

BROOMALL, JAMES JOSEPH. M.A. "Making a Considerable Tumult In The Streets:"  
People, Papers, and Perspectives in the North Carolina Regulation. (2006)  
Directed by Dr. Lisa C. Tolbert

This thesis examines the construction of knowledge and identity revealed through the perspectives and acts of the participants in, opponents to, and observers of the North Carolina Regulation. By so doing, this work penetrates the elusive worldviews and mindsets of eighteenth-century colonists, especially those living in the North Carolina backcountry. Documentary sources—including heretofore-neglected newspapers—serve as the foundational source material; a consideration of townscapes and landscapes is included also to illustrate their roles in the Regulation. Through this inquiry my thesis examines broadly the cultural mechanisms used by Regulators to construct and propel their protest against tyranny and corruption; intertwined with these issues are matters of representation and exchanges of power in this complex agrarian protest. Such a focus is designed to expand upon the existing literature on this subject, which generally examines the causes and roots of this struggle.

“MAKING A CONSIDERABLE TUMULT IN THE STREETS:”  
PEOPLE, PAPERS, AND PERSPECTIVES IN THE  
NORTH CAROLINA REGULATION

by

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*In Memoriam*

Maurice S. Whitlock

APPROVAL PAGE

This thesis has been approved by the following committee of the Faculty of the Graduate School at The University of North Carolina at Greensboro.

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## PREFACE

The roar of Interstate 85 slowly dimmed as I traveled down Churton Street crossing over the Eno River and into the small town of Hillsborough, North Carolina. My wandering eyes were drawn immediately to the sight of restaurants, law offices, and storefronts. Through more careful observation, I also noticed signs of the past intertwined with the present. Monuments and plaques celebrating Daniel Boone, the Occaneechee, and prominent citizens like William Hooper—signer of the Declaration of Independence—stood in stark contrast with advertisements for Mexican food and signs designating modern roadways. While most of these plaques denoted a clear story or celebrated some lost figure, mysterious and vague references were also apparent. A distinct metallic marker emblazoned with black bold letters curtly noted that Edmund Fanning lived in Hillsborough and that “His home, nearby, destroyed by Regulators, 1770.” Shortly beyond this marker another signpost proclaimed that several of these so-called Regulators were hanged the following year. Words, clues, and elusive personalities left me wondering who these individuals were and what exactly happened in and around this North Carolina community two hundred and thirty-five years ago.

My quest for further information started with an independent study that led to a thesis-length treatment of a now nearly forgotten revolt—at least outside of North Carolina. Between the years 1765 and 1771 the North Carolina backcountry was embroiled in social upheaval instigated by farmers attempting to alleviate corruptions within local government, and adjust the colony’s political policies to better align with

their own interests. Once I began sorting this evidence, compelling stories emerged about how these individuals made sense of their world, the ways in which others responded to their protest, and the means by which this information traveled into the present. The ambiguities found within the historical record defy neat categories or definitive arguments; instead, they reveal fascinating vignettes of a rapidly changing society composed of diverse peoples with conflicting visions of the future.

These initially disparate episodes eventually formed into a fluid narrative about identity, insurrection, and perception in colonial America. Given the elusive nature of such concepts my thesis will not fully investigate the causes and underlining rationale for the North Carolina Regulation nor succinctly reconstruct a chronology of the struggle—many able scholars have already done such work. What I propose rather is to illuminate the shifting definitions and descriptions of the Regulator movement, which circulated through and were constructed within eighteenth-century colonial America, and in particular, the Carolina backcountry. This seemingly abstract argument speaks to fundamental issues of power and the rights of representation constructed by opposing sides during a prolonged struggle. Through this approach I am deliberately experimenting in modes of narration by juxtaposing events exposing what I perceive as a multitude of *histories* concerning the Regulation.<sup>1</sup> Regulators and anti-Regulators alike solidified internal views and furthered public arguments through print media, oral culture, and formalized action.

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<sup>1</sup> Edward Ayers offers an excellent discussion of “open narratives” in an explanation of his work *The Promise of the New South: Life After Reconstruction*. See Edward L. Ayers, “Narrating the New South,” *Journal of Southern History*, vol. LXI, no. 3 (August 1995): 555-566.

In attempting to elucidate the details of the Regulation and ambiguities within the evidence, several fundamental questions gave shape to the study: what forces bound a disparate people together during a prolonged protest? What divisions and similarities existed in the ideologies and worldviews of eighteenth-century North Carolinians? How did the print media both record and view the Regulation? These central areas allow a consideration of the interplay between opposing sides in this struggle. Just as particular actions or words stood diametrically apart they were also connected by a shared reliance on specific cultural metaphors and forms of symbolic language.

The formation, perpetuation, and evolution of beliefs and thought connect the aforementioned questions and shape each section of this thesis. Historian Barbara Fields has argued that the prime function of ideology, in particular, “is to make coherent—if never scientifically accurate—sense of the social world.”<sup>2</sup> The abstract is in no way less real or meaningful as an organizing principle because of its elusive nature. Individuals’ responses—both for and against the Regulation—were largely shaped and even at times controlled by specific mindsets. This paper seeks to penetrate these mindsets and notions—in other words, what were the various worldviews traveling within the eighteenth-century backcountry and how did they inform the Regulation? The core of the thesis is composed of three chapters examining issues of identity, incidents of violence, and print media, respectively. By focusing on the construction of knowledge and identity, internal and external perspectives, this thesis shows how the Regulators conceived of and

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<sup>2</sup> Barbara J. Fields, “Ideology and Race in American History,” in *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, eds., J. Morgan Kousser and James M. McPherson (New York: Oxford University Press, 1982), 153. I do not believe that the term ideology is necessarily applicable to the concepts under examination in this work, but Fields’ insightful statement seems valid to understanding further beliefs and patterns of thought.

constructed their organization, and offers glimpses into the complicated textures of their protest. Observers and commentators, both within and beyond North Carolina, refashioned the meanings of the Regulation to support local concerns—these perceptions contextualize the backcountry’s protest within the realm of a revolutionary generation and portray the means by which particular colonists conceived of themselves as related to the Regulation.

The roots of the Regulators’ troubles are found in the political and economic conditions within the North Carolina backcountry during the middle decades of the eighteenth century. The Regulators were not the first group to level complaints. In 1765, citizens of Granville and Halifax counties vocalized their concerns about corrupt officials, abuses in the court system, and levels of debt among farmers; situations that, they maintained, required intervention and redress. One year later, in the late summer of 1766, Herman Husband and other radical Protestants living in Orange County formed the Sandy Creek Association to alleviate corruption among local political figures and motivate farmers to join together in alliance. Husband, a prosperous backcountry farmer originally from Maryland, emerged as a key critic of local government and of the malpractices of merchants who, in his mind, had unjustly treated indebted customers. While the issues of these backcountry protests were connected by grievances, they never officially allied in protest. Moving forward in time to 1768, the Sandy Creek Association transformed into a more radical political alliance known as the Regulators; adherents to this organization were limited to Orange County at the time of the Regulators’ inception.

During the beginning stages of protest in 1765 North Carolina experienced a change in leadership. William Tryon succeeded Arthur Dobbs in the late winter months as the crown's representative. Within months of this exchange, cries of protest traveled up and down the eastern seaboard in reaction to the Stamp Act. Further inland, in the North Carolina Piedmont, colonists spoke out against perceived injustices at the national level and corruption within their own counties. The North Carolina backcountry had been evolving rapidly since the 1740s. Waves of migrants entered the region and brought with them diverse religious orientations, social backgrounds, and political thought. In the Piedmont, groups of young upper middle class men assumed positions of political leadership—a shift from the original representatives drawn from the planter occupation. Many of these new and inexperienced leaders misunderstood or deliberately disobeyed the colony's laws inciting reaction from the people of the backcountry.

The protestors' names have passed down through time by way of signatures found on documents issued by Regulators and their supporters during the course of this protest. Scholars have documented between 796 and 883 names depending on methodological practices.<sup>3</sup> It has been estimated that an excess of 8,000 North Carolinians supported this

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<sup>3</sup> In researching the Regulation three scholars compiled independent lists of known Regulators derived mainly from petitions—Elmer Johnson lists 883 names while James Whittenburg finds 796; Marvin Michael Kay's findings collaborate Johnson's research according to Kay. My purposes did not require the formation of such an extensive roll but rather mention of specific names for a discussion of identity. I have drawn from petitions and the work of the aforementioned historians. For a thorough list see, Elmer D. Johnson, "The War of the Regulation: Its Place in History" (M.A., thesis, University of North Carolina at Chapel Hill, 1942), 155-173. For a discussion of these lists see James P. Whittenburg, "Backwoods Revolutionaries: Social Content and Constitutional Theories of the North Carolina Regulators, 1765-1771," (Ph.D., diss., University of Georgia, 1974), 252, n.7; Marvin L. Michael Kay, "The North Carolina Regulation, 1766-1776: A Class Conflict," in *The American Revolution: Explorations in the History of American Radicalism*, ed., Alfred F. Young (DeKalb: Northern Illinois University Press, 1976), 105.

cause in some capacity.<sup>4</sup> Farmers represented the vast majority of participants, and were drawn mainly from society's middle and lower social tiers. The Regulators were a fluid organization with changing leadership; however, James Hunter, Rednap Howell, William Butler, and Herman Husband were chief spokespersons for the cause. Specific details about the organization's exact structure, daily activities, and internal conversations are lost. It is possible to document much of their public actions. The most important public documents include so-called Advertisements either publicly posted or read during court sessions, formal petitions addressed to the royal governor and high ranking officials, and Herman Husband's histories of the protest, *An Impartial Relation...* and *A Continuation of the Impartial Relation...* both of which were published in 1770. This information is supplemented by rich descriptions of public protests, battles in North Carolina courts, and newspaper articles.

