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**JOURNAL OF THE NEW BERN HISTORICAL SOCIETY**

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The JOURNAL OF THE NEW BERN HISTORICAL SOCIETY is a quarterly publication of the New Bern Historical Society, a nonprofit organization dedicated to the preservation of the rich heritage of New Bern. Articles, letters, photographs, and memorabilia relevant to the history of New Bern and Craven County may be submitted to the editor for review. (Post Office Box 119, New Bern, North Carolina 28560)

## NEW BERN AS COLONIAL AND STATE CAPITAL

Virginia Kirwan

Editor's note: The following is the first in a series examining New Bern in light of its changing character. Three additional articles are planned: (1) New Bern as shipping center, (2) New Bern as a lumber town, and (3) New Bern's tourism industry.

The story of North Carolina's struggle to establish a colonial, and later, a state capital is a long and complicated one. As we look upon New Bern today, its natural assets and its accessibility seem almost enough to qualify it for the governmental role which it was called upon to fulfill at various times during its history. Since it is our purpose to view New Bern as the capital of the colony as well as of the free state of North Carolina, we are challenged to discover the obstacles which served as deterrents to the early establishment of the seat of government here.

Founded as a Proprietary Province, North Carolina's future destiny was placed by King Charles II in the hands of eight Proprietary Lords in 1663 as a reward for their support of and allegiance to the British Crown. While the fundamental purpose of colonization was extension of the empire, enrichment of the Crown was also much desired. The Lords Proprietors were entrusted with governing their territories, and it was expected that they too would enjoy financial gain as a result of their efforts. These men, of genteel persuasion, were for the most part completely ignorant of the lands over

which they were given free reign--land which included North and South Carolina, Georgia, and part of Florida, west to the ocean beyond!

Religious differences served to weaken the "white front". Sporadic Indian uprisings terrorized the settlers, wreaking such havoc in the New Bern area in 1711 that the town was temporarily abandoned.

By comparison with colonists in Virginia and South Carolina, most North Carolina settlers were small land holders who could not buy acreage or slaves in large numbers. Small land holdings spawned a "spirit of republicanism" best exemplified in the latter colonial period by the Regulators. These men openly resisted what they considered to be injustices--quitrents, taxes, high fees for legal services, pillage, and extortion, to mention but a few. They rose in armed revolt eventually, but were quelled by militia under Governor Tryon's command.

Sectional conflicts for many years thwarted efforts to make New Bern the seat of government in the colony. Albemarle had two contenders, Bath and Edenton. The former could boast only of being the first English settlement in the Carolinas (1705), but its population of fewer than 100 could not offer the necessary facilities to feed and house the members of the legislature and their staffs during a legislative session. Edenton, situated only 30 miles from the Virginia border, was 200 miles distant from the Cape Fear region. Some favored placing the capital in Wilmington, but again distance became the barrier, this time to the northern and western settlements of the province. Truly, as recorded in the Journal of a French traveler in the Colonies, "New Bern is the most sentrical town in the province".

By the end of the eighteenth century Craven was the most populous settlement in eastern North Carolina between Albemarle and Cape Fear.

New Bern's earliest governmental role was as the seat of Craven Precinct of Bath County. In 1722 Craven became a county. Naturally the seat of the county was in New Bern, as were the offices of the sheriff and that of a clerk. New Bern became the place for the collection of quitrents in Craven County. Sheriffs of surrounding counties met in New Bern to render accounts upon matters involving provincial business. Elections and other precinct affairs were conducted here.

In 1729 the Crown bought back the province of North Carolina from the Lords Proprietors. Lord Granville, whose land comprised the Albemarle area, refused to sell his share to the King. Granville's agents continued their corrupt dealings with the settlers. Under the label of Regulators, those same settlers later revolted against the colony.

Gabriel Johnston, the second royal governor following the purchase of the proprietors' land, recommended that New Bern serve as the colonial capital. As early as 1735 the Council (governor's advisers) met in New Bern, serving as a court of claims for land disputes and for issuing land patents. Thereafter, the Council convened many times in New Bern, not only as a court of claims, but also in its designated role as advisers to the governor as well as serving as the appellate court of chancery. Johnston further suggested to the Board of Trade that a semi-annual court of chancery should be held at New Bern which, in 1736, he believed to be "the most central place of the province". He also urged that "the offices of the Secretary and Surveyor, Receiver and Auditor General with all other future offices be kept in the said town of Newbern".

The Act of 1746 fixed the court of chancery, the general court, their clerks' offices, and the secretary's office all at New Bern. The act also levied a tax of four pence per poll for two

years to pay for public buildings to house the aforementioned courts and offices. In 1750 a bill was introduced to increase the levy for public buildings to be built at New Bern.

As borough representative, James Davis obtained the passage of local legislation which gave New Bern its first elective government in 1756. Four years later, in 1760, New Bern became an incorporated town with eight councilmen (aldermen).

Governor Johnston's plans to establish New Bern as the permanent colonial capital were passively but effectively balked by members of the legislature from the Albermarle. Johnston died in 1752 without having achieved his goal of making the government of the colony a stable, efficient and competent one.

Governor Arthur Dobbs, Johnston's successor, did not favor locating the seat of government at New Bern even though the town had served in that capacity since 1746. Instead, he chose Tower Hill at Stringer's Ferry on the upper Neuse River as the site upon which the capital should be built. There was little support for his plan, and it failed. He then moved the seat of government to the Cape Fear area. New Bernians were distraught at the economic impact brought about by this move.

Dobbs became an itinerant governor, and the members of the legislature were like nomads, with public records scattered at various localities throughout the colony. During this period 46 legislative sessions were held. Of these, 29 convened in New Bern, 10 in Wilmington, four in Edenton, and three in Bath!

