

Biggs, Timothy ^[1]

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by Mattie Erma E. Parker, 1979

d. ca. 11 Feb. 1684/85

Timothy Biggs, colonial official, is said to have gone to Albemarle ^[2] from South Carolina. If so, he evidently had residences in both colonies at the same time, living intermittently in each, for the periods of his association with the respective settlements overlap by several years. Possibly there were two men in Carolina bearing the name. It also is uncertain whether a Timothy Biggs who lived in Boston in 1665 was the one who later lived in Albemarle. A Timothy Biggs arrived in South Carolina in 1670 or 1671, apparently from Virginia. He was a merchant and was called Captain. In 1672 he owned a lot in Charles Town and was a member of the parliament. He was described as "one of the Freemen" of that colony as late as March 1677, and a survey warrant for three hundred acres of land was issued for him on 21 Apr. 1677.

Meanwhile, in the North Carolina colony, a Timothy Biggs took possession of a plantation in Perquimans Precinct formerly owned by George Catchmaid ^[3], whose widow, Mary, had married Biggs. Biggs assumed ownership of the plantation before 11 Mar. 1673/74, when he signed a commitment to provide George Durant ^[4], his neighbor, with papers needed to clear Durant's title to his own plantation, which had been improperly included in George Catchmaid's patent. By May 1676, Biggs had become prominent in the Albemarle political party led by Thomas Eastchurch ^[5] and Thomas Miller ^[6]. His later accounts of events in Albemarle indicate that Biggs had personal knowledge of affairs in the colony at least as early as 1675.

On 21 Nov. 1676 the Carolina proprietors appointed Biggs to the Albemarle council as deputy of the Earl of Craven. The appointment probably was made through the influence of Thomas Eastchurch ^[5] and Thomas Miller ^[7], who had gone to London to seek offices for themselves and their supporters. Shortly before their trip to London, Miller had been tried and acquitted in Virginia by the governor, Sir William Berkeley, and the Virginia council on charges brought by his political opponents in Albemarle. Biggs had been with Miller in Virginia during the trial and afterward had carried a copy of the council's order to members of his party in Albemarle.

Biggs assumed office as council member in July 1677, when Miller returned from London and established himself as president of the council and acting governor. About the same time, Biggs took office as deputy collector of customs by appointment from Miller, who had been commissioned collector of customs.

Biggs remained in office only a few months, for Miller's government was overthrown in early December 1677, when the uprising called Culpeper's Rebellion ^[8] occurred. Biggs was imprisoned during the revolt and charged with murder. Miller and other council members were likewise imprisoned under serious charges, but the trial of the accused officials was interrupted and never resumed. Biggs escaped from prison soon after the aborted trial and fled to Virginia.

From Virginia, Biggs went to England, arriving in about April 1678. After reporting to the proprietors on the Albemarle revolt, he undertook to carry the matter to Crown officials but desisted at the urging of the proprietors. In September 1678 he received a commission from customs officials appointing him comptroller and surveyor general of customs in Albemarle, an office not previously existing in the colony. He returned to Albemarle in February 1678/79 and undertook to administer his new office. He appears also to have undertaken to act as customs collector by virtue of his earlier appointment as deputy collector by Thomas Miller, who was still held prisoner.

Biggs's attempt to take over "the king's affairs" in Albemarle was met by opposition and threats from the colonists, particularly John Culpeper ^[9], who had been appointed customs collector by the rebel assembly. Biggs further antagonized the colonists by helping Thomas Miller escape from prison. Threats against him became so menacing that he again fled to Virginia.

Biggs went again to London in 1679, but his stay was short. By February 1679/80 he had returned to Albemarle and renewed his efforts to officiate as comptroller and surveyor general of customs. He was again opposed in those efforts, this time by Robert Holden ^[10], who had arrived from London some months earlier with a commission from customs officials appointing him customs collector. Holden, who also was secretary of the colony and held several other offices, obstructed Biggs's efforts by having his deputies arrested and thrown in prison on trumped-up charges. On 27 Mar. 1680 the general court suspended Biggs's commission, ruling that it had been superseded by Holden's. In protest, Biggs withdrew from the council, on which he had resumed his seat as Lord Craven's deputy, and also persuaded another council member, James Hill ^[11], to withdraw.

