

“DOWNRIGHT ROUGHISH PRACTICES OF IGNORANT AND UNWORTHY MEN”:
THE NORTH CAROLINA REGULATOR REBELLION, 1768-1771

by

Mitchell Lee Croot

A thesis submitted to the faculty of
The University of North Carolina at Charlotte
in partial fulfillment of the requirements
for the degree of Master of Arts in
History

Charlotte

2019

Approved by:

Dr. Christopher Cameron

Dr. Daniel Dupre

Dr. David Johnson

©2019
Mitchell Lee Croot
ALL RIGHTS RESERVED

ABSTRACT

MITCHELL CROOT. “Downright Roguish Practices of Ignorant and Unworthy Men”:
The North Carolina Regulator Rebellion, 1768-1771. (Under the direction of
DR. CHRISTOPHER CAMERON)

From 1768 to 1771 in North Carolina, backcountry farmers in Orange, Rowan, and Anson Counties stood defiant against their local officials and the colonial government. Calling themselves Regulators for their desire to regulate the government’s authority and power, the tensions between the colonial government and the Regulators culminated in bloodshed at the Battle of Alamance in May 1771. While researchers often imagine North Carolina’s backcountry settlers as rugged pioneers and simple yeomen farmers, in actuality North Carolina’s central piedmont region fostered a vibrant and unique political culture centered around land-ownership, produce-centered economies, and political participation. A rising population in the backcountry necessitated an expansion of the central authority, and the spreading infrastructure and political culture from North Carolina’s eastern region collided with the political culture in the central and western regions. The North Carolina Regulator Rebellion exemplified this cultural collision. By analyzing population movements in the eighteenth century, the spread of a merchant-based bureaucracy and central authority, and the political and religious influences evident in their writings, this thesis argues that two distinct political cultures did exist in eighteenth-century North Carolina and that the irreconcilability between the two particular concepts of government characterized North Carolina’s Regulator Rebellion.

DEDICATION

For my children, thank you for being the reason to push past my limits, and for my wife, thank you for reminding me to take breaks.

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION 1

CHAPTER 2: GROWING DISSENT IN THE CAROLINA BACKCOUNTRY 9

 2.1. Populating the Piedmont 11

 2.2. The Bureaucracy of Land-Ownership 17

 2.3. Dissenting Protestants, Dissenting Backcountry 25

CHAPTER 3: OPEN REBELLION 33

 3.1. Popular Uprisings 34

 3.2. The Regulation Gains Traction 45

 3.3. The Regulation Squashed 57

CHAPTER 3: SHEW YOURSELVES TO BE FREEMEN 77

 4.1. Political and Spiritual Influences 80

 4.2. Use of Rhetoric 85

 4.3. Political Cultures Collide 89

 4.4. A Tale of Two Sermons 91

CONCLUSION 98

BIBLIOGRAPHY 104

CHAPTER 1: INTRODUCTION

The decades preceding the American Revolution saw numerous acts of rebellion and manifestations of the rising tensions between the British government and its American colonies. From South Carolina to Vermont, violence erupted in seemingly regional, isolated bursts in response to rampant criminal activity, egregious property taxes, and corrupt legal systems that perpetuated increasingly immoral land speculation. Many particularities make it seem that most of these rebellious acts in late colonial North America were disparate and isolated. However, whether centered on taxes or bandits, all the conflict of the late colonial era characterized the struggle over who should have access to privilege and liberty. In North Carolina specifically, a determined group of backcountry farmers banded together and stood defiant against the colonial government.

The North Carolina Regulator Rebellion, which lasted from 1768 to 1771, consisted of petitions, communal political bodies, and violent protests by Piedmont farmers against what they saw as corrupt policies by corrupt politicians. The Battle of Alamance in May of 1771 saw the defeat of the Regulators at the hands of Governor William Tryon and his militia, and seven Regulators were hanged. Tryon spared the rest, but he required them to swear new oaths of loyalty. Thus, many of the survivors of the Battle of Alamance became loyalists, at least in speech and action. Because of this, historians like Marjoleine Kars have argued that former Regulators' lack of support for the budding American Revolution stemmed from, and proves, fundamental ideological differences.¹ Any lack of enthusiasm for the American Revolution by former Regulators

¹ Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: University of North Carolina Press, 2002).

stemmed not from a fundamental disagreement with revolutionary ideas and aims but instead from their recent defeat: the governmental responses to their movement that left sixteen of their fellow backcountry yeomen dead and another sixty wounded. The surviving Regulators had tempted fate before, and they feared that involvement in the Revolution would lose them their remaining privilege, that of life.

However, I do not intend to prescribe or propose any ideological connection between the Regulators and the American Revolution. Rather, I intend to demonstrate that the conflict between the Regulators and the North Carolinian colonial government occurred because a political culture distinct from that back east had developed in the central piedmont and backcountry regions. The spread of government offices and infrastructure that coincided with the population growth in the backcountry collided with the unique political culture in the central piedmont, and fundamental disagreements in the nature and purpose of government escalated into violence. While the Regulators simply sought to participate in the British colonial experiment and pay their taxes, they actually championed a dramatically different idea of representative government and its accountability. Furthermore, the Regulator Rebellion occurred precisely because enough government influence existed in the backcountry to provide local elites and public officials support in their corruption while also providing an avenue for oppressed settlers to voice their discontent to the central authority.

Multiple historians have interpreted the Regulator Rebellion in various ways. John Spencer Basset wrote one of the earliest examinations of the North Carolina Regulator Rebellion, first published in the *Annual Report of the American Historical Association* in 1894. Basset argued that the Regulators' desire for reform rather than

revolution, the publicized condemnation of the Regulators by the predominant Protestant denominations in the North Carolina backcountry, and the relatively contained geography of the Regulators' influence all suggest the War of the Regulation resulted from a particular set of factors isolated and separate from the larger Revolutionary context. Additionally, Basset delegitimized the Regulator movement by downplaying the organization and centralization of the Regulators and placing much of his emphasis on the sectionalism found between the eastern and central regions of North Carolina.

William Edward Fitch argued against the orthodox narrative presented by Basset a decade earlier. By examining the settling of the North Carolina backcountry, chronicling the decades leading up to the Regulator Rebellion, and offering a thorough description of the conflicts between the Regulators and Governor Tryon during the years of the Regulation, Fitch sought to identify direct connection and influence between the context of the Regulation and the context of the Revolution; simply put, Fitch argued that the Regulation helped to usher in the American Revolution. Fitch adamantly promulgated his belief that the Battle of Alamance which ended the Regulator Rebellion in North Carolina was the first battle of the Revolutionary war, the result of failed arbitration and regulation to reform, not remove, the colonial government, and the spark that signified the growing tensions between the colonists and the British government.²

Alice Mathews examined North Carolina from roughly 1730 through the American Revolution. Mathews contrasted the eastern coastal plains of North Carolina, a white, agrarian paradise focused on a merchant culture driven by plantation farming, and

² William Edward Fitch, *Some Neglected History of North Carolina; Being an Account of the Revolution of the Regulators and of the Battle of Alamance, the First Battle of the American Revolution* (New York: Neale Pub. Co., 1905).

the western backcountry with its slightly more egalitarian culture driven by small-scale farmers and communities. Mathews' dichotomy helped to legitimize sectionalist notions of two relatively distinct cultures coinciding within two relatively distinct geographies in North Carolina. Additionally, Mathews focused on how North Carolina's population increases influenced and perpetuated conflict during the revolutionary era. In contrast to Basset, Mathews claimed that exponential immigration of various ethnic groups compounded, even instigated, political and societal disruptions in North Carolina in addition to economic and regional factors.³

Marjoleine Kars' thoughtful reexamination of the North Carolina Regulators addressed the orthodox understanding set in place by Basset over a century prior. While Kars ultimately agrees with Basset that the Regulator Rebellion had little to no influence on the American Revolution, she reasserted the importance of religion in developing different social and political paradigms between the backcountry and the coastal plains of North Carolina. Kars argued against sectionalist interpretations of colonial North Carolina; however, her use of Protestantism and religion as an avenue through which to understand the society of the backcountry exemplified how the two geographic areas started separating into two distinct cultures, no matter how slight the difference. Therefore, Kars' book offers exceptional insight into growing differences in social and political ideologies between the Regulators and the colonial government.⁴

Carole Troxler argued that the North Carolina Regulator Rebellion remained relatively unresolved throughout the American Revolution. While she did not adhere

³ Alice Elaine Mathews, *Society in Revolutionary North Carolina* (Raleigh: North Carolina Department of Cultural Resources, 1976).

⁴ Kars, *Breaking Loose Together* (2002).

fully to Fitch's claim of Alamance being the first battle of the Revolution, Troxler did argue that the Regulator Rebellion and the Revolutionary War were more than haphazardly connected. Troxler distanced her argument from Basset's by emphasizing the importance of religion and Protestantism in the evolution of the Regulation from disparate petitions into organized protests. Troxler did find common ground between Basset and Fitch by reemphasizing the centrality of land and its disputes as the primary grievance of the Regulators. She admitted that representation, economic instabilities, and corrupt local magistrates and judiciaries all provided some cause for the dissent from the Regulators; in some way all the perceived oppression in the North Carolina backcountry could be traced back to the land.⁵

Exploring the culture of violence in revolutionary North Carolina, Wayne E. Lee has charted the evolution of protest and social boundaries from riots in Edenton through the American Revolution. By identifying different forms of protests, the escalation of dissent from petitions to outright violence, Lee argued that the Regulators adapted traditional forms of English protest to their unique backcountry context. Such an attachment to English traditions, and the increasing severity of the government's responses, indicates that the Regulators acted conservatively. They venerated the British colonial system and simply wanted to participate as equals. Additionally, Lee's examinations of the Regulators' mediation and moderation of their violence while awaiting external intervention by the central authority against their corrupt locals further

⁵ Carole Watterson Troxler, *Farming Dissenters: The Regulator Movement in Piedmont North Carolina* (Raleigh: North Carolina Department of Cultural Resources, 2011).

shows how the Regulators sought to use the existing system to fix their localized problems.⁶

Scholarship on the Regulator Rebellion has either looked at the Regulators separate from the Revolution, or else has sought to place the Regulator Rebellion within the context of the American Revolution, with some scholars suggesting the Battle of Alamance was the first battle of the Revolutionary War. However, little Regulator scholarship has explored the political culture in the Carolina backcountry, its origins and influences, its divergences from the colonial government, and its lasting effects, if any. Doing so has the potential to illuminate critical similarities in political thought during the late Colonial Era. Perhaps, in future research, an understanding of the Regulators' political thought can help chart the evolution of the political culture of the late-colonial era and the early Republic.

The issues of liberty and property form the center of the Regulators' grievances. Colonial North Carolina's population tripled from 1750 to 1770; the expanding population into the backcountry and the expansion of governmental authority in its more provincial offices aggravated tensions between those with and those without land. Difficulties in acquiring and maintaining land – and egregious taxes accrued in the process – and a noticeable lack of fair representation of the provincial regions in the North Carolina general assembly led the Regulators to challenge the government on several fronts and to urge reform. The North Carolina Regulators initially sought to reform the areas of government that they saw as corrupt by petitioning legislators and assemblies first, then resorting to protests, violence, extortion, and intimidation as each

⁶ Wayne E. Lee, *Crowds and Soldiers in Revolutionary North Carolina: The Culture of Violence in Riot and War* (Gainesville: University Press of Florida, 2001).

successive attempt to reconcile their grievances was met with disregard. The traditional hierarchy made no concessions to the rabble of unorganized peasants that petitioned it, fought to maintain social and political order by dissolving assemblies and maintaining a monopoly on government, and eventually sought to crush the rebellious settlers through decisive military might, pardoning those that remained to reassert their right to rule.

Chapter two explores and contextualizes the unique and dynamic environment of the North Carolina backcountry in the eighteenth century. To understand the Regulator Rebellion, and the political culture that defined it, one must first understand the environment in which it grew. Knowing the forces that shaped everyday life in North Carolina's central piedmont is essential to understanding the forces that shaped the rebellious spirit of the piedmont farmers. Hopes of available land at affordable prices and relative religious freedom helped pull colonists into the backcountries of the southern colonies. Furthermore, fears of encroaching government in the backcountries of the middle and northern colonies, such as New Jersey and Pennsylvania, along with rising populations emigrating from Europe, helped to push large numbers of settlers south.

Chapter three begins by examining other rebellious events in North Carolina in the years preceding the Regulator Rebellion to set the precedent with which the Orange, Rowan, and Anson County farmers acted. Riots in Edenton, the Sugar Creek War, the Stamp Act protests, and the Sandy Creek Association all illustrate patterns of resistance in eighteenth-century North Carolina. Chapter two continues by following the events of the Regulation proper to demonstrate how the patterns of resistance influenced the actions of the Regulators. The Stamp Act protests had succeeded, for example, and the Regulators had good reason to believe that their protests would succeed as well.

Furthermore, charting the evolution of resistance in North Carolina through the Regulator Rebellion helps to chart the evolution of the Regulators' political culture. Identifying which social and political forces the Regulators responded to and identifying the nature of the Regulators' responses also helps to determine the unique political culture of the backcountry farmers.

Finally, chapter four will delve into the intricacies of backcountry life in colonial North Carolina. Analyzing the central piedmont through the lenses of politics, religion, and rhetorical choices found in Regulator advertisements will demonstrate that the Carolina backcountry fostered a unique culture diverged from the more authoritarian east. Additionally, chapter three will directly compare the divergent political cultures in North Carolina by examining two sermons. The first sermon, preached by Reverend Micklejohn before the anti-Regulator militia in Hillsboro 1768, venerates the hierarchical nature of the British government. The second, a paraphrased sermon that Herman Husband printed, directly challenges many of the views found in Micklejohn's words. The evidence presented in chapter three will help illustrate why the Regulators' conservative ideals – participation in the British colonial system, a desire to actively pay their taxes, and the continuous proclamations of adhering to the long tradition of English law – seemed radical in comparison to the eastern political culture.

CHAPTER 2: GROWING DISSENT IN THE CAROLINA BACKCOUNTRY

In 1768 tensions between backcountry farmers and the colonial government in North Carolina escalated into a series of conflicts spanning three years that culminated in the Battle of Alamance in May 1771. Primarily characterized by petitions and formal complaints to Governor William Tryon, attempted lawsuits against local officials, and small-scale, carefully restrained riots, the rebellion of the self-titled Regulators ultimately proved unsuccessful. However, neither the Regulators' successes, nor their failures will be discussed below; their myriad causes and their placement within the greater historical context of colonial North Carolina requires more focus. The influence of growing populations, the areas those populations settled, and the cultures they brought with them must be discussed to more fully understand the complexity of the Regulator Rebellion. To better understand the Regulator Rebellion and its contextualization – even to move it from under the Revolution's scholarly influence – one must first understand some key elements of North Carolina's colonial history. As such, this chapter will thoroughly contextualize and historicize the decades preceding the Regulators' insurrection by exploring the three most prominent influencers in colonial North Carolinians' lives: migratory patterns in British North America leading to population growth in the Carolina backcountry, the complicated nature of absentee-owned land and its management, and the increasing cultural divide between the eastern and western regions of North Carolina.

North Carolina in the late seventeenth and early eighteenth centuries saw colonial presence primarily restricted to the eastern region easily accessed from the coast by numerous navigable inlets and rivers. Overland migrants from northern colonial British America, arriving as early as 1730 but increasing steadily through mid-century, settled in

North Carolina's central Piedmont region where land speculators from the coast, more often than not working for absentee owners, offered affordable land with the intent of settling the frontier. The new migrants brought with them various heritages, religious views, and frontier attitudes; they also brought with them the inevitable squabbles, contestations, and conflicts that surround growing populations on fixed quantities of land.

Along with growing populations and the tensions over land that arose alongside, the nature of the land that piedmont migrants settled also influenced colonial North Carolina. Prior to 1727, eight proprietors owned the colony.⁷ While the majority of the proprietors' heirs eventually sold their claims back to the Crown, a significant portion in northwestern North Carolina, called the Granville Tract after the title of the original proprietor Earl Granville, remained under proprietary ownership. Thus, though the 1667 Charter of North Carolina – active in the Granville Tract until 1727 and formally replaced in 1744 – bestowed “full power and authority . . . to ordain, make, and enact, and under their seals, to publish any laws and constitutions whatsoever” as long as “the said laws be consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of this our realm of England,” conflicts between piedmont settlers and local land-offices arose over interpretations of fees and taxes.⁸ Moreover, the slow spread of infrastructure into the backcountry prevented poorer residents' from effectively seeking redress from governmental errs or even voicing formal complaints without travelling to an eastern district court.

⁷ Kars, *Breaking Loose Together*, 28-29.

⁸ “Charter Granted by Charles II, King of England to the Lords Proprietors of Carolina,” William Saunders, ed., *Colonial Records of North Carolina*, vol. 1 (Raleigh: P.M. Hale, Printer to the State, 1886), 105-106. (Hereafter cited as: “Document Title,” Saunders, *CR*, vol:page.)

Finally, the cultures that conglomerated in the piedmont region of North Carolina differed in substantial ways from the predominantly English coastal plains and seaboard. Dissenting Protestant sects, communal attitudes towards politics, and differing economic systems conflagrated and perpetuated the conflicts of land acquisition, taxation, and representation. Agrarian lifestyles coupled with dreams of competency (self-sufficiency) held higher prestige amongst the piedmont settlers than the specialization of the rising merchant-class and professional bureaucrats. Furthermore, the predominance of dissenting Protestant sects in the Carolina backcountry proved problematic to the Anglicization efforts of the colonial government. While the eastern Carolinians thrived in an environment forged by the Anglican church and the strict hierarchy of the British government, backcountry and Piedmont settlers, influenced partly by the Great Awakening, began experimenting with notions of individual capabilities antithetical to the more rigid social placements found in eighteenth-century British culture.

2.1. Populating the Piedmont

Until the early parts of the eighteenth century, the settling of colonial North Carolina remained largely among the fertile, coastal plains. Whether migrating directly from Europe or the coasts of Virginia, primarily British settlers founded settlements where they could, creating proverbial, and sometimes literal, beachheads of European presence.⁹ Settlements such as Wilmington, New Bern, and Edenton offered colonists unhindered access to the Atlantic ocean along with favorable rivers, inlets, and sounds which allowed populations to expand inland and transport goods to the coast. However,

⁹ Lee, *Crowds and Soldiers*, 15.

the middle decades of the eighteenth century brought a wealth of changes for the colony of North Carolina.

By the 1730's northern migrants travelling south along the Great Wagon Road, a pioneering trail originating around Pennsylvania and gradually extending through the Carolinas into Georgia, began settling the North Carolina piedmont and backcountry regions. Contrary to the predominantly English origins of the coastal settlers, Scotch-Irish and Germans constituted the majority of Carolina-bound migrants. They emigrated south for various reasons, from political turmoil to religious pressures and persecution, but the prospect of comparatively cheap, fertile, and unpopulated land compelled them to settle in the Carolina piedmont and backcountry. The rapid population growth in North Carolina during the middle decades of the eighteenth century cannot be overstated.

Andrew Denson estimated that "between 1730 and 1770 North Carolina's white population grew from about 30,000 to at least 175,000, as immigrants poured in from the Old World and from the colonies to the north."¹⁰ Even North Carolina's royal governor, William Tryon, noticed the rate at which the colony's population grew. Writing to the Board of Trade in London, Tryon admitted that he was "of opinion this province is settling faster than any on the continent, last autumn and winter, upwards of one thousand wagons passed thro' Salisbury with families from the northward."¹¹

Population growth formed the core cause of migrations throughout the New World. A nearly continuous influx of European immigrants along with natural growth within the colonies "encouraged a massive migration to the northern frontier, the

¹⁰ Andrew C. Denson, "Diversity, Religion, and the North Carolina Regulators," *The North Carolina Historical Review* 72, no. 1 (January 1995): 31.

¹¹ "Letter from Governor Tryon to the Board of Trade, August 2, 1766," Saunders, *CR*, 7:248.

southern piedmont, and other interior areas.”¹² Approximately 40% of colonial population growth during the second half of the eighteenth century occurred in the southern colonies; the middle colonies, such as Pennsylvania, saw a nearly identical percentage.¹³ However, the sources of population increases differed greatly between New England and the southern colonies. While the bulk of New England and the middle colonies’ population growth came from Europe, the southern colonies’ increases primarily came from overland migrants from northern and middle colonies. Those who had no desire to accommodate the increasing populations, to watch their lands being slowly encapsulated by new neighbors, had no choice but to relocate.