Governor Dobbs's health declined, and in 1764 he petitioned the Crown for the services of a lieutenant governor. The King willingly complied with his request in the person of William Tryon, who arrived in Brunswick in October of that same year.

Dobbs postponed his departure, and Tryon

decided to bide his time by touring the colony. His first goal was to visit New Bern, but news of Dobbs's death was delivered to Tryon en route. After putting the deceased governor's jumbled papers in order, Tryon again set out to see the land which he was to govern.

He liked what he saw at New Bern and decided to return the seat of government to that place. Tryon had brought with him in his entourage from England an architect, John Hawks by name. In 1767 Hawks signed the contract by which he agreed to design the governor's house and to oversee its construction, which he did under the careful scrutiny of William Tryon.

The house was primarily English in design with some colonial modifications. The cost was estimated to be 10,000 pounds (15,000 pounds in North Carolina currency). Tryon submitted the plans to the King for approval which was readily granted. The Assembly authorized the expenditure of the necessary funds, and the work moved forward promptly, reaching completion in 1770.

On December 5 of that year the Assembly and the Council met jointly in the Council Chamber of the "Palace". This was the formal opening of the capitol, a festive day, followed that night by a gala ball.

Tryon had accomplished what his predecessors had failed to do. He had established a permanent seat of government for the colony at New Bern. It now remained for the colonists to pay for the extravaganza through additional taxation. The effort to collect the tax resulted in open revolt in the far recesses of the colony--an uprising which was crushed by the militia at Alamance under the command of Governor Tryon.

At this point in his career, Tryon was promoted to the post of Governor of the colony of New York. Josiah Martin, Tryon's successor, praised the elegance of the home which he and



PLAYERS AS ROYAL GOVERNOR AND STAFF. Tryon Palace photo.



his family were to occupy, but he also fell heir to the problem of the debt incurred by its construction.

Domestic issues defeated Martin's administration and ultimately caused the demise of royal government in North Carolina. The Assembly and Martin were at impasse over legislation by which courts were established and over the "foreign attachment clause" which North Carolina merchants wanted in the law. Martin vetoed the bill repeatedly, and the courts remained closed to civil cases until after the colony declared its independence of British rule.

The authority of royal administration was being challenged throughout the colonies. To punish Boston for its participation in the "Tea Party", Parliament imposed the Coercion Acts of 1774. Among other restraints, these acts revoked the charter of Massachusetts and closed the port of Boston. All colonies responded in united support of their beleaguered compatriots. Committees of Correspondence were formed, followed by Committees of Safety. An invitation was extended to all colonies to participate in a General Assembly.

Called by John Harvey, the First Provincial Congress met at New Bern on August 24, 1774, in defiance of the Governor's proclamation which forbade the gathering to take place. Joseph Leech, Richard Cogdell, and Lemuel Hatch were elected as representatives of Craven County while the borough of New Bern chose Abner Nash and Isaac Edwards as its delegates. After three days of deliberation William Hooper, Joseph Hewes, and Richard Caswell were elected as delegates from North Carolina to the First Continental Congress in Philadelphia.

Governor Martin scheduled a meeting of the Assembly to be held in New Bern on April 4, 1775, for the purpose of denouncing the Congress. John Harvey summoned the Second

Provincial Congress to convene at New Bern one day earlier. The colonists ignored Martin's proclamation and refused to denounce the Congress. Martin realized then that here was an Assembly which he could not dissolve! The Provincial Congress reelected its delegates to the Continental Congress in Philadelphia, authorizing them to vote in favor of the formation of a sovereign nation of sovereign states.

The news of the British attack against the patriots at Lexington in 1775 had turned the tide of colonial thinking toward concerted action against the rule of the Crown. The militia began drilling in New Bern, and Governor Martin virtually imprisoned himself in the Palace.

It is not difficult for us to imagine the fear in the hearts of New Bernians when they realized that Governor Martin had very well in his hands the power to turn upon them the force of the six-cannon Palace battery. They were happily surprised to learn that Martin had had the cannons dismounted on pretext of needed repairs before salutes could be fired in celebration of the King's upcoming birthday. Martin and his servants and staff were put under close surveillance by the Committee of Safety whose members had previously made plans to capture the cannons. Martin did not even remain in New Bern to salute the King's birthday. Instead, with help from his Tory adherents he managed to escape to the Cape Fear area where he found refuge aboard a British sloop.

Abner Nash and James Coor served on the new Provincial Council, the executive and judicial authority of the revolutionary government. Coor and John Simpson worked with the Council of Safety which was created for New Bern, Craven County, and other North Carolina jurisdictions. The port of New Bern sheltered privateers who operated throughout the war for independence.

Early in 1777 the first state government authorized by a new constitution was inaugurated in New Bern under the gavel of Governor Richard Caswell. The constitution provided for three branches of government. The Legislative department was to consist of a Senate and a House of Commons; the Judicial segment provided for a Supreme Court, an Admiralty Court, and a system of County Courts; and the Executive branch called for a Governor, a Council, and Administrative Officers.

New Bern became the most populous town in North Carolina during the Revolution. It became a cultural center and was known as a port of distinction. Shipping expanded enormously. The maritime trade of John Wright Stanly, Richard Ellis, David Barron, Spyers Singleton, and John Green among others became a very valuable aid to the revolutionary cause.

The Assembly met in New Bern in April of 1780 when Abner Nash took the oath of office as Governor in a ceremony conducted at the Palace. At this legislative session it was decided that New Bern was too vulnerable a spot, and the members voted to move the capital inland to Hillsborough for the time being. Martin's personal effects were sold at auction, and the Palace itself was offered for sale!

