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The Other Cornelius Harnett

by Alan D. Watson

Cornelius Harnett II, the American revolutionary, left an indelible mark on North Carolina history. Called with good reason, the "Samuel Adams of North Carolina," Harnett II more than any North Carolinian spearheaded the movement for independence against Great Britain. A merchant and owner of the estate Maynard north of Wilmington and the plantation Popular Grove along the coast, Harnett not only helped to launch a revolution but to create governments for both the state of North Carolina and the United States. He died in British custody on the eve of the successful conclusion of the American Revolution. But what about his progenitor, his namesake, the man who sired the revolutionary – his father, Cornelius I?

When Cornelius Harnett I appeared in the public records of Chowan Precinct, North Carolina, in 1720, he found himself in a province formed in 1663 and owned by prominent Englishmen known as the lords proprietors. Despite its six decades, the colony was still in its infancy, just recovering from an internecine struggle termed Cary's Rebellion and, more disastrously, from a contest with Native Americans called the Tuscarora War. In fact, North Carolina had exhibited a long history of internal unrest featuring Indians, religious dissension, sectional tensions, pro- and anti-proprietary factionalism, pirates, and friction with Virginia. Compounding those troubles was the hard-scrabble existence led by most colonials who eked out a living from the soil, forest, sea, or Indian trade. Nonetheless, North Carolina was a land of opportunity – and refuge – for those who sought to start life anew.

At the time of Harnett's entrée, North Carolina was well on its way toward recovery from its strife. Following the Tuscarora War a measure of political stability returned to the colony. Albemarle County of which Chowan was a part controlled provincial politics. The General Assembly dominated a politically feeble, proprietary-appointed governor, Charles Eden. Pira-

cy fairly concluded with the deaths of Blackbeard and Stede Bonnet in 1718. Population grew rapidly, leading to the incorporation of three towns, the de facto capital of Edenton in 1722, and New Bern and Beaufort in 1723. And the defeat of the Tuscarora opened the way for future growth of the colony to the west and the south – the Lower Cape Fear.

The arrival of Harnett also coincided with renewed interest in North Carolina by the proprietors. Having lost control of their more favored colony, South Carolina, to the crown in 1719, and facing the recommendation of the Board of Trade the following year to annex North Carolina to the royal colony of Virginia, the proprietors moved to protect their northern province. In 1723, they named a new governor, George Burrington, who received far more detailed instructions than those given to his predecessors, and in 1724 the proprietors appointed other important officials – provost marshal and attorney general – who theretofore had been designated by the governor. The proprietors also attempted to reinvigorate the Church of England, intended to be the established church in the colony.

Harnett, "bred a merchant in Dublin," found himself in a poor, rural colony featuring a scattered population with a few small towns. Mercantile opportunities, at least those with a reasonable chance of success, were limited. Thus Harnett may have considered planting, the occupation of most men at the time, after immigrating to North Carolina. He failed to appear on a list of Chowan landowners in 1720, but resided in the colony by that time, for he witnessed two deeds in September of that year. In 1721 he purchased 120 acres of land on the southwest side of Queen Anne's Creek, presumably near Edenton, which he promptly sold the next year to Christopher Gale, the Chief Justice of the colony, for a substantial profit. Thereafter Harnett may have rented or boarded with others. ¹

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Harnett rose quickly from obscurity. The General Court of the colony in 1722 permitted him to stand security for a man accused of theft, though admittedly the money involved was relatively small – the cost of a purloined pair of mittens. In subsequent years Harnett's stature grew, for he regularly served on grand and petit juries of the General Court. The former was particularly important because grand juries issued presentments for breaches of criminal law and considered indictments by the attorney general against persons for criminal behavior or misdemeanors. And service on the juries would indicate a status of freeholder and hence the ownership of land, though the records are moot on that point.²

The ascendancy of Harnett may have resulted from his newfound and highly-placed friend, proprietary governor George Burrington. Appointed in 1723 and sworn into office in Edenton in early 1724, Burrington enjoyed a brief but eventful tenure. He spent the winter of 1724-1725 along the Cape Fear River, exploring the Lower Cape Fear region. Together with Maurice Moore, a former South Carolinian, Burrington was instrumental in attaching the area to North Carolina and promoting settlement there by means of land grants of dubious legality. Those grants, along with the proprietors' fear that the governor was planning to erect a separate colony along the Cape Fear River, contributed to Burrington's dismissal in 1725.

