drest deer skins, hides tallow and small furs.⁶⁶ They were ordered to pay at the summer court. Porter we know from Pollocks 1710 letter to Chevin also engaged in shipping skins out of the colony. Dereham, like Smith, had numerous suppliers both of English goods and skins.

Other merchant and trader names only come up once in the records, suggesting that others engaged in the Indian trade in a more temporary manner. For example, in July

⁶⁴Ibid., pp. 450-451.

⁶⁵Ibid., pp. 53.

⁶⁶Ibid., pp. 266, 276.

1699, James Damerell came to court for debt to Mr. John Durant for "thirteen does skins of the value of thirty nine shillings as by his bill bearing date the 12th day of February 1697/8"⁶⁷ Durant aswe know from a letter, labeled himself a merchant, and probably took in skins as part of his general trade. In this case Damerell took out credit with Durant. In October 1713, Mary Porter widow and John Porter executors of late will and testament of Jonothan Porter brought suit against Jno Salley for "the Sume of fifty pounds Eight Shillings & a peny in Skins at two Shill per pounds : for Divers wares Goods & marchandizes by their sd Jno Porter Decd: Sold and Agreed for to & With ye Eft."⁶⁸ Jonothan Porter's death reveals another occasional or more consistently supplied participant in the Indian trade, Jonathan Salley.

A deposition by Henderson Walker, dated July 1701, declared "Wheras Compliant is made to me by one Langstone an Indian that Richard Skinner unjustly Deteins from the Complainant the sum of six pounds which to him the said Indian is Justly Due."⁶⁹ This is the only available record that named an Indian, though we know that Indians were the

⁶⁷Higher-Court Records, 1697-1701, pp. 340.

⁶⁸Colonial Records, Vol. II, pp. 116.

⁶⁹Higher-Court Records, 1697-1701, pp. 523.

invisible other half of the contact. Langstone successfully sought payment for the skins and furs traded to Skinner in the English courts.

Another case points to some of the problems with regulating the Indian trade. John Doe informed on Charles Gee for importing "Diver Goods and Comoditys illegally, and "hath not delivered to the Governor of this Province or to any person of Office...a true Inventory...but hath Traded and purchased Skins in this province with other Goods Soe unlawfully Imported"⁷⁰ William Frayly of Chowan declared he "Sw Charle Gee trade with John Hawkins for the Value of ten pounds and paid him in podwer shott Linnen and other goods"⁷¹ John Hawkins was probably the son of Indian trader Thomas Hawkins who in 1694 on his death owed Colonel Thomas Pollock, "ten pounds four shillings in skins to be paid at ye Virignia rate..."⁷² Charles Smith swore that Charles Gee was at the house of Capt Barow and "that he [Gee] Brought five horse Loads of Goods and had sold all the rest for

⁷⁰Higher-Court Records, 1702-1708, pp. 470-471. "Seaven Hatchetts: Four Yards of Blew Duffells: Twentypounds of powder ten Yards ½ red plaines: twelve Yars three quarters Blew Ditto: twenty two Yards three quarter Blew Ditt: Nineteen Yards quarter Blew Ditt: Nineteen Yards and thre quarters Rich Ditt: one Gun Lock two Doz. Flints two pr. Sizrs Six Yards Blew Duffells six Yards Blew Ditto Ketles quart 10 ½ pound Fourteen pound ½ of powder Four Yards ½ Dowles halfe a pound of Browne thred Fyfty five pound andhalfe of [Shortt].

⁷¹Higher-Court Records, 1702-1708, pp. 472. Case from November 1705/6 court.

⁷²Colonial Records, Vol. I, pp. 452.

skins and many Except what he had there on horse back and was come there to dispose of the remainder part and Farther Delareing he had no clearance from Virginia nor had not any Leave of any in their Government to trade, but hoped it was no Crime."⁷³ Smith may well be the son of prominent Indian trader Richard Smith.

Incoming traders traded from horses and they stopped at various homes to trade. Such diffuse trading is difficult to regulate.⁷⁴ A case against Indian John Cope for breaking and entering Thomas Pollock's house supports the centrality of homes to trading.⁷⁵ Pollock we know regularly shipped skins, and thus brought in large amounts of trade goods in exchange. The jury found Cope not guilty.

Taverns also served as sites of exchange. At general court in Edenton in October of 1725, Margaret Scott, wife of an Edenton innholder, Bartholomew Scott, was accused of stealing "a parcel of drest Deerskins out of Capt. John Gibbs's Boat of the value of fifty shillings." The Jury found her not guilty, but she had to pay the fees.⁷⁶ Gibbs may have collected skins from traders at the tavern or

⁷³Higher-Court Records, 1702-1708, pp. 472.

⁷⁴Planter-traders maybe what we see in Carolina. Planters engaging in the Indian trade alongside farming. Merchant-traders then traded for the skins with planters, traders and Indian traders.

⁷⁵Colonial Records Vol. II, pp. 473, 644. From a 1722 court case.

⁷⁶Ibid., pp. 597, 601-602.

merely stopped on his way to a shipping point for a drink. Whatever the case, Margaret certainly had the means to trade them out. If she did steal them, she traded them successfully without detection. Even if she did not, Gibbs thought her capable of doing so.

Store keepers also engaged in the Indian trade. For example, in 1727, Francis Pugh claimed an Indian slave of his, named March, was "detained and kept from him by King Blount." Since Pugh ran a store, his Indian slave may have been sent out to trade, thus making storekeepers participants in the Indian trade. However, the case points to tensions within the community. Tom Blunt's Tuscorora had survived as English allies despite the Tuscorora war, but mutual distrust continued to haunt the relationship. In 1727, King Blount, "Cheif man of the Tuskaroooooes," attended court to answer charges that his people had killed some Saponnee Indians of Virginia. Blount denied this, saying that "it was done by the Northern Indians that had Revolted from him and now lived as Pirates and Robbers."⁷⁷

Such tension was only one incident in a long stream of conflict. Despite mutually beneficial trade relations, land conflicts progressively elevated tensions within the white

⁷⁷Ibid., pp. 674.

and Indian communities. In 1694, a group of Chowan Indians complained in court "they are much unjured by the English seating soe near them Ordered that no more entry or settlement of land be made higher than the planticons wich are alreddy seated above the old towne Creeke and yt wt entreis are already made and not yet settled shall be void."⁷⁸ By 1701, increased frontier settlement west of Chowan sparked conflict with the Meherrin, a community loosely affiliated with the Tuscarora.⁷⁹ Samuel Norton claimed "The People are all willing to pay the Indans for the Lands but they Demand Such great Rates that they Canot by of them."⁸⁰ Increasing pressure on Indian land by English settlement and inability or unwillingness to pay for such privileges built up tensions beyond that which could be repaired by trade dependency.

Indeed, trade itself did not always result in improved diplomacy. Trade conflicts alienated factions of the neighboring Indian communities. In October 1704, William Powell wrote the Governor a letter complaining that a group of Indians with King Louthier came to his house and took "several things that we miss: they have Taken all my

⁷⁸Colonial Records, Vol. I, pp. 432.

⁷⁹Parramore, pp. 318.

⁸⁰Old Albemarle County North Carolina Records, pp. 32.

ammunition. King Louther strook me with a how: I Told him I would Tell yr; honour: of itt he said you might kiss his arse:" Powell believed Jon Elderedge instigated the incident by telling them the letter Powell had given the govenor from John Lawson would cut them off from buying and trading for ammunition.⁸¹ With tensions rising, John Easter complained that two Indians set their dog on his hogs and killed one. William Lewis warns "Patrick an Indian Designs to Kill the Sheriffe when Ever he sees him In the Woods."⁸²

Colonial civil disorder, such as the Cary Rebellion disrupted the Indian trade and divided loyalties among the Indians as well as among the English. For example, Colonel Spotswood wrote to the Board of Trade in 1711 from Virgina, "My Lords" "He [Cary] is there gathering a greater force and threaten to bring down the Tuscorure Indians to his assistance. I have sent what Maherine could be spared from our Guard ships to the assistance of that Government, Mr. Cary has threatened to act another Antigua Tradedy, to which his own desperate Circumstances and the wretched Crew he had gott together seem like enough to prompt him."⁸³ The Meherine allied with Virginia and Hyde's Carolina

⁸¹Ibid., pp. 30.

⁸²Ibid., pp. 31.

⁸³Colonial Records, Vol. I, pp. 781-783.

government and parts of the Tuscarora supported the Cary faction.

Such divisions were likely the result of personal trade ties. Indian traders were prominent in the Cary Rebellion. For example, one report stated, "there being some Affidavitts sent in hither to prove that Mr. Porter one of Cary's pretended Council was with the Tuscaruro Indians, endeavoring by promises of great rewards to engage them to cut off all the Inhabitants of that part of carolina that adhered to Mr. Hyde. The Indians own the proposel was accepted by their young men; but that their old men who have the greater sway in their Councils being of their own nature suspicious, that there was some trick intended them or else directed by a superior Providence, refused to be concerned in that barbarous design."⁸⁴ In 1703, "rumors that a trio of Negro fur traders from Virginia were trying to incite the Tuscarora, (evidently those south of Pamlico River) 'to cutt off [destroy] the Inhabitants of Pamlico and Neuse'"circulated.⁸⁵ Instances such as these point to the significant influence of traders in diplomatic relations between Indian communities and the colonists.

⁸⁴Ibid., pp. 781-783.

⁸⁵Parramore, pp. 318.

As the Cary Rebellion ended and the Tuscorora War began, the seeds of armed conflict and discontent sprang to fruition. The Tuscarora villages north of Pamlico River under Chief Tom Blunt and those south of river under Chief Hancock split in alliance.⁸⁶ Hancock's Tuscarora attacked the Bath settlements. Governor Spotswoods wrote, in October 8, 1711, "some of the Towns of the Tuscaruro and other Indians on the Frontier of North Carolina did on the 22nd of last month commit a barbarous massacre on Her Majesty's subjects of that Province and still continue to made war against that Government." He prohibited any trade with the Tuscarora to prevent the Tuscorora from having "the means to go to war."⁸⁷

However, the Tuscarora no longer functioned as one cohesive government. King Tom Blunt and his town sought to preserve their English alliances. Parramore noted "It seems likely that the neutrality of Tom Blunt stemed from the hope of safe-guarding the well-established commerce of the northern Tuscarora with their white neighbors in North Carlina and Viriginia."⁸⁸ A letter from Thomas Pollock to the governor of Virginia stated, "Tom Blount...seemed to be

⁸⁶Ibid, pp. 323.

⁸⁷Colonial Records, Vol. I, pp. 808.

⁸⁸Parramore, pp. 323.

very earnest for peace, and to have a trade as formerly, which I utterly denied him, unless he would engage to bring in Hancock, and cut off all these that had any hand in killing and robbing the inhabitants here, and bring in their scalps."

Blount had expressed lack of ammunition as a problem in this endeavor. Pollock promised ammunition to Blount if he brought in twelve hostages from each town or fort.⁸⁹ Blount, in return for recognition as King of all Tuscarora, captured and turned over Hancock who was executed by colonial authorities.⁹⁰ Blount's alliance with the Carolina government was further cemented when the council recorded, "It appeareing to this Board that there will be a necessity of a small quantity of Corne to be raised for the support of King Blounts Indians who are employ'd in the service of the Government."⁹¹ Blount was successful in maintaining his ties with the English community during the war.

The surrounding colonies of Virginia and South Carolina did not cease engaging in the Indian trade during the war. Governor Spotswood of Virginia wrote to Thomas Pollock that the Tuscaroro "surpised & rob'ed our Traders

⁸⁹Colonial Records, Vol. I, pp. 880.

⁹⁰Paramore, pp. 325.

⁹¹Colonial Records Vol. II, pp. 117.

going to the Western Indians" He expressed concern over "trouble lest the enemy have by this means, got a great amount of ammunition than could have wished."⁹² Spotswood explained to the Lords of Trade that "the same body of Indians meeting with our traders as they were going with a cargo of goods of the value of £1000 and upwards to traffique with the western Indians, fell upon them and plundered them of all they had."⁹³ Thus, the war disrupted trade beyond the Carolina borders, but did not stop it.

The Indian trade supplied critical amounts of ammunition to the Indian communities, even during war. For example, in 1679, a report stated "Captain Thomas Cullum frequently sells powder, shot and fire-arms, as well to those Indian nations that are not as those that are in amity with the English."⁹⁴ The same happened during the following wars. In 1715, several merchants trading to Carolina wrote the Lords Commissioners of Trade and Plantations, "We the Agents of Carolina and Merchants trading thither, begg leave to acquaint your Lordships that We have an Account of several considerable Quantitis of Indians trading guns, which are bespoke and orderd to be

⁹²Ibid, pp. 26.

⁹³Ibid., pp. 49. See the complicated ties between Indians and Europeans and various Indians against each other.

⁹⁴Colonial Records, Vol. I, pp. 258. Thomas Cullen was part of the Jenkins government of the Culpeper Rebellion.

got ready for Virginia...we hav too much Reason to fear that their private Indians Traders will have more regard to their own gain, than the security of their distressed Neighbors, or the Publick good: and will endeavour to make their advantages byselling arms and ammunition to our Indian Enemies."⁹⁵

The war did not end trade relations although the numbers of Indians declined with the migration of a large number of Tuscarora north. A Representation of the Board of Trade to the King Upon the State of his Majesty's Plantations in America in 1721 stated "there are about 1000 Savages dispersed in several parts between Carolina and Virginia from whom were have not much apprehend Provided your Majesty's Governors of those Provinces live in that perfect Harmony and good understanding which they ought to maintain with each other and do justice to these poor people who seldom give first Offence."⁹⁶

The loyalties tested but maintained in war allowed a continuation of the Indian trade with the few Indian communities remaining in Albemarle. In 1715, the year the war ended, Thomas Pollock was back in court prosecuting a suit against Jonathan Slocumb and Mary his wife,

⁹⁵Colonial Records, Vol. II, pp. 201.

⁹⁶Ibid., pp. 422.

administers James Blunt's estate, for twenty six pounds sixteen shillings and two pence "to be paid in Buck an Doe Skins Well Dressed."⁹⁷ In March 1723, "John Hitaw King of Chief man of the Chowan Indians [came] by Edward Moseley his Attorney to prosecute an Orginial Attachment granted him by Christopher Gale Esq Cheif Justice against the Estate of John Sale for sume of Eleven pounds."⁹⁸ These two cases reveal the personal trade ties that produced the factions in the Tuscarora war. Competition for control of the colonial government among the supplying merchants threatened the trade to some factions of the Tuscarora and other Indian towns. Thus, the fractures that land pressure created finally split open in the face of trade stoppages.

As settlement curtailed hunting and the deer population declined due to the skin trade, Indians turned to trading in land, pots, baskets and such.⁹⁹ Around 1722, a large part of the southern band of the Tuscorora went north to join the Iroquois Confederacy. The remaining

⁹⁷Higher-Court Records, 1709-1723, pp. 81, 186. In July 1711, Nathaniel Chevin proscuted his suit agianst John Slocum for debt ('as Assignne of Nichlas Tyler of Pamplico) for two pound one Shlling and Eight pence to be paidin good drest buckkins..." and a debt against James Blount (as Assignee of Nichlas Tyler) for one pound two shillings and four pence inskins. Thus it appears that Blount worked for Tyler, who from earlier records took in goods for the Pennsylvania Company.

⁹⁸Ibid, pp. 364. This is probably the same Jno Salley that owed Jno Porter money in 1713 and the same Jno Sale that Ann Durant dealt with.

⁹⁹Merrell, pp. 560.

Tuscarora left North Carolina for New York in 1802.¹⁰⁰ The declining significance of the Indian trade to the local economy reduced competition among the English and Indians for trade contacts and at the same time reduced incentives for interpersonal contact. These contacts had been an important source of cultural exchange.

Indeed, the significance of the Indian trade lies in the cultural exchange that it fostered. Indian women played a central role as cultural mediators. Bruce White argues, "the evidence suggests that leading traders often married the daughters of Ojibwa leaders." This was common feature of the India trade throughout the colonies. Intermarriage gave traders powerful alliances within the Indian community and the Indian community ties to English trade.¹⁰¹ Parramore argues there "is also evidence of some intermarriage between northern Tuscarora and whites and at least partial adoption of European life-styles by those living nearest the Albemarle settlement."¹⁰² Intermarriage

¹⁰⁰Higher-Court Records, 1709-1723, pp. xxix.

¹⁰¹Bruce White, "The Woman Who Married a Beaver" Ethnohistory vol. 46, No. 1 (Winter 1999). 130. See also, Susan Sleepersmith, "Women, Kin, and Catholicism: New Perspectives on the Fur Trade," Ethnohistory, 47 (2), 2000, pp. 424; Jennifer S.H. Brown, Strangers in Blood: Fur Trade Company Families in Indian Country (Norman, OK, 1980); Sylvia Van Kirk, "The Custom of the Country: An Examination of Fur Trade Marriage Practices," Essays on Western History, ed. Lewis H. Thomas (Edmonton, 1976).

¹⁰²Parramore, pp. 323. For example, "Peter Gansett, an Indian living near the mouth of the Roanoke River mouth ca. 1701-1706 was apprenticed to

probably promoted such adaptations. John Lawson found most traders in Carolina had "an Indian 'bed-fellow'" for many reasons." Alliances, clan protection, knowledge of language and customs proved valuable assests in a partner.¹⁰³ English traders in the south married Indian women. Morris argues that their daughters were the mixed blood wives of the Indian Agents in the later colonial period as the Indian trade became more centralized in South Carolina.¹⁰⁴ People of Indian and English descent disappeared into English society.

More recently, several studies have shown that the fur trade marked cultural compromise in which native Americans and Europeans made accommodations in order to engage in mutually benefitial trade.¹⁰⁵ Contact produced cultural change in all the communities involved.

Robert West, with the 'consent of his mother Mary Lee, wife of Daniel Leigh of Chowan prec., planter'" Mary may or may not have been Indian, but she was now the wife of a planter. One or both of Peter's parents were Indian. See, Margaret M. Hofman ed.. Chowan Precinct, North Carolina 1696-1723 Genealogical Abstracts of Deed Books (Weldon, N.C. Roanoke NewCompany, 1972) pp. 7,8,25.

¹⁰³Morris, The Bringing of Wonder, pp. 27.

¹⁰⁴Morris, The Bringing of Wonder, pp. 30-31. His chapter on Mary Musgrove and Nancy Ward highlights the centrality of Indian women and mixed blood women to colonial trade. Their invisibility in the historical record is problematic for historians.

¹⁰⁵See Harold Innis, The Fur Trade in Canada (Toronto 1970); Carolyn Gilman, Where Two Worlds Meet;: The Great Lakes Fur Trade (Saint Paul, MN 1982) and Richard White, The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815 (New York 1991).

One example of cultural influences lies in the archeological records of "Chesapeake" tobacco pipes. Scholars initially attributed "Chesapeake" tobacco pipes found in archeological sites in Virginia and Maryland to the multi-cultural plantation environment in Virginia and Southern Maryland and the interaction between early African slaves and English indentured servants.¹⁰⁶ The pipes fell out of the archeological record with the institutionalization of black slavery and the declining interracial contact on plantations. However, Dana Magoon has since found "Chesapeake" pipes in northeastern North Carolina in a site without European trade goods. These "Chesapeake" pipes were nearly identical to those in Virginia and Maryland that were attributed to Africans. Thus, the pipes were locally produced by Native American populations.

Informal localized trade relationships resulted in Indian pipes being used by the English and Africans on North Carolina plantation sites.¹⁰⁷ As Daniel Usner wrote,

¹⁰⁶James Deetz, Flowerdew Hundres: The Archaeology of a Virginia Plantation, 1619-1864 (Charlottesville: University Press of Virginia, 1993), pp. 83

¹⁰⁷Magoon, "'Chesapeake' Pipes and Uncritical Assumptions: A View from Northeastern North Carolina," North Carolina Archaeology, 48 (1999), 48 118-120. See also Daniel Moer, "Chesapeake Creoles: The Creation of Folk Culture in Colonial Virginia," in The Archaeology of 17th-Century Virginia ed., Theodore R.l Reinhart and Denis J. Pogue (Special

"Marketing systems reveal a good deal about the relationships among the various groups that compose a society."¹⁰⁸ He stated one of the problems with frontier studies and consequently that of Indian studies is that "the economic activities of Indian and colonial societies have long been separated by prevalent conceptualizations of frontiers either as boundaries between primitive and commercial economies or as transitional zones through which stages of economic development rapidly progress."¹⁰⁹ He particularly takes note of food marketing, noting that through food marketing Indians, Africans and Europeans engaged in contact that transformed all the respective cultures. Thus, when William Lees John Spilman, John Hardy, Henry Hayes and Dorothy Stills "bought som venson of som Indans" and when Thomas Barcock swore that he had "given" Indian Tom Harris, "a sow Shote," they participated in one of the often hidden aspects of Indian English

Publication 30, Archeological Society of Virginia, Dietz Press: Richmond 1993), pp. 105-166.

¹⁰⁸Daniel Usner, Indians Settlers, & Slaves in A frontier Exchange Economy: The Lower Mississippi Valley Before 1783, (University of North Carolina: Chapel Hill 1990), pp. 191. He cites, Sidney W. Mintz's works.

¹⁰⁹Ibid., pp. 191.

relations, that of daily small trade and exchange in food stuffs. ¹¹⁰

Therefore, the Indian fur trade existed alongside local exchanges in household goods and foodstuffs. English settlers engaged in local trade with Indians living in and around the colonial plantations. Trade alliances and intermarriage formed bonds that promoted diplomatic relationships between the nations. However, white pressure on Indian lands and internal political rifts raised tensions that ultimately divided the Tuscorora. The Indian trade complicated race relations and local politics. War remains historically the most visible of English-Indian contact, yet trade represented the greater colonial experience. Most importantly, the Indian trade was a significant part of the local economy. Merchants supplied local credit based on the lucrative nature of the Indian trade. Credit in turn supported the further economic development of the colony.

¹¹⁰ Higher-Court Records, 1696-1701, pp. 126-127 and Higher-Court Records, 1702-1708, pp. 54.

Chapter 3

"INDEBTED BY ACCOUNT": TRADE, COURTS AND CREDIT IN THE LOCAL ECONOMY

When Deborah Ross declared "Mothius Towlor Came to Markit and ...to the [best] of hir knowlidg that Timothy Pead Gave noe abus by words or action upon the a Count of any power or any other wayes to Mothiues,"¹ she participated in a court case that, along with many others, reveals the centrality of colonial courts to trade. The case for which Deborah testified came to court in March of 1694, when Mathias Towler brought his license for "the Whale then Petishond about" claiming that Timothy Pead and Charles Thomas took the whale from him. Whale products were among the lead staples of Albemarle in the seventeenth century, and colonists produced hundreds of barrels of whale oil a year.² A 1715 law regulating staple commodity prices valued a barrel of whale oil at 10 pounds 10 shillings.³

¹Higher Court Records, 1670-1690, pp. 60.

²Marcus Simpson Jr. and Sallie W. Simpson, "The Pursuit of Leviathan: A History of Whaling on the North Carolina Coast," The North Carolina Historical Review, LXV(1), 1988, pp. 6-7. In 1668, Peter Colliton produced 80 barrels of oil. Earlier in 1672-1673 he shipped several times, in total one hundred and ninty five barrels of whale oil "wch I Conceive may have Cleered about 25. s p barrel." In 1730, the King's tenth of sixty barrels of oil and and 800 wt. of bone was valued at 300L. pp. 13.

³Clark, The State Records of North Carolina Vol. XXIII, Laws 1715-1776, (Goldsboro, N.C. Nash Brothers 1886-1907)pp. 54. "For establishing a Certainty in Trade & in the payment of Publick Levys all Debts due or which hereafter mayt become due on account of the Publick or to any

If thirty to fifty barrels were average yields for one right whale, and six to nine whales a year was an average catch, then Mathias and Timothy's dispute concerned a significant amount of money.⁴

The court granted Mathias permission to retake the whale (tried or untried) and took Pead and Thomas into custody.⁵ However, the following court reversed the action against Pead and Thomas.⁶ The court then charged Towler with "feloniously taking of eight Barrels belonging to Timothy Pead." But, after testimony from Ann Ross,

Inhabitant or foreignor trading among us or in our private dealing amongst ourselves or otherwise howsoever at the Debt being contracted or due in Money not expressing Sterling such persons or persons to whom such money shall be due shall take & receive of the same any Specie hereafter expressed & all the Rates hereby appointed .."

	£	s.	d.
Tobacco pr Cwt	0	10	0
Indyan Corn per Bush.		1	8
Wheat " "		3	6
Tallow Tried, pr lb.			5
Leather Tanned & Uncured, pr lb.			8
Beaver & other Skins pr lb.		2	6
Wild Cat Skins per piece		1	0
Butter per lb.			6
Cheese per lb.			4
Buck & Doe Skins (raw) per lb.			9
" " (drest) per lb.		2	6
Feathers per lb.		1	4
Pitch (Full Gauged per Barl.	1	0	0
Whale Oil per Barl	1	10	0
Porke per barrel	2	5	0
Beef per barrel	1	10	0

⁴Simpson, pp. 16-17.

⁵Higher Court Records, 1670-1696, pp. 18. Commercial whaling took place in North Carolina from the earliest years of the colony until the twentieth century. The earliest licenses granted the rights "to enjoy the privilege to make use of all the whales that shall be cast up or that they can use anyways to kill or destroy, between the inlet of Roanoke and the inlet of Caretuck." Simpson 6. However, in 1681 the Lords Proprietors authorized the inhabitants to take whales for their own use. This was extended for another twenty years again in 1691.

⁶Colonial Records, Vol. I, pp. 419 and Higher Court Records, 1670-1696, pp. 42-43.

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Deborah's sister, "to whom the Barrells did then belong" that she "gave her consent that the sd Matias Towler should have the Barrel pay her for them and that her consent was given to ye sd Towler for the sd Barrells before any agreemet was made with the sd Timothy Pead concerning them." As a result, the court discharged Mathias Towler.

Ann Ross is testimony backed up a petition by Charles Thomas "that he the said Charles Thomas had done ten dayes worke upon the whale." Anne Ross then argued that she "with the assistance of some of her owne family tried up three Barrell of oyle out of the whale ... and that she did other labour about the said whale And that Mathias Towler had by her consent and upon promis of pay seven barrels for all." The court ordered Towler pay her fifty one shillings and three pence.⁷

This case shows the centrality of courts and the "promis of pay" in the functioning of the local economy. Colonial courts served as places to verify and collect debts.⁸ Networks of local trade and exchange existed in the

⁷Ibid., 419. Charles Thomas received payment of ten shillings. Pead was paid two shillings six pence.

⁸See, Craig Muldrew, "Credit and the Courts: Debt Litigation in a Seventeenth Century Urban Community, The Economic History Review, New Series, 46 (1) 1993, pp. 23-38. This study focuses on England 1683-1686. Muldrew found "Even though the poorer members of the town came into the court to sue less frequently than wealthier plaintiffs, when they did sue, they sued their richer neighbours, as well as other poorer people... Thus, in social and economic terms, credit was a leveling force within the community. Rich and poor alike were bound by

early colonial frontier south and Albemarle colonists drew on existing patterns of trade.⁹ Local markets operated on credit systems.¹⁰ When debt collection was "in kind," sterling equivalents assigned by the assembly provided regulation of the colonial staples, tobacco, pork and corn, the general items of trade.¹¹ Merchants, tavernkeepers and craftpersons kept accounts for members of the local community and each other. Bills of exchange functioned as

reciprocal bonds of indebtedness and needed to trust one another. True, the poor were more indebted to the wealthy, and credit did not ultimately alter the power of wealth, but the wealthy were still indebted to the poor to a considerable degree." pp. 34. He argues that merchants and trade depended on credit. Over 80% The Court of Common Pleas cases dealt with debt suits. pp. 24 Carolina colonists brought their familiarity with English legal systems to the colonies.