The corruption of officials, heavy regressive taxes that favored the wealthy, and the construction of a royal mansion in the capital city of New Bern served as foundations for the Regulators' grievances. This Orange County-based protest spread to other pockets of the Piedmont, especially Anson and Rowan counties, in the late 1760s. Adherents to this cause utilized four chief modes of protest: the court system; printed protests offered in courts, newspapers, and to officials; extralegal action; and episodes of violence.<sup>5</sup> Two of the most intense periods of confrontation between Regulators and royal representatives

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<sup>4</sup> Kay, "The North Carolina Regulation, 1766-1776," 73.

<sup>5</sup> Pauline Maier makes the careful distinction between *extra-institutional* and anti-institutional actions. I interpret her words to mean that *extra-institutional* acts exist within the confines of socially sanctioned behavior and, as such, do not attempt to overthrow social systems. Pauline Maier, *From Resistance to Revolution: Colonial radicals and the development of American opposition to Britain, 1765-1776* (New York: W.W. Norton & Company, 1991). An example of these distinctions is found on page 5.

occurred both in Hillsborough and during the September court sessions. The first, in 1768, involved a standoff between Governor William Tryon and his militia forces against a large number of Regulators—violence was narrowly averted. The second incident, more dramatic in shape and scale, resulted in severe government censure. During the September court session of 1770 Regulators disrupted the court proceedings, beat several government officials, and destroyed the home of Edmund Fanning. Fanning had been educated at Yale, was a close friend of Tryon, and a wealthy lawyer who held numerous political offices in Orange County. Vocal Regulators called Fanning’s rapid accumulation of wealth into question and repeatedly charged him with corruption, which resulted in a series of court cases throughout the 1760s and into 1770.<sup>6</sup>

The Regulators’ influence was felt well into the American Revolution; but the movement largely ended on the fields surrounding Alamance Creek in a pitched battle between Regulators and Governor Tryon’s army of militia forces on May 16, 1771. This battle and the execution of six Regulators at Hillsborough soon thereafter brought an end to one of the largest episodes of collective violence in early America.

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<sup>6</sup> For a sample of some cases see Ruth Herndon Shields, comp., *Abstracts of the Minutes of the Court of Pleas and Quarter Sessions of Orange County in the Province of North Carolina September 1752 through August 1766* (Greenville, S.C.: Southern Historical Press, 1991), 78, 83, 88, 98, 104, 106, 109, 120, 121, 132, 133, 134, 139, 140.



### *Timeline*

5 December 1746, New Bern, located near the eastern shore, is made capital of North Carolina.

1752, Orange County is established.

1754, the town of Hillsborough is established; it was known as Childsburg, Churton, and Corbinton before assuming the name Hillsborough.

7 May 1765, a group of Henry McCulloh's land surveyors are attacked in the backcountry near current-day Salisbury.

August 1766, the Sandy Creek Association reads a manifesto before the county court in Hillsborough; this document would later be known as Advertisement, number 1.

7 December 1766, Bill appropriating £5,000 for the Governor's residence passes.

9 January 1767, William Tryon and John Hawks sign a contract for Hawks to design and oversee the construction of a future royal palace in New Bern.

15 January 1768, voted to give the governor £15,000 for construction.

Winter 1768, the sheriff of Orange County, Tyree Harris, informs the people that he will no longer collect taxes by coming to people's homes; Herman Husband and other Regulators respond with great anger.

8 April 1768, the mare of a Regulator is seized for nonpayment of taxes, producing an immediate reaction.

April 1768, the home of Edmund Fanning is shot several times, an Orange County sheriff is paraded through the town of Hillsborough by Regulators.

21 April 1768, a group of forty Regulators attempt to prevent the opening of the county court in Salisbury.

27 April 1768, Governor Tryon issues proclamation ordering all rioters to disperse and submit to law (he is concerned about a Regulator attack on Hillsborough).

1 May 1768, accused Regulators Herman Husband and William Butler are arrested.

19-28 September 1768, Tryon's militia force of roughly 1,500 soldiers engages in a standoff with as many as 3,700 Regulators outside of Hillsborough—bloodshed is avoided.

January 1769, both main building of governor's mansion and the two wings roofed.

1770, Herman Husband publishes *An Impartial Relation of the First Rise and Cause of the Recent Differences in Publick Affairs, In the Province of North Carolina; and the Past Tumults and Riots That Lately Happened in That Province.*

1770, Herman Husband publishes *A Continuation of the Impartial Relation of the First Rise and Cause of the Recent Differences in Publick Affairs in the Province of North Carolina, &c.*

June 1770, Governor Tryon moves into the residence.

22-26 September 1770, Hillsborough riots including the destruction of Fanning's home.

15 December 1770, Samuel Johnston introduces what become known as the Johnston Riot Act.

1771, Herman Husband issues *A Fan for Fanning, and a Touchstone to Tryon, Containing An Impartial Account of the Rise and Progress of the So Much Talked of Regulation in North Carolina.*

16 May 1771, Battle of Alamance

19 June 1771, six prisoners captured at Alamance, condemned to die for participating in the Regulation, are hanged in Hillsborough

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CHAPTER I  
PUTTING THE REGULATION IN PERSPECTIVE:  
HISTORIOGRAPHICAL REVIEW

The Regulator movement profoundly impacted North Carolina's political structures, the state's inhabitants, and its geographic boundaries. Since the uprising, scholars have examined the Regulation and its participants in great detail offering a variety of interpretations.<sup>1</sup> The largest body of work comes from the final years of the nineteenth century and the span of the twentieth century. Each of these histories is deeply connected to the era in which the author was writing whether consciously or not.

Despite the diversity in arguments, four central themes emerge from the majority of works to date. First, many historians have characterized the Regulator movement as a sectional dispute between the eastern and western regions of the state. While such a viewpoint may be found throughout the twentieth century, this thesis is especially prominent during the 1940s and 1950s. Commonly emphasizing overt differences within the colony and between its inhabitants, the sectionalist interpretation directly contrasts the established aristocratic families of the east to the frontier farmers of the west. The second main argument characterizes the Regulation as a class struggle. Central to a class oriented

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<sup>1</sup> George R. Adams' 1972 historiographical examination of the Regulation is extremely thorough. George R. Adams, "The Carolina Regulators: A Note on Changing Interpretations," *North Carolina Historical Review* 49 (1972): 345-352. See also Alan D. Watson, "The Origins of the Regulation in North Carolina," *The Mississippi Quarterly* vol. XLVII, no. 4 (Fall 1994): 567-598.

view is the enumeration of discrepancies in accumulated wealth between Regulators and anti-Regulators. This argument emerged from the Progressive school and carries into the latter half of the twentieth century. Third, some scholars maintain that the Regulation was a revolt designed to resolve a specific set of localized grievances. This argument attempts to place the Regulation within a particular historical context while isolating the event from the American Revolution. Examples of this interpretation can be found as early as the nineteenth century. Finally, recent works, strongly influenced by social and cultural history, offer intriguing from-the-ground-up interpretations of the Regulation predicated upon investigations of forces such as religious ideology and social customs.

In 1894, John S. Bassett presented a paper titled “The Regulators of North Carolina 1765-1771,” as the annual report for the American Historical Association. Bassett’s piece is still considered one of the most thoroughly researched and well-balanced works concerning the Regulator movement. Written after the publication of *The Colonial Records of North Carolina*, Bassett utilized these documents to explore colonial North Carolina history with greater detail and depth than many previous historians. Concentrating on two central points, Bassett argues the Regulation was a “peasants’ rising, a popular upheaval” which was not in any way a “religious movement.”<sup>2</sup> Describing the differences between a popular upheaval and a revolution, he notes that the Regulation was a political and economic movement that attempted to redress local grievances. The participants in this revolt were not trying to overthrow a government but rather force administrative reform among the government’s agents and administrators. In

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<sup>2</sup> John S. Bassett, “The Regulators of North Carolina 1765-1771,” in *Annual Report of the American Historical Association for the Year 1894* (Washington D.C.: American Historical Association, 1895), 142.

very explicit terms, the Regulation is characterized as a distinct political movement divorced from the imperial struggle that precipitated the American Revolution.

