

OVERLAND TRANSPORTATION
IN COLONIAL EASTERN NORTH CAROLINA

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OVERLAND TRAVEL
IN COLONIAL EASTERN
NORTH CAROLINA

A Thesis

Presented to

the Faculty of the Department of History

East Carolina College

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts in History

by

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June 1966

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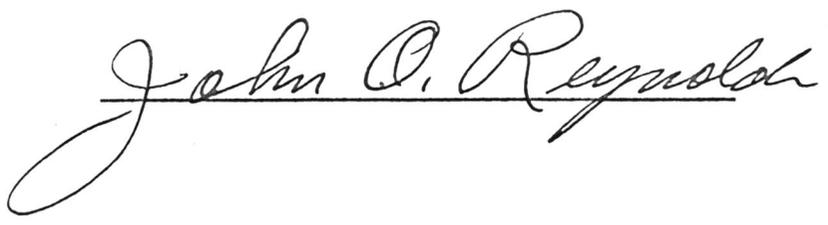
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ACKNOWLEDGMENT PAGE

Grateful acknowledgment is made to Professor Herbert R. Paschal of the East Carolina College faculty for his untiring efforts in supervising this thesis. His guidance and constructive suggestions have made the completion of this thesis possible.

Alan Douglas Watson. OVERLAND TRANSPORTATION IN COLONIAL EASTERN NORTH CAROLINA. (Under the direction of Herbert R. Paschal) Department of History, June 1966.

The purpose of this paper is to examine overland transportation in colonial eastern North Carolina. Emphasis is placed on the regulatory aspect of transportation with the attendant Assembly legislation and involvement of the administrative units of the counties, the county courts. An attempt is made to ascertain the effectiveness of the legislation plus the interpretations and applications of the various laws. Research has been conducted primarily in the precinct and county court records, although The Colonial Records of North Carolina, The State Records of North Carolina, and various travelers' accounts have been generously consulted.

The first chapter provides a look into the conditions of travel in North Carolina before the Revolution as seen through the eyes of travelers. The influence of geography on transportation, the condition of the roads, and the vehicles used for travel are given special consideration.

The second chapter deals entirely with laws passed by the Assembly of North Carolina to regulate transportation. Both major and minor legislation are considered. The development of transportation through legal prescription is carefully followed. Attention is given to a divergence in the road legislation, occurring between 1734 and 1764, in which one set of laws was passed for the northern counties of North Carolina and another for the southern counties.

After examining the laws stating how the roads should have been administered, the actual practices of the precinct and county courts

are investigated. Various extensions of the laws, improvisations, and sometimes evasions of the laws are noted in relation to road-building.

Bridges are the subject of the fourth chapter. Their general construction is described in detail, and the various means of building them, both public and private, are shown. Afterwards, minor items such as covered bridges, toll bridges, and drawbridges are placed within the context of the general transportation system.

Due to the great amount of inland waters in eastern North Carolina, ferries were a necessary complement to overland transportation. Like the roads, the legislation governing the ferries and its actual implementation are compared. A comparison of rates during different periods in colonial North Carolina, descriptions of boats used for ferriage, the delays and disruptions to traffic, and the growth of a system of free ferries to facilitate this traffic are all woven into the general transportation framework.

The sixth chapter is devoted to a discussion of public accommodations available to travelers. The location and description of inns or ordinaries and legislation governing them are examined in detail. The foods and drinks for men as well as provisions for horses are also considered.

A short conclusion is devoted to an assessment of travel conditions and the effectiveness of the legislation governing transportation in colonial eastern North Carolina. This evaluation, although recognizing the retarded developments in North Carolina, takes note of the progress that had been made throughout the colonial period.

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CHAPTER I

CONDITIONS OF TRAVEL IN COLONIAL NORTH CAROLINA

Eastern North Carolina,¹ the Coastal Plain, is easily characterized. Most of the land is less than one hundred feet above sea level, although lands adjacent to the Piedmont reach two to three hundred feet in the north and six hundred feet in the south. In the eastern section of the Coastal Plain there is a prevalence of flat, poorly-drained surfaces, giving the landscape an almost uniform appearance.

The western portion is better drained. Rivers flow in well-defined valleys, bounded by a steep bluff or by alternating steps of bluffs and flat benches rising to higher land. River valleys are markedly asymmetrical in places with steep slopes on one side and only swamps and low flats on the other. Here the land is gently rolling or even hilly.²

This geographical disposition made travel extremely difficult in the province especially in the proprietary period. In the Albemarle region the mainland was extremely marshy. Pocosins or marshes were found every few miles, some being two to three miles across. Many places were conspicuous for their muddy conditions caused by water backed up by beaver or otter dams. The worst area, Dismal Swamp, was approximately fifteen by thirty-five miles in size. It was always moist

¹For the purposes of this paper, Eastern North Carolina will consist of the area lying east of the present counties of Warren, Franklin, Wake, Lee, Moore, and Richmond.

²Harry Roy Merrens, Colonial North Carolina in the Eighteenth Century, Chapel Hill: University of North Carolina Press, 1964, p. 39.

underfoot, and a ten-foot pole could be sunk into it without undue effort. Five rivers, the Pasquotank, Perquimans, Little, North, and Northwest, rose here as well as the headwaters of the south and west branches of the Nansemond in Virginia. Many creeks crisscrossed the Albemarle area, while the two main rivers, the Roanoke and the Chowan, had swift and violent currents.

The most extensive tract of flat, low-lying, and poorly-drained land in the colony lay between the Albemarle and Pamlico sounds greatly impeding immigration to that area.³ Although some of the wetlands afforded opportunities to the settlers, the cost and difficulty of clearing and draining the lands were discouraging. Governor George Burrington complained of the large tracts of pine barrens which he said "could not rebound to the least advantage of man except once in twenty or thirty years except when gathered in small quantity" to make pitch and tar. Moreover, many areas were so wet that no place could be found to "raise a structure for dwelling purposes."⁴

The southern portion of the province evinced the same physical characteristics as the north except that the lowland areas were not as large in size as the Dismal or Alligator swamps. The upper Cape Fear, like the upper Chowan, had hard, dry, level land. Towards the coast, however, various kinds of wetlands such as savannahs, bogs, marshes, and swamps were prevalent.

³Ibid., p. 74.

⁴William L. Saunder (ed.), The Colonial Records of North Carolina, 10 volumes, Raleigh: P. M. Hale and Josephus Daniels, 1886-1890, III, 78. Hereinafter cited as C. R.

Travel in North Carolina during the proprietary period was difficult and hazardous. William Edmundson was warned in 1676 that the Indians had not been subdued and daily murders occurred. Still he made the trip from Virginia and back safely.⁵ Flooding prevented Thomas Wilson and James Dickinson in 1691 from traveling on horseback. They were forced to dismount and wade barefoot through swamps and waters for several miles.⁶

Guides were a necessity for all newcomers to the area as there was no possibility of a stranger finding the roads.⁷ In 1672 the roads were so poorly marked that even the guides lost their way. John Blair had to buy two horses when he entered the province as a missionary, one for himself and one for his guide.⁸ Reverend Giles Rainsford complained of the great expense of procuring persons for guides.⁹

Most of the missionaries for the Society for the Propagation of the Gospel denounced the condition of the roads and the great distance which they had to travel in order to serve the people. In the opinion of William Gordon, Chowan was the largest precinct and the most sparsely populated. Perquimans was not as large, and though the roads were worse,

⁵William Evans and Thomas Evans (eds.), "Journal of William Edmundson," The Friends Library, Comprising Journals, Doctrinal Treatises, and Other Writings of the Members of the Religious Society of Friends, 14 volumes, Philadelphia: Printed by Joseph Rakestraw for the editors, 1837-1850, II, 123. Hereinafter cited as Evans and Evans (eds.), The Friends Library.

⁶Evans and Evans (eds.), "Journal of James Dickinson," The Friends Library, XII, 381.

⁷C. R., I, 600.

⁸Ibid.

⁹Ibid., II, 122.

the journeys were shorter. The roads in Pasquotank were said to be the worst in the country, but it was "closer seated and better peopled in relation to its bigness."¹⁰

The Reverend John Urmston did not see how it would be possible to settle a ministry where the people were so scattered and remote, and the parishes were so large.¹¹ Better roads and accommodations were needed, he maintained, for the proper performance of his missionary duties.¹² Henry Gerrard said that he could not serve both Chowan and Perquimans precincts because of the distance and the "dirtytness of the roads."¹³ Urmston was forced to hire a canoe to carry him home after his first journey out after a long illness because of the poor roads.¹⁴ The extreme heat of the summer months was an added discouragement to missionary travel.

Travel was further impeded by the abundance of rivers, creeks, and swamps. Of seven great rivers in the Albemarle section, Blair stated that five were passable only by horse, and one by a ferry, although this was owned and operated by Quakers for their own convenience. Therefore, at river crossings, he was obliged to borrow or hire horses which was "troublesome and chargeable."¹⁵ Urmston echoed these statements some seven years later, saying that one must have a large boat and a couple of experienced watermen to cross the rivers as there were no ferry boats.¹⁶

¹⁰Ibid., I, 712-714.

¹¹Ibid., II, 126.

¹²Ibid., I, 770.

¹³Ibid., I, 616.

¹⁴Ibid., II, 373.

¹⁵Ibid., I, 600.

¹⁶Ibid., I, 763.

When Thomas Chalkley and a company of seven men and horses prepared to cross Albemarle Sound, they tied two canoes together and put the hind feet of the horses in one and the front feet of the horses in the other canoe. One canoe split due to high winds and heavy seas, but they arrived safely by bailing with their hats.¹⁷

George Keith, a Quaker missionary, was stranded in Currituck Precinct when he came down from Virginia to preach. There was no convenient passage by land to other North Carolina precincts due to swamps and marshes. He tried to take a canoe across "a large bay many miles across," but a strong contrary wind which blew for many days prevented the trip.¹⁸ James Adams wrote that Currituck was so divided by water that he was unable to get passage into all the extreme corners of it.¹⁹

In 1704 Pamlico was far distant from the rest of the colony. To reach this area a "pond," five miles broad, and a desert of approximately fifty miles of unhabited land, had to be crossed.²⁰ Blair said that any man who had tried this trip "would sooner undertake a voyage from this city (some place in England) to Holland than that."²¹

¹⁷Thomas Chalkley, A Journal of the Life, Travels, and Christian Experiences of Thomas Chalkley, Written by Himself, London: Edward Marsh, 1850, p. 44.

¹⁸"The Journal of James Keith," Collections of the Protestant Episcopal Historical Society for the Year 1851, Published by order of the Executive Committee of the Society, New York: Stanford & Swords, 1851, p. 38.

¹⁹C. R., I, 721.

²⁰Ibid., I, 603.

²¹Ibid., I, 951-952.

Travel during the royal period in North Carolina still required the use of guides. A French traveler found that narrow roads were cut in all directions of the compass.²² Furthermore, in many places roads were more like paths than public roads except that they were wide enough for coaches and carriages. However, paths for horses, cows, and other animals were as large, and could be confused with the public roads. Indian paths caused the same difficulty.²³

The road between Wilmington and the South Carolina boundary was the most troublesome in the province. Many became lost in this region, principally around Lockwood's Folly. Ebenezer Hazard took a short cut here to save twelve miles. After considerable delay, he finally managed to find the road again and made a memorandum in his journal to take no more short cuts in North Carolina.²⁴ Even after receiving written directions as to the way, William Logan hired a guide because of reports of quicksand in the area of the Boundary House.²⁵ One man who became lost by taking a by-pass around Lockwood's Folly was forced to spend the

²²Abel Doysie (ed.), "Journal of a French Traveler," American Historical Review, XXVI (July, 1921), 734. Hereinafter cited as Doysie (ed.), "Journal of a French Traveler."

²³John Brickell, The Natural History of North Carolina, Dublin: Printed by James Carson for the author, 1737, reprinted in Raleigh, 1911, p. 262. Hereinafter cited as Brickell, Natural History of North Carolina.

²⁴Hugh Buckner Johnston, "The Journal of Ebenezer Hazard," North Carolina Historical Review, XXXVI (July, 1959), 375-376. Hereinafter cited as Johnston (ed.), "The Journal of Ebenezer Hazard."

²⁵William Logan, "Journal of a Trip to Georgia, 1745," The Pennsylvania Magazine of History and Biography, XXXVI (1912), 14. Hereinafter cited as Logan, "Journal of a Trip to Georgia, 1745."

night fighting wolves. The next day he ascended a tall sapling and was fortunate enough to see Wilmington and the ferry house.²⁶

Travelers had to be wary in storms and high winds of the danger of dead trees which could come crashing down in the road. Many of the trees had been "boxed" for turpentine and others killed when burning the woods.²⁷ In addition to the danger, the fallen trees inconvenienced travel, especially by carriage.²⁸

Little care was exercised in clearing a road. The trees were cut in as straight a line as possible. Where the ground was wet, a small ditch was made on each side.²⁹ The convenience and simplicity of notching or blazing trees for designating roads rendered it universal in the back settlements. A blaze was a chip off the side of a tree about twelve inches in length, cut through the bark and some of the sap wood. These cuts were made on each side of a tree every thirty or forty yards along the road, and were renewed each time the road was repaired.³⁰ The

²⁶Winslow C. Watson (ed.), Men and Times of the Revolution: or Memoirs of Elkanah Watson, New York: Dana and Company, 1856, p. 78. Hereinafter cited as Watson, Men and Times of the Revolution.

²⁷Johnston (ed.), "Journal of Ebenezer Hazard," pp. 375-376. Doysie (ed.), "Journal of a French Traveler," p. 734.

²⁸Evangeline Walker Andrews and Charles McLean Andrews (eds.), Journal of a Lady of Quality, New Haven: Yale University Press, 1923, p. 147. Hereinafter cited as Andrews and Andrews (eds.), Journal of a Lady of Quality.

²⁹Ibid., p. 280.

³⁰John Ferdinand Dalziel Smyth, A Tour in the United States of America, 2 volumes, Dublin: G. Perrin, 1784, I, 114. Hereinafter cited as Smyth, Tour.

white spots thus formed could be seen a great distance through the woods, even furnishing a guide in the ordinary obscurity of night.³¹

Some of the North Carolina roads were in excellent condition, as good as in most parts of the world, according to Brickell. However, he was speaking for the most part about the road from Edenton to Virginia, which was level and spacious enough for all sorts of wagons, carts, coaches, and especially for horsemen.³² The road from Wilmington to Snead's Ferry on the New River was also impressive, as Janet Schaw reported that it was wide enough for fifty men to walk abreast.³³

Most of the roads in the eastern part of the province, especially along the coast, were sandy.³⁴ The road below Wilmington was nothing but a sandy bank, according to a traveler in 1734;³⁵ and it apparently had not changed thirty years later.³⁶ From New Bern to the Pamlico River the road was very good except for three or four miles of heavy sand just north of the Neuse River. Between the Pamlico River and the Albemarle Sound the road was level and firm, however.³⁷ Nevertheless,

³¹Watson, Men and Times of the Revolution, p. 59.

³²Brickell, Natural History of North Carolina, p. 262. Watson, Men and Times of the Revolution, p. 36.

³³Andrews and Andrews (eds.), Journal of a Lady of Quality, p. 202.

³⁴Ibid., p. 280. Alexander Schaw described this as "often pure white sand without a particle of soil to bind it together."

³⁵A New Voyage to Georgia By a Young Gentleman Giving an Account of His Travels to South Carolina and a Part of North Carolina, London: Printed for J. Williford, 1737, p. 56.

³⁶Smyth, Tour, II, 54-55.

³⁷Hugh Finlay, Journal Kept by Hugh Finlay, Surveyor of the Roads on the Continent of North America, Brooklyn: Frank H. Norton, 1867, pp. 85-86. Hereinafter cited as Finlay, Journal.

the road became very sandy and deep from Edenton to Somerton in Virginia.³⁸ The same was true of other roads into Virginia as far west as Halifax.³⁹

Although rain settled the land in the roads, the thick sand, sometimes four to six inches deep, could hide roots which could trip a horse. If not, the "fine, deep, loose, white sand," as in the road to Snead's Ferry, could be very fatiguing to the horse.⁴⁰ Stumps in some of the roads were covered with "rank, withered grass" and hidden from view, another hazard to horsemen.⁴¹

The swamps, marshes, and savannahs considerably hindered travel. During a dry period many of the wetlands were easily passable, but the slightest rain could cause difficulties. Even on the principal routes through the province, water would come to the knees of a horseman. In the Cape Fear region Hugh Meredith found that water was ankle-deep in many places, although he supposed "that the road was laid out the best way possible without going very much about."⁴² If bridges were built, they were frequently in disrepair.⁴³ This was so obvious that Finlay

³⁸ Johnston (ed.), "Journal of Ebenezer Hazard," p. 362.

³⁹ Smyth, Tour, I, 52.

⁴⁰ Johnston (ed.), "Journal of Ebenezer Hazard," pp. 377-378.

⁴¹ Finlay, Journal, p. 65.

⁴² Hugh Meredith, An Account of the Cape Fear Country, 1731, edited by Earle Gregg Swem, Perth Amboy, N. J., reprinted for Charles F. Heartmen, 1922, p. 18. Hereinafter cited as Meredith, An Account of the Cape Fear Country, 1731.

⁴³ Johnston (ed.), "Journal of Ebenezer Hazard," p. 360.

remarked in 1774 that the lack of adequate means to cross the swamps induced him to believe, as it was reported, that North Carolina had no laws.⁴⁴

Causeways, a kind of road made of logs, brush, and dirt, were placed over wetlands. A few were maintained in good condition, such as the one from the Trent to the White Oak River.⁴⁵ Most were neglected and became dangerous to pass. The logs decayed, causing large holes and making crossings by horse rather than foot almost mandatory.⁴⁶ Probably the worst causeway in the province was the one across Eagle's Island in the Cape Fear River. The gentleman who agreed to make and maintain a causeway across the entire island found that it was practically impossible due to the terrain to be crossed. Since the King's Prosecutor was his son-in-law, he was never punished for his neglect, although indicted more than once.⁴⁷

Rains not only filled the swamps and marshes, but also the creeks and rivers, giving them swift and powerful currents. If the bridges were not swept away, they were usually in such bad repair as to make crossings so perilous that the Reverend George Whitefield said that "he was of so little faith as to be sometimes rather afraid."⁴⁸

⁴⁴Finlay, Journal, p. 66.

⁴⁵Johnston (ed.), "Journal of Ebenezer Hazard," p. 380.

⁴⁶Finlay, Journal, p. 66.

⁴⁷Ibid., p. 74. Johnston (ed.), "Journal of Ebenezer Hazard," p. 380.

⁴⁸George Whitefield, A Continuation of the Reverend Mr. Whitefield's Journal From His Embarking After the Embargo to Arrival at Savannah in Georgia, London: printed by W. Strahan for James Hutton, 1740, p. 149. Hereinafter cited as Whitefield, Journal.

Extensive rains resulted in flooding which inundated great parts of the country. Bridges were torn up and washed away. Animals were drowned. Milldams broke. Streams swelled to impassable rivers and virtually imprisoned people until the waters subsided.⁴⁹

Travel in the proprietary period was done principally by horse, and though vehicles began to emerge, the horse was indispensable throughout the colonial period. A horse and rider could pass over swamps, rivers, and other hazardous places which vehicles could not traverse at all. According to Brickell, the horses were durable, swift, and could travel incredible distances. They were usually unshod as the ground was soft, covered with grass, and devoid of gravel or stones.⁵⁰

The planters were terrible horsemasters, however. Many neglected to give corn to their horses after long journeys and tied them to a tree for hours and sometimes for a day or two without subsistence.⁵¹ Horses were also weakened by the terrific heat of the summer months,⁵² and the lack of food during the winter.⁵³ Those in good condition were difficult to purchase, especially at reasonable prices.⁵⁴

There were disadvantages to travel by horse. It was tiresome and uncomfortable, especially for women. There was no protection from the

⁴⁹Meredith, An Account of the Cape Fear Country, 1731, p. 25.
C. R., III, 78. Finlay, Journal, p. 81.

⁵⁰Brickell, Natural History of North Carolina, p. 53.

⁵¹Ibid.

⁵²Logan, "Journal of a Journey to Georgia, 1745," p. 7.

⁵³Doysie (ed.), "Journal of a French Traveler," p. 738.

⁵⁴Ibid.

weather and little food or baggage could be carried. To alleviate such situations, various types of land carriages were introduced. Elkanah Watson came into North Carolina in a sulky, a light, two-wheeled carriage with a seat for only one person.⁵⁵ Other vehicles included the gig which was similar to the sulky;⁵⁶ the chair, a light, open, two- or four-wheeled carriage, drawn by one or two horses;⁵⁷ the chaise which was similar to the chair;⁵⁸ the post-chaise, a four-wheeled chaise used for long trips;⁵⁹ the chariot which differed from the post-chaise in having a coach box;⁶⁰ the phaeton, a light, open, four-wheeled carriage;⁶¹ and the coach, a large, closed, four-wheeled vehicle which gave protection from the weather.⁶² The gigs and chairs were without springs and hung on straps. If servants accompanied such vehicles, they rode behind unless ladies were riding, in which case they rode beside. Four-wheeled pleasure vehicles were rare, and two-wheeled ones were not common.