Meanwhile, Harnett's association with Burrington proved dangerous, for the governor was a quarrelsome, violent man, though Harnett himself may have been less than a gentleman, having once been described as "a Ruffianly fellow." In his first year in office Burrington openly insulted Chief Justice Gale. He subsequently attacked Gale's house in Edenton, threatening to blow it up with gunpowder, and declared to Gale's wife that he would "have the dogg her husband by the throat. . . ." The chief justice thereafter went to England to seek the replacement of Burrington, carrying with him a supporting letter signed by seven members of the governor's council. No doubt that incident also figured in the decision of the proprietors to remove Burrington.³

By the time Burrington emerged from his sojourn in the Lower Cape Fear, Gale had returned from England with Sir Richard Everard, Burrington's successor, who took office in July 1725. Burrington's resentment festered, then exploded in December 1725, when the former governor with Harnett and other unnamed men "rioutously assaulted" the house of Everard in Edenton. Then they "beat [,] knife [d], and wound [ed]" a constable, in the process forcing the wife of the officer from her bed and causing her to miscarry. A man who came to the aid of the constable was "Seiz'd by the throat" by Harnett and threatened by Burrington with a sword. To conclude the night's work, the group broke open the house of another in Edenton, whereupon Burrington persuaded Harnett to at-

tack the occupant, whose wife, also subjected to abuse, fled to seek assistance for her husband.⁴

The colony's attorney general proceeded to prosecute Burrington, Harnett, and their accomplices on an indictment of riot, defined by English common law as an "unlawful act of violence" by three or more men for a private purpose.⁵ Rather than face the charges, Burrington and Harnett absconded, the former to England and the latter to the Cape Fear. Their case was continued through several sessions of the General Court during which, of course, the defendants failed to appear. Finally, in October 1728, Chief Justice Gale ordered the attorney general to enter a plea of nolle prosequi (unwilling to pursue, thus do not prosecute) against the accused. The attorney general complied, and the court discharged Burrington and Harnett from their presentments without paying costs.⁶

The Lower Cape Fear not only offered an opportunity for Harnett to rehabilitate his reputation but also the chance, no doubt, to fulfill his original intention to improve his circumstances by moving to America. In 1726, as Harnett (and perhaps his family) moved to the Lower Cape Fear, he found himself on the outskirts of civilization, inhabiting an almost primeval world that only recently had been abandoned by Native Americans. Settlers confronted often impenetrable forests and swamps as well as high ground suitable for planting, and a maze of rivers, streams, and creeks which served to facilitate transportation.

The evolution of settlement and government required enormous effort and perseverance, but Harnett and immigrants from the Albemarle and South Carolina set about the task that eventuated quickly in the appearance of Brunswick Town about fifteen miles north of the mouth of the Cape Fear River. South Carolinians were present along the lower reaches of the river by the mid-1720s, and Maurice Moore, as a result of land grants by George Burrington, and possibly in anticipation of a separate colony, platted Brunswick Town in 1726, which might serve as a port of entry for an independent polity. The scheme never materialized as the proprietors of Carolina sold their two provinces to the crown in 1729.

At that time the North Carolina General Assembly created New Hanover Precinct (later County) to confirm the colony's claim to the land along the Cape Fear River and to provide a formal government for the residents of the region. Brunswick Town became the seat of the precinct which in turn was coterminous with St. James Parish, evidence of the intent of the crown, like the proprietors, to promote the Church of England in North Carolina. However, before Brunswick Town fully developed, it was challenged and then eclipsed as the county seat and principal port of the region by a new town that emerged some fifteen miles upstream at the forks of the Cape Fear River – Wilmington.

22. Parker, *Colonial Records* [Second Series], 7: 229-230, quotation on 229.

23. Parker, *Colonial Records* [Second Series], 7, 265, 272-273.

24. See Paul M. McCain, *The County Court in North Carolina before 1750* (Durham, N. C.: Duke University Press, 1954), passim.

25. Parker, *Colonial Records* [Second Series], 7: 326; 8: 23, 68, 88, 102. Harnett may also have served in the New Hanover County militia in the rank of major. Margaret M. Hofmann, *Colony of North Carolina, 1735-1764: Abstracts of Land Patents, Volume One* (Weldon, N. C.: Roanoke News Company, 1982), 123.