Bassett's work may be examined against the prevailing view espoused by historians such as John Fiske who, in *The American Revolution*, published in 1891, attributed the first act of rebellion in the Revolutionary War to the North Carolinians who participated in the Regulation. Such a view prevailed throughout the early part of the twentieth century; a bronze plaque located at Alamance Battlefield, North Carolina, testifies to this contention. In 1902, a monument was unveiled at Guilford Courthouse National Military Park, Greensboro, North Carolina, which described the Battle of Alamance as the first battle of the American Revolution; this monument was relocated to Alamance in 1962 where it stands today.

The Progressive school of history influenced many ideas concerning class dynamics in American history throughout the early part of the twentieth century; it continues to have an impact on the thinking of present day scholars. Although the uprising was not given a lengthy treatment by any scholar during this period, the Progressives' characterization of the American Revolution as a social movement influenced those writing specifically about the Regulation years later. Historians adhering to this point of view characterized the Regulation in terms of class struggle. Elisha P. Douglass' *Rebels and Democrats*, 1955, and John C. Miller's 1943 book, *Origins of the American Revolution*, stand as representatives. Miller's brief reference to the Regulation concentrates on the issues of class strife and social upheaval. Douglass offers an extended discussion but maintains a similar depiction of events. The Progressives greatest

contribution to the Regulation cannot be captured in a central work but, rather, in a set of ideas. The importance of social movements and the dimensions of class influenced the thinking of later twentieth century scholars such as Marvin L. Michael Kay who concentrated specifically on the Regulators.

Beginning in the middle of the twentieth century the scholarly community re-evaluated the Regulation in great detail. Alonzo Thomas Dill's *Governor Tryon and His Palace*, published in 1955, offers a thorough examination of the Regulator's grievances within the larger political context of eighteenth-century North Carolina. Dill's work was written for the benefit of the Tryon Palace Commission, which reconstructed the building in the 1950s. Isolating the so-called "courthouse rings" as a major concern, Dill describes "a chain which effectively bound down any opportunity for true representative government, particularly in the western counties."<sup>3</sup> Such problems isolated the Regulators geographically thereby suggesting a sectionalist conflict. Dill, therefore, investigates the different experiences between North Carolina's eastern and western inhabitants. He explains "there was the poll tax, falling heavily on the small farmer of the west in comparison with its impact on the wealthiest planters and merchants of the east."<sup>4</sup> He directly relates part of this tax increase to the construction of Tryon Palace in New Bern, North Carolina. The project was an expensive undertaking and left the government searching for money; it necessitated a tax increase. Uncertain as to how the Palace would directly affect their lives on the frontier, the farmers protested.

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<sup>3</sup> Alonzo Thomas Dill, *Governor Tryon and His Palace* (Chapel Hill: The University of North Carolina Press, 1955), 130.

<sup>4</sup> Dill, 132.



William S. Powell has offered some of the most significant interpretations of North Carolina history during the course of his extensive career. Originally published in 1949 and in its fifth edition by 1975, Powell's "The War of the Regulation and The Battle of Alamance, May 16, 1771," stands as an early work dedicated solely to the subject of the Regulator movement. Though short in length, this pamphlet offers a concise interpretation of events. Powell's argument centers on the issue of sectionalism in colonial North Carolina. This theme is pervasive throughout most of Powell's other works on the state including *Colonial North Carolina*, which he co-wrote with Hugh Lefler. The authors of this piece assert, "east-west sectionalism has been one of the most important and enduring factors in the history of North Carolina."<sup>5</sup> This thesis dominates Powell's treatment of the Regulation as well. Asserting that the Regulators "were frontiersmen allied in opposition to practices of government officials," these individuals "lived in the western or frontier counties separated from the older established eastern counties."<sup>6</sup> Powell further contends that a lack of roads and navigable streams compounded the problem of sectionalism within the State.<sup>7</sup> Underscoring the significance of this local revolt, Powell places the Regulation in the larger political scene of colonial America. He maintains that the "Battle of Alamance must be regarded as one of the

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<sup>5</sup> Hugh T. Lefler and William S. Powell, *Colonial North Carolina* (New York: Charles Scribner's Sons, 1973), 217.

<sup>6</sup> William S. Powell, "The War of the Regulation and The Battle of Alamance, May 16, 1771," (Raleigh: Division of Archives and History, North Carolina Department of Cultural Resources, 1975), 5.

<sup>7</sup> Harry Roy Merrens argues that despite separation from the east, the backcountry remained linked to that region of the state through trade and extended markets. Although direct communication was largely absent, North Carolina's inhabitants remained connected even if indirectly. Harry Roy Merrens, *Colonial North Carolina in the Eighteenth Century* (Chapel Hill: The University of North Carolina Press, 1964).

preliminary thrusts before the Revolution”—a reassertion of the early twentieth-century thesis linking the Regulation and the Revolution.<sup>8</sup> Although separated from the war explicitly, Powell maintains that the events in North Carolina served as a symbolically important protest against tyranny.

The works concerning the Regulation written in the 1960s and 1970s increasingly focused on the social and cultural dimensions of the event. The “new social” history had a profound impact not only upon the thinking of historians, but Americans in general. Many scholars writing in this era found correlations between the turmoil of their day and the uprisings in colonial North Carolina. New research methodology developed during this era not only raised new questions, but allowed historians to re-examine old ideas. Quantitative data analysis, for instance, dramatically changed notions concerning economy and class. The aggregate result of this era was an expanded view of the Regulators as people and more detailed explorations of colonial society.

Marvin L. Michael Kay, a prominent scholar of North Carolina history, has dedicated a significant portion of his work to the study of economy and class. A concise view of his argument concerning the class dimension of the Regulation is gained in his article “The North Carolina Regulation, 1766-1776: A Class Conflict,” published in the 1976 edited work *The American Revolution: Explorations in the History of American Radicalism*.<sup>9</sup> Kay introduces his topic firmly when he notes “the Regulator movement

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<sup>8</sup> Powell, “The War of the Regulation and The Battle of Alamance, May 16, 1771,” 26.

<sup>9</sup> Marvin L. Michael Kay constructed a more detailed and lengthy analysis of the Regulation in his dissertation. See, Marvin L. Michael Kay, “The Institutional Background to the Regulation in Colonial North Carolina,” (Ph.D. diss., University of Minnesota, 1962).

was not, as it is usually described, a sectional struggle between western farmers and the aristocratic easterners who controlled provincial government.”<sup>10</sup> Instead, the Regulation was explicitly a class struggle. By examining tax tables, inventories, patterns of slaveholding, and distribution of wealth, Kay presents an economic picture of known Regulators and anti-Regulators. This work represents a dramatic development in the historiography of the Regulation. Kay not only offers an economic sketch of the individuals involved in this movement, but also thoughtfully and thoroughly examines documents largely ignored up to that time. Kay’s thesis is further articulated in another article co-authored by Lorin Lee Cary, “Class, Mobility, and Conflict in North Carolina on the Eve of the Revolution.” The authors of this work write “*throughout* North Carolina an inequitable distribution of wealth and limited application of political democracy produced a wealthy and prestigious upper class that controlled political offices on the county and provincial levels” (emphasis in original).<sup>11</sup> Describing the Regulators as “class conscious,” Kay and Cary once again provide quantified data in order to bolster their overarching argument. This scholarship has influenced dramatically many subsequent works and established an important precedent in terms of methodology.

While Marvin Kay maintains a strict view on economics, other historians writing in the 1970s attempted to locate more personal motivations for the Regulation. James P. Whittenburg’s 1977, article “Planters, Merchants, and Lawyers: Social Change and the

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<sup>10</sup> Kay, “The North Carolina Regulation, 1766-1776,” 73.

<sup>11</sup> Marvin L. Michael Kay and Lorin Lee Cary, “Class, Mobility, and Conflict in North Carolina on the Eve of the Revolution,” in *The Southern Experience in the American Revolution*, eds., Jeffrey J. Crow and Larry E. Tise (Chapel Hill: The University of North Carolina Pres, 1978), 110.

Origins of the North Carolina Regulation,” published in the *William & Mary Quarterly*, attempts “to penetrate to the heart of the” Regulation.<sup>12</sup> He proposes a “fresh view” by examining “the social circumstances that fueled the grievances from which the Regulation sprang.”<sup>13</sup> As with Kay, Whittenburg draws from tax assessments and lists to identify the economic positions of colonists who were connected to the Regulation. Portraying the Regulation as a “thoroughly agrarian movement,” Whittenburg emphasizes occupational and class distinctions as related to the development of personal ideology.<sup>14</sup> As the title of this article implies, Regulator farmers were opposing a group of wealthy merchants and lawyers. Whittenburg asserts that a social elite composed of lawyers, politicians, and merchants thwarted many backcountry farmers in their attempts at political advancement. Emphasizing backcountry Scottish merchants and their stores, Whittenburg manages to construct an intricate view of the western economy. These merchants not only provided an accessible market for farmers but also flooded the backcountry with goods. Although North Carolinians frequented these stores, the “Regulators were manifestly hostile toward such merchants.”<sup>15</sup> Whittenburg ultimately concludes that western farmers were overtly expressing anxiety over swift political and economic changes through their protest.