⁹See, Michael Merrill, "Putting Capitalism in Its Place," William and Mary Quarterly, 52 1995, pp. 315-326 for a discussion of the debate over markets and capitalism in the colonial world. Bettye Hobbs-Pruitt, "Self-sufficiency and the Agricultural Economy of Eighteenth-Century Massachusetts," William and Mary Quarterly 41, 1984, pp. 333-364 and Daniel Vickers, Farmers & Fishermen: Two Centuries of Work in Essex County Massachusetts, 1630-1850 (Chapel Hill: University of North Carolina Press, 1994) and Micheal Kenneday, "Cash for his turnips": Agricultural Production fo Local Markets in Colonial Pennsylvania, 1725-1783, Agricultural History, 74 (3) 2000, pp. 587-608 looks at agricultural production that goes to market. Studies on the nineteenth century Old South like Gavin Wright's Political Economy of the Cotton South: Households, Markets and Wealth in the Nineteenth Century (New York 1978) argue that small farmers practiced "safety-first" farming and did not risk full scale commercial agriculture and thus avoided debt to merchants and creditors. See also, Allan Kulikoff, "The Transition to Capitalism in Rural American," William and Mary Quarterly, 46, 1989, pp. 120-144.

¹⁰See, Price "Buchanan and Smith, 1759-1763: A Different Kind of Glasgow Firm Trading to the Chesapeake," William and Mary Quarterly 40 (1983) 3-41 and Jacob Price, Capital and Credit in British Overseas Trade: The View from the Chesapeake (Cambridge, 1980)pp. 127-136. These studies on indigenous merchants trading on credit supplied by English and Scottish merchants focus on the latter half of the eighteenth century.

¹¹See footnote 3.

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money often ending up in the hands of a third party.¹² When debts were called in court, they often triggered subsequent debt suits.

Most scholarly attention has focused on credit and the retail trade in the second half of the eighteenth century in New England and the Middle colonies.¹³ Kevin Sweeney, in his study on Western Massachusetts, argued "notes of hand, orders and receipts generated by such transactions operated as a circulating medium of exchange with a longevity that outlasted the original transaction creating the debts."¹⁴ Debts "by account" fill retail ledgers. Roger Wunderlich, in his study of a seventeenth century Long Island whaling company ledger, found similar use of credit.¹⁵ Michael Kennedy found the same among mill stores in Pennsylvania in the early eighteenth century.¹⁶

¹²See Daniels, Christine, "Wanted Blacksmith Who Understands the Art of Plantation Work: Artisans in Maryland 1700-1810," William and Mary Quarterly, Third Series, L(4), 1993, pp. 754 and 759.

¹³See, Price "Buchanan and Smith," pp. 3-41; Jacob Price, Capital and Credit 127-136. Maika, Dennis, "The Credit System of the Manhattan Merchants in the Seventeenth Century Part III" Halve Maen, 64(1) 1991, pp. 10 and Dennis Maika, "The Credit System of the Manhattan Merchants in the Seventeenth Century Part II" Halve Maen, 63(3), 1990, pp. 5-7.

¹⁴Sweeney, "Gentlemen Farmers," pp. 67

¹⁵Roger Wunderlich, "The Pigskin Book," Long Island Historical Journal, 3 (1), 1990, pp. 17-28. Wunderlich points out that such a credit system is viewed by Daniel Vickers and other scholars as exploitive because it did not allow whalers the opportunity to buy goods from anyone but the company store. Others, like Elizabeth Little, argue that "it was simply a practical response to the shortage of currency in the colonial economy" pp. 23.

¹⁶Kennedy, pp. 587-608.

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Studies on credit in the southern colonies are most often focus on Charleston. Southern colonists relied on credit in order to engage in the market. Tommy Thompson found that "Maryland planters bought goods and carried out other business transactions on credit throughout the year."¹⁷ Michael Woods, in his study on Charleston, noted a dominance of merchants as litigants in debt suits, but significant numbers of planters and others as well.¹⁸ Nash's study on one merchant-planter, John Guerard of Charleston found that Guerard traded in the mid seventeenth

¹⁷Tommy Thompson, "Debtors, Creditors, and the General Assembly in Colonial Maryland" Maryland Historical Magazine, 72 (1), 1977. By 1682 debtors were allowed to pay creditors in beef, pork, bacon, wheat, oats, barely, Indian corn, pease, or beans. In 1720 the law shifted allowing debt in money or tobacco to be paid in kind only after the debtor was imprisoned for nonpayment. (61). A Virginia study by Emory Evans, "Private Indebtedness and the Revolution in Virginia, 1776-1796," William and Mary Quarterly, Third Series, 28 (3), 1971 notes that in 1776 Virginias had over 2,000,000 pounds in debt, about half of the total American indebtedness. He notes that the consignment method of marketing tobacco in practice since 1750s had resulted in increasing indebtedness to English merchants. He argues, "indebtedness was an expected and accepted consequence of an agrarian economy" What he does not address are forms of local credit and exchange. Given the large amount of credit circulating it would be expected that lower and middling planters and farmer and merchants also engaged in trade through credit systems.

¹⁸Michael Woods, "The Culture of Credit in Colonial Charleston," South Carolina Historical Magazine, 99(4) 1998, pp. 364-365. He notes the various forms of credit applied, from trading in debt, credit networking among relatives and friends, and payment on accounts with merchants. Woods, Neal and Muldrews articles provide the best survey of how credit operated in a community. Yet, the studies on South Carolina are on Charleston, a commercial city, not on the surrounding agricultural communities that supplied the staple crops and commodities to the regional urban centers. Thorp and Kennedy provide the best studies of local markets in nonurban region, but do little in addressing the credit system they operated under. For Chesapeake studies see Charles G. Steffen, "The Rise of the Independent Merchant in the Chesapeake: Baltimore County, 1660-1760" Journal of American History LXXVI, 1989, pp. 9-33; Price, "Buchanan & Simpson," See Price's footnote 5 for inland trade and backcounty New England merchant studies, noting that most cover the revolutionary period.

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century between London merchants and local planters. He sold goods to planters and shopkeepers predominantly on credit. His movement between merchant activity and planter activity point to the fluidity of economic endeavor between local merchants and the planter class.¹⁹ T.R. Breen argues merchants were part of the rural community and at least 75% were capable of producing tobacco. Thus, like John Guerard of Charleston, rural merchants functioned in several capacities. This helps explain one of the key differences between the Caribbean and the South. In a comparison between Montserrat and South Carolina in the mid-eighteenth century, David Hancock found that loan money in South Carolina originated in South Carolina 86 percent of the time and the loans were greater in number and smaller than those of Monserrat. He argues that "In South Carolina, there existed a large class of lenders that facilitated transfers of capital and credit."²⁰ Such small amounts of credit supplied locally characterize North Carolina's lending economy.

Lenders were not limited to merchants, artisans also worked on account. Locally given credit allowed for market orientation in a cash poor period and region. Trade

¹⁹ Nash, "Trade and Business" pp. 6-29.

²⁰ David Hancock, "'Capital and Credit with Approved Security': Financial Markets in Montserrat and South Carolina, 1748-1775" Business and Economic History, 23(2), 1994, pp. 81.

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networks and credit tied North Carolina's community to each other. In this sense, colonists drew on domestic credit practices transferred from England. Muldrew's analysis of court of pleas records from early eighteenth century England shows marked credit extended between all classes of people. Richard Sheridan argues that economic historians have overlooked the importance of the domestic economy in the colonies.²¹

McCusker and Menard, who supporting a staple-centered economic approach to colonial studies, also note a neglect of local markets.²² While a lack of towns characterized the Albemarle region of North Carolina in the eighteenth century, this does not mean the region lacked a market system. C.J. Farmer, looking at country trade in Southside Virginia in the eighteenth century, found that the dominance of tobacco as the export staple created no need for towns. He argues that trade took place on plantations, courthouses and ferry sites rather than in urban areas.²³

²¹Richard Sheridan, "The Domestic Economy" in Jack P. Greene and J.R. Pole Colonial British America: Essays in the New History of the Early Modern Era. (Baltimore: Johns Hopkins University Press, 1984), pp. 43. Foreign trade made up only about 9-12 percent of the gross output of the colonies.

²²McCusker and Menard, pp. 77-79. See also Nash, pp.3-29.

²³Charles J. Farmer, "Persistence of Country Trade: The Failure of Towns to Develop in Southside Virginia during the Eighteenth Century" Journal of Historical Geography, 14(4), 1988, pp. 331-341. He argues that country trade has been looked at as a precursor to the development of urban systems. He faults J.B. Price, Coulter and H.R. Merrens for

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Farmer argues that an "open-country neighborhood pattern where a variety of activities were located on adjacent plantations...in response to the proximity of important local focal points, primarily courthouses and ferries" served to meet community marketing needs.²⁴ That is exactly how the local economy in Albemarle functioned. Credit given by local merchant planters, tavernkeepers and artisans supported a local market system in early colonial North Carolina without the presence of a town center, due in great part to the extensive river system that characterizes the geography of this region.

Carolina's courts mitigated debt disputes rising from this credit system. Held in local taverns and community member's homes, at least until a courthouse was built in 1719, the court migrated throughout the region. In Albemarle in 1684 and 1685, forty-nine creditors brought in fifty-six debtors to court. Seven people were both debtors and creditors. Thus, ninety-three different people came to court to settle accounts.

The population of English in the region at the time ranged from just over a thousand to possibly 4000. Historian Alan Watson has concluded that in 1700 there were

delegating "country trade" or "decentralized trade" as peripheral to development of the Americas.

²⁴Farmer, pp. 333.

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approximately 10,000 inhabitants. By 1720 there were 21,000 inhabitants. In 1729, when North Carolina was purchased from the Lords Proprietors, the population was estimated at 36,000.²⁵ Most historians of North Carolina quote Watson's 1729 figure. Thus, extrapolating backwards, in the 1680s the population probably could not have exceeded a few thousand, and of that a quarter could have been expected to be black slaves. Jeffery Crow estimates 1,871 whites and 308 blacks in Pasquotank and Currituck counties in 1710.

In any given two year period of the late seventeenth century, nearly one hundred people appeared in court on debt suits. Thus, somewhere between one and ten to one in forty people sought court assistance in matters of trade and credit in the 1680s. In the two year period studied, 9647 pounds of tobacco, 4,667 pounds of pork, 50 pounds of hides, 8.5 barrells of Indian corn, 3£, 3 s and 6 "out of the Cropp," 500 foot of pine plank, one cow and calf, one canoe and 202£ 189s 45p in debts were called for in court.

Even when trade took place in goods this translated to a value in sterling. For example, at court in January 1698[9], Samuel Swann brought Benjamin Gidden in for a debt of two pounds eight shillings and six pence and a half penny. The court ordered "two Hoggs and a parsel of corn"

²⁵Watson, Society in Colonial North Carolina, pp. 3-4.

be "attached at his Sute." The court then directed the Marshal to "deliver ye two Hoggs and Soe Much Sheld Corn At twenty pence bushel as Will pay ye sd debt With Cost and trobel of Shellen and to deliver ye Same At Burroses Landen."²⁶ Thus the court assigned the corn a value of 25 pence of bushel. By 1715, the assembly had assigned a value of 2L 5 shillings to a barrel of pork, and a bushel of Indian corn at 1 shilling 8 pence, when used as payment for debts.²⁷

Pork and tobacco were the two most common forms of exchange when accounts were settled in kind rather than sterling. These goods reflect the dominant export staples of the colony at the time. For example when Samual Swann sued Richard Bachelder the court ordered Bachelder pay to Swann "two Hundred and fifty pounds of poork With Cost Alex Excec."²⁸ Several decades later, Mr Fredrick Jones brought a suit against Thomas Collings for thirty-three shillings and two pence "to be paid in Pork at the house of Peter Godfrey."²⁹ In another example, Jacob Overman brought George Scarbrough in for one pound seventeen shillings and six pence in fresh pork and William Scarbrough for one

²⁶Colonial Records, Vol. I, pp. 521.

²⁷See foonote 3.

²⁸Colonial Records, Vol. I, p. 521. The case came to court in 1689.

²⁹Ibid., pp. 610.

pound two shillings and eight pence fresh pork.³⁰ Thus, debt repayment took place in pork, but the debt was counted in sterling.

Porke and tobacco were not the only goods used in exchange. Corn was also exchanged. For example, Frederick Jones prosecuted a Suite against John Gray in "A plea of Debt for two pounds tenne Shillings & three pence "payable in Corne or porke" Gray was ordered to pay this with costs.³¹ Then Jones "by Godfrey his attorney" prosecuted Thomas Houghton for two pounds 9 shillings and eight pence. The court put an attachment on Houghton's estate.³² Jones lost his suit against Houghton and had to pay costs.³³ All Houghton's debts were noted payable in corn and pork.

In another case, Samuel Holland, a merchant of Boston, brought a suit against Issac Wilson for forty-four pounds fourteen shillings and six pence, "payable in good merchantable wheat, Porke or Pitch as in & by an account."³⁴ In other cases the debt payment was split between goods and

³⁰Colonial Records Vol. II, pp. 92-93. The case came to court in 1713.

³¹Colonial Records, Vol. I, 610.

³²Ibid., pp. 609.

³³Ibid., pp. 610. In the Tuscorora war his house was attacked, but the Indians "wer beat off and none of our people killed," Colonial Records Vol. I, pp. 882. Frederick Jones is listed as "Capt Fredrick Jones" when named a vestry member of the Eastern Parish of Chowan Precinct in 1715. Colonial Records, Vol. II, pp. 207 In 1718, Jones sought a lapse of patent for Mr. Lewis Connors of Virginia tract of land of 640 acres and a lapse was granted. Colonial Records, Vol. II, pp. 318. In 1722 his estate came to court.

³⁴Colonial Records, Vol. II, pp. 84.

sterling, as case of Christopher Butler who brought suit against James Fisher. The court ordered that Fisher pay Butler "three pound two Shillings and Six pence and a young Cow and Calfe with Cost."³⁵

Of the seventy-three cases of debt in the years 1683 and 1684, 35 of the cases recorded the amount sought. Of this thirty-five, sixteen were for goods in kind. Payments of tobacco lead with seven accounts to be paid in pounds of tobacco, three suits were to be paid in pounds of pork and three in corn. The remaining three were for plank, a gun, tools and a partial crop (of corn). Seventeen of the cases were recorded in sterling, but given the law of 1715, recording sterling values for staples of the colony, these may also have been paid in kind.³⁶ Nearly ten years later, over the two year period of 1693 and 1694, of the seventy-five identifiable debt suits, fifty-four were for known amounts. Sterling amounts were recorded for twenty-nine cases with one case settled for part sterling, part pork. Only two cases recorded values of tobacco, eight cases in pork and four cases in other goods or chattels. The records for the year 1670-1694 are spotty. During this span, 233 debt suits passed through court with most

³⁵Colonial Records, Vol. I, pp. 531. Case came to court in January 1699[00].

³⁶Higher-Court Records, 1670-1696, pp. 342-365.

accounts recorded in sterling. Thus, after 1683, on average half of the cases were paid in kind, half in sterling. Until February of 1684 nearly all suits were paid in pounds of tobacco.

Bills of exchange were important records in trade. For example, in September of 1694, William Duckenfield, acting as assignee of Henry Gawler, brought action against Patrick Henley who was the new husband of Sarah Culpeper, widow of John Culpeper. John Culpeper, in April 1683, had "oblige[d] himselfe to pas good sufficient bille of exchange whensoever thereto required to be paid at the porte or cytty of london unto Henry Gawler his order or assignee in consideration of the sume of five pounds seven shillings."³⁷ John Culpeper died before he could pass his "bille of exchange," and this unmet account reveals a chain of connection between local planters, local merchants and London merchants.

Such bills sometimes passed to third parties. For example, Robert Moline was indebted to the Whites for "ye sume of thirty six shillings by bill passed to ye said Diana one of ye Plaintifs Whilst shee was sole upon ye acct of Thomas King and further saithe that ye said Robert Moline did assume and Promis to pay upon ye acct of ye said

³⁷Ibid., pp. 22.

Thomas King wt further acct ye said Thomas King should contract." Moline said he had not. However, the court "Ordered yt the said Robert Moline pay unot ye the said Thomas White and Diana his wife the sum of thirty six shillings in porke alias Excecution"³⁸ Thus, Thomas King's debts with Diana White were paid by Moline. King was in debt 10L to Moline before he fled. In another example, Jacob Overman came to court having a deed of sale from Colonial Thomas Cary to James Tookes & Colonial Edward Moseley proved by Mr. Thomas Parris.³⁹ In a deposition dated August 13, 1735 Cullen Pollock wrote, "I gave Your Bond of Stephen Andrews's to my Bro: I overlooked another Debt for ye sad Andrews to my Bro: 'tis 375L for ye Hire of some Negros: I think my Borthor has no Note of Hand for Ys: Mony: My Bror."⁴⁰ This exchange took the form of bond between two third parties.

The settling of estate debts in court provides another momentary window into the local economy. These cases show a range of credit from shillings to large amounts of

³⁸Colonial Records, Vol. I, 449. At the previous court, in 1694[5] Jonothan Toomy was charged with helping Thomas King leave the country without paying the 10L he owed to Moline, but the court found no cause for action, Colonial Records, Vol. I, pp. 445. Thomas King also signed a petition asking for help in suppressing the Culpeper rebellion in 1680. Also, King was accused of stealing from Diana Foster, who we know later as Diana White, but was not convicted. Colonial Records, Vol. I, 397. William Foster at the time was Diana's husband, he also signed the 1680 petition.

³⁹Colonial Records Vol.II, pp. 103, July 1713,

⁴⁰Old Albemarle County North Carolina Records, pp.168.

sterling in bills of exchange or by account. In February of 1683, when Mr. Thomas Finckley's estate came to court, Mr. Francis Toms and Mr. Joshua Lamb both filed debt suits against the estate. While the outcome of Toms' case is not known, the next court found Finckley's estate in debt to Lamb for 42L 3 shillings and 6 pence.⁴¹ When Joshua Lamb's estate came to court in September 1694 his wife, Mary serving as administrator was ordered to the pay his debt to William Collins of 10L sterling.⁴² The estate of Jonothan Crosland came to court in November 1693 in suits by Alexander Lillington for "22 shillings in porke by Bill" and Caleb Calloway for "7s 3 p in porke and ½ of a Bore Barrow", an unlisted amount due to Mr. Thomas Harvey and "8 £ by Account" to Mr. Thomas Gillam. Goods were traded "on account" as each of these probate settlements suggest.

Other cases provide a more complete picture of the credit system by recording contra accounts. For example, "The Humble petition of Mr. John Porter Sheweth that Mr. Thomas Swan is justly Indebted to the plaintiff in the sum of three pound eight shillings and six pence and is departed out of this Gvovernment therefore the petitioner prays an Attachement against his Estate..."

⁴¹Higher Court Records, 1670-1696, pp. 342, 346.

⁴²Ibid, pp. 26.

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the account read:

"1697 [torn] Thomas Swann debtor [illegible]		
July 28 th	to 11 $\frac{3}{4}$ Sugar 8d.	0: 7:6
	To 4 gallons rum	1: 4:0
August 14 th	To [illegible] by your [rent]	
	To 2 $\frac{1}{2}$ yds. of broadcloth at 30 s. yd	3:15:0
	To 3 $\frac{1}{2}$ yds. fine lenen	1:01:0
	To 1 firing pen	0:12:0
	To 2 Knives	0:02:6
	To 1 quart run	0:01:6

		7:03:6
Contra is Creditor		
	Per a bill by Mr. Miller	3:15:0
	Per Mr. Plater	1: 5:0
	Rest dew	3: 8:6
		1: 5:0

		2: 03:6" ⁴³

Swann himself had credit from Plater and a bill of Mr. Miller's. This canceled out some of his initial debt. In another example, Seth Southell debtor to an unknown person recorded owing 1 L 15 shillings for "Bring[ing] Brick from Tho. Hawkins" among other accounts for tar, taking Negroes and carrying a horse, for a total of 4£ 10 shillings. But due to "Per Contra Cr" of 230 pounds of Pork at 1 pound seven shillings 6 pence, and to 1 pound of wool valued at 1 shilling there was only "Due to balance 3£ 1 shillings 6 pence."⁴⁴ In another case, Christopher Butler lost a suit against James Fisher, "ye Jury on thare Oathes Say thay

⁴³Higher Court Records, 1697-1701, pp. 254.

⁴⁴Higher Court Records, 1670-1696, pp. 448.

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⁴⁵Colonial
⁴⁶Ibid., pp

ballence ye Account and finde for ye defendant Six Shillings and two pence With Cost."⁴⁵

Tavern keepers also kept accounts on credit. Tavern keepers Thomas and Diana White brought Jonothan Spencer's estate to court February of 1694[5]. The White's claimed Robert Kitching was "Indebted to ye plaintiffs by acct contracted with ye sd Diana whilest shee was sole tha sume of forty five shillings and nine pence half peny." The court ordered Kitching pay the 45 shillings nine pence and half penny. When "ffrances Kitching one of ye defendts came and produceth in Court an account against Jno Harris Coparnter with the said Diana in Balance of ye said Account." The suit was dismissed.⁴⁶ Thus, Harris had an account with Spencer or the Kitchings.

Another case brought to court by the Whites shows similar credit extention. In the case against Robert Moline the Whites declared Moline indebted, "by his account contracted wth ye said Diana Whilest shee was sole ye sum of Four pounds seven shillings and one penny." Here again, accounts were balanced with payments in part. In this case, Moline produced "an Account in balance of ye acct brought against him" so that the amount "due to ye said

⁴⁵Colonial Records, Vol. I, pp. 533.

⁴⁶Ibid., pp. 441.

Thomas White and Diana his wife ye sume of twelve shillings
And ye said Moline upon his Oath further saith that upon
demand made by ye said Thomas White he the said Robert
Moline tendered his account with payment of ye Ballance."
The suit was dismissed and the White's paid charges.⁴⁷
Thus, Moline had a contra account, and had paid the balance
when requested. Between July 1691 and February 1692 when
she hosted court, Diana recording taking in accounts
totalling four hundred and twenty two pounds and five
shillings and 7 pence.

Debts settled in court were sometimes given as credit
accounts at local stores. In a court petition by Cullen
Pollock, he suggested speedily assessing whether "their
could be an attachment sent now he[one Stephen Andrew owing
Pollock's brother money] has to ye Value of 3 or 400£ in
goods wch: he had credit for at Pughs Store."⁴⁸ In another
instance, Mrs. Clarke, who received a payment from John
Philpot to John Robison, served as credit when Philpot
promised "to pay or Cause to be paid unto Mr. John Robison
or order. The Full Sume of Fourteene pounds Seaventeene

⁴⁷Ibid, pp. 449.

⁴⁸Old Albemarle County North Carolina Records, pp. 168. Case dated
August, 1735.

shillings and Six pence In good Sound Merchantable Porke
Att Mrs. Clareks now Dwelling House in Newbegine Creeke."⁴⁹

Counter suits against the creditor also took place in court revealing multiple directions of credit within the community. For example, the court ordered that "Mary Albertson & Nathaniel Albertson pay unto Nathaniel Nicholson as much porke as will fill A Barrell two Sow Two Baros of his wife proper marke & one Barow Specified in the Inventory with Costs al Exo."⁵⁰ Following this ruling "Upon Peticon of Mary Albertson & Nathaniel Albertson praying to prove an acct against the Estate of Sarah Nicholson." The case was rejected, however, some counter suits were more successful. For example the debt suit and counter suits of Captain Jeremiah Goodridge and Captain Frederick Jones reveal credit exchange. Goodridge first called in a debt from Jones in 1703.⁵¹ The case was refered to the next court in July, where Jones responded he had not the "Declaration indue time."⁵² Given that he was listed as "Late of London" may imply he operated as a merchant representative. At the same court, Jones filed a counter suit stating "ffredrick Jones & Comp Comes per Mr. Peter Godrey their Attr to prosecute their sute against Jeremiah Gooedridge" for

⁴⁹Higher Court Records, 1670-1696, pp. 446.

⁵⁰Colonial Records, Vol. I, pp. 618.

⁵¹Ibid., pp. 585.

⁵²Ibid., pp. 590.

1000£.⁵³ An attachment was granted to Goodridges estate. Goodridge came back to court in October and successfully got an attachment to Jones's estate for Jones debt due to him.⁵⁴

Cycles of trading debt with third parties also effectively cancelled out debts without goods or sterling changing hands. Often debtors called into court for an unpaid debt tried to collect on their own extensions of credit. For example, in September 1694, Madam Susanah Heartely brought a case to court against Thomas Hawkins.⁵⁵ At the same court Sarah Culpeper relict of John Culpeper married to Patrick Henley was being sued for debt of 5L.⁵⁶ The Whites, sued Patrick Henley 49 shillings for debt along with several other people.⁵⁷ Henley then sued Susanah Heartley for a debt of twelve pounds.⁵⁸ Which Heartley would have paid from the funds she sought to collect on a debt from Hawkins.

Such suits did not always work as the debtor hoped. Hawkins pleaded too sick to come to court in a suit of debt to Patrick Henley for twelve pounds "by account produced in Court" ⁵⁹ At the next court she asked for particulars on sum of

⁵³Ibid., pp. 590 and 586.

⁵⁴Ibid., pp. 594.

⁵⁵Higher Court Records, 1670-1696, 20.

⁵⁶Ibid., pp. 22.

⁵⁷Ibid., pp. 26.

⁵⁸Ibid., pp. 26.

⁵⁹Ibid., pp. 34.

twelve pounds which Patrick Henly claimed.⁶⁰ The following spring the suit was dismissed and Henley had to pay costs.⁶¹

Another instance of cyclical debts took place in September 1694. The White's called a in debt in court from Cornelius Lerry. Lerry was ordered to pay three pounds, seven shillings and one penny in pork with costs of the suit. Subsequently, Lerry called in Richard Bentley for debt of sixteen pounds four shillings and nine pence which Bentley "oweth by account" and for "one Grubbing hoe, one pair of Carpenter Cumpases, one Hogshead one Wrest one Coopers Berier." The court ordered Bentley to pay Lerry eight shillings and six pence with cost of the suit. As for the debt of sixteen pounds four shillings and nine pence, Bentley claimed and the court allowed to pass that he was not notified in time.⁶² Lerry did not receive enough from Bentley to pay the Whites account in full, but did collect money to cancel part of the debt.

Yet another case, Captain Henderson Walker, executor to Alexander Lillington, brought a suit against James Oats in January 1698-9 for thirty two shillings and four pence and halfe penny in pork. Later in that same court, a petition from James Oats proved Benjamin Gidden was

⁶⁰Ibid., 64.

⁶¹Ibid., 90.