26. Hofmann, *Colony of North Carolina, 1735-1764*, Foreword, unpaginated, 94.

27. Hofmann, *Colony of North Carolina, 1735-1764*, 106, 107; New Hanover County Deed Books, AB, 433, 437-439, 441, 442-443, 449-450, 463-465.

28. Parker, *Colonial Records* [Second Series], 7, 283-284; 8: 58; Bradford J. Wood, *This Remote Part of the World: Regional Formation in Lower Cape Fear, North Carolina, 1725-1775* (Columbia: University of South Carolina Press, 2004), 65.

29. Minutes of the New Hanover County Court of Pleas and Quarter Sessions, June 1739, microfilm, North Carolina State Archives. The original counties of Albemarle and Bath, served by provost marshals, were abolished in 1739, and replaced by smaller counties, the former precincts, whose chief officers, sheriffs, replaced the provost marshals.

30. Minutes of the New Hanover County Court, June 1739; June, September 1741; March 1741/42.

31. Inventory, Cornelius Harnett, May 20, 1746, typescript, Cornelius Harnett Papers, North Carolina State Archives, Raleigh, N. C. Unexplainedly, the inventory was filed in the New Hanover County court four years after the death of Harnett.

32. Price, "Men of Good Estates," 79-80; Ashe, "Cornelius Harnett," 200.

33. Price, "Men of Good Estates," 77-79; Inventory, Cornelius Harnett, May 20, 1746; Sale of Estate, Cornelius Harnett, [January] 11, 1742/43, typescript, Cornelius Harnett Papers.

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The *Bulletin* welcomes manuscripts for review. Articles should contain researched primary source material of Lower Cape Fear interest.

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[Harnett's] first home was in Chowan County, where he seems to have prospered, popular rumor estimating his fortune at six or seven thousand pounds sterling."³²

However, Price overlooked slaves in assessing the value of Harnett's estate. At his death Harnett owned 14 bondsmen, twelve of whom were later sold for L 2,615. Regardless of his European background, Harnett had no qualms about the institution of slavery, perhaps realizing that bonded labor represented the path to wealth and economic security in the Lower Cape Fear, and the only means by which to compete with fellow planters in the region. Still, of the twenty-one royal councilors who owned slaves, nineteen possessed more bondsmen than Harnett, including Roger Moore, who slaves numbered approximately 250.³³

When Cornelius Harnett I died in 1742, his son Cornelius II had barely attained his legal majority of eighteen years of age. Yet, probably having spent the past decade and a half in the Lower Cape Fear under his father's tutelage, the younger Harnett acquired a wealth of experience in coping with life in that newly opened frontier region and sensing the opportunities available – mercantile, land speculation, planting, lumbering, tavern and ferry keeping. Moreover, the father left a modest estate upon which an ambitious man might build. Ultimately, however, perhaps the greatest legacy enjoyed by Cornelius II was his father's privileged status in public affairs, first as councilor but more especially as justice of the peace and sheriff. Those offices not only imbued the son with a sense of public responsibility but also paved the way for him to assume the mantle of leadership in local, and then provincial, affairs.

Sources

1. Samuel A. Ashe, ed., "Cornelius Harnett," *Biographical History of North Carolina from Colonial Times to the Present*, 8 vols. (Greensboro, N. C.: C. L. Van Noppen, 1905-1917), 8: 200; Raymond Parker Fouts, "1720 Acreage List for Chowan Precinct," *North Carolina Genealogical Society Journal*, 33 (February 2007): 22-46; Margaret M. Hofmann, *Chowan Precinct, North Carolina, 1696-1723: Genealogical Abstracts of Deed Books* (Weldon, N. C.: Roanoke News Company, 1972), 162, 164-165.

2. Mattie Erma Edwards Parker et al., eds., *The Colonial Records of North Carolina* [Second Series], 11 vols. (Raleigh: N. C. Department of Archives and History, 1963 -), 5: 287-288; 6: 6, 23-24, 103, 107. Though not reflected in Hofmann, Harnett apparently patented additional land, which would have qualified him as landowner. In 1727, one William Downing obtained from the governor and council a lapsed patent belonging to Harnett for land that had not been seated as required by law. Parker, *Colonial Records* [Second Series], 7: 175.