In 1781 a British Regiment, accompanied by Loyalists, did enter New Bern where it met little or no resistance. A considerable amount of destruction to ships and ships' stores along the waterfront was the toll of this two-day occupation. However, before the Loyalists left, they caused severe devastation to the plantations and homes above New Bern at Bryan's Mills. Patriots took revenge by burning the homes and possessions of the Tories. Caswell, fearing future harm to the American cause as a result of these reprisals, ordered his troops to stop the burning and looting. Two months later Cornwallis surrendered to the Americans at

Yorktown.

Delegates were elected to attend a State Convention in Hillsborough in 1788 to consider the adoption of the new Federal Constitution. The Assembly, by joint resolution, empowered those delegates to decide where the permanent capital should be. This was a "hot" political issue on which members of the Assembly and Council did not want to risk reelection because of what their constituents might consider an unfavorable vote. On the third ballot, however, Wake County was chosen as the location, but it was not until 1791 that a commission was appointed to pick the exact site. The commission met in March 1792 and selected Joel Lane's plantation at Wake County Courthouse. The new capital was named Raleigh.

State Governor Alexander Martin turned over the reigns of government to Richard Dobbs Spaight at the Palace in 1792. Spaight was the first native-born governor of North Carolina and the last governor to be inaugurated in the Palace. The Assembly bid farewell to the Palace in July 1794 at its last session in New Bern before convening in Raleigh for the first time in December of that year.

On February 27, 1798, the Palace burned.

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## Part I: The Chapman Family

Patricia M. Hughey

Editor's note: The second and concluding part of the story, to be published in the next issue of the JOURNAL, will cover the Attmore-Oliver family.

The Attmore-Oliver House at 513 Broad Street in New Bern is now the headquarters of the New Bern Historical Society, Inc. Built in the late eighteenth century as a modest story and a half frame home for Craven County Clerk Samuel Chapman, it was enlarged and assumed its present appearance about 1834. Since the house was constructed in about 1790 or 1791, only two families have lived, worked, and died there. This brief history will shed some light on these people and what their lives were like.

Samuel Chapman, the original owner, was born about 1750. He resided for a time in Carteret County, where some of his relatives also lived. He appears in the Carteret probate records as executor of the will of his brother John Chapman, who died in 1770, leaving all his property to their sister Sarah.<sup>1</sup> In 1771 he was named executor of his cousin Joshua Chapman's will.<sup>2</sup> Chapman first purchased land in Craven County in 1773, but apparently still resided in Carteret County in 1776 when he was commissioned a second lieutenant in the Continental army for the Newbern District, Carteret County.<sup>3</sup>

Chapman fought in the Continental army from 1776 until his resignation November 2, 1782. He

served with the Eighth North Carolina Regiment, commanded by Colonel James Armstrong, and transferred to the Fourth North Carolina Regiment in June 1778. He was promoted to captain April 5, 1779.<sup>4</sup> Chapman served primarily in North Carolina where he probably had his hands full dealing with the strong loyalist element.

He married Christiana Williams in late 1779,<sup>5</sup> and worried about his family and property, as evidenced by this letter he wrote from Oxford to General Jethro Sumner August 11, 1781:

A report prevails that the Enemy at Wilmington have surprised Col. Kenan of Duplin Co., killed and taken about twenty of his men and dispersed the remainder. By letter from Gen'l Nash from Mr. T. Person they intend for Newbern, which makes me anxious to go there before them, to endeavor to preserve what little property I have.

The small pox being in Newbern obliged Mrs. Chapman to leave town, which makes my presence absolutely necessary at this time.<sup>6</sup>

The British, under Major James H. Craig, invaded the town eight days after Chapman wrote his letter. Most of the destruction centered around the waterfront, but two days later they left town and destroyed several plantation houses.<sup>7</sup> Chapman may have been with some Craven County troops who skirmished with Craig's forces on the Trent River as they returned to Wilmington.

As the war dragged on, Chapman, like many other men, grew weary of the fighting and felt compelled to try and ease the hardships of his family. Writing again to General Jethro Sumner on January 7, 1782, Chapman explained his lengthy stay at home, which Sumner deemed unnecessarily long:

Col. Armstrong has just informed me that it is your orders that I should repair to Camp. I am very sorry, Sir, that it is not in my power at present to comply with your orders. Whether my indisposition proceeds from the sickly climate I live in, or my former service in the field, I cannot determine, but it is the Doctor's opinion that I am not in a situation at present to endure the fatigues of a Campaign; neither do I feel myself able to bear half the fatigue I have formerly gone thro' in the Army, both to the Northward and Southward. I am in hopes that by regular diet at home this Winter I shall in the Spring be able to take the field again, at which time, if I can render my Country any service, it will be the height of my wishes. I am endeavoring, by a small trade, to lay in such a Store of provisions, etc., for my young family as will, I am in hopes, supply them the whole year.

I hope, Sir, you will not disapprove of my conduct in that respect, when you know that it is impossible for Officers, at this place, to obtain any of the necessaries of life for themselves or their families, and should I omit the present opportunity, I must leave mine in distress.<sup>8</sup>

The War of Independence finally ended, and Chapman devoted his attention to his family and business dealings. In May 1784 he received a land grant of 3291 acres for 72 months of military service.<sup>9</sup> Chapman bought and sold a great deal of land. He was the grantee (buyer) in at least 48 Craven County land transactions from 1773 to 1805.<sup>10</sup> He invested in lots in New Bern as well as large tracts of land in Craven and Onslow Counties.<sup>11</sup> His purchases ranged from 250 acres acquired at a sheriff's auction in 1786 for 65 pounds to two-thirds of a lot



bought from the trustees of the New Bern Academy in 1780 for 125 pounds.<sup>12</sup> On September 25, 1790, he made his most important purchase. He paid "50 pounds currency for one certain lot or half acre of land situated in the town of New Bern on the south side of Broad Street which lott is known and distinguished in the plan of the aforesaid town of New Bern by the number one hundred and two (102) . . . ." Chapman bought the lot from Nicholas A. Bray and his wife, Elizabeth Wickliffe Bray of Jones County. When questioned separately in 1791 about her willingness to sell the property, Elizabeth Bray swore that her husband had not coerced her into the transaction.<sup>13</sup>