⁶²Ibid., 28-33.

indebted to Oates for five pound seventeen shillings and three pence. Oats obtained an attachment against Gidden's estate for three sheep a two year old heifer, a gun and "pasel" of wooden lumber.⁶³ Thus, Oats was able to pay the sum he owed to Lillington's estate.

In the March 1713 court, The court John Blish "marcht" pay Nathaniel Chevin "ye Sume of Eleven pounds with Costs al Esx."⁶⁴ John Blish then accused Captain Richard Sanderson of being possessed of an Indian woman slave named Ann and one female child which Blish claimed as his own inheritance and declared damages of sixty pounds against Sanderson. The jury found for Blish, but only for thirty pounds and Sanderson filed for a stay of judgement.⁶⁵ At the next court held July of 1713, Blish prosecuted George Cooper for a debt of three pounds, one shilling and three pence. Blish also brought suit against John Powell for forty shillings.⁶⁶ While Blish's suit against Cooper was deferred until the next court session when Cooper did not appear. The marshall, who failed to bring Cooper and Powell into court was ordered to pay the three pounds on shilling and three pence with costs. The marhsall petitioned for an

⁶³Colonial Records, Vol. I, pp. 521.

⁶⁴Colonial Records Vol. II, pp. 97.

⁶⁵Ibid., pp. 113-114.

⁶⁶Ibid., pp. 101.

attachment on Cooper's estate.⁶⁷ Blish's attorney asked that the marshall pay two pounds for failing to bring Powell. The marshall again asked for and received an attachment to Powell's estate. Thus, over subsequent court sessions, Blish received judgements that would have covered the debt Chevin had brought Blish to court to pay.

In 1721, William Badham assignee of Thomas Harvey prosecuted merchant, John Rickard, and tavernkeeper, Thomas Parris, for the "Sum of two hundred pounds which to him they owe and unjustly detain etc."⁶⁸ Rickard then prosecuted the estate of William Dowers for ten pounds "as attorney to Thomas Selby of Boston in New England "for the balance of an Account settled on or about May the tenth".⁶⁹ Thus, calling in of debts triggered additional calling in of debts to cover the accounts.

While the bulk of the cases list no goods, but rather a sterling amount, some of the cases provided more detail. For example, Deborah and Ann Ross's testimony concerned payment for work done in tying up the whale oil.⁷⁰ In addition to whalers, various specialists in carpentry also brought suits and were sued for debts in court. For example, Robert Kitching complained in court that "James

⁶⁷Ibid., pp. 107.

⁶⁸Higher-Court Minutes, 1670-1696, pp. 206.

⁶⁹Ibid., pp. 207.

⁷⁰Colonial Records, Vol. I, pp. 419.

Wilson alias Alexander Ray...refuseth to preforme an agreement made with the Plantif for layin a loft in an house of the said Robt. Kitching, for and in consideration of sixteen shillings to the defendant in hand paid."⁷¹ John Jones did carpentry work for James Carron and brought him to court for five pound 13 shillings. John Jones also brought a suit against Samuel Swann for "Carpenter Worke" of sixteen pounds.⁷² Artisans also accrued debts, as in the case of John Wilson, a cooper who owed ordinary keepers Diana and Thomas White, eight pounds, five shillings and seven pence.⁷³ In addition, surveyors, oystermen, bakers, periwig makers, tailors, spinsters and weavers all came to court in various functions related to community trade networks. For instance in July 1699, "Upon a complaint of Mager Samuel Swann that Johnathun Tailer Stands Indebted thirty three Shillings and fower pence for a sirvay" the court ordered that "Mr Calleway, executor of Johnathun Tailer pay Mager Swann the sum with costs."⁷⁴ In August 1727, William Cook, owner of "a small decft Vessesl and known as an "Oyster Man," and William Rowden, a baker, were called to court to pay their debts. Both lived and traded

⁷¹Higher-Court Records, 1670-1696, pp. 23.

⁷²Higher-Court Records, 1697-1701, pp. 53-54.

⁷³Higher-Court Records, 1670-1696, pp. 79.

⁷⁴Colonial Records, Vol. I, pp. 524.

in Edenton.⁷⁵ When "Jacob Overman of ye precinct of pascotank weaver" who prosecuted George Scarbrough "for a debt of seventeen shillings and six pence by his bill under his hand." The court ordered Scarbrough to pay the debt. We assume that George owed Jacob money for weaving done by Jacob.⁷⁶ Thus, artisans and craftsperson also extended credit for their work.

Wills in addition to court cases provide a means to looking into networks of credit. People such as, merchant Thomas Pollock, specify the payment to unpaid debts in their wills. Pollock's will, of April 1721, made note of debts that never went to court when he record the need to pay "mr. Coke, the Bricklayer, wages for making, Laying the Bricks in the chimneys, seller, underpinning, and doeing al the other worke agreed." Here we find Mr. Coke laid bricks for Pollock for which labor Pollock had yet to pay him. Pollock also recorded work done by a carpenter, Mr. West who also worked on a house for Cullen. Pollock wanted him

⁷⁵Colonial Records, Vol. II, pp. 715.

⁷⁶Colonial Records, Vol. II, 96-97. Overman employed at least one slave. See case: "Jacob Overman: of ye precinct of pasquotank; by Edward Moseley [a lawyer used often] his attorney comes to pros his Information against William Willson Lawyer" ...Did on or aboute ye 20th day of December ano; 1712/13 without ye leave or knowledge of him ye Said Jacob Sell & Deliver unto a Man Slave to him belongen named petter a Turckey Cock to ye value of five Shillings to ye Grate Damage of him ye Said Jacob". The Jury found Willson guilty and ordered Willson to pay Overman ten pounds. Overman accepted forty shillings and remitted to remainder on the condition that Willson pay the accruing costs for the suit.

paid for "the covering the house, doeing the Cormant Windows, and making upe the Gavell end of the Sd. House." ⁷⁷

Other wills provide glimpses of the goods that were available to the community and account for some of the debts recorded. In looking at inventories, one sees the wide range of goods traded during the early to mid-colonial period in North Carolina. Merchant Captain Valentine Bird's estate was valued at about £583.⁷⁸ One hundred and one different items were listed, including: "2 dozen & 4 Course Napkins...23 round and square bottles,...51 pewter Dishes.... 1 dozen pewter plates...1 Tankard and 1 Dozen Silver Sppons...2 hair brushes and 10 chairs," among kitchen supplies, four bed rugs, two feather beds, nine sheets, a table and several chests and trucks with drawers, books and many more goods. In 1717, Mary Porter, wife of a prominent merchant, left to her daughter, Elizabeth Porter, "Six Silver Spoons, each weighing Ten Shillings, Sterling at least; and one Iron Pott & Pott hooks, and Twelve Soup Plates."⁷⁹ To her son Joshua she left"

"one Ticken feather bed, and bolster, and Two Pillow, one feather bed covered with Canvas and bolster, and one Pillowe, three pillow cases Suitable, two pair fiane Sheets, Two pair Coarse Sheets, one Set of Red watered Curtains and Wallons, one Spotted worsted Rugg, Red Rug, Two pair good Blankets, 1 Flowered Bed Coverlid, Bestead that Stood in the Hall Chamber, Six Rusialether Charis,

⁷⁷North Carolina Wills and Inventories, pp. 342-347.

⁷⁸Ibid., pp. 472-474.

⁷⁹Ibid., pp. 357-360.

one one of the large looking glasses, and my largest and one middling Iron pott, the large Andirons, a large double brass Skillet and Trevit, one brass Candlestick, one pari brass Scales and Weights, on pair of Stilliards, two Diaper towels, a pewter mustard pott, the Coarsest of brass riddles, my Dantzick locks Chests, a lime sifter, a Case of Knives and forkes, a Cross cut Sawe , a writeing Desk, four Pewter Prringers, one earthen Porringer, ten Pewter Plates, 1 Iron pestle, 1 Ash Table, 1 large Soup Pewter dish, one large shall Dit, one middle sized Dto, 1 large and 1 small Pewter bason, 2 Earthenware bason, and 2 Pewter D, one Set of Wedges and Six wooden Chairs, 2 Joint Stooles to wodden turned Chares, 2 Iron trammels 1 ss butter (?) 1 small brass Kettle, 1 pewter Chamber pott, Mill Salt, 1 Iron Chafing dish, a pari Cloth brush afroe, a nd Curryng⁸⁰

Amazingly this was only a small amount of the goods she owned.

Both Bird and Porter were from successful merchant families, but such inventories also hint at the goods colonists purchased through them.⁸¹

A few remaining accounts from the seventeenth century show specific goods. For example, John Phillpot, "debtor" by an account dated October 1694, purchased muslin, a knife, stockings, needels, linnen, rum, sugar, and shoes.⁸² William Glover purchased shoes, rum, powder and shot, soap, tools, linen, blanket, thread, cloth, buttons, silk, and writing paper. Richard Nailor recorded a debt to the Planters in April

⁸⁰Ibid., pp. 359.

⁸¹See, Lois Green Car and Lorena S. Walsh, "Changing Lifestyles and Consumer Behavior in the Colonial Chesapeake" in Of Consuming Interest. They noted that beginning in 1680s in the Chesapeake a change in material culture among the elite towards owning an increased number of luxury goods.

⁸²Higher-Court Records, 1670-1696, pp. 447.

of 1696 for eight monthes sixteen days "diet" and for a debt
"To John Clark nailers maite for deyett washing, one pare of
stockings,..one pair of shoves... 8 pounds 7 pence."⁸³

Death itself could produce an account. For example, "Mr.
Rober Cannon Deceased" was debtor to Mrs. Ann Durant for
attendance at two pounds ten shillings, and charges for coffin
making of seventy foot plank and one hundred nails, and for
clothing of "one Holland shirt, one Holland sheet, one
handkerchief and cap, two qrts. rum and funeral charges" for a
total of ten pounds.⁸⁴

Many of the goods traded related to clothing and diet,
such as in the case of John Bacheler, a debtor in 1698 whose
account survived. He owed Blaney for:

To A [caster] hatt	1:00:00
To one paire of wosted stockings	06:06
To 2 kinfes	0:01:06
To 1 pair of shoo Buckles	0:00:06
To 1 Inkhorn and 3 Nedles	0:01:06

	1:10:00

Wee Whose Name are under written weare present and
doe atest upon oath that John Blaney delivered the
above mentioned goods unto John Bacheller: witness
our hands one the day above mentioned,"⁸⁵

Another account recorded purchases of a canoe and cloth.

"Cornale Hartely debter November the 20 1691	
To a new Connew	04-00-00
To Hanaballs Haskings bill for	03-09-00

⁸³Ibid., pp. 448-450.

⁸⁴Ibid., pp. 448-450.

⁸⁵Higher-Court Records, 1697-1701, pp. 228.

And by Tho. Evens you made yourself debter to me

01-11-02

09-00-02

An Account of Goods I had of Mr. Hartley and a bill
turnd over to him

To 8 yards and 3 quartrs of Sharge at 6 shillings

02-12-06" ⁸⁶

Thus, in late seventeenth and early eighteenth century North Carolina colonists engaged in trade, used the courts to secure their credit system in ways not generally attributed to such early frontier colonial communities. In 1719 the courthouse was finished. Although for a few years court occasionally drifted over to the nearby tavern. Shops and taverns surrounding the courthouse centralized part of the local economy. By the 1720s, the port town of Edenton was established and the region took on some of the centralized settlement characteristics of a community surrounding a port town. But trade had taken place in the absence of a town, the market for goods independent variable of town settlement. Before 1719, taverns served as court and shop, making taverns as central to the local economy as credit and court systems.

⁸⁶Ibid., pp. 113.

Chapter 4

"THE CUSTOM OF THEIR HOUSE": TAVERN KEEPERS AND LOCAL TRADE

In September of 1694, Diana and Thomas White complained in court that Thomas Hassold withheld from them "reasonable account of certain debts book accounts and writing belonging to the Ordinary kept at the house of the said Diana."¹ Diana's marriage to Thomas White sparked a series of litigation that helps reveal the multifaceted trade functions of tavernkeepers in early colonial Albemarle. In a deposition filed the fifteenth of August, Diana and her new husband complained that Hassold had agreed to a copartnership with Diana for "holding and keeping an Ordinary" at her house, where "Diana held and kpt and Divers Debts to the common use and profit of the said Tho. Hassold and the said Diana as well upon the Publick account as from divers the Inhabitants of this County was Made and remain due." Thomas Hassold, however, withheld the contract and the tavern accounts from the Whites "intending

¹William S. Parker, Jr., ed., North Carolina Higher-Court Records, 1670-1696, (Department of Cultural Resources, Division of Archives and History, Raleigh, North Carolina: 1774), pp. 25. Hereafter listed as Higher-Court Records. Ordinaries also called taverns, public houses, dram shops, and inns provided a center for local exchange in this early colonial community. I use tavern, when at first the colonist called them ordinaries or inns simply because tavern is the term most people are familiar with.

the Plaintiffs to defraud the Writing the aforesaid contract and agreement between them."² Without the accounts the Whites could not collect debts at large, nor know what was due Diana as specified in the contract. The Whites asked the court for 100 pounds in damages.

Diana's case and others like it reveal several aspects of the local economy. First, taverns, trade and the court system were intertwined in the early colonial period.³ Tavern keepers regularly hosted court until 1716 when court moved to the Edenton courthouse. Even then court migrated to the local tavern out of habit. Tavernkeeper's brought debt suits resulting from trade to court hosted by them, another tavernkeeper or merchant. Second, taverns also functioned as credit houses and shops. Therefore, as one of the central institutions in early colonial society, tavernkeepers served multiple community functions and facilitated community trade. Most studies on taverns have focused on drinking and culture,

²Ibid., 77.

³Scholars sometimes point to a distinction between taverns and ordinaries based on size lodging and amenities offered. See Paton Yoder, "Tavern Regulation in Virginia: Rationale and Reality" The Virginia Magazine of History and Biography, 87(3), pp. 262. Others make reference to a distinction but discuss them interchangeably. See, Bruce Daniel, "Another Type of Meeting House: Puritan Ordinaries and Provincial Taverns in Colonial New England," New England Journal of History, 52(2), 1994, pp. 19 and Alan Watson, "Ordinaries in Colonial Eastern North Carolina," North Carolina Historical Review. 58(1), pp. 1-22.

rather than the significant commercial role of tavernkeepers.⁴

Third, Diana's central presence affirms early colonial women's participation in community trade relationships. Women, as tavern keepers, acted in the public realm. While taverns remained a central hub of trade and the court, women played a more active and public role in their community than generally assumed.

Other scholars note the centrality of taverns to community life, and a few remark on taverns courthouse role in the early colonial period and later in frontier regions.⁵

⁴Most scholarship is focused on tavern culture, alcohol trade and political culture. See, David Weir Conroy, In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts (Chapel Hill: University of North Carolina Press, 1995) and Peter Thompson, Rum Punch & Revolution: Taverngoing & Public Life in Eighteenth-Century Philadelphia (University of Pennsylvania Press: 1999). Conroy argues that taverns "became a public stage upon which colonist resisted, initiated, and addressed changes in their society. Indeed, in these houses men gradually redefined their relationships with figures of authority," pp. 11. Thompson argues that in Philadelphia "tavern going initiated political as well as social change in the city." He documents the variety of taverns, pp.19. Like his study, most of the scholarship on taverns "explain the meaning of the legal, economic and social standing of Philadelphia's various public houses; the services these houses provided; the uses to which they were put' and the degree to which these factor both influenced on anothers and changed over time," pp. 6. He argues over the second half of the 18th century changes in tavern use reflected larger societal changes visible in public spaces where conflict and tension displayed fissures in class relations. His and other studies focus on drink and the drinking trade and culture. See also: Kym S. Rice, Early American Taverns: For the Entertainment of Friends and Strangers (Chicago: 1983), Mark Edward Lender and James Kirby Martin, Drinking in America: A History (New York, 1987) and W.J. Rorabaugh, The Alcoholic Republic: An American Tradition. (New York, 1979).

⁵Several studies on taverns have suggested the importance of taverns to establishing and maintaining cultural norms. See, Peter Clark, The English Alehouse; A Social History, 1200-1830 (London, New York, 1983; Diana Z. Rockman and Nan A. Rothschild, "City Tavern, Country Tavern: An Alaysis of Four Colonial Sites, " Historical Archaeology, XVIII (2),

Studies on the court system neglect the role of taverns during the early colonial years, or the role of courts in trade patterns.⁶ In Virginia in the eighteenth century, C.J. Farmer notes that courthouses and taverns were sites for trade.⁷ While he does not comment on court being held in taverns, he does link their respective roles in the community. Daniel Thorp recorded a county justice holding magistrates court at a North Carolina Moravian tavern as late as 1763.⁸ Historian Laurel Thatcher Ulrich's community study on rural Maine of the eighteenth century notes that

1984) and Conroy, In Public Houses. See also, Sarah E. Sargent, Elixabeth and Thomas Roper, "Proprietors": Tavern Keeping in Colonial Virginia," Virginia Cavalcade, 48(1) 1999, pp. 4-13. While this study is focused on the later eighteenth century, the proximity of taverns to courthouses was noted.

⁶A.G. Roeber, "Authority, Law, and Custom: The Rituals of Court Day in Tidewater, Virginia, 1720 to 1750" William and Mary Quarterly, Third Series, 37(1), 1980, pp. 29-52. Roeber writes, "The courthouse was located at a crossroads near the center of the county, on a green with a tavern or ordinary close at hand. By the 1720s, the old wooden frame courthouses were giving way to new building that wer the boasts of the Shires." His work is centered on the later courthouses and he gives no evidence nor citations for his assumptions about earlier courts. In South Carolina, John E Douglas in "Judiciary Without Jurisdiciton: A South Carolina's Experiment With a County and Precinct Court System, 1720-1730" South Carolina Historical Magazine, never discussed where the courts were being held. Donna Spindel, "The Administration of Criminal Justice in North Carolia, 1720-1740, The American Journal of Legal History, XXV (1981), pp. 141-162 studies crime in North Carolina, but it too refers to the court being held but not where the court actually was held. That the place was not the focus of these studies, but silence assumes that court was always held at courthouses and this was not the case.

⁷C. J. Farmer, "Persistence of County trade: The Failure of Twons to Develop in Southside Virginia during the Eighteenth Century," Journal of Historical Geography, 14(4)1988, pp. 332.

⁸Daniel Thorp, "Taverns and Tavern Culture on the Southern Colonial Frontier: Rowan County, North Carolina, 1753-1776," The Journal of Southern History, LXII (4) 1996, pp. 675.

taverns functioned as courthouses.⁹ New Hampshire historians, Donna-Belle and James Garvin argue, "Provincial government in New Hampshire began in the tavern and remained centered there until after 1750." After this period they note that taverns still remained a center of political and business discussion, arguing, that "even with these impressive private rooms available [governor's house and lieutenant governor's house], both Council and Assembly met most often in public houses...almost until the inauguration in 1767 of John Wentworth, New Hampshire's last royal governor, most of the public business of the province was carried out in a succession of Portsmouth taverns."¹⁰ For example, Thomas Packer, followed by his son, Thomas Packer Jr., owned a tavern, built in 1696, that served government functions throughout the 1700s. Packer had built two rooms at one end "court house and Council Chamber." The Council ordered the tavern fortified as a garrison in 1705.

⁹Laurel Thatcher Ulrich, A Midwife's Tale: The Life of Marcha Ballard based on Her Diary 1785-1812. (Vintage Books, 1990) pp. 99, 144-145, While this book covers a later time period it can be argued that the frontier conditions of the two communities make them suitable for parallel study. Court was held in Hallowell at Pollard's Tavern until 1790 when a courthouse was finally built. Mrs. Pollard was one of Martha's daughters. The tavern was also the center of social life for younger folks.

¹⁰Donna-Belle Garvin and James L Garvin , On the Road North of Boston: New Hampshire Taverns and Turnpikes (New Hampshire Historical Society, 1988), pp. 129.

Holding court in a tavern was not without problems. In July, 1701 the Assembly resolved that, "The Publicque Affairs of the House of Representatives being much Obstructed by Persons Sitting and Lying on the bed, Voted That Whosoever hence forward Either Sitt or ly Down Shall forfeit three pence To the house." In 1723, Packer's daughter inherited a lifetime tenancy along with the tavern license and "the building continued to serve at least some governmental functions until the 1740s." Hosting court was not without risks either. For instance, "when, Ann Sylton submitted her bills for providing 'house room, firewood & candles' to the Inferior Court of Common Please, the Superior Court, and the juries from 1753-1755, she included a L5.0.0 charge for 'Breaking windows, Chairs, &c.'" ¹¹

Taverns in Albemarle functioned like taverns in frontier areas in the colonies to the north.

In Albemarle court took place at local taverns on and off from initial settlement in the 1670s until the 1720s. Although historian Alan Watson noted, "The first recorded petition for an ordinary in Perquimans at the county courthouse was in 1739 by Samuel Palmer," ordinared operated long before this

¹¹ *Ibid.*, pp. 129-132.

petition.¹² An act of Assembly in 1712 set aside land in Queen Annes Town, which would later be known as Edenton, for a courthouse and other public buildings. The first recorded use of the courthouse was July 31, 1716. However, later that day the court met at William Branch's house.¹³ The next five sessions of court were held at Branch's house. In 1718 when the court was finally fully held at the courthouse, Branch had bought land in town near the courthouse. In July of 1719 William Branch "was brought to court for selling "Liquor and Victuals contrary to the Law of this Province."¹⁴ He apparently did not have the required license, but, his case was dismissed.¹⁵ William Branch's tavern was the last at which court was hosted regularly.

A string of tavernkeepers hosted court from the 1680s to 1720s. From 1689-1694 Diana Harris Foster White hosted court nearly continuously. She brought her debt cases to court *while she was hosting* the court in her tavern, just as several Court hosts would later do. Her cases were more unusual than the others for two reasons. One, the number of cases brought forward in such a short period of time was greater than other tavernkeepers. Two, she was a woman, and one of four women

¹² Watson, "Ordinaries," pp. 74.

¹³ Marc Brodsky, The Courthouse at Edenton: A History of the Chowan County Courthouse of 1767, (Chowan County Edenton: North Carolina 1989)

¹⁴ Colonial Records, Vol. II, pp. 363, 369-370.

¹⁵ Ibid., pp. 402-403,.

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who hosted court without their husbands, although the other court hosts had wives.

Diana's unfortunate marriage, and her bad luck in a business partner resulted in a more detailed account of business at a court tavern. She kept the tavern with her prior husband, Thomas Harris, as early as the 1670s. Thomas Harris brought a suit against Herman Smewin in the September court of 1670 held at the house of Samual Davis.¹⁶ This was probably a debt case resulting from Harris' trading or tavernkeeping. We know for sure that he and Diana married by 1673, when depositions taken in 1676 in the case of Thomas Miller against the king, named her as the wife of Thomas. In the same case, John Culpeper signed a similar deposition, stating that "being at the house of Thomas Harris...[Miller declared] It never was good time in England since the King came in nor ever would be so long as there was a King in England." Diana in her own deposition stating, "Diana Harris aged 32 yearers or thereabouts saith that Thomas Miller being in hir house." Placed herself centrally in the running of the house.

Several other depositions imply that the Harris' hosted a tavern from 1673-1675 where much of the turmoil and riotous speech of the Culpeper Rebellion took place. At that time,

¹⁶ Higher-Court Records, 1670-1696, pp. 4.

William Cockin, Thomas Willis and Jonothan Nixon were present. John Davis, also a court host, recalled Millers speech at his own house. Nixon "did heare a discourse between on Patrick Jackson and Thomas Miller, "at ye House of Francis Godfrey." John Dye also attested to this latter exchange.¹⁷ Such political discussions and turmoil are well attributed to taverns in the later eighteenth century.

The 1670s were politically chaotic in North Carolina. A break in court records until the 1680's coincided with the turmoil represented by these depositions. When records are again available, we learn that Thomas Harris, Diana White's first husband, died sometime prior to March 1680 when letters of administration were granted to William Foster, her second husband. The court appointed Mr. Durant, Mr. Hinkely, Capt. Crawford and Thomas Harvery as appraisers.¹⁸ In November, 1681, his estate came to court for a debt to Francis Godfrey's estate of "one thousand one hundred and sixty pounds of Tobacco and by account one hundred seventy and two pounds of

¹⁷ Colonial Records, pp. 314-317. "The deposition of Diana Harris aged 32 yeares or thereabouts saith that Thoms Miller being in hir house in discourse sd yt of all Religions in the world the Cavallrs are the veriest rogues & Thomas Willis answered why soe & Thomas Miller replied agine how can there be righteous dealing when ye King hath his hand in a whores placket & further saith not." Davis hosted the court in July and September 1670, May court of 1673 was held at Francis Godfrey's. Higher Court Records, 1670-1696, pp. 3,4, 6. The only other court listed is held in 1681 at George Durants, the next listing is at Jno. Harris 1691, pp. 11, 15.

¹⁸ Higher Court Records, 1670-1696, pp. 9.

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Tobacco and beside two Thousand of eight penny Nailes and three hundred of ten penny nailes." William Foster, in "marrying the Relict of the said Thomas Harris and possessing himself with his said Estate" settled the debt.¹⁹

William Foster died sometime between 1681 and 1689. According to a petition by Thomas Tull Humbley, John Harris, Diana's son, hosted the February fourth 1689 court session.²⁰ In 1691 with the return to consistent court recordkeeping, John, or Jonothan as he is also called, Harris regularly hosted court that year.²¹ At this point Diana was running the tavern with him, or more likely for him, since the following suit named her and not her son. A deposition entered in court on September 6, 1694 stated, "Thomas Clark plantif declares

¹⁹Ibid., pp. 10-11. The debt was owed to Francis Godfrey, deceased and William Therrill his adminstrator and guardian of his two grandchildren. Francis Godfrey must have had guardianship over the grandchildren. John Godfrey was to choose his own guardian. He may have been an underaged son, but old enough to choose, or an older grandchild. The case does not specify, pp. 10-11. That same year 1680 William signed a petition to King Charles 2nd claiming they suffer from the rebellion and that the Kings customs are drained by the rebels, Sothwell as Governor has been ineffectual and they see help in repressing the rebels. Twenty-nine men signed the document. (including Thomas King). Thomas Millar, collector of customs also petitioned the King for help, "it now appears that some of theords dsigne no other then te continuance of the present state of thisng there under the rebels, who stil continue prosecutieing your Petitioner for his escape, and all thosewho hve opposed them by heavy fines imprisonment Banisment Loss of Eares &c...all this merely to justify the said Rebellion, and discourage all persons fromseekeing any redress," pp. 305-308.

²⁰Higher-Court Records, pp. 74. A nonsuit was declared, but he was petitioning a later court for nonpayment of costs and thus recounted the original suit and location in a deposition to the court.

²¹Ibid., pp. 13,15. Court was also held in May and February of 1690/1691 at "Jonathan Harris's house."

against Thomas White and Diana his wife in an action of the case for that whereas the Defendant Dianah then knowne by the name of Diana Foster being in Copartnerhsip with John Harris her sonne in keeping of an Ordinary the Plantif On or about the yeare 1691 did sell and deliver to the said John Harris ... a quantify of beef." John agreed to pay 4L 5 shillings in "Merchantable pork convenient at Yawpim."²²

At some point after 1691, Diana Harris Foster took Thomas Hassold on as a business partner. This partnership, combined with her subsequent marriage to Thomas White, would later result in an unusual cluster of court appearances. While in partnership with Thomas Hassold, Diana hosted several courts in 1693 and 1694.²³ At one of these sessions she met and later married Thomas White. Following this marriage, records indicate Thomas White hosted court during the 1694 year.²⁴ He died three years later after throwing Diana out of her house and ruining her financially.²⁵

²²Ibid., pp. 58.

