

**QUIT-RENTS AND
CURRENCY IN NORTH
CAROLINA 1663-1776**

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Quit-rents and currency in North Carolina 1663-1776 by Edwin Wexler Kennedy

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PREFACE.

The aim of this monograph is to present a study in the colonial history of North Carolina, along two lines of thought: (1). The History of Quit-rents, (2). The History of Currency.

Although these topics are economic in their character, they had no small influence on the political development of the State. They were elements in the estrangement which gradually grew between the mother country and the colony, and their history forms a part of the general history of the period.

In offering this work to the public I desire to acknowledge my indebtedness to Judge Robert W. Winston, of Durham, N. C., to Doctor John C. Kilgo, President of Trinity College, N. C., and to Hon. S. G. Gilbreath, ex-State Supt. of Public Instruction of Tenn.

E. W. K.



QUIT-RENTS AND CURRENCY IN NORTH CAROLINA.

1663--1776.

CHAPTER I.—QUIT-RENTS.

In 1663 Charles II, as feudal lord of the land which he held in America by the right of discovery, granted to eight persons as tenants-in-chief that portion of land in America lying between thirty-one degrees and thirty-six degrees, north latitude, and the Atlantic and Pacific oceans. (1) In 1665 the grant was extended on the north to thirty-six degrees, thirty minutes and on the south to twenty-nine degrees, north latitude. (2) By the terms of the grant these persons were created Lords Proprietors with absolute sovereignty "saving always the faith, allegiance, and sovereign dominion, due us, our heirs and successors." (3) They were "to have, hold, use, exercise, and enjoy the same (their privileges) as amply, fully and in as ample manner, as any Bishop of Durham, in our Kingdom of England ever heretofore had, held, used, or enjoyed, or of right ought, or could, have, use or enjoy." (4) It was provided that the Lords Proprietors should hold the lands "in free and common socage and not in capite or by knight service," subject to the payment annually of one-fourth of the gold and silver which should be found therein, and an annual quit-rent of twenty marks. (5) They were authorized to grant land in fee-simple, fee-tail, term of life or years, at such rents, services or customs as they desired, the statute of *quia emptores* to the contrary notwithstanding. (6) It was the desire of the Lords Proprietors to transport subjects of the British crown from the Kingdom of England and from other countries subject to England, to Carolina, for the purpose of forming a colony for the "propagation of the Christian faith and the enlargement of our empire and dominions." (7)

(1) Colonial Records of North Carolina I, p. 21. Hereafter cited as C. R. (2) C. R. I, p. 104. (3) C. R. I, p. 108. (4) Bassett's "The Con. Beginnings of N. C.," p. 20, C. R. I, p. 108. (5) C. R. I, p. 104. (6) C. R. I, p. 110. (7) C. R. I, p. 21.

In pursuance of this purpose, in the same year in which the colony came into their possession, the Lords Proprietors made an announcement to the public entitled "A Declaration and Proposals to All That will Plant in Carolina," in which they stated, "We will grant to every present undertaker for his own head one hundred acres of land, to him and his heirs forever, to be held in free and common socage; and for every man servant that he shall bring or send thither, that is fit to bear arms, armed with a good firelock musket, performed bore, twelve bullets to the pound, and with twenty pounds of powder, and twenty pounds of bullets, fifty acres of land; and for every woman servant thirty acres; and to every man servant that shall come within that time, ten acres after the expiration of his time, and to every woman servant six acres after the expiration of her time." (8). These propositions were limited to five years, commencing at the time of the first settlement. (9). The lands so granted were to be held subject to the payment of an annual quit-rent of one half-penny per acre, four shillings, two pence per hundred acres. (10). In 1667 the Lords Proprietors made a proposition to grant sixty acres of land to every head of a family, male or female, sixty acres for every male servant able to bear arms and equipped in a specified manner, and fifty acres each for other servants composing his or her family, the quit-rent thereon being one half-penny per acre. (11). In the northeastern part of the colony settlements were made by people who held their lands under titles granted by the governor of the Colony of Virginia at one farthing per acre. In 1679 the Lords Proprietors instructed President Harvey and Council to confirm these grants. (12.) Others of the original settlers purchased their lands from the Indians. This part of the colony became Albemarle county, from which grew the State of North Carolina. The assembly of this county petitioned the Lords Proprietors concerning the payment of quit-rents. In 1668, in answer to that petition, they made what is generally known as the "Great Deed of Grant." This instrument secured to them, their heirs and assigns forever, their lands "upon the same terms and conditions that land is at present usually granted in Virginia." (13). The law of Virginia at this time permitted the tenant to hold his or her land subject to the payment of a quit-rent of two shillings a hundred acres, payable at the home of the tenant in tobacco at a penny a pound. (14). In 1669, the Lords Proprietors, accord-

(8). C. R. I, p. 46. (9). *Ibid.*, p. 46. (10). *Ibid.*, p. 46. (11). C. R. I, p. 158. C. R. V, p. 93. (12). C. R. I, p. 238. (13). C. R. III, p. 499, 481. (14). C. R. IV, p. 109.

