

## Harvey, Thomas <sup>[1]</sup>

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by Mattie Erma E. Parker, 1988

### d. 3 July 1699

Thomas Harvey, deputy governor, Council member, and justice of the General Court and of the county court of Albemarle, was the son of John and Mary Harvey of the Heath, in Snitterfield Parish, Warwickshire, England. He was a cousin of [John Harvey](#) <sup>[2]</sup>, who was a Council member in Albemarle in the early 1670s and later president of the Council and acting governor.

Thomas Harvey was in the North Carolina colony, then called [Albemarle](#) <sup>[3]</sup>, by 1670, although he appears to have taken little if any part in public affairs until the 1680s. A trip to London that he and John Harvey made in 1676 may have had political objectives, but its nature is not indicated in surviving records. Although the Harveys returned to Albemarle in the summer or fall of 1677, neither appears to have taken an active part in the uprising called [Culpeper's Rebellion](#) <sup>[4]</sup>, which occurred late that year.

Insofar as extant records show, Thomas Harvey's first public office was that of justice of the county court of Albemarle, which he held from March 1683 through the following September. By February 1684 Harvey was a member of the Albemarle Council, on which he sat for the rest of the year, in 1687, and in 1690–94. He may have been on the Council in some or all of the intervening years, for which the names of few Council members are known.

In July 1694 Harvey was serving as deputy governor in the absence of [Philip Ludwell](#) <sup>[5]</sup>, who was then acting as governor during intermittent visits to Albemarle from his home in Virginia. Beginning in September 1694, Ludwell appears to have left the government of Albemarle largely to Harvey, who was still serving as deputy governor in 1695, when [John Archdale](#) <sup>[6]</sup> arrived en route to Charles Town to take office as governor of the entire province of Carolina. In accordance with the authority conferred in his commission, Archdale reappointed Harvey as deputy governor. Harvey continued as chief executive of the colony until his death.

As deputy governor, Harvey faced difficult tasks, which on the whole he and his Council handled effectively. Land titles were in disarray because of abuses practiced by Governor [Seth Sothel](#) <sup>[7]</sup>, who had unlawfully seized extensive tracts of land for himself, had granted land already held under earlier patents, and had seized official land records and apparently had destroyed them. Furthermore, the [Lords Proprietors](#) <sup>[8]</sup> had recently agreed to liberalize land policies, which made it advantageous for many colonists to take out new patents in place of those they held. The crucial tasks of validating titles, restoring an orderly record system, and implementing the new policies consumed much time and effort on the part of Harvey and other officials.

Harvey and his Council also had the task of completing a government reorganization directed by the Proprietors in 1691 but scarcely begun when Harvey took office. By the end of his administration the reforms had been implemented, including conversion of the unicameral Assembly to a bicameral body, increased participation in legislative action by the elected members of the Assembly, extension of the suffrage to include all freemen, and reorganization of the court system. For several years Harvey presided over the General Court, which was reestablished under the new system, but in 1698 the deputy governor and Council ceased to sit as justices of the court and instead appointed the justices.

In addition to these and other internal responsibilities, Harvey was confronted by problems arising from efforts by Parliament and administrative officials in London to extend Crown control to the Proprietary colonies; the Lords Proprietors considered this an infringement on rights granted to them in their charter. The Albemarle officials were caught in the middle in the ensuing struggle between the Proprietors and the [Crown](#) <sup>[9]</sup>. These problems were aggravated by efforts of Virginia officials to aid the attempt to extend Crown control over the Carolina colonies, a change that was expected to have great advantage for Virginia. As a result of the movement for charter resumption, Harvey and his government were forced to cope with such matters as new restrictions on trade and the vessels engaged in it, a requirement that governors of Proprietary colonies take oaths and give bonds to enforce certain laws, the establishment in Virginia of a vice-admiralty court with jurisdiction over the North Carolina colony, and other measures encroaching on the power of the Proprietors. From Virginia came complications in relations between the two colonies, including numerous charges of misdoings against North Carolina inhabitants and renewal of the long-standing boundary dispute, along with various controversies stemming from the dispute.