3. *Dictionary of North Carolina Biography*, s. v., "Gale, Christopher," 263; "Cornelius Harnett (d. 1742)," 36 (first quotation); Parker, *Colonial Records of North Carolina* [Second Series], 6: xxxix-xl, xxxix (second quotation); William L. Saunders, ed., *The Colonial Records of North Carolina*, 10 vols. (Raleigh, N. C. 1886-1890), 2: 559-561.

4. Parker, *Colonial Records* [Second Series], 6: 227-228.

5. Pauline Maier, "Popular Uprisings and Civil Authority in Eighteenth-Century America," *William and Mary Quarterly*, 3rd Series, 27 (January 1970): 21; Parker, *Colonial Records* [Second Series], 6: 279, 326, 381, 420, 454, 502.

6. Parker, *Colonial Records* [Second Series], 6: 534; 7: 183. Oddly, in July 1727, after Harnett had departed for the Cape Fear, and while under indictment for riot, he was called to petit jury duty for the General Court in Edenton. Parker, *Colonial Records* [Second Series], 6: 368.

7. New Hanover County Deed Book, AB, 22, 23, 25, 71, microfilm, N. C. Department of Archives and History, Raleigh, N. C.

8. Parker, *Colonial Records* [Second Series], 6: 378.

9. See Alan D. Watson, "The Ferry in Colonial North Carolina: A Vital Link in Transportation," *North Carolina Historical Review*, 51 (July 1974): 247-260.

10. Parker, *Colonial Records* [Second Series], 7: 223-230. For Marsden, see Fleming H. James, "Richard Marsden: Wayward Clergyman," *William and Mary Quarterly*, 3rd Series, 11 (October 1954): 578-591.

11. Hofman, *Province of North Carolina, 1663-1729, Abstracts of Land Patents* (Weldon, N. C.: Roanoke News Company, 1979), 106, 242.

12. Parker, *Colonial Records* [Second Series], 7: xlvi-iii; *Dictionary of North Carolina Biography*, s. v. "Burrington, George."

13. William L. Saunders, ed., *The Colonial Records of North Carolina*, 10 vols. (Winston and Goldsboro, N. C.: State of North Carolina, 1886-1890), 3:85-86; Parker, *Colonial Records*, [Second Series], 7: 591; William S. Price, Jr., "A Strange Incident in George Burrington's Royal Governorship," *North Carolina Historical Review*, 51 (April 1974): 150-151.

14. Parker, *Colonial Records* [Second Series], 7: 591; William S. Price, Jr., "'Men of Good Estates': Wealth Among North Carolina's Royal Councillors," *North Carolina Historical Review*, 59 (January 1972): 72-73.

15. Saunders, *Colonial Records*, 3: 123.

16. Parker, *Colonial Records* [Second Series], 7: lii (quotation); Price, "Strange Incident," 151-152, 158.

17. Parker, *Colonial Records* [Second Series], 7: 187-189, 192-193, 201-202.

18. Saunders, *Colonial Records*, 3: 234-240, 365 (quotation).

19. Parker, *Colonial Records* [Second Series], 7: 223-224.

20. Parker, *Colonial Records* [Second Series], 7: 226-227, quotation on 227.

21. Parker, *Colonial Records* [Second Series], 7: 229.

All the while, Harnett, like so many early Americans, of necessity was ever the entrepreneur, turning his hand to whatever promised a reward. Realizing the potential of Brunswick Town, he purchased two lots there, numbered 22 and 23, on June 30, 1726, the first sale of such property by Maurice Moore. The transaction was based on the condition that Harnett build houses at least sixteen by twenty feet within eight months, a stipulation by Moore to encourage settlement as opposed to speculation. Harnett may have entertained both. Six years later he again invested in Brunswick Town, buying two half lots from Moore, which he soon sold for a handsome gain.⁷

As evidence of his enterprising spirit, at the time of the purchase of the first two lots, Harnett operated a tavern. The following year, before the charges against him in the Albemarle were dismissed, and possibly through the influence of Maurice Moore, he successfully petitioned the General Court in Edenton to keep a ferry from Brunswick Town across the river to the Haulover, located on a peninsula between the Atlantic Ocean and the east side of the Cape Fear River. The order by the General Court forbade competitive ferries within ten miles, in essence giving Harnett a monopoly of the ferry traffic on the only road at the time that extended south along the coast from North Carolina to South Carolina.⁸