²³Colonial Records, Vol. I, pp. 392, 399; Higher Court Records, 1670-1696, pp. 20.

²⁴Higher Court-Records, 1670-1696, pp. 21, 23. Colonial Records, Vol. I, pp. 405, 423 and 442. Court was held at Whites, in September 1694, November 1694, February 1694[1695], That February he also hosted the Court of Chancery. Need to list case that uses her former ame of Foster. See court action listing Diana as his wife. In 1697 Diana White is in court making an oath on the inventory of her desceased husbands Thomas' estate. Higher Court Records, Vol. II, pp. 26.

²⁵Higher Court Records, 1670-1696, pp. 429-430. "To the honorable Coart now Sitting the Petition of Diana Foster alis White most humbly Sheweth That your petitoner out of the hope trust and Confidence she ad that

Court then shifted to a number of other houses, some known to be taverns. Thomas Nichols hosted court in January 1696[97].²⁶ In October 1697 and January 1698, Thomas Blunt, a merchant, held court.²⁷ In April and October 1698, January [1698]1699, July 1699, January [1699] 1700 and October 1700 courts were held at James Oats' house.²⁸ The April 1701, and January [1701] 1702 court transferred over to Anthoney Dawson's.²⁹ Captain James Cole and his wife Mary hosted court in April 1702, July and November 1702. He alone held court January 1703, February 1703, March 1703, July 1703,

Thomas White of the County would prove a true loving and faithfull husband to your petitioner did agree unto and Contract matrimony and was about Whitsuntide last married to the said White investinge him with her whole Estate the which hee having gotten into his Custody Contrary to your petitioners Expectation and trust she had in him he the said White doth slight neglect and disregard [torn] things necessary to her great grief trouble and sorrow; and not only soe but hee hath of late sold the most part if not all the goos andfurniture of the hous under pretence of payinge his debts for which hee had noe accasion soe to doe; takeinge me your petitioner by the shoulder and shuffling me out of dores saying take your Cloaths and bed and be gone and I will allow you ten pounds a yeare to maintaine you; since which tyme he the sayd White hath taken the said bed and furniture from your petitioner soe that your petitioner is destitute of a Convenient Lodginge and all other necessities, wherfore your petition humbly Craves your honors will be pleasd to take into your serious Consideration the deplorable Condition of your distressed petitioner and grant order that she may have her bed and furniture with other necessities houshold stuff and what allowance your honors shall thing fitt for her maintainence and your petitioner as in duty bound shall for Ever Pray, Diana Foster."

²⁶ Colonial Records, Vol. I, 478.

²⁷ Ibid, pp. 487. At this court Diana White is involved in cases alone without her husband against Captain Henderson Wals and Coronel William Wilkenson executors to Majore Alex Lillington.

²⁸ Ibid., pp. 493, 495, 520, 524, 531, 534.

²⁹ Ibid., pp. 548, 561.

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and October 1703.³⁰ Dennis Maccledon held court in April, July and October of 1704 and again in January [1704]1705 April 1705, January [1705]1706. Mrs. Deborah Maccledon's hosted the July 1706 court. Dennis probably died.³¹ The Godfreys and Hecklefields hosted court extensively from 1709-1715. Hecklefield shows up in a lot of debt cases, which suggests that he engaged in trade along with whatever tavern keeping service he rendered to court.

Moving court taverns occurred until William Branch hosted the last court held outside of the courthouse. Once the courthouse was finished, the first suits against tavern owners for breaking liquor laws were brought forward. Even more interesting, the very first suit involved William Branch, the last tavern keeper recorded hosting court. In July 1719, William Branch "was brought to court for retailing liquor without licences and selling Liquor and Victuals contrary to the Law of this Province."³² Later that year, in November, "John White of the Indian Town in Chowan Precint" answered charges "for selling and retailing Liquors without Lycence."³³ The Branchs were back in court the following year, Francis Branch of Chowan answered

³⁰Ibid., pp. 562, 564, 573, 575, 577, 579, 581. His wife is listed on a Sale of land in 1705, p. 617.

³¹Ibid., pp. 612, 617, 619, 622, 624, 649.

³²Colonial Records Vol.II, pp. 363, 369-370.

³³Ibid., pp. 368.

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charges for "selling Rum by Retail without Licence at Chowan on or about the 18th March last."³⁴ In July 1720, Francis Branch, "acknowledged himself to be Indebted to our Sovereign Lord the King in the sum of Tenn Pounds" and were to appear in the next court to court for selling liquor without license.³⁵ Francis came to court again in March of 1721, but "there appearing no evidence against him" the court dismissed the charges.³⁶ David Ambross also answered charges for retailing liquor without license in Chowan about December 28, 1719.

While law dictated that tavernkeepers be licensed by the governor, licensing, as these cases suggest, was irregular at best.³⁷ Ordinary keepers licensed at precinct court had to pay 2 L to the Governor and those licensed by the General court paid 4 L, to the Governor. No other fees paid to the Governor rivaled this expense.³⁸ Laws regulating taverns were irregularly enforced as well. Just prior to the building of the courthouse, a series of laws enacted in 1715 expressed community concerns over

³⁴ Ibid., pp. 401, 405.

³⁵ Ibid., pp. 404-405.

³⁶ Ibid., pp. 439.

³⁷ Watson, "Ordinaries," pp. 68. Governors licenced taverns until 1741.

³⁸ State Records of North Carolina, pp. 83. The nexgt highest fees were 1 pound 12 shillings for entering and clearing Foreign Vessels and 1 pound 10 shilling s for sales of over 640 acres of land. All other fees were 50 shillings or less.

extortion by tavern keepers, and inaccurate and irregular measures for sale of alcohol.³⁹ In 1741, the assembly replaced this law with a more expansive law which opened by stating, "Whereas the Laws at present in Force in this Province, have by Experience, been found ineffectual for the due Regulation of Ordinaries, and other Houses of Entertainment."⁴⁰ "Ineffectual" may well be an understatement. Tavernkeepers were not to let anyone get drunk on Sundays and were not to "Harbour any Seaman, Servant, or Slave". The fine for selling liquor without a license was five pounds "proclamation Money" and "he or she so offending, shall immediately, by Order of the Court before whom such Conviction shall be, receive, at the Public Whipping Post, on his or her bare Back, Thirty lashes, well laid on, for the First Offence, in Lieu of the said Fine."⁴¹ None of the cases against illegal taverns in the courts had sufficient evidence (or willing witnesses) to convict.

A half century later the situation remained unchanged. Daniel Thorp cited backcounty North Carolina cases of William Temple Coles and John Lowrance. He noted Cole, "who

³⁹Ibid., 79.

⁴⁰Ibid., 182.

⁴¹Ibid., 184.

was named to the county court in 1769, ran an unlicensed tavern himself until 1774, when he first obtained a license." Both the men brought suits for "the nonpayment of debts incurred through the purchase of liquor in quantities that could only be sold with a license, which neither plaintiff had at the time of the sales."⁴² This may have been the case for William Branch, who had hosted court in the years immediately preceding the building of the courthouse.

This certainly was true of ordinarykeeper Thomas Parris. Like Diana Harris Foster White twenty years earlier, Parris ran a tavern that functioned as a center of local politics. In 1725, the court ordered payment of 15L to Thomas Parris for a dinner served to the Council during an April 15 1724 session. (William Reed, Christopher Gale, John Lovick, Edward Moseley, Thomas Harvey, John Blount, Thomas Pollock, Arthur Goffe and Robert West were council

⁴²Thorp, "Taverns and Tavern Culture," pp. 670. Philadelphia taverns also had similar rules. See, Thompson, A Social History of Philadelphia Taverns, licensing varied by colony. Fees were collected from tavern licenses granted by the courts. Rice, Early American Taverns, pp. 61. In Philadelphia in 1686 at least 6 taverns were documented, by 1756 there were a little over on hundred. Thompson, Rum Punch and Revolution, pp. 2. This dramatic rise follows the sizable increase in the city population during the early 18th century. One in ten houses sold liquor, legally or illegally. See Thompson, pp. 134-136. In Boston in 1765, 1 in every 13 houses was licensed. This worked out to roughly 1 public house for every 116 in habitants. Conroy, In Public Houses, pp. 142.

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under Governor George Burrington.)⁴³ Court no longer took place regularly at local taverns, as in Diana's day, but the tavern remained a central political element.

Parris figured centrally in local political turmoil. In 1725, the court accused Burrington of speaking, "Sr. Richard is no more fitts to be Govenor than a Hog in the Woods and that he is a Noodel and an ape & also to Thomas Parris then present he the sayd George did say Damn You Tom are all your Countrymen such Fooles." This incident took place nine months prior to a riot that occurred early December of 1725. Burrington attacked Everard's house, and then also the house of Thomas Parris, "attempting to break open the doors of his house and threatened to murther him the sayd Thomas and his Family and particularly Adam Cockburne Esq: Collector then a Lodger in his house. "Susannah, Thomas' wife, also "abused" ran for help to save her husband who was being beaten by Cornelius Harnett under George Burrington's direction.⁴⁴ Thomas himself was a member of the lower assembly in November of 1725 and April 1726. George Burrington was also part of the assembly despite the incident.⁴⁵ During May 1726 court Parris prosecuted George

⁴³ Colonial Records, Vol. II, pp. 527-530.

⁴⁴ Ibid., pp. 648-650.

⁴⁵ Ibid., pp. 575, 608-11.

Burrington, John Richards and John Vanpelt for assaulting his house and threatening to murder the family. The case was thrown out for on a technicality. A year later Richard Everard was Governor and the February Council 1727[8] at which the Council "Ordered that a New Commission of the Peace Issue for Chowan precinct directed to the old members and Thomas Parris."⁴⁶

While functioning as a host for the court system in which debt cases predominate, tavern keepers also functioned as mediators for trade and tavern keepers engaged in trade themselves. For example in South Carolina an Anglican itinerant Charles Woodmason wrote around the 1760s, "Magistrates have their Sitting - Militia Officers their Muster - Merchants their Vendues- Planters their Sales, all on Saturdays...and as all these Meetings and Transactions are executed at Taverns" he complained that fewer people met at church on Sundays.⁴⁷ In Philadelphia, tavern keepers in the early 18th century engaged in trade. For example, in 1747, John Clifton in addition to his tavernkeeping sold "a wide variety of cloth including Britannias, cambrice, sheeting linen, 'taffatie,' broad cloth, and scarlet yarn hose. His pharmaceutical stock came

⁴⁶Ibid., pp. 724.

⁴⁷Thorp, "Taverns and Tavern Culture," pp. 663.

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to include gum guaiacum, manna, myrrh, 'aloes' and rhubarb."⁴⁸ Kevin Sweeney argues, "Because of the inability of most households, even affluent ones, to be truly self-sufficient, there existed [in Western Massachusetts] a local market based on the direct exchange of goods and services and the circulation of promissory notes or 'notes of hand' as they were called by contemporaries."⁴⁹ Vendues, meaning public sales, often took place in taverns.⁵⁰ In the town of Deerfield, Major Elijah Williams was the leading storekeeper and a licensed tavern keeper. His inventory "included obvious necessities for a household or farm as well as luxuries such as china handkerchiefs, silk lace, wax necklaces, combs of bone, horn and ivory, stoneware tea dishes, vinegar cruets, looking glasses, snuff and tobacco, wine, and East Indies goods such as tea, coffee, chocolate, ginger, cloves, cinnamon, and pepper."⁵¹ Sweeney argues that most patrons used credit to make their purchases and that most paid off a portion of their debts

⁴⁸Thompson, *A Social History of Philadelphia Taverns*, pp. 192. Other tavern keepers engaged in speculation buying contents of ships to sell, others were involved in trade but only for short periods.

⁴⁹Kevin Sweeney, "Gentlemen Farmers and Inland Merchants: The Williams Family and Commercial Agriculture in Pre-Revolutionary Western Massachusetts" *Dublin Seminar for New England Folklife*, vol. VV (1986) 66.

⁵⁰See Thompson, *A Social History of Philadelphia Taverns*, 196, for examples of vendues held in taverns in Philadelphia.

⁵¹Sweeney, "Gentlemen Farmers," pp. 69-70.

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within six months to a year, explaining, "They cleared their accounts by charges-notes of hand or orders of receipts from their parties-(30 percent of the credits recorded), cash (24 percents), real estate (16 percent), barter, usually livestock or wheat (15 percent), and labor or services (14 percent). Customers at the tavern were more likely to use labor (44 percent of credits) or barter, usually foodstuffs (43 percent)"⁵² Even in New England taverns served an important social and economic role. Bruce Daniels argues, "owners of places such as these made their primary income from another source: farming, retailing, and so forth."⁵³

Thorp's study on backcountry retail noted that in small towns and ports of the frontier region of North Carolina, taverns served as merchant houses exchanging corn and pork for other provisions, goods and spirits.⁵⁴ Among many public functions, he contends that taverns were also "the merchant exchanges where buyers and sellers met to haggle, and the auction galleries where cargoes and estates

⁵² Ibid., pp. 70.

⁵³ Daniels, "Another Type of Meetinghouse," pp. 19.

⁵⁴ Daniel B. Thorp, "Doing Business in the Backcountry: Retail Trade in Colonial Rowan County, North Carolina," William and Mary Quarterly, Third Series, 48 (3) 1991, pp. 387-408 and Daniel Thorp, "Taverns and Tavern Culture on the Southern Colonial Frontier: Rowan County, North Carolina, 1753-1776," The Journal of Southern History, LXII (4), 1996 pp. 661-688.

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were sold."⁵⁵ Furthermore he argues, "Taverns, stores, and grist mills were intermediaries through which county residents exchanged their products and labor more efficiently than in simple barter or direct sale."

In making his point, he cites an example of the credit system in action noting, "Tomas Hemphill sold leather to John Lowrance, who owned a store and a tavern, for L2 6s 7d to cover his own purchases of liquor and store goods, and part of these earnings were credited to the account of Samuel Carson, a shoemaker to whom Hemphill owed 1s 6d."⁵⁶ He later writes, "Ironically, drinking may not have been even the major economic activity going on in Rowan County taverns."⁵⁷ Tavern keepers in developing colonial regions served the courts, served liquor, food and the local economy. Albemarle's tavern keepers played similar roles in the local community and economy.

The most prominent tavern in Albemarle, at least in the court records of the 1690s, was Diana's. Beginning in the year of her marriage to Thomas White in 1694, she and her husband brought a tremendous number of small debt suits to court. Diana was engaged in some form of trade beyond

⁵⁵Thorp, "Taverns and Tavern Culture," pp.662.

⁵⁶Ibid., pp. 668.

⁵⁷Ibid., pp. 674.

tavernkeeping as early as 1689 when the court recorded Diana's suit against "Jno. Tummy" "for a sadell thirty shillings being Due by on a Count." She signed the complaint October 21, 1689, "Dianah Foster" with her X mark.⁵⁸ A later court document while not pertaining to the sale of goods, suggests that Diana had goods to be stolen. In this instance, Thomas King was "Indited for feloniously stealing severall Goods from Mrs.Diana ffoster." ⁵⁹

The debt suits brought forward in the 1690s by Diana and her third husband Thomas White give some insight into the accounts she kept in the community. For example, Thomas and Diana brought "an action against John Wilson of Pascotanck Precinct Cooper in a Plea of the case For that the said Wilson refuseth to render to them the summe of Eight pounds five shillings and seven pence which is due to them by account contracted to Diana the Wife of the said Tho. White in her Widdowhood."⁶⁰ In February 1695 the court arrested Robert Kitching on the complaint by the White that he was "Indebted to ye plaintiffs by acct contracted with Ye sd Diana whilest shee was sole tha sume of forty five shillings and nine pence half peny." He agreed on the debt

⁵⁸ Higher-Court Records, 1670-1696, 425. She brought suit as Diana Foster.

⁵⁹ Colonial Records, Vol. I, pp. 397.

⁶⁰ Higher-Court Records, 1670-1696, pp. 23.

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and was ordered to pay it. In another suit, against Robert Moline for an "account contracted wth ye said Diana Whilest shee was sole ye sum of Four pounds seven shillings and one penny and he produceth his account." However, Robert then "produceth an Account in balance of ye acct," leaving only only twelve shillings left to be paid. Moline then argued "that upon demand made by ye said Thomas White he the said Robert Moline tendered his accout with payment of ye Ballance."⁶¹ Thus the court dismissed the suit and the Whites had to pay the costs. Robert Moline next argued he had not made a promise to pay the account of Thomas King, but the court ruled against him and he had to pay the account of thirty-six shillings in pork to the Whites.⁶²

Many other cases point to the amount of credit Diana extended. For example, the Whites brought Patrick Henly to Court in August 1694 for an account of forty-nine shillings.⁶³ William Gennings of Pascotank owed Diana White twenty-one shillings and ten pence.⁶⁴ John Wilson, a cooper of Pascotank, owed her eight pounds, five shillings and seven pence. The jury found for the Whites for the full

⁶¹Colonial Records, Vol. I, pp. 449.

⁶²Ibid., pp. 449.

⁶³Higher-Court Records, 1670-1696, pp. 77.

⁶⁴Ibid., pp. 76

amount⁶⁵ In the Lerry debt case the jury found for the Whites for the full debt.⁶⁶ They brought Thurleo Offe, who held the estate of Toomy, in court for a debt of the Toomy's.⁶⁷

As debt suits mounted, Mayo and Hassold filed countersuits in on effort to collect some of the money Diana owed them, but neither had given the required advanced warning and the court dismissed the suits dismissed with plaintiffs paying costs.⁶⁸ Thomas Hassold's stated that Thomas White and Diana refused to pay twney-one pounds nineteen shillings and four pence, "By accounts and contracts."⁶⁹ The Whites already had him in court for withholding the account books. One of the accounts survived:

Thomas Hassolds charges for "keeping and posting the books as followeth:

July Coart	To keeping and posting july Coart account	12:18:10	00 12 10
May Coart	To may Coart account being	03:17:06	00 03 10
August Coart	To august Coart account being	23:05:11	01 03 03
	To other account out of Coart tyme	05:19:01	00 06 00
	To Collecting 2 tymes posting february august sept. and november Coarts	56:19:11	02 17 00
	To Drawing balancing posting the old book account being	195:18:08	09 15 10
	To jury men Charged to major Lillington not in the Day book	02:12:00	00 02 06
Nov. Coart	To keeping and post 9br Coart Account	78:08:08	03 18 06

⁶⁵Ibid., pp. 79.

⁶⁶Ibid., pp. 78.

⁶⁷Ibid., pp. 95.

⁶⁸Colonial Records, Vol. I, pp. 450.

⁶⁹Higher-Court Records, 1670-1696, pp. 27.

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	papers	12:14:00	00 12 06

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October 92	To 2 Dayes work in gather Corne		00 03 00
	To 2 Dayes work about a Chimny and other things		00 04 00
9ber 92:	To 3 Days work per boy		00 02 00
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	To 3 Dayes work in making gates Laber hors		
	and other work about the house		00 06 00
	To goeing to Yeopim for speritts and[such]		
	2 dayes		00 03 00
	To going to Coltraps for beef		00 01 00
1693	To 3 Dayes work about a Chimny back		
	and other things		00 06 00
	To 3 Dayes work in gathering Corne		00 04 06
	To making a Condition between Pheny Marroe		
	and you and several other writing perusing		
	00 06 08		
	To 1 Dayes writing at your hous		00 02 06
	To 4 Days goeing to yeopim and Drawing several writings		
	00 06 00		
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	[torn] :04 Due to balance	21 01 04 ⁷⁰	

Diana grossed four hundred and twenty-two pounds while hosting court. We know from this account that Diana traded in Yeopim and Coltraps for beef and spirits and that she

⁷⁰Ibid., pp. 62-63.

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had some agreement with Pheny Marroe, possibly concerning trade. Yeopim was an Indian town in Albemarle.

Tavern keeping put Diana in the center of community trade. In one instance she engaged in transferral of cattle: "Mrs. Diana ffoster hath given unto Wm Willoughby a Cow and Calfe ye marke is an over keele andunder keele on ye left ear & a cropp & fouure slitts on ye right ear to him and his heirs for ever."⁷¹ Diana had also, via her son Thomas Harris, bought four pounds five shillings worth of pork from Thomas Clark. His affidavit stated, "Diana Foster being in Copartsnersip with John Harris her sonne in keeping of an Ordinary the plantif On or about the yeare 1691 did see and deliver to the said John Harris for and towards the keeping and maineteyning of the said Copartnership an Ordinary a quantity of beef ... John Harris ...did pass his bill to pay to the plantif the sume of Foure Pounds and Five shilling in Merchantable port convenient in Yawpim."⁷² John Harris also sold cullen stones and agreed to iron work for Thomas Clark in 1691. A deposition from 1694 by Clark and stated that "John Harris being in Copartnership as aforesaid did pass his bill to pay unto the plantif one paire of Cullen Stones and Iron work att

⁷¹Colonial Records, Vol. I, pp. 397.

⁷²Higher-Court Records, pp. 58.

his house in Yawpim at a day Long since past and the said John Oblige himselfe that if the said cullen stones were not paid accordingly that then the Milstons which were then standing in the Defendants house should be his the plantifs." However, he complained Diana, "utterly refuseth to deliver them."⁷³

When the White's brought Robert Kitching and his wife, Francis, as the executors of Jonothan Spencer's estate, to court in 1695 for a debt of Spencer's, Frances Kitching "came and produceth in Crt an acct agst Jno Harris Coparnter." The court then dismissed the Whites suit.⁷⁴ We do not know what goods were exchanged between Spencer and John Harris, or what Diana had sold to the Kitchings. The account against John may represent an exchange of goods between Diana and Francis, or it may have been similar to Millar's description of rural Massachusetts women who increasingly earned cash or store credit through sewing. Recalling Ann Smart Martin and Gloria Main's work, Miller noted that "When Tryphena Newton Cooke exchanged her skill with a needle for goods out of William Porter's shop, she rehearsed a scene that would be repeated, on ever-larger

⁷³Ibid., pp. 58.

⁷⁴Colonial Records, Vol. I, pp. 444.

scales, throughout the town, county, and region."⁷⁵ Diana's clients were not limited to women, nor taverngoers. Her tavern served as a middlehouse in the local economy.

For instance, one account concerning the Whites' debt to Samuel Swan a merchant recorded that White "Paid John Hopkins 395 pounds pork," and "Uriah Cannons 240 pounds pork," and listed an account for 20 pounds sugar, 3 gallon Molasses and "one of Fr. Cosstin for a pr. Of Stockings for them." This account totaled the sum of 6 lbs 19 and 9 pence.⁷⁶ This points to Whites' role in local trade, and Swan may have been one of the White's merchant suppliers. In the end White had credit with Swan, "Per Contr Cr. Expences, public expences and balance due to me" at four pounds 10 shillings and 4 pence.

By January 1697, Diana returned to court, but alone this time. She petitioned to collect a debt from the estate of Thomas Hosseld. The court recorded, "Dianah White peticon ye Court Shewen that Thomas Hossell is Indebtet to hir one pound Seven Shillings And Shee proved hir Account" The court ordered that Thomas Durent, the Execter of

⁷⁵Miller, "Tryphena Newton Cooke," Textiles in New England: Four Centuries of Material Life, Dublin Seminar for New England Folklife Annual Proceedings 18 through 20, June (Boston: Boston University 1999). Ann Smart Martin, "Identity, Consumption, and Domestic Space, 1770-1850" Tenth Berkshire Conference on the History of Women, June 1996; and Gloria Main, _____, "Gender, Work, and Wages in Colonial New England," William and Mary Quarterly, 3d series 5 (1994),

⁷⁶Higher Court Records, 1670-1696, pp. 449.

Hassold's estate to pay her one pound seven Shillings.⁷⁷

Thomas White had died by June 1, 1697 when Diana took an oath in court attesting to the inventory of his estate.

The court "ordered that a table at the house of Diana White formerly lent to Jno. Harris by Colonel Francis Heartley be deliver to [William Duckenfeild]."⁷⁸ Diana then petitioned for thirteen shillings four pence for coming to court as evidence for Isaac Rowden, which he was required to pay.⁷⁹ Thus, she may still have kept a tavern, having the table, and serving as a witness in Issac's case.

The following year, Henderson Walker and William Wilkinson executors of Alexander Lillington's estate brought Diana in to court for a debt, which she agreed was valid and the court ordered she pay fifteen pound one shilling and four pence "In Pork With Cost of Sute."⁸⁰ Lillington and Walker both were merchants and fifteen pounds was considerably more than standard merchant debt suits suggesting that Diana engaged in retail trade herself, and purchased goods and wares through Lillington.

⁷⁷Colonial Records, Vol. I, pp. 479.

⁷⁸Higher-Court Records 1697-1701, pp. 26. Ann Durant also died that year I believe. Walker's wife Ann will then marry Edward Moseley. Her brother was Samuel Swann and Alexander Lillington as listed I Moseley's will as a close friend.

⁷⁹Ibid., pp. 27.

⁸⁰Colonial Records, Vol. I, pp. 489.

Lillington's executors also brought in James Oats for a debt of thirty two shillings and four pence and halfe penny in pork. This smaller amount was commonly seen in merchant debt suits. Oats probably kept larger accounts with Lillington and other merchants though. Through court records his pattern of suits suggests that he also ran a tavern functioning like a shop and credit house. Later that same court James Oats sought payment from Beniamen Gidden for a debt of five pound seventeen shillings and three pence and obtained an attachement against his estate for three sheep a two year old heifer a gun and pasel of wooden lumber.⁸¹ James Oats held court in the years following Diana's disappearance from the records. He bought goods from Lillington, sold stock, a gun and lumber to Benjamin Gidden and pressed numerous small debt suits in court. For instance, in 1703 he brought a suit against Jonothan Morgan for 39 shillings to which Morgan agreed.⁸²

Like James Oates, others probably operated a tavern. The Godfreys held court several times and debt suit patterns suggest that he and his wife ran a tavern and

⁸¹Ibid., pp. 521.

⁸²Ibid., pp. 576, "James Oats come to prosecute his Suit agt Jno Morgan and the sd Jno Morgan appearing, Confesses Judgement Ordered that Jno Morgan pay unto James Oates nine & thrity shillwith Cost of Suit als execution."

shop.⁸³ When Mr Fredrick Jones brought a suit against Thomas Collings for thirty-three shillings and two pence, the court ordered Collings pay this in pork "at the house of Peter Godfrey."⁸⁴ The Godfrey's earlier had shipped in goods at least two different times from London.

Tavern keeper Thomas Parris in the 1720's was very involved in trade. We know that he borrowed 200 hundred pounds of goods and wares from Thomas Harvey when in May 1726, "William Badham Assignee of Collonel Thomas Harvey ... [came] to prosecute his Suite against John Rickard of Edenton in the precinct of Chowan Merchant and Thomas parris of the sayd Town and precinct Ordinary keeper."⁸⁵ Earlier in 1713 Parris was in court to pursue a debt of ten pounds from Solomon Jordine for a boat.⁸⁶ He pursued an attachment against the estate of "Edenton perriwigg Maker the late John Johnston for an accout from 1723 for the sume of seven pounds eleven shillings and seven pence."⁸⁷ This suggests he supplied the wig making products to Johnston. Parris came to court July 1724 to record an indenture of apprenticeship for Robert Kingham and to prove a debt of

⁸³Higher Court Records, Vol. II, pp. 218, 233. 1698 July October General Court was held at Mrs. Elizabeth Godfrey's and Peter's name no longer appears in the record.

