

PRELUDE TO THE AMERICAN REVOLUTION?
THE MISCONCEPTIONS SURROUNDING
THE WAR OF REGULATION

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I must now close my afflicting Duty, by pronouncing upon you the awful Sentence of the Law; which is, that you *Benjamin Merrill*, be carried to the Place from whence you came, that you be drawn from thence to the Place of Execution, where you are to be hanged by the Neck; that you be cut down while yet alive, that your Bowels be taken out and burnt before your Face, that your Head be cut off, your Body be divided into Four Quarters, and this to be at his Majesty's Disposal; and the Lord have Mercy on your Soul.

—Chief Justice of Hillsborough, North Carolina¹

Thus transpired the demise of the young, admired colonel of the Regulators, Benjamin Merrill. That fateful, sweltering day of June 19, 1771, he and 11 of his compatriots were condemned to the gallows for high treason. But what heinous actions did these men commit? What reprehensible crime could constitute such a punishment? The answer lies in the failure of the Regulator Rebellion, or Insurrection, a prolonged conflict in the North Carolina backcountry from 1766 to 1771.

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Introduction

Today, this unsuccessful revolution is best known as the War of Regulation, or more simply, the Regulation. The backcountry men of neighboring South Carolina, who protested the legislature's inability to establish local government in the western settlements, first assumed the moniker of "Regulator." The term was later adopted in the 1760s to denote persons of the North Carolina backcountry whose purpose was to "regularize" the protocols and procedures at their local governments.² These Regulators, a group consisting of 6,000 or 7,000 men, endeavored to obtain redress of their grievances from their colonial government. When their peaceful, legal measures were repeatedly blocked, primarily by then-Governor William Tryon, the backcountry men resorted to open violence. Led by a diversity of personalities, both sides incurred losses of property, materials, and lives. Their hostilities culminated in the Battle of Alamance, which essentially concluded the war with a Tryonian victory. In the aftermath of Alamance, the governor's forces decimated Regulator strongholds, hanged a select number of the Regulator rebels, and required more than 6,000 individuals to swear an oath of allegiance to the King. Though the larger portion of the insurrection had been subdued by 1771, the Regulator movement persisted in the backcountry throughout much of the 1770s.³

On the eve of the American Revolution, the Regulators would appear to be America's first Patriots; however such was not the case. Although the Regulators prefigured the larger American Revolution with their willingness to fight for fairer taxation and governance against their ruling body, they were not always the anti-British Patriots historians have assumed them to be. The Regulators were certainly not American Patriots: for the most part, they were loyal British subjects.

This study tracks a select group of leading war personalities so as to describe the character of those involved in the war and aid in the overall comprehension of the Regulator movement. Closer investigation of more than 100 Regulator documents re-

veals the backcountry men's unswerving loyalty to the monarchy; other records demonstrate their opposition to the Patriot cause. Furthermore, by tracing the conflict from its inception through the post-Revolutionary period, the truth behind this long misrepresented war comes to light.

Historical context

The royal colony of North Carolina was established in 1729, though immigration to the region had begun nearly seven decades previous, in 1663.⁴ By the date that North Carolina had come under the Crown law, it was the least populated of the English colonies in America, with just 30,000 to 35,000 inhabitants, who were primarily centered along the coast. Merely 47 years later, the population had increased by tenfold, making North Carolina the fourth most populous colony by 1776.⁵ Thousands from Pennsylvania, Maryland, New Jersey, and Virginia traversed the "Great Wagon Road," extending through the Shenandoah Valley into the North Carolina backcountry.⁶ The population had grown so rapidly that by 1766, William Tryon commented, "this province is settling faster than any on the continent, last autumn and winter, upwards of one thousand wagons passed thro' Salisbury with the purpose to settle in this province chiefly."⁷ And settle it they did: by 1776, more than half of North Carolina's population located themselves in the westernmost counties of the colony,⁸ such as Orange, Anson, Granville, Rowan, and Mecklenburg.⁹ In these areas, complaints pertaining to unfair representation, taxation, extortion, corruption of local officials, and subjugation of the poor would soon flourish. Additionally, economic hardship, Easterner versus Westerner tension, dramatic population increases, religious unrest, and a spirit of individuality and independence were significant in the cultivation of conflict in the North Carolina Piedmont, or backcountry region.

The Carolina Piedmont was characterized by several enticing qualities: fertile soil, a prime climate for the cultiva-

tion of crops, the relative peacefulness of the Catawba Indians in comparison with other tribes in the surrounding provinces' frontiers, and quite significantly, the laxity of North Carolina's religious ordinances when contrasted with those of Virginia.¹⁰ The demographic that flocked to North Carolina mainly consisted of independent farmers, usually those of meager means. In the lush colony, they could engage in subsistence agriculture, producing corn, peas, beans, wheat, flour, and livestock—beef, and pork. The more prosperous individuals, though not large in number, could afford to raise tobacco crops and harvest lumber, both of which were in high demand for export.¹¹ However, these new settlers had not anticipated the rampant speculation that would ensue in the backcountry region.

Having spent much of their limited funds to travel to the territory, many immigrants lacked the necessary finances to purchase the land on which they settled. Hoping for what later became known as preemption, the right to first improve the land and make a profit sufficient to purchase it, families squatted on some of the millions of acres owned by large absentee speculators. Speculators, who often procured the territories through their connection or participation in colonial government, had initially promised to settle people in the Piedmont. Yet, when approached by families, speculators would only offer to sell their property at inflated costs, due to the "improvements" to the land. These "improvements," were the very toil of the settlers, such as the clearing of fields, the planting of crops, and the construction of homes.¹² The indignant squatters were backed into a corner: either they could desert the land on which they had sweat equity in search of cheaper land, or they could purchase the land at the enlarged price tag. Both were quite unattractive options, and such situations bred resentment amongst the poor farmers, who felt cheated by the wealthy of the province.¹³

North Carolina's societal structure was characterized by four distinct classes: the gentry, who were planters, merchants, public officials, clergy, and lawyers, small farmers, such as the people of the backcountry, indentured servants, and slaves. The

gentry, though only 5 percent of the total population of the colony, dominated the political spectrum.¹⁴ Public officials, including sheriffs and judges, were appointed upon the recommendations of their fellow, affluent officials instead of by vote of the people. Thus, the infamous “courthouse rings” began, whereby the elite obtained legal authority over the three descending tiers of classes. Furthermore, sheriffs and clerks were not paid direct salaries; rather, their commissions came from the fees that they collected. Therefore, the men holding these positions were encouraged to impose excessive fees on the farmers as a method of gaining additional income.¹⁵ While the backcountry farmers had little representation in their local governments, they exerted even less influence in the North Carolina General Assembly; those living in the eastern areas of the province often determined the decisions regarding taxation and other important matters.¹⁶

In 1747, Governor Gabriel Johnston urged the General Assembly to erect public edifices at the expense of North Carolina’s citizens:

When your dealings were but small and navigation inconsiderable... there was then no great hardship in continuing the seat of government where it has been for several years past, in allowing the officers to keep the public records in their private houses.... But now... when the province is peopled quite up to the head of the Pee Dee River... it is highly necessary to appoint a place nearer the center of the country where his Majesty’s courts may be held, where offices may be built for keeping the public registers.

The assembly did not, by any means, object to the suggestion:

The many inconveniences arriving from the unsettled way in which the public offices and records have been kept are so strongly felt that we shall carefully consider of a proper place where a public business may be transacted for the future without hurry and confusion.

After two decades, the construction of a magnificent palace in New Bern, “the finest building in North America,” was complete. Unfortunately, the curing of “many inconveniences” for the legislature resulted in a multitude of inconveniences for the population of the backcountry.¹⁷ The palace, originally estimated to be 5,000 pounds to construct, cost the “infant and impoverished state” more

than 15,000 pounds.¹⁸ An acute hike in tax increases resulted, which was scarcely manageable for the majority of westerners, for the access to money in the backcountry was limited and a variety of other taxes already existed.¹⁹ In a letter to the *Virginia Gazette*, citizen “Atticus” directed his disgust at the new head of the legislature, Governor William Tryon, for using the backcountry men to “gratify [his] vanity...regardless of every moral, as well as legal obligation.”²⁰ For people who could barely afford their land and basic necessities, such extravagance became a symbol of their exploitation by the elite of the province. Surely, in their minds, the moneyed interests of the easterner-dominated legislature did not reflect the backcountry’s immediate needs or desires.²¹

Their feelings were further solidified by events to come. Upon the death of the treasurer of North Carolina, a sizable amount of what was assumed to be public money—an estimated several thousand pounds—was found in his estate. Despite the obvious embezzlement of funds, the public received no word as to where the money would be diverted, and taxes did not in any way decrease. This news and similar cases further infuriated the inhabitants of Anson, Mecklenburg, Orange, and Rowan counties, who were unwilling to give up their precious funds to line the coffers of the rich. Thus, this would partially instigate their petitioning for redress of grievances.²²

The corruption of officials was not limited to embezzlement. A deposition given by a John McDonald tells the tale of Benjamin Phillips, a sub-sheriff of the county who “came into the range of [McDonald’s] creatures, and ketcht one of his creatures, to the value of eight pounds and carried him off, under a pretence.” This pretence more specifically was a “writ of ejection,” which falsely asserted that McDonald would be evicted if he did not pay a certain fee. McDonald was forced to comply, though he had no previous knowledge that such a writ had been issued. That afternoon, another sub-sheriff arrived at his home to obtain the same payment. Though McDonald was never compensated for his horse, he “was obliged to pay” the fee once more. This particular incident of an official charging an individual with a crime, indiscriminately

confiscating articles of the individual's property for payment of the fine, and then later claiming that the individual paid no such fine was not an uncommon occurrence. Numerous depositions given by the inhabitants of the backcountry stand as a testament to the pervasiveness, and arbitrariness, of this practice.²³

Moreover, the backcountry men endured tremendous stresses due to the drought of 1758.²⁴ By 1764, many areas were still in desperate need of relief.²⁵ With their crops, mainly corn, frying in the heat and aridity, small farmers were left unable to purchase necessary oddities and supplies.²⁶ Credit as it is known today was unavailable at that time, the only viable sources being the elite of the province. Yet, to accept credit from such persons would endanger the economic independence of the small farmers, which had been a primary incentive for their movement to the backcountry. Those who defaulted on their loans were subject to the whims of their creditors, who could destroy the settlers' economic vitality by confiscating their possessions, livestock, and even their land in the name of repayment. Unfortunately, it was not an infrequent occurrence for a creditor to claim that debts had not properly been paid and seize an amount greater than the original debt.²⁷ When such cases were tried in local courts, the judges, who were usually part of the elite themselves, consistently decided in favor of the wealthy interests.²⁸ This blatant injustice bred antagonism between the Piedmont peoples and the courts, for the courts were not abiding by the governing principles of the British Constitution, which guaranteed equal rights to its citizens.

Furthermore, court fees were outrageously costly. When the affluent Edmund Fanning charged farmer Touchstone was not paying his debts, the "loss of time and expences [were] to his very great damage and this really [the inhabitants of Orange Count humbly appended] must be the case with everyone who should enter into the Law Contest with [the] powerful antagonists." Judges' salaries were paid through court fees and fines, thus they unduly raised court costs. As a result, the backcountry men could not rely upon the law as it would "terminate inevitably in the ruin" of their families.²⁹ This fear of economic destruction at the hands

of the elite fed the growing despair of the Piedmont farmers, who knew that to oppose the wealthy in local courts would only result in defeat. The vulnerability of their position distinguished the people of the backcountry from those living farther east.