Harnett no doubt operated the tavern in conjunction with the ferry. In general, taverns were lucrative businesses, for they offered food and drink to patrons from near and far, lodging for travelers, and opportunities for recreation and socialization for men of all classes. Ferries were particularly apt locations for taverns. Given the delays encountered at ferry crossings, occasioned by inclement weather, rough water, or carelessness of ferry keepers in providing appropriate service, travelers perforce spent much time waiting for transportation. Many years later, in 1767, the General Assembly recognized the need for refreshment at ferries and mandated the establishment of taverns at the longer crossings in the colony.⁹

The ever opportunistic Harnett may also have turned, or returned, to his erstwhile vocation of merchant, while evidencing an interest in planting and land speculation. Maintaining a store in conjunction with a tavern was not uncommon in early North Carolina; the duality of the businesses permitted an appeal to a broader clientele. By 1730, Harnett and a partner, the Rev. Richard Marsden, an Anglican minister, were importing goods from Bristol, England.¹⁰ Harnett also received a 640-acre grant of land from the governor and council in 1728 in what became New Hanover, and later Bladen, Precinct, and in 1730, another 500 acres on Fishing Creek, a stream in northwestern New Hanover Precinct that flowed into the Cape Fear River.¹¹

While Harnett undertook a new life in the Lower Cape Fear, the proprietors in England sought unsuc-

cessfully to regain control of South Carolina, and in 1729 sold that province together with North Carolina to King George II. The crown proceeded to appoint a royal governor for North Carolina in 1730, none other than former proprietary governor, George Burrington. Royal government began on February 25, 1731, when Burrington in Edenton took the oaths of office as the provincial executive. Given the former proprietary governor's fiery temper and penchant for violence, a worse choice seemed unimaginable when the transition to a royal colony demanded tact and restraint.¹²

Harnett, however, appeared to be a beneficiary. As Burrington prepared to return to North Carolina, he submitted a list of proposed councilors to the Board of Trade which included Harnett, John Baptista Ashe, and Edmund Porter, three of his closest associates in proprietary days, in what was no doubt in an effort to find compliant men to assist in forming a new government. While the crown approved all three, unfortunately for the governor, several of Burrington's political enemies were placed on the council as well, principally Nathaniel Rice, John Montgomery, and William Smith, who also served as the secretary, attorney general, and chief justice of the colony respectively. The crown finalized councilor appointments on December 14, 1730.¹³

The royal council, which consisted of twelve men ultimately appointed by the crown and Privy Council, constituted an integral part of the colonial government. It served not only as an advisory board for the governor but the upper house of the colonial legislature or General Assembly, and (with the governor) the court of chancery. Thus councilors played a major role in shaping administrative policies and legislative actions in addition to the critical function (with the governor) of granting land. Supposedly the councilors represented the elite in the colony, men of wealth and social standing, or, in other words, "men of good estates," whose reputation and ability commanded respect and entitled them to leadership.¹⁴

Burrington's tenure as governor proved stormy and brief. He might have expected opposition because a number of Carolinians, remembering the tempestuous days of his proprietary governorship, complained bitterly to the Board of Trade in 1730 about his appointment. The governor's recommendations for members of the council also drew ire. A petition to the Board of Trade claimed that the men named by Burrington "are of so mean circumstances that put them all together [,] their Estates . . . won't amount to L 1500, and . . . [that] they are [men] of . . . vile Characters and poor understandings. . . ." Included was Harnett whose detractors noted derogatorily that he kept "a little punch house. . . ." ¹⁵

Once in the colony, Burrington, who was faced by an often obstreperous council and equally obstinate lower house of the General Assembly during his second gubernatorial charge, proved unable to adapt.

His behavior was erratic and explosive. He seemed to feel that only he knew what was best for the colony, famously announcing at a council meeting, "I am Governour here; I will do as I think fit." He looked upon any dissent as a personal attack. Within six months he had antagonized most in the colony, even incurring the opposition of erstwhile allies, Harnett, Ashe, and Porter. Just before his dismissal, Burrington's emotional instability, which seemed to border on paranoia, reached a climax when he accused Rice, Smith, and Montgomery of attempting to murder him.¹⁶

