

## **Culpeper, John** <sup>[1]</sup>

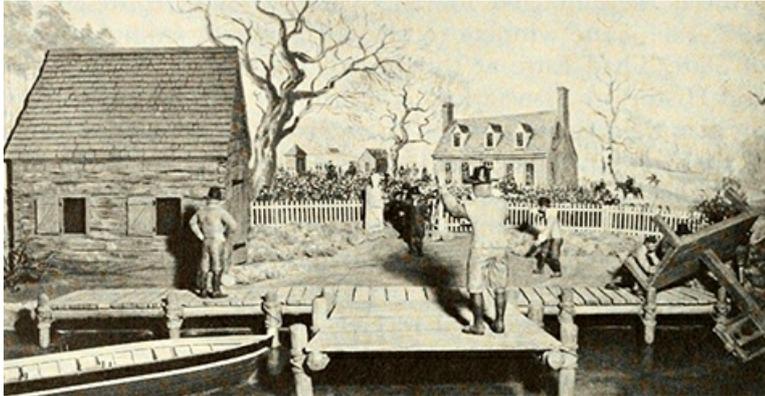


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## **Culpeper, John**

by Mattie Erma E. Parker, 1979

ca. 1633–ca. 1692



Museum exhibit depicting Culpeper's Rebellion, 1963. Image from the North Carolina Digital Collections.

<sup>[2]</sup>John Culpeper, surveyor general and member of parliament in South Carolina, is known chiefly for his participation in the so-called Culpeper's Rebellion <sup>[3]</sup> in North Carolina and for his subsequent trial in England on charge of treason.

The earliest certain record of Culpeper is dated 15 July 1670. It records his appearance in a North Carolina court, where he was identified as attorney for Sir William Berkeley, governor of Virginia and a proprietor <sup>[4]</sup> of Carolina. Culpeper was in court to petition for administration on the estate of Samuel Stephens <sup>[5]</sup>, recently deceased governor of the North Carolina colony, then called Albemarle <sup>[6]</sup>. Stephens's widow, Frances, had married Berkeley the preceding month, but, for reasons not given in surviving records, the court departed from usual practice and, instead of naming Berkeley administrator, granted administration to Culpeper.

The appointment of Culpeper as Stephens's administrator has special significance in the light of a theory concerning Culpeper's identity: genealogists of the Culpeper family have concluded that the John Culpeper of Albemarle fame was a son of Thomas Culpeper of Feckenham, Worcestershire, England, whose son John was baptised 4 Apr. 1633; if the theory is correct, John Culpeper was Lady Berkeley's brother. Such a relationship would provide a plausible explanation for the court's otherwise puzzling choice. After Berkeley's death some years later, Lady Berkeley's brother, Alexander Culpeper, was appointed Berkeley's administrator in England "as natural and lawful brother of Dame Frances Berkeley, relict of the deceased." Although the Albemarle court was silent on the matter, its appointment of John Culpeper to administer Stephens's estate strongly indicates that he, too, was Lady Berkeley's brother.

Culpeper appears not to have been a resident of Albemarle when he was appointed Stephens's administrator although he was in the colony for the next few months, settling the estate. The following February he arrived in the newly established South Carolina colony and took up residence there. Within a month after his arrival, South Carolina officials were arranging for him to take over the work of the surveyor general, Florence O'Sullivan, of whose inadequacies as a surveyor they had complained to the proprietors. For some months, O'Sullivan nominally retained office and split the fees with Culpeper, who did the surveying. By the end of the year, however, Culpeper had officially replaced O'Sullivan: on 30 Dec. 1671, the London proprietors issued a commission appointing Culpeper surveyor general for South Carolina.

There is no documentary evidence that Sir William Berkeley arranged for Culpeper to receive the South Carolina position, but that appointment bears a striking parallel to one granted Alexander Culpeper through Berkeley's influence. Soon after John went to South Carolina, Berkeley wrote a series of letters to London officials urging that Alexander, whom he identified as his wife's brother, be appointed surveyor general for Virginia. Alexander was granted his post a few weeks before issuance of John's commission for the comparable post in South Carolina.

