

Smith, William ^[1]

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by William S. Price, Jr., 1994

D. July 1743

William Smith, chief justice and councilman, was an Englishman who (according to [Stephen B. Weeks](#) ^[2]) was educated at Middle Temple, one of the Inns of Court. With the support of John Scrope, secretary of the treasury, he was nominated as chief justice of the North Carolina [General Court](#) ^[3] and president of [the Council](#) ^[4] by Martin Bladen in 1730. Despite the opposition of [George Burrington](#) ^[5] to the nomination and his direct appeals to the duke of Newcastle to prevent Smith's appointment, the new royal governor could not overcome the wishes of men so powerful as Scrope and Bladen. Smith entered North Carolina and assumed his offices early in 1731. Soon other offices began accruing to him; he became provincial treasurer in April and chief baron of the exchequer in May 1732.

In May 1731 Burrington moved to undercut Smith by insisting that his fellow justices on the General Court were associates rather than assistants, therefore peers of the chief justice rather than subordinates. Smith was enraged by this ploy and resigned from the Council in disgust on 20 May in order to return to England and air his complaints against the governor. Burrington then sent a letter to the [Board of Trade](#) ^[6] complaining that Smith had disgraced himself as a "sot" and "perfidious scoundrel."

Smith returned to North Carolina in July 1733 and though without official position entered into the growing political agitation against the governor. When [Gabriel Johnston](#) ^[7] replaced Burrington late in 1734, Smith was restored to his earlier offices. In subsequent years Smith proved to be the governor's closest and most influential ally. Indeed, the two men became close personal friends as well. At his death Smith left the bulk of his estate to Johnston.

During 1735–36 the chief justice worked closely with the governor to build up the town of Newton (later Wilmington) at the expense of [Brunswick](#) ^[8]. This effort was viewed by the Moore and Swann families as a direct challenge to their dominance of the Lower Cape Fear region. Hostilities continued to grow until 1739, when Smith as chief justice ruled that [quitrents](#) ^[9] could be demanded in specie. The decision was an enormously unpopular one in a colony where "hard" money was scarce, and the Moores and Swanns saw their chance. In the [General Assembly](#) ^[10] that convened in January 1740, they led a movement to impeach Smith. With a vote on the question set for 13 February, Johnston and Smith worked hard to garner support and defeated the measure by six votes.

Just five days later the governor moved to retaliate and sent a measure to the General Assembly calling for the incorporation of [Wilmington](#) ^[11]. It was clear that the vote would be close only in the upper house. On 19 February Smith noted in the minutes of the Council that by virtue of an act passed in 1711 the president of that body could vote twice in case of a tie. The very next day when the upper house deadlocked 4 to 4 on the Wilmington bill, Smith voted a second time as president to break the tie. The Moores, the Swanns, and their allies were furious, but their protests were ignored as the measure sailed through the lower house.

Smith now stood as the most powerful political figure in the colony, second only to the governor himself. To demonstrate his strength, he called for a vote of confidence in both houses during the August 1740 session of the legislature (after some libelous handbills had been circulated about him in Edenton) and received sizable vote margins.

During 1741 Smith went to England on business and upon his return took an increasingly less active role in politics. He died in the summer of 1743 without family.

References:

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