To illustrate such a high rate of growth and migration, Henry A. Gemery, studying late-colonial militia rolls, noted two prominent population patterns in British North America. First, the middle colonies generally “experienced net out-migration of American-born men of militia age,” with Pennsylvania and Maryland experiencing “net gains because of the counterbalancing foreign inflows.”¹⁴ Enough European immigrants settled in Pennsylvania during the second-half of the eighteenth century to outweigh the loss of population through migration and other causes. This not only emphasizes the inland movement of peoples from the middle colonies, it also suggests that, to some degree, population increases helped drive colonial mass migrations in the mid-to-late 1700s. Secondly, examining average age of marriage and total number of children, Gemery has calculated and identified a falling fertility rate across most of New England

¹² McConville, *The King’s Three Faces: The Rise and Fall of Royal America, 1688-1776* (Chapel Hill: University of North Carolina Press, 2006), 170.

¹³ Henry A. Gemery, “The White Population of the Colonial United States, 1607-1790,” in *A Population History of North America*, edited by Michael R. Haines and Richard H. Steckel (Cambridge: Cambridge University Press, 2000), 149.

¹⁴ *Ibid.*, 173.

and the northern-middle colonies with an increasing fertility rate in the lower-middle colonies and southern regions. Since land acquisition and economic opportunity directly affect fertility rates, Gemery's data provides further evidence that increasing populations, and the decreasing opportunity that corresponds, helped drive southerly migration patterns in British North America around the middle of the eighteenth century.¹⁵

The populations moving into North Carolina brought with them both a unique set of expectations for the future and a certain set of prejudices and predispositions from their past. Put simply, the reason migrants chose to leave is just as important as what they hoped to find once they left. Shrinking opportunities to acquire land, increasing population densities, religious tensions, and encroaching government all coerced those that could to uproot and move south in search of less crowded areas with more opportunities for competency, or self-sufficiency. Denson argued that colonial migrants in general crossed the Atlantic "to live free of other men's control," and more specifically migrated south because "the North Carolina backcountry appeared to be an especially likely place to find this prosperity."¹⁶ In essence, the peoples migrating to North Carolina hoped to find something akin to a new utopia; the utopic dreams that brought them and their families into the colonial experience had begun falling short of their expectations.

Many families that migrated to North Carolina's backcountry had either experienced or heard tales of backcountry violence in "New Jersey in the 1740s and 1750s . . . in the Hudson Valley after 1755 . . . and along the frontier in Pennsylvania that same decade."¹⁷ Had they wished to participate in the growing urban environments of

¹⁵ Gemery, "The White Population," 152-154.

¹⁶ Denson, "Diversity, Religion, and the North Carolina Regulators," 32.

¹⁷ *Ibid.*, 32.

the cities, with their steadily increasing markets, infrastructures, and inevitable government bureaucracy, they would have settled in Carolina's coastal plains. However, they were pioneers, either used to living near the edge of the wilderness or with hopes of escaping higher population density areas. Weeks of arduous travel down the Great Wagon Road in their Conestoga wagons through the sparsely populated backcountries to leave increasingly populous areas provides a case-in-point. Herman Husband, a future leader of the Regulator Rebellion, stated simply that many travelers sought to create a "second Pennsylvania."¹⁸ In the words of Andrew Denson, "The settlers who arrived in the mid-eighteenth century came believing the backcountry would afford them stability and contentment."¹⁹ And it did, for a time.

With the "large numbers of Protestants from different countries and speaking different languages" seeking "refuge from oppression in North Carolina" came the need for an increase in infrastructure to manage the increasing populations within the colony.²⁰ The founding of towns in the backcountry, such as Salisbury (1753), Bethabara (modern Winston-Salem, 1753), and Hillsborough (1754), both corroborate a drastically increasing population in North Carolina and required the creation of new counties, along with the restructuring of representation within the General Assembly. As the Reverend E. W. Caruthers concluded in 1842, "The increase in population is shewn by the number and size of the counties formed in rapid succession."²¹ Additionally, illustrating the

¹⁸ A. Roger Erich, "'A New Government of Liberty': Hermon Husband's vision of Backcountry North Carolina, 1755," *William and Mary Quarterly* 3, no. 34 (October 1977): 641.

¹⁹ Denson, "Diversity, Religion, and the North Carolina Regulators," 32.

²⁰ Rev. E. W. Caruthers, *The Life and Character of the Rev. David Caldwell, D.D. Near Sixty Years Pastor of the Churches of Buffalo and Alamance* (Greensborough: Swaim and Sherwood, 1842), 85.

²¹ *Ibid.*, 83.

extension of infrastructure to accommodate the rising population, Royal Governor of North Carolina Gabriel Johnston wrote to the Board of Trade in London in 1751:

Inhabitants flock in here daily, mostly from Pennsylvania and other parts of America, who are overstocked with people and some directly from Europe, they commonly seat themselves towards the west and have got near the mountains . . . In October 1749, the line between the northern part of this Province now in possession of the Earl of Granville and Virginia was carried nearly one [hundred] mile more westward, It was done with great care and exactness . . .²²

Johnston's correspondence with the Board of Trade indicates how the rapidly growing backcountry in North Carolina demanded increasing presence of government.

Furthermore, by emphasizing the accuracy with which the surveyors extended the state line, Governor Johnston also alluded to the increased scrutiny under which backcountry dealings would now fall.

With few exceptions, those that settled into North Carolina migrated to find security and stability, but they also sought to escape conflict and hardship. The success of the colonial experience in New England meant a rise in fertility rates and, consequently, a rise in population. Additionally, an influx of European immigration, mainly Scotch-Irish and German peoples, also contributed to rising populations. The inevitable struggle for finite quantities of land and increasing competitors helped push overflow populations south in search of more vacant lands. As such, the southbound migrants generally sought to eschew the more merchant and bureaucratic cities in favor of a more frontier lifestyle. Furthermore, the similar backcountry insurrections in New Jersey and Pennsylvania in the 1750s helped to push colonists south and west in the hopes of avoiding further conflicts in their new utopias. The inevitable spread of land speculators working for large land-tract grantees, along with the overarching colonial

²² "Letter from Gabriel Johnston to Thomas Hill," Saunders, *CR*, 4:1073-1074.

government, worked in tandem with the drastic population increase to set the stage for further backcountry riots and rebellion.

2.2. The Bureaucracy of Land-Ownership

Colonial society in British North America rested primarily on ownership of one commodity to attain self-sufficiency, or competency – land. A family could be clothed, housed, worked, and fed independently with even a modest plot of land, a few tools, and some know-how. Given enough land, multiple family structures could be accommodated and adequately employed and nourished, exemplified in the Quaker communes surrounding Bethabara (Winston-Salem) and the plantation-estates in North Carolina’s coastal plains. In British North America in the eighteenth century the talk of quality land for reasonable prices often dictated the direction of most colonial migration patterns. As expeditions and prospects filled the piedmont, word of their general success made its way back “encourage[ing] their friends and acquaintances to follow them.”²³ Many soon found, however, that the easily attainable and affordable land of the Carolina backcountry was not without its own unique troubles.

While the rising volume of people in North Carolina greatly contributed to the growing contention between the backcountry and the coastal plains of the east, absentee-ownership and mismanagement of the land settled by the migrants helped create increased tensions throughout the central piedmont. The first characteristic of Carolina’s backcountry, and the nexus from which all the consecutive land-centered issues discussed below, is absentee land-ownership. Even though the British Crown officially owned the majority of North Carolina, a significant portion in the central-north and northwest

²³ Ekirch, ““A New Government of Liberty,”” 638.

actually belonged to Lord John Carteret, Earl Granville, heir of an original proprietor of the 1663 colonial charter. This dual possession at the top of the absentee-owner pyramid not only complicated the purchasing of land bureaucratically, the management of the land by local officials, acting in the Granville's and the Crown's names, further complicated matters for prospective land-owners. Additionally, the land-owning requirements for holding government offices and seats in the Assemblies often insured that local officials would remain corrupt. Finally, the lifestyle offered by the backcountry differed significantly vis-à-vis the more merchant-oriented seaboard.

Understanding the unique character of Earl Granville's land in North Carolina, often referred to as the Granville Tract, requires an understanding of the colony's proprietary charters. Prior to 1729, North Carolina existed under proprietary ownership, with eight lords-proprietors responsible for the law-making, delegation of authority, and collection of taxes concurrent to, but in lieu of, the British government. However, heirs of seven of the eight proprietors soon chose to "surrender convey and assure to His Majesty His Heirs and successors all and singular the said seven Eighths Parts or Shares . . . upon payment by His Majesty . . . of the Sum of 17500.l. clear of all Deductions on or before the 29th Day of September 1729."²⁴ The remaining proprietary heir, John Carteret, Earl of Granville, "humbly prayed his majesty that his said eighth part of the soil of the said provinces [Carolina] and territories, might be set out and allotted to him," which King George II and his council thereby granted him in 1744.²⁵ Thus, a significant portion of the northern, central piedmont, the region of the highest population increase in North

²⁴ "Deed to transfer seven eighths of Carolina from John Carteret, Earl Granville to George II, King of Great Britain," Saunders, *CR*, 11:88.

²⁵ "Land patent granted by George II, King of Great Britain to John Carteret, Earl Granville," Saunders, *CR*, 4:657.

Carolina during the middle of the eighteenth century, remained under Earl Granville's ownership. This split ownership of North Carolina complicated the process for frontier settlers to obtain deeded lands, not the least because the Granville Land Office was situated in Edenton some 200 miles away from his actual holdings.

The distance from Granville's land to his office complicated the process of obtaining deeded lands for new settlers. In general, the process for migrants, small-farmers, frontier settlers in the eighteenth century consisted of obtaining, improving, and – when enough currency had been obtained through trading or selling produce to pay the fees – applying for a survey, deed, and patent to their land. As Marjoleine Kars has stated, “A farmer located a piece of land and, when ready to pay the fees, filed an application or entry for it . . . The signed and dated entry was filed with the royal land office or Granville's agents . . . Upon receipt of the plat and proof that all fees, which were assessed at every stage, had been paid, the appropriate official made out a patent.”²⁶ Until settlers obtained a deed to their new lands, they lived in an insecure state of purgatory.

For many, having a land office within a reasonable distance meant the difference between months and years to apply for a deed. Hence, the distance from Granville's land holdings and his land office exacerbated an already lengthy process for obtaining secure property. In a letter to Earl Granville, Herman Husband explained “for the genarall poor and of low capacities, who having travelled 4, 5, 6, and 7 hundred miles by land to come here are so reduced and their horses so farr spent as renders them unable to take a new journey to thy land office 200 and ode miles to Edentown” with “one, two, or three years

²⁶ Kars, *Breaking Loose Together*, 29.

before they can procure stock and grain to sustain their families” while a family member made the trip to Edenton.²⁷ It was not uncommon, therefore, for the more distanced farmers to be displaced, taken advantage of, or double-charged for their prospective land claims.

Both King George II and Earl Granville sought to fill their open lands with settlers, farmers, officials, and merchants; not only were settlers required to pay quitrents to the Crown – or Earl Granville – large tracts were also issued to prospectors or grantees under contract to promote further settling. After the contract time expired, typically ten years, any lands not settled reverted back to the Crown. These settling requirements helped to fuel, and worked in conjunction with, rapid population growth, creating a pressing need for infrastructure and management from those at the top of the ownership hierarchy. To remedy the vacuum of government in the backcountry, Lord John Carteret and King George II delegated the authority inherent in their ownership to more regional elites in the form of bureaucratic offices. Those regional officers then delegated portions of their authority to local officers, charged with surveying plots, certifying patents, and registering deeds, sanctioned and enforced through the county sheriff and district court system. Both the imposition of infrastructure on the frontier of the Carolina backcountry and the common practice of one appointed official holding numerous offices directly contributed to the growing discontent in the west.

Although driven to the piedmont by rumors of affordable land and dreams of an agrarian utopia, the lived reality of the settlers in counties such as Rowan and Orange proved much different. The narrow distribution of governmental authority amongst a

²⁷ Ekirch, ““A New Government of Liberty,”” 639.

few, multiple office-holders all but guaranteed that, as John Spencer Basset has written, “in each county there were a certain number of men who were likely to have in control all the offices.”²⁸ For example, Edmund Fanning, a primary antagonist of the Regulator Rebellion, not only held absentee-office in New York, but he also accepted positions as Hillsborough trustee, register of deeds, colonel of the Orange County militia, and Crown prosecutor, among others. One of Fanning’s delegates, Francis Nash, “was a JP [junior prosecutor] and clerk of court, as well as militia captain and a member of the assembly.”²⁹ The practice of holding multiple offices often meant that settlers applying for land patents paid the fees of bureaucracy to the same official multiple times. While an overcharge of a few shillings might not seem much worse than dishonest, applied three or four times to the same official for different requests, exacerbated by the inherent lack of currency in the backcountry, such an exorbitant fee could mean the failure to secure land for the poorer farmers in North Carolina.

The character of the frontier in the eighteenth century afforded backcountry settlers an unprecedented freedom not found in the more established, and monitored, coastal plains of North Carolina. The minimal infrastructure and governmental presence meant settlers could live a more communal, self-reliant lifestyle. While the allure of competency might have attracted honest yeomen farmers, industrious folk, and benevolent leaders, the lack of governmental infrastructure also afforded opportunities for more unscrupulous characters to take advantage of lowly farmers. Herman Husband noted, in his letter to Earl Granville, that “the first settlers [in the Carolina backcountry] to be the idle and the poor . . . also the rogueish sort as had been forced to fly the law

²⁸ Basset, “The Regulators of North Carolina,” 149.

²⁹ Troxler, *Farming Dissenters*, 15.

(which latter sort were active to gain all offices and posts of profit).”³⁰ Those “rogueish sorts” took advantage of an environment where “the continued effectiveness of government depended too much on the personal honesty of those officeholders.” Basset has argued that “in the remote sections there is much evidence that the officers were selfish and mercenary, and that they were mutually leagued together to forward their own selfish ends.”³¹ Ironically, the increase of government in the backcountry, which helped provide support for enforcing the actions of dishonest officers, also created an outlet through which subjugated settlers could officially voice their grievances.

The structure of the regional districts of government in colonial North Carolina further complicated both the processes of obtaining deeded land and petitioning for redresses against perceived corruption. Political life in counties such as Rowan and Orange in the eighteenth century centered around the inferior court. The governor appointed the justices of the inferior courts, and he also appointed the sheriffs that executed the will of the courts. The clerk of the pleas appointed the various clerks of court, who recorded all the court proceedings and issued all the writs and proclamations. Additionally, the governor also appointed the registers of deeds that recorded all official transactions regarding land in the colony. The sheriffs, clerks, and registers of deeds received no salaries but relied on commissions built into court fees, which “encouraged greed and collusion.”³² The reliance on commissions through fees for the salaries for clerks, sheriffs, and registers provided incentive for those officers to fill their pockets with overcharges, and the particularities between the local courts and the colonial

³⁰ Ekirch, “A New Government of Liberty,” 639.

³¹ Basset, “The Regulators of North Carolina,” 149.

³² Kars, *Breaking Loose Together*, 70.

assembly helped insure that individuals aspiring to power and wealth would remain in office-holding positions.

Aside from the corruption between the local courts and sheriffs, in which Governor William Tryon estimated that “the Sheriffs have embezzled more than one half of the public money ordered to be raised and collected by them,” a further level of collusion existed at the expense of the frontier settler – the lower house of the general assembly.³³ The governor’s council, appointed by the Crown, comprised the upper house of the assembly while the lower house seats were filled via local elections. The practice of local leaders holding multiple offices not only occurred in clerk positions but also arose between legislators and judiciaries. Little restricted appointed officials from running for elected office as well. Moreover, land-owning requirements added further to the corruption within the governments of the backcountry. For example, in Orange County only freeholders “owning an Estate for life or and Estate of Greater Dignity of and in one hundred Acres of Land” could vote, and only freeholders owning “an Estate real for his own life or the life of another or an Estate of Greater Dignity of Two hundred acres of land” could hold representative office in the assembly.³⁴ These requirements, appointments, and multiple office-holdings translated to the lowly farmer in the form of exclusion. Between the exorbitant fees charged for deeding land, the collusions between the justices, sheriffs, and land offices, and the inability to vote out corruption by those who could not receive deeds to their lands, the common frontier settler held little hope of breaking the veritable power-lock that existed in colonial government.

³³ “Letter from William Tryon to William Petty, Marquis of Lansdowne,” Saunders, *CR*, 7:497.

³⁴ “Decree concerning Orange County’s representatives to the North Carolina General Assembly,” Saunders, *CR*, 5:767-768.

An increasingly contentious environment arose in North Carolina's backcountry counties between the large influxes of new settlers and the eastern bureaucrats who sought to profit off land speculation and connections with government offices. Earl Granville's claim to one-eighth of North Carolina complicated the land acquisition process for settlers through miscommunications with Granville and Crown surveyors and a significantly distanced land office. Mismanagement, deliberate or incidental, often resulted in unique difficulties at the settlers' expense. Moreover, the bureaucracy inherent in local and colonial politics, along with the land-owning requirements for suffrage and holding governmental office essentially eliminated any opportunities for estranged settlers to effectively seek redresses for their grievances.

The geography of the backcountry in North Carolina's piedmont region helped to breed further contention between migrant settlers and their absentee-landlords and bureaucratic officers. As opposed to the eastern plains where prosperous trading cities and sprawling plantations proliferated, the western backcountry developed into a more communal and agricultural environment. The beginnings of commercial enterprise dominated the east, filtering imports of furnished goods and exports of cash crops and textiles through major towns such as Wilmington and New Bern. Coupled with the influence of a more established governmental infrastructure, a rising merchant class and mercantilist values increasingly characterized the coastal plains of North Carolina.

The western piedmont, backcountry, and Appalachian foothills, on the other hand, maintained an agrarian focus on small-scale farming, local markets, and communal bartering due to one major, differentiating geographic feature: a notable lack of navigable rivers. While the fertile and expansive lands of the central piedmont held similar

capabilities to support large-scale agriculture akin to the eastern plantations, the inability to efficiently transport commercial quantities back to the coast meant local, communal farming dominated western North Carolina. Bureaucratic professions such as lawyers, merchants, and bankers had little place in the agrarian backcountry. The inevitable imposition of government and infrastructure working its way westward essentially forced a clash between the increasingly mercantilist east and the more agrarian frontier.

2.3. Dissenting Protestants, Dissenting Backcountry

The influx of migrants onto mismanaged, absentee-owned lands in the Carolina backcountry brought a relatively diverse range of cultural attitudes and ideas with them. From Scottish Highlanders to German farmers to Scotch-Irish colonists, each group arrived in North Carolina with unique expectations, unique histories, and unique religions from those more established, and more traditionally British, settlements back east. Although relatively homogenous – in its colonial demographic – through much of its first century, North Carolina’s population increases during the middle of the eighteenth century saw a direct increase in diversity as well. Key differences arose between the overwhelmingly Anglican, British eastern plains and Protestant backcountry. While not solely responsible for the series of insurrections in the Carolina backcountry, peaked by the Regulator Rebellion, demographic, lifestyle, and religious differences worked in conjunction with the growing population and corrupt administration to create a contentious environment.

Mentioned above, the demographic composition of North Carolina’s colonial population during the 1760s varied dramatically between the central piedmont and the coastal plains due to large waves of migration into the backcountry. Numerous sects of

dissenting Protestants settled Anson, Orange, and Rowan counties, to name a few, hoping to build havens of religious tolerance and self-sufficiency for their families. German descendants from Pennsylvania migrated south to avoid encroaching government and rising land prices. Furthermore, second and third generation colonists emigrated from backcountry Virginia and Maryland for significantly similar reasons; encroaching government, rising land prices, and backcountry conflicts drove them south in search of greater freedoms and stability. In fact, the demographics in North Carolina's backcountry differed so significantly from the east that Governor Tryon noted, "These inhabitants are a race of people differing in health and complexion from the natives in the maritime parts of the province; as much as a sturdy Briton differs from a puny Spaniard; in the present situation of my health, I may include myself among the latter."³⁵

While demographic differences can easily be brushed off as mere physical or ancestral uniqueness from their eastern counterparts, admittedly superficial, an important distinction must be made, evidenced in Governor Tryon's own words above. In a British-owned and British-governed colony, a significant portion of its population were notably non-British, if not anti-British. As E. W. Caruthers stated in his biography of Reverend David Caldwell, the bulk of migrants into North Carolina's backcountry "were mostly from the Highlands of Scotland; the north of Ireland; the Marquisate of Moravia; and other German countries. They were not only Protestants, but were nearly all dissenters from the church of England."³⁶ Aside from illustrating that significant demographic differences did exist between the backcountry settlers and the coastal establishment, Tryon's proclamation to the Board of Trade in London suggests that, at least for some,

³⁵ "Letter from Governor Tryon to the Board of Trade, August 2, 1766," Saunders, *CR*, 7:248.