Initially, upon the organization of the new, royal government, Harnett made the onerous trip from the Cape Fear to Edenton to attend council meetings in April and May 1731.¹⁷ In so doing he quickly revealed a courage and independence that must have surprised Burrington, when he with others had the temerity to question the legitimacy of the governor's decisions to suppress debate in council, to appoint arbitrarily replacements for vacated seats on the council, to demean Chief Justice Smith, and to force the resignation of Edmund Porter from his judgeship on the vice-admiralty court of the province. Burrington excoriated all, including Harnett, who was confronted in his own house by the governor and called a "Fool, Blockhead, Puppy, [and] Ashe ['s] Tool" ¹⁸

Exacerbating the rift between the Burrington and Harnett was the attempt by Burrington to embarrass Harnett before the council in November 1731. The governor told the board that one Capt. John Tate claimed that Harnett and the Rev. Richard Marsden had failed to pay for a cargo of English goods imported from Bristol early in 1730, and that eighteen months later Tate's ship still remained anchored in the Cape Fear. The governor had been notified of the complaint while in the Cape Fear but waited until he returned to Edenton before summoning all the councilors to meet in January 1732, together with Tate, to consider the complaint against Harnett.¹⁹

At the appointed time Harnett, sitting on the council, came prepared. His defense, both legal and practical, consisted first of the contention that matters involving debt should be heard in court, not in council. Second, Harnett declared that the governor should have acted upon first receiving the complaint in the Cape Fear rather than requiring the defendant, Harnett, to travel to Edenton to make his defense. Third, Harnett presented a signed retraction by Tate, who contended that he had never claimed that Harnett owed him L 3,000, or that he had tried to institute suit against Harnett. Last, Harnett asked that Tate's retraction be entered into the record as Harnett had "been Slandered" and his reputation had come "under some disrepute concerning this matter."²⁰

Burrington responded as might have been anticipated. After observing that neither Tate's retraction nor Harnett's answer was written "with decency or Truth," the governor sidestepped the matter of venue in bringing charges for debt by professing the right to inquire into questions of improper behavior of members of the council, which in the case of Harnett might "greatly obstruct the Trade of that Young Settlement (the Cape Fear). . . ." Burrington also asserted that he had taken no action on the matter while in the Cape Fear because he was required by royal instructions to notify the whole council before taking action. He did, however, agree to enter Tate's retraction in the public record.²¹

Yet, the matter remained unresolved. Upon interrogating Tate, the governor found, at least to his satisfaction, that the retraction had been coerced by council member John Baptista Ashe. Once safely in the company of the Burrington, Tate declared that indeed he had registered a complaint with the governor in the Cape Fear and that Harnett was his debtor, perhaps not for L 3,000 but for L 2,793. Tate confessed that he had only signed the retraction because he was told that his payment would be delayed another year if he refused. Burrington closed the affair by denouncing the "unmannerly and Slight Speeches made by the pretended Gentlemen (Ashe and Harnett) upon myself and the Council, only I am sure such behaviour will be no Recommendation of those con [cerne] d."²²

Harnett remained on the council for another year, but with the exception of January 1732, he was conspicuously absent from that body, leading Burrington to remark on one occasion that he had not seen Harnett in quite some time. At a meeting of the council in Edenton in October-November 1732, Burrington produced a letter from Harnett disavowing any knowledge of a complaint made against the governor by William Smith, which seemed to satisfy the governor that Harnett harbored no ill will toward the executive. At the same time, on November 1, Burrington offered another letter from Harnett containing his resignation from the council, which was accepted. But Harnett seemed to suffer no disfavor, for the governor and council immediately appointed him a justice of the peace for Bladen Precinct.²³

The office of justice of the peace or magistrate represented a singular honor. The justices individually acted in a limited legal capacity and collectively constituted the precinct, later county, court. In its quarterly meetings the court not only assumed jurisdiction over some civil and criminal matters but perhaps more importantly exercised a broad range of administrative functions. Processing probate proceedings, proving deeds, recording brands, regulating transportation (roads and bridges), licensing ferries and taverns, approving grist mills, supervising

supervising orphans, apprentices, and slaves, overseeing public buildings (courthouses, jails, warehouses), and controlling fiscal policy (taxation and expenditures) fell within the purview of the court. In short, the county court was the principal, and often the only, governmental authority felt by most people in a county.²⁴

Although Harnett clearly had been elevated to a position beyond his experience and probably to which he did not aspire when appointed to a seat on the royal council, he subsequently proved to be a man of ability and principle, and was so recognized when Governor Gabriel Johnston, who succeeded Burrington in 1734, and the council renamed him to the commission of the peace for Bladen Precinct in 1735, and then for New Hanover Precinct and County in 1737 and 1739 respectively. In the process he joined on the bench the elite of the region, including "King" Roger Moore.²⁵ Clearly Harnett had moved into the top echelon of Cape Fear society.