Culpeper remained in South Carolina more than two years, his wife, Judith, joining him in December 1671. The next year he was granted a lot in Charles Town and a plantation of 370 acres; also in that year, he served as a member of the South Carolina parliament. In addition to routine surveying, he mapped the Ashley River area for the proprietors and laid out the old Charles Town.

In about June 1673, Culpeper suddenly left South Carolina without notice. In leaving as he did, he violated a law that made it a felony, punishable by death, to leave the colony without obtaining permission three weeks in advance from the governor and council. The fact that he "ran away" placed him in an unfavorable light and probably gave rise to certain allegations, apparently without substance, later made against him. He was said to have instigated local disturbances and to have left because he was in danger of being hanged. In the opinion of a recent historian, he left because of a food shortage that plagued the colony. It is possible, however, that the reason for his departure was one that he was not at liberty to disclose. At the time he left, the proprietors <sup>[4]</sup> were engaged in secret negotiations for a division of Carolina, whereby Sir William Berkeley was expected to receive sole possession of the Albemarle area and to relinquish his interest in the remainder of the province. Such a division, although never effected, appeared imminent in 1673. If Culpeper was indeed Berkeley's brother-in-law and held office in South Carolina through Berkeley's influence, he no doubt was confidentially informed of the intended division and of the seeming advisability of his prompt removal to Albemarle.

Whatever his reason, Culpeper had settled in Albemarle by November 1673. By that date he had become active in one of the political factions into which the colonists were divided. He supported the party of the leading early settlers, which was headed by the acting governor, John Jenkins <sup>[7]</sup>. The opposing party, composed chiefly of later settlers, was led by the speaker of the assembly, Thomas Eastchurch <sup>[8]</sup>. The uprising called Culpeper's Rebellion was a culmination of power struggles and animosities between those two factions. The dissension already existed when Culpeper arrived, and it continued several years. The rebellion took place in December 1677, a few months after one Thomas Miller <sup>[9]</sup>, an outspoken supporter of Eastchurch, had assumed power as acting governor. The proprietors appointed Eastchurch, not Miller, governor of the colony, but Eastchurch stopped for an extended stay in Nevis on his way home from London. He sent Miller, whom the proprietors had appointed council member, to govern Albemarle until his arrival.

On reaching Albemarle, Miller assumed office by armed force despite protests that Eastchurch lacked authority to appoint him acting governor. Miller and his supporters then barred their opponents from the assembly by imposing restrictions on voting, illegally fined and took other retaliatory measures against leaders of the party opposing them, and committed other abuses of power. As customs collector, for which position he had received a commission in London, Miller further antagonized the colonists by rigidly collecting the hated penny-per-pound tax on tobacco exports, which his predecessor had been lax in collecting. In their revolt, the colonists imprisoned Miller and several members of his council, elected a new assembly, chose a new council, and appointed a special court to try Miller and others for alleged offenses. The new assembly appointed Culpeper customs collector in place of Miller, who was then in prison.

Why the uprising is called Culpeper's Rebellion is not known. The name, which apparently is traditional, probably originated in popular misconceptions concerning the circumstances of Culpeper's trial in England. There is no evidence, even in the testimony produced at the trial, that Culpeper spearheaded the revolt against Miller. In fact, Culpeper was absent from Albemarle much, if not all, of the fall preceding the revolt, which occurred early in December. He was in Boston that September, and he returned to Albemarle, presumably from his New England trip, only a few days before the uprising. He may have been instrumental in procuring the arms that reached Albemarle on the eve of the revolt, and he may have performed other missions in New England or elsewhere, but he could not have been the chief instigator and organizer of the events in Albemarle without being in the colony during the months immediately preceding them.