³⁶ Caruthers, *A Sketch of the Life*, 85.

those differences mattered. The colonial government recognized the historical animosity between Britain and the ancestry of its western populations and, in an effort seen throughout the North American colonies, sought to Anglicize non-British dissenters into a more homogenous, and controllable, people. Governor Tryon recognized these differences in demographics and admitted a level of intimidation he felt when comparing his strictly British, urban upbringing with the non-British, frontier peoples of the backcountry.

Along with the more obvious demographic differences that provided contention between the eastern and western parts of colonial North Carolina, certain lifestyle differences, alluded to earlier, also helped create a contentious environment. The more established coastal plains, with its governor's office, land offices, and trading ports, held most of the bureaucratic positions, full of merchants, lawyers, and government officers. On the other hand, the less established west, with its geographically constrained farmlands and frontier lifestyle, persisted as the country of the yeomanry. Historian Gary Nash, writing of the North Carolina Regulator Rebellion within the greater context of widespread backcountry rebellions leading up to the American Revolution, claimed, "Farmers charged officials with extortion in the local courts, but they were much more likely to lose as merchants sought writs of ejectment for farmers who could not pay taxes or small debts."³⁷ Furthermore, Herman Husband, discussing the nature of lawyers in the eighteenth-century backcountry, remarked that "we have heard it objected, that it would be Dangerous to leave all the Lawyers out of our Assemblies, lest the Court Party should

³⁷ Gary Nash, *The Unknown American Revolution* (New York: Viking Penguin, 2005), 104.

be able to steal all our Privileges from an ignorant or unexperienced Assembly.”³⁸ While Husband hoped his claim would illustrate the corruption of lawyers and state officials to persuade the backcountry farmers to abdicate some of their liberties away from “an ignorant or unexperienced Assembly,” his words still indicate a paternalistic attitude of the eastern politicians and bureaucrats towards the western yeomanry. The lifestyle differences between the east and west might not have made a major impact in and of itself, it made a significant enough impact in the lived experiences of eighteenth-century colonists to affect their behavior and attitudes towards the western frontier.

In addition to cultural and demographic differences, the veritable schism between eastern Anglicanism and the dissenting Protestant sects of the backcountry greatly influenced attitudes and interactions between the two regions. Taxes levied to pay for Anglican ministers in non-Anglican counties provided fuel for the backcountry’s general discontent with the colonial government. Furthermore, the colonial government’s refusal to recognize full privileges and rights of non-Anglican ministers, such as the right to perform marriages, weighed oppressively on the backcountry settlers. More importantly, however, the communal and evangelical nature of the backcountry’s dissenting sects affected those colonists’ ideas, expectations, and interactions with government. The hierarchical nature of Anglicanism, and British culture in general, held little influence in the western regions of North Carolina, and the increased imposition of such a paternal system was met with dissent, petition, and eventually open conflict.

The pressure to Anglicize the colony of North Carolina began in earnest under the governorship of Arthur Dobbs. In the 1750s he proposed a new act to both drastically

³⁸ Archibald Henderson, “Hermon Husband’s Continuation of the Impartial Relation,” *The North Carolina Historical Review* 18, no. 1 (January 1941): 80.

increase the number of Anglican parishes throughout the colony and to provide “an Annual Salary of Eighty Pounds Proclamation Money; to be levied, assessed, and collected, and paid” through the colony’s annual taxes towards staffing those parishes with Anglican ministers.³⁹ Thus, the colonial government forced a significant portion of North Carolina’s backcountry population to pay additional taxes for services that they neither wanted nor participated in. Moravians, Quakers, Baptists, and Scottish Presbyterians constituted significant portions of the backcountry population’s religious sects, and those dissenting Protestants viewed the new ministers and their salaries as an egregious act of eastern-dominated politics. The fact that “24 out of 30 parishes were vacant,” according to Arthur Dobb’s declaration to the assembly in 1764, further suggests that a significant portion of North Carolina’s population neither paid into the parish salaries nor required their ecclesiastical services.⁴⁰

The disconnect between the eastern and western regions of colonial North Carolina stemmed from more than just exorbitant taxes for unwanted ministers, however. Each group of notably non-British migrants into the backcountry in the eighteenth century brought with them their own unique blend of dissenting Protestantism, lured to Carolina’s piedmont by the “offer of a more tolerant religious climate.”⁴¹ While Anglicanism dominated the eastern portions of North Carolina, various Protestant sects together formed the majority of religious denominations in the backcountry. Quakers, Baptists, Anabaptists, Presbyterians, and the Church of the Brethren (Dunkers) settled the central piedmont and western foothills, and the effect those denominations had on

³⁹ “An Act, for Appointing Parishes and Vestries . . .,” Saunders, *CR*, 25:302.

⁴⁰ Caruthers, *A Sketch of the Life*, 81.

⁴¹ Ekirch, “A New Government of Liberty,” 633.

backcountry politics greatly influenced the increasingly turbulent environment within colonial North Carolina.

Key cultural differences between the eastern and western regions of colonial North Carolina played important parts in fostering an environment of oppression and discontent. At the surface, demographic and ancestral differences prevented the eastern merchants and plantation-owners and the increasing migrant populations of the backcountry. Additionally, pressures from the British government to consolidate the colonies spiritually under Anglicanism, the executive acts of Arthur Dobbs to drastically increase the number of Anglican parishes and ministers, and the consequential taxes to fund such operations all caused significant friction throughout North Carolina's central piedmont and western foothills. Finally, the spiritual experimentation and enlightenment of the Great Awakening that greatly influenced the ecclesiastical orientation of the dissenting Protestant sects in North Carolina's backcountry provided an avenue for dissenters to vocalize and actualize their growing antihierarchical religious and political ideas.

Migratory patterns in the North American colonies during the early-to-middle eighteenth century filtered a host of travelers into the backcountries of the southern colonies. North Carolina, especially, saw a drastic increase in population from the 1730s up to the years preceding the American Revolution. Most of the migrants that settled in the central piedmont of North Carolina did so in response to push and pull factors, as historian Timothy Henderson has noted; disadvantageous factors, such as rising land prices and political instability, pushed populations out of either their home-countries in Europe or their homesteads in the northern colonies, and advantageous factors, such as

promises of religious freedoms and low prices of land, pulled them into the southern backcountries.⁴² Along with swelling populations, the land those migrants settled further complicated the supposed utopia that pulled people into the Carolina backcountry. Dual absentee-ownership provided a secure base through which local and regional officials pursued flagrant greed and conducted rampant mismanagement. The expansion of infrastructure, such as land offices, magistrate's offices, court houses, and county seats, might have given settlers avenues through which to voice their concerns, but they also established a veritable dynasty of elite solidarity at the yeomanry's expense. Additionally, the colonial government established land-owning requirements for both participation in government through suffrage and participation in government through election to the Assembly. The monopolization of power by officials restricted the opportunities, both political and economic, of backcountry settlers, corrupting the reality of their utopic visions that brought them to North Carolina in the first place.

These primary contextual factors, increasing regional populations, land-central aspects of the Carolina backcountry, and cultural differences between the eastern plains and the western frontier, created a particularly contentious environment through which backcountry populations experienced various oppressions, voiced their concerns in a variety of ways, and sought redresses through both governmental petitions and outright violence. Egregious fees charged by numerous offices throughout North Carolina's frontier counties, seemingly sanctioned by the upper echelons of the colonial

⁴² While Henderson addressed the push-pull factors with relation to patterns of Mexican migration into the United States during the nineteenth and twentieth centuries, and the concept receives the typical criticisms that generalizations do, the concept still applies to migration patterns in the colonial era, as described in earlier sections of this chapter; Timothy J. Henderson, *Beyond Borders: A History of Mexican Migration to the United States*, (West Sussex: Wiley-Blackwell, 2011), 7.

government, fashioned the core of the Regulator's grievances. Those grievances of extortion and abuse of power, exacerbated by Great Awakening values and diverse communal politics, propelled the Regulators into outright and open rebellion against the colonial government as they sought to reestablish their access to inherent rights they felt were both accessible to them and withheld. Armed with this contextual knowledge, the actual events of the North Carolina Regulator Rebellion can now be explored and discussed.

CHAPTER 3: OPEN REBELLION

In 1768 in North Carolina, backcountry settlers in Orange Country formed an organization to protest what they viewed as egregious taxes levied in an extortionary manner by a small, well-connected group of local officials and multiple office-holders. They called themselves Regulators because of their desire to regulate governmental practices, namely government accountability and self-auditing. The royal government of North Carolina and the Regulators participated in a scattered series of altercations over three years, culminating in the Battle of Alamance in May 1771. Defeated at Alamance Creek, its leaders either executed or scattered, the North Carolina Regulator Rebellion failed to enact the changes they sought from their government. However, in their struggles, the Regulators exemplified a significant divergence in political cultures between North Carolina's eastern and central regions.

Although the Regulator Rebellion and the Battle of Alamance has been described by some historians as “the first battle for American liberty and independence,” in actuality, the Regulation represented the last in a series of popular insurrections against the corrupt administrations of local officials and land managers.⁴³ Tensions between the expanding colonial government and those it sought to govern began rising around the middle of the eighteenth century, corresponding with the drastically increasing population along the backcountry frontier. As discussed in the previous chapter, rapidly growing populations, the westward expansion of government, and key cultural differences between the inhabitants of the eastern and western regions of North Carolina

⁴³ Fitch, *Some Neglected History*, 31.

all combined to create a contentious environment. From Edgecombe County to Wilmington, from Brunswick to Hillsborough, popular protests arose.

This chapter will explore the Regulator Rebellion's role and participation in the spirit of insurrection in eighteenth-century North Carolina. Before the political and philosophical underpinnings of the Regulation can be discussed, the events themselves must first be explained. This chapter seeks to explain the events of the Regulation in detail, within the historical context generated in the previous chapter, to both reexamine the details of the Regulator Rebellion and prepare the reader for a thorough analysis of the Regulators in the following chapter.

3.1. Popular Uprisings

Beginning in the middle of the eighteenth century, North Carolina played host to numerous instances of riots, rebellions, and insurrections. From Edenton to Brunswick, colonists and settlers responded to unfavorable circumstances, especially from the colonial government, with protests and popular uprisings. While the Regulator Rebellion marks the last in a series of popular protests spanning nearly twenty years, four other seemingly disparate protest movements occurred prior to the unrest in Hillsborough. The Enfield Riots, the Sugar Creek War, the Stamp Act protests, and the Sandy Creek Association not only demonstrated a wide-spread propensity for utilizing protests and unrest to actualize popular discontent, they also exemplify specific uses of violence and riotous behavior in response to specific transgressions. Protestors tended to identify a singular person or leader of a group of perpetrators as a focus of their discontent. Rarely did popular protests in North Carolina call for much more than a replacement of a corrupt individual. Finally, most riots and protests in North Carolina established some semblance

of a mock-court, using the symbol of justice both as a parody of the current officers and as an example of how the protestors felt that justice should be served. Often, these mock-courts produced contracts under duress from the pinpointed individuals that the protestors focused their discontent on. Each of these characteristics of riots, uprisings, and popular protests can be seen in the examples of protests presented in this chapter. Methods of protest, along with reasons for protesting, bear similarities across most of North Carolina's popular uprisings, and any serious inquiry into the Regulation benefits from tracing the evolution of Regulator grievances and practices to better understand why they behaved the way they did.

In 1759 protestors from the Granville District kidnapped Frances Corbin and Joshua Bodley, primary and co-land agents for Earl Granville's holdings in North Carolina, for four days and forced them to sign statements under duress promising fairer land management, standardization of practices, and acquit the rioters from any legal ramifications. For years the settlers in North Carolina's Granville District – a tract in the northern region of the colony equaling approximately one-eighth of the Carolinas and owned by Earl Carteret, the heir of the last proprietor – had labored under Corbin's disorganized and dishonest land management. Corbin and his agents “took people's fees and refused to make out deeds; they deeded the same piece of land to several buyers, taking fees from all;” they charged more than required to profit from the transactions; and they “played favorites with their own friends, awarding them choice lands already entered by others.”⁴⁴ After a few years of dishonest management, settlers decided to seek redresses for what they viewed as extortion.

⁴⁴ Kars, *Breaking Loose Together*, 32.

Petitioning the governor, the Assembly, and even Lord Granville directly, the colonists in the eastern region attempted to find anyone willing to prosecute Corbin and enforce fair and consistent fees.⁴⁵ Each of their petitions, however, failed to enact reasonable changes to the settlers' complaints. While the petitioned Assembly did call for an investigation on Corbin on December 4th, 1758 that ultimately removed him from the governor's council three weeks later, Corbin avoided further reprimands or removals from office.⁴⁶ Even though the corruption of Corbin and his lackeys had been made thoroughly transparent – Herman Husband estimated that just one of Corbin's subagents had failed to enter nearly 800 deeds in 1756 – the colonists affronted by Corbin desired actual redresses for their years of exploitation.⁴⁷ Thus, in January 1759, they marched nearly seventy miles to abduct Corbin and his co-agent, Joshua Bodley, with the intentions of pressuring them into admitting fault, posting a bond to the mock-court, restructuring the procedures and protocols for land-management, replacing all of the existing deputies, and absolving the rioters of wrongdoing.⁴⁸

The somewhat inaccurately named Enfield Riots displayed a few key elements that resonate with subsequent protests in colonial North Carolina. To begin with, the Enfield rioters started with petitions at the local level and petitioning each consecutive level within the hierarchy only after each consecutive failure to act in the rioters' interests. Furthermore, as with each of the following examples of popular protests within colonial North Carolina, protestors did not arbitrarily demonstrate haphazardly; they

⁴⁵ Ekirch, ““A New Government of Liberty,”” 639.

⁴⁶ “Minutes of the North Carolina Governor's Council, December 1st – December 23rd, 1758,” Saunders, *CR*, 5:996-998.

⁴⁷ Ekirch, ““A New Government of Liberty,”” 640.

⁴⁸ Lee, *Crowds and Soldiers*, 25.

chose specific locations to legitimize their protests. For example, after kidnapping Corbin and Bodley the Enfield protestors brought them from their house in Edenton to the courthouse at Enfield. As Wayne E. Lee has argued, “North Carolina rioters had begun to develop a tendency to situate their actions in and around the closest thing to a public center that a region of distributed settlement could boast—the county courthouse.”⁴⁹

Somewhat similar to the riotous farmers in Edenton and Enfield, the protesters involved in the Sugar Creek War felt themselves the victims of dishonest land management practices, albeit more incidental than under Francis Corbin. A group of farmers stood defiant against the efforts of large-scale land-owners and speculators who sought to survey their absentee-owned lands near present day Charlotte. Years of speculation, crown-grants, and failure to register deeds complicated the processes of land-ownership in the southern piedmont of North Carolina. Around 1760, When Henry McCulloh sent expeditions to survey his large land-holdings in Mecklenburg County, his surveying crew found hundreds of families with established houses and farms utterly defiant to the fact that they had been squatting on land that had been bought and sold without their knowledge.

The settlers near Sugar Creek defied colonial authority from both deeding lands and collecting taxes for nearly a decade. In 1762 Governor Arthur Dobbs attempted to survey his new lands, his previous attempts at contractual surveys having failed. The Sugar Creek families agreed to let Dobbs inspect his lands without surveying only to ambush him and his party the next morning. Threats of lashing, jailing, and even killing Dobbs and the surveyors frightened the governor and his crews away for two years.

⁴⁹ Lee, *Crowds and Soldiers*, 25.

From 1762 to 1764 Arthur Dobbs did not issue a single grant in his backcountry holdings.⁵⁰ Despite facing overt, blatant, and unwavering resistance to the seemingly inevitable westward spread of colonial infrastructure, the colonial government only seriously pursued effectual change after Henry McCulloh's agents attempted to survey his holdings near Sugar Creek in 1765.

In 1764 Henry McCulloh and a survey crew visited his tracts in Mecklenburg County with the hopes of selling and deeding plots to squatters; whether on Crown lands or Granville lands, speculators and land managers had to fulfill minimum settlement requirements (see previous chapter) to avoid their remaining lands reverting back to King George or John Carteret's ownership. McCulloh's first two expeditions failed as the Sugar Creek families intimidated and negotiated with McCulloh and his crew in a unique form of unsanctioned communal government. The settlers wanted what they saw were fair prices for their land, land that many had "owned" and worked for years. The harder they intimidated and negotiated, however, the higher a price McCulloh demanded, even after the families destroyed the survey equipment and ran off the crews.

Petitions to the governor and the threat of losing much of Mecklenburg County's farmers through eviction, unaffordable mortgages, and relocations resulted in a cease-and-desist order against Henry McCulloh's eviction notices.⁵¹ Furious, McCulloh composed a lengthy letter of explanation to the then Lieutenant Governor William Tryon in defense of his actions with the "decision or direction of disputes concerning [McCulloh's] private Property." Additionally, McCulloh informed Tryon of the Sugar Creek farmers' unsanctioned contract of their own, "under all they possessed in the

⁵⁰ Lee, *Crowds and Soldiers*, 30.

⁵¹ Kars, *Breaking Loose Together*, 45.

World,” to refute the claims of ownership Henry McCulloh and his peers.⁵² Mecklenburg County would remain in turmoil throughout the Revolutionary War.

For the purpose of understanding the environment that generated the Regulator Rebellion, the Sugar Creek War illustrates two important aspects of backcountry resistance to the westward advance of colonial infrastructure, both private and of the state. First, the Sugar Creek families conducted their protests against forceful absentee land-management similarly to the Enfield Riots before them and the Regulation after them. They petitioned their local officials, they attempted to claim their own authority when their petitions failed, and finally resorted to violence. Thomas Polk, a local justice in Sugar Creek, petitioned Lieutenant Governor William Tryon attempting to keep Henry McCulloh from evicting settlers in the Sugar Creek area until a compromise could be found; the Sugar Creek families conducted their negotiations with McCulloh and his survey crews communally, even entering into unsanctioned pacts as their own quasi-governing body; and they responded to each consecutive survey attempt or negotiation refusal with proportionately increased violence, culminating in the brutal beating of Henry McCulloh’s survey crew on May 7, 1765.⁵³ Describing the wounds inflicted on his crew to Edmund Fanning in Hillsborough, McCulloh claimed that John Frohock “got one damnable wipe across the Nose and Mouth – and Abraham they say is striped from the nape of his neck to the Waistband of his Breeches, like a draft-Board; poor Jimmy Alexander had very near had daylight let into his skull.”⁵⁴

⁵² “Minutes of the North Carolina Governor’s Council, May 7, 1765 – May 9, 1765,” Saunders, *CR*, 7:12-31.

⁵³ *Ibid.*

⁵⁴ “Letter from Henry Eustace McCulloh to Edmund Fanning, May 9, 1765,” Saunders, *CR*, 7:32-34.

The Sugar Creek War also influenced future protests in North Carolina because, in a sense, the protestors won. Despite the efforts of Henry McCulloh to exact revenge on the protestors and issue writs of eviction to those families outright unwilling to pay for their lands, the colonial government failed to accomplish much in the way of backing McCulloh's judicial efforts. Newly implemented taxes on papers, including legal documents, ground civil court hearings to a halt. Additionally, after an intense series of propaganda and judicial threats against key persons such as Thomas Polk, most of the Sugar Creek families compromised with McCulloh on prices for their lands, either purchasing land outright or mortgaging land from McCulloh. Shortly thereafter, Edmund Fanning, recently appointed associate judge on the Salisbury superior court, dismissed the riotous criminal cases. While Marjoleine Kars has suggested that "more than likely, McCulloh discontinued his prosecutions in the superior court in return for an acceptance of his terms of sale," monetary factors cannot be ruled out.⁵⁵ People would struggle to pay McCulloh their mortgages if placed in prison; McCulloh would have even more difficulty receiving money from executed settlers. Even with Lieutenant Governor Tryon's proclamation on May 18th bribing the Sugar Creek families for "the names of the several Rioters, that they may be convicted" while "the said Persons so giving information shall be exonerated," no significant repercussions befell the protestors in Sugar Creek.⁵⁶

In March 1765 Parliament passed the Stamp Act in an attempt to generate revenue with which to offset the expenditures of the Seven Years' War against the French.