⁸⁴Colonial Records, Vol. I, pp. 609.

⁸⁵Higher Court Minutes, 1724-1733, pp. 206.

⁸⁶Colonial Records, Vol. II, pp. 95.

⁸⁷Higher Court Minutes, 1724-1733, pp. 205-206.

five shillings against Thomas Prigeon.⁸⁸ The next year Parris pursued and gained satisfaction for a debt of eight pounds from Thomas Harvey and one of five pounds from Thomas Lee.⁸⁹ These small debt suits indicate a pattern of trade activity.

While the goods exchanged were not often itemized in court cases, some cases suggest the types of goods carried by tavern keepers. One existing account of a tavern debt accrued by the Reverend Doctor Granville, "Due to Ball", shows a few of the goods and wares which exchanged hands in a tavern. Granville began with 24£ cash credit, then charged 90£ 16 S and 3p of food, drink and items. He owed "Ball" 60£ at the end of his stay for various breakfasts and dinners and consumption of rum, punch and sack, brandy and wine. In addition to "cash paid Eliz: Nichols 6 shillings" and "1 piece of Linen" worth 21£. he purchased "1 Dozen Soop Places" worth 7 pounds and "1 Soop Spoon" for 15 Shillings. He also bought on two different occasions one gallon of rum and 1 bottle of lime juice; neither were typical of his daily fare purchases.⁹⁰ Towards the end of his account he bought goods exclusively: 2 Brushes, 2 candle sticks, 3 pounds powder, shott, one bottle lime

⁸⁸Ibid., pp. 60, 32.

⁸⁹Ibid., pp. 118-119, 97.

⁹⁰Old Albemarle County North Carolina Records, pp. 160.

juice, a pound of cheese, one "Lant Horn," one candle stick and "glass Tumb" and two separate packages of eight pounds of tobacco and one "wyer sifter" and one pound tobacco. He also rented a carting horse, a man and cart for one day.⁹¹

Other cases indicated goods traded when they turn up as stolen in the records. For instance, William Williams of Edenton, ordinary keeper, and Frances Williams, his wife, accused Margaret Scott, wife of innholder Batholomew Scott, of stealing a pair of silver buckles from Frances in May of 1726. The Scotts filed a suit of slander against the Williams in the July Higher Court for "intending the plaintiffe's to injure bring into disrepute and of their good name to deprive and their Credit and repute and the custom of their house to lessen and hinder."⁹²

Previously, in October 1725, Margaret Scott was brought to court having been accused of stealing "a parcel of drest Deerskins out of Capt John Gibbs(s) Boat of the value of fifty shillings." The jury found her not guilty.⁹³ She apparently did not take the skins, or at least the jury had no proof. She claimed she did not steal the buckle, but the suggestion that she may have had an interest in them

⁹¹Ibid., pp. 160.

⁹²Higher Court Minutes, pp. 264.

⁹³Colonial Records Vol. II, pp. 597-602.

points to the possibility that she and her husband engaged in trade, legally or illegally. The case also shows the proximity of the river deerskin trade to taverns.

Such implied participation in the deerskin trade by tavern keepers was apparent much earlier. John Harris, while copartner in his mother's tavern, wrote a letter in 1691 along with several other men complaining that the late governor, James Colleton, "did sett up Mariall Law therby the better to Ingrosse the Indian trade to himself."⁹⁴ While we do not know the extent that he was involved in the Indian trade, we know that it was enough to warrant protecting. John Harris remained active in some form of trade until his death, around 1712 or 1713, when his estate came to court and his executors pressed a debt against William Wallston for "one Tune of Barrils & five yds of Scotch Cloth."⁹⁵

Being the center of commerce, courts and community gathering Taverns were located near river landings, as Margaret's theft case suggested. Tavern keeper, William Branch, pushed to relocate a landing site to which the assembly had ordered public roads built. On July 9, 1694, Branch, along with three other men, attested that "Mr. Garrot

⁹⁴Colonial Records, Vol. I, pp. 381.

⁹⁵Colonial Records, Vol. II, pp. 106.

ownes the plantation with the landing landing...up the Creek another landing with at least 4 feet of water was found with a better landing that belongs to Gaskinses Which landing is upon water Enough for any boat or shallop."⁹⁶ Where this landing was in relation to Branch's land we do not know, but the new landing probably situated his trade interest more favorably.

Taverns' proximity to and connection with the shipping community can be seen in the April 1728 case brought against Samuel Northey. Northey came to court declaring that he intended to pay fifteen shillings and six pence for "Victualls and drink" received from Edenton innholder John Trotter and had already landed his vessel to pay Trotter when the suit was brought forward.⁹⁷ Tavern keepers, Branch, Scott, and Trotter all profited off the riverine trade system of Albemarle.

In conclusion, there is considerable evidence that during the late seventeenth century and early eighteenth centuries taverns served several functions within the local trade system of Albemarle. Tavern keepers, like Diana, engaged in trade as

⁹⁶Higher-Court Records 1670-1696, pp. 80-81.

⁹⁷Colonial Records, Vol. II, pp. 757-761. John Trotter's inn, like Diana's and Parris's is the sight of colorful political action. See Colonial Records, Vol. III, pp. 473-474. John Montgomery the Attorney General was attacked by the Governor Burrington with a chair and then beaten in the "house of one Trotter in th town of Edenton," Burrington also proved violent in his attack of Thomas Parris and replacement governor Everard a decade earlier. This deposition is dated April 1733. The previous deposition suggests that this is a response to goings on during the Council meeting in March.

well as tavernkeeping. They hosted court, turning over considerable business when they did so. They used the court system to collect debts due to them for various trade exchanges and supplied limited forms of credit. Thus, tavern keepers acted as mediaries of local exchange while at the same time serving as the courthouse in which merchants, artisans, planters and other tavern keepers pursued debt suits.

Chapter 5

"BY HER ACCOUNT": WOMEN IN THE LOCAL ECONOMY

In February of 1694, Francis Kitching presented a "Letter of Attorney" from Robert Kitching, her husband, in court. She then confirmed a debt to Emanuel Low and Anne his wife for "ye sume of five pounds and three pence."¹ Thomas and Diana White, ordinarykeepers, then brought Robert to court for a debt by account of forty-five shillings and nine pence. At the same session, the Whites brought Francis and Robert, as joint executors of Jonothan Spencer's estate, in for a debt of Jonothan Spencer. The Whites' argued that Spencer was indebted to Diana for sixty three shillings and one penny. In response, Francis turned over to the court an account against John Harris.² This series of cases brings to the forefront of dicussion several interesting aspects of women in early colonial life.

First, Diana hosted the court session in which she filed her debt suits. Diana was one of many women hosting court sessions in the seventeenth century. Women who hosted court arguably had greater knowledge of and access

¹Colonial Records, Vol. I, pp. 443.

²Ibid., pp. 444.

to the court system, as they brought cases to court themselves. Secondly, Francis addressed the debts of her husband and the estate which she was joint executor of in court. She apparently managed Spencer's estate, having the account against Jonothan Harris. Thirdly, the case was really between the women, not the men named. The cases above, and others included in this chapter, help illustrate women's multiple roles in the early colonial community and economy.³

Women hosted court in their homes or taverns until the 1720s.⁴ Ann Durant, Diana White, Margaret Godfrey, Mrs. Hecklefield, Mrs. Maccleadon and Mary Cole, all hosted a significant number of North Carolina court sessions.⁵ For example, The Durants hosted General Court in November 1681.⁶

³Transatlantic and local commerce increased during the early eighteenth century. Jeane Boydston argues that "women's paid labor production for the market nonetheless also became an important component of household economies by the middle of the eighteenth century." Jeanne Boydston, "The Woman Who Wasn't There: Women's market Labor and the Transition to Capitalism in the United States," Journal of the Early Republic, (16)2 1996, pp. 190. Referring to Kulikoff and Mckusker and Menard, Boydston calls attention to the lack of analysis of women's role in the transition to capitalism which economic and social historians have roughly placed in between 1750 and 1820. I would argue that the transition is not one of significant change in market relations, but that of significant expansion in the markets themselves.

⁴ Brodsky, Marc, A History of the Chowan County Courthouse of 1767, (1989), pp. 1.

⁵Colonial Records, Vol. I, pp. 566. "Martha Plato Binds Hir daughter Hester Plato to Catp James Coles and Mary His Wfie till Shee comes of Age or Married Shee Being now Sixe yeares of Age And At the Expiration of Hir time to Alow to ye Garle According to the Dustom of ye Cuntry."

⁶Higher-Court Records, 1670-1696, pp. 11.

They also hosted court in April 1685 and October 1685.⁷

Arguably these women and their friends and colleagues had greater knowledge of court processes and access to the courts than women on peripheral plantations.

With neither a town, nor courthouse existing in Albemarle in the late seventeenth century and first two decades of the eighteenth century, tavern, home and shop were the center of economic, social and political affairs. Significantly, once court removed out to the courthouse, women's participation and access to court declined. Women's presence at the center of court and participation in commerce in the late seventeenth and early eighteenth centuries needs further study. In terms of dependency historian, Christine Daniels, argues "The historiographical emphasis on statutes rather than case and customary servant law has exaggerated the powerlessness of servants and their duties to their masters."⁸ The same can be argued about colonial women. While women did not have equity in the justice system, neither were they completely removed. Women circumvented common law strictures gaining a degree

⁷Ibid., pp. 358, 360, in October of 1686, William Foster hosted court, this was Diana White's previous husband and seems to be the period when she began to regularly host court. Pp. 371.

⁸Daniels, "Liberty to Complaine," pp. 220-221.

of independence, economically and legally, generally overlooked.

While historians must be wary of romanticizing pre-Revolutionary life there are grounds for arguing, as some historians like Linda Kerber do, for an erosion of rights and women's public status during the late eighteenth and early nineteenth centuries.⁹ Studies of women's legal rights under common law generally focus on its limitations.¹⁰ But as Linda Sturtz points out, "statutes and common law served as a type of prescriptive literature, but colonists attempted to discover ways of side stepping

⁹See Linda Kerber, Women of the Republic: Intellect & Ideology in Revolutionary America, (University of North Carolina Press 1980), 139-155. She, like many other historians focuses on the late colonial and early republic periods. See also Joan M. Jensen, Loosening the Bonds: Mid-Atlantic Farm Women 1750-1850 (Yale University Press, 1986), Mary Beth Norton, Liberty's Daughters: The Revolutionary Experience of American Women, 1750-1800 (Boston, 1980), and Nancy Cott, The Bonds of Womanhood: Women's Sphere in New England, 1780-1835 (New Haven: Yale University Press, 1977). These works explore changes in women's status during and after the Revolution. The changes proposed by such historians overlap with the transition to capitalism economic and social historians focus on. See Winifred Barr Rothenberg, From Market Places to a Market Economy: The Transformation of Rural Massachusetts, 1750-1850 (Chicago 1992), The so called "golden-age" debate highlights the tendency of historians to romanticize life before capitalism. See also, Mary Beth Norton, "The Myth of the Golden Ages in Carl Berkin and Mary Beth Norton, eds., Women in America (Boston, 1979) pp. 37-47; Gloria L. Main, "Widows in Rural Massachusetts on the Eve of the Revolution" in Ronald Hoffman and Peter J. Albert, eds., Women in the Age of the American Revolution (Charlottesville, 1989), pp. 67-90, and Marylynn Salmon, "Life, Liberty, and Dower: The Legal Status of Women after the American Revolution" in Berkin and Lovett, eds. Women, War and Revolution, and Marylynn Salmon Women and the Law of Property in Early America.

¹⁰Mary Beth Norton, Liberty's Daughters; Linda Kerber, Women of the Republic; and Marylynn Salmon, Women and the Law of Property in Early America (Chapel Hill, N.C. 1986).

those guidelines."¹¹ Lural Thatcher Ulrich argues that the "premodern world did allow for greater fluidity of role behavior than in nineteenth-century America, but colonial women were by definition basically domestic."¹² The statement may better be that large parts of the colonial world by definition were basically domestic when court and council were held in homes.

Scholars are increasingly discovering ways colonial women lived, worked, and socialized that belie statutory expectations. For example, Linda Sturtz, in her work on Virginia women and power of attorney, argues "historians of colonial Chesapeake have understood that women managed property but have concentrated on widowhood as the period in women's lives when they took on their responsibilities. Even during coverture, however, some Virginia women, especially in families with far-flung economic concerns, handled legal affairs and administered property." The same was true for women in North Carolina.

For example, when Alice Walker married Edward Moseley she wrote an extensive prenuptial document ensuring her

¹¹Sturtz, "As Though I My Self Was Present" 252; See also Joan Hoff, Law, Gender, and Injustice: A legal History of U.S. Women (New York 1991); Salmon, Women and the Law of Property and Ulrich, Lural Thatcher, Good Wives: Image and Reality in the Lives of Women in Northern New England 1650-1750, (Vintage Books: 1991.

¹² Ulrich, Good Wives, pp. 36.

agreements on marrying would be binding in court. In August 1705, Edward bound himself one thousand pounds to Samuall Swann or Jonothan Lillington ensuring that he would faithfully excecute her wishes. The document stated, "in Consideration of the estate of the Said Walker," Edward "not having any Land or Tenements whereupon to setle a Joynture to the Said Walker... if the Above bound Anne Walker Should happen to Survive the Said Edward Moseley that then he the Said Edward Moseley in his last Will and Testament shall leave unto her in Money plate Jewells Slaves or household Stuff the full Summe of 500£ without any Manner of Charge Limitation or Incombrance whatsoever." She also stipulated that she could make a will at any time during the marriage, leaving that sum to any person.¹³ However, while she took pains to protect her property, she also gave power of attorney to her brother in March of 1705, recording in court that she "have made ordained and deputed, and In my Staed and place by these present Constituted my Loveing Brother Samuel Swann of the precinct of Pequimans my true and lawfull attorney for me." In doing so, she authorized him to "Aske, Demand, Recover, and Reievall and all mannyer Singualr Debts, duties, Summand

¹³Higher-Court Records, 1702-1708, pp. 202.

Sums of money porke or Corne or any other Commodities goods, ware, or Merchandizes as are or Shall be due or oweing unto me the said Ann Walker."¹⁴ Thus, Ann was versed in the legal culture and used the court to protect and secure her economic independence as well as easily collect on the trade debts she and her deceased husband acquired.

Courts recognized married women's economic roles when they recorded power of attorney from their husbands, as in the case of Francis Heartely.¹⁵ Power of attorney was generally found among women of commercial families across the colonies. Schultz notes that "on the Eastern Shore of Virginia 'women frequently acted on their own or in behalf of their husbands in and out of the county courts'."¹⁶ Sturtz also noted, "The practice was hardly limited to Virginia or the Chesapeake. Jamaican records suggest that, shortly after the English capture of the island, women served in courts under power of attorney from unrelated and related men, but most commonly on behalf of husbands."¹⁷ As Ulrich notes, "Under the right conditions any wife not only could double as a husband, she

¹⁴Ibid., pp. 177-178.

¹⁵Sturtz, pp. 250.

¹⁶Ibid., pp. 254; For her quote see James Perry, The Formation of a Society on Virginia's Eastern Shore, 1615-1655 (Chapel Hill, N.C. 1990).

¹⁷Ibid., pp. 256.

had the responsibility to do so."¹⁸ Thus, commercial women engaged in legal and economic transactions within the larger community to a greater extent than plantation women simply because their family economics depended in then.

We see similar designations of power of attorney in North Carolina in the late seventeenth and early eighteenth century.¹⁹ Women in North Carolina not only served as attorney for their husbands, but also for others in the community. While, Ulrich cautions that twentieth century biases "may tempt historians to give undue significance to what were really rather peripheral enterprises. Acting as attorney to one's husband is not equivalent to practicing law" she at the same time argues that "The value of any activity is determined by its meaning to the participant, not to the observer." Neither should historians discount the acceptance these women had from the largely male economic community.

Meaning cannot be determined, because most women did not leave self reflective writing, nor would one women's writing reflect the collective consciousness of women. Even Ulrich declares, "Scattered glimpses of daily interaction suggest that there was as much variation in seventeenth and

¹⁸Ulrich, Good Wives, pp. 38.

¹⁹Ibid., pp. 42.

eighteenth-century families as there is today."²⁰ This is probably one of the most interesting points made by a woman's historian. Women participated in society in vastly divergent ways, and the meaning of those activities for the woman, her family and the society would vary. It is the variation of women's experience that marks the seventeenth and early eighteenth centuries of interest. Women were significant as actors within the local economy, as "deputy husbands," attorneys and independent traders.

Women in seventeenth century North Carolina acted as attorney's for their living husbands, putting them at the center of family trade business. For example, in September of 1677, George Durant put "my loving [wife] Ann Durant to bee my true and lawful Attorniee...To aske deamaund sue for leavy Recover and Receive of all and every maner of person or person...all many of debt or debts either by bill bond or account and likewise all other maner of goods ware or Chattles that are or properly may belonge to mee."²¹ She, like other women in the colony, was astute in matters of business, enough so that her husband chose her, over his male colleagues and friends, to represent their interests financially.

²⁰Ibid., pp. 38.

²¹Higher-Court Records, 1670-1696, pp. 8.

Ann Durant was not the only Albemarle county woman with such power. Ann Low also acted as her husband's attorney. In March of 1705, a court deposition dated, February 26 1704/5 stated, "Saml. Norton Gentleman assigne of Captain John Hecklefield is plaintiff against Anne Low attorney of Emanuel Low Defendant in a Plea of Debt...Sume of Three pounds"²² Thus, Emanuel and Anne ran an account with Captain John Hecklefield which Anne came to court to address. Another deposition brought by Samuel Norton, as assignee of Jacob Litten, against Anne Low "Attorney of Emanuel Low" sought "Tenne pound Fiftenn Shillings." Thus, Anne dealt in court with thirteen pounds due for debts she and her husband contracted. She evidently felt comfortable appearing before the court in place of Emanuel.

Women occasionally acted as attorney for other people besides their husbands. For example, in May of 1673, court records stated, "Mrs. Ann Durant, atto. For Andrew Ball, petitions ye Court for wages due to the said Ball, from ye Barbo two brothers, it being made to appear from under ye master's hand, yet shes it 10 £ 14 s 6d," She persuaded the court which awarded Ball his debt with court costs.²³ In another instance, Mrs. Susanah Heartely along with Major

²²Higher-Court Records, 1702-1708, pp. 166-167.

²³Higher-Court Records, 1670-1696, pp. 6.

Alexander, acted as attorneys of Capt. George Clarke in court, in September of 1694, during a suit against Clarke for a debt due to William Wilkison. The court ruled against Heartely and Alexander and Clarke. Susanah Heartely and Major Alexander then asked for an attachment against Clarke's estate since they did not have the money (or more likely, were unwilling) to pay Clarke's debt for him.²⁴

Women also dealt with the estates of their husbands on their death, and significantly, the estates of other men. For example, in 1680, "Letters of administration" were granted Margaret Culpeper, "upon ye estate of Edmund Chancy."²⁵ In November of 1693[94]"Upon a petition exhibited to ye Court by Mr John Hunt praying yet Mrs Ann Durant deliver all Books papers and writing belonging to the estate of Mr Wm Terrel."²⁶ Ann was not in this case executor, but she had possession of the estate, and did not give it up willingly.

Most commonly, women appear in the records to settle their husband's estates.²⁷ Ann served as executor for her

²⁴Ibid., pp. 21. Court was hosted by Diana Foster (later known as White, and previously as Harris).

²⁵Ibid., pp. 1.0

²⁶Colonial Records, Vol. I, pp. 400.

²⁷Carr and Walsh noted this also for Maryland during the same period. They found that only 11% of husbands did not make their wives executor. Carr, Lois Green and Loren S. Walsh, "The Planter's Wife: The Experience

husband's estate previously that year. In February 1693, George Durant's will came to court.²⁸ In his will written in October of 1688, he described himself as a "Marriner." He left the plantation to his wife for her lifetime naming her his sole executrix.²⁹ Ann only lived five years longer than George. In April of 1697, Thomas Durant, as excutor for his mother, Ann Durant, was named by "Issack Rowden and Sarah his wife" for a debt "for thirty pound given to the said Sarah one of the Plaintiffs by Samuel Barton and deposited in the hands of the said Geo. Durant." Sarah lost the suit, but not without trying to regain a debt.³⁰ In all likelihood Ann had maintained the trade she and George had engaged in. Sarah's will with George was not issued until Ann's death ended the trade relationship, when Sarah sought collection from Thomas Durant.

Other cases name wives who controlled the their dead husbands estate, debts and all. For example, Patrick

of White Wome in Seventeenth-Century Maryland," William and Mary Quarterly, 3d Ser. XXXIV (October 1977) 542-571.

²⁸Colonial Records, Vol. I, pp. 392.

²⁹Grimes, North Carolina Wills, pp. 166. He left his plantation divided equally between his two sons, John and Thomas. The plantation however was given to Ann his wife for her life. The remainder of the estate was divided between his daughters Sarah, Matyttya, Pertyenia and Ann. Ann was to be "whole and Sole Executrix". It was signed by John Philpot, Francis Hossten and John Cully.

³⁰Higher-Court Minutes, 1697-1701, pp. 27. Diana White petitioned for payment from Isaac for thirteen shillings and four pence for "attendance coming and goeing at this Court an Evidence for the said Rowdan."

Henley brought a suit on August 22th, 1694, against Madam Susanah Heartley executrix of Colonel Francis Heartly for a debt of two pounds.³¹ In another instance Maddam Anna Lear was the executrix of Seth Southell's estate. She was formerly Anna Sothell.³² Sarah Culpeper "relict of John Culpeper" who married Patrick Henley after John's death, brought several suits to court jointly with her new husband.³³ In another instance, Mary Lamb "administrix" of Joshua Lamb refused to pay William Collins ten pounds. When Captain Hecklefield came to court seeking payment for debt of Simon Trumbull for four pounds ten shillings and one half pence Anne Trumbull, executor of will, was ordered to pay.³⁴ Anne Trumbull also had to pay William Stephens six pounds.³⁵ In another example, "David Balke is plaintiff against Anne Walker Widdow Executrix of the last will and Testament of Henderson Walker Esqr. Deceased...of one Negroe Man named Toney of the Value of Fifty pounds...Dammage One hundred pounds Sterling."³⁶ In another example, Annaritta

³¹Higher-Court Records, 1670-1696, pp. 26.

³²Higher-Court Minutes, 1697-1701, pp. 23. At that same April 1697 court session Godwin brought a suit in behalf of Anna's estate for "the sum of three hundred pounds Due for the work of five slaves for the space of two years and more," pp. 24.

³³ Parker, Higher-Court Records, 1670-1696, 22. at the next court session Sarah Heartely claimed illness.

³⁴Colonial Records, Vol. I, pp. 623.

³⁵Ibid., pp. 624.

³⁶Higher-Court Records, 1702-1708, pp. 150.

Butler widow and executor of Christopher Butler's estate, was in court as defendant against Thomas Norcom for debt of 12 £ 11 s and 10 d.³⁷ All these women disposed of their husband's estates, and must have had the skills and connections to do so. These women were able to serve as executors, knew the family's accounts and finances and settled the estates.

Many of these women also served as joint executors alongside their spouses in other estate cases. Such joint administration further indicates female participation in family economic affairs. In April of 1697, William and Susan Duckenfeild, as executors of the estate of Thomas Slaughter, sued Patrick and Sarah Henley, executors of the estate of Clancy fearing the Henleys were removing from region before paying debts of Clancy.³⁸ In another example, Francis and Ann Delamare acted as executors of Richard Pope. William Wilkeson, attorney of Mr. Huggen of New York, prosecuted them for "severall goods and merhcandized Recd. By the Said Pope from the plaintiff in New York Amounting to the Sum of L144." The jury found for Mr. Huggen.³⁹ In another case, Deborah served as executrix of Nathaniel

³⁷Ibid., pp. 95.

³⁸Higher Court Records, 1697-1701, pp. 28.

³⁹Higher-Court Records, 1702-1708, pp. 57.

Sutton's estate in October of 1704 along side her husband, Dennis Macclenon.⁴⁰ That same court session, Hugh Campbell and Affrica his wife, as executrix of Hugh McGregor's estate, came to court owing Captian John Hecklefield by an account "Summe of Two pounds Three Shillings and Eight pence ½."⁴¹ Given that earlier, Hugh McGregor and Africca, his wife were "administrators of the goods and Chattells of Mrs. Em Mayo deceased Late wife of Edward Mayo," Campbell may have been assisting his new wife, widow of Hugh, in settling his estate.⁴²

While we know little of their or their husband's professions, one set of case records explains more than usual. March of 1726, Thomas and Susannah Parris, as administrators of James Palin's estate, brought a suit against an "Original Attachment" against the estate of John Johnston a "periwig Maker" of Edenton for an account of five pound eight shilling six pence dated August 5, 1723. The original attachment claimed goods from John Johnston's estate were in the house of Thomas Parris: "One Ticken Bed One striped Blanket One old pyr of Sheets One old Chest and

⁴⁰Ibid., pp. 137.

⁴¹Ibid., pp. 125.

⁴²Ibid., pp. 20. They brought Edward Mayo to court for "Negroe man properly belonging to the Said Em Mayo Seperate from the Estate of the Said Edward Mayo" seeking 80 pounds sterling.

lock and Key."⁴³ Thomas and Susannah ran an ordinary in Edenton and likely served as administrators of Palin's estate as his the largest creditor. Husbands sometimes served as executors without their wives, therefore, Susannah's inclusion reflects her interest and role in running the tavern.

Women's presence in debt suits points to women's participation in market relationships inside and outside marriage. As we saw, some women, like Ann Durant and Susannah Heartley, served in many capacities: as attorneys for others, as attorneys for their husbands (and their own) interests, as executors of estates and as creditors. Ulrich found that in New England prior to 1750 no sharp divisions existed between home and work and men and women's spheres.

⁴⁴ All too often, scholars, educators and students of history assume that "traditional" women's roles extend back through all time.

However, the early colonial world was not "traditional" in the familiar sense of the word. The women in early colonial North Carolina engaged in economic activities in the larger community beyond the family. For example, in December of 1684, a petition by "Mr. Geo. Durant

⁴³Higher Court Minutes, pp. 206.