The disparities between the coastal populations and their western counterparts were further exacerbated by their differences in beliefs. While many of the colony's original coastal settlers were English members of the Anglican Church, the backcountry became a refuge for religious dissenters. The new immigrants to the Piedmont were principally Scotch-Irish Presbyterians, Germans belonging to a diversity of Protestant sects, and Highland Scots. During the 1740s, a series of religious revivals were sweeping through the colonies. With the Great Awakening came a wave of religious fervor that shook the backcountry. Itinerant preachers, such as Charles Woodmason, traveled through the Piedmont, giving intensely expressive sermons to the "new lights," who had experienced profound, individualized, emotional conversions and realized their "spirit within."³⁰ These teachings conditioned the backcountry men to become increasingly active members of their communities and take action when necessary; thus, all of the aforementioned groups contributed to the Regulation, with the exception of the Moravians.³¹

One German group was the Protestant Episcopal Church of the United Brethren or *Unitas Fratrum*, colloquially termed the Moravians, who began their settlement of North Carolina in 1753.³² Following prolonged negotiations, Parliament declared in 1749, "an Act for encouraging the people known by the name of *Unitas Fratrum* or United Brethren, to settle his majesty's colonies in America."³³ In accordance with this act, the Moravians were to be "exempted from personal military service for a reasonable compensation, and to be permitted, instead of taking an oath, in cases where the laws require it, to make a solemn affirmation or declaration."³⁴ In the negotiations process, the Brethren conversed with various lords and gentlemen, several of whom offered to provide the Moravians with land grants in America. However, none of these deals was carried out save the 1751 purchase of 100,000

acres in North Carolina from the Earl of Granville, who was, at the time, president of the Privy Council. The colony of North Carolina wanted the Brethren to improve the backcountry land, as well as “serve both in a temporal and spiritual sense.”³⁵ Thus, the Moravians located themselves in the Piedmont, where they behaved themselves in accordance with the attitudes of the Great Awakening.³⁶

Germans migrating from Pennsylvania made up a large portion of the backcountry population. The majority of these immigrants settled in Alamance, Guilford, Randolph, Davidson, Forsyth, Stokes, Rowan, Cabarrus, Stanly, Lincoln, Gaston, Catawba, and Burke, which would later become the counties embroiled in the Regulator movement. With them, the new settlers brought their culture, religions, language, and spirit of resistance to oppression. However, because many were unschooled or insufficiently educated in English, it became difficult to advance beyond the occupation of a farmer. German immigrants lacking proficiency in English were easier to take advantage of, which consequently, caused them to be a prime target for corrupt officials.³⁷ Hence, a German sect nicknamed Dunkers rejected the court system, relying instead on their own congregations to act as judges in matters of dispute. These Dunkers of the backcountry emphasized personal duty to the exaction of justice and the nurturing of one’s “spirit within.”³⁸ Separate Baptists³⁹ and Lutherans were also groups from northern colonies that settled in the Carolinas during the Great Awakening.⁴⁰

Like the German Protestants, most Quakers came to the Piedmont from the middle colonies. Though Quakerism was established in England, many Quakers or “Friends” sought religious freedom in the New World. Led by the charismatic William Penn, these dissenters settled in what is now the State of Pennsylvania. Those who subsequently moved to the Carolinas were attracted by the aforementioned incentives, but like the German Protestants, they retained their customs and beliefs. They wore simple garb, frowning upon ostentatious displays of wealth or the fine trappings of the elite. Furthermore, they contributed to the intense religious

climate in the backcountry with their vocal support of an “inner light” and individuality in one’s journey with God. Traditionally, members of this group had not been shy to question authority, and this would remain true during the War of Regulation.⁴¹

Yet another religious sect to center in the North Carolina Piedmont was the Presbyterian Church, which had originated in Scotland as a faction in dispute with the Anglican Church.⁴² Unfortunately, the absence of complete records from the colony’s infancy prevents historians from determining the exact settlement date of Presbyterians in Granville, Orange, Rowan, and Mecklenburg Counties, though Presbyterian presence is known to have existed prior to 1750, and some settlements in the upper country prior to initial survey of the territory. As early as 1740, settlers had dispersed along the backcountry’s Catawba River.⁴³ One of the first ministers in North Carolina was the Presbyterian Alexander Craighead, who “cherished the spirit of independence” and engaged in “teaching the principles of the gospel independence.”⁴⁴ Most notably, Craighead “poured forth his principles of religious and civil government, undisturbed by the jealousy of the government, too distant to be aware of his doings, or too careless to be interested in the poor and distant emigrants on the Catawba.”⁴⁵ His sermons, along with those of other Great Awakening itinerant preachers, would be witnessed by future Regulators.

Together, these evangelical religious groups promoted a spirit of individuality and resistance in the backcountry that was feared by the Anglican elite on the coast and did in fact, encourage people to express their opposition to what they perceived to be unfair in their government.⁴⁶ As Majorleine Kars, author of a comprehensive history of the Regulators put it, “religious radicals threatened the elites by their explicit critique of the establishment ways and by the example of their own lives.”⁴⁷

The tumultuous political, religious, and economic climate of the Piedmont could not be indefinitely sustained. The fiscal burdens were often too great for many farmers to bear, and the direness of their predicament nourished a growing sense of helplessness. They drew strength from the central teachings of the Great

Awakening, incorporating the individualist character into their personas. Moreover, the unrest generated by the infringements on poor backcountry men's rights, which ranged from inequitable representation in the General Assembly and local government to unjust taxation, would propel men to commit acts of rebellion.

Advent of the Regulation

Following the end of the Seven Years War, also referred to as the French and Indian War, the British Parliament passed a series of laws designed to increase revenue from the colonies. The Stamp Act, passed in February of 1765, aroused much controversy, especially in North Carolina. When thinking about the Sons of Liberty, often Samuel Adams and the firebrands of Boston come to mind, not the angry citizens on the coastal ports of North Carolina. Indeed, these men did form their "association" in this southern colony as early as January of 1766, and thereupon started immediate and effective protest against the act.⁴⁸ The backcountry men did not unite with the prosperous merchants and individuals protesting the act; however, early Patriot successes may have encouraged the Regulators, who that same year held their first meeting.⁴⁹

In 1766, radical Protestants formed the Sandy Creek Association.⁵⁰ The organization's purpose is best characterized by the statement of farmer George Sims, who duly noted that, "it is not our mode or Form of Government, nor yet the body of our Laws that we are quarreling with, but the malpractices [of local officers]."⁵¹ Often regarded as the unofficial birth of the Regulation,⁵² the association's efforts as a vigilante organization were largely a failure, as its tasks to reform local corruption and "cursed practices"⁵³ were not carried out. Its lack of success can be attributed to a variety of factors, including the vehement disapproval of public officials, who actively discredited and intimidated the members of the Association.⁵⁴ Perhaps more unexpectedly, the Sons of Liberty ardently objected to the Sandy Creek Association, as the farmers

were of a lower economic status and therefore looked upon as an unruly mob (a hypocritical stance that would not be forgotten by the Regulators).⁵⁵ Without firm leadership and direction, the organization collapsed in 1767, but its efforts were not entirely in vain, for out of the initial mission of the Sandy Creek Association emerged a strengthened Regulator movement.⁵⁶

One particular area would become the seat of Regulators sentiment—Hillsborough, “The Capital of the Backcountry.”⁵⁷ Originally christened as Childsburg, renamed Hillsborough in 1766 by Orange County, the town was home to just over 13,000 white and 700 African American inhabitants. All public transactions were completed in Hillsborough, making it a minor center for commerce in the rural area. Additionally, the courthouses in Hillsborough served for the majority of the Piedmont region. Many principal figures of the War of Regulation settled in the area, including the “unscrupulous and libertine” Edmund Fanning, who constructed a magnificent Masonic mansion there, much to the aggravation of his Piedmont neighbors. The constant activity and presence of so many diverse individuals in such close proximity to one another would eventually make this town the breeding ground for revolution.⁵⁸

The Personalities

The War of Regulation was a conflict characterized by distinctive personalities on each of the opposing factions. On one side stood the Regulators, with Herman Husband, Rednap Howell, James Hunter, William Butler, Ninian Hamilton, and Benjamin Merrill. On the Tryonian side, or anti-Regulator group, stood Governor William Tryon, Hugh Waddell, Alexander Martin, William Cooper, Francis Nash, John Rutherford, Maurice Morris, John Ashe, Richard Henderson, and most notoriously, Edmund Fanning. In this section, information will be provided regarding the backgrounds of Regulators Husband and Howell, as well as those of anti-Regulators like Tryon, Waddell, Morris, and Fanning.

First and foremost amongst the former party was the spiritually wandering Herman Husband, who was born an Anglican but transferred his loyalties to the Presbyterian Church.⁵⁹ During the Great Awakening, he prayed to be “one of the elect” and upon experiencing conversion, became a Quaker.⁶⁰ Though mistakenly referred to as the “Quaker Preacher,” in some historical accounts, he lost his membership in the Society of Friends four years prior to the Regulation. The reputedly sober, passionate, and intelligent Husband first arrived in North Carolina in 1751 with the intent to establish himself as a farmer.⁶¹ By 1766, Husband was a driving force behind the Sandy Creek Association, and had produced many pamphlets touting the Regulator cause. Rednap Howell, a New Jersey schoolteacher, was another Regulator who took pen to paper. Howell became the resident poet and songwriter of the Regulation with his witty ditties. Such exploits led these men to assume a principal role of leadership in the upcoming war,⁶² though they lacked the formal training of their opponents, especially that of the governor.

William Tryon was a military man, by all accounts.⁶³ On April 1, 1765, he assumed the royal governorship following the death of his predecessor, Arthur Dobbs.⁶⁴ As governor, he possessed the power to appoint judges, sheriffs, and all members of the Upper House of the North Carolina General Assembly. Tryon was unaccustomed to such responsibilities, having only previously held commissions in the King’s army prior to assuming this colonial position.⁶⁵ His prowess in military affairs was undeniable: he was even deemed “the Great Wolf of the North” following his numerous campaigns.⁶⁶ The willingness with which he later took up arms against the Regulators can be attributed to these aspects of his background and character.⁶⁷ Additionally, the governor’s affinity for wealth and power was a quality that would place him in uncompromising opposition to the underprivileged Regulators.⁶⁸

Tryon’s acquaintances were, likewise, men of military measure. By 1766, Hugh Waddell had engaged in malicious activities to protest the Stamp Act. Together with the future anti-Regulator

John Ashe, he prevented the landing of the *Diligence*, a former British warship carrying stamps to the port of Brunswick.⁶⁹ When a stamp collector had two merchants arrested for not having their clearance papers properly stamped, Waddell rallied 580 men to retrieve the merchants and seek out the collector, who had been residing in the governor's house for protection. However, this obstacle did not deter Waddell, who had the man brought out and forced to resign his commission.⁷⁰ Despite Waddell's transgressions, the governor still saw fit to give him command during the War of Regulation. Other Patriots, such as Maurice Moore, who briefly lost his position as a judge due to his involvement in the opposition to the Stamp Act, would also join the Tryonians.⁷¹ Coincidentally, some of Tryon's most staunch supporters were located in the backcountry hotbed of Hillsborough. At the advent of the Regulation, Moore was serving with Richard Henderson as an associate justice on the Hillsborough court, which was located near the plantation of future anti-Regulator general Francis Nash.⁷² Though these men were vilified by the general populace of the Piedmont as egocentric elite, one particular individual became the quintessence of all that was abhorrent in the wealthy.

The Regulators' rage centered upon one Edmund Fanning, the crooked clerk of Orange County. One Howell refrain summed up the antipathy directed at the crooked official:

When Fanning first to Orange came
 He looked both pale and wan
 An old patched coat upon his back,
 An old mare he rode on.

Both man and mare warn't worth five pounds
 As I've been told;
 But by his civil robberies
 He's laced his coat with gold.⁷³

Whether or not the first stanza bears any truth is questionable, for Fanning was a man of means prior to his arrival in Hillsborough. Born on Long Island, the young man attended Yale. He was an

extremely ambitious individual, and according to most Regulator accounts, bent on the accumulation of wealth.⁷⁴ By 1771, Fanning had accrued 29 costly land plots in addition to his 10,000 acres of farmland.⁷⁵ From his business orders, it is known that Fanning did, in fact, have in his possession a double gold laced coat and jacket.⁷⁶ Most recently, he had supported the construction of the expensive capitol building in New Bern. He also made a substantial number of enemies from his duties collecting excessive debts and taxes from the settlers. As a Superior Court judge, a position gained through his connections to a large land speculator named Eustace McCulloch, Fanning overwhelmingly decided cases in favor of the richer inhabitants of the province. By quelling the farmers who fought for their rights against the speculators, Fanning facilitated the mistreatment and injustices inflicted against those in the backcountry.⁷⁷

Escalating Conflict

As the abuses accumulated in the collective conscience of the Piedmont, the Regulator Association was born. The first official meeting of these men was held in January of 1768 for the purpose of “regulating publick Grievances & abuses of Power.” They vowed to oppose the collection of taxes until they were “satisfied” that they were “agreeable to Law,” meaning that the taxes were according to the royal directive and not those crafted by corrupt local officials.⁷⁸ These backcountry crusaders would resolutely oppose the fraudulent court proceedings and secure fair trials for all as mandated by the British constitution. To accomplish their lofty purposes, the Regulators prudently planned to petition their governor and the General Assembly, while also seeking to elect representatives who better represented “the judgment of the Majority” (though how the Regulators intended to achieve the latter objective was not specified in their notes). Ultimately, they desired to “enjoy all the Priviledges & Liberties” of their constitution and “to preserve it in its ancient Foundation that it [would] stand firm & unshaken.”⁷⁹

When they met in March, the Regulators once again complained that their constitutional rights under Crown Law had been violated, considering that they were “Free-Men-British Subjects” who contributed their “Proportion in all Public Taxations.” Yet the Regulators did not share the “Rights and Benefits which they [the easterners] Enjoy, tho’ equally Entituled to them.”⁸⁰ Therefore, they felt deserving of redress and issued a petition to the General Assembly:

Not allowing the country the right that they have been entitled to as English subjects, for the King requires no money from His subjects but what they are made sensible what use it’s for; 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 as our grievances are too many to notify in a small piece of writing.