⁵⁵ Kars, *Breaking Loose Together*, 46.

⁵⁶ William S. Powell, James K Huhta, and Thomas J. Farnham. *The Regulators in North Carolina: A Documentary History, 1759-1776* (Raleigh: State Department of Archives and History, 1971), 23.

Throughout the colonies, protests erupted as Parliament “asserted the right to tax the colonists without their consent.”⁵⁷ From Boston, Massachusetts, to Wilmington, North Carolina, colonists in Britain’s North American holdings proclaimed their defiance of the abhorred Stamp Act with demonstrations, effigy burnings, and threats against tax officials; the colonists protested and boycotted so unexpectedly and profoundly that Parliament repealed the Stamp Act after courts began to close.⁵⁸ To justify the severity of their protests and their participation in colonial resistance, colonial writers and pamphleteers claimed that “taxation without consent was an attempt at slavery that justified resistance” by constructing a shared lineage between colonial and English legal traditions.⁵⁹

In North Carolina, colonists participated in the Stamp Act protests similarly to the other colonies, with demonstrations centered around port-towns and major merchant areas – those areas most affected by the new, mandated stamp paper. In Brunswick, for instance, “an armed force from Brunswick and New Hanover counties was on the ground ready to resist the landing of the stamp paper.”⁶⁰ In Wilmington, two riots in October 1765 occurred as North Carolinians demonstrated their discontent with the new Stamp Act legislation. The petitions, protests, and popular outcries convinced Governor William Tryon that North Carolina simply would not accept the Stamp Act under any condition. In November Tryon “ordered the suspension of all activities, notably some

⁵⁷ Fitch, *Some Neglected History*, 36.

⁵⁸ Discussing the heritage of frontier democracy during and after the American Revolution, Carroll Smith-Rosenberg mentions the closing of Hampshire and Berkshire County courts as examples of frontier protests. Carole Smith-Rosenberg, *This Violent Empire: The Birth of an American National Identity* (Chapel Hill, University of North Carolina Press, 2012), 94.

⁵⁹ Alex Tuckness, “Discourses of Resistance in the American Revolution,” *Journal of the History of Ideas* 64, no. 4 (October 2003): 556.

⁶⁰ Fitch, *Some Neglected History*, 37.

forms of commerce, that required [the stamps].”⁶¹ Six months later, Parliament repealed the Stamp Act fearing a reduction in trade with the colonies.

While the Stamp Act protests remained primarily focused along the coast, and it threatened merchants and bureaucrats more than frontier farmers in North Carolina, the protests in Wilmington and Brunswick demonstrated the nexus of colonial resistance: the justification of protests through invocations of English political tradition. As Wayne E. Lee argues regarding the cultural importation of traditional English models of protest, “Unhappy people turned to old forms of protest because they were familiar and comfortable and because the old forms carried a cachet of legitimacy that would help sway their audience, or at least not turn it against them.”⁶² Claiming connection and adherence to the long English tradition of political protest both reinforced the legitimacy of the protestors and clearly displayed an understood set of expectations for the protested. Relying on socially accepted forms of violence helped to ensure that, at worst, the protested would only resort to an equal level of violence.

In the case of North Carolina’s Stamp Act riots, the colonists protested in predominantly English ways, keeping to traditional forms of carefully restricted violence. In November 1765, for example, protestors stormed Governor Tryon’s mansion, kidnapped the stamp distributor, Dr. William Houston, and forced him to formally declare, under duress, that he would not distribute nor “officiate in any means as Stamp Master or Distributor of Stamps . . . until such time as it will be agreeable to the inhabitants of this Province.”⁶³ Additionally, according to the *North Carolina Gazette*,

⁶¹ Lee, *Crowds and Soldiers*, 36.

⁶² *Ibid.*, 22.

⁶³ Fitch, *Some Neglected History*, 36.

two riots erupted in Wilmington in October 1765 protesting the reviled Stamp Act with processions and displays of effigies. On October 19th protestors paraded and set aflame an effigy of “a certain honourable gentleman,” and on October 31st protestors “produced an Effigy of Liberty, which they put in a coffin, and marched in solemn Procession with it to the Church Yard.”⁶⁴ By using effigies to symbolize the nexus of their discontent, the Stamp Act protestors could behave violently, even so far as burning a particular person by proxy, without overstepping social and legal boundaries.

Advertisements began to circulate throughout Orange County in 1766 calling for men from each neighborhood to “[enquire] whether the free men of this Country labor under any abuses of power or not.”⁶⁵ Drawn up and distributed by Herman Husband, future pamphleteer for the Regulators, the ensuing meetings came to be known as the Sandy Creek Association due to their meeting place’s proximity to the similarly named Sandy Creek in Orange County a few miles southeast of Hillsborough. The associates sought to monitor the actions and procedures of public officials through a conference between the people and their public officials in October 1766 “to examine into the Public Taxes and inform themselves of every particular thereof by what Laws & for what uses it is laid in order to remove some jealousys out of our minds.”⁶⁶

The delegates for the Sandy Creek Association gathered at the mill of John to meet with their local officials, notably Edmund Fanning of Hillsborough – a “lawyer, merchant, register of deeds for Orange County, prosecutor in Orange County Court,” and good friend of Henry McCulloh.⁶⁷ They hoped to have a “Conference on Publick affairs

⁶⁴ Fitch, *Some Neglected History*, 39.

⁶⁵ “Regulator Advertisement 1,” Saunders, *CR*, 7:250,

⁶⁶ “Regulator Advertisement 2,” Saunders, *CR*, 7:251.

⁶⁷ Kars, *Breaking Loose Together*, 72.

with [their] representatives” concerning such items as taxes, registering for land patents, and the establishment of an annual meeting between the people and their representatives, indicative of the evolving political culture in the backcountry.⁶⁸ “Such a meeting,” the Sandy Creek Association argued, “was absolutely necessary in order to reap the profit designed us in that part of our Constitution of choosing representatives and knowing of what uses our money is called for.”⁶⁹ Rather than attend the meeting to quell the unease growing in the backcountry population, however, no public official showed.

Left with little alternative since their public officers refused to accommodate them, the discontented backcountry farmers decided to open “a lawsuit to rectify the fees and such like” for which they quickly “got subscriptions for upwards of fifteen pounds.”⁷⁰ The Sandy Creek Association eventually gathered fifty pounds between them to secure a lawyer; if their local officials would not agree civilly to be more transparent in their business, the Sandy Creek associates would force them to through judicial prosecution. However, the inherent risk of questioning prominent officials in the eighteenth century – oftentimes such questionings were deemed libel – deterred nearly all backcountry lawyers from pursuing the farmers’ claims. The Sandy Creek farmers had but one trustworthy lawyer, and he refused to plead their cases.⁷¹ Furthermore, secrecy of the laws kept all but the privileged few ignorant of the proper fee-tables for requesting registration from public offices; one local justice loaned a copy of the newly-revised provincial laws to the Orange County farmers and promptly had his commission revoked. The corrupt local elites, known from the ordinary farmer to the royal governor as

⁶⁸ “Regulator Advertisement 3,” Saunders, *CR*, 7:251.

⁶⁹ *Ibid.*, 251-252.

⁷⁰ Powell, *The Regulators in North Carolina*, 37.

⁷¹ Basset, “The Regulators of North Carolina,” 163.

extortionate embezzlers, had a firm monopoly on the backcountry legal system, and they sought to do everything in their power to maintain the status quo.⁷² With such mounting opposition to their stern inquiries at every turn, the Sandy Creek Association disbanded.

3.2. The Regulation Gains Traction

Since the Sandy Creek Association failed to enact any judicial, legislative, or social changes regarding the accountability of their local officials, the agitative behaviors continued unchecked in Orange County. Years of steadily increasing taxes and dishonest administration strained tensions between the backcountry farmers of Orange, Rowan, and Anson Counties and the eastern-appointed public officials comprised primarily of lawyers and merchants. As James P. Whittenburg claimed, “Regulators viewed with great alarm what seemed to them the demise of a simpler society in which planters ruled unchallenged by men who did not work the soil.”⁷³ Thus, when news spread throughout the colony that plans had been approved to construct a new governor’s mansion at the taxpayers’ expense, civil conditions in the backcountry understandably worsened.⁷⁴ In early 1768 the group of farming families styling themselves Regulators held another communal meeting to discuss the latest in a line of aggravations. By March the Regulators released another advertisement to the “Assembly men and Vestry men of Orange County” with which they sought to “know what we paid our Levy for” as many Regulators still believed that “the Taxes in the County [were] larger according to the number of taxable than adjacent counties and continues so year after year.”⁷⁵ Most

⁷² See the previous chapter for Governor Tryon’s letter to the Board of Trade describing his belief of embezzlement.

⁷³ James P. Whittenburg, “Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation,” *The William and Mary Quarterly* 34, no. 2 (April 1977): 221.

⁷⁴ “Estimate of the costs of the North Carolina Governor’s Mansion,” Saunders, *CR* 7:542-543.

⁷⁵ “Regulator Advertisement 5,” Saunders, *CR* 7:699-700.

importantly, the Regulators declared that “we are obliged to seek redress by denying paying any more until we have a full settlement for what is past and have a true regulation with our officers.”⁷⁶ Requesting an accountability meeting with their local officers had produced no results; now, however, they hoped to over-step the county government by withholding taxes to gain the attention of the governor himself.

While the refusal to pay taxes certainly garnished the Regulators with more attention outside of men like Edmund Fanning and his clerks, what they received did not live up to their expectations. Inconsistency with declared tax-rates, the unwillingness of tax-offices to publish provincial tax-rates, and the flat-out refusal of their public officers to meet the Regulators on their terms meant that “the people had lost confidence in their leaders, and not being able to find in the law books the specified tax bills, declared they were being defrauded.”⁷⁷ William Thompson, a justice of the peace in Orange County, recorded numerous depositions during his tenure as a public official. Surviving depositions from Charles Bruce, Joseph Foshea, James Younger, and Robert Woody describe being required to pay the same taxes numerous times. One of the most common methods involved one sub-sheriff, such as Thomas Hart or Thomas Thompson, issuing forged writs for tax collections – when those issued such writs appeared in court under summons for tax collection, they were obliged to pay again or suffer judicial action.⁷⁸

To add insult to injury, changes to the North Carolina tax collection procedures dictated that “the Sheriffs of the several Counties in this Province are obliged to attend at five different Places in their County, at least two Days at each Place, at some time

⁷⁶ “Regulator Advertisement 5,” Saunders, *CR* 7:699-700.

⁷⁷ Basset, “The Regulators of North Carolina,” 164, fn 3.

⁷⁸ “Depositions concerning complaints about taxes and fees for public officials, April 14, 1763-May 28, 1768,” Saunders, *CR*, 7:773-774.

between the first Day of *January* and the first Day of *March*, in Order to receive the public County and Parish Taxes.”⁷⁹ Before, the sheriffs and their officers would travel door-to-door assessing taxable assets and collecting the corresponding taxes. Now, as Herman Husband decried, “Every one could see this was quite insulting, as well as an Attempt to make Asses of us; for no one but had Sense enough to know this new Law was calculated for the Sheriff’s Ease.- And instead of being so careful to word his Advertisement, That ‘the sheriffs were obliged to attend,’ He might have said, The Asses were obliged to bring their Burdens to him.”⁸⁰ The way the Regulators understood it, the colonial government cared more about easing the corrupt sheriffs’ jobs than about censuring public officials and maintaining a sense of accountability.

With each passing month, it seemed, the Regulators recognized more and more grievances. E.W. Caruthers, in his biography of Reverend Caldwell of Sugar Creek, explained simply that “it required some patience to bear such a burden of taxes under these circumstances; and especially when a large portion of it was to gratify the vanity of a man, like governor Tryon, in building palaces,” yet he admits that “it is probable that the people would have submitted to it if the officers had been honest, and had demanded no more taxes and fees than were lawful.”⁸¹ To make matters worse, the sheriffs of Orange County began distraining peoples’ private property in lieu of their taxes. Joseph George, John Stewart, Parish Gardner, Job Self, John McVey, John McDonald, Thomas Glover, and Peter Rennolds all provided depositions to justices of the peace for Orange County describing personal property confiscated by sub-sheriffs between the years 1766-

⁷⁹ Husband, *An Impartial Relation*, 15.

⁸⁰ *Ibid.*, 16.

⁸¹ Caruthers, *A Sketch of the Life*, 113-114.

1768; it must be noted that none of the aforementioned depositions describe willing payments of debt with property, all instances of confiscations were done without the property owner's consent.⁸²

In early April 1768, the Regulators finally lost their patience with the administration of Orange County. The exploitation, complete disregard from the county leaders, and theft of private property had taken its toll on backcountry settlers, and the theft of a horse by Sheriff Hawkins in lieu of taxes ignited an explosion of popular resentment and protest. John Gray, in a letter to Edmund Fanning, claimed that "the mob who stand in opposition to paying their Levies and who have so long threatened us appeared yesterday [April 8th] in Town to the number of 100. in order to take from the Sheriff a horse which he had distrained for a Levy."⁸³ In their first incident of popular protest against the officials of Orange County, the Regulators overtook Sheriff Hawkins on his way into Hillsboro with the confiscated horse, liberated the stolen property, restrained Sheriff Hawkins with rope, and paraded through Hillsboro. During their procession through town shaming the sheriff the Regulators "treated sundry of the Inhabitants of the Town very ill"; living within sight of the Regulators' enemies was worthy of disdain to the protestors.⁸⁴ The Regulators then culminated their public display of dissatisfaction by breaking the windows of some prominent residents' homes and firing a few shots into the second-story of Edmund Fanning's house, thereby decreeing through action that they felt Fanning at the core of their opposition.

⁸² "Depositions concerning complaints about taxes and fees for public officials," Saunders, *CR*, 7:774-779.

⁸³ "Letter from John Gray to Edmund Fanning," Saunders, *CR*, 7:705.

⁸⁴ *Ibid.*

Fortunately for Edmund Fanning, business as a justice in Salisbury had kept him away from Hillsboro during the Regulators' first public display of violence in opposition to colonial authority. It took five days for the letter from John Gray in Hillsboro to reach Fanning in Salisbury, but once he received it, he wasted no time in rhetorically demonizing the recent riotous behavior. He replied to John Gray's letter on April 13th, ordering the muster of the militia against the Orange County Regulators. Fanning also penned a damning tirade expressing his views about the recent unrest:

Such an instance of a traitorous and rebellious conduct and behavior such a lawless opposition to Government such an open defiance of Law and contempt of authority I could never believe or suspect the Inhabitants of my Darling my favorite County guilty of – Such a behavior is a disgrace to our Country and something more than a dishonor to our King and Country. This spirit must be suppressed and properly punished or we may no longer expect our persons protected or our properties secured by the Laws of the Land but to lye open and exposed to the attacks of lawless violence and brutal force.⁸⁵

Of course, the irony must be noted of Fanning's worry over the security of private property at the hands of the Regulators, the very same people that Fanning had been letting his agents confiscate property from.

John Gray mustered the militia as ordered by Fanning, but to his dismay Gray found the militia disastrously in support of the Regulators. He ordered Francis Nash and Thomas Hart – known for their dishonest methods – to write Fanning in Salisbury, informing him that they “don't believe 150 men could be raised in the whole of Orange who would with firmness and resolution follow their officers.”⁸⁶ Without any significant support from the Orange County militia, the public officers knew they could do little to coerce the Regulators into accepting a continuance of the status quo. In an attempt to

⁸⁵ “Letter from Edmund Fanning to John Gray,” Saunders, *CR*, 7:706-707.

⁸⁶ “Letter from Francis Nash and Thomas Hart to Edmund Fanning,” Saunders, *CR*, 7:711.

postpone another Regulator riot in Hillsboro, at least until the colonial authority had the proper means to quell such behavior, Nash and Hart suggested in their letter to Fanning that they “thought it most prudent to propose a kind of treaty with the leading and most reasonable men of the rioters,” but they made clear that “the purpose of which [treaty] is designed as nothing more than to keep them from making any violent Attempt upon those who have appeared openly against them.”⁸⁷

Unfortunately, no record of the proposed meeting between Fanning’s agents and the Regulators exists, if the event occurred at all. The change in rhetorical style between the published statements of the Regulators’ March and April meetings suggests that constructive communication between Fanning’s agents and the discontented farmers took place. Reading the publication from March uncovers a conversational element to the Regulators’ rhetoric; the publication addresses the intended recipients, it offers brief explanations for their malcontent, mentions numerous times that they “are obliged to seek redress” for prior wrongs, and closes with a plea to Fanning and his agents to “fail not to send Answer by the Bearer.”⁸⁸ The format, style, and content all indicate that the Regulators sought to initiate a dialogue with their oppressive officers through mutual transparency and mediation.

A month later, however, the Regulators’ tone changed dramatically. No longer conversational, the April publication did not seek to establish a dialogue or schedule a meeting between the two factions. Rather, the Regulators’ response to the confiscation of private property, the mustering of the militia, and Francis Nash and Thomas Hart’s attempt at coordinating a treaty traded all personable and conversational rhetoric in favor

⁸⁷ “Letter from Francis Nash and Thomas Hart to Edmund Fanning,” Saunders, *CR*, 7:710.

⁸⁸ “Regulators’ Advertisement No. 5,” Saunders, *CR*, 7:700.

of a list of resolutions under which they “do voluntarily agree to form ourselves into an Association” so as to “[amend] such Laws as may be found grievous or unnecessary and to choose more suitable men than we have heretofore done for Burgesses and Vestry.”⁸⁹ In short, rather than attempt any coordination with their local officials, they sought to replace them. Additionally, the Regulators declared that their petitions would skip the established infrastructure in Orange County and be sent directly to Governor Tryon and his council, the North Carolina Assembly, and even the king himself with the intent to circumvent Fanning and his agents and replace those that they saw unfit to officiate. The protests through Hillsboro had awoken the sheriffs, magistrates, and lawyers of Orange County to the seriousness of the Regulators; however, the time for negotiations had passed.

Despite the adamant claims of the Regulators distributed from their early-April meeting, five days of deliberation with George Micklejohn – reverend of the Orange County Anglican Church – convinced the Regulators “by the power of persuasion and argument” to refrain from “going to the Town of Hillsborough until the eleventh day of May . . . to propose and deliberate on such matters as shall be conducive to the preservation of our public and private Interest.”⁹⁰ The meetings between the Regulators and Reverend Micklejohn began on April 25th, and by April 30th the Regulators had chosen their twelve representatives to meet with the Orange County officials in May. Interestingly, in a letter from Edmund Fanning to Governor Tryon dated April 23rd, Fanning details a plan to lure the Regulators into committing open treason against colonial authority with the purpose of defeating, trying, and thoroughly eliminating the

⁸⁹ “Regulators’ Advertisement No. 4,” Saunders, *CR*, 7:672.

⁹⁰ “Regulators’ Advertisement No. 7,” Saunders, *CR*, 7:716.

leadership and influence of the Regulators before any more disturbances could occur.⁹¹ Four major parts constituted Fanning's plan: fear of another Regulator riot "on the 3rd of May . . . to lay the Town in ashes," his belief that "if any advantage can be once gained [militarily against the Regulators] the show will be over," requesting military support from Governor Tryon, and "[apprehending] three or four of the principals under the cover of night, and to have them brought instantly into town" to provoke an "attack from the whole united force of the regulators or rebels."⁹² By dishonestly arresting key Regulators, Fanning hoped to coerce the whole of them into open rebellion. A decisive victory by the colonial authority, Fanning expected, would dissuade further antagonism against the established order. This suggests that the meeting between the Regulators and Reverend Micklejohn to postpone their march to Hillsboro's courthouse until May 11th was a dishonest attempt to both prevent the Regulators from rioting in Hillsboro before Fanning had bolstered the militia and a way to keep enough Regulator leaders nearby deliberating their choices of representatives long enough for Fanning to abduct some to be made examples of. Thus, on May 1st, the night after the Regulators' meeting to choose representatives for the peaceful deliberation still ten days off, Herman Husband and William Butler found themselves arrested and on the way to Hillsboro's jailhouse.