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<sup>12</sup> James P. Whittenburg, “Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation,” *The William & Mary Quarterly* 3<sup>rd</sup> series, 34 (1977): 215. An extended discussion of the Regulation is found in Whittenburg’s excellent dissertation on the subject. Whittenburg, “Backwoods Revolutionaries.”

<sup>13</sup> Whittenburg, “Planters, Merchants, and Lawyers,” 215.

<sup>14</sup> Whittenburg, “Planters, Merchants, and Lawyers,” 220.

<sup>15</sup> Whittenburg, “Planters, Merchants, and Lawyers,” 227.

The scholarship of the 1970s explored the Regulation in broader terms while exposing some of the ambiguities associated with the event. Historians working at the end of the twentieth century—building upon past scholarship—offered several new and quite original interpretations of the Regulator movement. While still concentrating on the localized nature of the westerners’ grievances, this work is located within a larger context. The overall approach and purpose of this scholarship is quite different from previous work. Wayne E. Lee’s unique perspective in his dissertation from Duke University, “Careful Riot, Virtuous War: The Legitimation of Public Violence in Eighteenth-Century North Carolina,” 1999, was transformed into the 2001 book *Crowds and Soldiers in Revolutionary North Carolina*. Lee’s central argument concerns the societal license of “legitimate violence.”<sup>16</sup> While discussing the Regulators in great detail, this uprising is examined within a wider framework of violence in colonial North Carolina. Through detailed descriptions of European precedent, Lee asserts that restrained violence represented a powerful form of communication. Discussing the Regulation in particular, he notes “the Regulators carefully patterned their actions according to traditional rules of violent protest.”<sup>17</sup> Specific episodes in the overall movement are especially important to Lee’s argument. These events are carefully framed protests aimed to portray contempt for specific individuals and governmental policies. Lee describes how the Regulators “used violence as an expression of their social order

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<sup>16</sup> Wayne E. Lee, “Careful Riot, Virtuous War: The Legitimation of Public Violence in Eighteenth-Century North Carolina,” (Ph.D. diss., Duke University, 1999), iv. Also, Wayne E. Lee, *Crowds and Soldiers in Revolutionary North Carolina: The Culture of Violence in Riot and War* (Gainesville: University Press of Florida, 2001).

<sup>17</sup> Lee, “Careful Riot, Virtuous War,” iv.

and as a tool of communication” (emphasis in the original).<sup>18</sup> Previous scholars often discussed the Regulators’ violence as the actions of uncontrolled mobs, events that were removed from the more formal, written protests. Lee gives meaning to what were once considered arbitrary actions.

The 2002 publication of *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* marked the first book-length treatment of the subject matter.<sup>19</sup> Author Marjoleine Kars acknowledges previous scholarship but insists that none of the work up to date offers a satisfactory explanation of events. Central to Kars’ argument is the question of “why Piedmont farmers fought the War of Regulation, risking their farms, the well-being of their families, and even their lives.”<sup>20</sup> Kars especially is concerned with ideology and finds an important correlation between religion and the Regulation. A detailed investigation of the Great Awakening in the Piedmont area demonstrates how religious thinking influenced the Regulator participants and their motivations for change—a departure from John Bassett’s argument that the Regulation was strictly secular. Kars’ stance extracts a moral tone from the Regulators’ rhetoric. She notes that the participants “felt strongly that one’s behavior, regardless of class or position, ought to be judged by a single standard.” This involved a conflict “against persons who amassed their riches by denying accountability and who believed their

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<sup>18</sup> Lee, “Careful Riot, Virtuous War,” 84.

<sup>19</sup> See also, Marjoleine Kars, “‘Breaking Loose Together’: Religion and Rebellion in the North Carolina Piedmont, 1730-1790,” (Ph.D. diss., Duke University, 1994).

<sup>20</sup> Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: The University of North Carolina Press, 2002), 3.

wealth absolved them from communal responsibility.”<sup>21</sup> While Kars not only contributes an original perspective on the Regulation, her book-length treatment allows a highly detailed examination of and explanation for the movement.

The thoughtful works by the aforementioned scholars *generally* were written with a similar purpose—to provide explanations for the Regulator movement. As a result of this scholarship, the causes of the Regulator movement are better understood than the cultural mechanisms through which the protestors organized and sustained meaningful identity in changing contexts. The important question of why this movement occurred will serve as a component but not the central emphasis of my work. I will instead expand the parameters of inquiry, asking questions about causes, driving forces, and outside perspectives. This framework allows for the integration of forms of evidence, which scholars to date have largely ignored. Newspapers and pamphlets, for example, do not further understanding of the Regulations’ foundations in any meaningful way and have therefore previously been excluded as a significant source of evidence. This very form of evidence does, however, inform us about highly significant issues of representation and exchanges of power in the midst of the Regulators’ revolt; it also opens windows into the inter-colonial significance of a revolt in the North Carolina backcountry.

This work focuses on the Regulators’ *voices* in conjunction with that of enemies to and observers of the backcountry protest. Through such an approach I will consider how these North Carolinians and, at times, other colonists, made sense of their world and its relationship to their differing pasts. This view considers the exchange and interplay of

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<sup>21</sup> Kars, *Breaking Loose Together*, 215.

ideas and beliefs, which reveal striking similarities and contrasts in the worldviews of eighteenth-century colonists. The means of uncovering this information is possible through an examination of documentary evidence—spanning the middle decades of the eighteenth century—as well as the Regulators’ highly publicized activities in Hillsborough and New Bern, North Carolina, between the years of 1770 and 1771.

The depth of Regulator historiography requires a few further words concerning the content of each chapter of this work; each section is influenced by and reacting to the aforementioned scholars. Chapter II examines the historical context for and development of the North Carolina backcountry. This information is essential for understanding the roots of the Regulators’ grievances, the circumstances of their lives, and the material conditions of their protest. Chapter III considers the ideas and words that tied disparate protestors together for their prolonged struggle. An emphasis on broadly constructed group psychology aligns with the methods of scholars such as Marvin Michael Kay and James Whittenburg but my work seeks to further complicate our understanding of the forces driving Regulators forward; for instance, Kay’s class dynamics are considered together with several other features of backcountry life. Marjoleine Kars’ work was especially significant in the development of this section despite several substantive disagreements with her conclusions. I hope that Chapter III may be considered in conjunction with and parallel to her central argument concerning the impact of religious ideology. Unlike Kars, however, the evidence structuring my examination of Regulator thinking was drawn largely from public documents while she heavily relied on private



papers and church records to discover how the people of the backcountry gave their lives meaning during this protest.<sup>22</sup>

Chapter IV inspects the influences of and violence associated with New Bern and Hillsborough, North Carolina. Many scholars have dedicated great time to discussing the significance of these communities but few, if any, have fully considered the significance of the towns' physical and geographic landscapes. In each instance the evolving Georgian worldview imposed on these communities by the colony's elite and governing bodies was significantly disrupted—consciously and unconsciously—by Regulator forces. The manipulations of buildings and space added a compelling component to the Regulators' protest that, at its height, transcended spoken words by sending powerful messages through violent acts. Finally, Chapter V considers the multitude of *Regulations* circulating through print media. The scholarly community to date has all but ignored newspapers despite the papers' very telling portrayals of the Regulator movement. Taken together, I hope this thesis will provoke further discussion about the Regulation while forcing readers to carefully consider what they themselves conceptualize as the *history* of this complex affair.

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<sup>22</sup> I am not making the claim that Kars did not utilize public documents for her work. Rather, Kars points out that only by examining people's private lives did she gain real understanding of the backcountry. Specifically, Kars found church records compelling. See Kars, *Breaking Loose Together*, 1-6, especially 4.

CHAPTER II

ACROSS TIME AND PLACE:  
THE SOCIAL, POLITICAL, AND PHYSICAL LANDSCAPES  
OF THE BACKCOUNTRY

The evolving character of Colonial North Carolina is central to the origins of the North Carolina Regulation. During the eighteenth century the southern backcountry emerged as a significant geographic locale, which influenced and redefined social and economic relationships—contributing factors to these shifts included the influx of diverse peoples, the development of towns, changing economic conditions, and the redefinition of political positions and relationships.<sup>23</sup> Understanding the development of the backcountry is, therefore, crucial to gain understanding of the Regulation as well as its adherents and opponents. This chapter will first examine broadly the development and growth of the backcountry and then consider the changing dynamic between towns and country. Hillsborough, in particular, will be illustrative in demonstrating a backcountry community’s evolution and its relationship to the surrounding area. This town is used as a case study because of its location, Orange County, and prominent linkages with the Regulation.