Chapman was appointed Clerk of the Craven County Superior Court in 1788. The construction of a new house was probably a reflection of his added status and wealth in the community, although the original house was not pretentious or overly impressive. Chapman built a simple, story and a half frame dwelling, with one exterior chimney on the east end and two on the west end. He did not need an exceptionally large house since the family consisted of himself, his wife Christiana, his mother Elizabeth Fenno, and his two children, Nancy and Henry Lee. Three slaves also lived with the family.<sup>14</sup>

Chapman held several important positions in the community. In 1784, prior to his appointment as County Clerk, he served as a New Bern tobacco inspector. It is not known if Chapman sent his children to the New Bern Academy, but it is possible since he was the secretary of the board of trustees in 1793. He was also a Mason and the senior warden of St. John's Lodge No. 2 (now St. John's Lodge No. 3) when George Washington traveled to New Bern on his southern tour in April 1791. Chapman was a member of the welcoming committee which met the President at the ferry and later "waited upon"

him at his lodgings. He was also a part of the group which took Washington on a short tour of the town.<sup>15</sup>

In 1803 Chapman's wife Christiana, who was the sister of Governor Benjamin Williams, died in New Bern.<sup>16</sup> The next year on November 4 Chapman and Miss Catharine ("Kitty") Backhouse were married by Reverend Thomas P. Irving, rector of Christ Church.<sup>17</sup> Chapman had known her family for quite some time; he was her uncle by marriage (her mother was Mary Williams Backhouse, Christiana Chapman's sister).<sup>18</sup> He was one of the executors of her father John Backhouse's will proven in Carteret County in 1785.<sup>19</sup> Backhouse had been a justice of the peace in Carteret County, and Kitty's brother Allen Backhouse was a member of St. John's Lodge No. 2 and later became postmaster of Swansboro.<sup>20</sup> Kitty was probably at least 25 years younger than Chapman. This would have made her about the same age as her stepson (and cousin), Henry Lee Chapman, which may have caused problems in the family. Henry Lee's sister Nancy disappears from the records after 1790. Kitty Chapman soon gave birth to a daughter, Caroline Eliza, and was pregnant with their second child when Samuel Chapman died March 13, 1807.<sup>21</sup>

Having had much experience with wills and other legal matters, Chapman wrote a will that was organized and complete. He left Kitty seven slaves, all the furniture, his horse, harness and horse cart, two cows and calves, one-half the salt provisions, 20 barrels of corn, \$600, and the "use and occupation of my Dwelling House, lot and improvements whereon I now live, for and during her natural life". His mother, Elizabeth Fenno, received \$500, and four shares in the Newbern Bank. To his son Henry Lee, he left several town lots, 10 slaves, \$1400, work horses, cattle, oxen, hogs, and a large assortment of plantation implements. He also

left him a share in the Newbern Library Company, a new bedstead, pillows, a coverlet, blankets, sheets, and gold sleeve buttons. Henry's receipt of the farm animals and plantation implements, however, was upon the condition that "he furnish my wife Kitty, in the month of December or January after my death, delivered to her in Newbern, six hundred weight of good, fresh pork--ten barrells of sound corn, and one thousand weight of Peas or fodder". Caroline Chapman, then about two years old, received \$1000, eight slaves, part of a lot in New Bern, and the house on Broad Street after her mother's death. Chapman also left several lots, slaves, and \$1000 to his unborn child. To his "waiting man" Caesar, he left all his clothing.<sup>22</sup>

In an unusual bequest, Chapman provided for the emancipation of one of his slaves, Nathan, "the eldest son of my Negro woman Juliet". Moreover, Chapman also left him a share in the Newbern Bank and stated that he must be "bound out to learn a trade" at the age of 21.<sup>23</sup> One can only speculate as to the reasons behind Chapman's actions. Perhaps it was meant as a kindness to Juliet, or perhaps Nathan was his son and he could not bear to see him remain in slavery. Whatever the reason, Chapman's wish was carried out, for in the 1820 Craven County census Nathan Chapman is listed as a free colored person.<sup>24</sup>

Even though Chapman tried to provide for all his loved ones in his will, there were hard feelings between his wife and son. On October 13, 1808, Henry Lee Chapman died in Warrenton, North Carolina.<sup>25</sup> In May of the same year he wrote his will which provided that all his property be sold and the profits given to his grandmother Elizabeth Fenno. Any property remaining unsold was to be given to her and his aunt Ferebee Guion (also a sister of Christiana Chapman and the wife of Isaac Guion). He concluded his will with this bitter note: "To

Mrs. Catharine Chapman, I bequeath my forgiveness for all the injuries she has done me and I pray to God she may be brought to view her conduct in a proper light."<sup>26</sup> Exactly what caused the ill will between the two is unclear. Kitty remained in the house with her mother-in-law, her daughter Caroline, and Chapman's posthumous son, Samuel Edward Chapman.