When news of Husband's and Butler's arrest spread, the whole of Orange County erupted in a whirl of alarm and activity. As Wayne E. Lee has stated, "Here was an act, an arrest in the dark of a Sunday night, clearly in violation of the protocols of riot and response, and the consequences were immediate and swift."⁹³ The very next morning

⁹¹ "Letter from Edmund Fanning to William Tryon," Saunders, *CR*, 7:713-716.

⁹² *Ibid.*

⁹³ Lee, *Crowds and Soldiers*, 55.

masses of Orange County settlers began gathering on their way to Hillsboro to demand the release of Husband and Butler. As Husband related in his history of the Regulation, “This Alarm immediately so engaged almost every Man, Woman, and Child, that by Day-Light, next Morning, some Hundreds were assembled near the Town, which Number, in an Hour or two, increased to Odds of seven Hundred armed men.”⁹⁴

Understandably, the speed and magnitude with which the Regulators and their sympathizers responded alarmed Edmund Fanning and his agents, as he had planned for the Regulators’ response the following Tuesday after Husband and Butler’s arrest.⁹⁵

Intimidated by the encroaching Regulator masses, and under-supported with a meager number of loyal militiamen, Edmund Fanning allowed William Butler and Herman Husband to make bail rather than face an overwhelming force of protestors, albeit under conditions none too favorable for Husband and Butler. As Husband stated, “It came into my Mind, that if I made Colonel Fanning some Promises he would let me go.”⁹⁶ Fear of being brought to New Bern to be hanged – which the prison guards perpetuated, most likely to coerce the prisoners into accepting whatever conditions for bail that Fanning presented – spurred Husband into accepting unrealistic terms of bail as proposed by Edmund Fanning. Promising to never speak their “Opinion of the Laws . . . nor shew any Jealousies of the Officers taking extortionary Fees,” in addition to William Butler demanding his name cleared in court and corresponding expenses paid, Husband and Butler made their way to the Regulators’ camp just after daybreak.⁹⁷ The release of the prisoners, along with a promise from the governor’s secretary Isaac Edwards that

⁹⁴ Husband, *An Impartial Relation*, 22-23.

⁹⁵ “Letter from Edmund Fanning to William Tryon,” Saunders, *CR*, 7:714-715.

⁹⁶ Husband, *An Impartial Relation*, 42.

⁹⁷ *Ibid.*, 43.

Governor Tryon would make time for the Regulators' claims of redress upon his visit to Hillsboro, satisfied the desires of the mob, and the Regulators dispersed without further incident.

Over the summer the Regulators continued their meetings and published a flurry of advertisements and petitions. The promise of Governor Tryon giving legitimate audience to their grievances gave them hope; they produced numerous petitions, advertisements, and series of depositions in the following weeks in preparation for delivery to the governor. Through a series of committee gatherings, advertisements, and letters to the governor and his council, the Regulators attempted to both present their grievances and oppressions around their corrupt officials – as Husband succinctly stated, “We were told in plain Terms, and in Writing, that no Petition could, nor would go down with the Governor but such a one as they had Wrote for us” – and reassure their allegiance to King George III, the British Constitution, and the existing colonial authority.⁹⁸ Despite their best efforts to clarify that they bore “no ill-will to any but our cruel Oppressors,” the Regulators accomplished little aside from agitating the political environment and coaxing Governor Tryon to visit Hillsboro personally.⁹⁹

In September 1768 the Hillsboro superior court convened for the trial of Herman Husband and William Butler on charges of inciting the riotous behavior the April prior where the Regulator mob liberated confiscated property, intimidated prominent townsmen, and caused damage to Edmund Fanning's house. Both the Regulators and Governor Tryon spent the preceding months in preparation for the emotionally and politically charged event. Governor Tryon remembered the letter he received from

⁹⁸ Husband, *An Impartial Relation*, 25.

⁹⁹ “Letter from the Regulators to William Tryon,” Saunders, *CR*, 7:812.

Edmund Fanning a few months prior detailing the lackluster support of the Orange County militia, and, fearing another Regulator riot, he spent the weeks preceding the September court traveling the surrounding counties to inspect and administer “an Association Oath,” along with dramatic displays of fraternity and willingness “to serve His Majesty King George and protect the Liberties of the Country” against “the rash, obstinate and violent Proceedings of the insurgents.”¹⁰⁰ Back in Orange County, the Regulators continued petitioning the governor to “dissolve the House of Assembly” so that their grievances “would go through and by way of such Representatives as would then be chosen.”¹⁰¹

On his return to Hillsboro for the September superior court, William Tryon marched his recently bolstered militia “directly through Regulator settlements” hoping to “intimidate people into renouncing the Regulators.”¹⁰² Through unnecessary displays of power, thinly-veiled insults, and sincere miscommunications, tensions between the military presence of Governor Tryon and the local Regulators grew to dangerous proportions in the days leading up to Husband and Butler’s trial. The increased military presence, Husband noted, agitated the local populace who feared the increasing numbers of standing militia at Hillsboro; given the nature of Husband’s arrest the preceding spring, a deliberate provocation of another Regulator riot to justify armed intervention by the militia seemed probable to many Orange County residents.¹⁰³ An examination of a militia report on the Hillsboro war council suggests that the Regulators’ rightly suspected

¹⁰⁰ “Tryon’s Journal of the Expedition into the Backcountry, July 6, 1768-October 2, 1768,” Powell, *The Regulators in North Carolina*, 131.

¹⁰¹ “Letter from the Regulators to William Tryon,” Saunders, *CR*, 7:811.

¹⁰² Kars, *Breaking Loose Together*, 157.

¹⁰³ Husband, *An Impartial Relation*, 39.

provocation from Tryon's forces. After suggesting to his war council that "it would be advisable to send Troops to compel the Regulators to submit themselves to Government," Tryon gave the Regulators gathering in Hillsboro to monitor Butler and Husband's court proceedings a scant two hours to comply to his audacious terms or face the militia.¹⁰⁴ The Regulators, gathered just outside of Hillsboro, requested until dawn to confer amongst themselves, which Tryon granted. When his messenger returned to inform the Regulators of their extension, he found the masses had dispersed in secret.

At length, the superior court opened, presided over by Martin Howard, Maurice Moore, and Richard Henderson. From September 22nd to October 1st the court oversaw numerous indictments against the Regulators, including Herman Husband and William Butler. The court found Butler "guilty in manner and form set forth in the indictment" of assault and inciting a riot.¹⁰⁵ However, sixteen other Regulators, including Herman Husband, were found not guilty of the charges brought against them. Additionally, acting "in a manner similar to Tryon's initial response to the Regulators," the court also presided over six indictments against Edmund Fanning for dishonest management, found him guilty in all six charges, and fined him one penny for each charge.¹⁰⁶ Eventually, all of the Regulators would receive a governor's pardon with the exception of Herman Husband, who would retain personal resentment from Governor Tryon for the remainder of the Regulator crisis.

With the court proceedings completed by October, the tensions around Hillsboro receded, at least for the time being. The indictments of Edmund Fanning, while

¹⁰⁴ "Report on the proceedings of a council of war held at Hillsborough," Saunders, *CR*, 7:841.

¹⁰⁵ "Minutes of the Hillsborough District Superior Court," Saunders, *CR*, 7:846.

¹⁰⁶ Lee, *Crowds and Soldiers*, 63.

symbolically an act of good faith from the courts to the people of Orange County, dissuaded many of those militiamen gathered under Tryon's banner from continuing their stance against the Regulators; almost immediately the militia began to disperse. The clearing of nearly all Regulators arraigned at court and the recognized guilt of their public officers validated many of the Regulators' claims, along with exposing the antagonistic efforts of the colonial authorities. For a time, peace reigned in Orange County again. However, none of the corrupt public officers left their positions, and in time their greed and abuses of power continued against the local farmers. Thus, the Regulators continued their communal gatherings, their petitions, and their aims of establishing a representative body that more accurately represented Orange County, North Carolina.

3.3. The Regulation Squashed

The indictment of Edmund Fanning, a pardon from Governor Tryon for the Regulators acquitted at the Hillsboro Superior Court, and hopes about continuing their petitions to the Assembly left the Regulators of Orange County sated for the remainder of 1768. For the time being, persecuting their corrupt local officials remained the Regulators' top priority.¹⁰⁷ In December the North Carolina Assembly met for the last session of 1768, passing numerous new legislations affecting the backcountry. While the Assembly passed an act "with an intention to secure debtors from being too much distressed by the suits at law of their creditors under the present scarcity" of legal tender, which hoped to ease tensions between officials and the poor farmers in the backcountry, they also renewed the Vestry taxes and raised the commissions and salaries for the

¹⁰⁷ Lee, *Crowds and Soldiers*, 66.

colonial militia, increasing the demand for tax revenue.¹⁰⁸ Given the unreliable nature of the backcountry militia through the summer and fall of 1768, it should come as no surprise that Governor Tryon sought to incentivize loyalty as long as the potential for protest and riot existed.

General peace reigned in North Carolina, at least with regards to the Regulators, until the spring of 1769. In April, the sheriff of Orange County, John Lea, attempted to “serve a warrant on Hanson Hamilton, for a breach of the peace.”¹⁰⁹ However, John Pugh and two others “compelled him to desist,” and, when Sheriff Lea persisted, they “beat him severely.”¹¹⁰ Fortunately for the Regulators, Governor Tryon felt reason to believe “by other letters that this act of outrage [was] not countenanced but disapproved by the body of the people who called themselves regulators.”¹¹¹ Tryon convinced the Governor’s Council to “postpone the consideration of them til further intelligence is received from the back country.”¹¹² For the time being, the Regulators in Orange County avoided scrutiny from the central authority.

The April beating aside, stagnancy characterized backcountry politics until May 1769. During the Governor’s Council on May 4th, Governor Tryon proposed a dissolution of the current Assembly, with elections to be held and a new Assembly to convene the following October. “Under the present circumstances of the County,” and since “several members of the House of Assembly were absent or dead,” Tryon wondered

¹⁰⁸ “Letter from William Tryon to Wills Hill, Marquis of Downshire,” Saunders, *CR*, 8:5.

¹⁰⁹ Caruthers, *A Sketch of the Life*, 129.

¹¹⁰ *Ibid.*, 129.

¹¹¹ “Letter from William Tryon to Wills Hill, Marquis of Downshire, April 25th, 1769,” Saunders, *CR*, 8:32.

¹¹² *Ibid.*

whether “it might not be expedient to dissolve the Present Assembly.”¹¹³ Dissolving the Assembly also meant the beginning of election season in colonial North Carolina.

Similar to postponing the investigation of Sheriff John Lea’s beating, Tryon inadvertently provided an opportunity for the Regulators in North Carolina to pursue their aims of replacing their corrupt local officials.

A whirlwind of activity erupted in the backcountry during the summer of 1769. The governor’s proclamation dissolving the Assembly sparked a resurgence of Regulator activity; if they could get the legislative body on their side, they would gain serious leverage in their political and judicial struggles. They published an address in the weeks preceding the election directed at the voters throughout North Carolina, but specifically in Orange County. “Excess in any Matter breeds Contempt; whereas strict Propriety obtains the Suffrage of every Class,” they wrote, asking whether “the Charges of Government [have] been unnecessarily raised, to the great Encrease of the Public Tax?”¹¹⁴ Furthermore, the Regulators pressed the concern of misrepresentation in the Assembly by stating, “Many are accusing the Legislative Body as the Sources of all those woful Calamities . . . we have chosen Persons to represent us to make Laws, etc. whose former Conduct and Circumstance might have given us the highest Reason to expect they would sacrifice the true Interest of their Country to Avarice, or Ambition, or Both.”¹¹⁵

A relatively high replacement rate for the Assembly’s elected officials, especially in backcountry counties, illustrates the discontent and disconnect within North Carolina. In the words of John Spencer Basset: “That there was a strong feeling against the officers

¹¹³ “Minutes of the North Carolina Governor’s Council, May 4th-6th,” Saunders, *CR*, 8:37.

¹¹⁴ Husband, *An Impartial Relation*, 65.

¹¹⁵ *Ibid.*, 66.

throughout the province is attested by the results of the election for assemblymen. Carteret, Beaufort, Anson, Halifax, Bladen, Edgecombe, Tyrrell, Orange, Granville, and Hyde changed their entire delegations.”¹¹⁶ In addition to an increased Regulator presence in the Assembly, including Herman Husband, they also succeeded in getting “persons directly sympathetic” to their cause “elected to the Assembly.”¹¹⁷ Despite their impressive display at the polls, the new assemblymen constituted a small percentage of the Assembly; Basset calculated that only 43 of the 782 legislative seats were replaced.¹¹⁸ Furthermore, the haphazard distribution of Assembly seats between the counties meant that a significant portion of North Carolina remained underrepresented. For example, “Orange and Rowan combined had four representatives to a population of 6,000, while the five small counties above [Pasquotank, Chowan, Currituck, Perquimans, and Tyrrell] had twenty-five representatives to a population of 2,000.”¹¹⁹ Even though the new representatives constituted a small percentage of the legislative body in North Carolina, the “Piedmont farmers managed to reduce the number of representatives who were merchants or officeholders” in favor of representatives more relatable to, and therefore invested in, the farming population in the backcountry.¹²⁰

The backcountry farmers and their newly-elected representatives found themselves fighting with and against a system that proved decisively uncooperative. Undeterred, they pressed their issues as best they could, continuing their communal meetings and forwarding their “instructions to their assemblymen.”¹²¹ Restricting

¹¹⁶ Basset, “The Regulators of North Carolina,” 184.

¹¹⁷ Lee, *Crowds and Soldiers*, 66.

¹¹⁸ Basset, “The Regulators of North Carolina,” 184.

¹¹⁹ Fitch, *Some Neglected History*, 72.

¹²⁰ Kars, *Breaking Loose Together*, 171.

¹²¹ *Ibid.*

eligibility for elected legislative positions to help prevent aggregation of power in the hands of a few multiple office-holders, a removal of the payment of justices and clerks through fees rather than an established salary to help prevent extortion in the local court systems, replacing the established poll tax with a primitive income tax to both spread the burden of taxes and discourage the accumulation of enormous tracts of land, and a push for increased accountability with those collecting and handling the public monies dominated the Regulators' agenda in the Assembly. Their desired initiatives pressed upon their legislators and their increased representation in the Assembly indicate the growth of both the backcountry organization and their understandings of colonial government and politics. As Kars has argued, "The breadth of their demands reflected the steady refinement of Regulator thinking through experience and their attempts to appeal to a larger group of Piedmont farmers."¹²² However, despite their increasingly sophisticated agenda and their efforts to legally alter the colonial system to nearly everyone's benefit, they still constituted a small minority in the legislative body and could only do so much with the little leverage they gained.

For his part, Governor Tryon actually supported many of the resolutions presented and petitioned by the Regulators, although his antagonism towards the backcountry farmers would suggest otherwise. William Tryon knew well the horrid state of the colony's finances, and he had reported the backcountry sheriffs' embezzlement to London multiple times.¹²³ He had proposed legislation to make the treasurers liable for the short-comings of the sheriffs, he suggested an accurate keeping of ledgers and receipts for better accountability of the treasurers, and he sought to reform the auditing

¹²² Kars, *Breaking Loose Together*, 173.

¹²³ See chapter 1, page 17.

procedures to increase transparency between the treasury and the legislature. Economic reform notwithstanding, Tryon “accepted the inevitable fact of the power structure and contented himself to work within it.”¹²⁴ If he wanted to keep the Assembly on his side and maintain the support of the prominent officers around North Carolina, he had to be careful not to overstep his executive authority.

Additionally, although they both fought for similar, fundamental economic changes in colonial economics, Tryon and the Regulators could not set their differences aside and work cooperatively. They both understood the collusion between corrupt local officials and multiple office-holders as the nexus of the colony’s economic deprivations. The colonial government needed the notably deficient backcountry taxes for funding, and the Regulators simply wanted to pay those taxes without exorbitant fees or corrupt officials pocketing their tax revenue. However, the vastly different obstacles that interfered with each party’s machinations cemented permanent disdain and distrust between the Regulators and William Tryon. For example, the Assembly primarily stood in the way of Tryon’s economic reforms; for the Regulators, the Assembly presented their largest hope of accomplishing their grassroots goals. They received the largest opposition to their resolutions from the local courts, public officers, and the central authority. The polemics of colonial socio-economic and political statuses, with Tryon on one end and the Regulators on the other, made it impossible for them to understand the unique obstacles that each side fought to overcome. The existing flow of authority simply would not allow it. Rather, the harder each side pressed to enact their resolutions the more they offended each other, illustrated by an alleged confrontation between

¹²⁴ Marvin L. Michael Kay, “Provincial Taxes in North Carolina During the Administration of Dobbs and Tryon,” *The North Carolina Historical Review* 42, no. 4 (October 1965): 450.

William Tryon and Herman Husband at a meeting of the Assembly. E.W. Caruthers' description excellently sums the confrontational nature of grassroots organizations such as the Regulators in a strict hierarchy:

Harmon Husband was a member of the lower house, having been chosen to represent the county of Orange; but his presence was, of course, not very agreeable to the governor; and his conduct while there, if accounts be true, was not calculated to conciliate one of Tryon's haughty temper. The people engaged in the Regulation had refused, partly by his influence, to pay the taxes demanded by the sheriffs; and he undertook to act the part of sheriff himself in this matter. Before he left home he collected the exact amount of tax due from every man in his county, according to law; and took it with him. When the two houses met and his name was announced as a member from Orange, the governor in a haughty tone demanded the reason why the king's subjects in his county had refused to pay their taxes. With the plainness and firmness of a Quaker, he replied that the people owed his excellency, as they believed, so much butter; but as that was apt to stick to the fingers, to prevent unnecessary waste, they had freely paid it in money, and sent it by their commoner which he was then ready to pay over to the treasurer provided he could get a receipt to shew them when he returned.— With that he walked up to the speaker's table, and laid down his bag of specie, saying "here are the taxes which were refused to your sheriff."¹²⁵

Notwithstanding their gains in representation and petitions to the legislature, the Assembly failed to act towards backcountry reform. The recent Townshend Acts had prompted nonimportation agreements from many of the colonies, and the increased stress between Britain and the colonies distracted North Carolina's central authority from its more domestic disturbances. Additionally, Abner Nash sued Herman Husband for the securities signed by Husband during his arrest and hearing in 1768. Despite Husband's argument that the securities, signed under duress, were illegitimate, and his insistence that witnesses could corroborate his claim, the court refused to see any witnesses and ruled "that there was no duress" and charged Husband to pay fees for "the plaintiff & damages & costs."¹²⁶ The "apparent success of the elections" having been "frustrated by

¹²⁵ Caruthers, *A Sketch of the Life*, 134-135.

¹²⁶ "Minutes of the Hillsborough District Superior Court, March 22, 1770 – March 25, 1770," Saunders, *CR*, 8:184-185.

the prorogation of the Assembly,” combined with the public defeat of the Regulators in court, “stoked the fires of resistance.”¹²⁷

Legislative failures and judicial set-backs sparked renewed feelings of exploitation and paternalistic deference amongst the backcountry population. Despite having gotten their local officers indicted for excessive fee-taking in the spring of 1768 and continued success at the polls, no significant changes had been enacted supporting the Regulators. Rather, the exploitative environment of the backcountry, especially by the Orange County sheriffs, continued relatively unabated. What little momentum the Regulators and their supporters gained during the elections of 1769 were soon abated as they underwent a stream of legislative and judicial defeats. Husband’s trial, continued extortion, and inaction from the Assembly had been demoralizing enough, but Edmund Fanning’s return to the Assembly after being outvoted for the second year in a row provided further proof to the Regulators that key participants had rigged the current system of government. Governor Tryon, in an attempt to maintain his elitist support within North Carolina, “erected Hillsboro into a borough” specifically to provide Fanning with a seat in the Assembly, an obvious attempt to displace recent Regulator elections.¹²⁸ Such deep-rooted collusion required equally deep-rooted resolves, and the Regulators again published their intent to withhold all taxes until such obstacles to their liberty be removed. As Maurice Moore wrote to Governor Tryon in March, 1770, “The Sheriffs of the several Counties of this District complain heavily of the opposition to them in the

¹²⁷ Lee, *Crowds and Soldiers*, 66.