In their plea, the Regulators requested that the Assembly call forth a court session in which both parties could deliberate on a settlement of the escalating quarrel. They issued the warning that it was their “right to enquire into the nature of [their] Constitution” and their concerns that “by arbitrary proceedings” they would be “debarred of that right.” They concluded with the assurance that they would have “full settlement” with those in government “in every particular point that is matter of doubt.”⁸¹ The Regulators truly believed that their fundamental right to fair, honest trials and governance as guaranteed by the constitution had been violated. Herman Husband remarked that, “as these practices are contrary to Law, it is our duty to put a stop to them before they quite ruin our County; and before we become slaves to these lawless Wrenches.”⁸² When their complaints were callously ignored by the Assembly and governor, the backcountry men became even more determined to protect their guaranteed rights.

Undissuaded, the Regulators continued to hold conferences, the minutes of which were printed at regular intervals. In *Regulator Advertisement No. 7*, published April 25, 1768, the Regulators admitted that the “powers of persuasion and argument” had kept them from returning to Hillsborough, where open conflict would surely break into open violence. The limited leadership of

men such as Husband, James Hunter, William Hunter, and Ninian Hamilton sought to restrain the Regulators from aggression, and so placed their faith in persistent petitioning.⁸³ To this end, they convened at the dwelling of George Adam Salling on the Rocky River. There, they agreed upon the “Articles of Settlement and Oath,” which was in essence, another appeal for their cause to the legislature. The “Articles” included: the procurement of a fair account of taxes paid and what those taxes were used for; a list of taxables for all the inhabitants of the area; the examination of the fees and court costs charged according to the laws of the province, as well as a review of the tax instituted in the previous year. These objectives reflected, what Husband called, “a regular, plain, and uniform Method” of dealing with the public books of account, which would limit the abuses of officers⁸⁴ and “do equal right and justice...according to Law.”⁸⁵ Nevertheless, the Legislature still viewed the Regulators’ legal lobbying as an indicator of irreverence to Crown Law.

Despite their seemingly rebellious acts, the backcountry men took great pains to ensure that their loyalty to the King was evident. Even in their resolution to boycott taxes and take up arms should any colonial militia force them to comply, they remained faithful to the monarchy. In the preamble to an oath that was taken by a substantial body of the county, inhabitants of Anson wrote, “we acknowledge ourselves true and lawful subjects to the crown of Great Britain and therefore have entered into a league with each other and have taken the following Oath & subscribed our names, being willing to pay four shillings for the King’s Dues.”⁸⁶ At the conclusion of their *Advertisement Number 7*, the Regulators proudly proclaimed, “God save the King George the Third.”⁸⁷ They unfailingly professed their enduring loyalty to the King of England at every opportunity:

Being conscious of our loyalty to King George the Third now on the British Throne and our firm attachment to the present Establishment and form of Government which we sincerely believe all our grievances are quite opposite & contrary to the downright roguish practices of ignorant and unworthy men who have crept into Posts of Office and practised upon our ignorance and new settled situation.⁸⁸

From this extract it becomes clear that the Regulators did not feel subjugated by the Crown, as did the later Patriots. Rather, they placed the blame for their discontent on corrupt officials. Furthermore, in their *Advertisement No. 11*, the Regulators reassured the public that they exhibited “neither Disloyalty to the best of Kings nor Disaffection to the wholesomest Constitution now in Being, nor yet Dissatisfaction to your present Legislative Body gave rise to these Commotions which now make so much noise throughout the Province.”⁸⁹ The Regulators were of the belief that their purpose was a noble one, as they were battling against the extortion of the poor, destitute populace, exorbitant fees, and corruption in their local bureaucracy.⁹⁰ In their gatherings, it was agreed that representatives of this group would meet with one sheriff and vestryman to discuss the unlawful fees extracted from deeds, indentures, administrations,⁹¹ “and the reasons in a great measure namely the under equal chances the poor and weak have in contentions with the rich and powerful.”⁹² Thus, they were willing to submit their situation to arbitration, more inclined to pursue a course of peace than that of war.⁹³

In one of their final advertisements in May of 1786, the Regulators’ petition of 486 men concluded that their grievances were due to the fact that the inhabitants of Orange County paid greater fees than those of eastern counties, and that such fees were greater than those prescribed by the law. A suspicion prevailed that the backcountry men were “misused.” The continual rejection of their appeals by the General Assembly promoted, “discontent growing more and more so as to threaten a disturbance of the public peace.” Therefore, the Regulators pleaded for “a fair hearing in... so just and equitable and undertaking and an opportunity to be heard.”⁹⁴ Once again, their solicitations fell on deaf ears. According to one jury of New Bern district, the Regulators “avowedly profess[ed] this Disobedience and Opposition to those Laws.”⁹⁵ Other government figures followed suit, hastily labeling the Regulators as traitors to the King and country. Fanning lamented that the formerly “well regulated County of Orange, is now (O my favourite County and people how art thou fallen)

the very nest and bosom of rioting and rebellion,” and that the “Contagion and spirit of rebellion,” had pervaded the Piedmont.

In spite of the Regulator commitment to non-violence, the backcountry men’s frustration with their unchanging circumstances inevitably manifested itself in their reactions to local authority. By the mid-1786, the duties of the sheriffs were becoming increasingly difficult. Sheriff Francis Lock of the Rowan County found it utterly impossible to collect taxes, due to the fact that he “was violently opposed in the execution of his said office particularly by those who had lately styled themselves Regulators by which means he declares he is rendered incapable of making a further settlement.”⁹⁶

Things were not going so well for the loathed Edmund Fanning either, leading him to contemplate his increasingly perilous situation. Surrounded by his Regulator neighbors, he wrote in haste to his friend, Governor Tryon, expressing his deepest concerns. In his paranoia, he relayed the rumor that 1,500 men were to “execute their vengeance” on him, but he did “not apprehend such inevitable death.” Fanning’s attempt at bravado aside, it is clear that he feared the brunt of the Regulator forces bearing down upon Hillsborough. This fear was augmented by the assessments of Captain Thackston and others, who determined that less than 100 men who possessed the “spirit and courage” to combat the Regulators could be enrolled in the militia. With the court sessions of the following week rapidly approaching, Fanning expected “an attack from the whole united force of the Regulators.”⁹⁷ However, never one to admit cowardice, Fanning vowed to “*bravely repulse them or nobly die.*” He implored the governor to raise a militia “to oppose them,” for “so powerful are they though,” that they “[threaten] the Constitution and Government.” This statement is quite extreme, as the Regulators were behaving in accordance with the Constitution and were not in violation of its principles. Nevertheless, Fanning’s self-enriching practices were endangered by “these traitorous Dogs,” as he called them, and thus he needed a militia to preserve himself and his money-minded interests from the Regulator reformers.⁹⁸

Tryon trusted Fanning's appraisal of the state of affairs in Hillsborough. In June of 1768, he commended Fanning, whom he had appointed to Colonel, for his "prudent and spirited behavior" in dealing with the Regulators. In Tryon's opinion, these "rebels" were doing nothing more than instigating "disturbances."⁹⁹ The North Carolina Governor's Council echoed Tryon's judgments. Upon receiving petitions from the inhabitants of Orange County, who "manifestly tend to the subversion of the Constitution of this Government," the Council discarded them as an excuse for the insurrection. It was the general opinion of the council that grievances of the Regulators "by no means Warrant[ed] the extraordinary steps," which encompassed "the Obstruction of the Course of Justice, to insult of Publick Officers of the Government in the Execution of their Offices and to the injury of private property."¹⁰⁰ This unsympathetic approach to dealing with the Regulators failed to promote healing between the two opposing factions.

James Thackson, one of the Justices of the Peace, experienced the wrath of the Regulators firsthand when he entered their camp in August of 1786. When the justice attempted to gather taxes from the body, they swore "that they would kill any man who should dare to take anything from any of them till they came to a Settlement." Thackson recalled that William Butler declared, "We are determined not to pay the Tax for the next three years, for the Edifice or Governor's House We want no such House, nor will we pay for it."¹⁰¹ In a similar deposition, Justice of the Peace Ransom Sutherland observed that the Regulators "seemed unanimously to deny paying their Taxes." When Sutherland entered the plantation of George Sally, where 200 or so people were gathered, he realized the futility of his situation. Had he exerted an effort to collect the taxes, he was sure that he would have been killed.¹⁰² Still, James Hunter defended the Regulators because their purpose was "to declare [themselves] against *unlawful* taxation" rather than the practice of taxation altogether.¹⁰³ Tryon, however, doubted the validity of the Regulators and their correction of "pretended abuses of power." He reassured the British government of his ability to crush the insurrection and severely punish its ringleaders.¹⁰⁴

For the duration of the late summer and early fall of 1768, the situation in the Piedmont appeared as though it might improve. Tyree Harris, the sheriff of Orange County confidently wrote to Tryon that the Regulators were “ready to comply with, and be obedient to the Laws of the Government, and that they believed it was the general Intent of the people to do the same in short.”¹⁰⁵ Perhaps with this in mind, Tryon acted on some of the Regulator complaints, ordering the attorney general to prosecute all the public officials in Orange County who had abused their offices. However, Tryon was a man who demanded that his rule be followed, and so he directed Harris to go to a Regulator meeting, one of the “unlawful assemblies...confederating under a solemn engagement to obstruct the Laws,” and obtain all unpaid taxes.¹⁰⁶

The Regulators quickly responded, heartened that Tryon had acted on some of their grievances, but perturbed by his accusations of misconduct. They did not view themselves as rebels, and for Tryon to possess such a misconception of them as “rather bent on destroying the peace of this Government,” “truly affected” them and with “sorrow and concern.” They blamed the falsehoods said about them for the conflict, for they knew in “their hearts and Consciences they were guilty of no other Crime, but endeavoring to obtain justice, and detect fraudulent practices in the officers which has been so common in this Province.”¹⁰⁷ Fearful that Tryon was amassing armed forces to hang and condemn their leaders, the backcountry men sent an anxious letter to the governor, reassuring him of their unwavering loyalty to his master, the King. They begged with Tryon not to raise militia against them, professing their “true faith and allegiance,” veneration of the British Constitution, and to defend the King “to the last drop of blood.”¹⁰⁸

Alas, their last hope in Tryon was undermined when his corrective measures were not effectively carried out.¹⁰⁹ The Regulators mourned the loss of their brief success:

[Y]our gracious promise of setting upon your arrival at Hillsborough a Proclamation forbidding all Officers the taking or even demanding illegal and exorbitant Fees on pain of your highest displeasure gave us

some encouragement and hope of redress especially on information you had really performed your promise but when we were assured the register had in open violence thereof taken nine shillings and four pence expressly contrary to Law for recording of deeds our hopes Vanished fearing your orders to the Attorney General may be as little regarded and that a poor man will get no real redress for.¹¹⁰

The extortion continued unabated. The Regulators had expected the governor to act in their favor, believing that with the “timely aid of that respectable Body [the General Assembly],” Tryon could “curb the insolence and avarice of these overblown Members of the Commonwealth and thereby haply for all Parties establish Peace, Harmony and Concord throughout the Country.” Now, it seemed as though this prospect was forever dashed. Only when the Regulators, the “unhappy object of oppression,” were left without the “most distant prospect or latent means of redress,” did they resort to extra-legal measures. Over the coming year, their frustration would evolve into aggression and confrontation.¹¹¹