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<sup>23</sup> The term backcountry has a long and conflicted past. For an excellent discussion of this controversy and the evolution in thinking see Robert D. Mitchell, “The Southern Backcountry: A Geographical House Divided,” in *The Southern Colonial Backcountry: Interdisciplinary Perspectives on Frontier Communities*, eds., David Colin Crass, Steven D. Smith, Martha A. Zierden, and Richard D. Brooks (Knoxville: The University of Tennessee Press, 1998), 1-35. While the geographic boundaries of the backcountry are still under discussion, variants on the term “backcountry” are found in many eighteenth century writings to describe the region in question—contemporary scholars place the North Carolina piedmont well within the confines of the eighteenth century backcountry; therefore, this author will employ the term with a clear conscience.

*People and Place—The Growth of the Backcountry*

Drawing from census data and other records Robert Mitchell estimates that between the 1720s and 1780s roughly “380,000 settlers occupied the piedmont and valley regions of Maryland (62,000), the valley region of Virginia (140,500), and the piedmont regions of the Carolinas (110,500 in North Carolina, 55,000 in South Carolina) and Georgia (12,000).”<sup>24</sup> North Carolina occupies a pivotal place both geographically and socially in this sprawling frontier. In 1751, the royal governor of North Carolina Gabriel Johnston noted, “Inhabitants flock in here daily, mostly from Pensilvania [*sic*] and other parts of America, who are overstocked with people and some directly from Europe, they commonly seat themselves towards the west and have got near the mountains.”<sup>25</sup> Johnston’s observation marks the beginning of a population explosion that the Carolina frontier experienced between 1750 and the time of Regulation. In 1754, the western counties had a taxable population of roughly 2,000, which increased to 10,500 in 1767; in 1753, there were 22,605 taxables colony wide and the total for 1769 was 52,151.<sup>26</sup>

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<sup>24</sup> Mitchell, “The Southern Backcountry,” 21.

<sup>25</sup> Letter to Secretary of Board of Trade from Gabriel Johnston, 1751, *The Colonial Records of North Carolina*, IV, ed., William L. Saunders (Raleigh, NC: Josephus Daniels, Printer to the State, 1890), 1073; hereafter, *The Colonial Records of North Carolina* will be cited as *CRNC*.

<sup>26</sup> Harry Merrens offers excellent comments concerning the problems of population estimates in colonial North Carolina. The colony did not have a complete population census until the first national census of 1790. The first complete list of taxables is found in 1753 with another in 1769; see Merrens, 53, 194-202, 218; on population growth in eighteenth century North Carolina, see also, Lefler and Powell, *Colonial North Carolina*, 88-112; information concerning the population in the backcountry is found in Kay, “The North Carolina Regulation, 1766-1776,” 79.

Herman Husband noted in 1771 that five to six hundred families moved into the backcountry each season.<sup>27</sup>

The migratory groups inhabiting the Piedmont were composed of people from different religious and linguistic backgrounds and individuals from a variety of social and economic positions. Settlers were composed primarily of four ethnicities: English, German, Scotch-Irish, and Scottish Highlanders. Most traveled overland from northern colonies like Pennsylvania and New York or closer areas such as eastern North Carolina or neighboring Virginia. Religious sects like the Moravians utilized the “Great Wagon Road” traveling from Bethlehem, Pennsylvania, to central North Carolina. Once settled in the Piedmont the Moravians named towns and communities to reflect their native heritage. Scotch-Irish streamed down through this route or parallel paths also settling within the Piedmont and further west into present-day Tennessee. The Piedmont itself is characterized by a gradual sloping surface that rises to the foot of the Blue Ridge Mountains.<sup>28</sup> The landscape of the Piedmont ranged from dense untouched forests of oak and pines trees to cleared fields transformed by native peoples years earlier.

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<sup>27</sup> Herman Husband, *A Fan for Fanning, and A Touchstone to Tryon, containing an Impartial Account of the Rise and Progress of the so much talked of Regulation in North Carolina* (1771), in *Some Eighteenth Century Tracts Concerning North Carolina*, ed., William K. Boyd (Raleigh: Edwards & Broughton Company, 1927), 343; according to Herman’s figures the number of backcountry *families* would have increased to 6,500-7,800. The actual number of taxable *individuals* increased by 8,500 making his estimates relatively accurate.

<sup>28</sup> Merrens, 37-49; William S. Powell, *The North Carolina Gazetteer: A Dictionary of Tar Heel Places* (Chapel Hill: The University of North Carolina Press, 1968), 365; Kay, “The North Carolina Regulation, 1766-1776,” 79-80. The shift from the coastal plain to the Piedmont must be described as a zone of transition since there are no rigidly defining geological features. Merrens, 39-41.

The region's new inhabitants quickly altered the vast expanses of land in the Piedmont. Farming was the central occupation of most families.<sup>29</sup> The rich soil in this region allowed crops like tobacco, hemp, flax, wheat, and corn to flourish. North Carolina Governor Arthur Dobbs wrote in 1754, that settlers "take up lands... with a view to cultivate and improve them, as fast as they can, all the back settlers being very industrious."<sup>30</sup> The colonists' very survival required radical transformations in the landscape. The seasonal cycles of clearing, plowing, sowing, and harvesting were massive investments of time and energy. Backcountry farmers, according to Marjoleine Kars, were "less likely than their eastern counterparts to use enslaved workers."<sup>31</sup> While many families probably lived on isolated farmsteads, practices varied. Governor Dobbs noted in 1754, that settlers "take up 5 or 600 acres to accommodate 2 or 3 families together in the same grant."<sup>32</sup>

Small family farms were essential social and economic units in North Carolina. The predominance of this mode of living is reflected in one estimate that maintains North Carolina was approximately ninety-five percent rural.<sup>33</sup> Such social patterns created a

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<sup>29</sup> Kars, *Breaking Loose Together*, 18-22.

<sup>30</sup> Letter from Arthur Dobbs to the Board, 9 November 1754, *CRNC*, V, 149.

<sup>31</sup> Kars, *Breaking Loose Together*, 21. See also Kay, "The North Carolina Regulation, 1766-1776," 79. James Whittenburg observes that for the backcountry's wealthiest ten percent slavery was quite significant. Whittenburg, "Planters, Merchants, and Lawyers," 224-225.

<sup>32</sup> Letter from Arthur Dobbs to the Board, 9 November 1754, *CRNC*, V, 149; an excellent discussion of the ecological consequences of this type of transformation in New England is found in William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983).

<sup>33</sup> Catherine W. Bishir, *et al.*, *Architects and Builders in North Carolina: A History of the Practice of Building* (Chapel Hill: University of North Carolina, 1990), 49 and 102. See also Lefler and Powell, 151.

distinct character that became physically manifest. Warren Hofstra writes that what is striking about the eighteenth-century backcountry is “what it was not.”<sup>34</sup> The sprawling landscape of the backcountry did not include the grand homes found on the eastern shore. Most of the rural dwellings were modest structures, one to one and half stories in height, and constructed of hewn timber.<sup>35</sup> Wooden homes surrounded by clusters of outbuildings formed the core of backcountry farmsteads, which dotted the countryside. Large quantities of land were available and industrious individuals from middling level families could amass sizable holdings. Men like Herman Husband quickly controlled enough land to rival some of the largest eastern seaboard plantations.<sup>36</sup>

#### *Town and Country—Compromise and Conflict*

The rise of North Carolina’s western populations necessitated the imposition of structural organizations including but not limited to the creation and demarcation of counties, the establishment of court systems, and towns. This process of establishing societal foundations influenced fundamentally the lives and livelihoods of people in the backcountry having a significant impact on the overall character of the area. Emerging communities such as Hillsborough and Salisbury included among their population significant numbers of merchants and individuals of some monetary means, with these

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<sup>34</sup> Warren R. Hofstra, *The Planting of New Virginia: Settlement and Landscape in the Shenandoah Valley* (Baltimore: The Johns Hopkins University Press, 2004), 151.

<sup>35</sup> Bishir, 19. See also Frances B. Johnston, *The Early Architecture of North Carolina* (Chapel Hill: The University of North Carolina Press, 1941), 173-179.

<sup>36</sup> Hermon Husband patented 10,948 acres of land in Rowan and Orange counties; he later invested in a gristmill (the mill is marked on Abraham Collet’s *A Compleat Map of North Carolina 1770*); for information on Husband’s land acquisitions see A. Roger Ekirch, “*Poor Carolina*”: *Politics and Society in Colonial North Carolina, 1729-1776* (Chapel Hill: The University of North Carolina Press, 1981), 166-168; Mark Haddon Jones, “Herman Husband: Millenarian, Carolina Regulator, and Whiskey Rebel,” (Ph.D. diss., Northern Illinois University, 1983), 73-75.

men came stores and taverns.<sup>37</sup> In the surrounding areas, the majority of the population continued toiling in the fields but now with increasing dependence upon near-by town centers.