On June 17, 1826, Caroline Chapman married Henry P. Waring, a New York merchant. Henry and Caroline probably moved to New York, leaving only Kitty and her son Samuel in the house. Kitty's death notice appeared in the January 30, 1829, issue of the RALEIGH REGISTER. Legally the house now belonged to Caroline and Henry Waring, though it is doubtful that they ever lived in it since they do not appear in the 1830 census for North Carolina. Samuel Chapman, however, is listed in the 1830 Craven County census as a resident of New Bern, and he probably lived in the house at that time. He married Elizabeth Snead in 1832 and later became a physician.<sup>27</sup>

In 1834 the Warings apparently decided to dispose of Caroline's New Bern properties, and in July of that year they sold the house and lot to Isaac Taylor for \$2000. Taylor bought the house for his daughter Mary and her husband George Sitgreaves Attmore.

#### NOTES

<sup>1</sup>Bryan J. Grimes, comp., ABSTRACT OF NORTH CAROLINA WILLS (Raleigh: Edwards and Broughton, 1912), p. 69.

<sup>2</sup>Rebecca Willis Sanders, comp., CARTERET COUNTY WILLS 1700-1800 (n. p., 1980), p. 14.

<sup>3</sup>Craven County Index to Deeds and Mortgages-Grantees 1739-1912; Walter Clark, ed., THE STATE RECORDS OF NORTH CAROLINA, Vol. 10 (Winston and Goldsboro: State of North Carolina, 1895-1907), p. 944.

<sup>4</sup>Clark, STATE RECORDS, Vol. 16, p. 73.

<sup>5</sup>Craven County Marriage Bond Abstracts Groom Index, Vol. 1. The marriage bond was dated Dec. 30, 1779, and the bondsman was Isaac Guion.

<sup>6</sup>Clark, STATE RECORDS, Vol. 15, pp. 599-600.

<sup>7</sup>Alonzo Thomas Dill, Jr., "Eighteenth Century New Bern, A History of the Town and Craven County, 1700-1800", NORTH CAROLINA HISTORICAL REVIEW 23 (1946): 358-359.

<sup>8</sup>Clark, STATE RECORDS, Vol. 16, pp. 477-478.

<sup>9</sup>North Carolina Daughters of the American Revolution, ROSTER OF SOLDIERS FROM NORTH CAROLINA IN THE AMERICAN REVOLUTION (n. p.: The North Carolina Daughters of the American Revolution, 1932), p. 251.

<sup>10</sup>Craven County Index to Deeds and Mortgages-Grantees 1739-1912.

<sup>11</sup>Zae Hargett Gwynn, comp., RECORDS OF ONSLOW COUNTY NORTH CAROLINA 1734-1850, Vol. 1. (n. p., 1961), pp. 360, 389, 483, 589.

<sup>12</sup>Craven County Deeds, 1730-1870.

<sup>13</sup>Ibid.

<sup>14</sup>United States, Bureau of the Census, HEADS OF FAMILIES AT THE FIRST CENSUS OF THE UNITED STATES TAKEN IN THE YEAR 1790, NORTH CAROLINA (Washington, D. C.: Government Printing Office,

1908), p. 130.

<sup>15</sup> Raymond Parker Fouts, ABSTRACTS FROM THE NORTH CAROLINA GAZETTE OF NEW BERN, NORTH CAROLINA 1751-1759 AND 1768-1790, Vol. 1 (Cocoa, Fla.: Gen Rec Books, 1983), p. 87; Fouts, ABSTRACTS 1791-1798, Vol. 2, p. 21; Archibald Henderson, WASHINGTON'S SOUTHERN TOUR 1791 (Boston and New York: Houghton Mifflin Co., 1923), pp. 84-94.

<sup>16</sup> Lois S. Neal, ABSTRACTS OF VITAL RECORDS FROM RALEIGH, NORTH CAROLINA NEWSPAPERS 1799-1819, Vol. 1 (Spartanburg: The Reprint Co., 1980), p. 90.

<sup>17</sup> Ibid.

<sup>18</sup> William S. Powell, ed., DICTIONARY OF NORTH CAROLINA BIOGRAPHY, Vol. 1 (Chapel Hill: University of North Carolina Press, 1979), p. 77.

<sup>19</sup> Carteret County Wills, Book D.

<sup>20</sup> Clark, STATE RECORDS, Vol. 5, p. 992; Gertrude S. Carraway, YEARS OF LIGHT. HISTORY OF ST. JOHN'S LODGE NO. 3, A. F. AND A. M. NEW BERN, NORTH CAROLINA, 1772-1944 (New Bern: Owen G. Dunn, 1944), p. 222. This lodge was previously known as No. 2. Powell, DICTIONARY, p. 77.

<sup>21</sup> Neal, ABSTRACTS, Vol. 1, p. 90.

<sup>22</sup> Craven County Wills and Estate Papers, Vol. B.

<sup>23</sup> Ibid.

<sup>24</sup> United States, Bureau of the Census, 1820 CRAVEN COUNTY, NORTH CAROLINA.

<sup>25</sup>RALEIGH REGISTER, Oct. 20, 1808.

<sup>26</sup>Craven County Wills and Estate Papers,  
Vol. B.

<sup>27</sup>Craven County Marriage Bond Abstracts,  
Vol. 1. The bond is dated Dec. 20, 1832, and  
the bondsman was John Allen Backhouse.

## CHRIST EPISCOPAL CHURCH

Mary H. Baker

"I divided the village like a cross and in the middle I intended a church." This statement of Christopher deGraffenried gives us some idea of how he visualized New Bern. A church should be the center of town and, from its position, the center of town life.

DeGraffenried and his group of Swiss immigrants landed at the site of New Bern in September 1710, five to six months after the main body of Palatines had arrived. It was in April of the following year, 1711, that deGraffenried wrote to the Bishop of London, "Humbly request your lordship to accept of me and my people, and receive us into your Church under your Lordship's patronage, and we shall esteem ourselves happy sons of a better stock; and I hope we shall always behave ourselves as becomes members of the Church of England and dutiful children of so pious and indulgent a father as your Lordship is to all under your care, in all obedience, craving your lordship's blessing to me and my countrymen here."