The Fracas

In September of 1768, the General Court was to be held in Hillsborough. Prior to the commencement of the court’s proceedings, Herman Husband and William Hunter were arrested for their roles in the Regulator command structure. In a conversation with a Mr. McPherson of Hillsborough, Fanning is said to have commented, “[Husband] must surely Die as sure as thee is Born of a Woman.”¹¹² When this information was relayed through Regulator intelligence, a group of 400 men led by the 70-year-old Scotsman Ninian Hamilton marched to Hillsborough to liberate Hunter and Husband. After a 20-mile nightlong march the group arrived in Hillsborough, where they were met by none other than Edmund Fanning and his posse of 19 other men.¹¹³ According to Tryon’s version of events, the “mob however were disappointed by the most resolute behavior of Colo Fanning” and disbursed.¹¹⁴ Hamilton most certainly did not appreciate Fanning’s “disposition,”

but in an attempt to prevent bloodshed, ordered this disbandment of his men.¹¹⁵

When the general populace of the backcountry heard of the impending trial of Husband and Hunter, people began to gather as early as 28 hours before the trial. By the evening before the trial, at least 3,000 were camped within the vicinity of the town of Hillsborough. This mass of humanity all shared one common purpose: to ensure a fair trial for the two charged Regulators.¹¹⁶ At 2 o'clock the verdict was issued—Husband was acquitted, but William Hunter, James Hunter, and Ninian Hamilton were all judged guilty and fined 1,000 pounds and six months imprisonment. The crowd was livid, for the latter two men had not even been charged with a crime! Furthermore, Fanning was found guilty on seven charges of extortion, but his fee was only a measly penny for each charge. The Regulators seethed with this rank injustice.¹¹⁷

In the subsequent months, the Tryonian terminology shifted for the Regulators: whereas they had previously called by their assumed name, they were now deemed “insurgents.”¹¹⁸ Nonetheless, the Regulators doggedly continued to complain about the treasurers, lawyers, sheriffs, and clerks involved in the extortion and abuse of power.¹¹⁹ One tax collector, Major Lynch, who grew so frustrated with his inability to collect taxes, raised a small force that seized livestock and crops throughout the countryside. The unfortunate Lynch was himself lynched by the Regulators of Bute County.¹²⁰ In late September of 1768, a Council of War was called to determine what should be done regarding the increasingly violent circumstances. Though the majority of the esteemed body suggested that the Regulators be pardoned, it was only on the prerequisite that they hand over their leaders and pay all of the taxes due by every “insurgent Person who had been of the Confederacy and that they nor either of them for the future obstruct any Public Officer in the due execution of His Office.” The Governor, however, had more violent intentions: he urged the council to “reconsider of their opinion,” and proposed that the militia be enacted to “compel the Regulators to submit themselves to Government.” The counsel acquiesced to Tryon’s

demands but instead of arresting the Regulators as Tryon desired, they recommended that an Oath of Allegiance be administered to the rebels.¹²¹

Tryon was not alone in his conviction to harshly deal with the so-called insurgents. Another year of unresolved argument with the people who “stile[d] themselves as Regulators,” convinced the elite of the province that stronger measures should be taken to tame the rebellion. By March of 1770, Judge Maurice Moore suggested to the governor that there were more sinister, unstoppable forces at work. Claiming that the regulation was “an evil,” which “no Civil Process can remedy,” he urged Tryon to take greater action.¹²² A group of men, led by Edmund Fanning, Francis Nash, and Alexander Martin took it upon themselves to form an organization of men who would defend each other should the Regulators become violent. From notes of their meeting, it is clear that they considered the Regulators to be enemies of the King:

We esteem it a Duty inculcated by our Blessed Religion (the best natural institution on earth) & a Doctrine clearly established by Holy Writ that every man is by Nature a soldier against the Traitors of his King, & those who would disturb the peace of Society, or Violate the Laws of his Country.¹²³

Likewise, Tryon wanted to “extinguish this dangerous flame” of rebellion in the backcountry.¹²⁴ It had long been evident that he too felt that the people of the Piedmont, who were “setting forth the Insults and indignities offered to His Majesty’s Government,” and were unfaithful to the King. Thus, abiding myths continued to propagate and circulate from these sources that the Regulators were rebelling against the King’s rule.¹²⁵ The Tryonians made a concerted effort to gather testimony of the Regulators’ lawlessness and disloyalty to George the Third.¹²⁶ Most notably, deponents untruthfully swore that the Regulators were “committing the most unheard of Acts of violence and riot, drunk damnation to King George (thereby meaning as he apprehended the King of England).”¹²⁷

On the morning of September 24, 1770, tensions with the Regulators hit their boiling point. It was the second day of proceedings at the Hillsborough Superior Court, and already there was a ruckus in the town streets. The moment the doors of the courthouse opened, a crowd of irate people carrying clubs, whips, and switches streamed in.¹²⁸ Judge Richard Henderson was facing a mob of more than 150.¹²⁹ Unsurprisingly, Henderson found himself “under a necessity of attempting to soften and turn away the fury of this mad people,” who demanded that he try the cases of some charged Regulators. Additionally, they had the audacity to charge the court with injustice. When the attorney of the court entered, the mob “fell on him in the most furious manner,” and only “with great difficulty did he save his life by taking refuge in a neighboring Store House.” Then, when their arch-nemesis Fanning entered, the mob seized him “with hideous shouts of barbarian cruelty,” leading Henderson to fear that Fanning “would instantly become a sacrifice to their rage and madness.”¹³⁰ Only by taking shelter in a nearby store was Fanning able to spare himself from further beating. Though the crowd continued to pelt the store with rocks and bricks, he survived, abandoning his earlier conviction to “*bravely repulse them or nobly die.*”¹³¹ This scene lasted for an excess of four hours, until Henderson finally convinced the court to adjourn and release Fanning in exchange for Henderson’s agreement to try the Regulator cases the next day. Predictably, the apprehensive judge fled that evening.¹³²

The mob only gained momentum as the night wore on. Ralph McNair, who was in the odd position of being an acquaintance of both Fanning and Husband, was in Hillsborough at the time of the riot:

The following night he heard a Party or Parties of this said People called Regulators patrolling the streets to the terror of the Inhabitants, That the [McNair’s] House was assaulted by Persons unknown, his windows broke, and he also heard the windows of several other Houses broke about the same time, and he supposes by the same people...and that the Regulators exasperated threat, did, as he was informed on Tuesday the 25th day of September aforesaid, assault the House of Col. Fanning aforesaid, break and destroy a consider-

able part of his household furniture, drink & spill the liquors in his Celler, and almost totally demolished his house, the ruins whereof he the Deponent saw the day following.¹³³

Subsequently, Regulator leadership prudently condemned the decimation of Fanning's house and materials. However, this was a political ploy as they did not want to appear the lawless rebels as they had been branded. Once again, they took out an advertisement in the paper, insisting that Fanning should "Authourise some Lawfull officer to come & Bring the person or persons Accused to Justice, & and further we will Not Molest but rather Assist in taking Such Felons." Still, the Regulators included the phrase "loyal subjects" in their writing, thus indicating their unswerving faithfulness to the King.¹³⁴ On November 14, Judge Henderson's barn was set ablaze by "were committed maliciously and clandestinely by some evil minded persons unknown."¹³⁵ Though the perpetrators were unidentified, public suspicion was undoubtedly bestowed upon the Regulators.

Sheriff John Butler of Orange County testified that the Regulators were becoming increasingly belligerent, and "would not pay [their taxes] till the public accounts were settled." Believing that his life would have been in "great Danger," he did not pursue the collection of taxes, as had been his original intent. Curiously, Butler was asked to associate the Regulators with Herman Husband, who was at the time, still a member of the House of General Assembly. Butler's response indicated that Husband maintained good relations with the Regulators, but the "Common Oppinion is that Mr. Husbunds doth not Approve of their Conduct."¹³⁶ The question was most likely asked to prompt Butler to say something incriminating of Husband, who the Tryonian forces were looking to detain for trumped-up charges, such as libel.

In nearby Anson County, Sheriff William Pickett and Deputy Sheriff James Terry were fearful for their lives.¹³⁷ Pickett reiterated his fears and his reason as to why he could not carry out the law, which included the "Lawless violence if they should proceed in the collecting of the Taxes...of the said County who style themselves Regulators."¹³⁸ The sheriffs were unable to collect

taxes as the locals refused to pay, providing the “reason that they were ill-used by officers and did not know what they paid their Money for.” This was a widespread phenomenon, as taxes across the backcountry remained uncollected.¹³⁹ Pickett also witnessed “the Regulators pull [the justices] off the Bench, took their seats and Continued Dancing, &c., for some time, and believe[d] with intent to prevent the usual Course of Justice; and hath often seen Advertisements Threatening to whip Sheriffs if they assembled to serve any Process.”¹⁴⁰ This atmosphere of fear further inspired the elite to want to crush the Regulator rebels.

By November 20, 1770, Tryon was receiving reports that the Regulator troops intended to travel to New Bern with the purpose of pressuring the legislature to finally redress their grievances¹⁴¹ and block Fanning from taking his seat in the House of Assembly.¹⁴² To head the Regulators off, Tryon dispatched Colonel John Simpson and his regiment, advising Simpson to “repel Force with Force” if such action was necessitated. However, aware that the Regulators might march before Simpson was able to acquire sufficient numbers, he instructed him to go to New Bern to protect “the peace of government,” expressing a great pride and sense of nobility in their purpose.¹⁴³ From his camp in New Burn, Tryon informed Colonel John Simpson of the Pitt Regiment that a detachment of militia was in New Bern, ready to defend in case the Regulators attacked. If Simpson found it “impossible to obstruct them,” on the road to New Bern, he was to join the existing militia in New Bern with the utmost speed.¹⁴⁴ With his 358 men, Simpson readied himself for the six days of marching to New Bern, assuring himself as much as Tryon that more men would join him. However, his letter to Tryon bears a glaring omen, for “the greatest deficiency” of Simpson’s men were those from the westernmost parts of the county.¹⁴⁵ In an effort to prevent soldiers from deserting to the Regulator cause, a punishment of 150 lashes was doled out to all those who dared to “breed a Mutiny.”¹⁴⁶ In the coming months, it would be difficult, even with the draft, to maintain sufficient numbers to combat the Regulators.

A legal method for providing for the dissolution of the Regulator mobs was first mentioned in assembly meetings on December 21, 1770. Just a day earlier, Herman Husband had been expelled from the Assembly because he was a “principal mover and promoter of the late Riots,” and he was promptly arrested.¹⁴⁷ With this in mind, Representative Johnston presented a “spirited Bill to the House upon the subject of punishing the Regulators” that would, among other things, enable the Governor to draft a militia to quell the rebellion. In their note to Tryon, John Frohock and Alexander Martin were of the opinion that such a bill was “severe—but desperate diseases must have desperate Remedies.”¹⁴⁸ In January of 1771, the general assembly passed the Johnston Riot Act, which allowed trials to be held in regions other than where the rioting had occurred. Those accused who fled the authorities would be declared “outlaws,” and it became lawful “for anyone to kill and destroy such offender and his lands and the chattels shall be confiscated to the King for the use of Government.” The purpose of this was to ensure the conviction of the rioters, namely the Regulators, who had “so unlawfully, riotously and tumultuously assembled.” Moreover, the Riot Act was *ex post facto*, meaning that those who had violated the provisions of the act in the past could be indicted.¹⁴⁹ Tryon would use this act to subdue the “insurrection” in the backcountry.

This publication of such an inflammatory act and Herman Husband’s imprisonment inflamed the countryside, radicalizing more farmers. The resulting mob that amassed to liberate Husband from the gaol was heard of by the court members, and without delay, they freed Husband and proclaimed him “an honest man.” Husband had been somewhat prophetic, for upon his arrest, he had infuriated the members of the House by stating that his followers would secure his release, through force if necessary.¹⁵⁰ Upon learning of Husband’s acquittal, the mob dispersed and returned to their farms,¹⁵¹ but even outside the realm of politics, the Regulators’ lives were engulfed in turmoil. North Carolina still suffered from crop shortages during this period, resulting in augmented agitation amongst backcountry men.¹⁵²

Astonishingly, February was a relatively non-violent period, but the tensions between the opposing factions were mounting. On the 7th, Tryon took the preemptive measure of banning the selling or disposing of firearms and ammunitions, as it was “essential to the publick safety” in case these weapons “should come into the hands of the said people called Regulators or the Mob.” Until future decree, no powder, bullets, or lead could be purchased in the colony.¹⁵³ In March, when court was in session in Salisbury of Rowan County, 400 or 500 Regulators,¹⁵⁴ under James Hunter and Jeremiah Fields among others,¹⁵⁵ collectively gathered with their arms to confront corrupt public officials of the county. John Frohock, a clerk of the court and a secretary and surveyor of the Land Office, admitted that he knew of the suffering inflicted by “such oppressive dealings” and that “he himself had in some cases taken too much fees.” Under pressure from the Regulator forces, Frohock and several other officers agreed to submit their dispute to arbitration on the third Tuesday in May of that year, which “gave general satisfaction.”¹⁵⁶ The proposal signed proudly satisfied the Regulator goal to recover fees exacted through corrupt practices. The Regulators, the “People who [were] desirous of nothing more than Justice and Peace with every person whatsoever,” resolved that “all Debates hereafter may subside.”¹⁵⁷

While these auspicious developments in Salisbury pointed towards peace, the politicians in New Bern had different ideas. During this month, the first 32 people were indicted under the Johnston Riot Act for the destruction of Fanning’s house the previous November. Several of the “outlawed” persons were not even in Hillsborough at the time. However, that did not preclude conviction.¹⁵⁸ The Special Courts in New Bern continued their crusade against the Regulators, deeming them “all such wicked, seditious, evil, designing and disaffected Persons” who attempted “to perpetrate such enormous crimes or Offenses, as being enemies to his Majesty’s Person and Government, and to the liberty, happiness and tranquility of his good and faithful subjects of the Province.”¹⁵⁹ Most disdainful of all was none other than Governor Tryon. On March 18, 1771, the young Colonel Alexander Martin and now Colonel John Frohock, addressed a letter to Tryon ad-

vising that the Regulators be treated with justice and a course of reconciliation be pursued. Martin and Frohock professed that the Regulators had “no Intention to disturb the Court or to injure the Person or property of any one, only to petition the Court for a redress of Grievances against Officers taking exorbitant Fees, and that their Arms were not for Offense, but to defend themselves if assaulted.”¹⁶⁰ Less than three years earlier, Regulators had similarly urged Tryon to “forgive all our past offences by your gracious Proclamation, that peace and tranquility may be restored again, to all the Inhabitants of this Province, and confiding in your assistance and favor to execute the Laws against said exactions and extortions and conclude.”¹⁶¹ However, both parties’ efforts were to no avail: Tryon was resolute in his condemnation of the Regulators and would remain so.