ing to the one hundred and thirteenth article of the Fundamental Constitutions, stated that, "Whosoever shall possess any free-hold in Carolina, upon what title or grant soever, shall at the farthest, from and after the year one thousand six hundred and eighty-nine, pay yearly unto the Lords Proprietors, for each acre of land, English measure, as much fine silver as is at this present time in one English penny, or the value thereof, to be as a chief rent and acknowledgement to the Lords Proprietors, their heirs and successors forever." (15). In 1694 the Lords Proprietors instructed Governor Archdale to sell land in the colony, reserving an annual quit-rent of one shilling per hundred acres for some, and four shillings and two pence for other lands. (16). In regard to the lands lying north of the Cape Fear he was authorized to use his own discretion as to the rate of quit-rent, provided it should not be less than a half-penny per acre. (17). In 1708 the governor was instructed to grant land at a quit-rent of a half-penny per acre, with the proviso that no person should have more than six hundred and forty acres. (18). In 1663 an island, about five miles long and two miles in width, lying near the mouth of the Albemarle river, was granted to Sir John Colleton at a quit-rent of a half-penny per acre for all tillable lands, provided that "all others that shall plant in North Carolina pay as much." (19). The governors were not always obedient to the instructions of the Lords Proprietors. They so abused the power entrusted to them that the Lords Proprietors in 1715 ordered that the land office should be closed, and that the land should be sold only by themselves in London. (20). In violation of this order the governor and council in 1724 allowed people to take lands in Bath County at three shillings per hundred acres. When the Royal period began, the King instructed the governor of the colony that thereafter the rate of quit-rents should be four shillings per hundred acres. (21).

THE QUIT-RENT ROLL.

The quit-rent roll was a list of names of persons holding land in the colony subject to the payment of quit-rents, showing the location of the land, the number of acres, the rate, and amount of quit-rents to be paid by each person. The method of securing land in the colony was very simple. The colonist petitioning for a grant of land was required to prove his right before the Governor and as many as four members of the council not

(15) C. R. I, p. 204. (16) C. R. I, p. 300, C. R. V, p. 94. (17) C. R. I, p. 301. (18) C. R. V, p. 94. (19) C. R. I, p. 55. (20) C. R. V, p. 96. (21) C. R. V, p. 96.

having any interest in the land. If the land was granted, the warrant was issued by the Governor in council, and recorded in the auditor's office. The warrant was returnable by the surveyor within a year. When the warrant was returned the grant was made and was required to be registered in the secretary's office within six months. (22.)

In 1713, Governor Pollock and his council met at the residence of the Governor in Chowan precinct, and in compliance with the requirements of the Lords Proprietors concerning the formation of a quit-rent roll, appointed five persons from Chowan, two from Perquimans, four from Pasquotank, two from Currituck precincts, and four from Bath county, to take a list of all lands held in their respective precincts, showing how the land was held, how long held and what rent was due. All persons were required to appear before these listers and give on oath the required information by the last day of October of that year. The lands of all persons who failed to comply with this requirement were to be considered forfeited and subject to be entered as though no one had ever held them. (23.) In 1726, Edward Moseley, the Surveyor General, reported to the Governor and council a list of all the grants of land recorded in the office of the secretary of Albemarle county, for the purpose of forming a rent roll. The secretary was ordered to have copies made with the addition of the more recent grants for the use of the collectors. (24.)

The difficulty of forming a rent roll was not only due to the settlers but to the officers of the colony. Governor Everard in 1729 sold four hundred thousand acres of land at twenty pounds a thousand, to pay the expenses of the commissioners for running the boundary line between the colony and Virginia. The grants were duly signed and sealed, but the names of the grantees, the number of acres, and the amounts paid, were not specified. The lands were not described, nor had they even been surveyed. (25.) Governor Burrington, the first royal governor, was instructed by the King to give his consent to an act of the assembly to remit all arrears of quit-rents, payable to the Lords Proprietors, which were included in the King's purchase, provided that all land-owners in the colony should register their grants in the auditor's office, and should in the future pay the rate of quit-rents specified in the original grant. The requirements of the King were not satisfactory to the colonists. They refused to re-register their lands, and the

(22) C. R. V, p. 100. (23) C. R. II, p. 85. (24) C. R. II, p. 603. (25) C. R. IV, p. 266, C. R. V, p. 96.

quit-rent roll remained incomplete. Other efforts were made from time to time to secure a satisfactory law for the formation of a quit-rent roll, but a lack of harmony between the departments of the assembly prevented. In 1738 the assembly passed an act for forming a quit-rent roll. The Governor signed it, but it was annulled by the King in council. (26). In 1748 an act was passed by the assembly providing for the formation of a quit-rent roll. The act required that all persons except orphans, minors, and persons beyond the sea, who held land in the colony and grants from the Lords Proprietors not registered, should register them within a period of twelve months. The lands in the territory belonging to the King were to be registered in the office of the Auditor General, or in the office of the clerk of the county court where the lands were situated. Those who held land in the territory of Earl Granville were to register such lands as were not entered, in his office or in the office of the clerk of the county court where the lands were situated. All patents which were not registered within the specified time were to be considered void. All registers were required to report annually to the Auditor General or Earl Granville's agents respectively, a list of the transfers of land in their respective counties, specifying the names of persons, the number of acres, the situation of the land, and the date of the transfer. It was required that the secretary make a similar report of the wills. (27). In a report of the condition of the colony made to the Lords Commissioners for Trade and Plantations in 1761, it appears that the quit-rent roll was then incomplete. (28). The auditor up to this time had not kept a register of the grants of land. He had only a partial list which was taken from the record of the secretary. One thing that augmented the difficulty in making a quit-rent roll was the variety in the size of the grants of land. The amount of land the early settlers received depended upon the number of servants they imported. The number of acres allowed for each person varied from time to time. In 1708 the Lords Proprietors instructed the Governor to limit the grants to six hundred and forty acres (29.) In 1715, the assembly passed an act prohibiting a surveyor from surveying more than that number of acres in one tract. In 1736, the King directed that one million two hundred thousand acres of land be granted to Henry McCulloh and others. In accordance with which, this number of acres was taken in ninety-six grants of

(26) C. R. V, p. 100. Iredell, 57. (27) Iredell, 121, 134. (28) C. R. VI, p. 618. (29) C. R. V, p. 94.