⁵⁵Watson, Men and Times of the Revolution, pp. 29, 249.

⁵⁶Charles Christopher Crittenden, "Overland Travel in North Carolina, 1763-1789," North Carolina Historical Review, VIII (July, 1931), 254. Hereinafter cited as Crittenden, "Overland Travel in North Carolina, 1763-1789." John Bryan Grimes (ed.), North Carolina Wills and Inventories, Raleigh: Edwards & Broughton Printing Company, 1912, p. 482. Hereinafter cited as Grimes (ed.), Wills and Inventories.

⁵⁷C. R., VII, 506.

⁵⁸Ibid., III, 509. North Carolina Gazette (Wilmington), February 12, 1766.

⁵⁹Crittenden, "Overland Travel in North Carolina," p. 254. Grimes (ed.), Wills and Inventories, p. 541.

⁶⁰Crittenden, "Overland Travel in North Carolina, 1763-1789," pp. 254-255.

⁶¹Andrews and Andrews (eds.), Journal of a Lady of Quality, p. 146.

⁶²Grimes (ed.), Wills and Inventories, p. 507.

Coaches and chariots had to be imported from England.⁶³

Under favorable conditions the rate of speed for the vehicles was little slower than that for horses.⁶⁴ For the latter, an average speed of about thirty-five miles per day was common. Whitefield made a fifty-mile trip in one day, riding from daybreak to about eight o'clock at night.⁶⁵ Smyth also made a fifty-mile journey in one day, concluding that such a day's ride was "excessively fatiguing for the horse and his rider."⁶⁶ Unfavorable weather conditions, lack of accommodations, or the physical disability of the man or horse could make travel much slower.

The most common types of vehicles were the wagon and cart. The cart was drawn by one or two horses, while the wagon required two or four horses. Oxen were frequently used to pull these vehicles.⁶⁷ The average load of a wagon employed by the Americans in the Revolution was two thousand pounds, and of a cart, one thousand pounds.⁶⁸

In addition to the bad roads, the lack of bridges, and floods, travel was made even more difficult through the dreariness of the landscape and the solitude faced by the traveler. Finlay found the road

⁶³James Sprunt, Chronicles of the Cape Fear River, 1660-1916, Raleigh: Edwards & Broughton Co., 1916, p. 56.

⁶⁴Crittenden, "Overland Travel in North Carolina, 1763-1789," p. 255.

⁶⁵Whitefield, Journal, p. 145.

⁶⁶Smyth, Tour, II, 225-226.

⁶⁷Crittenden, "Overland Travel in North Carolina, 1763-1789," p. 254. Watson, Men and Times of the Revolution, p. 249.

⁶⁸Walter M. Clark (ed.), The State Records of North Carolina, 16 volumes, Winston and Goldsboro: M. I. & J. C. Stewart and Nash Bros., 1895-1907, XI, 573. Crittenden, "Overland Travel in North Carolina, 1763-1789," p. 254.

from Charleston to Wilmington the "most disagreeable on the continent," running through a poor, sandy, barren, gloomy country without accommodations for travelers. Death was printed on the countenances of those few persons met along the way. It was so bad in January that he wondered what it was like in the heat of the summer.⁶⁹

Other travelers commented that "nothing could be more dreary, melancholy, and uncomfortable than the almost perpetual, solitary, dreary pines, sandy barrens, and dismal swamps which are met throughout the whole part of the country."⁷⁰ Many roads were devoid of houses for miles except for huts of tar-burners.

For these reasons there was little travel over the roads. Trips might be made to an inn or store, to church, to court, to visit a neighbor, to drive hogs to market, or to sell tobacco. Long trips were only undertaken by the wealthier planters. Government officials, assemblymen, judges, and lawyers were forced to travel great distances as were itinerant preachers, peddlers, merchants, postriders, and immigrants.

⁶⁹Finlay, Journal, p. 67.

⁷⁰Smyth, Tour, p. 63. Watson, Men and Times of the Revolution, p. 38.

CHAPTER II

REGULATION OF OVERLAND TRANSPORTATION

The province of North Carolina was governed by a governor, council, Assembly, and system of courts. The governor was appointed by the Proprietors until 1729 when the province became a royal colony. He possessed wide executive, legislative, judicial, and administrative powers. The council assisted the governor with executive and administrative matters, and sitting with the governor formed the highest court of the province until the turn of the eighteenth century. Only when meeting as a judicial body did the governor and council influence the administration of overland transportation. More important was the General Assembly. It provided the general guidelines for the establishment and regulation of the road system of the colony.

At the head of the judicial system in North Carolina was the General Court. It first consisted of the governor and council and was the appellate court of the province. Between 1695 and 1702 the governor began to appoint four men to be justices of the court in accordance with instructions from the Proprietors.¹ The General Court heard appeals from the lower courts throughout the colonial era, although cases were rare after 1725.

¹Hugh Talmadge Lefler and Albert Ray Newsome, North Carolina, The History of a Southern State, Chapel Hill: The University of North Carolina Press, Revised Edition, 1963, pp. 36-38.

Each precinct within the counties of the province had a court by 1672. The laws passed by the Assembly and approved by the governor were put into operation and enforced by these precinct courts. The courts met four times a year, exercising criminal and limited civil jurisdiction.² They also possessed many administrative powers such as the creation of road districts; supervision of the roads, bridges, and ferries; location of mill sites; and apportionment of taxes. In addition to the justices, the principal officers of the courts were the provost marshal, later sheriff, and the clerk of court.

Overland transportation was regulated by laws passed by the Assembly and implemented by the precinct courts. There are five major extant laws passed by the Assembly for this purpose. These were enacted in 1715, 1734, 1745, 1756, and 1764. The 1715 law was a part of a code of laws passed in that year which was based upon existing laws. This plus the minutes of the precinct courts indicate the existence of earlier, pre-1715 laws regulating transportation. Unfortunately these laws have been lost and their content can only be surmised. Besides the major laws numerous minor laws supplemented the road legislation passed by the Assembly. These dealt primarily with the authorization of specific roads and bridges.

Although there is no extant road legislation in the seventeenth century, the actions of the precinct courts suggest the manner in which

²Paul M. McCain, The County Court in North Carolina Before 1750 (Historical Papers of the Trinity College Historical Society, Series XXXI), Durham: The Duke University Press, 1954.

the roads were administered. As early as 1682 the Chowan Precinct Court was appointing surveyors of the roads, eighteen in all, to clear the roads for horses and footmen. It was a loose sort of administrative system. A number of men were designated surveyors and all others were told to "take notice of the same and be aiding and assisting to the said surveyors."³

The process was more systematized two years later, indicating the passage of major road legislation during this time. Surveyors were appointed for certain districts, and, when roads were requested, the surveyors for the particular district would be called upon to clear the road.⁴ Roads were laid out without prejudice to any person, though if one felt aggrieved, he could appeal to the precinct court.⁵ Appeals usually protested that the roads were not laid out in the "most convenient manner possible" or that the roads cut through the cleared land of a plantation.⁶

Decisions of the precinct courts could be appealed to the General Court. This was frequently done before 1725, but afterwards became a rare occurrence. Appeals were usually lodged in protest against the route of roads ordered by the precinct courts and on occasion fines were

³ Colonial Court Records, Box 189, Minutes of the Court of Pleas and Quarter Sessions in Chowan Precinct, March, 1682, in the State Department of Archives and History, Raleigh, North Carolina.

⁴ Ibid., December, 1684.

⁵ Ibid., October, 1684.

⁶ James Robert Bent Hathaway (ed.), North Carolina Historical and Genealogical Register, 3 volumes, Edenton, N. C., 1900-1903, III (April, 1903), 245-246.

protested. Most decisions by the General Court abrogated the orders of the lower courts.

When a petition for a road had been granted by a precinct court, the surveyor or surveyors in a district would mark the route. Gradually a committee or jury of men, usually numbering two or three, supplanted the surveyors and marked off the roads. Afterwards, the surveyors and the men in their districts would clear the road as marked by the jury.

Before 1700 the precinct courts were annually appointing surveyors or overseers,⁷ denoting who should build bridges, and designating which persons would care for specific bridges or particular parts of a road. From a comparison of these practices with subsequent ones, it is safe to say that with minor variations road administration changed little from the seventeenth century to the close of the colonial period.

The earliest extant statute dealing with roads in a general way is "An Act Concerning Roads and Ferries" which is a part of the Revisal of 1715. As has been indicated, it is clear that this measure was antedated by a number of earlier measures quite similar in content. The 1715 legislation placed all roads, bridges, and ferries previously or subsequently established under the authority of the precinct courts. Roads were to be laid off first by a jury of twelve men. The roads were then to be cleared of trees and brush to a width of ten feet. All limbs of trees which might obstruct a person on horseback were to be removed also.

⁷Minutes of the Court of Pleas and Quarter Sessions, Perquimans County, January, 1699, in the State Department of Archives and History, Raleigh, North Carolina.

Under the law surveyors of the roads were appointed by the precinct courts and were required to serve for one year. They summoned all the male tithables⁸ within their district to work on the roads sometime during the months of April and September and at other times if circumstances dictated. If the whole company was not needed for a particular task, then a third of that number could perform the job. The two-thirds who did not work were required to pay a sum of money as compensation to those who did work.

Tithables were fined five shillings per day for neglecting to work on the roads when summoned by the surveyors. Surveyors were fined forty shillings each time they failed to summon their tithables or refused to repair roads and bridges within ten days after notice of their disrepair.⁹

In 1734 two different acts for regulating the roads in the province were passed to replace the single road law of 1715. One was concerned with the precincts in the northern portion of the province or those of Albemarle County. The other dealt with the southern precincts which composed Bath County. Why two measures were necessary is not at all clear.

In the act regulating the northern counties fines were raised to

⁸ The tithables or taxables were all free males sixteen years or older and all slaves twelve years or older. Those tithables in a road district formed a road "company." Walter M. Clark (ed.), The State Records of North Carolina, 16 volumes, Winston and Goldsboro: M. I. & J. C. Stewart and Nash Bros., 1895-1907, XXIII, 72. Hereinafter cited as S. R.

⁹ S. R., XXIII, 46-48.

ten shillings per day for tithables and ten pounds for surveyors per offense. The method of collection of fines was facilitated to some degree also. All roads were ordered to be twenty feet wide and bridges ten feet wide. Navigable waters were to be cleared by the surveyors and their companies contiguous to the creek or river within one year after an application for their clearance from the inhabitants.¹⁰

The year 1756 saw another law passed concerning the roads in the northern counties, formerly the precincts of Albemarle.¹¹ Many of the earlier provisions remained the same although fines were altered to two shillings and eight pence for taxables and twenty shillings for overseers. Overseers were appointed annually. Taxables eligible to work on the roads were those males from sixteen to sixty, unless they had been exempted by the Assembly from such work or sent at least three slaves from their household to work.

A startling innovation allowed the county to contract for the building of bridges at public expense if the overseers and companies could not "conveniently make" the bridge. A bridge over a creek or river dividing two counties would be built and repaired jointly by the counties. They were to share the expense in proportion to the number of taxables in each county. Timber from adjacent lands could be used for the construction of the bridges.¹²

¹⁰Ibid., XXIII, 118-119.

¹¹These counties were Currituck, Pasquotank, Perquimans, Chowan, Bertie, Tyrrell, Edgecombe, Northampton, and Granville.

¹²S. R., XXIII, 449-451.

As previously stated, a distinction was made in the road laws of 1734 between Albemarle and Bath counties. The non-extant act governing Bath County¹³ appears to have followed the regulations of the act for Albemarle closely. Minor variations such as a narrower width for the roads and bridges can be envisioned since the precincts were neither as well-settled nor as well developed as those of Albemarle.

The supervision of the roads in the lower or southern counties of the province underwent a significant change in 1741. In that year supervision of the roads was transferred from the overseer and company to the commissioner system. Under this new system the southern counties were divided into a number of districts supervised by a group of men, usually three to five, called commissioners. The commissioners were independent of the county courts but endowed with the same powers as the courts and overseers in laying out roads and bridges. Petitions for roads, decisions as to the composition of the road companies, and penalties for neglect of duties by the taxables rested with the commissioners. The courts could only prosecute commissioners for neglect of their duty and assist in replacing them with the aid of the other commissioners.¹⁴

The act of 1741 was renewed in 1745, but again it referred only to the southern counties of New Hanover, Onslow, Carteret, Bladen, Craven, Beaufort, and Hyde. It was the most complete and comprehensive statement

¹³ This act was entitled "An Act for laying out, making, altering, and keeping in repair the several Roads and Highways within the several precincts of the County of Bath, and for the building of Bridges, and cleansing and keeping clean the several Rivers and Creeks within the same." S. R., XXIII, 119.

¹⁴ Ibid., XXIII, 224-228.

of regulations governing road construction in colonial North Carolina. Commissioners were instructed to mention expressly the place where the taxables were to meet, the number of days they should work, the tools they were to bring, and the commissioners who would inspect their work. The commissioners met twice a year, the first Monday after Easter and the first Monday in August, to settle disputes among the inhabitants and hear petitions from them. The commissioners were obligated to see that all inhabitants were given easy access to the county courthouses.¹⁵

Penalties were many. Fines were five pounds for refusing to summon the taxables; two shillings and eight pence per day per taxable for refusing to work; twenty shillings per day for overseers appointed by the commissioners who would not follow orders; not more than twenty lashes for the refusal of a slave to work; and twenty shillings for any except commissioners obstructing the correction of such a slave.

Those who neglected to work on the roads were given an opportunity to make up their deficiency, but upon refusal, the commissioners were empowered to levy by warrant the money due on the goods and chattels of the defaulter. Persons believing themselves aggrieved could appeal the sentence to the county court. The fines and forfeitures were to be used in the district in which they were collected for the improvement of the roads and bridges.

All roads and bridges were ordered to be ten feet wide. Exemptions from road work and the provisions regarding the use of timber for the

¹⁵ Ibid., XXIII, 223-224.

roads and bridges remained the same as in the northern counties. Provision was made also for vagrants and migrant workers or laborers.¹⁶

The southern counties enjoyed the privilege of building bridges at public expense in this law of 1745. If districts were divided by water, then the commissioners in each district would meet and appoint persons to build the bridge. Payment was to be shared equally by each district from a tax levied by the commissioners on the inhabitants not exceeding one shilling per year.

If a watercourse separated two counties, the commissioners in each county could call upon as many of their taxables as was necessary to build the bridge. If bridges were washed away or navigable waters were rendered impassable, the commissioners could order these repaired at once. Those doing the work were allowed the same number of days at the next general time of working on the roads.¹⁷

In 1764 the split between the northern and southern counties in the means of road administration was closed. After thirty years of divergence all the counties were again put on an equal footing. The commissioner system was abandoned. Following the system which had been used in the northern counties, all phases of road administration were placed under the auspices of the county courts. The system of overseers and road companies prevailed.

The 1764 law was a combination of the laws of 1745 and 1756. The roads were all to be twenty feet wide and laid off by a jury of twelve

¹⁶ Ibid., XXIII, 223-228.

¹⁷ Ibid., XXIII, 226.

men. Bridges over navigable waters were ordered to be twelve feet wide. If the county courts thought it necessary, any bridge could be built at public expense. The provisions regarding the cutting of timber for roads and bridges, fines, labor exemptions, and the clearing of navigable waters remained unchanged.¹⁸

The only novel feature of the 1764 law was the instruction to overseers to place a post wherever roads forked with arms pointing to the nearest town or public ferry and denoting the number of miles to this place. The overseers also had to mark each public road at the end of each mile, beginning and continuing the numbers in such manner as the county courts directed. Fines on the overseers for neglecting to post the roads were forty shillings and for neglecting to number the miles, twenty shillings.¹⁹

While legislation discussed thus far was the basis for road regulation, the Assembly enacted numerous specific road bills. The most common was the authorization of specific roads. These were generally intercounty roads crossing county boundaries. This required the comprehensive direction provided by the governing body of the province, rather than the more local viewpoints of the particular county courts. Reasons given for supporting such roads included the promotion of trade, convenience for travelers, and the convenience for the local inhabitants.²⁰

¹⁸ Ibid., XXIII, 607-610.

¹⁹ Ibid., XXIII, 610-611.

²⁰ Ibid., XXIII, 98-99, 214-215, 417-419; XXV, 399-401, 662-663.

In these measures the Assembly specified minutely the location of the roads, overseers or commissioners responsible for the building of the roads, penalties for refusal to work, and the time within which the roads were to be completed. In the single case in which one man was given permission to construct a road,²¹ he was put under a bond of two hundred pounds for proper performance and given three years to complete the road. He was allowed to use any dirt or timber adjacent to the road for construction, and was subject to the same penalties as the overseers of the roads.

Other minor road legislation dealt with the building of bridges in the province. On at least five occasions authorization was given to persons by the Assembly to build toll bridges within the province.²² In all cases the Assembly stipulated the rates which would be charged.²³ Competitive transportation within six miles of the bridges was forbidden.²⁴ With one exception the builder was invested with the bridge for a period of twenty-five years. The exception was Benjamin Heron who

²¹Ibid., XXV, 487-489. William Dry was told to build a road through Eagle's Island opposite Wilmington. The road was to be "sixteen feet wide, one foot above the high water mark at spring tides, the inside of the ditches not less than six feet from the outside of the road, and convenient for carriages to pass."

²²Michael Higgins, Samuel Peacock, Caleb Grainger, Joseph Howell, and Benjamin Heron. S. R., XXIII, 346, 367-368, 385-386, 594-595; XXV, 240, 506-507.

²³Four pence for a man and horse; one shilling for every carriage drawn by one or two horses or oxen; four pence each for every horse, mare, or ox; one penny for every head of neat cattle; one shilling for every twenty hogs or sheep; and two pence for a single person.

²⁴Joseph Howell was given only one-mile exclusion from competition. S. R., XXIII, 595.

retained his interest in his drawbridge over the Northeast Branch of the Cape Fear River forever.²⁵

Intertwined in the road laws passed by the Assembly were regulations governing ferries in the province. Although these regulations are found within the road laws, they form a distinct topic and may be considered separately for purposes of clarity.

Apparently the precinct courts were given the authority to regulate ferries for the first time in 1715 when the ferries then in existence were declared public and subject to the court power. At this time the transportation for profit of men and animals across a stream within ten miles of any licensed ferry was declared illegal and penalized by a fine of ten shillings for every man or animal so transported. Ferrymen were admonished to provide good and sufficient boats, keep them repaired, and give constant attendance at the ferry under penalty of a fine of ten pounds.²⁶

Abuses of the law moved the Assembly to enact a law in 1734 requiring a one hundred pound bond, current money, from ferrykeepers to insure compliance with the terms of the 1715 law. The one hundred pound bond was continued as a requirement throughout the remainder of the colonial era.

Every colonial law relating to ferries followed the one of 1715 in warning ferrykeepers to maintain good boats and give constant attendance.

²⁵ Ibid., XXV, 506.

²⁶ Ibid., XXIII, 46-47.

The ten pound fine for violations, half to the informer and half to the county for reducing public charges, was continued through 1775. Violations of the ten-mile limit incurred a five pound fine by 1734, and twenty shillings in 1756 and 1764. The warrant always had to be proved before a justice of the peace.²⁷

The laws providing for road commissioners did not mention ferries, although subsequent laws relating to specific counties imply that the commissioners had the power to authorize ferries. In practice the courts seem to have retained this power, however, even when it was delegated to the commissioners.

The province saw a system of free ferries originating in 1741 at the town of Johnston in Onslow County when the Assembly instructed the ferrykeeper at the town to ferry persons across free of charge during times of court sessions and musters. The expense was to be paid out of the annual county tax established by the county court. This practice was continued in 1755 when the county seat was moved from Johnston up the White Oak River to a more central location at Wantland's Ferry.²⁸

Perquimans County benefited from a free ferry in 1754 when the Assembly attempted to rectify the injustice of the inhabitants living on the east side of the Perquimans River who had to pay ferriage twice in going to court. The ferrymen were placed under a bond of twenty pounds to ferry persons across free at times of court, election of Burgesses and

²⁷Ibid., XXIII, 449, 608-610.