From these two bits of information we can assume the central position of the church building and also that the church would be the Church of England. How very appropriate, then the position of Christ Church in the very heart of New Bern. If deGraffenried were to return today, he should be very pleased that his plans had finally come to pass. It did, however, take quite a number of years.

Because of the Indian attacks in the fall of 1711, a year after deGraffenried and the Swiss



arrived, and throughout the next few years, the little town of New Bern was all but deserted. The remaining settlers may have still been wishing for a church and a pastor, but their energies were taken up with raising their crops and staying alive. Nevertheless, outside of New Bern plans of a religious nature were going ahead. It was in 1715 that an Act for Establishing the Church and Appointing Select Vestrys was passed by the Assembly. This act established Craven Parish, one of nine parishes within the Province of North Carolina. Present day Christ Church dates its history from this time when Vestries were "empowered to purchase land for the erection of churches, raising money from a poll tax of not over five shillings a year. They were also to name ministers at not less than fifty pounds per year."

By 1723 New Bern was once more attempting to attract settlers. DeGraffenried had had to mortgage his property in New Bern that very first year to Thomas Pollock in order to raise money to keep the colony going. It was Cullen Pollock, son of Thomas Pollock, who obtained passage of an act by the Assembly in 1723, creating New Bern a township. To encourage buyers of lots, they were to hold their titles in fee simple and were to pay a token rent to the Pollock heirs of one peppercorn per annum "if demanded". Even so, by 1741, there were only about 21 families settled in New Bern.

It was in 1739 that Craven Parish vestrymen laid a tax of five shillings on all tithables for a church in New Bern. Commissioners to collect the tax and oversee the building of the church were appointed. They ordered the making of 100,000 bricks for the new church. According to the story, clay from a hill near the town was used. For many years the brick making hole was quite visible along New South Front Street toward Pembroke Road. Unfortunately, the five shilling tax was not sufficient to build the

church. In 1740 the Assembly passed another act permitting the collection of one shilling, six pence, proclamation money for two years. It could be paid in such commodities as "Pork, good and merchantable, dry salted, per Barrel, 30 shillings proclamation money; Beef, dry salted, per Barrel, good and merchantable, 20 shillings; drest Deer Skins, two shillings and Six pence per Pound; Tallow, four pence per pound; Bees Wax, Ten Pence Half Penny per Pound, Rice, per Hundred, Ten Shillings". This act of 1740 also states that the charter of 1723 had recorded a lot laid out for the church. However, this lot was not considered of sufficient size, and the vestry had taken up four lots, larger and more convenient. The former lot was to be sold at a public sale and the money realized applied to the new church building. The four lots taken up by the vestry in 1740 are the site of the present Christ Church.

The special tax empowered by the Assembly in 1740 was still not enough to complete the church. The vestry, however, had been enabled, in 1741, to lay a tax of 15 shillings per poll for the purpose of paying a minister, but, since a minister had not yet been hired, this money was ordered to go to completing the church building. This same act of 1741 also noted that the 100,000 bricks made for the church were too many. The commissioners were authorized to sell the unused bricks and apply this money to the building. The church was probably finished about 1750 and stood at the corner of Pollock and Middle Streets. The original church brick is said to be identical to the brick of Tryon Palace. The building was of Norman design with a vestibule five feet wide.

Although the building was finished, there was no minister. The vestry appealed to England, and in late 1753 the Reverend James Reed arrived to become the first regular rector of the parish. His salary was set at 133

pounds, 6 shillings, and 8 pence proclamation money. He was also promised a glebe house with kitchen. To say that the Reverend James Reed was the right man at the right place at the right time is probably a great understatement. It is hard to imagine anyone coming to Christ Church who could have done more. In addition to holding services at the church, he served eight chapels in the county and when he could find time he preached at a chapel on the Newport River in nearby Carteret County. Not long after he arrived, he saw the need for a school or academy at New Bern and devoted much energy to this end. His dream was realized when in January 1764 Thomas Tomlinson, a young schoolmaster who had emigrated from England, opened the first publicly supported school in North Carolina.

The years of the Revolution were difficult ones for both James Reed and Christ Church. It was charged that the Reverend Mr. Reed had deserted his congregation by refusing to deliver a sermon on a day of fasting, humiliation and prayer, July 21, 1775, as ordered by the Continental Congress and requested by the local Committee of Safety. Mr. Reed had explained his refusal by saying that as he was one of the missionaries for the Society for the Propagation of the Gospel, he would lose his mission if he did so. The result was that the local Committee of Safety urged the vestry to suspend him and stop his salary. Presumably this was done. Mr. Reed later wrote that in November of that same year ". . . Providence presented an opportunity of decently closing the breach, since that time I have done duty as usual. . . ." Two years more remained to him to do his duty. He died May 7, 1777, and was buried in the church yard near Middle Street. The grave may be seen there today.

There was no successor to Mr. Reed until 1785 when the Reverend Dr. Leonidas Cutting was

commissioned rector. During the war an Italian visitor told the story of having seen horses stabled in the church. Whether horses were ever stabled in the church or not, undoubtedly, the church had suffered a lack of maintenance during the war years. For this reason as well as needing a larger building, Dr. Cutting urged his congregation to begin planning for a new, larger building. It was not until 1824, however, that a new church was built and consecrated.

According to plans, this church should have been in use for many, many years. Unfortunately, in January 1871 there was a dreadful fire in town that soon spread to the church roof. Before it was put out, the steeple, roof and entire building had burned. All that remained were portions of the side walls.