In a response to Tryon’s uncompromising attitude, the Regulators assumed a more offensive position. Damning all lawyers and court officials, the Regulators outlawed Edmund Fanning, indicating that he could be killed on sight.¹⁶² With these developments, the members of the Hillsborough court grew so fearful of their now hazardous occupation that they adjourned until September of that year.¹⁶³ The perpetually military-minded Tryon dealt with these occurrences as best he knew how—by raising an army.¹⁶⁴

Conduct of the War

As early as November 21, 1768, Representative Kennan had presented a bill to the North Carolina General Assembly recommending the establishment of a militia.¹⁶⁵ When the governor marched his army to the Piedmont in May of 1771, he faced an increasing difficulty in acquiring troops “owing to a disaffection among the Inhabitants of the County [of Orange].”¹⁶⁶ In the counties of Orange, Anson, and Rowan, it is estimated that between 6,000 and 7,000 men supported the Regulators. This is an astounding figure when, at that time, there were only 8,000 taxable men in that area.¹⁶⁷ When Captain William Burney was

sent to enlist men, he could only persuade 74 to join the militia,¹⁶⁸ a pathetic number considering the Regulator forces numbered between 2,000 to 4,000.¹⁶⁹ Even Tryon's personal efforts to enlist men fell flat:

[Tryon] tried to prevail upon them to march against the rebels but on one man's absolute refusal he ordered him to turn out of the Ranks for a Traitor which he very readily did and all the Regiment followed or were following him; the Governor perceiving his mistake says Gentlemen you mistook me I only meant should they come down and destroy all your livings would you not fight them; they answered yes on which he dismissed them, they then gathered in Companies of 6, 8, 10 & 12 growling and swearing would the Mob come down they would join them. In Dobbs a general muster was called for the same purpose, but only seven men attended.¹⁷⁰

This account, composed by Regulator leadership Rednap Howell as a letter to fellow Regulator James Hunter, demonstrates the extreme opposition that the Governor faced. The disinclination to join Tryonian ranks was not limited to a singular county. In Bute, the colonel of the county was instructed to raise 50 men for the militia. Some 900 armed men assembled before him, but not one enlisted. They then proceeded to break "their ranks without leave of their commanders, and proclaimed themselves for the Regulators."¹⁷¹ The general populace supported the Regulator cause, thus the governor was forced to buy his army, transforming the conflict into a rich man's war and a poor man's fight. Only when Tryon offered the generous sum of 40 pounds did his ranks begin to fill with volunteers.¹⁷²

In its totality, Tryon's army consisted of 1,100 men, most of whom were from the eastern half of the province. The elite officers, many of whom would also participate in the American Revolution, composed nearly one tenth of Tryon's forces.¹⁷³ Life under Tryon's command presented some undeniable advantages. Those enlisted into Nathaniel Hart's Company of the Orange County militia received a payment per day of two shillings, which was more attractive than the nonexistent salaries of the Regulators.¹⁷⁴ Furthermore, soldiers were to receive rations of one pound of flour and one and a half of meat,¹⁷⁵ along with a "haversack,"

which was much similar to a rucksack and used to carry their rations and supplies.¹⁷⁶ Company captains received more than seven shillings and lieutenants received five.¹⁷⁷ However, many backcountry men could not be bought.

Besides the Moravians, all of the previously mentioned backcountry religious groups contributed in some way to the Regulator movement. Even Quakers' religious beliefs did not preclude their involvement in the war, for at least 23 Orange County Regulators participated in battle, though Quakers like Jesse Lane and Edward Thornbrough, were later disowned for such actions.¹⁷⁸ The Moravians, who had once fled Georgia because of conflict, had once again been caught in the midst of war. Characteristically, they remained neutral, however, this was no simple task. Nineteenth century historian Robert Gottfield noted that the Regulator movement put them in "great danger" from the Tryonians and Regulators, both of whom expected the Brethren to join their respective sides.¹⁷⁹

The Governor further alienated the people of the backcountry by taking prisoners along his forces' routes. In retaliation, Regulator spies stole supplies and letters from the marching army. One daring Regulator troupe even disguised themselves as Indians, blackened their faces, and burglarized Tryon's power wagon, seizing its contents. This daring feat only infuriated Tryon who, on his march to Hillsborough,¹⁸⁰ began impressing valuable supplies belonging to the local inhabitants.¹⁸¹ After two weeks of terrorizing the countryside, the governor sought a shift in strategy.

On May 13, the Council of War was held in Tryon's encampment. Based on intelligence ascertained, it was concluded that the Army would change its course, foregoing the original plan and instead travel the road from Hillsborough to Salisbury. They would advance with "all possible expedition" past the Little and Great Alamance Rivers until they met with General Waddell's camp,¹⁸² which had been compelled to reposition itself after Waddell lost a substantial number of his soldiers to the Regulators.¹⁸³ This crucial decision made by the Council of War would ultimately result in the demise of the Regulators.

The Battle of Alamance

By nightfall, Tryon's army was encamped on the west side of the Little Alamance. A "strong Detachment" had been given the task to seize possession of the Great Alamance's west banks, so as to deny the Regulators the advantageous position.¹⁸⁴ This would mark the beginning of the end for the Regulators. Three days later, Tryon's highly organized forces¹⁸⁵ and those of the disorganized Regulators were both camped in the vicinity of the Great Alamance Creek.¹⁸⁶ The previous day the Regulators had entreated the governor with one final plea for arbitration, but the impetuous Tryon was in no mood for compromise.¹⁸⁷ A council of North Carolina militia officers had previously determined that the insurgents had superiority in numbers, and thus had been more cautious to advance on the group,¹⁸⁸ but Tryon was anxious to crush the rebels, ordering his command to march within 300 feet of the Regulator encampment. Regulators David Caldwell, Robert Mateer, and Robert Thompson approached Tryon, but he brashly took Mateer and Thompson prisoner,¹⁸⁹ the latter of whom was shot within sight of his cohorts. The governor declined all peace proposals and through invocation of the Johnston Riot Act, left the Regulators only one hour and 10 minutes to relinquish their arms, pay their due taxes, "swear to be subjects of the laws of their country," and surrender the outlawed leaders for execution, or if they should refuse, fight to the death.¹⁹⁰

Before the termination of the hour, Tryon's Aide-de-Camp asked the Regulators if they desired additional time. The Regulators were more than willing to receive this offer, and the Aide-de-Camp promised that they would have two more hours, which gave the Regulators "great hopes of an accommodation." It was around this time that a fatal miscommunication occurred; for the Regulators thought that they had more time to negotiate. According to a Regulator account, when the Aide-de-Camp returned a short time later, a Tryonian cannon was "fired in the midst of the people, which killed one man, & frightened" a great multitude

of the Regulators, who fled from the field.¹⁹¹ However, in “An authentik account of the Battle of Alamance,” a Tryonian soldier claimed that the Regulators provoked the governor’s troops:

Battle! Battle! Immediately after a considerable Body of them appeared in Sight, and waved their Hats, daring the Men to advance; upon which the Army continued moving towards them, until they were within thirty Yards of the Enemy when his Excellency sent an Aide-de-Camp to inform them that the Hour was elapsed, and that he should immediately fire and be damned.¹⁹²

Today, general historical opinion is that the Governor’s troops had indeed fired the first shot after the end of the first hour.¹⁹³ After the exchange of bullets between the two armies, the Governor signaled for parley, but the Regulators were unfamiliar with the formal conduct of war and continued to battle. Tryon assumed that the Regulators refused to give quarter (they would show no mercy to captured or defeated enemies), so he continued to fight.¹⁹⁴ It is estimated at between one to two hours later, the battle was finished, as all the Regulators who were not killed, wounded, or captured had retreated from Alamance. Regulator accounts state that their loss took place after two hours of intense battle,¹⁹⁵ while the triumphant Tryonian forces proclaim their victory to have been achieved in a mere hour and 15 minutes.¹⁹⁶

Conflicting accounts of the battle present different figures for the numbers of each force. The “authentik account,” placed 2,300 Regulators on the battlefield, with 600 only actively participating in the fight. The Regulators supposedly had 100 killed, 200 wounded, and 20 were taken prisoner, while the Tryonian forces, or “loyalists” as the soldiers called them, had nine killed and 60 wounded.¹⁹⁷ A year after Alamance, Morgan Edwards reported that 4,000 Regulators were present along with 2,000 Tryonians. Though these forces are much enlarged from those of the “authentik” account, Edwards claimed that only three Tryonians and 12 Regulators perished in the struggle. He attributed the lack of deaths to poor shots, for the “lodging in the trees an incredible number of balls which the hunters have since picked out and killed more deer and turkeys than they killed of their antagonists.”¹⁹⁸ A Regulator account in the *Boston Gazette* similarly stated that “4,000

rebels” met the governor’s forces yet only 300 reportedly stayed to fight and only nine were killed with 30 unaccounted for.¹⁹⁹ The *Virginia Gazette* place between 1,300 and 1,400 Regulators at the battle.²⁰⁰ Historians today estimate around 1,500 Regulators were at the battle; however, due to the discrepancies of the primary accounts, the true numbers of each side will remain a mystery.

The Factors of Failure

The Regulators’ spirits had been buoyed by their initial successes. At Alamance, the Regulators utilized guerrilla tactics. Like the British regulars in the coming Revolution, Tryon’s military marched in conventional European formation for the day, which is to say they marched in predictable rows.²⁰¹ This made them exceedingly vulnerable to sharpshooters, who possessed the cover of the surrounding woods and structures.²⁰² However, the fatal fault of the Regulators was their lack of ammunition, which did not sustain them for the duration of the battle.²⁰³

In just five years, Benjamin Franklin would remark, “we must, indeed, all hang together, or most assuredly, we shall all hang separately.”²⁰⁴ Had this sage logic been applied to earlier Regulator strategy, perhaps they would have garnered greater success in their rebellion. Lack of leadership and tight organization was ultimately devastating. Herman Husband galloped away from Alamance prior to the battle, a time in which his presence was most required. When coordinator James Hunter was asked to lead the troops in this crucial moment, he replied that every man should be his own commander. Without firm direction, the fighting fell into disarray.²⁰⁵ As the Regulators fled the battlefield, their dreams of victory were left with their fallen comrades: dying.

Retribution

While the Regulators lamented their irrecoverable loss, the governor's forces reveled in their triumph. In the order book of the Tryonian militia, an officer logged his exultation for the "Glorious Victory Obtained over the Obstinate & Infatuated Rebels at about Five Miles Distant from the Great Alamance camp under the conduct & valour of our Noble & Victorious General Tryon, Governor." Tryon was exultant over the victory that was obtained through the "Providence of God," as he put it. He congratulated his soldiers for their "Valour and Steady Conduct," and announced, "the fate of the Constitution Depended on the Success of the Day & the Important Service thereby Rendered to their King & Country."²⁰⁶ In this moment of supreme triumph, Tryon once again promoted the misinterpretation that made the Regulators appear enemies to the monarch and the very Constitution whose provisions they endeavored to protect. Nevertheless, the Governor stood convinced in the correctness of his perception, and would ensure that the Regulators be treated as the rebellious traitors he believed them to be.