²⁸Ibid., XXIII, 170-171; XXV, 330.

vestrymen, and musters. A tax not to exceed two pence was to be levied on the inhabitants to pay the ferrymen a reasonable sum for their efforts.²⁹

The location of the courthouse in Pasquotank County presented a problem similar to that of Perquimans. This subsequently was solved by a free ferry in 1758 under regulations approximating those in Perquimans.³⁰

The beneficent effects of the above free ferries, plus the numerous rivers and expense of traversing them, caused the Assembly to empower the courts in Hertford, Pasquotank, Pitt, and Tyrrell as well as the courts in the western counties of Rowan and Mecklenburg to authorize free ferries and toll bridges for the entire county. A twenty shilling fine was assessed to ferrymen who refused free passage to persons at public times. A six pence tax was added to the county levy to cover the charges.³¹

At least four laws were passed by the Assembly authorizing ferries. In 1740 the ferry from Bath to Core Point over the Pamlico River had been discontinued, and the Beaufort County Court was ordered to appoint some person to operate this ferry immediately.³²

Several ferries were established in the southern counties in 1754. The most important was the one at Wilmington.³³ In 1757 a Mr. Dawson

²⁹Ibid., XXIII, 419; XXV, 311-312. This act was renewed in 1757, 1762, and 1766. The tax was raised in 1762 to three pence as two pence was found insufficient. S. R., XXIII, 752-753; XXV, 348, 479-480.

³⁰Ibid., XXIII, 500; XXV, 389. This was continued in 1762. S. R., XXIII, 595; XXV, 480-481.

³¹Ibid., XXIII, 785.

³²Ibid., XXIII, 149-150.

³³Ibid., XXIII, 417.

was authorized to keep a ferry on the Yadkin Road over the Northwest Branch of the Cape Fear River.³⁴

In 1764 William Dry was granted all profits and advantages arising from the operation of the two ferries on the Northwest Branch of the Cape Fear River above Wilmington and the ferry from Market Street in Wilmington over the Northeast Branch in order to "encourage and enable" him to build a road through Eagle's Island.³⁵

³⁴Ibid., XXV, 356.

³⁵Ibid., XXV, 487-489.

CHAPTER III

ROADS

Roads were desired for many reasons. Petitions indicate that access to courthouses, landings, and chapels were of primary concern to the people. The justices of the courts well understood the value of roads to the courthouses, and the Assembly in the road law of 1745 which created road commissioners, obligated the commissioners to provide all persons within their districts with access to the courthouses.¹

Roads were important economically as they gave passage to waterways which were the real avenues of commerce in the colonial era. The commercial value of landings and access to water transportation were crucial from the inception of the province. Petitions often requested a site for a landing as well as a road to it.² These petitions came both from groups of inhabitants and from single persons. Of the latter, many had been barred from crossing the land of another³ or were fearful of losing

¹Walter M. Clark (ed.), The State Records of North Carolina, 16 volumes, Winston and Goldsboro: M. I. & J. C. Stewart and Nash Bros., 1895-1907, XXIII, 224. Hereinafter cited as S. R.

²Minutes of the Chowan Court of Pleas and Quarter Sessions, April, 1715, July, 1715, April, 1716 in the State Department of Archives and History, Raleigh, North Carolina. All further references to minutes of the Courts of Pleas and Quarter Sessions will be cited as County Minutes with the appropriate county noted. Unless otherwise designated all County Minutes can be found in the State Department of Archives and History, Raleigh, North Carolina.

³Perquimans County Minutes, October, 1757.

their "ancient landing privileges."⁴

The courts were always solicitous of "Christians who desired to attend Divine Services."⁵ If the existing roads were impassable or a part of the inhabitants lived in remote sections, there was no hesitation in granting them a passage to the nearest meetinghouse, chapel, or glebe.⁶

The road commissioners explicitly⁷ and the county courts implicitly were required to give roads to those persons having no access to a main highway. Many petitions came from persons who had bought land behind another who would not permit transit across his land.⁸ One man desired an outlet since his passage across another plantation, operational for twenty years, had been closed.⁹ Other petitions came from persons living "far distant from the public road, the river not navigable for several miles below them, and no road to pass and repass with carts, the

⁴ Perquimans County, Roads and Schools, Road Papers, 1711-1869, 1764 in the State Department of Archives and History, Raleigh, North Carolina. Hereinafter cited as Perquimans County, Roads and Schools, Road Papers, 1711-1869.

⁵ Bertie County, Miscellaneous Records, Road Papers, 1734-1834, June, 1772, in the State Department of Archives and History, Raleigh, North Carolina. Hereinafter cited as Bertie County, Miscellaneous Records, Road Papers, 1734-1834.

⁶ Ibid.; Bute County Minutes, May, 1769, February, 1775, May, 1775; Pasquotank County Minutes, December, 1771; Perquimans County, Roads and Schools, Road Papers, 1711-1869, 1755.

⁷ S. R., XXIII, 223.

⁸ Perquimans County Minutes, July, 1741; Pasquotank County, Petitions, Petitions for Roads and Drainage, 1734-1780, 1743, in the State Department of Archives and History, Raleigh, North Carolina. Hereinafter cited as Pasquotank County, Petitions, Petitions for Roads and Drainage, 1734-1780.

⁹ Perquimans County, Roads and Schools, Road Papers, 1711-1869, 1743.

way being very dirty, miry, and several bad branches to cross."¹⁰

Roads were also built to schoolhouses,¹¹ warehouses,¹² and ferries. Many of the roads to the ferries were requested by ferrykeepers in order to increase their business.¹³ Gristmills were popular locations to which to build roads.¹⁴ The New Hanover court ordered Caleb Grainger and Cornelius Harnett to build a road from their mill to the main road leading to Wilmington under penalty of five hundred pounds.¹⁵

Except for those ordered by the Assembly, roads between counties were for the most part haphazardly laid out. Generally the county courts would just order roads to be opened to the "county line." In some cases the counties did try to improve the general transportation system. Roads were ordered to county lines to meet roads already cut by an adjacent county.¹⁶ Occasionally roads were ordered across the entire county, thereby connecting two adjacent counties.¹⁷ There was, also, a desire to construct roads which would intersect principal thoroughfares in the province. For example, Johnston wanted a road opened to the Bute County

¹⁰Perquimans County Minutes, January, 1739.

¹¹Bute County Minutes, February, 1773.

¹²Tyrrell County Minutes, September, 1751.

¹³Perquimans County Minutes, April, 1700.

¹⁴Cumberland County Minutes, August, 1762; Bute County Minutes, May, 1771; James Robert Hathaway (ed.), North Carolina Historical and Genealogical Register, 3 volumes, Edenton, N. C.: 1900-1903, III (January, 1903), 62. Hereinafter cited as NCHGR.

¹⁵New Hanover County Minutes, June, 1764, September, 1764.

¹⁶Johnston County Minutes, July, 1767, August, 1769; Craven County Minutes, October, 1763.

¹⁷Bute County Minutes, May, 1768.

line to meet the road that ran through Bute to the Granville Court-house.¹⁸

The usual procedure for laying off a road began with petitions to the precinct or county courts. If the court accepted the petition, directions for the route of the road were given, and after 1715, a jury of twelve men was appointed to mark the route. At the same time the jury was named an overseer and persons who would make and clear the road were usually appointed.

If a court was unsure of the necessity of the road or the direction it should take, it would order a number of men, usually four, to view the way and report back at the next court session.¹⁹ Occasionally the petitioner for the road would suggest another route for the road than that marked off by the jury. Then the court had to decide which proposal to accept.²⁰

The jury was summoned or notified by the sheriff who received a fee for this duty. This was approximately fifteen shillings proclamation money for each jury in Johnston County.²¹ The jury was composed only of freeholders and had to be sworn before a magistrate. It was instructed to mark off the road by the next court session and to give an account of its actions at that time. Often a specific time or place was designated

¹⁸ Johnston County Minutes, February, 1769.

¹⁹ Bertie County Minutes, February, 1731, August, 1732; Bute County Minutes, February, 1772; Edgecombe County Minutes, June, 1759.

²⁰ Bertie County, Miscellaneous Records, Road Papers, 1734-1834, December, 1771.

²¹ Johnston County Minutes, May, 1768, November, 1769.

for the jury to meet, making provision for bad weather.²² The magistrate before whom the jury had to be sworn was sometimes mentioned.²³

Many of the court orders for roads had to be repeated because the jury either refused to lay off the road or was not prompt in its duty.²⁴ Usually the courts resigned themselves to the fact that no road would be forthcoming after a jury had neglected a third summons.²⁵ On a second or third order the courts changed all or part of the jury, and on one occasion the constable was changed on each of three orders.²⁶

The number of members in a jury ranged from the minimum of twelve to a maximum of thirty-three,²⁷ although it usually remained under twenty. The death of jurors or their removal from the county could prevent a sufficient number from being present, necessitating a new jury. In Cumberland County one member was found not to be a freeholder, thereby causing another jury to be named.²⁸ When the Bertie Court found that two of twelve jurors were obstructing a survey of a road in 1741, it appointed four more any two of which had the power to side with the ten.²⁹

²² Carteret County Minutes, December, 1765, June, 1766; Cumberland County Minutes, May, 1764.

²³ Johnston County Minutes, January, 1761.

²⁴ In one case, however, James Sherrod, who was to summon the jury, "put the order in his pocket," and refused to deliver it. Tyrrell County Minutes, November, 1772.

²⁵ Tyrrell did attempt a fourth summons once, but the results were negative. Tyrrell County Minutes, March, 1740.

²⁶ Edgecombe County Minutes, September, 1760.

²⁷ Johnston County Minutes, January, 1764.

²⁸ Cumberland County Minutes, August, 1764.

²⁹ Bertie County Minutes, May, 1741.

After 1715 a road jury was legally composed of at least twelve men. Chowan, however, continued to use three men in some of its juries³⁰ while Cumberland once allowed only six.³¹ Often the courts bypassed the jury system altogether and simply instructed the inhabitants of a particular locality to lay off the road or ordered two or more road companies to meet and mark a road. Another variation permitted two men to view the way and direct the laying out of the road.³²

Juries were rarely fined for not laying off a road. Carteret threatened a twenty shilling fine for each person in one of its juries,³³ and Bertie ordered a three pound fine on a jury as a whole unless it could show good reason why it did not mark a road.³⁴ Bertie remitted another fine when it found that the road could not be laid off according to its directions.³⁵

Though juries were appointed to mark the route of the roads, the task of constructing and maintaining the roads fell to the overseers. Overseers were appointed annually by the courts. Bertie attempted to make all of its appointments during the March session of court but fell into the practice of the other counties by making appointments rather haphazardly during all the court sessions.³⁶ Sometimes all the overseers

³⁰Chowan County Minutes, April, 1716, January, 1719, September, 1719.

³¹Cumberland County Minutes, January, 1772.

³²Bute County Minutes, February, 1773; Craven County Minutes, March, 1772.

³³Carteret County Minutes, December, 1765.

³⁴Bertie County Minutes, May, 1740.

³⁵Ibid., February, 1741.

³⁶Ibid., April, 1759; NCHGR, II (October, 1901).

would be continued in office for a year unless one asked to resign.³⁷ During the early years of the eighteenth century, Perquimans required those overseers who resigned to present another as a replacement for the coming year.³⁸

When the clerk of court issued the orders of appointment, usually receiving a fee of one shilling per order,³⁹ the overseer was instructed to repair the roads if repairs were needed, occasionally with the admonition "or answer the contrary at your peril."⁴⁰ If the courts inadvertently omitted parts of the order such as the specific parts of the road over which the overseer held jurisdiction, this was quickly discovered upon complaint and corrected.⁴¹

Towards the end of the colonial period, overseers ranged in number from eighteen in Onslow to forty-three in Pasquotank.⁴² Often the courts numbered the districts, and overseers were appointed according to the number of their district rather than the road or roads which they were to supervise. An order for a new road or the repair of an old one would also be made in terms of the number of the district rather than the

³⁷ Bertie County Minutes, February, 1733, March, 1772.

³⁸ William L. Saunders (ed.), The Colonial Records of North Carolina, 10 volumes, Raleigh: P. M. Hale and Josephus Daniels, 1886-1890, I, 605, 607. Hereinafter cited as C. R.

³⁹ Craven County Minutes, August, 1759.

⁴⁰ Bertie County, Miscellaneous Records, Road Papers, 1734-1834, May, 1754, February, 1755.

⁴¹ Carteret County Minutes, December, 1766.

⁴² Pasquotank County Minutes, March, 1775; Onslow County Minutes, March, 1766.

location of the road itself.⁴³

The taxables within a road district composed a road company which was strictly regulated by the courts. If the number of roads in a district became too great for one overseer, the court would divide the district. Usually the courts would appoint either two or twelve persons to view the district and divide it according to the number of taxables and "badness" of the roads.⁴⁴ Only rarely were two road companies united.⁴⁵

An abundance of petitions requesting a change from one company to another or requesting an additional number of hands for a company plagued the courts. Some were legitimate such as that of one Daniel Saint in Perquimans who worked on the roads in one district and lived several miles distant in another.⁴⁶ Mary Newby, a ferrykeeper, asked that her hands be taken from the "Main road" and put on the "Ferry road." She said that there would be enough hands left to support the main road and that she could better tend her ferry if her hands were close by. If this was not done, she feared that she would be liable for the neglect of the ferry.⁴⁷

⁴³ Pasquotank County Minutes, September, 1774, December, 1774.

⁴⁴ Bertie County Minutes, May, 1774; Edgecombe County Minutes, June, 1761; Carteret County Minutes, May, 1762; Pasquotank County Minutes, September, 1757, September, 1771, June, 1772; Craven County Minutes, April, 1761; Tyrrell County Minutes, June, 1754.

⁴⁵ Bertie County Minutes, February, 1744, November, 1775.

⁴⁶ Perquimans County, Roads and Schools, Road Papers, 1711-1869, 1754.

⁴⁷ Ibid., July, 1740.

Sometimes the courts shifted too many men from one district to another, leaving it shorthanded,⁴⁸ or there were more taxables than originally included by the court for road work.⁴⁹ Both cases necessitated corrective orders. On occasion the courts forgot to mention those persons responsible for clearing and working on a new road but quickly corrected this omission.⁵⁰

If a question arose over the area of a road district or the persons liable for work within a district, the courts would set forth the limits of the district and the persons who were to work therein.⁵¹ An account of the taxables by an overseer within his district was requested when the courts were unsure of their number.⁵² If the courts did not possess the necessary knowledge to delineate a district, they appointed a jury of twelve "to lay out the districts according to the number of taxables and the badness of the roads to make an equal division as far as possible."⁵³ The juries appointed to mark off roads were occasionally instructed to return an account of the inhabitants who were most convenient for work on the road.⁵⁴

Numerous complaints reached the courts of the inequities under which the taxables were laboring. One road in Bertie of five and three

⁴⁸Pasquotank County, Petitions, Petitions for Roads and Drainage, 1734-1780, 1754.

⁴⁹Perquimans County, Roads and Schools, Road Papers, 1711-1869, 1740.

⁵⁰Bertie County Minutes, February, 1731.

⁵¹Onslow County Minutes, April, 1769.

⁵²Craven County Minutes, September, 1768.

⁵³Carteret County Minutes, May, 1762.

⁵⁴Craven County Minutes, July, 1766.

quarters miles was maintained by nine hands, while another not as long was worked by thirty hands.⁵⁵ Another road from four to five miles long was maintained by forty hands, and was said to be of "no use to the public."⁵⁶

Many of the districts contained more than one road and required a greater number of hands. The number of swamps and watercourses which had to be crossed also influenced the need for hands. One petitioner, an overseer of five miles of road with two large swamps to bridge, needed more hands as his eight or nine were too few and some were "inconsistent."⁵⁷ John Parish, Jr. told the Perquimans Court that the seven hands under his jurisdiction were too few to maintain a road about "seven miles in length and very bad grounds besides eight or nine bridges over swamps to make and repair."⁵⁸

Some petitions went so far as to designate the additional hands needed to work on the road.⁵⁹ One overseer asked for all those who settled or would settle within five miles of the road and were not appointed to other roads.⁶⁰ Other petitions only asked for an inspection of two or more districts to see if hands could be spared from any of them.⁶¹

⁵⁵ Bertie County, Miscellaneous Records, Road Papers, 1734-1834, September, 1770.

⁵⁶ Ibid., January, 1757.

⁵⁷ Ibid., June, 1772.

⁵⁸ Perquimans County Minutes, June, 1737.

⁵⁹ Ibid., July, 1737.

⁶⁰ Tyrrell County Minutes, June, 1764.

⁶¹ Perquimans County Minutes, July, 1767.

If necessary, the courts would order one or two companies to assist temporarily another company to clear a road.⁶² William Martin and his company in Pasquotank helped another company every third day.⁶³ One man in Bute County had his family split between two road companies.⁶⁴

Exemptions from road work were given to those who were over sixty years old⁶⁵ or who were physically unable to work and had been excused from musters. Benjamin Blount of Chowan County was excused in 1716 because of a "grievous wound in the right hand leaving only the thumb free."⁶⁶ Numerous exemptions were allowed due to musket wounds suffered in the French and Indian War. Upon reaching sixty, a man did not have to quit, however. Samuel Noble of Carteret kept working as an overseer and was excused from sending one of his hands to work.⁶⁷

Temporary exemptions were granted by the county courts for various reasons. Men appointed by overseers to summon the members in the district were exempted⁶⁸ as were those men who resided in one district but were overseers in another.⁶⁹ Persons were also excused from working on the public roads in order to maintain private roads leading to mills,

⁶² Bertie County Minutes, August, 1769; Colonial Court Records, Box 192, October, 1720 in the State Department of Archives and History, Raleigh, North Carolina.

⁶³ Pasquotank County Minutes, June, 1755.

⁶⁴ Bute County Minutes, November, 1771.

⁶⁵ Craven County Minutes, June, 1775. A reference is made to a free Negro who exempted because he was over sixty years of age.

⁶⁶ NCHGR, I (January, 1900), 150.

⁶⁷ Carteret County Minutes, December, 1765, June, 1770.

⁶⁸ Ibid., February, 1764.

⁶⁹ Ibid., May, 1764.

landings, or plantations.⁷⁰ One petitioner and his family were granted permission both in 1707 and in 1716 to work only on the roads that went by their lands and to be exempt from any other road duty.⁷¹

The courts ordered the overseers to keep a careful record of the number of days worked by their taxables. If extra work was done, the taxables could be excused from road work for as long as two years.⁷² Occasionally hands were ordered to work on newly authorized roads for a certain number of days and then to return to their former road. The next time they were ordered to work on the roads they were exempted for as many days as they had worked on the new road.⁷³ The courts could also order certain inhabitants of a district to labor on a road at any time during the year until it was put into proper condition. They were then exempt from the regular work period for as many days as they had been obliged to work irregularly.⁷⁴

The procedures for altering or changing the direction of a road were many. The most common was a petition to the court by a private person asking permission to turn a road running through his plantation because it would pass through cleared ground. In many cases these

⁷⁰Hyde County Minutes, December, 1774; Pasquotank County Minutes, April, 1766.

⁷¹NCHGR, I (January, 1900), 143; Chowan County Minutes, November, 1716; C. R., II, 265.

⁷²Pasquotank County Minutes, April, 1762; Carteret County Minutes, December, 1772.

⁷³Craven County Minutes, March, 1768.

⁷⁴Ibid., October, 1768.

petitions, similar to ones for roads, were referred to the next court to allow opportunity for any objections to be brought. The only objection which the records disclose was rejected by the court.⁷⁵ A petitioner had to alter a road at his own expense and time and could not close the old road until the new one was completed. Occasionally the court set a deadline of from one to twelve months for completion.⁷⁶ If the alteration necessitated crossing the land of anyone other than the petitioner, a sworn statement of consent was required from this person.⁷⁷

The alteration was not considered valid until approved by the overseer of the road⁷⁸ or a number of persons, usually two, authorized by the court for this purpose.⁷⁹ Sometimes the courts were presented with a fait accompli. A petitioner would alter the road and petition the court to sanction it.⁸⁰ One road was changed "by force of arms."⁸¹

A hint of unfairness crept into the proceedings when the petitioner requesting an altered road was appointed overseer for the road. Apparently no one could check on his work to see if it was done properly and

⁷⁵ Bute County Minutes, November, 1771.

⁷⁶ Hyde County Minutes, June, 1774; Edgecombe County Minutes, October, 1775.

⁷⁷ Hyde County Minutes, June, 1774.

⁷⁸ Ibid., December, 1767; Edgecombe County Minutes, June, 1768, February, 1770.

⁷⁹ Bute County Minutes, February, 1771; Carteret County Minutes, September, 1771.

⁸⁰ Bute County Minutes, May, 1768, August, 1769, August, 1771, May, 1774.