¹²⁸ Basset, “The Regulators of North Carolina,” 189.

execution of their office . . . I am told there is no such thing as collecting the Public Tax . . . none such can be executed among them.”¹²⁹

By September 1770 tensions began to peak again. The Assembly’s inaction to pressure from both the Regulators and Governor Tryon had perpetuated an inefficient and corruptible system in the backcountry for too long, the western farmers had had enough, and the Hillsboro District Superior Court session in September provided them the opportunity to display their malcontent. Wayne E. Lee noted significantly that “the details of the event are available almost exclusively from anti-Regulator sources.”¹³⁰ Therefore, a certain level of embellishment inherently exists as those victimized by and unsympathetic to the Regulators framed their depositions and letters to the governor and his council in such a way as to further demonize the backcountry farmers. That said, the surviving records of the September Hillsboro riot can still be useful to understand the series of events and their intended purpose.

The Superior Court convened on Saturday September 22 lead by Associate Justice Richard Henderson. After Adam and Henry Whitsett “took the oaths prescribed by Parliament for Naturalization,” the court adjourned until the following Monday.¹³¹ Upon the court’s reopening on Monday, Regulators began to gather in Hillsboro and, after a few hours, they burst into the courthouse, disorderly and discontent. The minutes of the Superior Court succinctly described the events that followed:

Several persons stiling themselves Regulators assembled together in the Court Yard under the conduct of Harmon Husbands, James Hunter, Rednap Howell, William Butler, Samuel Devinney, & many others insulted some Gentlemen of the Bar, & in a violent manner went into the Court house, and forcibly carried out

¹²⁹ “Letter from Maurice Moore to William Tryon, March 13, 1770,” Saunders, *CR*, 8:178.

¹³⁰ Lee, *Crowds and Soldiers*, 67.

¹³¹ “Minutes of the Hillsborough Superior District Court, including docket, September 22, 1770 – September 24, 1770,” Saunders, *CR*, 8:235.

some of the attorneys, and in a cruel manner beat them. They then insisted that the Judge should proceed to the Tryal of their leaders, who had been indicted at a former Court, and that the Jury should be taken out of their party.¹³²

Richard Henderson, “finding it impossible to proceed with honor to himself and Justice to his Country,” agreed to adjourn the court until the following day.¹³³ However, Henderson “took the advantage of the night & made his escape.”¹³⁴

Aside from violently intimidating the court and beating several attorneys, including the despised Edmund Fanning, and unexpected departure of Richard Henderson, the Regulators proceeded to sarcastically render such judgements as “Damn’d Rogues” in the John McMund vs. William Courtney case, “Executed by a damned Rogue & Bill not sufficient” in the John Kimbrough vs. William Alston case, and “All Harris’s are Rogues” in the Michael Wilson vs. David Harris case.¹³⁵ In the words of William Edward Fitch, “Their [the Regulators] decisions were ridiculous, as they intended them to be. They intended the whole proceeding to be a farce; as an expression of their contempt for the authorities who were pretending to administer the law of the land.”¹³⁶ The long-term collusion between the courts and local officials, such as Edmund Fanning and Francis Nash, and the inefficiency of the central authority to intervene had driven the Regulators from desiring simple legislative reform and honestly upheld laws towards more radical sentiments of legislative reform and a deep-rooted contempt for the ineffective court system. Their mockery of the Hillsboro Superior Court

¹³² “Minutes of the Hillsborough Superior District Court, including docket, September 22, 1770 – September 24, 1770,” Saunders, *CR*, 8:236.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

¹³⁶ Fitch, *Some Neglected History*, 173.

signified to all of North Carolina that many backcountry farmers felt ignored, abused, and abandoned by the colonial authority.

On October 9th Ralph McNair submitted a deposition describing further riotous behavior by the Regulators at the Hillsboro Superior Court. According to McNair, the Regulators damaged multiple houses, harassed and beat numerous townfolk, and disrupted the court on Monday the 24th. On the following day, while the mockery court took place, the Regulator mob vandalized Edmund Fanning's house, "[broke] and [destroyed] a considerable part of his household furniture, [drank] & [spilled] the liquors in his Cellar, and almost totally demolished his house."¹³⁷ The unexpected departure of Judge Henderson infuriated the Regulators, who felt that they simply sought to receive fair and honest judicial treatment. Akin to their actions in April 1768, the Regulators directed their anger towards the home of Edmund Fanning, simultaneously releasing years of frustration and publicly displaying their resentment of Fanning. Combined with the farce of the court proceedings, the symbolism implied with the destruction of Fanning's house clearly exhibited to the rest of the colony that the Regulators blamed Fanning for the consistent failures of government in Orange County.

It took a fortnight for word to reach Governor Tryon "acquainting [him] of an insurrection of the regulators" in Hillsboro.¹³⁸ He immediately issued a summons for the governor's council to convene the following week to deliberate the causes and effects of such an affront to the peace and stability of the colony. A fear-filled letter from numerous public officers in Hillsboro to Tryon described the events of the September riot

¹³⁷ "Deposition of Ralph McNair concerning the regulators at the Hillsborough District Superior Court, October 9, 1770," Saunders, *CR*, 8:254.

¹³⁸ "Letter from William Tryon to Wills Hill, Marquis of Downshire, October 7, 1770," Saunders, *CR*, 8:248.

as “pursuing every measure destructive of Peace and good Government . . . which we apprehend must end in the ruin and destruction of the Province.”¹³⁹ The officers also called on Tryon to use the utmost means of government at his disposal to subdue the Regulators, as they felt themselves “hourly in the most imminent danger not only of losing our lives and fortunes but of every connection which we esteem valuable.”¹⁴⁰

While the high probability of embellishment must be accounted for in James Watson and Francis Nash’s description of the Regulators to rhetorically separate themselves from the likes of the riotous mobs, the fact still stands that the riots in Hillsboro were the most violent of public demonstrations by the Regulators thus far.

At the suggestion of his council, Governor Tryon called on the militia in the counties surrounding Orange to muster and inspect their troops for loyalties, similarly to the musters of 1768. He also summoned the Assembly to convene on November 30th to deliberate possible courses of legislative action against any such future riotous behavior, but they delayed until the first week of December. When the Assembly opened, Governor Tryon presented a speech to the legislators detailing what he viewed as “those four points in which in the most urgent manner I offer up for your consideration— The abuses in the conduct of the public funds, the General complaints against public Officers and Offices, The evils arising from the circulation of counterfeit money, And the injuries offered to his Majestys Government and his Subjects at, and since the last Hillsborough Superior Court.”¹⁴¹ “The late outrages at Hillsborough,” Tryon proclaimed, “are the

¹³⁹ “Letter from James Watson, Francis Nash, et al. to William Tryon, September 30, 1770,” Saunders, *CR*, 8:246.

¹⁴⁰ *Ibid.*, 247.

¹⁴¹ “Minutes of the Upper House of the North Carolina General Assembly, December 5, 1770 – December 31, 1770,” Saunders, *CR*, 8:282.

proceedings of a seditious mob, Men, who . . . in open contempt . . . have torn down justice from her Tribunal and renounced all Legislative authority.”¹⁴² Furthermore, Tryon called for “the raising of a sufficient body of men, under the rules and discipline of War, to march into the settlements of those Insurgents in order to aid and protect the Magistrates and civil Officers in the execution of those Laws now existing.”¹⁴³ What he did not expand to the Assembly, despite his intense concern with the public funds, was how the severity of his first three main concerns directly influenced the severity of his fourth concern, that of the riotous behavior in the backcountry.

The Assembly accomplished little before its dissolution by the governor. Numerous petitions from various backcountry counties regarding the misconduct of their public officers made their way to the legislative body, and the Rowan and Orange County Regulators even attempted to eliminate their oppressions in a roundabout way by requesting the formation of a new county constituted by the western part of Rowan County and the eastern part of Orange County to no avail. Legislative inefficiency notwithstanding, the Assembly did accomplish two noteworthy incidents concerning the Regulators, and neither of them bode well for the backcountry farmers. First, on December 15th Samuel Johnston presented a bill to the Assembly “for preventing tumultuous and riotous Assemblies, for the more speedy and effectually punishing the rioters, and for restoring and preserving the public peace of the province.”¹⁴⁴ The aptly named Johnston Riot Act, passed just two days after on December 17th, authorized the use of deadly force in apprehending rioters and overturned the requirement of riotous

¹⁴² “Minutes of the Upper House of the North Carolina General Assembly, December 5, 1770 – December 31, 1770,” Saunders, *CR*, 8:284.

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*, 319.

criminals to be tried in the judicial district in which they committed the act. Most importantly, as Marjoleine Kars has noted, “the law was applied retroactively, making all who had participated in the recent Hillsborough riot subject to its provisions.”¹⁴⁵ Any gathering of ten or more individuals who failed to disperse at the order of a local justice or sheriff could immediately be charged as felons.

The second decisive action of the December Assembly involved the Regulators more directly. On December 20th the Assembly ejected Herman Husband from the legislative body with charges of inciting the Hillsboro riots and committing libel towards Maurice Moore. While Husband’s association with the Regulators could be verified by his signatures on multiple resolutions published in Orange County, no evidence was presented corroborating his participation, let alone his leadership in any of the recent unrest in Hillsboro. Moreover, Husband’s connection with the libelous letter to Maurice Moore, penned and signed by James Hunter, remains unconfirmed to this day. No records of James Hunter’s letter have survived, and neither has any copy of the *North Carolina Gazette* in which it was printed. Given the history of provocation between Husband and the central authority plus the added symbolism of the Assembly disowning the Regulators through Husband, the strategic use of James Hunter’s letter to delegitimize Husband cannot be ruled out.

News of Herman Husband’s expulsion from the Assembly travelled fast, and almost immediately Governor Tryon called the governor’s council to a meeting. Tryon, perhaps betraying his personal disdain for Husband, pressed the council to consider whether “it may be of fatal consequence to the country should [Husband] be suffered to

¹⁴⁵ Kars, *Breaking Loose Together*, 187.

rejoin the regulators in the back settlements of this Province.”¹⁴⁶ The colonial government feared both Husband’s prolific ability with words to rouse ordinary people to action and the possibility of his ejection from the Assembly as fuel for another Regulator riot in Hillsboro. In swift and decisive action, the governor’s council “requested the Chief Justice to take proper depositions, and immediately thereupon to issue his warrant for the apprehending him the said Herman Husband.”¹⁴⁷ While the members of the council might have thought they acted to prevent further disruption of the peace within North Carolina by distraining Husband and his influence on the Regulators, in reality their actions against Husband gave the backcountry settlers further cause to mistrust their government.

The authorities at New Bern arrested Herman Husband under orders from the Chief Justice and held him without bail or trial, setting the stage for a heroic jailbreak, and a renewed fear of riotous Regulators marching through New Bern spread through the local populace.¹⁴⁸ Just three weeks prior, the fear of a Regulator mob marching to New Bern spread, reported to the governor’s council by John Simpson, “in order to prevent Col. Fanning’s taking a seat in the House of the Assembly.”¹⁴⁹ With one of their own, and one of the more influential ones at that, essentially kidnapped, the Regulators mobilized to march on New Bern. It must be noted that prior to Husband’s ejection and arrest, any riotous Regulator mobs operated within their respective counties (Rowan, Anson, and Orange). Thus, the Regulators’ march towards New Bern illustrates the

¹⁴⁶ “Minutes of the North Carolina Governor’s Council, December 20, 1770,” Saunders, *CR*, 8:269.

¹⁴⁷ *Ibid.*

¹⁴⁸ Lee, *Crowds and Soldiers*, 72.

¹⁴⁹ “Minutes of the North Carolina Governor’s Council, December 4, 1770,” Saunders, *CR*, 8:262.

extent of their frustrations with the colonial government, and their display of those frustrations sent a message to the authorities at New Bern. Once officials learned that a mass of Regulators were in fact marching to free Husband, his indictment bill was lost, the courts acquitted him, and he was released to return to Orange County.

Although a Regulator mob neither entered New Bern nor proposed a usurpation of the colonial government, fear-mongering by the central authority presented the Regulators as a direct threat to the existing colonial structure. Furthermore, a deposition from Waightstill Avery of Mecklenburg County suggested both that the Regulators had spread their influence beyond Orange, Anson, and Rowan Counties and that they intended severe disruption of the backcountry court systems.¹⁵⁰ To make matters worse for the Regulators, the governor's council received two letters from Orange County that irrevocably sealed the fate of the riotous backcountry farmers. The first letter, from Rednap Howell to James Hunter and intercepted by local authorities, described plans to spread Regulator influence into Halifax, Bute, Edgecombe, and Northampton Counties, thereby turning nearly half of North Carolina against its corrupt officials.¹⁵¹ The second letter, sent from the Hillsboro Superior Court to the governor's council, notified the Governor Tryon that the Regulators "prevented any of the Judges or Lawyers attending" the March session of the Superior Court.¹⁵² Before the council adjourned, Governor Tryon received authorization to mobilize the militia and conduct an expedition through Orange County against the Regulators.¹⁵³

¹⁵⁰ "Deposition of Waightstill Avery concerning the actions of the Regulators, March 1771," Saunders, *CR*, 8:518-521.

¹⁵¹ Basset, "The Regulators of North Carolina," 198.

¹⁵² "Minutes of the Hillsborough District Superior Court, March 1771," Saunders, *CR*, 8:542.

¹⁵³ Basset, "The Regulators of North Carolina," 199.

In the last week of April 1771, William Tryon began his march with his coalition militia force towards the “heart of the Settlement of the Insurgents.”¹⁵⁴ Over the next three weeks Tryon’s forces marched northwest into Orange County, gaining the support of numerous county militias along the way. By the time they reached Great Alamance Campground on May 13th, his militia army numbered approximately 1,100 soldiers, and they marched with one purpose, to end the Regulators’ influence by any means necessary. Although Tryon and his forces met little resistance on their march through the backcountry, through intercepting letters and taking prisoners from populations sympathetic to the Regulators, they “angered the local population . . . along the way.”¹⁵⁵ The few acts of revenge incurred on Tryon’s march hindered his forces little, and on May 15th they camped within sight of the Regulator forces gathering to confront them along Alamance Creek.

On the morning of May 16th, 1771, roughly two-thousand Regulators organized across the field from William Tryon’s militia forces just west of Alamance Creek. Negotiations the previous evening had failed. Tryon demanded the Regulators disarm and submit their leaders to judgement by the royal authority; no other way could peace be had. Pursuant to the recently passed Johnston Riot Act by the Assembly the previous December, Tryon gave them one hour to meet his demands and disperse. The Regulators, hopeful to the end that they could have their grievances heard in peace, stood firm and resolute. Their hour elapsed, and Tryon ordered his militia force to open fire. Legend holds that when his men hesitated to fire upon their fellow North Carolinians,

¹⁵⁴ Powell, *Correspondence of William Tryon*, 678.

¹⁵⁵ Kars, *Breaking Loose Together*, 198.

Tryon frustratedly shouted “fire, fire on them or on me.”¹⁵⁶ The following battle lasted approximately two hours, but, as William Tryon described to the Marquis of Downshire, “after about half an hour the enemy took to tree fighting and much annoyed the men who stood at the guns.”¹⁵⁷ He followed by writing that he then “[advanced] the first line to force the rebels from their covering, this succeeded and we pursued them half a mile beyond their camp and took many of their horses and the little provision and ammunition they left behind them.”¹⁵⁸ In all, Tryon’s militia force sustained roughly sixty casualties, and some estimates place the Regulators’ as high as three hundred. After three years of carefully orchestrated defiance of the colonial government and its corrupt officers in Orange, Rowan, and Anson Counties, the Regulators surrendered.

Governor Tryon wasted no time after the Battle of Alamance to apprehend the Regulator leadership to be made examples of. Herman Husband, whose Quaker beliefs forbid his participation in the violence at Alamance, fled the province for Pennsylvania, where he farmed until the Whiskey Rebellion drew his participation in the years following the American Revolution. On the following morning, Tryon “ordered James Few, an outlawed Regulator who had been taken prisoner during the battle, to be readied for execution without benefit of trial.”¹⁵⁹ Tryon twice offered a governor’s pardon if James Few would only renounce the plight and actions of the Regulators; twice Few refused, and his execution commenced accordingly. From there, Tryon marched his forces throughout the heart of Regulator country in Orange County, razing the

¹⁵⁶ William Henry Foote, *Sketches of North Carolina: Historical and Biographical* (New York: Robert Carter, 1846), 60.

¹⁵⁷ “Letter from William Tryon to Wills Hill, Marquis of Downshire, May 18, 1771,” Saunders, *CR*, 8:609.

¹⁵⁸ *Ibid.*

¹⁵⁹ Kars, *Breaking Loose Together*, 201.

“plantations of Husband, Hunter, and several others of the outlawed Chiefs of the Regulators.”¹⁶⁰ Tryon intended to ensure that no trace of the rebellious and defiant spirit of the Regulators remained. His actions with both the poor state of the public funds and the insurgency of the Regulators earned Tryon a promotion to the royal governorship of New York, and days before his departure the colonial courts tried the fourteen Regulator prisoners and leaders captured by his forces at Alamance.

The court convicted twelve of the prisoners and sentenced them to execution. Tryon had the militia erect gallows overlooking the town of Hillsboro; the militia then stood guard as the condemned were led to the hangman’s noose. The crowd awaited in anticipation, “for it remained to be seen whether the governor would pardon any, or all, of the twelve in the final hour, for it was common to use such frightening situations to demonstrate state power and glorify acts of mercy and contrition in the shadow of the gallows.”¹⁶¹ William Tryon, General of the militia and royal governor of North Carolina, pardoned six of the twelve men. The remaining prisoners, including Benjamin Merrill, were led to the gallows and offered a chance to speak their final words. James Pugh, Herman Husband’s brother-in-law, bravely proclaimed that “his blood would be as good seed sown on good ground, which would soon produce a hundred fold,” but when he proceeded to declare Edmund Fanning “not fit for the office which he held, he was suddenly interrupted; the barrel was turned over, at the instance of Fanning; and he was launched into eternity before he had finished his speech, and before the half hour which

¹⁶⁰ “Article from the Boston Gazette concerning the Battle of Alamance, July 1771,” Saunders, *CR*, 8:615.

¹⁶¹ Kars, *Breaking Loose Together*, 206.

had been promised him was expired.”¹⁶² Thus, the Regulator Rebellion in North Carolina ended with the execution of six of their fellow backcountry farmers.

¹⁶² Caruthers, *A Sketch of the Life*, 165-166.

CHAPTER 4: SHEW YOURSELVES TO BE FREEMEN

Living on the border between the western frontier and the eastern metropolis, the North Carolina backcountry supported a complex and dynamic colonial experience in the eighteenth century. Population migrations, expanding infrastructure, and a degree of religious tolerance created and fostered a unique, communal political culture that often gets reduced to vague desires of the backcountry settlers and colonial farmers for competency or self-sufficiency. While they most certainly entertained hopes and dreams along those lines, they also held ideas of political participation, desires to actively participate in the colonial system, and particular notions of government and its purpose. Furthermore, the growing, communal political culture in North Carolina's central piedmont blended with the more British-centric ideas of government, politics, and economics of the eastern merchant-towns. This unique political culture manifested in various ways from political writings and sermons to unsanctioned, communal assemblies, but the Regulator Rebellion and its juxtaposition and conflict with the British ideologies of the colonial government provides superb insight into the unique beliefs of North Carolina's backcountry farmers.

This chapter seeks to expand historians' understandings of the vibrant backcountry culture of eighteenth-century North Carolina through an examination of the Regulators' fundamental philosophies and the influences and circumstances that shaped them. Analyzing and historicizing the Regulator Rebellion illuminates both unique aspects of the political culture in North Carolina's backcountry and distinct ties to its predominantly British roots. This chapter will examine the Regulators' political thought and its connections to major political theories, primarily those of John Locke. It will then

survey the greater colonial context's influence on backcountry political culture in the form of the Great Awakening. It will continue by identifying and discussing the Regulators' use of rhetoric in their arguments against the central authority, and finally it will examine the collision of eastern and western political cultures in the great debate over use of government and private property.