With the Regulator forces in shambles, Tryon's militia embarked on a vengeful reprisal. The day following the battle, a man named James Few was captured and speedily executed, which according to a Tryonian soldier, "gave great satisfaction to the men, and at this time it was a necessary sacrifice to appease the murmurings of the Troops, who were importunate that public justice should be immediately executed against some of the outlaws that were taken in the action, and in opposing of whom they had braved so many dangers and suffered such loss of lives and blood, and without such satisfaction some refused to march forward."²⁰⁷ Few, the Protestant carpenter and father of twins, was offered a reprieve if he renounced the Regulators and their cause, but confident of their righteousness, he declined. Immediately upon his refusal, his neck was thrust through the dreaded noose.²⁰⁸

This was all apparently "made necessary by the laws of war."²⁰⁹ However, to imply that the Regulators were not forewarned

of the consequences of their actions would be untruthful. The aforementioned Ralph McNair had warned Herman Husband of the dire punishments the backcountry men would surely face.²¹⁰ A tantalizing reward of 1,000 acres of land and \$100 was issued for the capture, dead or alive, of four Regulator leaders—Herman Husband, Rednap Howell, James Hunter, and William Butler. Some former Regulators were even permitted to join in the manhunt, provided that their children remained under the watchful eyes of authorities as insurance, should the former Regulators join with their leaders.²¹¹ The governor's troops used the Johnston Riot Act as justification for the destruction of the plantations and homes of the Regulators. Within days of Alamance, they marched to the humble home of James Hunter, which was promptly set ablaze and burned to the ground.²¹² By that evening, the militia had reached Husband's plantation, 600 acres of fertile land. From his home, they extracted a "large parcel of treasonable papers," which they took along with his livestock and cattle. Hoping to find clues as Husband's whereabouts, they found none.²¹³ In the Quaker areas, the army seized six wagonloads of flour and Edmund Fanning was given leave to arrest anyone who he saw fit.²¹⁴

Meanwhile, Tryonian soldiers were being compensated for their contributions. The governor's philosophy mirrored that of industrialist Jay Gould, who said more than a century later, "I'll hire half the working class to kill the other half." Tryon had doled out the necessary funds to buy the service of poorer civilians, and had used them to suppress the Insurrection of their countrymen. On average, these men earned around 60 pounds for the service with Tryon. His militia would receive pensions for their participation in the Battle²¹⁵ and soldiers were able to obtain pensions of 20 pounds per year provided that they were still in some way disabled.²¹⁶ Those soldiers gravely injured received lifetime pensions,²¹⁷ and those who willingly volunteered their horses,²¹⁸ ferries,²¹⁹ armaments,²²⁰ and wagons during the conflict were given restitution.²²¹ They even received compensation for their damaged possessions, such as William Mebam's "bursting" gun.²²² Yet, those Regulators who sustained injuries were denigrated, their homes

and possessions ravaged by those who were being rewarded for their services.

On the pitch-black night of June 1, the Baptist Captain Merrill was taken prisoner by the Governor's forces as he lay sleeping in his bed. According to a soldier in the militia, "Capt. Merrill had headed four hundred Regulators at the Action of Alamance, and afterwards endeavoured to rally and raise forces."²²³ Contradictory to this statement, Merrill had not even been present at Alamance.²²⁴ Encamped on his plantation, the army devastated the region, taking flour and livestock from the surrounding population, even the neutral Moravians.²²⁵

Within two weeks, Tryon was ready to finish with these rebellious affairs of the Regulators. He had received an appointment for the governorship of New York, and did not care to tarry longer than necessary in North Carolina. Fugitive Regulators, like James Hunter, roamed the countryside, in search of safety and shelter. Those taken prisoner were either subject to severe lashing or tied together into lines and forced to march through the countryside with the ransacking army.²²⁶ Once again, Tryon proclaimed that all those who "lay down their Arms, take the Oath of Allegiance and promise to pay all Taxes that are now due or may hereafter become due by them respectively and submit to the Laws of this Country shall have His Majestys most Gracious and Free Pardon for all Treasons, Insurrections and Rebellions done or committed on or before the Sixteenth of May last."²²⁷ Almost immediately, thousands of men were entering the camps to recite the oath. James Green was later paid a fee of 25 pounds for "Enrolling & Assisting in Swearing 3,000 Persons stiled Regulators."²²⁸ In the end, over 6,400 would capitulate and deliver the oath.²²⁹ However, what Tryon perceived to be a magnanimous gesture was not so for the 36 or so outlawed fugitives, whom he refused to grant pardon to by oath alone.

Ninian or "Niny"²³⁰ Hamilton, had 22 petitioners plea for his pardon, on account of his wife and three children who depended "on his support and his industry and honesty."²³¹ Hamilton, a notable presence at Regulator meetings and the

Hillsborough Riot²³² along with his outlawed brother Matthew,²³³ blamed “his Ignorance of the Nature of the Government [,] the Springs Causing Regularity and good order among men [,] and Being unacquainted With the Blessings he Enjoyed under a British Constitution” as his reasoning for joining with “other Misguided men.” Thoroughly penitent for his “Errors Committed,” Hamilton thickly laid his apologies, harshly criticizing himself while complimenting those forces that could ensure his pardon. Niny laid his faith in the “Lenity,” “Compashon,” and “Mercies” of his judgment board—he was spared from the hangman’s noose.²³⁴

The petitions of Jeremiah Fields was formatted in a manner much similar to Hamilton’s, so much so that a couple of sentences match verbatim, albeit with fewer spelling errors. Like Hamilton and James Hunter,²³⁵ he played the “family card” as a means of exacting sympathy from his readers, pleading for his life chiefly because he was the “husband of an unhappy Woman and father of five Small Children.”²³⁶ He had 18 additional persons petitioning on his account, who were of the opinion that he was “very Industrious and honest, though he was “unhappily Deluded by some means or other To Tack Part in a matter he Did not Know the Consequence of.”²³⁷ Fields was similarly absolved.

John Butler, the sheriff and brother to Regulator leader William Butler, wrote to the government on his brother’s behalf: “I Humbly hope that mercy may yet be found with your Excellency for one who is very sensible of his folly and who Sincerely promises never to be one of Such a Riotous party again.”²³⁸ William Butler sent his own letter, in which he addressed the governor as “His Majesty’s Captain General” and referred to the members of his “His Majesty’s Honorable Council.” In his petition, Butler represented his involvement with the Regulator Movement, “being fully Convinced that the principles which they had espoused were Erroneous.” Additionally, he claimed that he was “influenced to Commit Sundry outrages against the Laws of this government.” Butler’s “humbly hoping and begging” for pardon did not come to fruition, but he managed a timely escape that insured his survival.²³⁹

Another Outlawed Regulator, James Fruit, requested pardon for his involvement, for which “he sheweth such great signs of Penitence for the past follies of his life promising ever obedience to the Laws of this province as becomes a Subject of great Britain.” The unique element in his petition was the 127 signatures of inhabitants of Orange County, who pledged to that Fruit had “behaved himself as a useful member of Society and in all things a subject of great Britain, until he unfortunately fell in with that most Extraordinary set of Enthusiastick people Called Regulators.” Among the signatories were John Butler and one John Pugh,²⁴⁰ whose own petitions would later fail, and Pugh would himself be hanged.

In the plea on Pugh’s behalf, the petitioners deemed him as a “good member of Society and a Subject of Great Britain and being Conscious of his Loyalty to his gracious Sovereign king george the third now upon the British throne.” John Pugh considered himself to be such an admirable British subject that, he thought of “Necessaty that he was not the John Pugh Intended in the indictment and therefore Neglected giving himself up Agreeable to the Lemited time Specified in the Proclamation and as he was forced to Betake himself to Distant Parts for his Safety Leaving a wife & one small child.” However, these characterizations, along with the testament of his “Detestation to all Rebellious or Illegal Proceedings and knowing himself absolutely Clear of the Crime Charged in the Indictment,”²⁴¹ were not sufficient to save his neck from the noose.

The common elements shared amongst all of these petitions was the accused people’s devotion to their British Government and the King. Though they had been made to look as rebels and “traitorous Dogs,” these men, above all else, professed their enduring loyalty to the mother country. Yet, this would fail to convince Tryon and his elite followers, many of who had determined long ago that these men had intended for revolution against the monarchy.

Judgment Day

Twelve Regulators were sentenced on June 15, 1771 for their crimes of high treason and violation of the Johnston Riot Act. Tryon, eager to see punishment done to those who dared to question authority, unduly influenced the judges, calling for the administration of the death penalty.²⁴² Upon hearing the sentencing, the governor immediately issued his orders for the morning of the 19th. Hangings were choreographed events, and this particular one would be no exception. In an effort to ensure that spectators had an unobstructed view, the woods near the execution site were to be cleared. Five hours later, Tryon's victorious militia, in uniform and with their arms, was to march in formation through Oblong Square to the dreaded spot. They would accompany the convicted 12 and the light horse soldiers were to cover their flanks to "Prevent the mobs crowding the men."²⁴³

On the hot morning June 19, 1771, onlookers jeered as 12 men trudged to gallows, accompanied by the forces under command of Colonel Ashe. Six of these men stood atop wooden barrels, awaiting their impending doom. Fortunately, the six others had been pardoned and released from the punishment of death, of grace that "was granted in compliance with the wishes of the Army, the Officers having recommended them as objects of mercy,"²⁴⁴ though "the evidence against them being clear."²⁴⁵ Now, the six atop the barrels were to suffer the fate of their fellow Regulator, James Few, who had been hanged just a month previous. Benjamin Merrill stood, a tall, proud captain of the Rowan County militia. At his sides were Captain Messer, Robert Matear, John Pugh and two others who will remain anonymous to the annals of time.²⁴⁶ When the judge passed Merrill's sentence, he insinuated that the harshness of the sentence was due to Merrill's inability to refrain himself from "wrath and violent action."²⁴⁷ Now, as he stood before the morbidly interested crowd with the noose around his neck, he played his part in the dramatic scene:

I stand here exposed to the world as a criminal. My life will soon be a change. God is my comforter and supporter. I am condemned to die for opposing Government. All you that are present take warning by my miserable end when I shall be hung up as a spectacle before you....I considered this unhappy affair and thought possibly the contentions in the country might be brought to some determination without injury to any, and in this mind I joined the Regulation...As to my private life, I do not know of any particular charge against me. I received, by the grace of God, a change fifteen years ago; but have, since that time, been a backslider; yet Providence, which is my chief security, has been pleased to give me comfort, under these evils, in my last hour; and altho' the halter is now around my neck, believe me, I would not change stations with any man on the ground. All you, who think you stand, take heed lest ye fall.

This final speech led Baptist Morgan Edwards to comment that Merrill “bore an excellent character, insomuch that one of his enemies was heard to say, ‘That if all went to the gallows with Capt. Merrill’s character, hanging would be an honourable death.’”²⁴⁸ Yet, this “honorable death, would not be a consolation to the families that the victims had left behind. Furthermore, a single grave was to suffice for all six of the dead men. This was the treatment that men received for opposing the ill practices of their government, a lesson that would not soon be forgotten by the inhabitants of the backcountry.

Aftermath

The day after the hangings, Governor Tryon publicly announced his commission for the position of Governor of New York and speedily departed the colony.²⁴⁹ His successor, the 34-year-old Josiah Martin, was like Tryon, an affluent military man. Nevertheless, Martin was somewhat more flexible and open-minded than his predecessor. Initially believing the accounts of the former governor and the wealthy, Martin assumed that the Regulators advocated rebellion against the King. However, his visit to the backcountry led him to believe otherwise. To his chagrin, he realized that “the resentment of the Government was craftily worked up against the

oppressed and the protection which the oppressors treacherously acquired where the injured and ignorant people expected to find it in drove them to acts of desperation and confederated them in violences.”²⁵⁰ As a result, Martin recommended to the legislature that the Regulators still outlawed be shown mercy.²⁵¹

Sympathy for the Regulators was not limited to the governor, for in other colonies, Patriots recognized the resemblance between their struggle against the King and that of the Regulators against their local governments. Nevertheless, the General Assembly and elite of North Carolina were reluctant to assume such a stance. By January of 1773, the Legislature was ready to “extinguish the remembrance of that unhappy Insurrection, which lately disturbed the peace property and security and aimed at subversion of the Constitution.” They endeavored to prevent such a rebellion again by protecting the due process and curbing corruption in local government:

The Institution of Courts of Justice is the basis of Government, and claims attention equal to the importance of the object. In the formation of Laws to establish a system of Jurisdiction for this Province, we shall use our utmost endeavours to found them on principles consistent with the circumstances of those who are to be Governed by them to make their scope liberal, their end beneficial, and these blessings permanent. Courts derive much respect from the character of those who preside in them; and the provision we may make for the support of Judges, we shall endeavour to render equal to the importance of the Trust, and not unworthy the acceptance of men of abilities and integrity.²⁵²

Those very rights that the Regulators had fought for were finally being realized though the individuals involved were still perceived as rebels by the government of North Carolina.