⁸¹ Pasquotank County, Petitions, Petitions for Roads and Drainage, 1734-1780, April, 1765.

for "the greatest convenience of travelers."⁸²

When a road was altered at the instigation of the courts for the "convenience of travelers," perhaps to avoid a hill or swamps and marshes, the overseers were authorized to make the changes. A jury of twelve marked off the change and two men were appointed to approve the work of the overseer and his company.⁸³ Occasionally the jury did not see the necessity for the alteration and so reported to the court.⁸⁴ Some courts issued general orders instructing their overseers to straighten all roads as much as possible without too much inconvenience to the inhabitants.⁸⁵

Petitions for alterations came both from the people and from conscientious overseers. In the latter case, either a jury would be appointed⁸⁶ or the overseers would be given permission to turn the road.⁸⁷ In one instance the Edgecombe court appointed a jury to meet with the commissioners of the town of Halifax to turn a road leading to the town.⁸⁸

⁸²Edgecombe County Minutes, June, 1758, March, 1759; Craven County Minutes, October, 1763.

⁸³Johnston County Minutes, April, 1767; Chowan County Minutes, June, 1769; Pasquotank County Minutes, March, 1769.

⁸⁴Pasquotank County, Petitions, Petitions for Roads and Drainage, 1734-1780, January, 1772.

⁸⁵Craven County Minutes, April, 1765.

⁸⁶Tyrrell County Minutes, September, 1735.

⁸⁷Bute County Minutes, May, 1772.

⁸⁸Perquimans County Minutes, July, 1760; Hyde County Minutes, 1774; Tyrrell County Minutes, December, 1764.

The responsibility for repairing altered roads usually devolved upon the road company but could remain with the person who turned it. This person might be exempted from other road duties to maintain the altered road and would be asked to repair it if the road became "very insufficient for carriages and horsemen to pass."⁸⁹

The law allowed road companies to cut timber adjacent to a road or bridge for use in their construction. This was reinforced by orders from the county courts.⁹⁰ Occasionally members of road companies cut down trees without the permission of their overseer or commissioners.⁹¹ The owner of the timber had to be given notice that his timber was needed. One overseer who neglected to do this was ordered to pay three pounds for the trees which he had ordered cut.⁹²

A road jury not only had to mark off a road, but also had to assess damages to the lands through which the road went. This probably referred only to improved or cleared lands. The juries took great pains to avoid injury to anyone, and as a result, there were few cases of payments or damages. These payments could be as low as six pence,⁹³ or as high as thirty shillings,⁹⁴ though they usually ranged from one to twelve shillings.⁹⁵

⁸⁹Perquimans County Minutes, July, 1760; Hyde County Minutes, 1774; Tyrrell County Minutes, December, 1764.

⁹⁰New Hanover County Minutes, June, 1766.

⁹¹Ibid., June, 1741.

⁹²Perquimans County Minutes, October, 1735.

⁹³Tyrrell County Minutes, March, 1761.

⁹⁴Bertie County Minutes, September, 1770.

⁹⁵Johnston County Minutes, July, 1767; Perquimans County Minutes, April, 1742; Bertie County, Miscellaneous Records, Road Papers, 1734-1834, 1756.

Bridle roads, paths, or "by ways," narrower than the regularly authorized roads, were quite common and quite effective in reducing the expense of clearing a road of normal width. These were used to connect a man's house or mill with a main road, a landing with a main road, or as a means of joining two principal highways.⁹⁶

These bridle roads were laid out by a jury of twelve,⁹⁷ a jury of three,⁹⁸ or by those individuals who had petitioned for the road.⁹⁹ Exemptions from other road work were permitted in order to allow for the maintenance of the bridle road.

Causeways were often used as a substitute for bridges to cross lowlands, swamps, and pocosins. Causeways were common at ferry landings also. Legally they had to be the same width as bridges over small streams and non-navigable waters.

Causeways were constructed by placing logs in the direction of the road, covering them with dirt, and covering this with small pine trees, brush, and dirt again.¹⁰⁰ Craven ordered its causeways to be at least one foot higher in the middle than at the edge and at least nine inches thick at the edge, tapered from the center, and clear of rocks.¹⁰¹

⁹⁶ Bertie County Minutes, March, 1767; Tyrrell County Minutes, September, 1735; Perquimans County Minutes, April, 1742.

⁹⁷ Carteret County Minutes, December, 1766.

⁹⁸ Bertie County Minutes, March, 1767.

⁹⁹ Perquimans County Minutes, April, 1736; Tyrrell County Minutes, September, 1735.

¹⁰⁰ Evangeline Walker Andrews and Charles McLean Andrews (eds.), Journal of a Lady of Quality, New Haven: Yale University Press, 1923, p. 280.

¹⁰¹ Craven County Minutes, April, 1765.

Roads were occasionally cleared by inhabitants without authorization from the courts generally for private use on or through a plantation. If these roads proved advantageous to the public, and travelers started using them, the courts would declare these roads to be public roads to be maintained at public expense.¹⁰²

A few of the roads in the province were discontinued. They led to ferries which had been closed, courthouse locations which had been moved, plantations of deceased persons, or were simply replaced by straighter, more direct routes.¹⁰³ One road was declared void because the court said it was neither a public road nor was it ever laid out in the manner prescribed by the law.¹⁰⁴ Just as the court could close roads, in rare cases, they would open discontinued ones.¹⁰⁵

Only once did a county contract with a private person for the construction of a road. In 1743 the Assembly authorized a road from Edenton to a Mr. William Hoskins' mill dam.¹⁰⁶ The Chowan Court levied a tax of two shillings, current bills, or the equivalent in proclamation money for the inspection of the road.¹⁰⁷ Three months later the court

¹⁰²Bertie County, Miscellaneous Records, Road Papers, 1734-1834, May, 1753; Johnston County Minutes, January, 1761; Edgecombe County Minutes, February, 1772; Craven County Minutes, October, 1763.

¹⁰³Johnston County Minutes, July, 1759, May, 1768, May, 1771; Craven County Minutes, October, 1766; Edgecombe County Minutes, June, 1761, January, 1765; Chowan County Minutes, March, 1772; Tyrrell County Minutes, June, 1766; Pasquotank County Minutes, December, 1774.

¹⁰⁴Tyrrell County Minutes, December, 1755.

¹⁰⁵Pasquotank County Minutes, January, 1767, May, 1768.

¹⁰⁶S. R., XXIII, 214-215.

¹⁰⁷Chowan County Minutes, October, 1743.

allowed an additional tax of one shilling proclamation money to be applied for making the same road, paying the inspectors for the county, and purchasing weights and measures for the use of the county.¹⁰⁸ The road was finally completed in 1746 by Samuel Gregory, who was paid seventeen pounds and ten shillings.¹⁰⁹

In addition to the instructions in the laws passed by the Assembly, the precinct and county courts would specify conditions for making a road. Usually they reiterated the width of the road as authorized by the Assembly,¹¹⁰ or they instructed the road company to make the road passable for carts and carriages.¹¹¹

Some persons who disliked a road cutting through their lands used various means for stopping up the road and preventing passage. One man used his mill dam to flood the road,¹¹² while another felled "several great trees" across a road.¹¹³ No fines were forthcoming, however, even when one man illegally but effectively closed a road for more than a year.¹¹⁴

¹⁰⁸ Ibid., January, 1744.

¹⁰⁹ Ibid., April, 1746. The reason for this lone excursion into tax supported road construction cannot now be determined.

¹¹⁰ Craven County Minutes, September, 1732, September, 1733.

¹¹¹ Chowan County, Miscellaneous Records, Road Papers, 1717-1809, October, 1763, in the State Department of Archives and History, Raleigh, North Carolina. Hereinafter cited as Chowan County, Miscellaneous Records, Road Papers, 1717-1809. Cumberland County Minutes, August, 1765.

¹¹² Craven County Minutes, April, 1761.

¹¹³ Pasquotank County, Petitions, Petitions for Roads and Drainage, 1734-1780, December, 1756.

¹¹⁴ Pasquotank County Minutes, October, 1765, January, 1767.

Although the 1764 road law required all overseers to post and measure the roads, some individual counties had already started this practice. Twenty years before, in 1744, Bertie had ordered the roads to and from the courthouse and to and from all public ferries, as well as forks of the roads, to be posted. Surveyors or deputy surveyors of roads were ordered to pass on the number of miles in their district to the next company.¹¹⁵

After the enactment of the 1764 road law only four counties expressly mentioned the passage referring to measuring and posting the roads. Johnston and Edgecombe simply issued a general order instructing the overseers to "measure the roads and post them according to the late Act of Assembly for that purpose."¹¹⁶

The Onslow court, however, told the overseers exactly where each post should be set up, meticulously describing each road in each road district.¹¹⁷ Carteret apparently had so much difficulty in posting the roads that it had to resort to paying its overseers to carry out the law.¹¹⁸

After 1764 frequent reference is found to posts in the counties for purposes of designating the districts of overseers. These included a

¹¹⁵ Bertie County Minutes, February, 1744.

¹¹⁶ Johnston County Minutes, October, 1764; Edgecombe County Minutes, July, 1764.

¹¹⁷ Onslow County Minutes, 1764.

¹¹⁸ Carteret County Minutes, June, 1767. Caleb Bell was paid twenty shillings and Thomas Brittain, five shillings, for posting the roads.

"Five Mile Post" in Johnston and Edgecombe, a "Seven Mile Post" in Craven, and a "Three Fingers Post" in Carteret.¹¹⁹ When traveling from Bath to New Bern, Ebenezer Hazard remarked instead of milestones, posts were set up by the road with the numbers of miles marked on them in Roman numerals and "as many notches cut in the Side of it as you have miles to travel; these Notches I suppose are for the Benefit of the Unlearned."¹²⁰

The enactment of the two laws in 1734 relating to Albemarle and Bath counties permitted the courts to order navigable waters to be cleared of any obstructions. These obstructions were primarily trees, logs, and brush. They might consist of fishing nets or hedges, however, which were ordered to be removed as soon as the fishing season was over.¹²¹

The members of the court usually determined whether or not a river or creek was navigable, but if in doubt, they appointed a number of persons to inspect the waters and report it to the court.¹²² The stimulus for ordering overseers to clear navigable waters came from the court and from petitions of inhabitants using the waters for trade and transportation.

¹¹⁹ Johnston County Minutes, October, 1767; Edgecombe County Minutes, August, 1770; Craven County Minutes, January, 1764; Carteret County Minutes, December, 1767.

¹²⁰ Hugh B. Johnston (ed.), "The Journal of Ebenezer Hazard," The North Carolina Historical Review, XXXVI (July, 1959), 372.

¹²¹ Chowan County Minutes, December, 1770.

¹²² NCHGR, II (October, 1901), 621.

The courts could issue specific or general orders to the overseers. When Edgecombe decided to clear the Tar River in 1765, each overseer contiguous to the river and the exact portions of the river which each was to clear were precisely designated.¹²³ Occasionally the courts simply issued a general order for a river or creek to be cleared, implying that the overseers and companies adjacent were responsible for determining who would complete the task.¹²⁴

Although the road companies were legally responsible for clearing creeks and rivers, the courts sometimes placed the responsibility elsewhere. William Bryan of Craven County was allowed to open Core Creek from the Neuse River to his mill, being exempt from working on the roads as many days as he employed his hands in that service.¹²⁵ Bertie ordered three men and their families to keep Wiccacon Creek constantly cleared and exempted them from working on the roads.¹²⁶

Either the navigable waters must have generally remained open or the counties failed to avail themselves of their legal powers as few references were made to the practice of clearing navigable waters. Bertie, Craven, Tyrrell, and Edgecombe were the principal beneficiaries of the law. Some counties never ordered the clearing of waters. The five rivers most often cleared were the Pasquotank, the Cape Fear in

¹²³ Edgecombe County Minutes, July, 1765.

¹²⁴ Bertie County Minutes, February, 1739; Perquimans County Minutes, October, 1735; Johnston County Minutes, April, 1764.

¹²⁵ Craven County Minutes, June, 1774.

¹²⁶ NCHGR, II (October, 1901), 620.

Cumberland County, the Cashie in Bertie, the Neuse in Johnston and Craven, and the Tar in Edgecombe. The Tar was the most difficult to keep open.¹²⁷

Overseers were appointed by the county courts to clear and repair the streets of many of the towns in the province. Edenton, New Bern, and Bath were among the earliest to receive overseers. Wilmington, Tarboro, Woodstock, Beaufort, Hertford, and Windsor followed. Most of these towns were granted this privilege by the Assembly although some of the county courts took it upon themselves to permit this practice.¹²⁸

When an overseer was appointed for a town, the inhabitants were ordered to work on the streets within the town. They were exempted from work on the roads in the county although some were required to labor on the roads leading from the town for a distance of one mile.¹²⁹ The overseer and inhabitants of the towns were subject to the same penalties as their counterparts in the remainder of the counties.

In addition to the streets, bridges, public wharves, landings, and gates had to be built and repaired.¹³⁰ This was especially true in Wilmington where the streets were "low and miry" and "bridges were necessary for the runs and branches in the lower portions of the town."¹³¹

¹²⁷ Edgecombe County Minutes, September, 1759, July, 1764, July, 1765, August, 1772, April, 1774.

¹²⁸ Bertie County Minutes, December, 1771; Hyde County Minutes, June, 1765.

¹²⁹ Carteret County Minutes, June, 1768.

¹³⁰ S. R., XXIII, 232-233. Edgecombe County Minutes, April, 1763.

¹³¹ Andrew J. Howell, The Book of Wilmington, Second Edition, Wilmington, N. C.: Wilmington Printing Company, 1959, p. 23.

Many of the provincial towns were fenced in order to keep out animals. Gates were installed at the principal streets to permit passage to and from the town.¹³² If the towns became too large or the work too burdensome, two overseers might be appointed.¹³³

Defaulters appeared in the towns as well as on the roads in the county. In July, 1760, Wilmington showed a list of twenty defaulters, an unusually short list.¹³⁴ Rather than fine the delinquents, the town commissioners allowed them to make up their deficiencies by working on the road from Point Peter to Mount Misery.¹³⁵ Conditions were so bad in 1745, however, that the town commissioners were empowered to lay a tax not exceeding one shilling and six pence to defray the cost of building bridges in Wilmington in order to make the streets passable.¹³⁶

¹³² S. R., XXIII, 214, 895. Craven County Minutes, April, 1765. Private persons residing in the county were also allowed to build and maintain gates, probably because they had fenced in their lands. Gates on each side of Joshua White's plantation saved him the "trouble of making five hundred pannels of fencing." Most of these gates were built by the individuals petitioning for them, although a road company and overseer built and maintained one for Francis Ward in Tyrrell County in 1761. Gates could be kept as long as they were maintained in good order. John Shakleford in Carteret was permitted a gate by the court with the consent of the commissioners in his district until the next court session or until it was found to be a "nuisance to the public." Perquimans County Minutes, January, 1760; Tyrrell County Minutes, December, 1761; Carteret County Minutes, June, 1749.

¹³³ Chowan County Minutes, July, 1757, April, 1758; Craven County Minutes, September, 1740.

¹³⁴ Kemp Battle (ed.), Letters and Documents Relating to the Early History of the Lower Cape Fear (James Sprunt Historical Monographs, Number 4), Chapel Hill: Published by the University, 1903, pp. 74-76.

¹³⁵ Ibid., p. 73.

¹³⁶ S. R., XXIII, 235.

The failure of overseers and taxables to carry out their duties is readily evident from the almost innumerable complaints lodged with the courts. These complaints stated that overseers and companies "absolutely refused to work on the roads"¹³⁷ or that the bad repair of the roads and bridges endangered "the lives of men and horses, and other enormities."¹³⁸ Complaints in New Hanover County termed the roads as "dangerous to travelers and a public nuisance."¹³⁹

The courts did not fine all delinquents. Many were permitted to correct their default; others had fines remitted.¹⁴⁰ Extenuating circumstances were taken into account. In Bertie the inhabitants asked that the overseer not be fined because the road could not be maintained at all times due to flood waters.¹⁴¹

As early as 1700, taxables were being fined for not appearing to work on the roads. The amount was two shillings and six pence.¹⁴² Before 1730, however, fines were infrequent. In Chowan in 1715 an overseer was fined forty shillings for neglect of his duties.¹⁴³ Six months later this same overseer returned a list of twenty-five taxables who did not work on the road including the man who had earlier brought

¹³⁷Chowan County, Miscellaneous Records, Road Papers, 1717-1809, undated petition probably before 1740.

¹³⁸Pasquotank County, Petitions, Petitions for Roads and Drainage, 1734-1780, April, 1740.

¹³⁹New Hanover County Minutes, June, 1739.

¹⁴⁰Carteret County Minutes, June, 1767.

¹⁴¹Bertie County, Miscellaneous Records, Road Papers, 1734-1834, April, 1763.

¹⁴²Perquimans County Minutes, April, 1700.

¹⁴³Chowan County Minutes, October, 1715.

the complaint against him. All were fined five shillings per day for their neglect.¹⁴⁴

After 1730 fines were common. The largest was eighteen pounds, eighteen shillings and eight pence assessed on Robert Snow in New Hanover County who defaulted in the amount of one hundred forty-two days at two shillings and eight pence per day.¹⁴⁵ Thomas Brittain was fined ten pounds for disobeying an order of the court commanding him to warn the taxables in his district to work on the roads.¹⁴⁶ Other fines rarely reached one pound.

Often the courts would give the accused party an opportunity to come to court and state his case. Many then escaped with only court costs, although this ran as high as seven and one half shillings.¹⁴⁷ In one instance the Onslow Court ordered amercements to be paid by providing the court with dinner every day during the sitting of the court or until the court otherwise provided.¹⁴⁸

When overseers were replaced, they had to make an account before the court or a magistrate of the fines which they had collected and the delinquents on the roads. These were given to the man named to succeed the overseer.¹⁴⁹ Occasionally the inhabitants of a district petitioned

¹⁴⁴Ibid., April, 1716.

¹⁴⁵New Hanover County Minutes, June, 1761.

¹⁴⁶Carteret County Minutes, December, 1766.

¹⁴⁷Bertie County Minutes, November, 1732, February, 1733.

¹⁴⁸Onslow County Minutes, April, 1737.

¹⁴⁹Carteret County Minutes, June, 1733, September, 1766, March, 1767, June, 1768, September, 1768, March, 1770; Johnston County Minutes, May, 1771.

the courts to order an overseer to settle his accounts of fines and delinquents¹⁵⁰ principally because the overseer was withholding fines which should have been distributed among those who had worked on the roads.¹⁵¹

The courts were never rubber-stamps for authorizing roads. There were numerous rejections of petitions, both from single persons and from groups of people. Sometimes a court would reject a petition, but suggest an alternate route for the road.¹⁵² Occasionally the courts had to reverse their orders when they found "the inhabitants in general incensed against it."¹⁵³

Usually, petitions for roads and for the turning of roads were laid over to the next court session so that the parties concerned could have notice of the proceedings. The court might also require more evidence that a road was really necessary for the public good.¹⁵⁴

Disputes between overseers, between an overseer and the inhabitants of his district, or among the people were settled by the courts. Differences between overseers arose over the bounds of their respective districts or the number of hands apportioned to them,¹⁵⁵ while those among the inhabitants themselves were usually concerned with the direction of a road.¹⁵⁶

¹⁵⁰Carteret County Minutes, December, 1769.

¹⁵¹Bertie County Minutes, August, 1732.

¹⁵²Onslow County Minutes, December, 1764.

¹⁵³Carteret County Minutes, June, 1759.

¹⁵⁴Onslow County Minutes, March, 1765.

¹⁵⁵Chowan County Minutes, July, 1717; Bertie County, Miscellaneous Records, Road Papers, 1734-1834, October, 1757.

¹⁵⁶Carteret County Minutes, March, 1729.

Overseers and the inhabitants of their districts were at loggerheads because overseers withheld fines collected from delinquents or the overseers complained that the work on the roads was insufficient.¹⁵⁷ In order to gain more information, the courts often appointed a jury to view the situation and report their findings.

Except for New Hanover County, the system of appointing commissioners to care for the roads was a failure. At best it could not administer the roads any better than the overseers and road companies. When the 1741 road act expired in 1744, the Onslow Court, "taking into consideration the bad repair of the public roads of the county," immediately appointed overseers for all the roads in order "to remove the great nuisance" of the commissioner system.¹⁵⁸ Carteret acted in a similar manner because the roads in that county were "very much out of repair."¹⁵⁹

After 1745 when the commissioner system was reinstated, the commissioners had difficulty in collecting fines from delinquents and making their taxables clear navigable rivers and creeks.¹⁶⁰ After the passage of the 1756 law relating to the northern counties, many of the counties with commissioners petitioned to be placed under its jurisdiction. Craven, Carteret, Johnston, Beaufort, Orange, and Onslow were granted this request in 1758,¹⁶¹ while Duplin, Cumberland, and Anson received

¹⁵⁷ Craven County Minutes, December, 1771.

¹⁵⁸ Onslow County Minutes, April, 1744.