These and other actions by Crown officials in London and America presented Harvey and his Council with the delicate assignment of protecting the interests of the Proprietors without incurring retaliation from London or worsening relations with Virginia. By various means, including evasion and delay, the North Carolina officials avoided compromising the Proprietors' interests. Harvey did not take the newly required oath or give bond. The controversies with Virginia were patiently negotiated, and agents were sent to Jamestown to resolve the boundary dispute. The latter measure, however,

was unsuccessful, for Virginia officials refused to deal with the North Carolina agents, apparently preferring to continue the dispute for tactical purposes in promoting charter resumption.

In handling the numerous problems, Harvey made severe personal sacrifices. In a letter to John Archdale, dated 10 July 1698, he discussed his deteriorating health and the great worry and strain under which he labored in performing his responsibilities. He entreated Archdale "to take the burden from off my shoulders," but the burden remained until his death.

Some have thought that Harvey was a Quaker <sup>[10]</sup>, but available evidence neither supports nor refutes that belief. The supposition is based chiefly on the facts that Harvey was appointed deputy governor by John Archdale, the Quaker Proprietor, and that he never took the oath required of colonial governors. Neither of these facts necessarily has religious significance. Harvey first served as deputy governor under Philip Ludwell, who was not a Quaker, and he was holding the office when Archdale arrived as governor. It is doubtful that religious considerations played a part in his appointment by either Ludwell or Archdale. Likewise, Harvey's failure to take the newly required oath indicates nothing as to his religion, for the Proprietors were resisting that requirement as an invasion of the prerogatives granted them in their charter. By various devices they succeeded for several years in avoiding compliance with the requirement, both on the part of governors of the entire province and the deputy governors of North Carolina, who technically were only the agents of the governor of the province and, in the Proprietors' view, were not subject to the requirement. Whatever his religion, it is unlikely that Harvey would have taken the oath under the circumstances that existed.

Harvey lived in Perquimans Precinct <sup>[11]</sup> on the peninsula now known as Harvey's Neck. He held 931 acres by patent and additional land acquired by purchase. He was first married, on 13 Apr. 1682, to Johanah Jenkins, widow of John Jenkins <sup>[12]</sup>, who had been president of the Council and acting governor. Johanah died on 27 Mar. 1688, and Harvey subsequently married Sarah Laker, daughter of Benjamin and Jane Laker. Harvey had no children by his first marriage, but three were born of the second. The oldest child, John, born 19 Sept. 1689, died when he was two. A second son, Thomas, and a daughter, Mary, lived to adulthood. Thomas, Jr. <sup>[13]</sup>, married Elizabeth Cole, daughter of James Cole. He became prominent in public affairs and held several offices, including that of Council member. Mary married Robert West <sup>[14]</sup> of Chowan Precinct, who also was prominent in public affairs.

Harvey was buried on his plantation in a cemetery that has since crumbled into Albemarle Sound. He left a large estate to his wife and to his son and daughter, who were then age six and four respectively.

In his will Harvey mentioned two brothers, Richard, "late of London," and Robert, then living at the family home in England. He also mentioned two nephews, Thomas and John, sons of his brother Richard. The nephew Thomas is believed to have been the Thomas Harvey of Perquimans who married Margaret Fletcher, daughter of Ralph and Elizabeth Fletcher, in January 1702. That Thomas Harvey appears to have moved to Beaufort Precinct before 1712 and to have died before May 1716. It is possible that the brother Richard, "late of London," and the nephew John also moved to North Carolina. They may have been the Richard Harvey and John Harvey who were living in Hyde Precinct about 1716.

On 17 Jan. 1702 Thomas Harvey's widow, Sarah, married Christopher Gale <sup>[15]</sup>, who had recently arrived in the colony and soon would become an important public figure.

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#### Authors:

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