⁴⁴Ulrich, Good Wives, pp. 39.

and Ann his wife for expences which is due to her" reveals Ann engaged in her own independent economic affairs, which her husband supported. Henderson Walker, "having receivd the summe of Seaven Pounds and tenn shillings" was ordered to pay George the full sum as was due to Ann. Thus, Ann got her money.⁴⁵ This was not the only time Ann came to court seeking payment on debts due to her. In May of 1690, "Robert Mulline made oath that Robert White made an acknowledgment to him yt he owed Mrs. Ann Durant three pound odd money."⁴⁶ In May of 1691, she sought payment for debts incurred to her by John Culle. Culle owed Ann 9 pounds 4 shillings and 2 pence $\frac{1}{4}$ penny. He owed her for "making a paire of Leathry brechess and Threed, 7 yrds of blew Linen...making 2 shirts and two skanes ofthreed, 1 $\frac{3}{4}$ yards of Cloth..2 $\frac{1}{4}$ yds. of Ditto for a wascoat, 3 :yrds $\frac{1}{4}$ of Canvis...a paire of Stokings, a Hatt bought of Wollfington," medical care, rum and cider and "To the Trubell of my House and the Lone of my bedding: and a Ruge he was bured in." This last made up $\frac{1}{3}$ of the account being 3 £ 10 shillings. Culle had credit due him from for 4 pounds 2 pence and $\frac{1}{4}$ penny for 325 pounds of pork and his share of

⁴⁵Higher-Court Records, 1670-1696, pp. 355.

⁴⁶Colonial Records, Vol. I, pp. 404.

the crop.⁴⁷ In 1690 she also sought payment on a debt owed her by Richard Bently.⁴⁸ Her husband George was alive. He did not die until 1694. Thus, Ann was in court independently seeking debt repayment *during* his lifetime.

Ann is only one of several early colonial Albemarle women who brought debt suits to court, during and after their husband's lifetimes. Some of the cases give indications about the nature of the debts contracted. For example, in March of 1680, "Morgan Rice, made complaint against Mr. Culpeper, for labour." Then, "Mrs. Margaret Culpeper", *acting alone*, although her husband had just received a complaint himself, brought William Therrill, to court for a debt of 8426 pounds tobacco. The jury found for her with cost.⁴⁹ The Culpeper's were a merchant family and likely the debt resulted from trade.

For other cases, the trade relationship behind the debt is more apparent. For instance, in April 1697 Captain Thomas Godwin brought a suit against Thomas Pollock on behalf of Maddam Anna Lear's estate for "the sum of three hundred pounds Due for the work of five slaves for the

⁴⁷Higher Court Records, 1670-1696, pp. 16. This is probably the same John Cully who signed George's will in 1688.

⁴⁸Higher-Court Records, 1670-1696, pp. 380.

⁴⁹Ibid., 1670-1696, pp. 9.

space of two years and more."⁵⁰ At General Court in July of 1713, Mary Lawson, a widow, brought suit by her attorney Thomas Snoden, against John Rutter for a debt of two barrel Pitch & one barrel of tar. The court ordered Rutter to pay this and the court costs.⁵¹ In another instance, Mary Lawson Executrix of the Last will & Testament of George Glastaine, represented by her attorney, Thomas Snoden came, to presecute a suit against William White arguing he was "Indebted to her ye plaintiff qualified as aforesaid one young Maire of Two yeares old as by a Certaine written Obligatory under his proper hand may appear; and the Said Deft in person appearer & Confess according to Specially." He was ordered to pay.⁵²

Other suits suggest the transaction was related to retail trade. For example, Mary Porter and her son John Porter executors of Mary's late husbands estate, brought John Salley to court for fifty pounds eight shillings and a penny in skins at two shillings per pounds for "Divers wares and Goods & Marchandizes."⁵³ Another account to a husband and wife alludes to a similar transaction. Daniel Phillips and Johan his wife defendeant in case brought to

⁵⁰Higher-Court Minutes, 1697-1701, pp. 24.

⁵¹Colonial Records Vol. II, pp. 105.

⁵²Ibid., pp. 113.

⁵³Ibid., pp. 116.

court by William Glover "Conseignee of Colonal Robert Quarry of New Pennsilvania Company" for debt of seven pounds eight shillings in fresh pork "by Account for diver Goods Credits and Merchandized Deliverd by the plaintiff or his order to the Defendants."⁵⁴

For the larger number of debts suits we only know the amount of the debt, not the work, transaction, or goods credited which created the debt. For instance, in April of 1697, "Issack Rowden and Sarah his wife" brought the estate of George Durant in for a debt "for thirty pound given to the said Sarah one of the Plaintiffs by Samuel Barton and depositied in the hands of the said Geo. Durant." Sarah lost the suit, but the existence of the case suggests that Sarah engaged in trade with George during his lifetime with funds that were her own.⁵⁵ In another example, in the spring of 1702, Doctor Jonathan Hecklefield and his wife Elizabeth together brought James Welch in for a debt of 25 shillings.⁵⁶ In another example, "Madam Susanah Heartley enters an action of the case against Thomas Hawkins of the

⁵⁴Higher-Court Records, 1702-1708, pp. 202.

⁵⁵Higher-Court Minutes, 1697-1701, pp. 27. Diana White petitioned for payment from Isaac for thirteen shillings and four pence for "attendance coming and goeing at this Court an Evidence for the said Rowdan."

⁵⁶Higher-Court Records, 1702-1708, pp. 20.

precinct of Chowan."⁵⁷ At the same court, Anne Cartwright brought a complaint to court against Robt. Penniwell "in a plea of Debt upon which a writ is given the same day. Returned security given."⁵⁸ In another case, Sarah Johnson brought Edward Homes to court which found "for ye plaintiff Seven hundred pound of tobacco and Caske ordered that Edward homes pay to Sarah Johnson Seven hundred pound of tobacco & caske with Cost."⁵⁹ Also, Nathaniel Chevin brought Mrs. Juniana Laker in for a debt "per account" of 2 L 6 s and 10b.⁶⁰ In a last example, Colonel Robert Wyuary and New Penslyvania Company brought Hannah Cockeram in for debt of twenty-six pounds fourteen shillings and two pence. The company sought damages of fifty-three pounds sterling. This large amount suggests Hannah engaged in retail.⁶¹

Several scholars address the various of roles women played in the colonial economy.⁶² William Offutt argues

⁵⁷Higher-Court Records, 1670-1696, pp. 20. September 24, 1694,

⁵⁸Ibid., pp. 21.

⁵⁹Colonial Records, Vol. I, pp. 479. January 1697.

⁶⁰Higher-Court Records, 1702-1708, pp. 16. Spring of 1702.

⁶¹Higher-Court Records, 1702-1708, pp. 100. March 1704.

⁶²Aileen B. Agnew, "Retail Trade of Elizabeth Sanders and the "Other Consumers of Colonial Albany" The Hudson Valley Regional Review, Vol. 14(2) 1997 pp. 35-55.; Mary Beth Norton, "A Cherished Spirit of Independence: The Life of an Eighteenth-Century Boston Businesswoman," ed Carol Ruth Berkin and Mary Beth Norton, Women of America: A History, (Boston Houghton Mifflin Company) Chapter 2; Johanna Miller Lewis, "Women Artisans in Backcountry North Carolina, 1753-1790," The North Carolina Historical Review, LXVIII(3) 1991, pp. 214-235 ;Patricia Cleary, "'She Will Be in the Shop': Women's Sphere of Trade in Eighteenth-Century Philadelphia and New York," The Pennsylvania

market relations increasingly restricted the participation of women through the course of the seventeenth century. In his study he found, "The number of female traders in Albany shrank from 46 in the decade before 1664 to 10 in the decade thereafter." He argues this was due to increased legal Anglicization in which women's "concerns were peripheralized and privatized by courts as men and their market relations became more central to the laws' authority in colonial British America."⁶³

While Offutt saw restrictions in women's independent economic activity in Manhattan during the late seventeenth century, Millar argues that in eighteenth century rural Massachusetts women increasingly earned cash or store credit through sewing.⁶⁴ Laurel Thatcher Ulrich's study points to the independent economic life of Martha Ballard on the Maine frontier in the early eighteenth century. Such

Magazine of History and Biography, CXIX (3) 1995, pp. 183-202; Jeanne Boydton, "The Woman Who Wasn't There" pp. 183-206.; Laurel Thatcher Ulrich, "Wheels, Looms, and the Gender Division of Labor in Eighteenth-Century New England" William and Mary Quarterly, 3d Series, LV (1), 1998, pp. 3-38. Offutt, "The Limits of Authority." See also Donna Spindel, "Women's Civil Actions in the North Carolina Higher Courts, 1670-1730," The North Carolina Historical Review LXXI (2) 1994, pp. 151-173.

⁶³Offutt, "The Limits of Authority," pp. 384. This retraction is much sooner than that Kerber saw.

⁶⁴Miller, "Tryphena Newton Cooke," Textiles in New England: Four Centuries of Material Life, Dublin Seminar for New England Folklife Annual Proceedings 18 through 20, June 1999. Martin, "Identity," and Main, "Gender, Work and Wages."

independent economic doings however, are not limited to post revolutionary frontiers.⁶⁵

The expanding consumer economy in the late eighteenth century as Gloria Main noted, was marked by women's ability to pay for goods through an expanding wage economy.⁶⁶

Indeed, Ulrich notes that increasing numbers of women engaged in spinning and weaving, formerly a man's occupation.⁶⁷ Lois Green Car and Lorena S. Walsh note this transition too in the Chesapeake in the eighteenth century.⁶⁸ Increase in weaving allowed for credit to be applied towards the purchase of other consumer goods or fine textiles. Even in the backcountry, southern women increasingly engaged in spinning and weaving. Johanna Lewis, found that in Rowan County North Carolina in the second half of the eighteenth century, "marked the

⁶⁵Ulrich, A Midwife's Tale.

⁶⁶Main, "Gender, Work, and Wages", pp. 62-3. She outlines stages, 1) early settlements women worked alongside men 2) in the later 1600 women's work became more domestic, "brewing beer, baking bread, churning butter, making cheese, spinning yarn, and knitting stocking and mittens" 3) Around 1715 skilled labor increased in demand and men and women specialized and began to "invest more time in onfarm occupations." 4) following the wars after 1739 larger amounts of money were in circulation. She writes, "the growing ability of women to earn money and conduct business at the local store can be viewed as appositive good, giving them greater control over their own lives." See Breen "Baubles of Britian': The American Consumer Revolutions of the Eighteenth century, " Past and Present, NO. 19 (1988), 73-104, and McCusker and Menard, who noted that consumption increased faster in the middle colonies than New England, pp. 281.

⁶⁷Ulrich, "Wheels, Looms and Labor in New England," William and Mary Quarterly, 3d Series, LV (1)1988, pp. 3-38.

⁶⁸Carr and Green, "Planter's Wife," pp. 563. Although the note is brief, the majority of the article focusing on demographics and probate law.

introduction of women artisans into the public record."⁶⁹ Thus, women engaged as craftpersons in local economies, working beyond household production after 1750. Indeed if, as Carole Shammas argues, one quarter of the early American budget was spent on imports, women themselves were playing some role in the market expansion that took place in the second half of the eighteenth century.⁷⁰

However, women are largely absent from much of the discussion surrounding the transition to capitalism.⁷¹ Part of this is due to women's invisibility in the market itself. Separation of home from shop, tavern, and court in the early and mid eighteenth century led to separation of spheres of men and women which we see increasingly in the late eighteenth century. In part, the lack of discussion reflects the immense task still left to women's historians in determining what women were actually doing in the

⁶⁹ Johanna Miller Lewis, "Women Artisans in Backcountry North Carolina, 1753-1790," The North Carolina Historical Review, Volume LXVIII, Number 3 (July 1991), 222.

⁷⁰ Carol Shamas, "How Self-Sufficient Was Early America," Journal of Interdisciplinary History, 13 (1982), pp. 247-272. Breen followed her work, further expounding on the increasing consumerism in the colonies. See Breen, "An Empire of Goods: The Anglicization of Colonial America, 1690-1776," Journal of British Studies, 25, (1986) and Breen, "Baubles of Britain," The American and Consumer Revolutions of the Eighteenth Century, " Past and Present, No. 119 (1988). See also, Winifred Barr Rothenberg, From Market-Places to a Market Economy: The Transformation of Rural Massachusetts, 1750-1850 (Chicago, 1992.)

⁷¹ Boydston, "The Woman Who Wasn't There," pp. 183-184.

seventeenth century, prior to the expansion of the market economy.⁷²

For number of years in the early colonial period, North Carolina women's representation in court cases related to economic affairs increased. Taking three different years, 1684, 1694 and 1704, all with records for at least six court sessions, helps put into perspective Albemarle women's presence at court and in the economy. In 1684, forty-one debt suits were brought to court during the six sessions held that year. Of those suits, two were brought by women. Women were creditors in both the suits. In 1694, seventy-nine cases were brought to court. Women brought suit in ten of those cases. Seven were brought jointly with their husbands for debts contracted while the women were sole. Women brought two cases to court alone for debts due themselves, and one woman brought a case to court while serving as executrix for an estate other than that of her husband. Women were debtors in four of the cases,

⁷²Only a few studies focus on the early colonial period. See, Lois Green Carr and Loren S. Walsh, "The Planter's Wife," pp. 542-571; Joan R. Gundersen and Gwen Victor Gampel, "Married Women's Legal Status in Eighteenth Century New York and Virginia," William and Mary Quarterly, 3d Ser XXXIX, 1982, pp. 114-134; Daniel Glack Smith, Inside the Great House; Planter Family Life in Eighteenth-Century Cheapeake Society (Inthac New York 1980); Joan Rezner Gundersen, "The Double Bonds of Race and Sex: Black and White Women in a Colonial Virginia Parish," The Journal of Southern History, LII (3) 1986, pp. 351-372. These studies however, do not focus on the market activity of women, focusing on probate law, marriage and childbearing and demographics of the regions.

three jointly, (one with another man, the other two with the husband) and one was the sole debtor.

Thus, approximately fourteen of seventy-nine cases concerning debt involved women to some extent in 1694. One woman and her husband brought an unusual number of cases to court in one year, but considering her position as an tavern keeper, the number is not unusual compared to those brought in a year by male merchants and tavern keepers. Even if her cases are thrown out women still were participants in six of the seventy-three cases. So, women represented one in twenty cases in 1684 and one in twelve or one in five, depending on how you study the 1694 year.

In 1704 during the seven court sessions held in the region, forty-four debt cases came to court. Of these, three women brought debts to court alone, two brought debts to court with their husbands and two came to court as executors of their husbands estate seeking payment. Three women were named as creditors along side their husbands, and one woman served as executrix for her husband's estate. Depending on which cases are counted, arguably the cases where the wife is also named, (given the fact that these same husbands come to court alone) and disregarding the cases where the wife is serving as executrix for her

husband's estate, eight of the forty four cases involve women. Thus, one in five and a half to one in fourteen cases involved women in some economic role. Arguably as these women administered the estates they had knowledge and access to the families finances and family business.

The ratio of women to men in the colony has not been conclusively studied, but generalization from similar colonies strongly suggests that men outnumbered women.⁷³ For example, in Maryland in the same period, men outnumbered women by at least three to one in the mid 1600s, by the early 1700s the difference had narrowed to a ratio of eleven to nine.⁷⁴ Assuming a similarly high ratio of men to women in North Carolina increases the significance of the number of women who came to court.

Alan Watson argues, "by virtue of their small numbers and the general scarcity of labor, particularly in a rural often frontier environment, women in eighteenth-century America enjoyed a greater degree of independence and

⁷³See Donna Spidel, 154, she noted Lawson's observation of early marriage among the women of the colony and refers us to Daniel Scott Smith, "The Demographic History of Colonial New England" Journal of Economic History 32 (1972) to support her argument that women marrying early suggests fewer women to men. See also James Gallman "Determinants of Age at Marriage in Colonial Perquimans County, North Carolina, William and Mary Quarterly, 3d Series, (39) 1982, who noted a more balanced ratio than Spindel suggests.

⁷⁴Carr, Menard, and Walsh, Robert Cole's World: Agriculture and Society in Early Maryland, (Chapel Hill, University of North Carolina Press, 1991), pp. 158.

importance than did their successors in the nineteenth century."⁷⁵ Whether this independence is due to the frontier status of the colonial world or realities of the seventeenth and early eighteenth century bears examination.

Several studies on commercial women in the early colonial period suggest greater economic roles for women than in the nineteenth century. Mary Beth Norton studied Elizabeth Murray, a woman in Boston who set up a shop in the early mid-eighteenth century. Murray asked in 1762, "how many family are ruined by the women not understanding accounts"⁷⁶ Norton argues that Elizabeth Murray was "by no means a typical eighteenth-century American woman."⁷⁷ While this is true, neither was shopkeeping a typical trade for all Americans. Murray was not alone among her class of peers, however. Merchant women's economic roles may be more typical than the scholarship asserts.

⁷⁵Alan Watson, "Women in Colonial North Carolina: Overlooked and Underestimated," The North Carolina Historical Review Vol. LVIII, (January 1981), 1. His article has more to do with sexual liberties and domestic obligations than economic activity. He does note that in 1769 women owned 9 of the 58 dwellings in Edenton, in the mid to late 1700s women headed 2-8 percent of North Carolina households. By 1790 in Perquimans, Carteret and Pasquotank women headed 8, 10 and 12 percent of households. But he looks at economic activity in the context of widowhood.

⁷⁶Mary Beth Norton, "A Cherished Spirit of Independence," The Life of an Eighteenth-Century Boston Businesswoman in Woman of America: A History ed., Carol Ruth Berkin and Mary Beth Norton (Boston Houghton Mifflin Company) pp. 52.

⁷⁷Ibid., pp. 48.

Some scholarship already suggests this possibility. For example, Aileen Agnew, studying Elizabeth Sanders of Albany, argues "in eighteenth-century New York, the commercial community did not automatically exclude women. Women of business, or 'she-merchants', as some have called them, were not entirely uncommon in eighteenth-century retailing."⁷⁸ Her account book reveals that Elizabeth ran a separate account of her trade alongside that of her husbands.⁷⁹ The account book was formal, not that of "neighborly exchanges of household goods and services" noted in Ulrich's Maine study. Elizabeth was a merchant woman, and apparently one of many. Patricia Cleary found estimates range widely, but based on advertisements in colonial newspapers, women ran 2-10% of retail business. But using tax lists, such as that of Philadelphia for 1756, women made up 42% of retailers. These may underrepresent the number of women trading, she argues, because tax lists tend not to record the poorer shopkeepers. She notes that though the tax assessors found 38 women shopkeepers, as many as 62 women were in probability engaged in retail. Significantly,

⁷⁸Aileen Agnew, "The Retail Trade of Elizabeth Sanders and the 'Other' Consumers of Colonial Albany" The Hudson Valley Regional Review Vol 14, number 2 (1997) pp. 36.

⁷⁹Ibid., pp. 41.

tavernkeepers in Philadelphia also ran shops. Thus, many recorded occupations overlapped.⁸⁰

Awareness of the possibility of overlapping roles is important when studying North Carolina half a century earlier. Only a few people were recorded as keeping taverns though many others appear to have filled the same function, though never labeled as such in the records. Taverns thus, were at the center of early colonial trade networks. With taverns being the place where council and courts were held, the women who ran them were at the center of community life in all senses, public, political and economic.⁸¹ In South Carolina between 1670 and 1800, twelve of eighteen male tavern keepers had wives. On the death of their spouses these women kept up the houses, although they did not

⁸⁰Patricia Cleary, "'She Will Be in the Shop' Women's Sphere of Trade in Eighteenth-Century Philadelphia and New York, The Pennsylvania Magazine of History & Biography, CXIX(3) 1995, pp. 184-185.

⁸¹See, Thompson, A Social History of Philadelphia Taverns, pp. 94, 95, 100, 102, 115, 124, 125, 161, 162, 175 for examples of women and tavern running. In Rum Punch & Revolution, Thompson writes, "Throughout the colonial period, but especially in the first two generations of settlement, some women, like Alice Guest at the Crooked Billet, kept prominent houses that enjoyed a good reputation. Nevertheless, although their ranks always included some comparatively wealthy widows, women licensees were generally poorer than their male counterparts and may, as a result, have chosen to apply for licenses to run dramshops or alehouses more frequently than they applied for full licenses...Two of Philadelphia's first six licensees were women...At any given stage in the city's development, women licenses could be found managing approximately a quarter of the city's public houses. Shopkeeping was the only trade in the city similarly open to female participation," pp. 41.

usually do so for extended periods of time.⁸² Conroy found in Boston in 1713, "widows made up 39 percent of the forty three retailers licensed"⁸³ Thus, about one in three retailers were women. Only one third took on new husbands while they held their licences between 1702 and 1732, and Conroy argues "widdows might have relished their independence so much that they hesitated to marry again and suffer interference from patriarchal authority- or have their property willed out of their hands."⁸⁴ Diana Foster, who remarried and came to financial ruin, illustrates this dilemma.

In Chowan and Pasquotank, precincts in Albemarle and later named counties, almost twenty percent of the licenses recorded were given to women. In Perquimans and Craven counties approximately ten percent of licensed tavernkeepers were women. Half of the women recorded continued to run ordinaries previously licensed in the names of their husbands and continued to do so for a year

⁸²Kym S. Rice, Early American Taverns: For the Entertainment of Friend and Strangers (New York: 1983),pp. 54. Generally women gave up their tavern licenses in five years, many remarried and the license was taken out in their new spouses name, pp. 56.

⁸³Conroy, In Public Houses, pp. 133.

⁸⁴Ibid., pp. 137.

to three years. In a number of instances women keep their taverns for a decade or two.⁸⁵

From 1689-1694 Diana Harris Foster White, for example, first with her son, Jonothan Harris as co-partner, then with a hired co-partner Thomas Hassold, and finally with her third husband, Thomas White, hosted court nearly continuously in her tavern. She turned over large sums of money doing so. Records that Hassold kept for her over an eight month period recoded she bought spirits at Yeopim, and went "to Coltraps for beef."⁸⁶ At the same time she ran her tavern, she also ran a farm. Hassold and his boys (he had at least one indentured boy) spent two days gathering her corn in October, fixing her chimney and making gates. In 1693, he spent three days gathering her corn and working again on her chimney.⁸⁷

Diana engaged in trade through her ordinary, a trade that became visible in 1694 when her new husband came to court with her to call in a series of outstanding debts. Given Diana's plea to the court in 1697 that Thomas had ruined her, the debts they called in during the 1694 year

⁸⁵Watson, "Ordinaries in Eastern Carolina," pp. 71. He gives as example three laded in Edenton who kept their ordinaries for twelve years: Dorothy Shewine, Elizabeth Wallace, and Mary Wallace. Their licence recordings can be found in Chowan Court Minutes, July 1741, July 1752, October, 1757, September 1768, Octover 1761 and December 1772.

⁸⁶Ibid., pp. 62-63.

⁸⁷Ibid., pp. 62-63.

probably represent only a portion of the total accounts Diana kept in the community. On June 19, 1694 Thomas White and Diana entered an action against "John Wilson of Pascotanck Precinct Cooper in a Plea of the case For that the said Wilson refuseth to render to them the summe of Eight pounds five shillings and seven pence which is due to them by account contracted to Diana the Wife of the said Tho. White in her Widdowhood"⁸⁸ This was one of eleven cases brought to court within a year. The remainder of the cases ranged from 21 shillings and 10 pence in sterling to £3 14 s worth of Indian corn.⁸⁹ During the time Thomas Hassold kept her books, she ran accounts over £400.⁹⁰ Thus, the proportion that she brought to court, roughly £20's of debts, was only a small amount of the total accounts that ran through tavern.

In September of 1694, Thomas and Diana brought Robert Kitching to court of a debt "contracted whilst she was

⁸⁸Ibid., pp. 23.

⁸⁹Ibid., pp. 26 -27, 234, 444, 449. The accounts brought to court were for 8 £ 5s 7 p; 45 s 8p, ½ penny; 33 s; 39s; 21s 10p; 67s 1 p; 1£ 2s 10p in porke and 3£ 14s in Indian corn. Three cases have no amount recorded.

⁹⁰Ibid., pp. 25. "August the 15 Thomas White and Diana his Wife complaineth Against Thos. Hassold of the County in a plea of the Case for and that the said Hassold refuseth to render his reasonable account of certain debts book accounts and writing belonging to the Ordinary kept at the house of the said Diana in copartnership between the said Thomas Hassold and the said Diana whilst shee was sole in the Moneth of March last wherefore the Provost Marshall or Deputuy..." Higher-Court Records, 1670-1696, pp. 27.

sole" for forty five shillings and nine pence half peny." Francis "wife and Attorney of ye sd Robert Ktiching" came and "confesseth Judegement for ye sd sume." Thus, the transaction really stood between Diana and Francis in this case. Robert and Frances were also the executors of the estate of Jonothan Spencer who was brought to court for a debt to Diana for a sum of sixty three shillings and one penny. Francis "produceth in Crt an acct agst Jno Harris Coparnter with the sd Dian in Balance of ye sd Acct" Thus, whatever was owed to Diana, a balancing account with Jonothan Harris equalized the exchange.⁹¹ Such balancing of accounts shows Diana operated under the system of credit common to eigteenth century shopkeepers and merchants.

The sums involved and the countering system of credits suggests that Diana also engaged in retail to some extent. In another suit, Robert Moline answered a debt " by his account contracted wth ye said Diana Whilest shee was sole ye sum of Four pounds seven shillings and one penny" by producing "his account ...in balance of ye acct brought against him by ye said Thomas White."⁹² While this case apparently was settled and should not have come to court, Robert had more than one account with Diana. In an account

⁹¹Colonial Records, Vol. I, pp. 441.

⁹²Ibid., pp. 449.

for thirty six shillings "by bill passed to ye said Diana one of ye Plaintifs Whilst shee was sole upon ye acct of Thomas King" Diana argued that "Robert Moline did assume and Promis to pay upon ye acct of ye said Thomas King wt further acct ye said Thomas King should contract." Though Moline said he had not he was ordered to pay the debt in pork.⁹³ Later that year she petitioned the estate of Thomas Hossell for a debt of one pound seven shillings by "account." The Court "ordered that Thomas Durent Execter of ye Sd Hosel pay to ye Sd White one pound Severn Shillings."⁹⁴ Thomas Durant was also the executor of Ann Durant, wife of merchant and planter George Durant. That she ran rather large accounts for a tavern and that she brought forward a case of theft against Thomas King for merchandize, Diana probably engaged in small retail similar to that of Elizabeth Sanders in Albany, or Elizabeth Murray in Boston.

Though Diana was never debtor in any of her suits, she recorded a transfer of a cow and calf to William Willoughby.⁹⁵ What she received from Willoughby in exchange we do not know. However, a deposition from July 1694, by

⁹³Ibid., pp. 449 Such payment through third parties took place several other time in the records to storekeeps and known merchants.

⁹⁴Ibid., pp. 479.

⁹⁵Colonial Records, Vol. I, pp. 397.

Elizabeth Mowbery records a similar exchange of livestock for cloth. Mrs. Slater purportedly sold cattle to Mrs. Culpeper in exchange for some "Cloths ready made and some unmade."⁹⁶ Diana may have bought fabric to retail in a similar exchange. Cleary noted that women retailers primarily sold cloth, but also a variety of other dry goods.⁹⁷

Women like Mrs. Slater and Mrs. Culpeper engaged in local trade outside shop or tavern. Ann and Deborah Ross sat at market selling their whale oil.⁹⁸ Towler purchased part of the whale oil they tried up and promised to pay for their trying up his part of a whale. In a deposition Ann stated, she "with the assistance of some of her owne family tried up three Barrell of oyle out of the whale." The court ordered Mathias to pay Ann fiftyone shillings and three pence with costs of the suit for her work about the

⁹⁶Higher-Court Records, 1670-1696, pp. 52-53. "Aged 56 years or these about being Deposed Sayeth: That Some Time in the Last of February or Beginning of March in the yeare 1690 I the Dponent came into the House of Thomas Slater where Mr. Pope now liveth and Mr. Tho. Slater asked Wm Burnsby if it were a Bargae or no Bargane and asked the said Burnsby if the Cattle were his and the said Burnsby Replyed Cousin Slaughter all the Cattle I have is yours: and in January in the veare 1692 Mrs. Slater told mee she Wondered what was the occation of the difference between Wm Jones and Francis Williamson the said Wm Jones Being then Security for Matthew Williamsons estate he bing gon out fo the Country: and Mrs. Slater told mee that she went to Mrs. Clpeper and sould her Cattle and received Some Cloths ready made and some unmade and went home and made up what was unmad and putt them Into her Cheist and none could take away her redy Made Clothes..." Mrs. Culpepers husband was a merchant.