Even as late as 1773, service in the “valiant expedition” against the Regulators was still rewarded by the legislature. One Henry Costin, who served in the Battle of Alamance, was awarded a life-long pension for a leg injury, “as the Assembly have so Generously rewarded every Person who ventured their lives on that Expedition in the Service of their Country.”²⁵³ Thus, it is evident that the Legislature still believed in the correctness of their actions

regarding the Regulators. The Eastern and Western sections of the province remained somewhat separate entities, not any more unified than they had been in 1771, at the end of the war.²⁵⁴

When traveling Son of Liberty Josiah Quincy arrived in North Carolina in 1773, he met with eastern, anti-Regulator Patriots William Hooper and Robert Howe, who reinforced his perceptions of the Regulators. They spun tales of the traitorous rebels, whose lawlessness were unparalleled in the colony. Upon meeting westerner Colonel Dry, a friend of the Regulators, Quincy's opinions of the backcountry men began to shift; Dry provided Quincy with "an entire different account of things," which left the Son of Liberty to form his "own opinion" of the supposed wrongdoers. He, along with the governor, now believed that the Regulators were the victims rather than the perpetrators.²⁵⁵

In March of 1775, Governor Martin sent a dispatch to William Legree, Earl of Dartmouth, complaining of the rampant patriotism in the eastern part of the Colony. To his satisfaction, he noted that "the people in the Western parts of this Province withstanding for the most part steadily all the efforts of the factions to seduce them from their duty."²⁵⁶ Therefore, the people of the backcountry were exhibiting strong loyalties to the King, while those men who had accused them of disloyalty nearly four years before were now condemning the King and Parliament. From a Sloop of War in the Cape Fear River, Legree responded to Martin, "According to my information a Committee was appointed to this Provincial Congress to gain over the late Insurgents in the Western Counties, who had heretofore made to me the strongest professions of their loyalty and duty to the King and of their resolution to support his Majesty's Government."²⁵⁷ This is quite the role reversal, for less than four years previous, the Regulators were the "insurgents" who were endeavoring to assure authorities of their "loyalty and duty to the King." Now, the Easterners, the Patriots arguing for liberty from Crown Rule, were being deemed as such rebels. The Regulators likely assumed that the new Patriot administration would be as unjust as the King's, for many of the men who had abused their officers under Tryon had become

Patriots. Additionally, the backcountry dwellers had learned the consequences of being branded as traitors to the Crown during the Regulation; thus they were ever more determined to prove their unswerving loyalty to George III. This desire coupled with the role of anti-Regulators in the Patriot forces gave the backcountry men substantial reason to demonstrate a robust support of the King.

A mere six months later, after the battles of Lexington and Concord, settlements had finally been achieved between the Regulators and the legislature. In a conference held with “the Chiefs of the Regulators,” it was concluded that those of North Carolina should “apprehend no danger from them.” Furthermore, every Regulator was to be protected from punitive actions.²⁵⁸ Animosity had substantially subsided between the Regulators and the Easterners, and the door was opened for the Regulators to join the North Carolina General Assembly, which was now under Patriot control. The Congress then appointed Maurice Moore, Richard Caswell and the Reverend Patillo to meet with the backcountry men. All of these men had sided with Tryon in the War of Regulation; nevertheless, a compromise between their party and the backcountry men was reached, for the Easterners astutely realized that the Regulators were more valuable as allies than enemies.²⁵⁹ At a convention held in Hillsborough, some Westerner friends of Regulators were elected to serve in the colony’s assembly after some anti-Regulators took positions in the new Patriot government. For the first time, the number of Westerners in the body outnumbered Easterners. While this may have appeared to be “the dawn of a new era” in North Carolina, the conflict between Loyalist and Patriot sentiment would soon tear the East and West apart once again.²⁶⁰

In the subsequent months, fellow colonists would come to appreciate the Regulators’ devout loyalties to the King. On November 28, 1775, the Continental Congress passed a resolution sending to ministers “to go immediately amongst the Regulators and Highlanders in the Colony of North Carolina, for the purpose of informing them of the nature of the present dispute between

Great Britain and the Colonies.” The purpose of such an action was to encourage these groups to unite with the Patriot cause. Aware of the backcountry men’s profound Loyalist sympathies, the ministers were to offer each man “forty Dollars per month for their services,” which was at the time, a generous sum, but necessary if they were to sway the Loyalists of the Piedmont.²⁶¹

The effects of the Continental Congress’ measures were minimal at best. In January of 1776, Josiah Martin conferred to Legree, “The people called Regulators (for whom I hoped before this time to have received his Majesty’s Pardon) to the number of between two and three thousand men have given me the strongest assurances of their joining the King’s standard when ever they shall be called upon.” From his own Sloop of War, the *Scorpion*, Martin mulled over the fact that only half of the Regulators had weapons to fight the Patriots with, though he sanguinely commented upon these “friends of Government in the back Country and the notable exertions of the King’s loyal subjects.” Martin expected the arrival of British regulars and was resolved to make “every possible preparation in [his] power to favor and forward the General’s plan of Operations.” To this effort, Martin encouraged the “King’s loyal subjects” to resist the Patriot influences, through violence if necessary.²⁶² This strategy split the Carolinas into two distinct factions.²⁶³ Martin maintained correspondence with the “disaffected in the western part of the Province,” establishing a command structure for their militia and offering colonels commissions to former Regulators. Furthermore, he promised that if the Regulator-Loyalist militias made it to Brunswick, North Carolina by February 15, 5,000 British regulars would be waiting to back them.²⁶⁴

The backcountry men readily met this challenge. By February 13, 1776, the Regulators and the Tories were gaining control over parts of the province, intending to make their deadline of the 15th. The Patriot militia, under former anti-Regulator Colonel Caswell, was the face of the Rebel forces, hoped that they would be “well-flogged” before reaching their destination. Anti-Regulators Colonel John Rutherford and Colonel Ashe had

near 2,000 men each under their command and intended to face the Regulators should they beat Caswell. Rutherford noted that if, “three or four more of our Colonels in this Province raise as many, which I expect will soon be the case, they will be able to attack ten thousand Regulars, and beat them too, as I think our men will fight with great resolution.”²⁶⁵ When the Regulators met with the Patriot army three days later, the results were disastrous for the former party. In a letter to Robert Howe, the colonel was informed that “the insurrection is entirely suppressed, with respect to the Regulators” and the “Highlanders are dispersed.” With less than 5,000 men, the Patriots had “undoubtedly awe[d] the Highlanders into submission.”²⁶⁶ This comes as little surprise, for the joint Regulator-Tory force possessed only some 900 men. Still, the North Carolina Provincial Council saw fit to thank “every denomination for their late very important services rendered their Country in effectually suppressing the late daring and dangerous insurrection of the Highlanders and Regulators.”²⁶⁷ Overall, the efforts of the British and their Loyalist allies were a failure, for the British warships were forced to abandon Brunswick Harbor, and at least 20 of the Tories were taken into custody.²⁶⁸

As the Regulators undertook a desperate retreat, parties of men were dispersed throughout the colony to apprehend all of the Regulators and backcountry men who had fought at Brunswick.²⁶⁹ An inhabitant of North Carolina gleefully celebrated “the immediate defeat of those disturbers of government called Highlanders and Regulators who had embodied themselves to a great number.” The “joy this event ha[d] diffused through this Province,” was further augmented by the defeat of the British forces in that region. The inhabitant once again observed that British must have been “amazingly mortified... in finding that this weak, poor, and insignificant Carolina, in less than 15 days, could turn out more than 10,000 independent gentlemen volunteers, and within that time to pursue them to the very scene of action.”²⁷⁰ This Patriot victory was, undoubtedly, a tremendous blow for all loyalists in colony, including those in the Piedmont.

Just 26 days after the signing of the Declaration of Independence, General James Moore in a letter to Cornelius Harnett regaled the latest events as recently, “the number of Highlanders and Regulators taken [prisoner by the Patriots amounted] to 54 men.”²⁷¹ Following the Brunswick fiasco, Josiah Martin was captured and declared an enemy of North Carolina, after which time, he was cut off from all communications with those in the colony, including those of the backcountry.²⁷² His replacement, Richard Caswell, observed that there were still the “rising of Tories, and forming of conspiracies: the former among the Highlanders & Regulators” as late as September of 1777. Once again “the Insurgents,” the backcountry men made a concerted effort to push into Patriot-held territory.²⁷³ However, the Patriot militia was “ready to treat them as they deserved,” which convinced them to desist “from proceeding any further.”²⁷⁴

As the war was winding down in late 1781, the Regulators were still valiantly fighting, though many had grown weary after a decade of struggle. In a letter addressed to Patriot Governor Burke, who assumed Caswell’s position, Andrew Armstrong related to him information on the progress of the war. After briefly discussing the “King’s militia” or Regulators, who were still wreaking havoc in the backcountry,²⁷⁵ he went on to describe a Tory regiment from Hillsborough, which agreed to have every man “return home could they only have assurance of not being hanged.” Armstrong advised that their pardons be granted because it was “certainly as easy to reduce the number of our enemies by pardoning than by killing them and much better suited to [the] present condition.”²⁷⁶ At last, the hotbed of Hillsborough was cooling. And so, the Regulators’ ultimate efforts to prove their loyalty to the King and to defend British sovereignty over the Americas came to its inglorious end.

Dispelling the Myths

On the surface, the Regulators, with their grievances and protest against the government, appear to be a microcosm of the later Patriots of the American Revolution. Thus, historians have erroneously dubbed the War of Regulation as the “catalyst” of the American Revolution.²⁷⁷ William Fitch was among the numerous 19th and 20th century scholars who went so far as to claim that Alamance was the first battle of the War of Independence.²⁷⁸ Author Joseph Seawell believed it “reasonable to regard the Regulators in the Province of North Carolina as the vanguard of the American Revolution,”²⁷⁹ and thus the War of Regulation was “the very inception of the American Revolution, seven years before the battle of Concord.”²⁸⁰ However, these conclusions are quite simply false. The Regulators opposed corruption in state and local government rather than Crown Rule. Hillsborough historian Francis Nash put it best when he said, “to say that the same spirit inspired the Regulators that inspired the Sons of Liberty, or the Lexington Minute Men, is to my mind, sentimental slush, not historical truth.”²⁸¹

Though the ideals of the Regulators appear to be reflected in the maxims of the patriots, such as “no taxation without representation,”²⁸² the Regulators, more often than not, were loyalists during the War of Independence. This principle is best illustrated by tracing leading individuals of the Regulation; for example, the formerly outlawed James Hunter was found on a Tory register in January of 1776.²⁸³ He was also elected Sheriff of Guilford County by popular vote in 1778, demonstrating that most of the area’s inhabitants approved of his political position.²⁸⁴ Meanwhile, staunch anti-Regulators like William Hooper, Alexander Martin, and Francis Nash became fervent Patriot Rebels.

Hooper, a lawyer by profession with a reputation for eloquence, was sent as a delegate to the First Continental Congress in 1774. As a delegate, the slender, reserved Hooper was renowned for his bold flair for writing. After the expiration of the session,

Hooper was appointed to the Second Continental Congress, where he ironically penned a statement that echoes the pleas of the Regulators:

That our petitions have been treated with disdain, is now become the smallest part of our complaint: ministerial insolence is lost in ministerial barbarity. It has, by an exertion peculiarly ingenious, procured those very measures, which it laid us under the hard necessity of pursuing, to be stigmatized in parliament as rebellious.