The cumulative effects of the town upon country were transformative according to Governor Tryon. Writing in 1767, he asserted that the act establishing Hillsborough “will tend much towards the increase of settlement of that part of the back country, as well as to civilize the inhabitants thereof.”<sup>38</sup> In this pronouncement Tryon suggests that physical space could literally transform people—objects and space speak to social relations.<sup>39</sup> By imposing order on the untamed elements of the backcountry, settlers could enjoy a civilization more akin to the eastern seaboard. Tryon’s statement may also indicate that the waves of diverse migrants might better align with the norms of British society once the social and political organizations of the backcountry were solidified.

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<sup>37</sup> Daniel B. Thorp, “Doing Business in the Backcountry: Retail Trade in Colonial Rowan County, North Carolina,” *The William and Mary Quarterly*, third series, vol. 48 issue 3 (July 1991): 387-408; Kay, “The Institutional Background to the Regulation in Colonial North Carolina,” Chapter XV.

For a discussion of the backcountry and economy see Merrens, 162-172; Kenneth E. Lewis, “Economic Development in the South Carolina Backcountry: A View from Camden,” in *The Southern Colonial Backcountry: Interdisciplinary Perspectives on Frontier Communities*, eds., David Colin Crass, Steven D. Smith, Martha A. Zierden, and Richard D. Brooks (Knoxville: The University of Tennessee Press, 1998), 89-95; Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (Chapel Hill: The University of North Carolina Press, 1990); Ekirch, *Poor Carolina*, 27-29, 178-182; Warren Hofstra offers an extremely thoughtful work dedicated mainly to the Virginia backcountry. Many of his concepts influenced the structure of this work and my personal thinking about the backcountry. See, Hofstra, 1-11, an introductory discussion of the backcountry and economy is found in these pages, and 143-144.

<sup>38</sup> Letter from Governor Tryon to Earl of Shelburne, Brunswick, 31 January 1767, *CRNC*, VII, 432.

<sup>39</sup> Henri Lefebvre, summarizing Marxist theory noted, “merely to note the existence of things, whether specific objects or ‘the object’ in general, is to ignore what things at once embody and dissimulate, namely social relations and the forms of those relations.” Lefebvre’s work concerning the production of space was highly influential when considering the potential meaning of statements such as that by Governor Tyron. Further, Lefebvre argues for the overarching impact and importance of objects and space when analyzing a particular time period or place. Henri Lefebvre, *The Production of Space*, trans., Donald Nicholson-Smith (Malden, MA: Blackwell Publishing Ltd, 1991), 81.

Contrasting views about modes of living and usage of land, however, created differing opinions about definitions for the backcountry and its people.

The escalating number of families in the Piedmont brought significant economic and social changes to the region. A. Roger Ekirch contends North Carolina society was increasingly stratified by the middle decades of the eighteenth century.<sup>40</sup> This wealth materially transformed the landscape with the rise of towns and the construction of stores and private homes of some refinement. Salisbury, the county seat of Rowan and situated roughly one hundred miles from Hillsborough in the southwestern Piedmont, provides an instructive example of this process. Governor Dobbs described this community in 1755 as consisting of a “Court House...and 7 or 8 log Houses.”<sup>41</sup> Historian Marjoleine Kars records that just seven years later Salisbury “contained thirty-five houses, craft shops, and taverns, and more than 150 inhabitants.”<sup>42</sup>

Hillsborough exemplified a similar process. Hillsborough officially was established as the seat of government for Orange County in 1757 and incorporated in 1759.<sup>43</sup> An official act of government leading to the demarcation of land occurred in 1754; “Hillsborough” was the fourth and final name for the settlement.<sup>44</sup> Orange County

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<sup>40</sup> Ekirch, “*Poor Carolina*,” especially 25-31.

<sup>41</sup> Letter from Governor Dobbs to the Board, *CRNC*, V, 355.

<sup>42</sup> Kars, *Breaking Loose Together*, 17-18, quote on 18. For a detailed discussion of the migratory movements see the following: Merrens, 53-81; Mitchell, “The Southern Backcountry: A Geographical House Divided,” 13-21; Lefler and Powell, 98-112.

<sup>43</sup> For a general discussion of the town during this period see Francis Nash, *Hillsboro: Colonial and Revolutionary* (Raleigh: Edwards and Broughton, 1903).



itself was established only two years prior, one of five new counties created between 1750 and 1754. Since the land grant of 1665, almost the entire northern half of the colony of North Carolina was part of the Granville District. By the time of the Regulation this district was the last remnant of the original land proprietary system that shaped the colony's structure in the late seventeenth- and early eighteenth-century.<sup>45</sup>

Hillsborough's placement in the backcountry and the town's specific design elements reflect the influences of both nature and humanity. Situated on the northern side of the Eno River, Hillsborough is located along what was once known as the "Western Path."<sup>46</sup> The "Western Path" or "Western Great Road" was a trading route utilized by the Catawba and Cherokee peoples for years. The town's location within North Carolina was one of convenience for travel and trade. Hillsborough is "almost central to the towns of Halifax and Salisbury being one hundred miles from each" and "one hundred and sixty

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<sup>44</sup> Hillsborough was called Childsburg, Churton, and Corbinton before assuming its current name. The spelling of this community varies as well. "Hillsboro" and "Hillsborough" are, of course, one in the same. Throughout this paper I will use the current spelling Hillsborough.

Warren Hofstra contends that the creation of county courts and seats (such as Hillsborough) represents the closing phase of initial land evolution. He documents this process in the Shenandoah Valley, Virginia, as one in which the Native Americans altered environment was then adjusted by European settlers; a process he describes as "bounding the land." At the end of this transformation towns are erected, county lines drawn, and courts established. Hofstra, 143-144.

<sup>45</sup> Merrens, 24-31; See also Robert Ramsey for a discussion of the larger piedmont region stretching from Pennsylvania south into Virginia. Robert W. Ramsey, *Carolina Cradle: Settlement of the Northwest Carolina Frontier, 1747-1762* (Chapel Hill: The University of North Carolina Press, 1964), 3-9. William S. Powell asserts that the name Orange was probably derived from the infant William V of Orange (1748-1806) instead of William III, King of England who died in 1702; William III was of the House of Orange. Powell, *The North Carolina Gazetteer*, 364-65. During the American Revolution the property belonging to the Earl Granville was confiscated, thus ending the family's control of the land. William S. Powell, *North Carolina Through Four Centuries* (Chapel Hill: The University of North Carolina Press, 1989), 84-86.

<sup>46</sup> Hillsborough's final location was part of a larger process of trial and error. An earlier site was abandoned because complaints were immediately registered due to its "great inconveniency" leading to the "detriment of the inhabitants of the said county." Laws of North Carolina, 1754, *The State Records of North Carolina* (Winston and Goldsboro: State of North Carolina, 1895-1907), XXV, ed., Walter Clark, 270-271; hereafter *The State Records of North Carolina* will be cited as *SRNC*.

miles N. W. of Newbern,” as noted by Governor Tryon in 1767.<sup>47</sup> In addition to the aforementioned benefits of Hillsborough’s placement, the area’s height above the Eno River Valley was appealing. Governor Josiah Martin, who replaced Tryon as royal governor shortly after the Battle of Alamance in 1771, remarked to British Secretary Hillsborough, “This little village honoured by your Lordship’s Title is situated in a high and apparently healthful and fertile Country.” He goes on to lament the “extreme badness of the roads,” however.<sup>48</sup> Despite some times rough conditions backcountry settlers used and welcomed these vital thoroughfares as pivotal additions to the landscape.

Hillsborough’s design speaks not only to the desires of the town’s designers but also more broadly to eighteenth-century ideas about town construction. Carefully planned and thoughtfully arranged, the emerging towns and cities in eighteenth-century America were the culmination of social and psychological processes. French sociologist Henri Lefebvre advances a similar argument stating “everything that there is *in space*, everything that is produced either by nature or by society,” is constructed through co-operation and conflict.<sup>49</sup> Hillsborough reflects this struggle. Many town designs were predicated upon the layout of pre-existing cities signifying modes of social production. Such models were carefully arranged in geometric squares and straight lines; the neatly organized streets and town blocks embody an emerging Georgian worldview.<sup>50</sup> Scholar

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<sup>47</sup> Governor Tryon to Earl of Shelburne, 31 January 1767, *CRNC*, VII, 432.

<sup>48</sup> Governor Martin to Secretary Hillsborough, 8 July 1772, *CRNC*, IX, 313.

<sup>49</sup> Lefebvre, 101. See also, Dell Upton, “The City as Material Culture,” in *The Art and Mystery of Historical Archaeology: Essays in Honor of James Deetz*, eds., Anne Elizabeth Yentsch and Mary C. Beaudry (Ann Arbor: CRC Press, 1992).