In addition to the advantages offered by a seat on the council and then as justice of the peace, an aspiring Harnett augmented his landed estate. Burrington had not opened the land office after North Carolina became a royal colony, and not until May 12, 1735, did Governor Johnston offer to grant land. The following day Harnett acquired one of the first two patents issued by the governor and council, a 640-acre tract on the northwest side of the Northwest Cape Fear River, which was followed two days later with a patent for 640 acres on New River in Onslow Precinct.²⁶

Harnett subsequently added to his landholdings. He obtained 1,500 acres in New Hanover Precinct on Livingston Creek in 1736, and an additional 640 acres in the area 1738. In addition to patenting vacant land, Harnett bought and sold acreage along Lockwoods Folly River in the southern part of New Hanover Precinct and briefly acquired Partridge Bluff, better known as Gabourel's Bluff, a 510-acre tract on the southwest side of the Northwest Cape Fear River approximately opposite the mouth of Black River.²⁷

Ever the opportunist, Harnett had also turned to lumber. By late 1732 he had built one sawmill on Livingston's creek and contemplated another in anticipation of supplying the British West Indies colonies and presumably North Carolina with boards and other sawn timber. Four years later Harnett and others, who owned "Mill Lands" in the pine barren region of New Hanover and Bladen, petitioned Governor Johnston and the council to erect sawmills in lieu of the requirement for cultivating or clearing the land since the pine barrens seemed unfit for any other purpose. The governor and council approved, decreeing that the erection of a saw mill satisfied the requirement for saving any tract of land (640 acres) along the Cape Fear River.²⁸

Meanwhile, as a member of the New Hanover County court, Harnett faithfully attended the quarterly sessions of the magistrates. In the process he secured the recommendation of the justices and approval of the governor in 1739 as the first sheriff of the county.²⁹ The most important executive and administrative officer in county government, the sheriff opened meetings of the court, summoned jurors and witnesses to court, held defendants in custody in actions before the court, and supervised the infliction of punishments ordered by the court – whippings, brandings, and hangings. The sheriff also collected taxes and disbursed public moneys, and, among other responsibilities, supervised elections which gave him additional influence among the community.

Harnett served, unexceptionally it seems, one term or two years as sheriff before relinquishing the position to Thomas Clark. While sheriff, Harnett returned to ferry keeping, obtaining the approval of the county court to maintain a ferry from Gabourel's Bluff on the Northwest Cape Fear, land that he briefly owned, to Newton (later Wilmington). At the end of his two-year term as sheriff, Harnett received the customary admonition from the court to prepare to settle his accounts for moneys collected – taxes, fines, and forfeitures, an instruction with which most sheriffs complied only under duress. At that juncture Harnett resumed his position as magistrate in New Hanover County which he held until his death the following year.³⁰

At his death in 1742, the location of Harnett's residence cannot precisely be ascertained, though his family and he lived on a working plantation as he doubtlessly had left Brunswick Town and inn keeping. The inventory of Harnett's household revealed a fairly large house that accommodated a chest of drawers, desk, four tables, ten chairs, two beds and accompanying "furniture" (pillows, bolsters, quilts), linen and woolen wheels, and a full complement of kitchenware and utensils. Potatoes and peas, barnyard fowl, and livestock betokened means of sustenance. Rice seemed to be the staple crop. Although Harnett's personal estate was substantial, it paled in size and elegance compared to those of such luminaries of the Lower Cape Fear as Roger Moore, the executor of Harnett's estate, and Thomas Clark.³¹

Harnett left considerable property to his widow and son Cornelius, apparently his only child. In assessing the wealth of royal councilors in North Carolina, historian William S. Price, Jr. ascribes 4,715 acres and an estate worth L 7,000 to Harnett, figures which compare most favorably with the 43 other councilors who served from 1731 through 1775. Although the number of acres of land corresponds closely to that Harnett which patented and retained, the value assigned to the estate is doubtful. Price relied on an older source, the author of which vaguely claimed, without citing evidence, "So far as we know,