¹⁵⁹ Carteret County Minutes, June, 1744.

¹⁶⁰ S. R., XXIII, 289, 384-385.

¹⁶¹ Ibid., XXIII, 489.

the same treatment in 1762.¹⁶² The Assembly concluded that the trend pointed towards the principles in the 1756 law, and therefore put all counties under its jurisdiction in 1764. Only New Hanover preferred the commissioners, and its petition in 1773 to use this system again was granted.¹⁶³

Several inconveniences attended the commissioner system. The greatest of these was the death or the removal of commissioners from their districts¹⁶⁴ both of which could result in the neglect of the roads and bridges.¹⁶⁵ Commissioners, like overseers, often neglected their duties, and prosecution was more difficult because the commissioners remained for the most part outside of the court jurisdiction. Sometimes the Assembly was forced to legislate the problem by appointing new commissioners and delineating their districts more clearly.¹⁶⁶ In other cases county courts simply removed the commissioners.¹⁶⁷

The county courts were active in prodding the commissioners or implementing their work. Although they did not possess the legal authority, the courts ordered the commissioners to lay off roads or to clear

¹⁶²Ibid., XXV, 478-479.

¹⁶³Ibid., XXIII, 910-911.

¹⁶⁴Carteret County Minutes, June, 1749; Cumberland County Minutes, November, 1760; Hyde County Minutes, January, 1752.

¹⁶⁵S. R., XXV, 263.

¹⁶⁶Ibid., XXV, 264.

¹⁶⁷Hyde County Minutes, June, 1749.

rivers if necessary.¹⁶⁸ Recalcitrant commissioners who refused to carry out their duties were summarily replaced.¹⁶⁹ No fines were levied in such cases.

¹⁶⁸ Onslow County Minutes, July, 1757; Cumberland County Minutes, July, 1756, February, 1761.

¹⁶⁹ Hyde County Minutes, September, 1746, June, 1749.

CHAPTER IV

BRIDGES

Crossings of streams and rivers in colonial North Carolina were made by fords, bridges, and ferries. Alexander Schaw stated that the rivers in the lower part of the province had no fords as their banks were covered with "impenetrable swamps and bottomless morasses."¹ The waters in this part of the province were also too wide and deep to permit many shallow passages for fording. The exception was Craven County which had fords on the Neuse, Trent, and Great Contentnea Creek.²

Fords in the back country were more numerous and much better than those in the counties closer to the ocean, according to Schaw. References to many fords in Cumberland, Johnston, Edgecombe, and Bute corroborate this statement. These fords were natural locations to which to direct roads and where possible were utilized by the road builders.

A few fords in all counties were eventually bridged in order to eliminate the inconvenience of wading or swimming through the waters

¹Evangeline Walker Andrews and Charles McLean Andrews (eds.), Journal of a Lady of Quality, New Haven: Yale University Press, 1923, p. 280. Hereinafter cited as Andrews and Andrews (eds.), Journal of a Lady of Quality.

²Minutes of the Craven Court of Pleas and Quarter Sessions, September, 1731, March, 1740, October, 1764, June, 1772, in the State Department of Archives and History, Raleigh, North Carolina. All further references to minutes of the Courts of Pleas and Quarter Sessions will be cited as County Minutes with the appropriate county noted. Unless otherwise designated all County Minutes can be found in the State Department of Archives and History, Raleigh, North Carolina.

with carts, wagons, and animals.³ These bridges were usually built over the longer and deeper fording places.⁴ Bridges were also built at private docks or landings, mills, and former ferry sites as well as over fords.⁵

In addition to the instructions for the construction of bridges given by the Assembly in the road laws of the province, directions were also issued by the county courts. Some required that the bridges be high enough to allow small craft and flats to pass underneath⁶ or horses and carriages to pass in "times of high water."⁷ The floor of the average bridge was generally five to seven feet above the water, although the height of the banks, of course, influenced the height of the bridge. The typical bridge consisted of fifteen-inch square pilings driven into the stream bed. The sills or sleepers were set into them and braced with timbers seven inches by five inches thick. The floor

³Cumberland County Minutes, May, 1764.

⁴Craven County Minutes, March, 1740; Johnston County Minutes, August, 1774.

⁵Colonial Court Records, Box 192, an undated order, in the State Department of Archives and History, Raleigh, North Carolina; Edgecombe County Minutes, November, 1771, July, 1774; Craven County Minutes, June, 1774; Pasquotank County, Petitions, Petitions for Roads and Drainage, 1734-1780, April, 1744, in the State Department of Archives and History, Raleigh, North Carolina; Perquimans County, Roads and Schools, Road Papers, 1711-1869, 1763, in the State Department of Archives and History, Raleigh, North Carolina. Hereinafter cited as Perquimans County, Roads and Schools, Road Papers, 1711-1869.

⁶Hyde County Minutes, September, 1774.

⁷Bertie County, Miscellaneous Records, Road Papers, 1734-1834, May, 1764, in the State Department of Archives and History, Raleigh, North Carolina. Hereinafter cited as Bertie County, Miscellaneous Records, Road Papers, 1734-1834.

of the bridge was covered with planks two inches thick. The bridges had either one or two protective rails three by four inches thick on each side. Cypress was used almost exclusively for bridge construction in eastern North Carolina.⁸

Petitions for bridges were seldom rejected though sometimes they would be referred to a later date in order to determine the necessity of the bridge or to allow any objections to be made.⁹ When the courts ordered overseers to build and repair bridges, they would direct from one to four road companies to complete the job depending upon the size of the bridge. Either the overseer of one of the companies or a person from another company would be appointed to direct the construction and be responsible for its completion.¹⁰

Although the overseer and the district company generally were responsible for the maintenance of the bridges, exceptional cases occurred in which one person agreed to keep a bridge repaired provided that he was exempted from any additional work on the roads.¹¹ If one person were ordered to repair a bridge, the work had to be approved by a jury of twelve men.¹² Bute County ordered two men and their families to repair a bridge, "there being no convenient road for their hands to

⁸Bertie County, Miscellaneous Records, Bridge Papers, 1749-1903, in the State Department of Archives and History, Raleigh, North Carolina. See the instructions to commissioners for contracting with persons to build bridges at county expense. Hereinafter cited as Bertie County, Miscellaneous Records, Bridge Papers, 1749-1903.

⁹Bute County Minutes, February, 1768, February, 1770.

¹⁰Edgecombe County Minutes, August, 1771.

¹¹Chowan County Minutes, October, 1764.

¹²Carteret County Minutes, November, 1764.

work on and the bridge being very convenient to the public."¹³

Those members of road companies who did not wish to assist in the construction of a bridge were required to pay for their proportionate share of the work. The money was distributed among those members of the company who did work. Only four cases were found in which some of the members of a road company chose to pay instead of work.¹⁴ The fee charged ranged from five to twelve shillings per man in each road company and proved difficult to collect. It is doubtful that full restitution was made for any of the four bridges.

The case involving the payment for Jarnigan's Bridge over the Meherrin in Bertie is especially interesting. Payment by non-working members of the road companies involved had not been made for the first bridge at that location before a freshet carried it away. After a brief experiment with a ferry, another bridge was ordered built. Since some of the companies would neither work nor pay for their share, the county court amerced each member of the companies involved seven shillings and six pence, and instructed the overseer of the bridge to contract with workmen to build the bridge. This was the harbinger of the construction of bridges at county expense.¹⁵

That the road companies failed to keep bridges in proper repair is evident from the difficulties which travelers experienced in crossing

¹³Bute County Minutes, February, 1773.

¹⁴Bertie County Minutes, November, 1731, May, 1732, November, 1732, May, 1734, August, 1739.

¹⁵Ibid., May, 1737, May, 1739, August, 1739, February, 1740, May, 1740, February, 1741.

streams. The failure may also be seen in the numerous petitions to the county courts complaining that bridges had never been built, had fallen into ruin, or were impassable except in dry weather.¹⁶ When overseers were appointed, many were ordered to repair immediately the bridges in their districts. Occasionally these orders had to be repeated.¹⁷

The building of bridges at county expense began in the southern counties with the 1745 road law and in the northern counties with the 1756 road law. The courts usually allowed only the longer bridges over rivers and large creeks to be built at public expense although some small creeks were bridged at public expense also.

When public funds were involved, the usual procedure was for the county to appoint two or three men as commissioners¹⁸ to contract with some person or persons to build or repair a bridge. The court might ask the commissioners to view the bridge first to determine if repairs were really necessary.¹⁹ The contract was given "to the lowest undertaker at a fair and open market,"²⁰ and advertisements stating a day for the bidding were sometimes issued by the court.²¹ Otherwise, the commissioners used their discretion in contracting at the lowest possible price for the construction or repair work desired.

¹⁶Perquimans County, Roads and Schools, Road Papers, 1711-1869. See petitions in 1753, 1758, and 1774. Chowan County, Miscellaneous Records, Road Papers, 1717-1809, October, 1763, in the State Department of Archives and History in Raleigh, North Carolina.

¹⁷Johnston County Minutes, July, 1763, November, 1768.

¹⁸There were at least four commissioners in some instances. Bertie County Minutes, December, 1769, June, 1771, May, 1774.

¹⁹Edgecombe County Minutes, October, 1775.

²⁰Johnston County Minutes, February, 1768.

²¹Carteret County Minutes, June, 1765.

The court or commissioners drew up a detailed memorandum containing exact measurements of the bridge, the type of wood used, and the date when completion was required. A performance bond ranging from fifty to two hundred and fifty pounds was requested to insure proper workmanship.²² Six months was generally allowed for the completion of the structure although a maximum of nine months was permitted.²³ If the bridge was not completed during the designated period, the court ordered the contractor to keep a boat to ferry people across without charge until the bridge was finished.²⁴

After the contractor had completed the bridge, the commissioners inspected the structure to see that it was built according to specifications. Some of the counties required the person who contracted to build a bridge to keep the same in repair for seven years after its completion.²⁵ The Johnston Court allowed one contractor twenty pounds extra payment at the end of two years if the bridge were kept repaired,²⁶ while Bertie gave another man fifty pounds to keep a bridge repaired for five years.²⁷

²²Bute County Minutes, May, 1768; Bertie County Minutes, June, 1770, September, 1771.

²³Edgecombe County Minutes, February, 1768; Bertie County Minutes, June, 1770; Bertie County, Miscellaneous Records, Road Papers, 1734-1834, October, 1757.

²⁴Edgecombe County Minutes, October, 1765.

²⁵These counties were Bute, and occasionally Edgecombe, Johnston, and Chowan.

²⁶Johnston County Minutes, February, 1769.

²⁷Bertie County Minutes, November, 1775.

Upon examining the bridge and finding it satisfactory, the commissioners reported to the court which ordered the sheriff or collector of the county taxes to pay the agreed sum according to contract. Payments could be made in installments²⁸ or, if late, were attended by interest.²⁹ When a county had earmarked funds in advance for a bridge, it ordered these to be applied towards reducing other charges in the county in case the money was not used for the bridge.³⁰

The cost of building the bridges ranged from a high of one hundred ninety pounds for one over the Tar River at Tarboro to a low of four pounds in Bute County. Repairs and alterations to bridges cost from fifty pounds to two pounds and fifteen shillings. Generally costs seemed to rise slightly over the two decades prior to 1775. If a contractor was dissatisfied with the established price, he could petition the court to "cheerfully and generously enhance the price" as did Thomas Whitmell.³¹

Counties often did not wait for bridges to rot away or collapse from usage but built new bridges while the old ones were still standing. The old bridges were torn down and the planks and timbers sold to defray

²⁸ Edgecombe County Minutes, April, 1763, April, 1764.

²⁹ Ibid., April, 1774.

³⁰ Bute County Minutes, 1768.

³¹ Bertie County, Miscellaneous Records, Bridge Papers, 1749-1903, 1771. Whitmell in building a bridge over the Cashie River for ninety pounds told the court that this was infinitely short of the intrinsic value of the bridge and that he had only contracted at such a low price because he was a public spirited citizen. His elegant plea netted him an additional thirty-two pounds and ten shillings. Bertie County Minutes, March, 1772.

the cost of the new ones.³² Few of the bridges lasted longer than fifteen years without being replaced or repaired. Most needed such work within a space of seven to ten years.

The only toll bridges other than those specifically authorized by the Assembly were in Cumberland County. The bridgekeepers were allowed to charge the usual ferry rates on the river or creek while persons on public business were permitted to cross without charge.³³ The last toll bridge authorized by the county court was renewed from one court session to the next leaving the owner in doubt as to the status of his bridge.³⁴

Only a few instances are recorded of commissioners from one county meeting with those of another to build a bridge,³⁵ and little is known of their activities. Negotiations and bridge-building must have been tedious and slow, however, as it took more than three years to complete a bridge over Fishing Creek between Edgecombe and Halifax Counties after the commissioners were appointed.³⁶

Craven County witnessed the unique practice of private subscriptions for bridge building. In 1767 a number of "public-spirited gentlemen" subscribed large sums of money to build a bridge over the Trent River at Swimming Point. The court appointed a committee of seven to receive the subscriptions and hold them in trust until enough money was

³² Edgecombe County Minutes, July, 1774.

³³ Cumberland County Minutes, February, 1761.

³⁴ Ibid., April, 1772, October, 1772.

³⁵ Most of these were commissioners from Edgecombe and Halifax counties.

³⁶ Edgecombe County Minutes, January, 1766, May, 1769.

collected to treat with workmen for the building of the bridge. The committee was to lay an account of their proceedings before the court "from time to time."³⁷

If this bridge was ever built, it apparently had fallen into disrepair by 1774 as public subscriptions were again called for to construct a drawbridge at the same location. Public subscriptions were a slow and unsure approach to bridge construction, however, and no record exists to indicate that enough money ever became available to begin construction.

Despite the apparent failure to build a drawbridge in Craven, at least two other drawbridges were in operation in North Carolina by 1775. The oldest and best known of these was that of Captain Benjamin Heron, who was authorized by the Assembly in 1766 to build a drawbridge over the Northeast Branch of the Cape Fear River. Heron's drawbridge opened in the middle and was drawn up by a system of pullies. It had one arch thirty feet wide to permit passage of rafts and perriaugers and was built "six feet high above the high water mark."³⁸ The other drawbridge was constructed over the Cashie River at Windsor in Bertie County in 1774 by order of the Bertie County Court. It was built "in such a manner as not to prevent vessels from going up to the head of navigation"

³⁷ Craven County Minutes, July, 1767, June, 1768.

³⁸ Andrews and Andrews (eds.), Journal of a Lady of Quality, p. 202; Walter M. Clark (ed.), The State Records of North Carolina, 16 volumes, Winston and Goldsboro, N. C.: M. I. & J. C. Stewart and Nash Bros., 1895-1907, XXV, 506-507.

of the Cashie River and cost eighty-four pounds to complete.³⁹

"Hollow bridges" or covered bridges were few in number. The first covered bridge was built by two overseers and their companies in Chowan in 1761,⁴⁰ while seven years later another was built in Bertie at county expense.⁴¹

Swollen rivers and streams many times were responsible for washing away bridges.⁴² These freshets occurred throughout the province, being worst from the latter part of July to the first of October when there were usually two or three of them on the Northeast Branch of the Cape Fear. These freshets also occurred in March and April but were not as destructive.⁴³

A contemporary observer, J. F. D. Smyth, reported that the low grounds around the Trent and Neuse were subject to inundation of several miles in extent.⁴⁴ In Tarboro he thought that the "large, wooden bridge over the Tar River, high and wide," looked sturdy but was told that several as good had been washed away.⁴⁵

³⁹ Bertie County Minutes, May, 1774, August, 1774, August, 1775.

⁴⁰ Chowan County Minutes, October, 1761.

⁴¹ Bertie County Minutes, March, 1768, September, 1768.

⁴² See for examples, Jarnigan's Bridge in Bertie County, Bertie County Minutes, May, 1737; Colonial Court Records, Box 192, Petition of James Cole, undated.

⁴³ Hugh Meredith, An Account of the Cape Fear Country, 1731, edited by Earle Gregg Swem, Perth Amboy, N. J., reprinted for Charles F. Heartmen, 1922, pp. 24-25.

⁴⁴ John Ferdinand Dalziel Smyth, A Tour in the United States of America, 2 volumes, Dublin: G. Perrin, 1784, II, 57.

⁴⁵ Ibid., I, 63.

In summary, it may be said that the natural elements made it difficult to erect lasting bridges. Some counties availed themselves of the opportunity to build bridges at public expense, thereby removing a major burden in time and trouble, if not expense, from their inhabitants. The other counties relied on the overseers and road companies for this task, one which they could not adequately fulfill, as the many complaints of the neglect of roads and bridges scattered throughout the records give ample testimony.

CHAPTER V

FERRIES

A glance at a map of North Carolina will suffice to demonstrate the necessity for a large number of ferries in the eastern portion of the colony. This province was endowed with more miles of inland waterways than any other in North America, encompassing as it did, the two large sounds of Albemarle and Pamlico, several smaller sounds, and innumerable rivers and creeks which had to be traversed. Where these waters could not be forded or bridged, ferries were the only choice open to the inhabitants if a crossing was to be attempted.

On the Albemarle and Pamlico sounds, the tide was negligible, but a breeze usually blew to enable sailing craft to cross.¹ Even then, the long twelve-mile passage at Edenton could take at least seven hours to cross, provided the wind was in the right direction.² If there were easterly or strong westerly winds, passage was impossible.³ Other wide crossings on the Pamlico Sound and the Neuse and Cape Fear rivers could

¹Charles Christopher Crittenden, "Inland Navigation in North Carolina, 1763-1789," North Carolina Historical Review, VIII (April, 1931), 150. Hereinafter cited as Crittenden, "Inland Navigation in North Carolina, 1763-1789."

²George Whitefield, A Continuation of the Reverend Mr. Whitefield's Journal From His Embarking After the Embargo, to His Arrival at Savannah in Georgia, London: Printed by W. Strahan for James Hutton, 1740, p. 145. Hereinafter cited as Whitefield, Journal.

³Hugh Finlay, Journal Kept by Hugh Finlay, Surveyor of the Post Roads on the Continent of North America, Brooklyn, Frank H. Norton, 1867, p. 82. Hereinafter cited as Finlay, Journal.

be treacherous in bad weather, while currents on some of the rivers were especially hazardous.

Boats used for ferriage included the canoe, perriauger, flat, and scow. The canoes and the larger perriaugers were generally made out of one piece of large timber, commonly cypress, hollowed out, and "shaped like a boat."⁴ The smaller canoes were not equipped with sails but were propelled by oars and paddles. The larger canoes might have sails, but oars and paddles were standard equipment. Some of the larger ones could carry two to three horses; others could carry only two or three men. These canoes were "more ticklish than boats, but no boat in the world is capable to be rowed as fast as they are, and when they are full of water, they will not sink."⁵

The perriauger was made broader than the canoe by splitting the cypress log down the middle and adding one or more planks, the ends being closed to keep out water. As in the case of the larger canoes, it might be propelled by sail or only oars or paddles. Perriaugers were capable of transporting up to forty to fifty barrels of tar and pitch. Horses, cattle, and goods could easily be shuttled back and forth. It was claimed that no European vessel of the same burden could outsail these craft.⁶

The scow and flat were large, flat-bottomed boats propelled by poles.

⁴ Crittenden, "Inland Navigation in North Carolina, 1763-1789," p. 148.

⁵ John Brickell, The Natural History of North Carolina, Dublin: Printed by James Carson for the author, 1737, reprinted in Raleigh, N. C., 1911, p. 260.

⁶ Ibid., p. 261.

They were often larger than the perriauger and commonly used as ferry boats. One flat of average size at Jarnigan's Ferry on the Meherrin River was five by sixteen feet.⁷ Others were considerably larger. Prices reflected the size of the vessels. A paddling canoe in 1745 sold for eight shillings and ten pence,⁸ while a small canoe at the sale of an estate in 1758 brought sixteen shillings.⁹ A large perriauger in 1745 was valued at twenty pounds.¹⁰

Since water transportation was the common mode of travel in provincial times, everyone owning land on a river or creek possessed a landing for either large or small boats, depending upon the navigability of the water-course. These landings, similar to piers, served as docks for most of the ferries.

Wharves, larger than the landings, were also used, being found generally at the towns and public warehouses in the province.¹¹ The wharf at Joseph Solley's ferry on the Pasquotank River may be considered

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Minutes of the Bertie Court of Pleas and Quarter Sessions, August, 1735, in the State Department of Archives and History, Raleigh, North Carolina. All further references to minutes of the Courts of Pleas and Quarter Sessions will be cited as County Minutes with the appropriate county noted. Unless otherwise designated all County Minutes can be found in the State Department of Archives and History, Raleigh, North Carolina.

⁸John Bryan Grimes (ed.), North Carolina Wills and Inventories, Raleigh: Trustees of the Public Library, 1912, p. 522. Hereinafter cited as Grimes (ed.), Wills and Inventories.