⁹⁷Cleary, "She Will Be in the Shop", pp. 190.

⁹⁸Higher-Court Records, pp. 60.

whale.⁹⁹ While this case is one of the only records that makes reference to the actual physical local market.

Cases of theft also point to women trading in the community. For example, William Williams, an ordinary keeper in Edenton, and Frances Williams, his wife, accused Margaret Scott of stealing a pair of silver buckles from Frances in May of 1726. The Scotts filed a suit of slander against the Williams."¹⁰⁰ The Scotts themselves were tavern keepers.¹⁰¹

Slave women, mostly black women, rather than Indian women, engaged in trade in North Carolina similar to women in the informal economies of other colonies. For example, in Albany, New York, Elizabeth Sanders sold in 1754, goods to 103 people, 18 of who were slaves. More than half of the slaves were women.¹⁰²

North Carolina law stated that masters have knowledge of and consented to such transactions. However, law did not dictate practice. In January 1706, the first case came to court revealing slave participation in the informal economy in Albemarle. In this case, Rebekah Baily was charged with illegally "receiving Six pair of Buttons of the Estate of

⁹⁹Colonial Records, Vol. I, pp. 419.

¹⁰⁰Higher-Court Minutes, 1724-1733, pp. 263-264 and Colonial Records. Vol. II, pp. 473.

¹⁰¹Colonial Records, pp. 597, 601 and 602.

¹⁰²Agnew, "'The Retail Trade of Elizageth Sanders,'" pp. 41.

Mr. Thomas Peterson of A certaine Negroe Woman belonging to William Glover esqur." The court ordered Rebekah punished by "receiving five Strokes on her bare back And upon the Sd Rebekah Bailyes" although the order was remitted.¹⁰³

In another instance, in March 1726, Thomas Cook complained in court that "John Hanna did on or about the twentieth day of February last and at Sundry other times borrow Truck and receive of Judith a Slave belonging to the plaintiffe Sundry Goods Videlicet beef pork and Sugar" without Thomas Cook's permission.¹⁰⁴ We do not know what Judith or the unnamed slave woman received in exchange. But another similar case provides a more complete transaction.

In October 1713, Jenny, a slave of Thomas Pendelton engaged in trade with Mary Guthrie, Pendelton accused "Daniel Guthrie and Mary his wife... Especially she The Said Mary" of trading with one of his slaves the previous June. He argued, "Mary Did in ye month : of June last past on a Sabth Day Deale Trucke & Trade to & with a negro: woman to him the said Thomas Pendleton belongen Comonly Called or known by the name of Jenny." Jenny traded two "Sticks of whalebone" valued at two shillings for "Two: fouls or

¹⁰³Colonial Records, Vol. I, pp. 650 and Colonial Records, Vol. II, pp. 114-115.

¹⁰⁴Higher-Court Minutes, 216.

Dunghill Cockes.” He did not claim that the whalebone was stolen, but rather that the trade took place without his knowledge. Therefore, the problem lay not in the trade itself, but in his lack of knowledge of it.

Two of the only three cases brought to court during the study period involved women trading with women. This parallels Agnew’s findings that slave women traded predominantly with white women, not men. These cases illuminate trade on the fringes of the legitimate economy and suggest the existence of an invisible underground market activity in the early eighteenth century. Women’s presence in court records, in debt suits, and illegal trade cases suggests the outlines of a local economy that included women as retailers, women as representatives of their husbands, and women as consumers. Women appear to “Be in the shop” even on the early colonial frontier.

In early colonial Albemarle, women were a significant presence in the local economy. Court cases point to increasing participation by women at the turn of the eighteenth century. However women’s presence declines in the records of Albemarle with the removal of court from homes, and taverns overseen by women to a centralized courthouse. When court and trade took place in homes women

had greater economic participation than can be assumed by the gendered economic divisions common to the nineteenth century.

Chapter 6

"TRADE, TRUCK, BORROW OR LEND": BLACK AND WHITE TRADE IN A COMPARATIVE PERSPECTIVE

In August 1697, Dorothy Stiles, her lover and some other people fled Albemarle, away from her husband's home with most of the household goods. On their way, they "had sum tobacco and Rosting yeares of corne of Colonial Pollickes negro Manuell," and "they gave a gunn of William Stiles to Tom Andver a negro to pilaite them to south Key."¹ The description of their few days in flight provides a rare glimpse into the informal trade in the late seventeenth century.

It is interesting that the courts did not prosecute any of the group for trading with "negroes of" someone. Tom can be supposed to be free, not being labeled "of" someone and having a last name. Manuell, however, is most likely a slave of Colonel Pollick. Later courts prosecuted whites for trading with slaves, so the that the court makes no issue of the fact that they received tobacco and corn from Manuel points to acceptance of such small trade within the community at this early period. One expects the courts to respond as they later did in the case of Rebekah Baily. She was arrested in January 1706, "for unlegally receiving Six pair of Buttons of the Estate of Mr. Thomas Peterson of A

certaine Negroe Woman belonging to Willm Glover Esq."²

Rebekah's is the first case brought to court involving a white person trading with a black slave.

The dates are significant because a major legal change took place in North Carolina when a 1705 law declared all trading with servants and slaves illegal if done without master's knowledge.³ The following year the law was used in court. In the early colonial years historical evidence points to greater social fluidity in racial hierarchy than would be seen in the nineteenth century.⁴ Blacks and whites had close and daily contact with each other on Chesapeake and North Carolina farms and plantations.

North Carolina's frontier status and political turmoil during the later 17th century and early 18th century complicated the developing racial hierarchy. For example, in the 1703 elections, Joseph Boone, a merchant, complained to Parliament that "all sorts of people, even servants, Negroes, Alians, Jews and Common sailors were admitted to vote in Elections."⁵ In 1715 the legislature passed a law that "no person whatsoever Inhabitant of this Government

¹Higher-Court Records, 1696-1701, pp. 126.

²Colonial Records, Vol. I, pp. 650.

³Colonial Records, Vol. II, pp. 114-115.

⁴T. H. Breen and Stephen Innes, "Myne Owne Ground": Race and Freedom on Virginia's Eastern Shore, 1640-1676 (New York: Oxford University Press, 1980) Chapter 2.

⁵Colonial Records, Vol. I, pp. 639. This is also rumored of the 1701 elections, pp. 903.

born out of the Allegiance of his Majesty and not made Free no Negro Mullatto or Indians shall be capable of voting for Members of Assembly." It would seem then, that the Assembly was aware that this happened, and thus, prevented such free people of color from voting again.⁶

North Carolina court cases from the late seventeenth century and early eighteenth century point to a society that had not yet established a closed system of slavery. For example, Richard Skinner and William Felts who came to court in October of 1706 claiming that each stood "in bodily fear of a negro calld Dick belonging to Mrs. Joannah Jeferyes." Furthermore this case reveals possible regular contact between whites and blacks even if in conflict in this case.⁷ Cases of cohabitation among blacks and whites point to a degree of community acceptance of more compatible relations in the earlier colonial period.⁸ A grand jury, in 1727 filed "A presentment against Elizabeth pucket for that she hath left her husband and hath from Some years cohabitated with a

⁶Colonial Records, Vol. II, pp. 215.

⁷Colonial Records, Vol. I, pp. 654. Skinner is a property holder who served on the juries and a creditor in one case and as witness for an Indian, Alexander, in another case against Julianna Lakar.

⁸Martha Hodes, White Women, Black Men: Illicit Sex in the Nineteenth Century South, (New Haven: Yale University Press 1997).

As Hodes remarked in her discussion of the marriage of Nell Butler and Charles in Maryland in 1681, "Nell and Charles had married in a society that did not distinguish a great deal between the condition of servitude and slavery." The same can be said of early North Carolina society 22.

Negro Man of Captain Simon Jefferis."⁹ This strongly suggests that Elizabeth Puckett was voluntarily living with an enslaved black man. The fact that this arrangement existed "for Some years" before being brought to court suggests the community accepted the arrangement in the years prior to her arraignment.

While the law prohibited marrying a person of color to a white person, this did not deter everyone. For example a grand jury in 1725 presented "A Bill of Indictment against John Cotton for Marrying a Molatto Man to a White Woman."¹⁰ John Cotton did not appear. At the next court, the case was dismissed and thus, the marriage allowed to stand. The following year another interracial marriage case came to court for which the minister reported himself. The case read, "The Information made by the Reverend Mr. John Blacknall of Edenton in Chowan precinct Clerk to Christopher Gale Esq: Chief Just: against himself for joining together in the holy estate of Matrimony Thomas Spencer & Martha paule a Molatto Woman."¹¹ This was clever and blatant disregard for the law. He would get the reward for having

⁹Colonial Records, Vol. II, pp. 704, 711. Several other cohabitation cases were brought forth at once. Elizabeth is the only one living with a black man. Two men were charged with living with another woman whom they claimed now was their lawful wife, only the previous wife was named, not the woman they were currently living with. Elizabeth was the wife of Simon Jefferies. See also, Vol. II, pp. 564.

¹⁰ Saunders, Colonial Records Vol.II, 591, 594.

¹¹Ibid., pp. 662.

reported such. Thus although he paid a fine, he also received the reward. At the next court John was fined a "penalty of fifty pounds the One half to the Informer" which was himself. He demanded "the other[half of the fine] to be lodged in the hands of the Governor to be applied according to the directions of the sayd Act."¹² The existence of interracial marriages, religiously sanctioned or not, even in the face of fines levied against such marriage reveals that some, if not many, members of the Albemarle community accepted black and white relationships. Such marriages and cohabitations blurred the boundaries between white and black, created free black communities and pointed to ways in which interracial contact pushed in oppositional ways from the racially restrictive society evolving at the time.

Interracial contact and cooperation was not limited to cohabitation and marriage. A Council Meeting held at the house of Thomas Pollock in 1718, received an account of "a great body of Indians are now about Bath Town that they have seized Mr. Worsleys daughter and sonn with a white servant and Negroe." Several days later it was discovered that the "whole affair [was] a Villianous confederacy of Mr Worsleys Children and servants with his slave Pompey in order as it is believed to keep the said Slave from the deserved

¹²Ibid., pp. 672. I believe the remainder was to go to the parish for its up keep. Thus, back to his position.

punishment due to him for former Roguerys of this kind done by the said Pompey." In the end, the court sentenced John Woreley to thirty-nine lashes on his bareback and the servant, Nathaniel Ming, the one "discouering the above said Roguery," to twenty-nine lashes on his back at the same time and place. Mary Worseley was fined ten pounds.¹³ Pompey never resurfaced in the records. This uproar points to the close bonds created through daily interaction between planter families and their servants and slaves, regardless of status, race or culture. That Worseley's children were punished by the colonial government attests to the anxiety the Assembly had over control of dependents and concerns about the long term affect of friendships between whites and blacks in a society increasingly dependent on black slave labor.

In another interesting case from 1720, "Cush als Quashey a Negro Man Slave belonging to Paul Palmer of the Precinct of Perquimons "on the 3rd of Aprill 1720 did feloniously...take...from the Plantation of Nicolas Crisp... A negro man Slave named Sambo" along with a rug, a coat, a shirt, a pair of new leather breeches, one pair of stocking, one pair of new shoes and one hat, presumably the clothes Sambo wore. The case against Paul Palmer & Joanna his wife

¹³Ibid., pp. 357-358. At the General Court July 28, 1719 at Queen Anne's Creek Court House in Chowan county. (This is Edenton).

accused them of "not being ignorant [that] the said Negro Sambo & all the said Goods were by the sd Negro Cush als Quashey feloniously taken & carred away from the said Crisps Plantation." Furthermore, the jury stated that Paul Palmer "did instigate order and command a negro Slave belonging to him...to go with two horses to the Plantation of Nicolas Crisp ...from thence convey & carry away a negro man sam'd Sambo with his Cloaths & bedding."¹⁴

The court arrested Cush alias Quashey "to be Examines on the 18th and Sambo on the 23rd. However, that same day Johanna Palmer "by force & armes & etc...feloniously took & rescued & him the said Negro Sambo then & there at large to run & go away."¹⁵ The court levied one hundred pounds each on their property and ordered they appear on the 3rd day of the next general court. Joanna did not appear and subsequently was ordered to appear at the next court.¹⁶ When they did appear Paul Palmer and Joanna refused to plead, the court "Ordered that they be still continued in the Custody of the Marshall til they do plead."¹⁷ In March 1722, no one came to prosecute or give evidence against them. They were dismissed paying costs.¹⁸

¹⁴Ibid., pp. 409.

¹⁵Ibid., pp. 411.

¹⁶Ibid., pp. 415-416.

¹⁷Ibid., pp. 437.

¹⁸Ibid., pp. 471.

Thus, the Palmers' and the Crisps' slaves, Cush alias Quashey and Sambo, were released from jail forcibly by Joanna in order for them to escape. The Palmers then continued to ignore the court until they were jailed. The prosecutor gave up when the Crisps no longer came to prosecute them and no one else was willing to give evidence. Why, and even if, the Palmers sent Cush alias Quashey for Sambo, we do not know the particulars. That Joanna set them free is worthy of note and it is this point that draws attention to the fuzzy boundaries of slavery during this early period.

These complicated interracial relationship paired with legal challenges to slavery in North Carolina paint a picture of a world still flexible in its developing racial hierarchy. For instance, in 1724, "Philip Laneer alias Philander by his Attorney" came to prosecute Thomas Harding, executor of the estate of Thomas Sparrow for his freedom. Sparrow had presumably freed Philip in Maryland, but having no deed and faced with Harding's presentation of "Sparrows Book of Accounts" the jury dismissed his claim.¹⁹ Philander was aware of his rights and challenged slavery legally and with the help of an attorney. His was not the only case of a black man challenging his enslavement.

¹⁹Ibid., pp. 555-557.

In 1726, Peter Vantrump filed a petition with the courts arguing that he was "a free Negro and at his own voluntary disposal & hath hired himself to Service Sundry times particularly in New York and other places." The case revolved around his claim that he agreed to sail from St. Thomas the previous summer with Captain Mackie. Mackie claimed to be headed to Holland, where Peter intended to go, "but instead of proceeding the Sayd Voyage the Sayd Mackie came to North Carolina."

Here Mackie met Edmond Porter. At this point Peter "fearing the Sayd Mackie not to be on a lawfull Trade... was desirous to leave him [Mackie] and the Sayd porter by plausible pretences gott Your Complainant to come away from the Sayd Mackie." Porter claimed Peter as his slave, and the courts dismissed Peter's suit.²⁰ The dismissal probably had to do with Porter's powerful, if controversial, position in the community. He played a role in the Cary Rebellion of 1711 served as agent to England at least twice and as Judge of the Admiralty.²¹

These cases reveal a society where slaves contested their enslavement in court, and planter's children, slaves and white servants formed alliances. It was also a society in which marriages and cohabitations between blacks and

²⁰Ibid., pp. 703.

²¹Ibid., pp. 578 and 619.

whites, while legally reprimanded, were tacitly accepted. Thus in the early colonial period the meaning of slavery was contested even as society's rules became more rigid. The meaning of slavery was also contested though black participation in the internal market. In early colonial Albemarle black slaves engaged in trade similar to black participation in Caribbean internal economies.

The scholarly work on the nexus of commerce and race has focused largely on the late eighteenth and early nineteenth century market activities of blacks, both enslaved and free, largely in the Caribbean.²² Colonial law

²²Also called the "slave economy" or "internal market," "informal economy" or "domestic economy" and "the peasant breach". See, Wood, Betty, Women's Work, Men's Work: The Informal Slave Economies of Low Country Georgia. (The University of Georgia press: Athens and London 1995); Ira Berlin and Philip D. Morgan, eds., The Slaves' Internal Economy Independent Production by Slaves in the Americas (London: Frank Cass 1991); Campbell, John, "As 'A Kind of Freeman'? Slaves' Market-Related Activities in the South Carolina Up Country, 1800-1860," in Cultivation and Culture: Labor and the Shaping of Slave Life in the Americas, eds. Ira Berlin and Philip D. Morgan (University Press of Virginia 1993) pp. 243-275; Alex Lichtenstein, "That Disposition to Theft, with Which They have Been Branded': Moral Economy, Slave Management, and the Law," Journal of Social History 21 (1988) pp. 413-440. Cass, 1991) and Cultivation and Culture: Labor and the Shaping of Slave Life in the Americas, eds. Ira Berlin and Philip D. Morgan (University Press of Virginia 1993). McDonald Roderick, The Economy and Material Culture of Slaves: Goods and Chattel on the Sugar Plantations of Jamaica and Louisiana (Baton Rouge: Louisiana State University Press, 1993). McDonnell Lawrence, T. "Money Knows No Master: Market Relations and the America Slave Community in Winfred B. Moor, Jr. et al., eds., Developing Dixie: Modernization in a Traditional Society (New York, 1988) 31-44; Mintz, Sidney. Caribbean Transformations (Chicago 1974); _____, "Caribbean Marketplaces and Caribbean History," Nova Americana 1 (1978) 333-344; _____, "The Jamaican Internal Marketing Pattern: Some Notes and Hypotheses," Social and Economic Studies 4 (1955); 95-103; _____, "Internal Marketing Systems as a Mechanism of Social Articulation," Proceedings of the American Ethnological Society (1959): 20-30; _____, "Slavery and the Rise of Peasantries," Historical Reflections 6 (1979) 213-24; _____, "The Role of the Middleman in the

increasingly regulated interracial trade, as slavery increased in prevalence. However, community customs dictated if and when such legislation was enforced. Irregularly enforced racial boundaries created social and economic realities that conflicted with established legal frameworks.²³ For example, in Boston, William Cox was convicted of "keeping a disorderly house" and entertaining blacks, servants and women in 1727. The same year, James Habersham, paid a fine for entertaining blacks and servants. Earlier in 1765, Joseph Coolidge, promised the selectmen in 1765 that he did not intend to profit by engaging in business "'supplying Negroes and other servants with liquor,' unless permitted by 'supplying' was standard practice among his peers.

Scholars debate the significance of the various forms of slave participation in the internal economies across the

Internal Distribution System of a Caribbean Peasant Economy, " Human Organization, 15, (1956), 18-23.
 _____, and Douglas Hall, The Origins of the Jamaican Internal Marketing System, Yale University Publication in Anthropology no. 57 (New Haven 1960) 3-26; Morgan, Philip D., "Work and Culture: The Task System and the World of Lowcountry Blacks 1700 to 1880," William and Mary Quarterly 39 (October 1982) 563-599; _____. "The Ownership of Property by Slaves in the Mid Nineteenth Century Low Country," Journal of Southern History 49 (1983) 399-420; Schlotterbeck, John T. "The Internal Economy of Slavery in Rural Piedmont Virginia," The Slaves' Internal Economy: Independent Production by Slaves in the Americas, ed. Ira Berlin and Philip D. Morgan (London, Frank Cass, 1991) and Cultivation and Culture: Labor and the Shaping of Slave Life in the Americas, eds. Ira Berlin and Philip D. Morgan (University Press of Virginia 1993).

²³See Robert Olwell, "'Loose, Idle and Disorderly,': Slave Women in the Eighteenth-Century Charleston Marketplace," David Barry Gaspar and Darlene Clark Hine eds., More Than Chattel: Black Women and Slavery in the Americas (Indian University Press: Bloomington and Indianapolis 1994) 104-106 for a similar study on Charleston "black market."

Atlantic world colonies. Scholars use anthropologist Sydney Mintz' work to make comparison between North American colonies and the Caribbean colonies internal economies.²⁴ Mintz argues that independent economic activity may be "one of the most important ways in which a contrast may be drawn between the North American and the Caribbean instances. If one were asked to specify the single feature of the Caribbean past that might best account for the differences in circumstance facing the North American freedman and the freedmen of the Antilles, this...would be the feature to explore." His attention turns to the seaming lack of North American slaves participation in the internal economy, as he states, "By what processes of disenfranchisement, terror, and psychological pressure were the black freedmen of North America deprived of the means to define themselves *economically* as men?"²⁵

More recently, Michael Mullin argues against the growing tendency in the late 1980s to classify food production slaves of the South in the same terms as that in the Caribbean, claiming "the argument is not that there was not a modicum of slave-controlled food production in the

²⁴Genovese, Roll Jordan Roll: The World the Slaves Made (Vintage Books 1972) pp. 537. Genovese was the first to address the issue of the internal market in the U.S. and sharply contrasted the gardens found in the American South to the extensive provisioning and marketing systems Mintz described in the Caribbean.

²⁵Mintz, Caribbean Transformations, 155.

South, or even some scratch marketing, but rather that it was negligible when compared to the cluster of social developments that stemmed from the internal economies of Caribbean plantation societies."²⁶ However, over generalization of the U.S. south and the Caribbean colonies across space and time misrepresent and overlook the development of the multiplicity of internal economies in the colonial period.

While many scholars, like Mullin, agree with historians Ira Berlin and Philip Morgan that "marketing by slaves was generally more limited in mainland North America," the reasons they give for the difference between U.S. and "further South"; availability of open land; the absence of towns; and "- most significantly - the competition of non-slaveholding whites" on closer look may not be the whole story , or even the story at all.²⁷ Historian Lawrence T. McDonnell argues that slave activity in the marketplace in the American Antebellum South was virtually ignored. He

²⁶Micheal Mullin, Africa in America: Slave Acculturation and Resistance in the American South and the British Caribbean, 1736-1831 (Urbana and Chicago: University of Illinois Press, 1992), pp. 127, 140. He means primarily scholars like Morgan, Lichtenstein etc. In the Carolinas and Georgia low country, the task system, that developed in the 19th century allowed slaves the opportunity to accumulated considerable property and engage in market practices. See Morgan, "The Ownership of Property" 415. In a general comparison of South Carolina with the West Indies by Littlefield found that slaves traded their own products in both locals, there were significant laboring class of poor whites in both areas and hiring often of slaves for a fee. See Daniel C. Littlefield, "Continuity and Change in Slave Culture: South Carolina and the West Indies," Southern Studies 1987, 26(3-4).

²⁷Morgan and Berlin, The Slaves Economy, pp. 12.

argues, "Such exchanges took place countless times throughout the antebellum South, yet their pervasiveness, complexity, and ritual importance remain unrecognized. Indeed, few incidents of slave life rivaled market relations for political and psychological meaning."²⁸ Planters unease at the market relations indicates that they too were aware of the power behind economic freedom, no matter how small. Despite the disagreement over whether trade was similar or different, Berlin and Morgan are right on arguing that, "No matter what its form or extent, trading - through regularly scheduled markets or clandestine rendezvous with peddlers and shopkeepers - became an important element in the lives of New -World slaves."²⁹

Comparative work on black slave participation in local economies provides a context for understanding North Carolina slaves participation in local trade. The English first practiced formalizing their slave system in Barbados. Many of these planter migrated to the Carolina's, bringing their slaves and their traditions of trading to the colony. Lack of early legislation allowed African patterns of marketing to be transported, so that, by the mid 1600s, slaves had established a practice of buying and selling.

²⁸McDonnell, Lawrence, T. "Money Knows No Master: Market Relations and the America Slave Community in Winfred B. Moor, Jr. et al., eds., Developing Dixie: Modernization in a Traditional Society (New York, 1988) pp. 31.

Rapidly, planter classes perceived a threat in such unregulated movement and economic independence. Therefore, in the 1688 Slave Code, slaves were prohibited from carrying "goods and wares" from "home to home" for sale.³⁰

By the 1690's the General Assembly's concerns over control led to laws designed to prevent slave marketing more generally. In 1694 two bills were presented, but not passed, revealing wide acceptance of slave participation in the local economy.³¹ In 1697, Antigua prohibited free people from trading with slaves for any goods except ground provisions and fruit, naming especially sugar, cotton or tobacco without a note from the owner specifying the provisions or fruit which the slave was allowed to sell. In 1702, this law was again passed, but the exception for ground provisions and fruit was removed. Thus, the Atlantic world which North Carolina settlers would have been familiar had accepted practices of slaves trading in goods and wares locally.

North Carolina colonists received news and rumors from the Caribbean along with trade goods and slaves. For example, Colonel Spotswood wrote to the Board of Trade July 25th, 1711, that "Mr. Cary has threatened to act another

²⁹Morgan and Berlin, The Slaves Economy, pp. 12.

³⁰Hilary Beckles, A History of Barbadoes: From Amerindian Settlement to Nation-State, (Cambridge University Press: Cambridge 1990), pp. 60.

Antegoa Tradedy, to which his own deperate Circumstances and the wretched Crew he had gott together seem like enough to prompt him."³² Thus, colonists also were familiar with the laws of the Caribbean colonies.

Regardless of early laws prohibiting trade, subsequent laws restating and amending earlier laws reveals the continuing existence of such trade in the Caribbean colonies and in the North American colonies. For example, by 1757, Antiguan lawmakers had accepted the existence of markets, writing a law forbidding slaves from selling, "'Goods, Wares, and Merchandizes or any Sort, in Baskets, Boxes, or Trunks ,or otherwise,' with the important exception of 'salted Beef and Pork, Salt Fish, Bread, and Biscuit, as shall be sold in the Negro-Market on the usual and customary Days.'" The law also allowed "Cordial Waters or strong Waters" except for rum along with fowl, fruits, roots and vegetables.³³ So despite initial legislation against black marketing activity, by 1754, slaves had won the right to market a wide variety of goods and had established a customary market and market day.

Barbados had passed a similar compromise in earlier in 1733. This law included a list of confiscatable goods:

³¹Hilary Beckles, Afro-Caribbean Women & Resistance to Slavery in Barbados (London: Karnak House 1988)pp. 51. Beckles, Barbados, pp. 34.

³²Colonial Records, Vol. I, pp. 781-783.

³³Gaspar, Bondsmen and Rebels, pp. 140-149.

sugar cane, syrup, molasses, cotton, ginger, copper, pewter, brass, tin, corn and grain, thus, establishing space for other types of legal goods. Thus, by 1796 when the overseer of the Newton plantation in Barbados reported back to the owner in Britain, "It would delight you to see their little possession, their stock, their poultry or all sorts, their goats, their hogs, their milch cows" slaves had won certain concessions.³⁴ Archeological evidence from the Newton plantation in Barbados shows numerous clay pipes and an assortment of beads of various materials, some metal jewelry, buttons, and red ware ceramics found at slave sites, arguably of the fruits of trade.³⁵

Black servants and slaves on the mainland colonies traded too, if to lesser extents than those accepted in the Caribbean. North Carolina slaves coming from the Caribbean would have noticed the more limited opportunities to engage in market activity and the more restrictive laws attempting to regulate slave independence. For example, South Carolina, passed a law in 1686 that prohibited anyone from buying goods from servants or slaves.³⁶ The law however, did not prevent slaves from keeping stock, particularly pork, a principle item for trade in the Carolina colonies. A 1714

³⁴Handler and Lange, Plantation Slavery, pp. 89. From Sampson Woods, "Report on the Negro" 1796; See also Beckles, Barbados, 60.