The extant accounts of the uprising make it clear that the revolt was directed by a group of the colony's leaders, of whom Culpeper was only one. The chief actions attributed to Culpeper during the affair were drafting a "Remonstrance" sent to an outlying section of the colony to arouse support; drafting other "seditious libells"; "agitating" the people of Chowan; participating in the seizure and imprisonment of one of Miller's clerks; being in a group that seized Miller's papers and the official records of the colony; advising the prosecutors in Miller's trial and instructing the foreman of the jury of the proper form for returning the verdict; and other acts fitting the role ascribed to him as "their Secretary or Register and one of their Caball or Grand Council in matters of advise."

Tradition also is in error in the long-standing belief that the rebels made Culpeper governor in Miller's place; Culpeper replaced Miller only as customs collector. Indeed, so far as extant records show, Culpeper was not a member of either the council or the assembly chosen by the rebels. It was the post of customs collector that caused Culpeper to be charged with treason. The charge was lodged by Crown officials in England in December 1679, upon complaint of Thomas Miller, who had escaped from his Albemarle prison and gone to England. Miller, who hoped to regain the post of customs collector or at least secure compensation for its loss, reached London about the time that Culpeper was preparing to return to Albemarle, after spending most of that year in England. Miller had failed in an earlier effort to have Culpeper prosecuted through a former subordinate in London. Crown officials, after investigating those charges, had dismissed them when Culpeper gave bond for payment of the customs alleged to be due. This time, however, with Miller himself in London persistently pressing his complaint, officials paid more attention. Eventually, Culpeper was brought to trial on the charge that he had seized the king's customs without authority, had conspired to defraud the king's customs, and had incited the people of Albemarle against the king and the proprietors.

Initially, the Carolina proprietors appeared to support the prosecution of Culpeper, but they reversed their position during the trial. Culpeper was acquitted on the basis of testimony given on behalf of the proprietors by Lord Shaftesbury, who testified that Thomas Miller took over the government of Albemarle without legal authority and that, consequently, his overthrow was not rebellion against the proprietors or the king. Upon Shaftesbury's assurance that the situation in Albemarle had been settled, that the customs due the king would be paid, and that in future the customs would be properly handled, the charges against Culpeper were again dismissed.

After his trial Culpeper returned to Albemarle. His wife, Judith, had died, probably some years earlier. Either before he went to England in 1679 or soon after his return in 1680, he married his second wife, Margaret Bird, widow of Valentine

Bird <sup>[10]</sup>. After Margaret's death in 1687 or early the next year, Culpeper married Sarah Mayo, who probably was the daughter of Edward Mayo, Sr. That marriage took place on 23 Aug. 1688.

At about the time of his second marriage, Culpeper took up a plantation in Pasquotank Precinct, where he lived the remainder of his life as a merchant-planter. So far as surviving records show, he took no further part in public affairs. In his business, however, he had widespread connections with merchants in New England, New York, and elsewhere.

Culpeper's death occurred at some date between 11 June 1691 and February 1693/94, by which time his widow had remarried. He left two or more minor children, designated in extant records only as "the orphans of John Culpeper." His widow married Patrick Henley and subsequently Matthew Pritchard. One of Culpeper's children probably was Sarah Culpeper, who married Benjamin Pritchard, brother of Matthew, in 1704. Sarah and the Pritchard family were Quakers <sup>[11]</sup>.

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"One of the exhibits in the Mobile Museum of History, presented to the Department during the observance of the Carolina Charter Tercentenary, was a model scene depicting Culpeper's Rebellion in 1677. Citizens were shown in action as they protested the tobacco tax in the first open rebellion against the Crown of England." *Thirtieth biennial report of the North Carolina Department of Archives and History*. Raleigh [N.C.]: State Department of Archives and History. 1964. p. 72. <http://digital.ncdcr.gov/u/?p249901coll22,34527> <sup>[2]</sup> (July 12, 2013).

#### Subjects:

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