Richard Bushman contends that city plans experienced a transformation during the latter-half of the seventeenth century. The eighteenth-century towns' symmetry replaced the unorganized and organic development of medieval European cities.<sup>51</sup> It is apparent that Hillsborough followed the precedent set by larger colonial communities through its reliance on balance and order. (See Figure I)

A 1768 map of Hillsborough drawn by Swiss engineer and cartographer Claude Joseph Sauthier and the subtle remains in our current age of an older town plan offer opportunities to recreate the colonial townscape—an undertaking necessary to understand the design elements of a specific backcountry community. Two intersecting roads, King and Churton Streets, form the center of Hillsborough and mark the town's public sphere.<sup>52</sup> This area held all of the town's most important public buildings except for the church: these included the courthouse, a market house, and the jail. Among them, the market and courthouse occupied prominent places of visual importance signaling that a prominent seat of power was located here in Hillsborough.<sup>53</sup> Pronounced features on the landscape such as snake-rail fencing, carefully planted gardens of practical and

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<sup>50</sup> Lisa Tolbert has traced William Penn's 1682 design for Philadelphia as among the most influential. Penn's design and similar models were arranged carefully in geometric squares and straight lines; the neatly organized streets and town blocks embody an emerging Georgian worldview. Lisa C. Tolbert, *Constructing Townscapes: Space and Society in Antebellum Tennessee* (Chapel Hill: The University of North Carolina Press, 1999), 23-32.

<sup>51</sup> Richard L. Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Vintage Books, 1993), 140-143.

<sup>52</sup> While the intersection is centrally located in the town, the square itself is placed to the southeast. In the sense of regular geometric alignment Hillsborough's town plan does not conform to the traditionally central town square.

<sup>53</sup> Henri Lefebvre contends "Visible boundaries, such as walls or enclosures in general, give rise for their part to an appearance of separation between spaces where in fact what exists is an ambiguous continuity." Lefebvre, 87.

ceremonial purpose, and neatly cleared lots represent both functional actions and deeply embedded social customs. The fences, for instance, served at least two purposes. The English—especially in the recent enclosure movement—used boundaries to establish legal land ownership. In the Americas, fences demarcated the private from the public in a tangible form.<sup>54</sup> Fences also served to keep livestock outside of a person’s yard. It appears that roaming hogs and geese posed enough trouble to warrant legal action. A law from 1766, pertaining to Hillsborough stated, “And whereas, the allowing of hogs and geese to run at large in the said town, is found to be a great nuisance to the Inhabitants; be it Enacted...That none of the Inhabitants of the said town shall...suffer any of their hogs or geese to run or be at large within the bounds of the said town.”<sup>55</sup>

Land usage and lifestyles in Hillsborough contrasted with the practices of farmers in the surrounding areas.<sup>56</sup> The 1766 Hillsborough ordinance prohibiting geese and hogs would have ran afoul with backcountry farmer and Regulator John Miles. His estate included eight geese, fourteen hogs, eleven sheep, and two horses. These animals were vital to his livelihood, patterns of land use, and lifestyle.<sup>57</sup> Legal dictates, the demarcation

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<sup>54</sup> For a treatment of the role of fences in English law and custom see Patricia Seed, *Ceremonies of Possession in Europe’s Conquest of the New World, 1492-1640* (Cambridge: Cambridge University Press, 1995), 19-31.

<sup>55</sup> Laws of North Carolina, 1766, *SRNC*, XXV, 502. The practice of fencing yards rather than animals is discussed in an excellent study of agriculture and society in seventeenth century Maryland. See, Lois Green Carr, Russell R. Menard, and Lorena S. Walsh, *Robert Cole’s World: Agriculture & Society in Early Maryland* (Chapel Hill: The University of North Carolina Press, 1991), 36-37.

<sup>56</sup> People in Hillsborough owned land in the surrounding areas—large quantities. Connections indeed exist between farmers and townspeople. Many townspeople, however, led strikingly different lives from farmers. Landowners in Hillsborough were lawyers, merchants, and served sundry political positions.

of land, and the presence of prominent buildings served to separate Hillsborough and similar backcountry towns from the patterns of land use practiced by farmers. The town's overall function, the design elements of its streetscape, and emphasis on tightly controlled private space contrasted functionally but not necessarily physically with the rural farmsteads, mills, and taverns dotting the countryside for, both farms and towns impose regularity upon the natural landscape.

Warren Hofstra offers a compelling argument for the interaction between town and country in the Shenandoah Valley during the eighteenth century. He stresses that rather than operating in isolation or even contention of each other, town and country were inextricably linked and depended upon each other for survival.<sup>58</sup> The essence of this argument applies to North Carolina as well; yet, in the late 1750s and early 1760s people of the backcountry also exhibited increasing antagonism towards townspeople and the centralization of power in these communities.

Hillsborough, though within the backcountry, was definitely separated from the region through material distinctions. Within town limits North Carolina's rising elite owned valuable lots where large, refined homes were constructed—homes that contrasted to the typical hewn log cabins of the backcountry. Historian James Whittenburg notes, “the list of newcomers to Hillsboro reads much like a registry of the rich, the powerful,

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<sup>57</sup> A true Inventory of the Goods & Chattles of John Miles, Orange County, “Inventories and Accounts of Sale,” 1756-1785, North Carolina State Archives, Division of Archives and History; hereafter cited as NCSA.

<sup>58</sup> Hofstra, 2-5. For a view of North Carolina and the dependence of Regulators upon merchants see Kay, “The Institutional Background to the Regulation in Colonial North Carolina,” Chapter XV. Marjoleine Kars contends, in agreement with Hofstra's assessment, “farmers in the eighteenth-century colonies could not get along without extensive involvement in commercial exchange.” Kars, *Breaking Loose Together*, 60, see 60-65.

and the socially prominent.”<sup>59</sup> Indeed, lawyers, merchants, doctors, and political officials populated this community transforming this backcountry town into a realm of centralized power.<sup>60</sup> The aristocracy’s choice to live in town in such homes connects with broader shifts in colonial Americans living patterns. In these new housing patterns the gentry increasingly were withdrawn from daily, face-to-face interactions with society’s lower sorts.<sup>61</sup>

The lots immediately surrounding the courthouse near town’s center were especially prime real estate. After the community’s initial settlement it was stipulated that William Nunn, James Young, and Edmund Fanning would be given buying preference if the respective lots 26, 25, or 6 were sold.<sup>62</sup> From this immediate square outward Hillsborough’s refined class owned single lots or series of town plots. Men like William Johnston, James Thackston, and Francis Nash may serve as representatives for the town’s prominent residents. These men were socially upward and held positions of notable power. Johnston and Thackston operated a large store in Hillsborough, and were members of a highly influential group of merchants. Francis Nash, also a merchant,

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<sup>59</sup> Whittenburg, “Backwoods Revolutionaries,” 164. See also, Mary Claire Engstrom, “Early Quakers in the Eno River Valley, ca. 1750-1847,” in *Eno: The Association for the Preservation of the Eno River Valley* (Durham, NC, printed by McNaughton & Gunn, Ann Arbor Michigan, 1989).

<sup>60</sup> See Nash, 11-12 and 27-28.

<sup>61</sup> For a larger discussion of this trend across colonial America see Bushman, chapters I and IV; and Fraser D. Neiman, “Vernacular Domestic Architecture in Eighteenth-Century Virginia,” in *Common Places: Readings in American Vernacular Architecture*, eds., Dell Upton and John Michael Vlach (Athens: The University of Georgia Press, 1986), 292-314. See also E. P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York: The New Press, 1991), 42-49.

<sup>62</sup> Laws of North Carolina, 1766, *SRNC*, XXV, 502.

owned a block of six lots in the lower corridor of Hillsborough as well as other scattered plots throughout town.<sup>63</sup>

The influence of the men in Hillsborough and other areas was far reaching. James P. Whittenburg tracks substantial shifts in the power dynamics of the Carolina backcountry writing, “Whereas in the 1750s planters had dominated local government, in the 1760s and 1770s lawyers and merchants held the upper hand.”<sup>64</sup> The majority of such men were located in the realms of power—towns. Merchants, in particular, established significant connections with farmers thereby creating “greater integration” of “a regional economic system.” By opening stores and taverns, Marjoleine Kars asserts, backcountry farmers and artisans suffering from short money supply were given increased economic opportunities through the extension of credit.<sup>65</sup> With these opportunities, however, came greater levels of indebtedness.

North Carolinians living in the middle decades of the eighteenth century were greeted by great changes, new opportunities, and disquieting turmoil. For farmers, shifts in political leadership, indications of corruption, increasing debts, and burdensome taxes created considerable anxiety culminating in calls for reform. Artisans, lawyers, and merchants played integral roles in the changing physical and geographic landscapes of the Piedmont most notably seen in the development of backcountry towns. The connections made between towns and country—political and economic

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<sup>63</sup>Mary Claire Engstrom, Figure III, “Key to C. J. Sauthier’s Plan of Hillsborough,” in “Early Quakers in the Eno River Valley, ca. 1750-1847” and C. J. Sauthier, “Plan of the Town of Hillsborough,” 1768, NCSA.