Almost immediately a building committee was appointed, and people began raising money for the new edifice. Meanwhile, the congregation was offered the use of the Presbyterian Church for Sunday nights. They also used the George Street Chapel of the old Tryon Palace, the palace itself having burned in February 1798. Due to the hard work and determination of large numbers of people, the new building, incorporating the walls that were left standing, was finished in 1873.

With some changes, this is the church as it stands today. The Stick Style porch was added at the base of the tower in 1884, and the north end of the building was changed considerably during a 1913-1914 remodeling. Raised a few steps above the level of the nave, the whole chancel area was made more elaborate and the central bay extended.

Stepping through the main gate on Pollock Street, the visitor feels as if he has entered another world. A stroll around the grounds, stopping to read names and dates on old tombstones and to admire the architecture and windows of the church building, is like stepping



INTERIOR OF CHRIST EPISCOPAL CHURCH. NBHS file photo.

back into an earlier period. The foundations of the 1750 structure have been restored to a height of about 18 inches, delineating the shape of the original church. Wooden benches have been installed within. At the front is a stone altar and a wood and iron rail with a wooden cross behind the altar.

Of particular interest inside the 1873 church itself is a silver communion service presented to the parish by King George II in 1752 shortly after the first building was completed. It was made by Mordecai Fox and all pieces bear the royal coat of arms. Also on display are a Bible printed in 1717 and a Book of Common Prayer printed in 1752. Both were gifts of King George and were received at the same time as the communion service. The church is open weekdays 8:00 a. m. to 5:00 p. m. and from 8:00 a. m. to 12:00 noon on Saturdays.

A landmark missing since last winter is the Crown of the Reigning Christ which has surmounted the church steeple for a number of years. It was removed at that time for repairs. Plans are to have both the crown and steeple repairs completed soon, and the Crown of the Reigning Christ will once more be put into place. When this happens the entire community will have reason to rejoice with this church and congregation which has been such an integral part of the community for so many years.

#### DEFINITIONS

Proclamation money: North Carolina paper money.

Poll: Male landowner.

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## HISTORICAL PROFILE: JOHN STANLY

Charlotte and Jack Breytspraak

Perhaps, because of the prominence of the Attmore-Oliver House, we had never really thought much about the adjacent historic marker on Broad Street. You know the one; it commemorates the duel between John Stanly and Richard Dobbs Spaight in which Stanly killed Spaight. Maybe we didn't bother with it because we were generally familiar with Spaight and as for Stanly, well, anyone who would kill a signer of the Constitution and the first native born Governor of North Carolina had to be a very bad person. Who would want to know about the likes of him?

But wasn't John Stanly the same Stanly who owned the stately home on George Street, the one in which George Washington slept? Indeed he was, and somehow that didn't square up with the "bad person" image. Maybe, just maybe, there was more to the story. We felt compelled to find out.

Our quest produced an immediate personal reward: John Stanly goes all the way back to 1066. For so many of us who have memorized so many historical dates, here was a chance to actually use one! A direct ancestor of Stanly accompanied William the Conqueror from Normandy to England. He subsequently intermarried with the Saxon nobility whence comes the family name. Not only did this discovery allow us the use of the immortal date 1066 (there it is again!) but it began to suggest that our original puzzling over "Stanly the bad guy" vs. "Spaight the Signer, etc." might produce something



interesting.

Impatient to get on with it, we jumped ahead a few years, 587 to be precise, when in 1653 the first Stanly arrived on these shores. Another jump brought us to 1772 when John Wright Stanly arrived in New Bern.

In his early years Stanly was involved in a variety of ventures in two of which legal difficulties arose. It appears, however, that he was guilty primarily of naiveté and came out of his early years well respected. Indeed, when in 1773 he married Ann Cogdell he had settled down to become, in the words of Judge William Gaston ". . . a merchant of the greatest enterprise and most extensive business ever known in this state".

Stanly was very active in the Revolutionary War. As a merchant he was involved in ships and shipping. These pursuits led him to a major role in the operation of privateers who preyed on British commerce. He was involved with numerous ships operating in and around Ocracoke and Cape Lookout, including the well-known "Sturdy Beggar". And, through business interests in Pennsylvania, he was involved in the operation of another 15 of these ships.

After the war, Stanly resumed his career as a merchant. The family was prominent socially. Although not involved in politics, he was a member of important civic organizations. He was appointed as the first Judge of the Maritime Court in North Carolina by President Washington.

In 1789, John Wright Stanly and his wife died in a yellow fever epidemic. And, with that for background, let's get on with the duel which took place on September 5, 1802. But wait just one minute; let's look at those dates again. If Stanly died in 1789, how could he have killed Spaight in 1802? Back to the books.

To unravel the mystery one must be able to tell Wright from wrong, a distinction apparently not considered relevant by those who erected the

historic marker. John Stanly did indeed have a duel with Richard Dobbs Spaight, but it was John (NMN) Stanly who did the deed, John Wright Stanly's son.

Having straightened that out, and being persistent souls, we again posed our question, namely, what kind of man would kill a signer of the Constitution, etc.? A quote, at the time of his father's death, suggested the kind of man we were looking for: "My father was as much superior to me as I am to common men". Alas, this modest/immodest statement was the only negative thing we could find to fit the "bad person" image. John (NMN) Stanly was a lawyer, politician and statesman. Admitted to the Bar in 1799, he was elected to Congress in 1801 after having served in the State House of Commons. In January 1827, when he had risen to the position of Speaker of the House, he had a severe stroke which incapacitated him. He died in 1833 after a distinguished career. His honesty and competence were greatly admired; when Daniel Webster introduced him to Chief Justice John Marshall, he said, "as a lawyer he is your equal and my superior".

By now, having researched not one but two John Stanly's, and having found them both to be men of outstanding character, we began to suspect that the "Signer of the Constitution, etc." may have had more to do with the nefarious act than our early assumption allowed. And sure enough, this proved to be the case.