Colonial North Carolina fostered a complex and multi-layered political atmosphere, a collection of disparate regions, communities, and cultures the majority of which actively sought to participate in the British colonial system in some form or another. As Bradford J. Wood has argued, "The political travails of colonial North Carolina demonstrate the difficulty of constructing a political entity with disparate and far from unified parts . . . North Carolina's regions differed in fundamental ways and therefore could not always be expected to share common interests."¹⁶³ Migrants into North Carolina's backcountry during the eighteenth century often chose their settlement locations based on ethnic, cultural, or religious similarities with those nearby, forming social and political identities based on communal influence. The rising populations brought with them a need for expanded colonial infrastructure – sheriffs, court systems, legislators – whose districts often differed from rough communal boundaries. An example of this can be seen in a petition to North Carolina's December 1770 General Assembly requesting the formation of a new county comprised of the eastern region of Rowan and the western region of Orange Counties.¹⁶⁴ The settlers in those regions felt more connection to each other than in their respective, established counties. As such,

¹⁶³ Bradford J. Wood, "Politics and Authority in Colonial North Carolina: A Regional Perspective," *The North Carolina Historical Review* 81, no. 1 (January 2004): 2.

¹⁶⁴ "Minutes of the Lower House of the North Carolina General Assembly, December 5, 1770 – December 31, 1770," Saunders, *CR*, 8:310.

although the colonial experience in North Carolina operated under the umbrella of the British colonial government, political ties and identities often formed and persisted at the local level.

The communal influence on colonial North Carolina's political culture, especially in the backcountry, cannot be overstated. In many ways, colonial settlers only interacted with their political system locally. The governor's council, court justices, sheriffs, clerks of court, and many other public offices were appointed positions. Only a minor percentage of the population had interactions with the upper house of the Assembly, Superior Court, or governor's council, and the elections for Assembly seats occurred in front of local sheriffs at the district court houses. Aside from the irregular opportunity to vote for their legislators – elections only occurred after the governor dissolved the prior Assembly – the only other substantial interaction the common settler had with the political system proper happened at one of the circulating Superior Courts. Settlers would have to wait for the travelling court to open in their district, and travel there themselves, to have their major disputes settled. Thus, the district court houses became more than simply places to render verdicts and participate in the justice system, they also became literal symbols of the establishment in the disparate and disconnected regions.

The symbolism of the court house in the backcountry embedded itself in the thoughts and actions of North Carolina's backcountry settlers as the fulcrum of the overarching colonial system. The lives of both farmers and elites alike bureaucratically centered around the court house; they voted there, they applied for land patents there, and they voiced their grievances in the King's court there. This symbolism of the court house in colonial North Carolina can be seen in the actions of the Enfield Riots and the

Regulators' riots through Hillsboro in 1768 and 1770. In Enfield in 1759, protestors abducted Francis Corbin and Joshua Bodley and marched them seventy miles to the county court house where they adjourned an unofficial court both as a mockery of the justice that had been denied them and as an opportunity to declare their grievances.

Similarly, the Regulators placed the district court house in Hillsboro in the foreground of their protests. While the arrest of Herman Husband and William Butler in the spring of 1768 certainly drew additional attention to the court in May and partly in September as well, the Regulators deliberately targeted, obstructed, and adjourned their own mockery of the Hillsboro District Superior Court session in September 1770. Akin to the Enfield rioters eleven year before, the Regulators used the court house to both demonstrate their contempt for the established justice system and publicly promulgate their grievances and hopes for redresses.

4.1. Political and Spiritual Influences

The political culture found in eighteenth-century North Carolina evolved from a combination of communal, grassroots behaviors, typical of the backcountry pioneers, and more formal English political traditions. Without a thriving print culture – only three newspapers existed in North Carolina prior to the American Revolution – the print imported into the colony further suggests a fusion of traditional British thought and a budding ideology born in the colonies. For example, legend claims that Herman Husband received semi-annual pamphlets from Benjamin Franklin through a Mr. Wilcox who stocked goods in his store from Philadelphia.¹⁶⁵ Additionally, the importation of print from Britain and other European countries filtered into the backcountry either

¹⁶⁵ Caruthers, *A Sketch of the Life*, 119.

directly with migrants or via trade from the eastern merchants, and such imported books and pamphlets “were lifelines of identity, and they were direct material links to a present and past European culture.”¹⁶⁶ Undoubtedly, the two major influences, colonial and European, coalesced in unique ways in the North Carolina backcountry, and this hybrid political culture both informed and found expression in the Regulators’ political beliefs and writings.

The Regulators founded many of the arguments in their publications on backcountry understandings of private property, use-rights to common goods, and natural rights and the limits of government, all reminiscent of John Locke’s political theories. For instance, in October 1769, Regulators from Anson County petitioned North Carolina’s Assembly regarding the “numerous Patents granted, for much of the most fertile lands in this Province, that is yet uninhabited and uncultivated, environed by great numbers of poor people who are necessitated to toil in the cultivation of bad Lands whereon they hardly can subsist.”¹⁶⁷ The accumulation of large tracts of land by a small number of elites not only violated the common practice of land acquisition, wherein poor farmers could acquire land through unofficially claiming and improving unused lands until the official patents could be applied and paid for, it also violated the Lockean idea of ownership through improvement, for “he who appropriates land to himself by his labor, does not lessen, but increase the common stock of mankind.”¹⁶⁸ The hoarding of

¹⁶⁶ James Raven, *London Booksellers and American Customers: Transatlantic Literary Community and the Charleston Literary Society, 1748-1811* (Columbia: University of South Carolina Press, 2002), 7.

¹⁶⁷ William S. Powell, *The Correspondence of William Tryon and Other Selected Papers, Vol. II, 1768-1818* (Raleigh: Department of Cultural Resources, 1981), 380.

¹⁶⁸ John Locke, *The Second Treatise of Government and A Letter Concerning Toleration* (Oxford: B. Blackwell, 1948), 37.

unworked land therefore constituted a double-affront to the eighteenth-century colonial system. To add insult to injury, many land speculators often attempted to raise the prices on lands improved by the very settlers that sought to purchase the previously unworked land.

The most important correlation between John Locke's political theories and the political culture of the Regulators involves peoples' capacity for political participation. In his *Second Treatise of Government* Locke argued that "the state of nature has a law of nature to govern it, which obliges everyone: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions."¹⁶⁹ Thus, all mankind, according to Locke, had the capacity to acquire and demonstrate sound reasoning, a skill that could be earned simply through navigating and reflecting on the complexities of life. As Ian Shapiro stated simply, "We know what we make just as we own what we make, be it property created through individual work or a commonwealth created by collective agreement."¹⁷⁰ While the backcountry farmers' claims of private property hindered the collection of taxes, the belief in individual capability and sound judgement threatened the very establishment of colonial government.

The rise in evangelical Protestantism mid-eighteenth century, known as the Great Awakening, also helped foster a political mentality in the colonies that ordinary people possessed the capacity for sound moral judgement; therefore, people possessed the capacity for sound political judgement. While it occurred decades before the Regulator

¹⁶⁹ Locke, *Second Treatise*, 6.

¹⁷⁰ Ian Shapiro, "John Locke's Democratic Theory." In *Two Treatises of Government and A Letter Concerning Toleration*, by John Locke. Edited by Ian Shapiro (New Haven: Yale University Press, 2003), 317.

Rebellion, the effects of the Great Awakening persisted and continued to influence settlers throughout the colonies for years afterward. Many dissenting sects in the backcountry had leaders comprised of local converts, not trained ministers, which represented a major spiritual shift occurring throughout the colonies.¹⁷¹ While Anglicanism, the state-sponsored religion of the British Empire, encouraged hierarchical deference similarly to Catholicism, the Protestant sects throughout western North Carolina promoted a more egalitarian approach wherein the individual could receive grace through piety and righteousness, thereby expanding who had access to sound moral judgement. For example, when Herman Husband described the forming of a Regulator mob in response to the arrest of William Butler and himself, he describes the “Spirit of Enthusiasm,” how it “caught every Man, good or bad,” and that he believed that “it was a work of Providence.”¹⁷² According to Husband’s description, ordinary individuals could be influenced and blessed with grace and zeal, a key tenant of the Great Awakening.

Despite the obvious and overt resistance to the spread of Anglicanism promulgated from the east, the dissenting backcountry denominations steered the growing populations away from traditional forms of British authority in other ways. Firstly, the congregational nature of the dissenters reorganized the traditional hierarchy and redistributed autonomy in unique ways compared to the more rigid structures of Anglicanism and traditional British government. In the more communal environments of the Moravians and Quakers, for example, the congregational structure often acted as the governmental body to settle disputes between members, to offer assistance to those in

¹⁷¹ Kars, *Breaking Loose Together*, 42.

¹⁷² Husband, *An Impartial Relation*, 23.

need, and even to expel delinquent members from its congregation – and the congregations land holdings. Put simply, the communal congregations often acted independently from the greater colonial government, at least at local levels. The dissenting sects both literally and spiritually chipped away at the monopoly of authority within the colonial government.

Secondly, the evangelical nature of the dissenting Protestants redistributed traditional hierarchical authority from the hands of the political and religious elite. By removing the need for a mediator between God and the congregation, and by preaching that ordinary practitioners could access spiritual enlightenment by inward ecclesiastical reflection, the dissenters encouraged the idea that ordinary, common people could access sound moral judgement. These comparatively radical and antihierarchical notions resulted directly from the Reformist experimentation of the Great Awakening, a spiritual enlightenment in the North American colonies during the early eighteenth century. “The core notion of the Great Awakening,” as Marjoleine Kars has claimed, “was the profoundly egalitarian conviction that everyone, without distinction, was damned unless he or she had experienced conversion.”¹⁷³ Through cathartic self-reflection, ordinary people could achieve spiritual enlightenment, “bestowing divine guidance . . . in one’s new life.”¹⁷⁴ Conversion, and the subsequent divine guidance, therefore allowed an entire class of people, typically understood by the elites to be uneducated and immoral, access to sound moral judgement that could be used to effectively participate in government. Concepts of political activism generated through the Great Awakening

¹⁷³ Kars, *Breaking Loose Together*, 83.

¹⁷⁴ *Ibid.*, 83.

merged with ideas of consensual government to further the budding republicanism found in the colonies.

4.2. Use of Rhetoric

What started as an attempt to simply pay their taxes and participate in the colonial system evolved over time and in response to resistance from the central authority. The Regulators understood their actions as merely keeping their public officers' behavior within the confines of the laws of those offices. The extortion, the distrained property, even the mobilization of the militia the Regulators viewed as actions of tyrannical men outside of what was socially and judiciously allowed. Additionally, the colonial government operated paternalistically, and the central authority expected any complaints to be laid at the governor's feet, those subjects involved to take no further action, and for any and all judgements to be rendered and enforced by the central authority. Rhetorically separating the oppressive behavior of their public officials from what they believed government was allowed to do allowed the Regulators to frame their resistance to such oppressive behavior as necessary and just. In short, they could not commit treason because the oppressions they sought to reform existed outside of the boundaries of the system.

An example of such a mixing of moral and rhetorical structuring can be found in a Regulator document from November 1770. Circulated in response to accusations that they stole money from Edmund Fanning when they destroyed his house the September prior, the short publication established a boundary between morally acceptable and unacceptable behaviors. "We The Regulators," they proclaimed, "have heard a Report that we have Clandestantly Taken some considerable quantity of money Belonging to Mr.

Edmund Fanning At the time when his house & goods were Destroy'd."¹⁷⁵ Despite their recent riotous behavior, the Regulators claimed that "We Don't design to lye under Such a shame," and that "we Always count ourselves Amongst the Number of Loyal Subjects."¹⁷⁶ They followed by requesting an officer "to come & Bring the person or persons Accused to Justice, & further we will Not Molest but rather Assist in taking Such Felons."¹⁷⁷ The Regulators could not abide accusations of theft, the very act that they had been accusing their public officers of for years, and their public decree against such actions added further nuance to their beliefs and behaviors. Destroying Fanning's house was a justifiable display of malcontent and protest against the abuse of the system that afforded him a house to be destroyed, but the theft of his property was socially and morally unacceptable. They refused to stoop to Fanning's level and delegitimize their riot.

The Regulators justified their riotous behavior by rhetorically demonizing their opposition. Aside from making the backcountry oppressions more deplorable, thereby making the Regulators' rebellious acts morally acceptable by default, discussing their grievances as "abuses of power," "abuses that we suffer," and "Evils of that Nature [referencing the recent Stamp Act]" allowed the Regulators to claim as their civic duty the restoration of honest governance in their province.¹⁷⁸ The unjust actions of those in positions of power consequently authorized their constituents to use riotous behavior, according to Regulator logic. The boundaries of socially acceptable behavior shifted in

¹⁷⁵ "Advertisement by the Regulators concerning theft of money from Edmund Fanning, November 20, 1770," Saunders, *CR*, 8:260.

¹⁷⁶ *Ibid.*

¹⁷⁷ *Ibid.*

¹⁷⁸ "Regulators' Advertisement No. 4, January 1768," Saunders, *CR*, 7:671; Husband, *Impartial Relation*, 6, 9.

response to excesses of government, thereby encompassing more disorderly acts within the realm of social acceptability. Put simply, doing bad was acceptable as long as it was focused towards proportionately worse acts.

A prominent way that the Regulators utilized the power of rhetoric involved comparing their actions with already acceptable behavior as well, not just comparing their actions against those of their oppressors. They often proclaimed their loyalty to Britain and their love of the current colonial system, especially after open displays of violence and riot, promulgating their “loyalty to King George the Third now on the British Throne and our firm attachment to the present Establishment and form of Government.”¹⁷⁹ In their May 1768 petition to Governor Tryon the Regulators declared their “loyalty to our most gracious Sovereign, of our firm attachment to the Blessings of the British Constitution” and their “readiness to submit to the Laws of our Country, in paying the public dues for the support of Government *when known* [intentional emphasis added].”¹⁸⁰ Even when appealing to the governor for clemency, which the aforementioned petition did, the Regulators still called for the transparent accountability of government. Ironically, while Governor Tryon admonished their clemency requests wherein the Regulators claimed misguided ignorance, the Hillsboro Superior Court fined Edmund Fanning only a penny for each of his extortion charges because he pled that any excess charges were done out of ignorance.

The Regulators used rhetoric in ways other than justifying themselves by distancing their opponents from socially and judiciously acceptable behavior as well.

¹⁷⁹ “Regulators’ Advertisement No. 10, May 21, 1768,” Saunders, *CR*, 7:758.

¹⁸⁰ “Petition from Orange County Inhabitants to Governor Tryon, May 1768,” Powell, *The Regulators in North Carolina*, 103.

They used carefully negotiated rhetoric to illustrate their oppressive public officers without incurring libelous charges from those same public officers. Suggesting that honorable rulers would appreciate the transparency and extra-vigilance both helped to avoid pointing blame at specific leaders and hinted that they believed their current leadership to be dishonorable. For example, the Regulators claimed that they sought redress for the “very grievous, cruel inquisitous and oppressive practices of our Officers which We *generally conceive* [emphasis added] We have labored under these many years contrary to Law.”¹⁸¹ They always included key phrases – “generally conceive,” “reason to think,” and “as far as we know” as examples – to ensure any of their accusatory claims maintained enough doubt in the event that no extortion existed. With the exception of Husband’s charge of libel in 1770, an unsubstantiated claim used by the central authority to politically defame the Regulators, any charges of libel the Regulators received were counter-accusations in response to indictments of extortion and oppression, indictments that the Regulators only brought to court after their local officers refused to demonstrate transparency in their proceedings. As Wayne E. Lee has argued concerning the uses of socially acceptable forms of violence, “The Regulators expected that their actions would provoke a desirable response from the colonial government, and they conducted their violence not only in accord with their values but with the expectations of their audience in mind.”¹⁸² Applying Lee’s logic to the Regulators’ publications illuminates how they used carefully chosen rhetoric in their advertisements and petitions with the intent of evoking a specific response at best, or to minimize backlash at worst.

¹⁸¹ “Regulators’ Advertisement No. 10, May 21, 1768,” Saunders, *CR*, 7:758.

¹⁸² Lee, *Crowds and Soldiers*, 47.

4.3. Political Cultures Collide

Much of the conflict in the backcountry of eighteenth-century North Carolina originated, to some degree, from a collision of differing political cultures. A mercantile, merchant-driven eastern region maintained close relations to, and emulation of, the system of the British central authority. The seat of government rested in New Bern, the land office for Lord Granville's holdings, before it closed, rested in Edenton, and the eastern counties remained the most heavily represented in the legislature. With the large population increases in the Piedmont and western frontier, the need for infrastructure rose as well. The expansion of central authority, in the forms of magistrate offices, sheriffs' positions, and the wealthy land-speculators that often filled those positions, encroached upon an amalgamated political culture born of a pioneer evangelical spirit. Increased bureaucratic presence began displacing traditions and social mores begun by the more communal, frontier settlers.

It should come as no surprise then that conflict between the backcountry and the expanding central authority in Orange County, nexus of the Regulators, began in earnest with the Sandy Creek Association in 1766. Late that same year the Assembly passed an act establishing the town of Hillsborough, thereby officially establishing all of the public offices, the county seat, and the district court just north of the Eno River. William Tryon wrote to William Petty in January 1767, in which he detailed the legislative act establishing "the Town of Hillsborough in Orange County. This Act will tend much towards the increase of the settlement of that part of the back country, as well as to

civilize the inhabitants thereof [emphasis added].”¹⁸³ Tryon’s correspondence illustrates the increased effort of the central authority to redirect matters of government and bureaucracy from the more established communal political culture to that of the colonial government. With the implementation of sanctioned public offices came both the inherent conflict between the eastern and backcountry political cultures and an avenue for official complaints to be made against those public offices.

Furthermore, the more agrarian backcountry differed economically from the more mercantile eastern regions. The 1769 Regulator meetings and petitions to their representatives included a process for the introduction of new money into the colonial system through local loan offices using land as collateral. Such an adjustment to the system would bypass the few private banks – uncommon in the backcountry – as well as loosen the monopoly of the central authority to dictate the flow of money to the periphery. The Regulators had no qualms about paying taxes, but the egregiously inefficient and corrupt system of collecting those taxes, along with a dire need for surplus legal tender, went unpunished – and therefore sanctioned by default – by the central authority. Oftentimes backcountry farmers would have the wrong currency for the tax-collectors and sheriffs, the public officers could distrain property in lieu of approved legal tender, and additional fees could be charged at the farmers’ expense. In an effort to ease the payment of taxes, the Regulators actually championed a diminishing of central authority into the hands of the governed. In short, by trying to more efficiently pay their taxes, a conservative belief in government, they promoted a radical idea of consensual government and accountability.

¹⁸³ “Letter from William Tryon to William Petty, Marquise of Lansdowne, January 31st, 1767,” Saunders, *CR*, 7:432.

Herman Husband illustrates in his history of the Regulation an example of the choices and cultural navigations that backcountry settlers had to negotiate. Before his trial in September 1768, Husband entertained the thought of leaving the colony for fear of his indictment and possible execution. However, John Wilcocks convinced Husband not to abandon the cause and “by fair promises from some of the Council and head Officers, and the King’s Attorney, that [Husband] should get justice.” Wilcocks rode with Husband through the night, providing him assurance, and Husband admitted that he “had [but] one friend.” However, on the morning of the trial, Wilcocks had left town, writing to Husband that he had “been ordered out of Town, under Pretence of being concerned with the Regulators.” To make matters worse, Husband later discovered that John Wilcocks encouraged him to stay for his trial by request of the Attorney-General, an act “which [he] faithfully acted, as far as capable.” Wilcocks also wrote the Attorney-General saying that he was “ready to answer when called on” and that he hoped they wouldn’t “let [him] suffer for [his] good Intent.” John Wilcocks found himself directly in between two clashing political cultures in Hillsboro, and he made a carefully negotiated decision to help the central authority keep Herman Husband in Hillsboro for the continuance of his trial.¹⁸⁴

4.4. A Tale of Two Sermons

In September 1768, during William Tryon’s first march through Hillsboro, the Reverend George Micklejohn preached a sermon to the governor’s troops in anticipation of the growing conflict between the militia and the Regulators. Governor Tryon so enjoyed Rev. Micklejohn’s sermon that he ordered it printed and distributed at the

¹⁸⁴ Husband, *An Impartial Relation*, 45-48.

expense of the tax-payers.¹⁸⁵ Similarly, in his history of the Regulation printed in 1770 Herman Husband adapted a sermon from [name] to inspire his fellow Regulators in their plight against the central authority. Both sermons have survived, and both offer researchers unique and exciting perspectives into the two prominent political cultures within eighteenth-century North Carolina. It must be noted that, while both sermons constitute religious documents at their cores, eighteenth-century colonial settlers did not disentangle religion and politics; in fact, the two relied on each other to formulate and justify their theological and political theories. Thus, an examination into the sermons recited by Micklejohn and Husband can also offer an examination into the political thought of both parties as well.