⁹Perquimans County Minutes, July, 1758. In the same estate an old ferry boat was valued at twenty-nine shillings.

¹⁰Grimes (ed.), Wills and Inventories, p. 574.

¹¹New Hanover County Minutes, December, 1766. The court ordered Joseph Walker to build a wharf for his ferry.

typical. According to the court-established specifications, it was to be eighty yards long and made of cedar posts seven feet long. The posts were to be laid at distances of eight feet, braced by cross pieces five by six inches, and flanked with two-inch pine plank five feet wide and trunnaled down to the cross pieces.¹²

Ferries came into being in diverse ways. The chief reason for their establishment was the desire of private individuals to undertake a profitable business. When asking the precinct or county court for a license, the petitioner would stress the convenient location of his proposed ferry. One petitioner for a license stated that many inhabitants had to travel fourteen miles before they could find a ferry to cross the river. His proposed ferry would reduce this distance to seven miles.¹³ Another petitioner stated that his landing was closer to the public road by land than the old ferry.¹⁴

Ferries were also established to decrease the inconvenience of persons settled in remote places. At times a petition with as many as one hundred signatures would arrive at a court demanding a ferry. The court was sometimes obliged to grant a petition, regardless of its worth, as it saw that the people were going to keep the ferry whether it rules favorably on the petition or not.¹⁵

¹²Pasquotank County Minutes, April, 1762.

¹³Bertie County, Miscellaneous Records, Ferry Papers, 1752-1842, petition of John Oxley, undated, in the State Department of Archives and History, Raleigh, North Carolina.

¹⁴Perquimans County Minutes, July, 1736.

¹⁵Tyrrell County Minutes, March, 1767.

Another function of ferries was to complete roads. If a road were ordered which crossed a creek or river too wide to bridge, a ferry was necessary to provide the connecting link. A fourth reason explaining the existence of ferries was that they occasionally replaced bridges. The burden of replacing or repairing bridges at times became so great that the inhabitants asked for a ferry to supplant the bridge. Notable examples were Jarnigan's Bridge in Bertie, which was washed away by a freshet just after it had been completed, and Queen's Creek Bridge in Onslow.¹⁶

The laws of the colony placed the decision to issue a ferry license with the justices of the county courts. Usually a petition was heard by the entire court. However, in one instance, the New Hanover Court, upon representation of the need of a ferry over Old Town Creek, allowed one justice to issue or withhold the license at his discretion.¹⁷ The courts arbitrated disputes over sites, giving the benefit of the doubt to the persons already operating the ferry.¹⁸ When the Assembly ordered a public ferry in Onslow from Johnston to Whitehouse Point, the court selected Severius Gould as ferrykeeper because he was the first inhabitant of the town.¹⁹

¹⁶Bertie County Minutes, August, 1735; Onslow County Minutes, December, 1764.

¹⁷New Hanover County Minutes, June, 1740.

¹⁸Bertie County Minutes, May, 1736; Tyrrell County Minutes, September, 1735. The Tyrrell Court allowed Robert Hill to keep his ferry after another had petitioned for it but ordered him to reduce his rates.

¹⁹Onslow County Minutes, July, 1744.

The courts referred many petitions to the next session in order to allow time for objections to the location of the ferry or to the person tendering the petition to be presented. If a ferrykeeper petitioned to move his ferry to another location, he was allowed to change to the new site at once. The change did not become permanent, however, until the next court session. If the ferrykeeper was changed as well as the location, the former ferrykeeper was forbidden to transport men and animals thereafter, and the public road leading to that landing was declared closed.²⁰

The courts generally issued licenses allowing one ferrykeeper to transport persons back and forth across a river or stream. If there proved to be too much traffic or the passage was found too wide to permit rapid transit, the court would order a ferrykeeper for both sides.

Petitions for ferries frequently followed the resignation of a ferrykeeper. When there was more than one petition, which was quite unusual, the person offering to keep the ferry at the lower rates was given the license.²¹

On occasion the courts advertised for persons to keep ferries. The advertisements were usually tacked on the courthouse door²² and spread by word of mouth although sometimes newspapers were used if they were

²⁰ Ibid., August, 1735.

²¹ Craven County Minutes, September, 1745.

²² Ibid., March, 1743; Onslow County Minutes, July, 1745; Pasquotank County Minutes, June, 1745.

available.²³ An anomalous incident of advertisement occurred when one person tried to sub-lease his ferry in Craven County, obligating himself to provide the ferry with good boats and offering the lease for any number of years.²⁴

When a license was granted by the county courts, the ferryman was often specifically instructed to provide sufficient boats and attendance. This might take the form of a "good canoe for the convenience of carrying over foot passengers,"²⁵ flats, a "good horse boat capable of carrying four horses,"²⁶ or just "good boats." New Hanover, in a general order, told all its ferrykeepers to provide immediately two good boats to each ferry and a pen or pound to receive cattle and force them into the water.²⁷

The courts usually required the ferrykeepers to provide boats immediately upon receipt of their licenses, though they were occasionally permitted three months in which to acquire them.²⁸ One new licensee was given an extended period of six months.²⁹

All persons receiving a ferry license were required to post a bond

²³ New Hanover County Minutes, January, 1772. The clerk was ordered to advertise in the Cape Fear Mercury (Wilmington) for ferrykeepers from Wilmington to Negro Head Point.

²⁴ North Carolina Magazine; or, Universal Intelligencer (New Bern), July 27, 1764.

²⁵ Chowan County Minutes, January, 1767.

²⁶ New Hanover County Minutes, December, 1764.

²⁷ Ibid., September, 1760.

²⁸ Ibid., June, 1760. Francis Lynaugh was told to provide one good flat and two canoes immediately, and another flat by the next court.

²⁹ Craven County Minutes, March, 1740.

as a guarantee for maintaining sufficient boats and proper attendance at the ferry. Before 1734, the amount of the bond was determined by the precinct courts. It varied from one hundred pounds in Craven County³⁰ to five hundred pounds in Chowan.³¹ A law enacted by the Assembly in 1734 fixed the legal amount of a ferry bond at one hundred pounds and the counties in the northern part of the province generally complied with the measure.³²

The bonds required in the southern counties of the province, those created from Bath County, varied widely in amount indicating that the act of 1734 was generally ignored in those counties. There was a range of from ten to five hundred pounds in Craven County. The Onslow Court required a twenty pound sterling pound in 1747³³ and New Hanover, a fifty pound bond in 1759.³⁴

After the passage of the 1764 law which continued the one hundred pound bond, the bonds continued their wide range, varying in amount from one hundred to five hundred pounds. The amount depended to a great extent upon the character of the ferrykeeper and to some degree upon the bond taken from the previous owner of a particular ferry.

The court allowed the person tending a ferry two "hands," or one

³⁰ Ibid., September, 1733.

³¹ Chowan County Minutes, July, 1734.

³² Chowan recorded exceptions of fifty and five hundred pounds. Chowan County Minutes, October, 1744, July, 1757, October, 1763.

³³ Onslow County Minutes, January, 1747.

³⁴ New Hanover County Minutes, February, 1759.

hand besides himself, who would be exempt from other public duties.³⁵
 If the ferry required more than two boats or a large boat requiring more than one man to propel it, then as many as four hands would be granted exemptions.³⁶

Excluding the longer ferries over the Albemarle Sound, ferry rates before 1730 averaged approximately two shillings and six pence for a man and horse and one shilling and eight pence for a single person.³⁷ Rates between 1730 and 1750 showed a tendency to decline to an average of one shilling and nine pence for a man and horse and one shilling for a single person. Onslow was the foremost exception, charging from five to ten shillings for a man and horse throughout the county, and half that amount for a footman. High fees were the rule also at Graves' Ferry over the Neuse and the ferries at New Bern over the Neuse and Trent in Craven County.³⁸

Between 1750 and 1775 rates tended to range even lower on the average than in the previous years. They ranged from one shilling and four pence to one shilling for a man and horse and from eight pence to four

³⁵ Bertie County Minutes, March, 1765, September, 1765, August, 1768.

³⁶ Ibid., November, 1743.

³⁷ Exceptions were five shillings for a man and horse as well as a footman in Carteret and seven pence for a footman in Chowan. Carteret County Minutes, March, 1728; Chowan County Minutes, October, 1716.

³⁸ Craven County Minutes, June, 1730, March, 1737, June, 1738, March, 1744, June, 1744. At one time Pasquotank was charging ten shillings for a man and horse, and New Hanover was charging twenty-five shillings for a man and horse and ten shillings for a man from Newton to Gabourell's Bluff. Pasquotank County Minutes, April, 1736; New Hanover County Minutes, March, 1738.

pence for a person on foot. The only noteworthy exceptions to this general decline in rates were the two ferries across the Scuppernong River in Tyrrell County which were considerably higher.³⁹

The rates for passage over the Albemarle Sound between the town of Edenton and Bertie and Tyrrell counties were the highest in the province due to the length of the crossing. Miller's Landing and Edenton were the focal points in Chowan County; Elizabeth Bell's and later Colonel William Mackey's and the Horse Landing, in Tyrrell; and Mr. Pearson's, Cochran's, Tomlinson's, Littledale's, Duckenfield's, and Samuel Orme's, in Bertie.

From 1730 to 1750 rates between Edenton and Tyrrell ran as high as thirty shillings for a man and horse and fifteen shillings for a single person.⁴⁰ At the same time Bertie charged five shillings for a single man to go to Edenton.⁴¹ After 1750 rates for the Sound crossing declined to between five and four shillings for a man and horse and three to two shillings and eight pence for a single person. The short passages between Chowan and Bertie or Bertie and Tyrrell were even less expensive.⁴²

The courts frequently established standard rates on a river, instructing the ferrykeeper to charge the same rates as existing ferries or rates identical to one particular ferry on the river. The Cape Fear

³⁹ Tyrrell County Minutes, August, 1768, November, 1769.

⁴⁰ Ibid., September, 1735, September, 1737.

⁴¹ Bertie County Minutes, November, 1733.

⁴² Tyrrell County Minutes, September, 1751.

River and Lower Little River in Cumberland County and to some extent the Neuse in Craven County exemplified this practice. Chowan ordered every ferry to charge the same for a two-wheeled carriage as for a man and horse and the same for a four-wheeled carriage as for two men and two horses.⁴³

As early as 1738 the courts were requiring reduced rates for the ferriage when more than one man and horse or more than one footman were being ferried over at the same time. These rates ran approximately twenty to forty percent below full fare. Hyde and Tyrrell made a distinction among one, two, and more than two footmen. Perquimans reversed this procedure in 1736 when it required two shillings and six pence for a man and horse up to the number of five after which the charge was five shillings each.⁴⁴

Special rates were occasionally set for carriages, especially on ferries crossing Albemarle Sound. Owners of four-wheeled carriages were required to pay from ten to twelve shillings which was about twice the fee for two-wheeled vehicles. Sometimes carriages were rated by the wheel. The price could range from one to four shillings per wheel.⁴⁵ A traveler with a horse and chair paid between ten and fifteen shillings.

The currency in which the rates were stated included "current bills" or proclamation money before 1750 and proclamation money alone after that date. A notable exception occurred in 1752 when Nathan Newby and

⁴³ Chowan County Minutes, January, 1757.

⁴⁴ Perquimans County Minutes, July, 1736.

⁴⁵ Bertie County Minutes, December, 1769; Tyrrell County Minutes, May, 1772.

Jonathan Phelps in Perquimans County were assigned rates in Virginia currency.⁴⁶

Rates for carts were seldom set. When they were, they ranged from one to two shillings for ferriage. Only Johnston and Cumberland made provision for a wagon and team, perhaps indicating the locale of their principal use in the province.⁴⁷ Rates for cattle, hogs, and sheep were found in Cumberland and New Hanover counties. New Hanover made a distinction between swimming animals and those given ferriage.⁴⁸

Resignations of ferry licensees were infrequently recorded. When they were, the persons, especially women, had become disillusioned with the requirements for maintaining a ferry or could not spare the hands necessary for its operation. Sometimes they were engaged in keeping a ferry at another location and were not able to maintain both simultaneously.⁴⁹ Most resignations were effective immediately as someone was waiting to apply for the ferry. A resignation was permissible, however, even if no one asked for the ferry, in effect leaving the ferry inoperative.⁵⁰ Other resignations were effective in fourteen days, or at most,

⁴⁶ Perquimans County Minutes, July, 1752. The rates were six pence for a man and horse and three pence for a man.

⁴⁷ Cumberland County Minutes, January, 1756; Tyrrell County Minutes, March, 1764; Johnston County Minutes, October, 1759. Johnston made a distinction between a full cart and an empty one.

⁴⁸ Cumberland County Minutes, January, 1756; New Hanover County Minutes, June, 1760.

⁴⁹ New Hanover County Minutes, October, 1769. Darby Egan resigned the Brunswick ferry because he was "keeping the Wilmington ferry."

⁵⁰ Ibid., March, 1738.

one month, whether someone was found to operate the ferry or not.⁵¹

Although ferrykeeping seemed to be a lucrative business, judging from the many petitions for licenses, not everyone profited from it as the resignations tendered after one to three years of operation clearly show. After 1760 the ferrykeeper's position at Wilmington seems to have been especially liable to turnovers for at least five changes occurred between 1760 and 1775. John Bryan requested and relinquished the ferry from New Bern over the Trent River three different times in a period of fourteen years.⁵² The ferries of Graves and Lingfield also changed hands frequently.

The most common legal offenses charged against ferrykeepers were poor attendance,⁵³ bad boats, unfit landings, and transporting persons across within ten miles of another ferry. The New Hanover Court ordered one ferrykeeper to remove her ferryman and appoint another who would give proper attendance.⁵⁴ The court indicted many others for "bad entrances and unfit boats." Joseph Newton, who operated a ferry on the Cape Fear, was fined thirty shillings for unfit boats and improper attendance and dismissed, but soon returned to the ferry.⁵⁵ Inspections

⁵¹ Ibid., June, 1740, June, 1741.

⁵² Craven County Minutes, June, 1739, March, 1743, March, 1744, December, 1748, February, 1752.

⁵³ Hugh Buckner Johnston (ed.), "Journal of Ebenezer Hazard," North Carolina Historical Review, XXXVI (July, 1959), 367-368. Hereinafter cited as Johnston (ed.), "Journal of Ebenezer Hazard." There are also frequent references in the New Hanover County Minutes warning ferrymen against poor attendance.

⁵⁴ New Hanover County Minutes, June, 1761.

⁵⁵ Ibid., December, 1764.

of the ferry boats were ordered if there were doubt as to their sufficiency.⁵⁶

Violations of the legal proscription of competition within ten miles of an established ferry rarely occurred, and no record was made of their prosecution.⁵⁷ The greatest controversy in colonial times relevant to ferrykeeping occurred in 1724 when Henry Baker who had been given a ferry by the Chowan County Court in 1722 complained to the Bertie County Court in 1724 that it had permitted William Maul to have a ferry at approximately the same location.⁵⁸ Maul claimed that the Assembly had authorized his ferry (though actually only the lower House did so) and that he was keeping the ferry in a "sufficient condition" Baker appealed the case to the General Court which deferred judgment. The case was subsequently dismissed as Maul died in the meantime.⁵⁹

Other appeals were taken to the General Court also. They questioned the necessity of a ferry, probably because it competed in terms of rates or passengers with another ferry. The General Court upheld one precinct order for a ferry, although it established the rates of the ferry which

⁵⁶ Craven County Minutes, March, 1743.

⁵⁷ Bertie County, Miscellaneous Records, Road Papers, 1734-1834, April, 1747, in the State Department of Archives and History, Raleigh, North Carolina.

⁵⁸ Bertie Precinct was formed from Chowan in 1722. Baker had received his license before this had occurred.

⁵⁹ Colonial Court Records, Box 192, March, 1724, August, 1725, in the State Department of Archives and History in Raleigh, North Carolina. William L. Saunders (ed.), The Colonial Records of North Carolina, 10 volumes, Raleigh: P. M. Hale and Josephus Daniels, 1886-1890, II, 549, 602, 654. Hereinafter cited as C. R.

were probably lower than those settled by the precinct court.⁶⁰ Another case was sent back to the county court to be reversed.⁶¹

The courts tended to listen sympathetically to petitions for rate increases. Thomas Hansford was granted a thirty-three percent raise in his price for a man and horse,⁶² while William Mackey received an even greater percentage increase for his ferry to Edenton.⁶³ Petitions for ferries were rarely rejected, although one ferryman was denied the opportunity to keep a ferry "wholly to himself from Edenton to the opposite shores."⁶⁴ If asked for, special consideration was given to those who wanted to attend church service.⁶⁵ On one occasion a Mr. Pearson from Tyrrell was given leave by the Chowan County Court to carry passengers back to Duckenfield from Edenton until the ferrykeepers in Edenton provided more boats and better attendance.⁶⁶

⁶⁰ C. R., II, 475.

⁶¹ Bertie County Minutes, December, 1770, March, 1772.

⁶² Ibid., August, 1740.

⁶³ Tyrrell County Minutes, June, 1751, June, 1753.

⁶⁴ Chowan County, Miscellaneous Records, Petitions and miscellaneous papers pertaining to Bridges, Ditches, Ferries, and Mills, 1739-1882, October, 1760, in the State Department of Archives and History, Raleigh, North Carolina.

⁶⁵ Perquimans County Minutes, April, 1735. John Powell was ordered to attend his ferry "from the hour of four o'clock in the morning to ten o'clock at night from the tenth of March to the tenth of October and from the hour of six o'clock in the morning to the hour of eight o'clock at night from the tenth of October to the tenth of March and to have double ferriage after those hours. And further at the prayer of said Powell praying to have the liberty to go to Divine Service on the Lord's Day, granted, he being exempted from ferrying anybody over the Lord's Day from ten o'clock in the forenoon until four o'clock in the after, provided he be at the place of worship."

⁶⁶ Chowan County Minutes, October, 1758.

The first free ferry in North Carolina to be subsidized at public expense was one from Johnston to Whitehouse Point in Onslow. Although the Assembly authorized the ferry in 1741, the county made no provision for it until 1744 when Severius Gould was made ferrykeeper. Rates were seven shillings and six pence for a man and horse; five shillings if there were more than one man and horse; and two shillings and six pence for a single person.⁶⁷

The other counties authorized to keep free ferries, Perquimans, Pasquotank, Tyrrell, and Pitt, were quicker to take advantage of the Assembly authorization and allowed those ferrymen already keeping ferries the privilege of continuing but only at public expense. Unlike Onslow, these ferrymen were not allowed specific rates but a lump sum of money for their services, a practice which Onslow adopted after approximately 1757.⁶⁸ The Perquimans ferrymen were allowed the proceeds of a two pence tax. They had to petition the court each year for the amount and occasionally encountered difficulty in obtaining the money from the sheriff.⁶⁹

The courts generally paid the ferrykeepers annually making no distinctions among the various "public times" at which the inhabitants could pass free. Onslow again was the exception. Until 1747, when the court finally tired of hearing petitions at each session, the ferrykeepers

⁶⁷ Onslow County Minutes, July, 1744.

⁶⁸ Ibid., July, 1757, July, 1758.

⁶⁹ Perquimans County Minutes, April, 1757, April, 1758, April, 1761.

were paid quarterly.⁷⁰ Before this date Onslow also distinguished the differing types of public business in making payment.⁷¹

Monies expended by the counties for the payments varied greatly from fifty pounds a year in Onslow to six pounds in Tyrrell. The cost varied according to the length of passage, the ferry rates formerly charged at the ferry, and the number of persons generally making the crossing.⁷² There seems to have been a decline in the annual payments in most of the counties as the courts decided that payments were too high.

At least two counties operated ferries at county expense without legal authorization. Cumberland attempted this practice in 1756 and 1757 when John Brown was ordered to ferry persons free at public times⁷³ and when a two pence tax was instituted to pay Gideon Allen ten pounds to keep a free ferry for one year. The order was unexplainedly rescinded by the same court.⁷⁴

Bertie County gave the free public ferry a new twist in 1771 when it authorized Thomas Ballard to buy a flat and ropes at county expense

⁷⁰ Onslow County Minutes, July, 1747.

⁷¹ Ibid., April, 1746. James Ridgeway and Darby Leary were paid for the last vestry, the February elections, and the January Court session of Onslow.

⁷² There was a decrease from fifty pounds to twelve pounds per annum when Onslow moved its ferry up the White Oak River in 1755 to Wantland's Ferry, thereby decreasing the length of the passage.

⁷³ Cumberland County Minutes, January, 1756.