In addition to this manuscript, Hooper's signature is preserved on one of the most well-known documents in our nation's history: the Declaration of Independence. Turmoil in his private life necessitated that he retire from his office in 1777, yet he continued to give vocal support to the Revolutionary cause from his home in North Carolina.²⁸⁵

The handsome Colonel Alexander Martin, a former member of Tryon's army, albeit sympathetic to the Regulators' plight, joined the Colonial Assembly of Guilford County in 1774. Merely a year later, he was appointed to the position of Lieutenant Colonel in the Continental Army. Following the Battle of Brandywine, he was promoted to Colonel. He was even present when his compatriot General Francis Nash was killed at Germantown. Following the Revolution, the distinguished veteran was elected as state senator and held the prestigious position of Speaker of the Senate during the period between 1780 and 1782, after which time, he served as the governor of North Carolina²⁸⁶ for six terms,²⁸⁷ and was an enthusiastic supporter of the Federalist President John Adams.²⁸⁸ The legislature later saw fit to honor Martin for the "skill and wisdom" with which "he directed public thought into new channels," and noted that "he was the leading influence in North Carolina" during the formative days of our burgeoning new nation.²⁸⁹

Nevertheless, there were exceptions to this seemingly paradoxical pattern, a certain John Rutherford being one such example. A member of North Carolina's exclusive official class, Rutherford participated in the administrations of both Arthur Dobbs and William Tryon. During the former's term, he bore the reputation of a somewhat questionable, incompetent official; under

the latter, he served in multiple expeditions against the Regulators, and obtained a position of Lieutenant Governor, in which, he commanded the militias. Rutherford held the Regulators in nothing short of contempt, for they “could not be looked upon otherwise than as Disturbers of the Public Peace of the Colony.”²⁹⁰ In the years preceding and concurrent to the American Revolution, Rutherford remained steadfastly loyal to the British government,²⁹¹ and much like Husband, Hunter, Butler and Howell a decade earlier,²⁹² his lands were auctioned off by the winning side of the conflict.²⁹³

The despised Fanning departed from the Carolina backcountry soon after Alamance. He headed to New York, where he accompanied Loyalist Tryon as his personal secretary. In 1783, the year that marked the official end of the American Revolution, he was named lieutenant governor of Nova Scotia. Following the conclusion of this appointment, he became lieutenant governor of Prince Edward Island, after which time he retired to England. Though he lost most of his colonial land in the Revolution, he died at the age of 81 an exceedingly wealthy man.²⁹⁴

Some were not so fortunate as Fanning; General Hugh Waddell perished of disease three years before the Revolution, though his earlier tendencies indicate that he was greatly inclined towards the Patriot cause.²⁹⁵ Maurice Moore, or the “honest attorney” as he was known in North Carolina, resisted the Stamp Act. He was a judge in opposition to the Regulators,²⁹⁶ yet he was also critical of Tryon’s treatment of them.²⁹⁷ He was one of the justices who convicted the 12 Regulators on counts of high treason, but the Patriot Moore compromised with the former Regulators at Hillsborough in 1775. His legacy would live on in his son, who would become an associate justice on the United States Supreme Court.²⁹⁸

Ever the agitator, Herman Husband continued with his rebellious ways. After fleeing North Carolina for Pennsylvania, he laid relatively low for a period, continuing to publish articles and pamphlets in the Regulators’ defense.²⁹⁹ He assumed the name “Tuscape Death,” masquerading as an itinerant preacher. During

the Revolution, he was elected to the colony's assembly and backed far-reaching legislation.³⁰⁰ In 1794, he became a principal leader in the Whiskey Rebellion.³⁰¹ For his role in this insurrection, he was imprisoned and subsequently sentenced to death, though the intercession of his friends ultimately gained him reprieve.³⁰² His fellow outlawed Regulator Rednap Howell transplanted himself to Maryland, the birthplace of Husband. In the neighboring colony of Virginia, William Butler made his permanent residence. All three of these individuals would never return to North Carolina.³⁰³

Changing Interpretations

History is often written by the victor, and in the immediate weeks after Alamance, those writers came forth. Misinformation about the plots and deceptions of the Regulators spread like wildfire. Public opinion initially swung in favor of Tryon's camp, hailing the victorious governor as a hero. One *Virginia Gazette* article read:

Thus has his Excellency the Governor, at the Head of a handful of Troops, compared to the Numbers of Regulators, thro' the immediate Hand of Divine Providence, broke this dangerous and daring Conspiracy, that every day increased, and threatened to overwhelm this once Flourishing province in one Scene of horrid Confusion and lawless Fury! For who but the Almighty Ruler of Heaven and Earth could guide the Balls from the Rifles of the Regulators to fly over the Heads of our troops in the Day of the Battle, as they did by tens Thousands; which otherwise, as if they were at least five Times the Number of our Troops, must have cut them off by Hundreds, and left the Field a dismal Scene of Blood and Carnage.³⁰⁴

Clearly, the public demonized the Regulators and such propaganda was why they were viewed as treasonous. In this article, the victory against the Regulators seems all the more caused by the "Hand of the Divine" since the Regulators were reported as being five times greater in number when they were barely twice the number. Since most of them had fled the battlefield when the shooting erupted, this portrayal is all together inaccurate. The *Essex Gazette* published the supposed contents of the papers in Herman Husband's home,

“by which it appears, the insurgents were confident they should defeat the Governor, and were determined to put every man in his army to death.”³⁰⁵ This claim was such an absurd distortion of fact, for the former Quaker Husband disapproved wholeheartedly of violence, yet such glaring falsehoods initially pervaded the cultural commons.

Many of the untruths regarding the Regulators were due to the bragging and fabrications of Tryon. Thus, many articles praised his leadership in bringing down the Regulators:³⁰⁶

I suppose Col. Trion has done more for the Support of Government in North America, than all the Governors in it. If that most daring and dangerous Rebellion that has happen'd this Age, had not been quelled by Him, an universal Revolt would have succeeded in all the Colonies: For you may *depend* upon it, this was the last Scheme of all the Sons of Faction, to Collect a Body there, as they supposed *that* Government the least able to resist them: But God be thanked that they have found a *Tryon!*³⁰⁷

However, as the Regulators' stories of Alamance made their ways to the newspapers, interpretations of the Regulation somewhat shifted. As early as July of 1771, the *Boston Gazette* observed that a “murdering temper...governed the actors of the tragedy at Alamance.” The newspaper asserted that the Regulators were “reduced to those extremities which excited their villainous oppressors, not to relieve, but to *murder* them.”³⁰⁸ Nevertheless, there were still those who rejected the Regulators and opposed such inflammatory rhetoric, the North Carolina Sons of Liberty being one such group. These defenders of liberty and freedom maliciously burned in effigy the authors of the articles praising the Regulators.³⁰⁹

On a more moderate note, another article focused on Tryon's bragging, for the “world has found by universal experience, that many in power are never without flatterers, who set their most infamous actions in a false glare.” These “infamous actions,” primarily those at Alamance, were overshadowed by Tryon's biased accounts of the affair. The authors of the article hoped, “that every sensible American will suspend his censures of our unfortunate fellow-subjects in the back parts of North

Carolina, till we can have a more circumstantial account of them than any which the advocates for Governor Tryon have yet given us.”³¹⁰ Once additional accounts were recovered, the Governor became the one subject to censure.

William Clark, a historian of the late 19th century who extensively reviewed the Regulation, blamed the war on Tryon. His conjecture was that Tryon’s rejection of a more peaceful course of settlement prevented the grievances of the Regulators from being “eased and quieted.” Had Tryon not objected to the efforts at arbitration, “the Regulators in all the counties would have followed that example, and the interior of the Province would have been pacified without any martial display on the part of the Governor, and without the expenditure of money or the loss of a single drop of blood.”³¹¹ This opinion was, eventually, widely shared by those in the historical community.

One Presbyterian historian of the early 19th century predicted that, “in the future history of Carolina, the war of the Regulation will stand prominent as the struggle of liberty and justice against oppression, not less glorious than Lexington or Bunker Hill, for the principles displayed, though less honored for the immediate effects.” This was not far off, as 21st century historian Annie Sutton Cameron, author of the *Hillsborough and the Regulators*, was of the opinion that, “the Regulators were right in principle, as the American Revolution later demonstrated, although wrong in strategy and tactics, and that they contributed much of permanent worth to the American political scene.”³¹² The Alamance Museum was of a similar mindset when they listed the contributions to the Regulators:

1. Their boldness in taking up arms against corruption contributed, by example, to the later clash, which resulted in American independence.
2. The men trained on the battlefield by Governor Tryon became a battle-tested militia against England when the Revolutionary war broke out four years later.
3. Many of the Regulator ideas were incorporated into the first North Carolina Constitution of 1776.³¹³

Thus, while the Regulators were not Patriots (Rebels) during the American Revolution, their struggles against injustice in local and state government were recognized as valuable, if only centuries later.

Conclusion

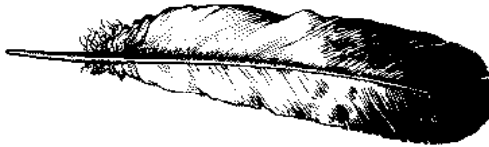
At the North Carolina colonial convention in 1776, a *Declaration of Human Rights* was issued.³¹⁴ Article II stated, “the People of this State ought to have the sole and exclusive Right of rule regulating the internal Government and Police thereof.” Article X decreed that, “excessive Bail should not be required, nor excessive Fines imposed, nor cruel or unusual Punishments inflicted.” And finally article XVII stated, “That the People have a Right to assemble together, to consult for their common Good, to instruct their Representatives, and to apply to the Legislature for Redress of Grievances.”³¹⁵ To the Regulators, this document would have produced a mixed sense of bitterness and accomplishment, for it encompassed the very rights for which they had fought; yet these rights had not been recognized until nearly five years after the conclusion of the Regulation. The cruel and unusual punishment inflicted on the men like Benjamin Merrill was now verily condemned.

After the disaster at Alamance, many Regulators fled the Piedmont to escape persecution.³¹⁶ As many as 1,500 families readily departed,³¹⁷ some in the quest for independence; some in the pursuit of freedom from the oppression of the elite.³¹⁸ These men formed lasting communities in the Appalachians, developing societies like the Watauga Association. In Tennessee, former Regulators established the independent state of Franklin. Additionally, the spirit of the Regulator movement was reflected in the Populism that pervaded the Midwestern states in the late 1800s. The Populists endeavored to obtain fairer treatment under the law and fought against the corruption of the elite and freedom from agrarian debt, yet their effort initially proved unsuccessful as well. However, as with the Regulators, Populist goals were later incorporated into state constitutions.³¹⁹

That which stood for Tryon's victory, the infamous palace in New Bern, was engulfed by a conflagration in 1798.³²⁰ While the symbol of his dominance is gone, a modest monument attests to the struggles of the Regulators. A simple marble pedestal houses a plaque, which reads:

On this spot were hanged
By order of a Tory court
June 19, 1771
Merrill, Messer, Matter, Pugh
And two other Regulators.³²¹

The ultimate tragedy and irony of this inscription is "By order of a Tory court," for the Regulators were themselves stalwart Loyalists. The Regulators were not fighting against the King, but rather the corrupt local officials and unsympathetic governor. Furthermore, they had not intended to become the rebels that they were labeled; rather, the misconceptions regarding their intent blinded the public from seeing their true dispositions—those who desired the rule of law, not the rule of reprehensible, avaricious men.



Endnotes

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⁴ Charles Lee Raper, North Carolina, A Study in English Colonial Government (New York, New York: The Macmillan Company, 1904) p. 12, <http://www.archive.org/details/northcarolinaas01rapegoog> (accessed July 5, 2011)

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¹⁰ William Henry Foote, History of the Presbyterians in North Carolina [Extracts] (1846), in Colonial and State Records of North Carolina ed. Walter Clark, vol. 5, (Raleigh, North Carolina: Winston and Goldsboro, 1901) p. 1193, <http://docsouth.unc.edu/csr/index.html/document/csr05-0362> (accessed July 17, 2011)

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¹⁴ Ganyard, p. 3

¹⁵ Kars, pp. 69–70

¹⁶ Ganyard, p. 3

¹⁷ Stephen Beaugard Weeks, “Historical Review of the Colonial and State Records of North Carolina,” in Colonial and State Records of North Carolina ed. Walter Clark, vol. 19, (Raleigh, North Carolina: Winston and Goldsboro, 1914) p. 6, <http://docsouth.unc.edu/csr/index.html/document/csr19-0008> (accessed June 18, 2011)

¹⁸ Atticus, Letter from “Atticus” to William Tryon [as printed in the Virginia Gazette] (1771), in Colonial and State Records of North Carolina ed. Walter Clark, vol. 8, (Raleigh, North Carolina: Winston and Goldsboro, 1886) pp. 719–720, <http://docsouth.unc.edu/csr/index.html/document/csr08-0370> (accessed July 21, 2011). According to Judge Martin, this letter was actually written by none other than Maurice Moore, who was, at that time, an associate justice on the North Carolina Supreme Court.

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²⁰ Atticus, pp. 719–720

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²³ Charles Bruce, et al., Depositions concerning complaints about taxes and fees for public officials (April 14, 1763–May 28, 1768) in Colonial and State Records of North Carolina ed. Walter Clark, vol. 7, (Raleigh, NC: Winston and Goldsboro, 1886) p. 777, <http://docsouth.unc.edu/csr/index.html/document/csr07-0313> (accessed July 16, 2011)

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²⁵ Foote, pp. 1214–1215

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⁴⁵ *Ibid.*, p. 1222

⁴⁶ Kars, p. 93

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