The duel grew out of a political controversy. Stanly, an ardent Federalist, opposed Spaight, a so-called Republican, in Spaight's bid for the State Senate. Spaight was infuriated by statements attributed to Stanly that Spaight's votes were actually controlled by Federalists. Although Spaight won the election, he refused to let the issue die. Stanly twice wrote Spaight attempting to set the record straight. These letters were supported by

affidavits from other New Bernians to the effect that Stanly's remarks had been misunderstood and misquoted. It looked like the situation would be resolved amicably when the two men agreed to Spaight's publishing their exchange of letters in the NEW BERN GAZETTE. Unfortunately, Spaight added a letter from a resident of New Bern to the effect that Stanly had indeed accused Spaight of political treachery. That action produced a new exchange of angry letters in one of which Spaight called Stanly a "liar and a scoundrel" further offering to "give him satisfaction". Thus public challenged, Stanly had no option but to proceed and the next day formally challenged Spaight to a duel.

As with many of these affairs, this one could have ended with both men's honor intact. After three rounds had been fired, neither man was wounded and many of the observers felt the affair should be ended then and there. Ironically, Spaight's second prevented this non-lethal solution by threatening to shoot anyone who interfered with the continuation of the duel. On the fourth round Spaight was mortally wounded; he died the following day, an "untimely victim of false . . . honor".

One final note. There are, on display at the John Wright Stanly House, the house which John Stanly, his son, had inherited, four Sheffield candlesticks owned by Governor Richard Dobbs Spaight and a pair of duelling pistols, one of which is said to have killed Spaight. Does the fact that these Spaight family heirlooms are preserved in the Stanly home give rise to the unconfirmed reports of ghosts roaming the halls of this stately home?

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## BOOK REVIEW

THE AMERICAN COLONIES--FROM SETTLEMENT TO INDEPENDENCE by R. C. Simmons. (New York: W. W. Norton & Co., 1981. Bibliography and index. 438 p. Paper, \$10.95.)

In this year when the Bicentennial of the U. S. Constitution is being celebrated, this useful and enlightening book provides an in-depth background up to the eve of independence of 13 British Colonies on the American continent. Spanning the period from 1607, the settlement of Jamestown in Virginia, to 1776, Dr. Simmons has created a narrative tale that reveals factual information in an extraordinarily readable text. From frequently crude and unusually difficult beginnings, the book traces the development of each colonial community. It is readily demonstrated through examples of social, political, and cultural identities how every colony was, in reality, a separate entity until a common cause brought them together under a single constitution after 169 years.

A volume of this depth and complexity requires research of a high order, and the author readily acknowledges his dependence on other sources. Nevertheless his own credentials to compile and compose this work are impressive. For two years, 1968-69, he was sponsored by the American Council of Learned Societies to the American Studies Fellowship at Harvard but has since returned to Birmingham as reader in American History at the University. The ability to find and study early documents only obtainable from libraries and archives in England gave Dr. Simmons a distinct advantage

over American historians attempting a similar project. He acknowledges in the brief Preface ". . . the variety and vitality of American scholarship concerned with the colonial period".

Initially settlement of the new continent, despite what we may have learned as youngsters, arose out of economic desires on the part of wealthy and well-placed English, French, Spanish, and Dutch adventurers. Each of these nationalities sent exploratory parties ranging far and wide, across and around the continent. War between the competing nations, and with the indigenous inhabitants, frequently determined who held which piece of ground. Once a pattern had become more or less established, the French in the north and west, Canada, and the Mississippi watershed, and the Spanish in the south, Florida and its environs, the English secured eastern coastal areas. To develop the potential bounties of this new land, highly placed individuals were granted "proprietorships", wherein huge tracts of land were given to individuals or groups to do as they saw fit. Settlers of widely varying backgrounds were recruited from all over Europe, then dispatched to colonize and work the land, the forests, and other resources for the benefit of the proprietors and England.

Many of those who were recruited and took the decision to begin a new life on a far away continent did so in the face of religious or political persecution, but not in every instance, and many were purely and simply adventurers. LaSalle, the Frenchman who probably saw more of the interior of North America than any other man of the seventeenth century, did so in the hope of economic gains for France and his sponsors, and for adventure. Religious and political dissention in England and Europe gave rise to economic hardships for those involved, who were deprived of full freedom to make a living and achieve status in

old world communities. Dr. Simmons traces painstakingly the origins of the 13 colonies and the diversity of the people who populated them.

The advent of a government based on a written constitution can be detected from very early times. The Pilgrim Fathers set down, while on board the *Mayflower*, a set of articles, the "Mayflower Compact", which stated certain rights and obligations of the individual and the community. Proprietors in some cases laid down their own ideas for regulating the colony and colonists. Lord Ashley, one of the Carolina proprietors, established what he called "Fundamental Constitutions", outlining the methods and responsibilities in the issue of land grants. Thus, written texts in a form of constitution were used in North America long before the Constitution that we know today. Each colony had its own body of rules or regulations, and we can understand how difficult it was to arrive at a Constitution satisfactory to all 13 colonies. It took even longer for all of the states to ratify the completed document.

This excellent book will be of great interest to scholars as well as to those who desire an overview of the colonial period in American history. The bibliography is extensive and minutely detailed; the index is carefully constructed and easy to use. Only a passing mention is made of North Carolina's "lost Colony" on Roanoke Island; Dr. Simmons does not treat it as the beginning of permanent settlement in the English colonies. There are frequent references to many aspects of early life in North Carolina, however.

THE AMERICAN COLONIES should not be overlooked by those with even a casual interest in a broad and yet detailed view of Colonial America and the development of our Constitution.

Jim Gunn