⁷⁴ Ibid., July, 1757.

in order to keep a ferry free at all times (as opposed to public times or for "public business") in Windsor. This continued through 1775, probably pending the erection of a drawbridge at the site of the ferry.⁷⁵

The ferries were often tiresome, tedious, inconvenient, and dangerous. After a post was finally established in the province, the ferries greatly hindered its operation.⁷⁶ Both Governor William Tryon and the British postal inspector, Hugh Finlay, suggested an inland route in order that the post might avoid the long ferries over the Albemarle Sound and Pamlico River.⁷⁷

During bad weather the long ferries were impossible to pass. When Arthur Dobbs was traveling from Virginia to New Bern in 1754 to be sworn in as governor, he lost a day at Edenton due to a "contrary wind so fresh that the ferry boat could not pass."⁷⁸ Travelers Ebenezer Hazard and J. F. D. Smyth lost two days at this ferry because of an adverse wind,⁷⁹ the Reverend George Whitefield was forced to wait half a day for a haze to lift.⁸⁰ The Pamlico River and Neuse River could be as troublesome.⁸¹

⁷⁵ Bertie County Minutes, September, 1771, May, 1774, August, 1774.

⁷⁶ Finlay, Journal, p. 82.

⁷⁷ Ibid., p. 80. C. R., VI, 1058-1059.

⁷⁸ C. R., V, 144g.

⁷⁹ Johnston (ed.), "Journal of Ebenezer Hazard," p. 367. John Ferdinand Dalziel Smyth, A Tour of the United States of America, 2 volumes, Dublin: G. Perrin, 1784, II, 58.

⁸⁰ Whitefield, Journal, p. 145.

⁸¹ William Logan, "Journal of a Trip to Georgia, 1745," Pennsylvania Magazine of History and Biography, XXXVI (1912), 14.

In 1754 Governor Dobbs was forced to prorogue the Assembly for several days as the "House was thin because several members from the Northern counties were stopped by ferries."⁸² When this same governor was attempting to fix a permanent seat of government for the province in 1755 near Stringer's Ferry in Craven County, he wrote to the Board of Trade in justification that the road to the new site from the south would miss the New River Ferry, having only to cross the ferry at Wilmington which was four to five hundred yards. The road northward would have avoided the long ferries at Edenton, Bath, and New Bern, replacing them with narrower ferries over the Tar River and Contentnea Creek.⁸³

The ferries were not only inconvenient but could be dangerous. Elkanah Watson crossed the Neuse in windy and rainy weather against the advice of the ferrykeeper. He and his companion barely escaped with their lives by using a broken oar and bailing with their hats.⁸⁴ Hazard, also, commented on the dangers of navigation across the sound at Edenton in blustery weather.⁸⁵

Thus, ferries were desired generally as business ventures, though they were found unsatisfactory for this purpose in many cases. Violations of the law were few, but obstructions to travel were many. Some

⁸²C. R., V, 154.

⁸³Ibid., V, 342.

⁸⁴Elkanah Watson, Men and Times of the Revolution; or Memoirs of Elkanah Watson, Winslow C. Watson, editor, New York: Dana and Company, 1856, p. 39.

⁸⁵Johnston (ed.), "Journal of Ebenezer Hazard," p. 362.

were the fault of the ferrykeepers; others were unavoidable. Yet, the ferries did provide the connecting link for many roads and allowed persons to reach destinations otherwise unattainable. In this manner they were indispensable despite their drawbacks, being operated probably as efficiently as possible under the prevailing conditions of government and communication in colonial times.

CHAPTER VI

ORDINARIES

Ordinaries in colonial North Carolina, or tippling houses, inns, taverns, victualling houses, and public houses of entertainment as they were variously called, aroused ambivalent emotions in travelers throughout the area. The sandy, barren, and often gloomy country, the numerous rains and showers which without warning drenched the traveler, the heat of the summer, and the scarcity of persons on the roads made ordinaries a welcome sight to the weary traveler, while long delays at ferries, sometimes for days, necessitated accommodations for man and horse.

Yet, the accommodations along the roads of eastern North Carolina were termed miserable and intolerably bad almost everywhere except in the towns.¹ A traveler of the upper class invariably sought food and lodging at private homes rather than subject himself to the indignities of public houses. The large planters and wealthy merchants kept open houses, seeking the conversation and news of knowledgeable men of their social standing.²

Regulations controlling the ordinaries were formulated by the Assembly. They were put into operation by the county courts with

¹ John Ferdinand Dalziel Smyth, A Tour of the United States of America, 2 volumes, Dublin: G. Perrin, 1784, II, 58, 63. Hereinafter cited as Smyth, Tour.

² Hugh Finlay, Journal Kept by Hugh Finlay, Surveyor of the Post Roads on the Continent of North America, Brooklyn: Frank H. Norton, 1867, pp. 74-76. Hereinafter cited as Finlay, Journal.

occasional assistance from the General Court. Before 1741, both the General Court and the county courts granted ordinary licenses. After this date only the county courts exercised this power.

Throughout the colonial period all the courts faced continued attempts by some persons to sell liquors without a license, but cases of this nature were generally dismissed for lack of evidence.³ Rejections of petitions for ordinary licenses were quite rare.⁴ Occasionally petitions for renewal of licenses were denied because the petitioners "kept a disorderly house and suffered unlawful gaming and other enormities contrary to law."⁵

Suspensions of licenses for misbehavior, extortionate prices, and disregard for the law were few. The licenses of two ladies in Wilmington were suspended when they violated the law which forbade the harboring of sailors and selling them liquor without the consent of their ship masters. The court said that this was detrimental to the merchants and masters of vessels trading in the Cape Fear River.⁶

³William L. Saunders (ed.), The Colonial Records of North Carolina, 10 volumes, Raleigh: P. M. Hale and Josephus Daniels, 1886-1890, I, 369, 401, 586. Hereinafter cited as C. R. Minutes of the Carteret Court of Pleas and Quarter Sessions, September, 1732, in the State Department of Archives and History, Raleigh, North Carolina. All further references to minutes of the Courts of Pleas and Quarter Sessions will be cited as County Minutes with the appropriate county noted. Unless otherwise designated all County Minutes can be found in the State Department of Archives and History, Raleigh, North Carolina.

⁴Cumberland County Minutes, May, 1759, August, 1759; Craven County, Minutes, May, 1755, October, 1762; Chowan County Minutes, July, 1742.

⁵Cumberland County Minutes, February, 1763; Edgecombe County Minutes, February, 1758; Chowan County Minutes, January, 1741.

⁶New Hanover County Minutes, April, 1768.

A bond was required from the ordinary keeper at the time a license was issued to insure his compliance with the law. According to law, the bond put up by a petitioner for a license between 1741 and 1766 was thirty pounds, proclamation money.⁷ Before this time, when there was no uniform figure for a bond, the amount required varied widely. Chowan County set bonds at one hundred pounds⁸ and Craven County demanded bonds of two hundred and fifty pounds.⁹

During the period from 1741 to 1766, Craven, Chowan, Edgecombe, and Pasquotank abided by the legal prescription, requiring thirty pounds, while Bertie, Hyde, and Perquimans sometimes asked fifty pounds. Onslow required bonds of forty pounds.¹⁰ Other counties either stated that the bond was given "according to law" or implied this fact. After 1766, when the county courts were again free to exercise their judgment, bonds tended to be thirty pounds in amount, although the Onslow justices required only twenty-five pounds.¹¹ In addition to the tavern keeper, the bond was generally endorsed by two other persons who acted as securities or sureties, although technically one endorser was sufficient. As early as 1767, Hyde County had printed forms for its innkeepers' bonds, a

⁷ Walter M. Clark (ed.), The State Records of North Carolina, 16 volumes, Winston and Goldsboro: M. I. & J. C. Stewart and Nash Bros., 1895-1907, XXIII, 183-184, 492-493, 727. Hereinafter cited as S. R.

⁸ Chowan County, Bonds, Ordinary Bonds and Papers, 1739-1867, 1739-1740, in the State Department of Archives and History, Raleigh, North Carolina.

⁹ Craven County Minutes, June, 1741.

¹⁰ Onslow County Minutes, July, 1751.

¹¹ Ibid., April, 1774.

practice adopted by Pasquotank County in 1780.¹²

Many of the ordinary keepers were among the outstanding men of the counties. They served on the juries, were appointed inspectors of commodities and overseers of the roads, served as list takers, and operated ferries. Even schoolmasters¹³ and doctors¹⁴ entered the tavern business, while sheriffs and merchants frequently served as innkeepers. Sometimes gentlemen, as in the case of Cornelius Harnett, were reduced by circumstances to operating ordinaries.¹⁵

In some of the counties, women played no small role as tavern keepers. In Chowan, New Hanover, and Pasquotank almost twenty percent of the licenses recorded were given to women, while approximately ten percent of those licensed in Perquimans and Craven were women. Cumberland, Johnston, and Bertie recorded only one woman tavern keeper each. Rejections of licenses requested by women were few, evincing no discriminatory practices against the female sex by the courts. Almost half of the female ordinary keepers took out licenses to continue their deceased husbands' taverns probably in order to maintain their livelihood. One married couple in Pasquotank took turns in requesting a license, and

¹²Hyde County, Miscellaneous Records, Tavern Bonds, 1767, 1867 in the State Department of Archives and History, Raleigh, North Carolina. Pasquotank County, Bonds, Innkeepers' Bonds, 1764-1779 in the State Department of Archives and History, Raleigh, North Carolina.

¹³Craven County Minutes, March, 1742.

¹⁴Ibid., March, 1772.

¹⁵C. R., III, 332.

then after five years in business, they jointly received a license in 1772.¹⁶

Generally women kept their ordinaries for only one to three years, usually one, before giving up their licenses. They appear to have become quickly disillusioned with the arduous task of providing service to the meanest sort of persons and enduring the roughness of the men calling at the ordinary. However, there are a number of instances in which women operated inns one or two decades.¹⁷ One of the most remarkable of the women innkeepers was Mrs. Fielder Powell of Craven County, who operated her establishment for twenty years.¹⁸

Ordinaries, of necessity, were located where people would be constantly traveling or resting overnight. Ferries and towns were the most popular locations. The principal thoroughfare through the province, embracing the Trent Road, Pamlico Road, and Virginia Road, was especially well liked by ordinary keepers, while the Yadkin Road in Cumberland and the Wagon Road in Bute had a large number of inns. A location at the fork of a road was beneficial, as it enabled the ordinary to obtain business from several directions.¹⁹

¹⁶ Pasquotank County Minutes, July, 1767, July, 1769, September, 1770, September, 1771, September, 1772.

¹⁷ For example three ladies in Edenton each kept their ordinaries for twelve years: Dorothy Sherwin, Elizabeth Wallace, and Mary Wallace. Chowan County Minutes, July, 1741, July, 1752, October, 1757, September, 1768, October, 1761, December, 1772.

¹⁸ Craven County Minutes, August, 1756, March, 1775.

¹⁹ Onslow County Minutes, April, 1752, June, 1764; Hyde County Minutes, December, 1751.

Ordinaries which were kept in the same building for a number of years and became widely known to travelers and the local inhabitants gained a reputation which proved beneficial to the innkeeper. Among the better known long time taverns were Pugh's Ordinary or Tavern in Bertie,²⁰ and Young's Ordinary²¹ and Jonathan Ray's Shop²² in Bute. Many other cases are recorded in which taverns were kept in homes of former tavern keepers who had moved or died, and some took advantage of a good location of an acquaintance, establishing an ordinary at his house.²³

Mention is also made of ordinaries at small settlements within the counties, including Reubin Town, Middletown, and Port Ridge in Bute, Terrapin Hill in Chowan, Shaffering Town in Cumberland, and New Germany in Craven. Often the courts did not specify locations or listed ordinaries at a person's "plantation," "dwelling," "house," or "place of abode."

The large towns and county seats provided the greatest opportunities for ordinaries, and Wilmington, New Bern, and Edenton were literally flooded with them during some years. Edenton boasted as many as thirteen in one year, 1765; Wilmington kept a constant number of five or six; and New Bern undoubtedly did even better, although the Craven

²⁰ Bertie County Minutes, September, 1768, December, 1771.

²¹ Bute County Minutes, May, 1775.

²² Ibid., February, 1768.

²³ For example, see Craven County Minutes, September, 1742.

Court left most locations undesignated.²⁴

When towns were established or made county seats, enterprising persons immediately sought taverns in them. Isiah Parvisal took a license the year after Campbellton was incorporated;²⁵ William Eaton received a license in Halifax the year it was made a county seat;²⁶ three licenses were given to residents of Tarboro in 1764 when it became a county seat;²⁷ and Hertford recorded an ordinary the year of its establishment.²⁸ The Assembly even required the town of Johnston in Onslow County to provide two public houses of entertainment for the benefit of its inhabitants and travelers.²⁹

Sites as close to the courthouses as possible were obviously the most desirable of any location, whether in a town or in Redman's Old Field on Tyancoa Creek in Edgecombe.³⁰ In Perquimans, in 1753, the petition of Evan Skinner to build a "sufficient house of entertainment on the lot and a half laid out for public buildings" on Phelp's Point was granted.³¹ He received a license at the next court and renewed it the

²⁴This is a minimum figure as the courts failed to designate many locations, a large number of which were undoubtedly in these towns. New Bern, however, did not possess a large number of ordinaries until the capital was permanently located in this town. In 1748 Governor Johnston complained that "in a fortnight or three weeks time, we are obliged to separate for want of the necessaries of life." C. R., IV, 1166.

²⁵Cumberland County Minutes, February, 1763.

²⁶Edgecombe County Minutes, September, 1758.

²⁷Ibid., April, 1764, July, 1764, December, 1764.

²⁸Perquimans County Minutes, October, 1758.

²⁹S. R., XXIII, 171.

³⁰Edgecombe County Minutes, March, 1759.

³¹Perquimans County Minutes, January, 1753.

following year.³² In the same county, Nathan Newby built a dwelling on the courthouse lot in 1757 to enable him "to keep an ordinary to entertain persons attending the court."³³ This must have provided competition for Cornelius Mullins, who had been keeping an ordinary at the courthouse since 1755 when he superceded Evan Skinner.³⁴ William Elliott held the choice situation at the Bute Courthouse from 1769 to 1775.³⁵ Noah Pridham built an ordinary at the Bertie Courthouse in 1741. Unfortunately, the Assembly formed Edgecombe and Northampton counties from Bertie that year, and the courthouse had to be moved to a more central location in the county. The court therefore leased him the lot at the former location for forty-one years at a nominal sum, enabling him to continue his ordinary for at least the next two years.³⁶

In some cases only a booth, a temporary structure, was kept at the courthouse for service during public times.³⁷ Ordinaries were also needed to serve the county jails in order to feed the prisoners.³⁸ William Hales was ordered to erect his house "at the south end of the gaol with a passage through the said house opposite to the door of the said gaol."³⁹

³² Ibid., April, 1753, October, 1754.

³³ Ibid., July, 1757.

³⁴ Ibid., July, 1755.

³⁵ Bute County Minutes, November, 1769, May, 1775.

³⁶ Bertie County Minutes, May, 1741, May, 1742, May, 1743.

³⁷ Onslow County Minutes, March, 1763; Tyrrell County Minutes, September, 1754, September, 1755. William Currell probably operated at the Tyrrell courthouse, receiving this privilege in conjunction with Evan Jones.

³⁸ Craven County Minutes, September, 1774.

³⁹ Bertie County Minutes, October, 1761.

Many ferries throughout the colonial period were serviced by ordinaries. The major ferries, those across the Albemarle Sound and Pamlico River, the Trent River below New Bern, and the New River at Snead's were at an early date served by them, while other ferries gradually acquired taverns.

Still the long delays and the sparsity of people residing along many of the roads led the Assembly to adopt a law in 1766 which instructed all ferrymen who received more than four pence for a man and horse to keep an ordinary at their ferry under penalty of a fine of ten pounds for each offense of refusing either entertainment or lodging.⁴⁰ Governor William Tryon happily noted this regulation in a letter to the Earl of Shelburne, stating that it would benefit travelers and the general post.⁴¹

Whether or not ferry owners complied with this law is very difficult to ascertain.⁴² Of the three known ferries in Bute County after 1766, only Colonel Thomas Eaton's is known to have been supplied by an ordinary, served by William King and subsequently by Eldridge Clack.⁴³ There were probably three ferries in Edgecombe after 1766, only one of

⁴⁰ S. R., XXIII, 728.

⁴¹ C. R., VII, 696.

⁴² Drawbacks include the fact that the courts did not always specify the location of the ordinaries and the rates to be charged by a ferryman. Many ordinary licenses were not recorded. The person keeping the ordinary and the one keeping the ferry could be two different people, while ferries usually retained the name of the person beginning its operation even though subsequent owners bore different names.

⁴³ Bute County Minutes, May, 1768, February, 1773, May, 1774.

which was served by an ordinary.⁴⁴ In Pasquotank, the ferry at Relfe's Point did not have an ordinary until 1772, although the other ferry in the county was attended by an ordinary from its beginning.⁴⁵ Carteret County had four known ferries and two other possibilities after 1766, but no ordinaries can be traced to them. The minutes, however, are sketchy, and licenses were often not recorded. In New Hanover before 1766 the majority of the ferries were provided with tippling houses. After this date, the ferries still in existence, at least eight, were probably accompanied by ordinaries, although the records do not confirm this fact. In Cumberland County three of five ferries had ordinaries at one time or another, though it is notable that the one ferry license granted after 1766 was not accompanied by an ordinary license.⁴⁶

Matthias' Ferry in Chowan never had an ordinary and it is doubtful if one was ever established at Abel Miller's ferry. Captain John Smith received a license eighteen months before he received a ferry license in 1769, while Augustine Dishon asked for an ordinary at the same time that he was granted his ferry.⁴⁷ At least four ferries in Craven County were not required to comply with the law as they took only four pence for a man and horse. Linfield's Ferry, Kemp's Ferry, and the ferries to

⁴⁴ Edgecombe County Minutes, April, 1764.

⁴⁵ Pasquotank County Minutes, September, 1772, December, 1774.

⁴⁶ Cumberland County Minutes, April, 1774, April, 1775, November, 1764, February, 1765.

⁴⁷ Chowan County Minutes, March, 1768, June, 1772, September, 1772.

New Bern were served with ordinaries, but it is doubtful that Graves' Ferry and the one across Clubfoot Creek had inns.⁴⁸

It is apparent that compliance with the 1766 law was far from complete. Certainly there was no great rush to obtain ordinary licenses after 1766.

Since ordinary keepers tended to greatly overcharge their customers, the colonial Assembly continuously sought to rectify this practice. In 1715 it required all ordinary keepers to sell strong drink in English sealed measures, pints, quarts, bottles, and gallons. All ordinary keepers were ordered to obtain these measures within six months after the ratification of the act under penalty of five pounds.⁴⁹

At the same time the Assembly set a maximum price of twelve pence for a meal, one shilling and six pence per gallon on home-brewed beer or unboiled cider, and a one hundred percent profit on imported liquors. It was perfectly legal for a man to sell liquors produced on his own plantation without a tavern license as long as the liquor was not drunk at his plantation.⁵⁰

The profits allowed by the 1715 law encouraged extravagant prices, and five years later another law was passed allowing the precinct courts to determine the prices of liquors, diets, lodging, and pasturage for ordinaries. The clerk supplied the ordinary keepers with a list of the

⁴⁸Craven County Minutes, July, 1766, September, 1769, March, 1775.

⁴⁹S. R., XXIII, 79. English strong water, ale beer, cider, wine, and other liquids imported into the province in bottles could be sold in the same vessel in which it was bought. S. R., XXIII, 79-80.

⁵⁰Ibid., XXIII, 80.

prices within ten days of the termination of the court, and the table of rates was required to be displayed openly in the ordinary. A fine of five pounds attended the neglect of posting the list of prices or charging exorbitant rates. The clerk received ten shillings for copying each table.⁵¹

By 1741 continuing abuses obliged the Assembly to pass another law regulating ordinaries. The county courts continued to set the prices charged by the ordinary keeper. The responsibility for obtaining the table of rates, however, was shifted to the ordinary keeper. This was to be done within a month after the court session under penalty of five pounds for neglecting to display the table, but only ten shillings for charging excessive rates. Merchants or any persons were allowed to retail brandy, wine, and rum in quantities of not less than a quart, and ale, beer, and cider in quantities of not less than a gallon, provided that they were not drunk where they were sold.⁵² These provisions were continued without alteration throughout the remainder of the colonial period. The clerk of the county court was allowed two shillings and six pence per table for the task of recording the rates for each ordinary keeper.⁵³

The courts could rate the prices and change them during any year by law. The general pattern was to revise the rates every three to five

⁵¹ Ibid., XXV, 169.

⁵² Ibid., XXIII, 182-185.