³⁵Ibid., pp. 132, 135, 150-153, 158.

³⁶Olwell, "Loose, Idle and Disorderly," pp. 100.

law attempted to deny slaves' claims to hogs, cattle or horses. A few years later in 1722 it became lawful to seize any hogs, boats or canoes, horses and cattle owned by slaves. In 1734 an act allowed patrollers to confiscate "all fowls and other provisions" found in possession of "stragglng negroes".³⁷ Thus, South Carolina slaves carried on marketing within the context of restrictive laws.

Peter Wood argues that increasing restriction drove a "considerable portion of the colony's commerce underground into what can only be described - in both senses - as a black market."³⁸ By the mid eighteenth century, historian Robert Ollwell explains, "Slave market women 'free from the government of their masters' soon outnumbered and displaced white traders and made the Charleston market their own particular domain."³⁹ In Charleston, slave women sold oysters, cakes, bread, garden produce and fruit. However, a grand jury complained in 1768 of "many idle Negro Wenchs, selling dry goods, cakes, rice, etc. in the markets"

³⁷Morgan, "Work and Culture," pp. 572.

³⁸Wood, Black Majority, pp. 211.

³⁹Robert Ollwell, "'Loose, Idle and Disorderly,': Slave Women in theEighteenth-Century Charleston Marketplace," David Barry Gaspar and Darlene Clark Hine eds., More Than Chattel: Black Women and Slavery in the Americas (Indian University Press: Bloomington and Indianapolis), pp. 101.

suggesting that slaves sold forbidden crops despite the penalties.⁴⁰

Virginia, the colony North Carolina most closely resembles in geography, demographics and economy, first passed a law in 1692 which allowed the confiscation of all horses, cattle and hogs kept by slaves. This law was repeated in 1705, indicating that the earlier law had not stopped slaves from keeping these animals.⁴¹ Planter documents show that by the 1770s, regardless of earlier laws, slaves had firmly established their right to keep chickens and traded with and without the required licenses. For instance, Landon Carter recorded that his overseers traded rum for chickens in a custom known as the "night shops."⁴² The slave's fowls repeatedly make it into his diary and the trading activity that it fostered worried Carter. Carter also recorded that his one shirt allowance was intended to force slaves "to by linnen to make their other shirt instead of buying liquor with their fowls."⁴³ His "housepeople" requested more cornmeal, and he

⁴⁰Morgan, Phillip D. Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, University of North Carolina Press 1998), pp. 250.

⁴¹Ibid., pp. 375.

⁴²Greene, ed. The Diary of Colonal Landon of Sabine Hall, 1752-1778, (University Press of Virginia, 1965), pp. 649. See John Vlach, "Afro-American Domestic Artifacts in Eighteenth-Century Virginia" Material Culture 1987 19 (1), pp. 3-23.

⁴³Greene, ed., Carter Diary, pp. 484.

speculated the request was "a contrivance of the people to get more to feed the[ir] fowls."⁴⁴ Furthermore he complained in his diary, "I cannot help observing how [check] wise our Leg[isla]ture is never to lissen to my repeated letters in Public against allowing these night shops being amongst us, and include Suffering a slave or servant on any pretence or with license from a master to sell to anybody anything whatever; for at best they must steal what they sell."⁴⁵ The presence of blue beads found in slave quarter archeological sites suggests that slaves bought goods as well as fowl, stock and provisions, at these night shops and other places.⁴⁶

One of America's most famous slaveholder's records offer glimpses of this subtle local economy. Thomas Jefferson's Monticello slaves, while forbidden to raise wheat or tobacco, were encouraged to work small vegetable gardens. Like Carter's slaves, they sold vegetables, poultry and eggs to Martha Jefferson and after her death to his daughter on a regular basis.⁴⁷ While Virginia slaves' production centered on fowl raising in the late eighteenth century, as seen at both Sabine Hall and Monticello, slaves

⁴⁴Ibid., pp. 602.

⁴⁵Ibid., pp. 649.

⁴⁶Stine, Linda France Stine, Melanie Cabak, and Mark Groover, "Blue Beads as African Cultural Symbols," Historical Archeology 30 (3), 1996, pp. 50.

also sold garden produce of plantations and supplied plantation owners and others with fish, oysters, baskets, mats bowls, trays, sieves, rails, leather and staves.⁴⁸ Lorena Walsh wrote that "So far as can be determined from planter's records, slaves usually sold the produce they tended or gathered on their town time- chickens, eggs, oysters, fish, fruits, and vegetables-to their owners or to other nearby white families. After the war, urban expansion offered slaves new outlets. Planters' records suggest that slaves who went to town markets sold only produce raised for the owners." She writes that "if they sold on their own account, it went unmentioned in the records."⁴⁹

North Carolina's colonial internal economy followed a similar development pattern. During the early colonial years in North Carolina's Assembly increasing passed and re-passed race and trade laws as slavery rapidly expanded suggesting that slaves initially had more legalized economic freedoms than later generations would. Facing a growing black population, and following the Cary Rebellion and the Tuscurora Indian War, the North Carolina Council reasserted authority by reconfirming its laws in 1715 including an

⁴⁷Jack McLaughlin, Jefferson and Monticello: The Biography of a Builder, (Henry Holt and Company: New York 1988) 109.

⁴⁸Morgan, Counterpoint, 361.

⁴⁹Walsh, "Slaves and Tobacco" 191.

extensive act governing servants and slaves.⁵⁰ Court records from 1706 and 1713 suggest that North Carolina passed an earlier law in 1705.⁵¹ North Carolina legislation tried to limit slave marketing practices through a number of laws similar to those found in Barbados, Antigua, Virginia and South Carolina.

The 1715 act stated, "no planter, Merchant, their Servants or Slaves," should, "Use, Employ, or Trade with any Boat, Canoe, Periauguer, on the Lord's Day." ⁵² The wording implies that black slaves were already trading along the river systems. Specified in the extensive 1715 "Act for governing Servants and Slaves" were further attempts to maintain control over slave marketing. This act stated, "no Master nor Mistress Nor Overseer shall give leave to any Negro, Mulatto or Indyan Slave (except such as wait upon their persons or wear Liverys) to go out of their Plantations without a Ticket or White servant along with them which Ticket" with the name of the master, where the slave was coming from and going to.⁵³

The Act more specifically declared, "that whosoever shall buy, sell, Trade, Truck, Borrow or Lend to or with any Servant or Servants or Slave or Slaves without the Licence

⁵⁰Gaspar, Bondsmen and Rebels, pp. 136.

⁵¹Saunders, Colonial Records Vol. II, pp. 114-115.

⁵²State Records of North Carolina, Laws 1715-1776, pp. 3.

⁵³Ibid., pp. 63.

or Consent in Writing under the Hand of his or her or their Master or Owners for any Condition whatsoever such person or persons so offending contrary to the true Intent & Meaning of this Act shall forfeit trebel the Value of the thing Bought, sold, Traded or Trucked or Borrowed or lent."⁵⁴ The wording of this is interesting, master's *could* give consent for trade. So slave participation in trade was not outlawed, just trade without slave owner's knowledge.

Ownership of stock and provisions provided a means of participation in local markets across the colonies. North Carolina did not ban ownership of horses cattle or hogs until 1723.⁵⁵ In 1741, North Carolina finally followed Virginia's example, banning slave ownership of such livestock. The 1741 law declared, "That no slave shall be permitted, on any Pretence whatsoever to raise any Horses, Cattle or Hogs; and all Horses, Cattle and Hogs that Six Months from the Date thereof, shall belong to any Slave, or of any Slave's Mark in this Government, shall be seized and sold by the Church Wardens."⁵⁶ Slaves had six months to dispose of their goods. Goats, sheep, chickens, other fowl and dogs were not included. Thus, prior to 1741, the period

⁵⁴Ibid., pp. 64.

⁵⁵Morgan, Counterpoint, 375. In 1692, a Virginia law was passed which allowed the confiscation of all horses, cattle and hogs kept by slaves, this law was repeated in 1705, indicating that the earlier law had not stopped slaves from keeping these animals. The law by default allowed slaves to raise goats, sheep, chickens and other fowl and dogs.

of this study, slaves legally owned horses and cattle and hogs in North Carolina.

Chicken and other fowl like turkey were probably more commonly raised by slaves as seen in the scholarship on colonial Virginia slave societies. One of the few cases of whites trading with black slaves prosecuted in the North Carolina courts was over the sale of a turkey to a slave. That the 1741 law was the first law that banned slave ownership of certain stock strongly suggests that slaves by this point in time owned stock. It also suggests slaves sold this stock. Interestingly, slaves were given six months to dispose of their stock by whichever means they chose. This supports uncontested ownership and tacit acceptance of slaves marketing along with the fact that trade itself was not barred, just trade without the master's knowledge.⁵⁷

Given the colonial legal structures aimed at suppressing slave marketing activities, repetitive laws and exceptions in later laws point to the realities of market participation by black slaves. North Carolina's white community, like those of Virginia, South Carolina, Barbados and Antigua, incorporated slave marketing into the local

⁵⁶State Records of North Carolina, Laws 1715-1776, pp. 201.

⁵⁷Olwell studies the Charleston S.C. black market women. He writes that "Many worked out an arrangement with their masters by which they not only sold their master's produce but used their earnings to purchase good in their own right and resell them for their own personal profit, pp. 99.

economies. This can be seen through the cases against whites who traded with black slaves without the knowledge of the slaveholder.

There are several cases of whites trading with black slaves beginning in 1706. Rebekah Bailly's case was the first. The next case came to court in 1713. Jacob Overman prosecuted William Willson selling a Turkey cock worth five shillings to a slave of Jacobs, named Peter. The Jury found Willson guilty and ordered Willson to pay Overman ten pounds. Overman accepted forty shillings and remitted to remainder on the condition that Willson pay the accruing costs for the suit.⁵⁸

The circumstances surround the case offers some insights into the trade. First, during the same court session just prior, Joseph Jordan filed a case of slander against William Wilson and his wife, Eliza for spreading rumors that he had stolen a knife from a merchant living in Jordan's house and sold it to Jane Man. Jordan sought 500 hundred pounds for loss of his "fame Credit & Estamacion". The jury only awarded him five pounds.⁵⁹ This is important

⁵⁸Colonial Records Vol. II, pp. 96-97. Willson was to pay Joseph Jordan five shillings, to Robert Cartwritte ten shillings ten pence, to Joseph Peggs and his wife one pound one shilling and eight pence and to William Cartwright eight shillings and four pence for their "Travill and attendance being Sumons as Evidence by Jacob Overman."

⁵⁹Colonial Records, Vol. II, pp. 88-89. The case raises my suspicions that Wilson was a tavernkeeper/ shopkeeper of sorts, Jordan and "Divers of his Neighbors..being present" when Willson called him a "thief".

since Joseph came to court as a witness against William Wilson. Joseph probably informed Overman of the sale he witnessed spurring on the case. That the prosecution made reference to and restated the law *in full*, something not done for most law suits, suggests that the law was not widely known and possibly openly ignored.⁶⁰

Another case reveals more about the extent of black and white trade relationships. A 1713 deposition by Frances Hickes states while she lived at the house of Samuel Pikes for several months the previous winter that she "Often" saw "severall Bushells of Corne Brought to ye House of ye said Samll. Pikes by Divers Negroes and Particularly by Mr. Lovees negroe Jupiter." She stated that she had woken up many mornings to see corn that had not been there the night before. Furthermore she stated, "that on a sabeth Day morning some time in the monthe of febry last past she saw ye sd Samll. Pikes deliver unto a negro woman named Sarah: belonging to Mr. John Palin A certaine peace or Remenent of Lace which as she had heard ye sd Samll. Pikes was three yards or their Abouts and futher that She heard ye sd:

Overman is titled a "weaver" in a 1713 case of debt against George Scarbrough. Colonial Records, Vol. II, pp. 109.

⁶⁰Laws were not rerecorded in the court records for other kinds of cases.

Samll. Pikes say yt he was to have corne for ye sd lace and futher saith not." ⁶¹

In this case, Samuel Pikes bought corn and pork from various blacks slaves in the community. That numerous slaves on a regular basis exchanged goods during the night at Pikes implies Pike ran a sort of "night shop." That Hickes "resided" at "the House of Samual Pike" suggests that Pike ran may even have been running a inn which would further explain his role in the local underground market. In the case of Sarah, he sold selling lace in exchange for corn.⁶² Palin prosecuted Pike, "for dealing with a Negro slave belonging to the sd Palin named Sarah ..." Pike pleaded not guilty but the jury ordered he pay Palin 10 [lb] according the law.⁶³ Jupiter was singled out as a frequent trade partner. Lovees, however, did not prosecute a claim, nor did anyone else concerning Jupiter's trading. Lovees could have prosecuted and received payment as Palin did. Lovees apparently accepted such trade part of the local economy.

⁶¹Olde Albemarle Count North Carolina Miscellaneous Records 1678-ca. 1737. pp. 57.

⁶²Samuel Pike was listed as imported by Edward Mayo in 1693, along with Affrica Pike who may have been his mother, wife, or sister, it can not be known, but from the order listed, given that parent precedes child, it might be assumed that his mother was Affrica. Colonial Records, Vol. I. 395. A Jane Pike was widowed in 1718, Colonial Records, Vol. II, 307. Thus in 1713 either Affrica, presumably his mother or Jane, his wife, helped run his "House"

⁶³Old Albemarle County Miscellaneous Records, pp. 59-60.

Several months later Thomas Pendelton came to court to complain that Mary Guthrie "Did in ye month of June last past on a Sabth Day Deale Trucke & Trade to & with" Jenny, his black slave. Mary apparently "Did Take & receive Two: Sticks of whalebone to ye value of Two: Shills in Consideracon whereof She the Said negro woman Did or was to have & receive of her that Said Mary Two: fouls or Dunghill Cockes without ye Leave Lycence Consent or knowledge of him the Said Thomas pendelton."⁶⁴ Such emphasis on "have Lycence Consent or knowledge" reveals the distinction, between Jenny and Sarah's trade activity and that of Jupiter. Two years later the law again would restate its prohibition on anyone trading with slaves without the master's knowledge. Thus, it was not the trading itself, but the master's lack of knowledge that was the problem.

Following this set of three cases, no others come to court until 1726 when, Thomas Cook complained that "John Hanna did on or about the twentieth day of February last and at Sundry other times borrow Truck and receive of Judith a

⁶⁴Colonial Records Vol. II, pp. 114-115. There is no record of them following this, so the judgment if altered is unknown. This is Mary's only appearance, but Daniel first appears in 1713 first for a Deputy Marshall, complaining that others were not paying their fines for the Indian wars. That same year he is in court paying a fine of 50 shillings for a Mary Brothers who was to pay the fifty shillings or be whipped 21 stripes for having had a bastard child whose father she declared was George Ellis. Mary is called a Spinster, which me she probably actually spun for a living. Vol II, 87. That same year he serves as an appraisor of an estate, Colonial Records, Vol. II, pp. 99. collector of Quit rents in 1728, Vol. II, pp. 727, 729.

Slave belonging to the plaintiffe Sundry Goods Videlicet beef pork and Sugar without the lycence and consent in Writing of the plaintiffe he the Defendante knowing her the sayd Judith to be a Slave to the plaintiffe aforesaid" he recalls the Act concerning Servants and Slaves and lays a claim for 50 pounds Sterling.⁶⁵ The interesting addition is the phrase, "at sundry othertimes." Clearly, John Hanna and Judith had a long standing trade relationship. The four cases that come to court prior to 1729 suggest that black women were the principal traders in the black community, this follows closely with Olwell's observation of black market women in Charleston. The chain of cases is important in establishing a continuing existence of black slave participation in local trade, despite laws banning such unregulated market relationships.

Early colonial Albemarle black slaves engaged in trade triggering laws attempting to regulate such independent economic activities. However, despite laws attempting to curtail and regulate black and white trade relationships, slave participation in the internal economy continued into the nineteenth century. Black trade practices in the early colonial period created the economic and social space which Linda Brent's slave grandmother later acted within when she "asked permission of her mistress to bake crackers at night"

⁶⁵ Price. Higher Court Minutes, 216.

which she sold "in the [Edenton]neighborhood."⁶⁶ Through trade, whites and blacks created complicated relationships that continually undermined slavery and mediated the living conditions of enslavement.

⁶⁶ Henry Louis Gates, ed., The Classic Slave Narratives, (Penguin Putnam Inc: New York, 1987) 342

CONCLUSION

Piecing together North Carolina's early colonial economy through the surviving records of Albemarle community reveals the ways kinship and marriage, politics and wealth, and gender and race combined to create a complex early colonial world. It is in the details of the stories hiding in these records that the colonial world comes to life. This was a community in which merchants and their wives presided over courts held in homes and taverns. For example, the Godfreys and the Hecklefields hosted court extensively from 1709-1715, both were prominent merchants trading within the local community and collected debts while hosting the courts. Tavern keeper Diana Harris Foster White hosted court for years between 1670s and 1690s with three different husbands and brought debts suits to court while hosting court.

In such a close social world, trade, marriage and politics went hand in hand. So when Edward Moseley married Anne Walker, widow of Henderson Walker, they created a power alliance within the merchant community.¹ Samuel Swann,

¹Higher-Court Records, 1702-1708, pp. 176, 202.

Anne's brother, was a justice of the court.² In his will Edward listed Samuel Swann as his brother-in-law and Susannah Hassel as his mother-in law. He also named his sisters-in-law, Mrs. Mary Vailand and Mrs. Sarah Porter and Jason Hasell Jr. as his brother-in-law.³ Anne was the widow of the former governor. In 1699, Henderson Walker was elected as president of the Council and acting deputy governor. On his death in 1703 he was replaced, and political jostling culminated in the Cary rebellion of 1708-1711 in which a Cary, Lowe, Moseley, Porter alliance held power. Through Anne's marriage to Edward, we see that in reality this local merchant community worked together to maintain local merchants in positions of political power, rather than accept appointed governors from England. This local merchant alliance proved a powerful faction and one that had roots in local power struggles a generation earlier.

During the Culpeper rebellion in the 1670s merchants George Durant, Capt. Gillam, Thomas Porter and Richard Foster supported the Jenkins government under which Culpeper was named collector of customs. When in 1694,

²Ibid., pp. 177-178, Colonial Records, Vol. I, pp. 410, 413, 418, 434, 444, 456, and 583-596.

³North Carolina Wills, pp. 316.

Sarah Culpeper, relict of John, married Patrick Henley, a link is revealed between the merchants involved in the later Cary Rebellion.⁴ Patrick Henly was allied with Richard Plater and Henry Palin, brothers. Through one of his depositions we discover the Plater-Palin family were at one point linked to Henderson Walker by their sister.⁵ In short, Culpeper married Henley, Henley was allied in friendship with the Plater and Palin families who were linked to Governor Henderson Walker. Walker's wife, Ann, married Moseley, a key player in the Cary Rebellion. Thus, the players in the Culpeper and Cary rebellions were bonded by marriage and friendship.

The women in these merchant alliances used the courts for their own economic pursuits. The homes and taverns in which they lived and worked also served as primary sites of economic trade and exchange inside and outside of court. Thus, merchant women were centrally located within the political and economic centers of this society. The multiple functions of home allowed for far greater fluidity in gender roles reveals the proximity of women to politics and the economy in this early period. The story of Diana Harris Foster White, brings this

⁴Higher-Court Records, 1670-1696, pp. 22.

⁵Higher-Court Records, 1696-1701, pp. 529.

to life. Diana's life and kinship ties also illustrate the racial fluidity of early North Carolina.

Through the Harris and White families, Diana's kinship network probably extended into the Indian community. In 1703, Thomas Barcock declared in court that "bout 3 a yeare ago he gave to tom Harriss an Indian a sow Shote."⁶ This is not the Thomas Harris married to Diana: he had already died. He was not another son of Diana and Thomas Harris. In 1705 when Nathaniel Nickholson petitioned the court he stated "whereas Thomas Haris late of this Province...Deceasad An Estate of Land... had by Relect or widow Named Diana Foster one Son by Name John Harris who had Several Children now but one alive whome your Humble Petitioner Married and has now Issue by her."⁷ His petition declared they had only one living son, John. But this "tom harris" could be nephew of Thomas or a son by a previous marriage or sexual alliance with an Indian woman, a common practice in the period.

Other Indian white relationships peek through the records. Knowing that the King of the Yeopim Indians gave a land grant to George Durant in the mid seventeenth century is important when paired with 1723 court records stating,

⁶Higher-Court Records, 1702-1708, pp. 54.

⁷Ibid., pp. 476-478.

"John Durant, King, John Barber John Hawkins Harry Gibb George Durant great men of the Yawpims came before this Board and acknowledged a sale of Land for six hundred and fforty Acres to the Honoble William Reed."⁸

The fur trade increased the probability of interracial unions. The Durants, one of the founding families in the area, were tied to local Indians through blood as well as trade. In July 1699, James Damerell came to court for debt to Mr. John Durant for "thirteen does skins of the value of thirty nine shillings as by his bill bearing date the 12th day of February 1697/8."⁹ George Durant's will of 1688 declared his son John as heir and split his land between John and his brother Thomas. The remainder of the estate he divided between his wife Ann and daughters Sarah, Matytia, Pertyenia, and Ann.¹⁰ In 1730, his grandson, George Durant, left his estate to his son George, and daughters Anne, Mary, Sarah and Elizabeth. He was almost certainly the George Durant of the Yawpim Indians who sold land to William Reed. The records, therefore, indicate that the Durants had married into the Yeopim Indian community.

⁸Colonial Records, Vol. I, pp. 483.

⁹Higher-Court Records, 1697-1701, pp. 340. See also James Axtell, "The White Indians of Colonial America," in Peter C. Mancall and James H. Merrell eds., American Encounters: Natives and Newcomers from European Contact to Indian Removal, 1500-1850 (New York and London: Routledge, 2000) pp. 324-350.

¹⁰Grimes, North Carolina Wills, pp. 166.

The Indian communities in the Albemarle region lived in close association with the English colonists, despite Indian wars. In 1723, "John Hitaw King of Chief man of the Chowan Indians [came] by Edward Moseley his Attorney to prosecute an Orginial Attachemnt granted him by Christopher Gale Esq Cheif Justice against the Estate of John Sale for sume of Eleven pounds."¹¹ It is significant that Moseley represented the Indian king. Moseley was speaker of the house during the 1708-1711 Cary rebellion, and even long after. His affiliates, Porter and Cary, courted the local Indians' support for their government during the Cary rebellion. The Durants had long supported the Porters through two rebellions. Even after the Cary rebellion and the Tuscarora war that followed in 1713, Moseley maintained his relationship with the Indian communities. He held his political position into the mid-eighteenth century.

The Blount family, like the Durant family, spanned the Indian and white communities and tied both together through marriage and trade. In 1718, the North Carolina council received an account that "a great body of Indians are now about Bath Town that they have seized Mr. Worseleys daughter and sonn with a white servant and Negroe." This

¹¹Ibid., pp. 364. This may have been the same Jno Salley that owed Jno Porter money in 1713 and the same Jno Sale that Ann Durant dealt with.

rumor turned out to be a story made up by the Worsley children and the slave Pompey to avoid punishment. King Blount, however, was told of the matter and asked to encourage his Indians to apprehend Pompey.¹² The two families, it seems, were tied by marriage. In 1732, Elizabeth Blount, a widow, gave to her daughter Ann Wor[se]ly "Thirty pounds in Public Bills of this province."¹³ A 1686 will left by James Blount, left "country Comodities" to his sons James and Thomas, and all his land and houses to Thomas. This was probably King Tom Blount of the Tuscarora Indian town.

The White family also appeared to span the English and Indian communities. In 1719, "John White of the Indian Town in Chowan Precint" answered charges against him "for selling and retailing Liquors without Lycence."¹⁴ A land and poll tax of 1722 record a John White with 200 acres; and a William White with 174 acres.¹⁵ If John was not an Indian himself, he certainly had daily and personal contact with the Indian community in which he lived.

Taverns, like that of John White, were a significant point of contact and connection between the Indian, white

¹²Colonial Records Vol. II, pp. 313,315, 357-358.

¹³Ibid., pp. 58-59.

¹⁴Ibid., pp. 368.

¹⁵Olde Albemarle Records, pp. 129.

and black communities. For example William Reed was one of several men accused in court of "sell[ing] and retail[ing] strong Liquors in their Houss without lycence" in 1724.¹⁶ Seven years later, Elizabeth Reed, his wife or daughter, was fined 6 pounds by Chowan County Vestry for having two "Molatto bastards."¹⁷ Either Elizabeth had children by her husband's slaves or other black men in the community while she was married to him, or William Reed's daughter did so. The fact that the family ran a tavern, illegally, made cross racial sexual liaisons probable.

Greater social fluidity in racial hierarchy obtained in early North Carolina than would be true by the nineteenth century.¹⁸ Blacks and whites had close and daily contact with each other, working side by side, or spending evenings at a tavern as in the case of the Reeds. North Carolina's frontier status and political turmoil during the later 17th century and early 18th century further complicated the developing racial hierarchy. In the 1703 elections, Joseph Boone, a merchant, complained to Parliament that "all sorts of people, even servants, Negroes, Alians, Jews

¹⁶Colonial Records, Vol. II, pp. 551.

¹⁷Heinegg, pp. 494.

¹⁸Breen and Innes, Myne Owne Ground, Chapter 2.

and Common sailors were admitted to vote in Elections."¹⁹ In 1715 the Assembly passed a law that "no Negro Mullatto or Indians" could vote for members of the Assembly.²⁰ This law followed closely on the heels of the Cary alliance's loss of power. This alliance included the Durant and Blount families, with their ties to the local Indian communities. In 1711, Cary and his supporters were freed without a trial in England and Cary returned to North Carolina. The new governor was instructed by the Lords Proprietors not to punish any party participating in the Cary Rebellion.²¹ The Porters and Edward Moseley, the Durants and the Blounts, participated in colonial politics for many more years.

The stories imbedded in early colonial documents reveal the extent to which early colonial frontier regions participated in both the transatlantic and intercolonial economies. Both of these economic realities, particularly the domestic trade between colonies, have been overlooked by economic historians. Local merchants tied Albemarle tightly to the intercolonial and transatlantic economy. Local merchants also struggled to maintain control over local government, and ignore increasing attempts at

¹⁹Colonial Records, Vol. I, pp. 639.

²⁰Colonial Records, Vol. II, pp. 215.

²¹White, "From the Vestry Act to Cary's Rebellion," pp. 18-19.

metropolitan British supervision. Their struggles over political power reflect the lucrative nature of the skin trade that originally drove this economy. The frontier nature of the community fostered blurring of racial boundaries and assumptions about gender roles. Inconsistent denotations of race complicated understandings of race relations in the very early colonial period. Increasingly rigid laws after 1715 divided the community more clearly along racial boundaries. The same transformation in social roles for women also took place at the opening of the eighteenth century. Women participated more heavily in trade in the early colonial period than they would by the mid-eighteenth century. Studying the intersection of trade with race, class and gender underscores the multicultural, transatlantic society that formed the foundations of the economic world that would become the American colonies.

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