In September 1768, William Tryon's militia gathered to hear a motivational sermon to help prepare them for the possible conflict with the Regulators surrounding the Hillsboro District Superior Court. The sermon, preached by Reverend George Micklejohn, so moved Tryon that the governor ordered its printing and distribution as a prime example of the expected deference to colonial authority. Micklejohn opened his sermon with a quote from the Gospel of Paul, proclaiming, "Let every Soul be subject unto higher Powers; for there is no Power but of God, the Powers that be, are ordained of God. Whoever therefore resisteth the Power, resisteth the Ordinance of God; and they that resist, shall receive to themselves Damnation." In short, to go against the central authority was to go against divine authority. According to the Reverend, the Regulators were "foolishly bringing upon themselves destruction here, and damnation hereafter" by daring to question the colonial government. "You cannot observe then," Micklejohn

¹⁸⁵ Basset, "The Regulators of North Carolina," 180 fn. 1.

preached, “that this important duty of subjection to lawful authority, is one plain and principle doctrine of christianity.” Further into his sermon, Micklejohn again reminded his militia audience of “how dreadful a breach of this duty [subjection] they must be guilty of, who, instead of praying for the safety of our governors and protectors, presume to threaten their sacred persons with violence, to whom God has commanded us to pay the highest veneration, because they derive their authority from *him*.” Furthermore, George Micklejohn argued against the prevailing mentality in the dissenting backcountry that each person had the capability for sound moral judgement, for without subjection to governmental authority “everything must soon be involved in the most dreadful anarchy and confusion. Every man’s own will would then be his law; and no language can fully describe those various scenes of misery and horror which would continuously arise before us.” People could not be trusted, and they required a divinely sanctioned government of enlightened men to impose sound moral and political judgements for them.¹⁸⁶

Aside from paternalistic deference, subjection to authority, and the incapability of the common man to exercise just thoughts and actions, Rev. Micklejohn also exhibited the traditional idea of divine right in his sermon to Tryon’s militia. “It is by *him*, therefore,” Micklejohn proclaimed, “that kings reign, and princes decree justice; by *him* princes rule, and nobles, even all the judges of the earth.” Regarding the offenses given to the colonial government by the Regulators, George Micklejohn explained that “there cannot possibly be offered a greater insult to *Almighty* God, than thus contemptuously to disregard *his* will, and despise those sacred powers whom *he* has ordained” upon the

¹⁸⁶ George Micklejohn, *On the Important Duty of Subjection to the Civil Powers, A Sermon* (New Bern: James Davis, 1768), 1-5.

colonial government. By obeying laws, paying taxes, and subjecting oneself to the central authority, one also honored God, whom Micklejohn claimed as the origin of government and authority, for “resistance to that lawful power and authority which God hath set over us, can never possibly be productive of anything but the wildest uproar, and most universal confusion.” He continued by arguing that “another motive which cannot but have great weight with every generous mind, is the reflection that every the least Insult offered to magistrates and governors, is an act of the basest ingratitude against those who are, under god, our protectors and guardians, not only from foreign Enemies, but from every domestic foe.” According to the views sanctioned by the central authority, it was both legally and religiously criminal to even criticize government, let alone defy its commands.¹⁸⁷

Herman Husband, pamphleteer, legislator, and public face of the Regulation, published an account of the Regulator Rebellion in 1770, recounting the events through the 1768 Hillsboro riots. Husband also used his history as a call to action for his fellow backcountry settlers, and he published an adaptation of a sermon by James Murray antithetical to the sermon given by Micklejohn to Tryon’s militia. Husband lamented how he noticed too many people who “loved rest and present ease more than liberty,— and choosed to be Slaves rather than exert themselves to maintain their liberties.” The metaphor comparing men to asses occupied the center of Husband’s sermon, and he proclaimed that “this is a most shameful monosyllable, when applied to reasonable creatures;— men endowed with reason and understanding to degenerate so basely.” Husband explained simply that “a nation of slaves is a kingdom of asses.” “Strange,”

¹⁸⁷ Micklejohn, *On the Important Duty of Subjection*, 5-9.

Husband proclaimed, “that such a number of Rational creatures should bear two such insupportable burdens!— Ah, I had forgot that they were asses;— for, to be sure, no people of any rational spirit could endure such grievous bondage.” By decreeing ease and deference equitable to ignorance and slavery, Husband hoped to stir those sympathetic to the Regulators’ cause into action.¹⁸⁸

In addition to the current state of affairs that he noticed across the backcountry with the spreading of colonial infrastructure, Herman Husband interestingly placed both the blame for, and the solution to, the backcountry’s problems upon the people themselves. “We, in North-Carolina, are not free,” Husband stated bluntly. “We have sold that liberty which our ancestors left us by this constitution to such men as have not the least pretentions to rule over us.” Husband asked his audience, “Are we free while our laws are disapproved of by nine tenths of us?” Directly countering the spirit of George Micklejohn’s sermon, Husband exclaimed that “God give all men a knowledge of their privileges, and a true zeal to maintain them.” Husband’s explanation of how the backcountry grievances came to be is both astute and worth quoting at length:

The reason of all civil and religious impositions hath been the slothfulness of the people,— who act like great men who commit the care of their estates to stewards. Such men as are intrusted by the community with their privileges, if they be not wise and good, will sell them, or give them away. And one cause of our complaints is, that we look not to our Business ourselves; but think, as soon as we have elected civil or religious governors, we may fall asleep in pleasure, indolence, and inattention.— When they degenerate into Tyrants, as much of the blame lays on the community as upon them;— for had those who employed them watched over them as they ought, and given them timely admonition, they might have prevented them from ruining both their own souls as well as the publick interest.

¹⁸⁸ Husband, *An Impartial Relation*, 78-79.

According to Husband, it was the peoples' duty to monitor their public officers, and their lack-thereof directly caused the abuses they now suffered.¹⁸⁹

Herman Husband suggested a seemingly simple solution to help alleviate the problems with corrupt officials in the backcountry – political activism. “When the time of an election comes on, and those men of the world, who rule by wealth . . . come to ask your votes . . . despise their offers, and say to them, Your money perish with you,” Husband proclaimed. He also warned the backcountry to be wary of politicians, for “when men’s votes is solicited, or over-awed by some superiors, the election is not free.— Men in power and of large fortunes threaten us out of our liberty, by the weight of their interest.” “You may always suspect every one who over-awes or wants to corrupt you; the same person will load you with burdens,” Husband warned, following by imploring his “brethren, whenever it is in your power, take care to have the house of assembly filled with good honest and faithful men.” Men elected the legislators, and the legislators made the laws; therefore, according to Husband, if the laws ran counter to the voters’ desires or well-being, then the legislators needed replacing. Husband’s call for political activism placed the responsibility for fixing the corrupted offices upon the voters themselves, but it also implied a dangerous notion of individual moral and political reasoning that threatened to erode the colonial government’s monopoly on authority.¹⁹⁰

Although the North Carolina Regulator Rebellion culminated in a military expedition across much of the backcountry to violently suppress the popular uprising of farmers simply seeking more efficient and just ways to pay their taxes, it really represented the inevitable conflict that arises when two distinct political cultures collide.

¹⁸⁹ Husband, *An Impartial Relation*, 83-84, 89.

¹⁹⁰ *Ibid.*, 90, 92-93.

The sermons of Reverend George Micklejohn and Herman Husband, with significant assistance from James Murray, provide evidence that two unique political cultures existed in colonial North Carolina, each with its own unique approach to understanding the relationship between the government and the governed. Informed by Lockean political theories and theological ideas of individual capabilities, the Regulators actually championed a redistribution of authority from the hands of the central government into the hands of those that it governed. Moreover, the Regulators publicly displayed their understanding and desire for government at the consent of the governed; the legislators in representative government should be responsible *to* their constituents, not just *for* their constituents. Rhetorically framing their documents, speeches, and sermons in conservative terms – they sought to preserve their ancient rights and the sacred compact between a government and its people – both added a sense of legitimacy to their concerns and also disguised their radical ideas of consensual government and governmental accountability. Most importantly, the Regulators in North Carolina felt that they had the right and duty to fix what they saw as unjust laws and actions of government. As their July 1769 pamphlet implored, “Now shew yourselves to be Freemen, and for once assert your Liberty and maintain your rights.”¹⁹¹

¹⁹¹ Husband, *An Impartial Relation*, 67-68.

CONCLUSION

The Regulation in eighteenth-century North Carolina sought the elimination of corruption within local governments by demanding more economic transparency and personal accountability of government officials. Despite the ease with which the history of the Regulation can be interpreted as anti-government and revolutionary, they channeled their insurrections not at the structure and function of the colonial government but at the government's inaction against a few corrupt officials in a few backcountry counties. Additionally, the rise in backcountry population coincided with an increasingly disproportionate representative Assembly, and the eastern-dominated central authority maintained ubiquitous control over the appointing of local officials. The Regulators attempted numerous times to clarify that they supported their current institution of government; most took pride in the opportunity to participate in the long history and tradition of British government. However, by participating in and claiming legitimacy for British legal tradition, backcountry settlers inadvertently participated in the formulation and promulgation of government at the consent of the governed, a radical idea in an age of paternalistic deference.

Its proximity in time with the American Revolution has often caused the North Carolina Regulator Rebellion to be interpreted deterministically. The “scholarly vortex,” as Brendan McConville called the American Revolution, tends to influence examinations into British North America's late-colonial era teleologically, with many interpretations of the colonial era skewed from chasing unrealistic connections to the Revolution.¹⁹² While

¹⁹² McConville, *The King's Three Faces*, 3.

some degree of correlation can certainly be argued between the Regulation in North Carolina and the War of Independence with Britain, this project has simply sought to explore the political culture of the Regulator Rebellion by examining their pamphlets, publications, speeches, and sermons. Researching the Regulation on its own terms has allowed me, I hope, to disengage from the teleological effects of the American Revolution to produce more accurate conclusions regarding the context, influences, and results of the backcountry rebellion.

The western regions of North Carolina swelled in the eighteenth century. Rising populations in other colonies drove rising land prices, along with conflicts between yeomen farmers and the corresponding spread of government, pushed many settlers into the backcountries of the middle and southern colonies in search of expansive, affordable land and the inherent freedoms that came with frontier living. Increasing populations in North Carolina's backcountry, however, soon brought similar conflict to the central piedmont as the spread of infrastructure sought to govern the growing colony. Furthermore, large-scale speculators owned much of the available land, granted to them in enormous tracts with specific settlement requirements to both generate revenue and funnel new settlers into manageable regions. Cultural differences between the eastern and western regions of North Carolina contributed to much of the conflict that arose during the eighteenth century as well. Much of the growing population in the backcountry came from Scotland, Germany, and Holland, and most of the central piedmont and western foothills belonged to dissenting Protestant sects, generally Quaker, Scotch-Presbyterian, Baptist, or the Reformed Church. While it must be noted that nearly all of the colonial settlers in North Carolina venerated the British crown and actively

wanted to participate in the colonial system, the widening cultural differences between the agrarian backcountry settlers and the bureaucratic coastal plains increased tensions throughout the colony.

These tensions began to culminate into public displays around mid-century as popular protests arose against corrupt officials using the colonial system for personal gain at the expense of the common settler. The Enfield Riots in 1759, the Sugar Creek War in 1760, and the Stamp Act protests in 1765 all embodied the spirit of popular protests in North Carolina. Each series of protests exhibited characteristics typical of an eighteenth-century riot: targeting particular individuals, focusing demonstrations around the courthouse, invoking the lineage of the English legal tradition, and carefully restrained violence that escalated incrementally. The forerunner of the Regulation, the Sandy Creek Association in 1766, utilized many typical behaviors of a popular protest in North Carolina short of breaking into actual violence. The Association, led by Herman Husband, “published a series of petitions, and a meeting between a committee of petitioners and the county officials was agreed for October 1766.”¹⁹³ Influenced by the relative victories of the previous disturbances throughout the colony, those involved in the Sandy Creek Association and the ensuing Regulator Rebellion had fair reason to believe that their similar protests would accomplish similar victories. Rather, Edmund Fanning, primary recipient of the Sandy Creek Association’s malcontent, threatened to charge them with insurrection and treason, serious charges in eighteenth-century British courts.

¹⁹³ Lee, *Crowds and Soldiers*, 50.

Fanning's characterization of the typical paternalism and elitism found within the central authority notwithstanding, the reforming of the Sandy Creek Association into the Orange County Regulation represented a drastic shift towards more radical methods of displaying their grievances. Participating in unsanctioned assemblies – an example of communal politicking often found along the colonial frontier – and outright refusal to pay taxes until the local offices could be held publicly accountable elicited an escalation of responses from Fanning, the Assembly, and Governor William Tryon. Additionally, the theft of private property by local sheriffs sparked a carefully restrained riot in Hillsboro in the hopes that their actions would be noticed by the next highest authority in the hierarchy of the colonial government. By his own admission, Edmund Fanning arrested William Butler and Herman Husband in April 1768 to coax the remaining Regulators into another riot, thereby giving the government the legitimacy it would need to violently suppress the growing insurrection. His plan backfired, for the Regulators knew that too rash of actions would forever tarnish the carefully preserved legitimacy of their grievances.

The Regulators gained major victories during the fall of 1768 and 1769, although their victories would prove temporary. The September session of the Hillsboro District Superior Court indicted Edmund Fanning on numerous charges of extortion, although the court only fined him a penny and fees for each charge because he pled ignorance of the laws. In a fortunate turn of events for the Regulators, Governor Tryon dissolved the Assembly to prevent them passing any unfavorable legislation against the recent Townshend Acts and ordered a series of elections to take place during the summer of 1769. Many backcountry counties completely replaced their representation with

Regulator representatives and their sympathizers, and a new wave of hope spread with the possibility of accomplishing some form of change and accountability through the Assembly. However, fierce opposition from the eastern representatives resulting in inaction of the Assembly, along with the continuation of abuses by their local officials, led to a full-scale riot where they displayed their malcontent with the colonial government by making a mockery of the District Superior Court. The jailing of Herman Husband on charges of libel and the subsequent threat of a Regulator riot in New Bern convinced the central authority that the spread of the Regulation threatened the very existence of the colony, and in May 1771 Governor Tryon led a militia force against the Regulators, defeating them at the Battle of Alamance, executing seven Regulator prisoners and leaders, and forever crushing the hopes for reform in the North Carolina backcountry.

Despite the numerous conflicts with the central authority, the Regulator Rebellion was not a revolutionary movement or attempt to restructure the existing colonial government. They mentioned time and again in their publications, petitions, and public displays that they wanted to participate in the colonial system, were loyal to King George III, and had no quarrel with the governor or the judicial system. What the Regulators wanted, according to their writings, was simple reform to help hold those in local offices accountable to the laws that they enforced upon the people. They invoked the English legal tradition as often as possible, they actively wanted to participate in the colonial system, and they wished to maintain the current structure and purpose of government, all conservative values. By championing their conservative values and blending them with unique colonial ideas of individual capability and private property, the Regulators

unknowingly advocated a radical shift in political thought within North Carolina, namely, government at the consent of the governed, accountability of government to the governed, and peoples' inherent right and duty for political activism. This divergence from the traditionally hierarchy of government, along with its "authoritarian paternalism" and elitist ideas of deference to authority, severely threatened the colonial government and terrified those in power. In the end, the two distinct political cultures, evidenced in Reverend George Micklejohn's sermon and Herman Husband's adaptations of James Murray's sermons, proved incompatible. Although they only sought to justly pay their taxes and participate in a colonial system that they revered, the Regulators in North Carolina from 1768-1771 inadvertently sought a fundamental change in the nature and purpose of government.

BIBLIOGRAPHY

Primary Sources

- Ekirch, A. Roger. "A New Government of Liberty': Hermon Husband's Vision of Backcountry North Carolina, 1755." *The William and Mary Quarterly* 34, no. 4 (October 1977): 632-646.
- Foote, William Henry. *Sketches of North Carolina: Historical and Biographical*. New York: Robert Carter, 1846.
- Henderson, Archibald. "Hermon Husband's Continuation of the Impartial Relation." *The North Carolina Historical Review* 18, no. 1 (January 1941): 48-81.
- Husband, Herman. *An Impartial Relation of the First Rise and Cause of the Recent Differences in Public Affairs, In the Province of North Carolina*. Printed for the Compiler, 1770.
- Locke, John. *The Second Treatise of Government and A Letter Concerning Toleration*. Oxford: B. Blackwell, 1948.
- Micklejohn, George. *On the Important Duty of Subjection to the Civil Powers, A Sermon*. New Bern: James Davis, 1768.
- Powell, William S. *The Correspondence of William Tryon and Other Selected Papers, Vol. II, 1768-1818*. Raleigh: Department of Cultural Resources, 1981.
- Powell, William S., James K Huhta, and Thomas J. Farnham. *The Regulators in North Carolina: A Documentary History, 1759-1776*. Raleigh: State Department of Archives and History, 1971.
- Saunders, William, ed. *The Colonial Records of North Carolina*. Raleigh: P.M. Hale, Printer to the State, 1886.

Secondary Sources

- Basset, John Spencer. "The Regulators of North Carolina, 1765-1771." *Annual Report of the American Historical Association for the Year 1894* (1894): 141-212.
- Denson, Andrew C. "Diversity, Religion, and the North Carolina Regulators." *The North Carolina Historical Review* 72, no. 1 (January 1995): 30-53.
- Fitch, William Edward. *Some Neglected History of North Carolina; Being an Account of the Revolution of the Regulators and of the Battle of Alamance, the First Battle of the American Revolution*. New York: The Neale Publishing Company, 1905.

- Gemery, Henry A. "The White Population of the Colonial United States, 1607-1790." In *A Population History of North America*, edited by Michael R. Haines and Richard H. Steckel. Cambridge: Cambridge University Press, 2000.
- Henderson, Timothy, J. *Beyond Borders: A History of Mexican Migration to the United States*. West Sussex: Wiley-Blackwell, 2011.
- Kars, Marjoleine. *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina*. Chapel Hill: University of North Carolina Press, 2002.
- Kay, Marvin L. Michael. "Provincial Taxes in North Carolina During the Administration of Dobbs and Tryon." *The North Carolina Historical Review* 42, no. 4 (October 1965): 440-453.
- Lee, Wayne E. *Crowds and Soldiers in Revolutionary North Carolina: The Culture of Violence in Riot and War*. Gainesville: University Press of Florida, 2001.
- McConville, Brendan. *The King's Three Faces: The Rise and Fall of Royal America, 1688-1776*. Chapel Hill: University of North Carolina Press, 2006.
- Nash, Gary. *The Unknown American Revolution*. New York: Viking Penguin, 2005.
- Raven, James. *London Booksellers and American Customers: Transatlantic Literary Community and the Charleston Library Society, 1748-1811*. Columbia: University of South Carolina Press, 2002.
- Shapiro, Ian. "John Locke's Democratic Theory." In *Two Treatises of Government and A Letter Concerning Toleration*, by John Locke. Edited by Ian Shapiro, 309-340. New Haven: Yale University Press, 2003.
- Smith-Rosenberg, Carole. *This Violent Empire: The Birth of an American National Identity*. Chapel Hill: The University of North Carolina Press, 2012.
- Troxler, Carole Watterson. *Farming Dissenters: The Regulator Movement in Piedmont North Carolina*. Raleigh: North Carolina Department of Cultural Resources, 2011.
- Tuckness, Alex. "Discourses of Resistance in the American Revolution." *Journal of the History of Ideas* 64, no. 4 (October 2003): 547-563.
- Whittenburg, James P. "Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation." *The William and Mary Quarterly* 34, no. 2 (April 1977): 215-238.
- Wood, Bradford J. "Politics and Authority in Colonial North Carolina: A Regional Perspective." *The North Carolina Historical Review* 81, no. 1 (January 2004): 1-37.