Biggs's activities as customs official appear not to have been terminated by the court's action, although they may have been suspended temporarily. Records indicate that Biggs was handling customs matters as late as 1684. By that time, however, Robert Holden had left the colony. He had been arrested for several crimes, among them fraud in the handling

of the customs, and apparently had been banished. Possibly Biggs's commission was reactivated upon Holden's departure.

Biggs continued to be involved in difficulties and controversies. In 1683 he went to London and complained to the proprietors of injuries done him by Seth Sothel ^[12], then governor of Albemarle. The nature of those injuries is not known, as the pertinent surviving records relate chiefly to Biggs's complaints about general conditions in the colony and the proprietors' policies. Biggs was particularly disturbed that leaders in the revolt against Thomas Miller now held high offices with the proprietors' sanction. He maintained that he could not get fair treatment in the courts because they were controlled by his former enemies. The proprietors attempted to alleviate Biggs's situation, although at times they indicated impatience with him. In 1683 and again in 1684 they appointed him to the office of surveyor general. Respecting his complaints against Sothel, they directed that Biggs set down his alleged injuries in writing, specifying them in "distinct articles," so that they could be investigated.

The proprietors complied with an unusual request Biggs had made for a special grant "confirming" to him and his wife the Catchmaid land, which consisted of 3,333 acres. Biggs requested "confirmation" of his claim to the Catchmaid property no doubt because his right to the land was challenged from two directions. A portion of the land had been bought from the Indians and seated by George Durant before George Catchmaid secured his patent and, by accident or design, had Durant's plantation included in his grant. Under pressure from Durant, both Catchmaid and Biggs had recognized Durant's right to that portion and had promised to procure the proper papers to secure it to him, but neither fulfilled the promise.

The second challenge to Biggs's claim was from Edward Catchmaid of London, nephew of George Catchmaid. Edward claimed the property on the ground that his uncle had had no children and had died intestate, which, under the common law, would give right to the property to Edward, as heir at law, not to Catchmaid's widow. Biggs apparently hoped to undercut Edward's claim, and perhaps Durant's also, by securing a grant directly from the proprietors.

Although the proprietors complied with Biggs's request and on 26 Mar. 1684 granted the land to Mary Biggs, their action was later invalidated. On complaint from Edward Catchmaid, the proprietors directed Governor Sothel to investigate the matter and settle it according to law; they had made the grant, they said, because Biggs told them that George Catchmaid bequeathed the property to his wife by will, and they had not intended to deprive Edward or anyone else of his lawful rights. As a result of Sothel's investigation, Edward Catchmaid's claim was upheld. Finally, in 1697, in a suit brought by Durant's sons against Edward Catchmaid, the Court of Chancery issued a decree sustaining the Durant claim.

Biggs's death probably occurred on 11 Feb. 1684/85, although the year was set down in Perquimans records as 1683/84: records of the county court show that Biggs was alive and had a case in court in October 1684 but was dead by April 1685. Mary Biggs died on 29 Oct. 1685. There were no children.

Although some historians have thought that Biggs was a Quaker ^[13], that impression probably is erroneous. Records show that Biggs was not averse to taking oath nor to the use of armed force, and his aggressiveness and vindictiveness were likewise out of harmony with Quaker teachings. It is true that Biggs's name appears on a "Remonstrance" that Albemarle Quakers sent to the proprietors, but the document clearly shows that Biggs signed it as a public official, in effect, a notary before whom the signatures were affixed. Quakers in the colony generally shared Biggs's political views, but Biggs does not appear to have shared their religious beliefs.

Biggs was intelligent and well educated and also courageous, but he failed in his efforts to have Albemarle governed in what he considered the right way. Nevertheless, he made a significant contribution. The documents he prepared for the proprietors and Crown officials in his various controversies are among the most important surviving records of early Albemarle. His real service was that of unwitting recorder for future generations of significant aspects of the early history of the colony.

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