⁵³ Ibid., XXIII, 492-494.

years.⁵⁴ Otherwise the courts ordered "the rates of liquors continued as formerly," "tavern rates continued as usual," or were silent, tacitly implying the continuation of the same rates.⁵⁵ Rates were usually given in terms of proclamation money, although many times they were left unspecified. They were changed during interim periods upon representation to the court that the prices were too low with regards to such circumstances as existing import duties.⁵⁶

Chowan County was the most explicit in its directions, always ordering the ordinary keepers to take a copy of the rates and keep the same according to law. In addition, the county stated the method by which violations of the law could be prosecuted, a practice not found in other counties.

Dinner was the principal meal of the day in North Carolina taverns, flanked by breakfast and supper, all of which could be served in numerous ways. Dinner might consist of hot or cold meat, usually two dishes, with or without a combination of wheat bread and small beer or cider. The meat, salted or fresh, could be beef, mutton, pork, or venison.⁵⁷

⁵⁴Bute County in many respects seemed more anxious to obey the laws than any other county, in this case rating the prices almost every year.

⁵⁵Carteret County made a distinction between prices in Beaufort and the remainder of the county.

⁵⁶A petition of the ordinary keepers of Edenton caused the court to increase the prices of Madeira wine, Vidonia wine, and flip. Chowan County Minutes, July, 1764.

⁵⁷John Brickell, The Natural History of North Carolina, Dublin: Printed by James Carson for the author, 1737, reprinted in Raleigh, North Carolina, 1911, p. 38. Hereinafter cited as Brickell, Natural History of North Carolina.

Supper was sometimes designated in the same terms as dinner, but more often was equated with breakfast, both being approximately six pence less in price than dinner which cost between one and two shillings. Breakfast sometimes included a meat dish,⁵⁸ but usually consisted of tea and wheat bread or hoe cakes.⁵⁹

Often along the road travelers had the good fortune to eat with private persons. A French traveler dined with a farmer with whom he had fat bacon, greens, Indian bread, and good cider,⁶⁰ while J. F. D. Smyth, after being lost on the road, found a Mr. Tyers who treated him with "fat, roasted turkeys, geese, ducks, boiled fowls, large hams, hung beef, and barbecued pig, enough for twenty-five men."⁶¹ Of course, such fare was not always provided travelers. Some stopped at private homes which had nothing but potatoes to offer,⁶² while others were forced to go into the woods and shoot animals in order to have meat to eat.⁶³

The ordinaries could be as bad, and frequently were. The one at Lockwood's Folly in 1734 had no rum, sugar, or lime juice for a drink,⁶⁴

⁵⁸Carteret County Minutes, June, 1741, June, 1747, December, 1755.

⁵⁹William Logan, "Journal of a Trip to Georgia, 1745," The Pennsylvania Magazine of History and Biography, XXXVI (1912), 11-12. Hereinafter cited as Logan, "Journal of a Trip to Georgia, 1745."

⁶⁰Abel Doysie (ed.), "Journal of a French Traveler," American Historical Review, XXVI (July, 1921), 737.

⁶¹Smyth, Tour, I, 65.

⁶²Logan, "Journal of a Trip to Georgia, 1745," p. 45.

⁶³Elkanah Watson, Men and Times of the Revolution; or, Memoirs of Elkanah Watson, edited by Winslow C. Watson, New York: Dana and Company, 1856, p. 41.

⁶⁴A New Voyage to Georgia By a Young Gentleman Giving an Account of His Travels to South Carolina and a Part of North Carolina, London: Printed for J. Williford, 1737, p. 59.

and at another, William Logan complained that the chickens which he had for dinner had been "broiled in a nasty manner."⁶⁵

The liquors served in the province were extraordinary in number. Rum and cider were priced by the gallon, quart, pint, gill, and half gill. The most common measure for all liquors was the quart. Rum was of the West Indian⁶⁶ or New England variety, although Bute County listed it from Norfolk, Baltimore, New Bern, and the Cape Fear. Cider could be "common Carolina cider" (Crab), royal cider, and Northern (Northward) or New England cider.⁶⁷

Varieties of beer included those from Europe, generally from Bristol and Liverpool in England,⁶⁸ New York or Philadelphia (Northward Beer), and from the country (local beer).⁶⁹ Ale came almost exclusively from England⁷⁰ and brandy from France.⁷¹ It was said that North Carolinians preferred claret and port wines to those of Madeira and Lisbon,⁷²

⁶⁵ Logan, "Journal of a Trip to Georgia, 1745," p. 10.

⁶⁶ The West Indian rum was the most expensive variety.

⁶⁷ Cider was also divided into summer and winter varieties and into qualities such as "good" or "best" cider.

⁶⁸ Sold by the bottle as it was bottled and wired in England.

⁶⁹ Country beer could be "strong" or "small." The latter was made of a molasses or treacle, a peck of wheaten bran, a pound of hops, and a barrel of fountain water, all of which were boiled together and mixed up with yeast. Brickell, Natural History of North Carolina, p. 30.

⁷⁰ American ale was listed only in Bertie. Bertie County Minutes, May, 1775.

⁷¹ Geneva brandy was listed only in New Hanover. New Hanover County Minutes, April, 1772.

⁷² Josiah Quincey, Jr., "The Southern Journal of Josiah Quincey, 1773," Massachusetts Historical Proceedings, XLIX (October, 1915-June, 1916), 464.

but Madeira was the most frequently listed wine in the colony,⁷³ accompanied by claret, Vidonia, port or other red wines, and "Teneriffe."⁷⁴

Punch of New England or West Indian rum and loaf or brown sugar was quite common throughout the counties. Toddy and brandy were only a little less so.⁷⁵ Grog and Sangaree were less prominent. Occasionally lime juice or "fruit" would be listed with the punch. Although Brickell said that chocolate and coffee were common drinks,⁷⁶ these were found only once, in conjunction with breakfast.⁷⁷ Tea was apparently more popular.

In addition to taverns there was at least one coffee house in the province. This was located in Wilmington. A petition from its owner to sell liquors brought a negative response from the court which thought "tho' at ye same time ye Cot. think such Coffee house would be of public advantage."⁷⁸

All the ordinaries provided some means of stabling and pasturing a horse, either for the night, the day, or for a full twenty-four hours.

⁷³Wine from Lisbon was mentioned only once. New Hanover County Minutes, April, 1772. New Hanover also had the only listing of wine from Florence. New Hanover County Minutes, June, 1741. This indicates that trade and proximity to the sea allowed this county a greater variety of foreign liquors.

⁷⁴Listed only in Bertie. Bertie County Minutes, March, 1770, May, 1775.

⁷⁵Hyde County was outstanding in that it only provided for Yaupon punch, milk punch, and egg punch among its ordinary rates. Hyde County Minutes, March, 1736.

⁷⁶Brickell, Natural History of North Carolina, p. 39.

⁷⁷Bute County Minutes, May, 1773.

⁷⁸New Hanover County Minutes, September, 1764.

Indian corn and oats were the principal foods, listed in quarts and generally priced at two pence per quart. Fodder and hay were rated by the pound.⁷⁹ Travelers found accommodations for their horses varied widely in quality. Sometimes the traveler's horse received good oats and provender, but more likely only corn blades or marsh hay of a weeds and grass composition were provided which the "horse would have been a fool to eat."⁸⁰

Accommodations for men were generally poor even in private homes. Waightstill Avery was forced to spend a night without closing his eyes, since the one-room house at which he stopped was filled with drunk men who cursed, fought, and made much noise throughout the night.⁸¹ Smyth was unable to sleep when he sought shelter a few miles north of the North Carolina line "in a shell of a house, wherein the overseer lived, and five or six negroes besides." He was disturbed by constant snores and the flies and mosquitoes.⁸²

Many of the ordinaries were little better. William Logan complained of staying in a "stinking ordinary bed, on an earthen floor,

⁷⁹New Hanover provided for extended stopovers, listing pasturage for the first three days and nights at two shillings and six pence per day, and one shilling and three pence per day afterwards. Stabling with fodder for the first eight days could vary from three shillings and six pence to five shillings per day. New Hanover County Minutes, June, 1741.

⁸⁰Hugh Buckner Johnston, "The Journal of Ebenezer Hazard," North Carolina Historical Review, XXXVI (July, 1959), 381.

⁸¹Charles Christopher Crittenden, "Overland Travel in North Carolina, 1763-1789," North Carolina Historical Review, VIII (July, 1931), 249. Hereinafter cited as Crittenden, "Overland Travel in North Carolina, 1763-1789."

⁸²Smyth, Tour, I, 105-106.

with the house full of air holes," and considered himself fortunate to escape without catching a cold.⁸³ A typical ordinary consisted merely of a one-room house, log or frame, and furnished only with a bed, table, some benches, and a chest. When the traveler ate a meal, a dog gazed wistfully into his face, cats clawed at his elbows, and the children of the proprietor screamed for their share. If he spent the night, he was not allowed to sleep in the only bed but lay on the floor in front of the fire, or, if the weather permitted, out of doors on the ground.⁸⁴

The ordinaries were usually kept in the keeper's house, though separate structures were built, these being more or less twenty by thirty feet.⁸⁵ An advertisement for the sale of two lots adjoining the courthouse in Halifax stated that the houses on the lots were well-situated for taverns. One house was forty-four by twenty feet, the other eighteen by twenty-eight feet. The former had three large lodging rooms upstairs, four closets, a piazza running the length of the house, a large barroom, and a cellar. The latter had two large lodging rooms and a good billiard table.⁸⁶ Other newspaper advertisements of the sale of lots would stress the desirability of such for taverns.⁸⁷

Billiards, hazard, all-fours, backgammon, and cards and dice were

⁸³ Logan, "Journal of a Trip to Georgia, 1745," p. 10.

⁸⁴ David Leroy Corbitt (ed.), "Historical Notes," North Carolina Historical Review, II (January, 1925), 89.

⁸⁵ Bertie County Minutes, May, 1742.

⁸⁶ Virginia Gazette (Williamsburg), February 20, 1772.

⁸⁷ North Carolina Magazine; or, Universal Intelligencer (New Bern), September 28, 1764.

frequent gaming pursuits enjoyed in the taverns,⁸⁸ while these places were centers of political discussions, used by ship masters for the leaving of mail,⁸⁹ and employed as locations for the sale of slaves.⁹⁰ The ordinary keeper needed to exercise care in the sale of liquors, being assured that his customers' credit was reliable,⁹¹ while being on guard for thieves.⁹²

The ordinary keepers themselves, however, on occasion operated outside the law. Many kept taverns without taking out a license, a practice prevalent throughout the colonial period.⁹³ To discourage this practice the Assembly in 1741 prescribed a penalty of thirty lashes at public whipping for the first offense and thirty-nine lashes plus a month in prison for subsequent offenses unless the convicted person paid a five pound fine or gave security for such within a month of his conviction.⁹⁴ The five pound fine was raised to ten pounds in 1766.⁹⁵

Also in 1766 the ordinary keepers were ordered to erect a sign

⁸⁸Brickell, Natural History of North Carolina, p. 39.

⁸⁹Finlay, Journal, p. 68.

⁹⁰Cape Fear Mercury (Wilmington), December 29, 1773. "Twenty seasoned slaves to be sold at Mr. Dekeyser's Tavern by Robert Thresal. Just come in on the Granada Packet."

⁹¹Crittenden, "Overland Travel in North Carolina, 1763-1789," pp. 251-252.

⁹²North Carolina Gazette (New Bern), April 14, 1775. John Foy in Craven offered a hundred pound reward for information of two men who lodged in his house and stole three hundred and seventy pounds.

⁹³Samuel Reed was fined forty shillings for retailing liquors without a license in Craven County. Craven County Minutes, September, 1738. See also Chowan County Minutes, December, 1770 for a general warning against retailing liquors without a license.

⁹⁴S. R., XXIII, 184.

⁹⁵Ibid., XXIII, 726.

denoting the nature of their establishment in order that the ordinaries or houses of entertainment could be more readily known to travelers.⁹⁶ According to Governor Tryon, it was hoped that this new requirement would remove to some degree the ease with which persons retailed liquors undetected.⁹⁷

The requirement of a sign, Governor Tryon did not fail to note, would be additionally beneficial in that it would allow the governor to receive the fees due to him with more certainty.⁹⁸ This fee in 1715 was four pounds if the license were granted by the General Court and two pounds if granted by the precinct court.⁹⁹ Later it decreased sharply to one shilling¹⁰⁰ but increased again to twenty shillings in 1766.¹⁰¹ There was a definite proclivity to obtain a license without depositing the necessary fees, however.¹⁰²

In summary, ordinaries were probably more prevalent in colonial North Carolina than is generally believed. Accommodations were undesirable, especially for the horses with the larger towns being the exception. Rates of travel and expenses were not greatly different from those in the northern provinces.¹⁰³

⁹⁶ Ibid.

⁹⁷ C. R., VII, 695-696.

⁹⁸ Ibid.

⁹⁹ S. R., XXIII, 83.

¹⁰⁰ C. R., III, 160.

¹⁰¹ S. R., XXIII, 726.

¹⁰² Onslow County Minutes, April, 1755.

¹⁰³ Smyth, Tour, II, 63.

Ordinary keepers seemed loath to comply with the law, disregarding admonitions to take out licenses and refrain from overcharging their customers. They continually had to be reminded not to sell liquors to anyone during church hours and not to permit anyone to become intoxicated on the Sabbath day.¹⁰⁴

Apparently it was thought that keeping a tavern was profitable business. Although some relinquished their licenses after a year's operation, others continued for at least twenty years. Some even kept two ordinaries, one at their dwelling and the other at the courthouse.¹⁰⁵ Sometimes two persons operated an establishment jointly, either husband and wife, or two men.¹⁰⁶

Yet, the ordinaries did serve a positive purpose despite their shortcomings. They facilitated travel, easing the burdens in some small way of the harsh life of colonial times. In addition to their social usefulness, they supplemented the private hospitality reserved for persons of the upper class as well as implemented such commercial functions as the general post.

¹⁰⁴A clause to this effect is found in all the general laws pertaining to the regulation of ordinaries and many of the laws for the establishment and regulation of towns.

¹⁰⁵Tyrrell County Minutes, December, 1754; Bute County Minutes, May, 1774; Perquimans County Minutes, July, 1755; Craven County Minutes, March, 1745.

¹⁰⁶The partners had to be careful of each other, however, as one overcharged a customer and was fined forty shillings. His associate, apparently unaware of this act, was assessed only court charges. Perquimans County Minutes, July, 1735.

CHAPTER VII

CONCLUSION

Although overland travel in North Carolina was barely possible during the proprietary period and only slightly more tolerable by the Revolution, it was not due to a lack of legislation. Numerous laws of both major and minor significance were enacted. Experiments were made with the commissioner system, free ferries, and bridges built at public expense in attempts to improve the transportation system.

If these laws had been fully carried out, travel would have been comparatively quick and easy. Unfortunately, the laws in many cases could not or would not be effected. The ever-present disdain for authority in North Carolina evinced itself repeatedly in the refusals to obey court orders or to comply with Assembly legislation. Juries would not mark off roads; overseers were lax in their duties; members of road companies failed to appear. Complaints were common but the county courts really failed to prosecute wrongdoers vigorously. This contributed to the feeling of disrespect for the laws. Generally monetary fines were not sufficient to provide a suitable deterrent. That complaints were not more numerous and court prosecutions more vigorous was probably due to the fact that action would often have to be taken against one's friends and neighbors. Moreover, if roads or bridges had to be repaired, the complaintant might be included in those designated to do the job.

Physical obstacles provided the greatest handicap to eastern North Carolina transportation. The sounds, rivers, and countless swamps and marshes were formidable obstructions. Ferries were necessary interruptions to travel in order to traverse the larger bodies of water. Winds often prevented ferry crossings or, by causing rough waters, made the crossings dangerous. The human factor was also involved. Poor landings, unfit boats, and poor attendance by ferrykeepers caused unnecessary delays and hazards.

The great number of rivers and creeks constantly impeded travel. Fords were prominent, especially in the western part of the Coastal Plain where the waters were narrower than in the east. Nonetheless, travelers could expect to get wet, while swift currents could make such crossings dangerous at times.

Where bridges were erected, they were in constant danger from the natural elements. Flooding and freshets, occurring throughout the province, proved damaging to bridges. Swollen rivers and streams carried logs, stumps, cattle, and even houses in their wake at an enormous speed downstream. This caused much damage to the bridges and sometimes halted travel for days until the waters subsided. If they escaped the freshets, exposure and usage limited their lifetime to approximately seven to ten years.

Swamps and marshes, although not as dangerous, were a great nuisance to travelers in eastern North Carolina. As many as twelve were found on the road from Brunswick to Waccamaw which was forty miles long

and the traveler would find water up to his saddle in some of them.¹ This was true throughout the eastern Coastal Plain and not only caused travel difficulties but prevented many roads from being laid out. The most notable instance of the latter case was the presence of only one road in eastern North Carolina leading to South Carolina. That hugged the seacoast. The "Carolina bays," most prevalent along the South Carolina boundary, undoubtedly proved too great an obstacle to road-building further inland. Causeways were almost totally inadequate as a means of bridging the marshes and those that were built were usually not kept repaired.

Another handicap to transportation was the sparseness of population. There were not enough men to keep the roads repaired and to build the necessary bridges. For instance the road from the "back landing at Scuppernong to Mrs. Long's landing in South Lankister," attended by thirty men, included "the outlet Swamp, the first swamp next the back landing in Scuppernong, 94 yards; the Rede branch, 9 yards; the Inden Swamp, 225 yards; the Pind Branch, 18 yards; deep branch, 14 yards; flatt swamp, 195 yards; deep swamp, 125 yards; thick swamp, 80 yards; Crooked Poppellar Swamp, 212 yards; last grate swamp is 85 yards, the two last branches in 22 yards; the whole 1154 yards."² This lack of men led to squabbles among the road companies and the county courts for

¹William L. Saunders (ed.), The Colonial Records of North Carolina, 10 volumes, Raleigh: P. M. Hale and Josephus Daniels, 1886-1890, IX, 1022.

²James Robert Bent Hathaway (ed.), North Carolina Historical and Genealogical Register, 3 volumes, Edenton, N. C.: 1900-1903, II (January, 1901), 152.

additional persons for the companies. In trying to provide everyone with a way to the county court, a church, and a main highway, the courts probably authorized more roads than could be conveniently kept up. It was fairly easy to clear a road but more difficult to keep it repaired and bridged.

Travel did improve, however, throughout the colonial period. As the population increased, more men became available for road duties. Energetic governors, of which George Burrington and William Tryon were the most notable examples, took an active interest in and promoted transportation.

The Assembly also took an active part in promoting transportation. It tried to bring road administration closer to the people by experimenting with the commissioner system. Roads were widened until twenty feet became a standard width throughout the colony. Signposts and mileage markers were established in 1764.

Toll bridges were offered by the Assembly as an inducement to some to build and maintain sufficient bridges. Among the counties only Cumberland subscribed to this method, however. The Assembly also allowed bridges to be built at public expense in order to relieve the people of the burden of bridge building. North Carolina was foremost among the colonies in its promotion of drawbridges which facilitated both land and water travel.

The Assembly constantly warned ferrykeepers against bad boats and poor attendance, and required a hundred pound bond be taken by the county courts from all ferrykeepers to ensure proper performance. The

establishment of free ferries was a notable advance in promoting transportation.

The increase in population led to a movement inland and away from navigable waters which could be used for transportation. This brought about a greater demand for roads in the inland sections as well as for connecting links with the seaboard in order to facilitate trade and communication with the east.

Nevertheless, trade and communication were handicapped by a poor transportation system. Those in the western part of the colony tended to trade with South Carolina and Virginia rather than eastern North Carolina. Of course, low prices and dearth of goods in the eastern towns were factors as well as poor roads. The development of a postal system was slowed by the inadequacy of the road system, while social gatherings, except for court sessions, were limited.

Still, it must be remembered that North Carolina did have roads and these roads did aid in the development of the colony. They did serve as arteries of trade; a postal system was finally established; and travel was increasing towards the end of the colonial period. Ferry rates indicate that wheeled vehicles were being used as early as 1750, and while traveling in these vehicles or on horse might have been uncomfortable, at least it was better than having to walk.

There were a large number of ordinaries in the colony in 1775 as they had been increasing steadily in number throughout the colonial era. Although strictly regulated, some owners managed to evade the law, especially in cases of payment of license fees and overcharging their

customers. Accommodations were generally better in the towns. While most taverns were of the crudest sort, it was usually possible for a traveler to find some kind of food and shelter.

In comparison with the other colonies, roads in North Carolina were of similar quality to those in South Carolina, Georgia, and perhaps Virginia. Except for Virginia, inns were also of comparable quality. While roads in the more northerly colonies were little better than those in the south, public accommodations had progressed further and innkeeping had attained a much higher standard.

Transportation facilities had improved in North Carolina since its inception. No colony possessed a more complex and complete system of roads by 1775. A great deal of work remained to provide an adequate transportation system. Yet, a great deal had already been done.

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