

Foy, James ^[1]

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by [William S. Powell](#) ^[2], 1986

1772–14 Mar. 1823



Poplar Grove. Image courtesy of Poplar Grove Plantation Historical Site.

^[3]James Foy, planter and defendant in a landmark legal case, was perhaps the son of the Major James Foy who died in [Onslow County](#) ^[4] on 11 Dec. 1822 at the age of eighty-five. Major Foy's wife had died twelve days earlier. One James Foye represented [New Hanover County](#) ^[5] in the state House of Commons in 1803 and 1804, but whether he was one of these is unknown. James, the planter, was married first to a Miss Montford of Onslow County and second to Henrietta Rhodes (1775–1840), daughter of [Lieutenant Colonel Henry Rhodes](#) ^[6], a delegate to the [Provincial Congress](#) ^[7] from Onslow County in 1776. His children, apparently all by his second wife, were Henry R., Elizabeth (m. Alfred Shepard), Fanny, Hiram W., William G., and Joseph M. All were left extensive property by their father. Joseph M., the son, built Poplar Grove plantation house at Scotts Hill, [Pender County](#) ^[8], in 1850; the house is now open to the public.

The [General Assembly](#) ^[9] in 1789 granted escheats to [The University of North Carolina](#) ^[10] as a source of support; in 1794 unsold confiscated Tory lands were also assigned to the university. In 1800, the legislature repealed the laws granting such property and the trustees of the university brought suit to recover some land escheated prior to the 1800 act. This case, *University v. Foy*, eventually reached the court of appeal in [Raleigh](#) ^[11] where a very significant decision was rendered in favor of the university. The General Assembly, the court held, could not deny support to the university, which had been created by the people of North Carolina in a constitutional convention—a body superior to the Assembly.

Foy was involved in this case as the recent owner of property claimed by the university.

References:

John L. Cheney, Jr., ed., *North Carolina Government, 1585–1974* (1975).

Edgar W. Knight, "North Carolina's 'Dartmouth College Case,'" *Journal of Higher Education* 19 (March 1948).

Hugh T. Lefler and Albert R. Newsome, *North Carolina, The History of a Southern State* (1973).

Elizabeth Moore Collection (North Carolina State Archives, Raleigh).

New Hanover County Estate Records and Wills (North Carolina State Archives, Raleigh).

North Carolina Reports 5:58 (June 1805).

North Carolina Star, 21 Mar. 1823.

Blackwell P. Robinson, *The History of Escheats* (1955?).

Additional Resources:

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Subjects:

Biographies ^[12]

Planters ^[13]

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Origin - location:

New Hanover County ^[15]

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1 January 1986 | Powell, William S.

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