<sup>64</sup> James P. Whittenburg, “Planters, Merchants, and Lawyers,” 222-225.

<sup>65</sup> Kars, *Breaking Loose Together*, 61.

interdependence—produced feelings of antagonism. The distinctive characteristics of the backcountry, scattered settlements and ethnic diversity, in particular, presented challenges to organizers of a protest movement. (This stands in contrast to the largely urban-based Sons of Liberty groups.) The social and material character of the backcountry, moreover, was undergoing rapid change thereby creating a highly visible, town-centered class of merchants dependent on the countryside. However, these same merchants also acted as creditors and policy makers; it was these interests that were at odds with those of rural farmers. These factors are crucial to understanding why Hillsborough was central to the Regulators’ protest.



## CHAPTER III

### TIES THAT BIND AND FORCES THAT BREAK: IDENTITY, PROTEST, AND PERSPECTIVE IN THE REGULATION

“It will be readily granted, that the task of an Historian is a difficult one, and that because of its being almost impossible to obtain good, and proper information.”

-Herman Husband, 1771

Unraveling the driving mechanisms behind the Regulator movement is central to understanding the beliefs circulating within this protest and the reactions offered by outside audiences. These devices, while potentially endless in scope, can be narrowed down to three central binding agents: the construction of identity through formalized title; the Regulators’ reliance on oath taking as a means of reinforcing and instilling loyalty among group members; and, the unifying idiom of similar political beliefs articulated through petitions. Three seemingly disparate abstract concepts—names, oaths, and beliefs—served as powerful tools to both connect the backcountry’s diverse population of dissidents and invigorate the Regulators’ protest most powerfully between 1765 and 1768. Language—the unifying medium of expression—assumes meaning because of its uses and users. Pierre Bourdieu summarizes, “The constitutive power which is granted ordinary language lies not in the language itself, but in the group which authorizes it and invests it with authority.”<sup>66</sup>

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<sup>66</sup> Pierre Bourdieu, quoted in Bertram Wyatt-Brown, *The Shaping of Southern Culture: Honor, Grace, and War, 1760s-1880s* (Chapel Hill: The University of North Carolina Press, 2001), 32.

By investigating the language and ideas of the Regulation we learn much about how these individuals perceived themselves, with what lenses they wished to be examined, and how they were viewed from without. Central to this topic is the construction of identity, which scholar Greg Dening expresses as a complex duality: “There is experience, the way reality presents itself to consciousness. And there is expression, the way experience is articulated, performed, told.”<sup>67</sup> The construction of self and indeed selves is confused and often contradictory—especially in the case under study. Through a textual analysis of documents and sources dating primarily from 1765 to 1770, this chapter will discern how the Regulators constructed a unified protest (at least on paper); it will examine the opinions that outside parties held about such groups; consider what social, economic, and political factors influenced the Regulator and anti-Regulator camps; and finally suggest what this North Carolina revolt reveals about identity and perception in early America.<sup>68</sup>

### *Regulators and Rebels—the Importance of Name*

Between the years 1766 and 1768 the Regulators wrote a total of eleven documents known as Advertisements.<sup>69</sup> The subject matter varied with each work but all

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<sup>67</sup> Greg Dening, “Texts of Self,” in *Through a Glass Darkly: Reflections on Personal Identity in Early America*, eds., Ronald Hoffman, Mechal Sobel, and Fredrika J. Teute (Chapel Hill: The University of North Carolina Press, 1997), 159.

<sup>68</sup> I am indebted to the work of John L. Brooke in considering the potential role of text as a potent means of culture expression. By examining text as rhetoric Brooke considers the “broad ideological constructs...communicated to peoples in locality,” how such ideas were received, and the situation surrounding their construction. John L. Brooke, *The Heart of the Commonwealth: Society and Political Culture in Worcester County, Massachusetts, 1713-1861* (Cambridge: Cambridge University Press, 1989), xviii.

<sup>69</sup> The first advertisement was issued in August 1766 and the last on 21 May 1768. A complete list of Advertisements is found in William S. Powell, James K. Huhta, and Thomas J. Farnham, eds., *The*

were unified by the goal of articulating and publicizing grievances. The mechanisms for delivering these broadsides included, but were not limited to, public proclamations at courthouses and direct deliverance to governing officials; in addition, the advertisements appeared in colonial newspapers, pamphlets, and public tracts. The widespread circulation of these documents suggests the Regulators desire to construct a public archive of their activities.

In 1766, a group of men from Orange County presented a manifesto to the county court in Hillsborough; this was the first of three advertisements issued that year by backcountry inhabitants. The initial work, or Regulator Advertisement 1, was rooted in Whig ideology and influenced by Sons of Liberty groups—men described within the document as acting “in behalf of true Liberty.”<sup>70</sup> Making an appeal to all citizens of the backcountry, the writers asked that representatives, appointed by general consent, gather to investigate “whether the Freemen in this Country labour under any Abuses of Power, and in particular to examine into the publick Tax.”<sup>71</sup> The authors of this document maintained that given the public nature of their grievances it was necessary to examine their complaints openly.

Uniting under the title of the Sandy Creek Association, this group—still small in scope—met at mills and other venues throughout 1766 and 1767 to investigate and discuss their situation. The authors of the first advertisement suggested mills instead of

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*Regulators in North Carolina: A Documentary History, 1759-1776* (Raleigh: State Department of Archives and History, 1971), 35, 36, 76, 79, 97, 102, 113, and 114; hereafter, *The Regulators in North Carolina* will be cited as *RD*.

<sup>70</sup> Regulator Advertisement 1, August 1766, *CRNC*, VII 249.

<sup>71</sup> Regulator Advertisement 1, August 1766, *CRNC*, VII, 250.

taverns—a typical meeting place in the eighteenth century—because mills did not have liquor.<sup>72</sup> The authors’ fail to relate the direct rationale of this choice, but the decision is suggestive. As Marjoleine Kars powerfully argues, the Regulators were influenced and indeed directed by a strong system of religious beliefs. Quakers and other sectarian Protestants, she writes, “regulated public behavior by forbidding getting drunk, dancing, competing, using profane or abusive language, spreading tales, or playing cards.”<sup>73</sup> By avoiding taverns, the protesters avoided these types of activities and forms of behavior.

The issues of taxation policy and political corruption were prime concerns to the Sandy Creek. Taxes, in particular, troubled backcountry settlers because of low rates of circulating paper currency and North Carolina’s regressive taxation policy that favored the wealthy.<sup>74</sup> Historian A. Roger Ekirch observes that in 1765, “only about £70,000 in paper currency circulated among a citizenry of more than a hundred thousand.”<sup>75</sup>

Concerns over the legality and usage of public taxes necessitated, according to the Sandy Creek, an investigation into the actions of governing officials. The initial advertisement called upon a body of representatives to meet with “Orange County assemblymen, county officials, and vestrymen” and inquire into potential malpractices and misuse of collected

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<sup>72</sup> The backcountry did not suffer from a dearth of taverns. Marjoleine Kars records 125 licensed taverns in Rowan County alone before 1776. Kars, *Breaking Loose Together*, 62. See also Thorp, “Doing Business in the Backcountry,” 389-390. For the importance of taverns during the revolutionary era see David W. Conroy, *The Public Houses: Drink and The Revolution of Authority in Colonial Massachusetts* (Chapel Hill: The University of North Carolina Press, 1995).

<sup>73</sup> Kars, 118.

<sup>74</sup> For a concise and clear discussion of taxes during the early to mid 1760s see Kars, *Breaking Loose Together*, 65-68.

<sup>75</sup> Ekirch, “*Poor Carolina*,” 10.

tax funds.<sup>76</sup> The Sandy Creek’s scrutiny of policy culminated in August 1767, when a group of men argued against illegal fee taking before the Orange County courts—they did not meet with success. Summarizing the people’s predicament after the failures in the August court session Marjoleine Kars writes, “All means of legal redress on the local level had now been exhausted. Asking officials for an accounting of tax monies, trying to make assemblymen responsive to the need of their constituents, and using the court system to check the extortionate behavior of officials had all failed to produce any result but further oppression.”<sup>77</sup>

The Sandy Creek’s initial means of dissent were limited to parleys with political officials, attempts at redress through the legal system, and public meetings. By 1768, the scope and purpose of this organization changed. The conservative tone of the Sandy Creek Association’s goals and their limited modes of action shifted to increasing radicalism by the fourth advertisement. In Regulator Advertisement 4, dating to 1768, it was agreed that a new group would be formed, “for regulating publick Grievances & abuses of Power.” They would “stand true and faithful to this cause” bringing “a true regulation according to the true intent & meaning of it in the judgment of the Majority.”<sup>78</sup> These are among the earliest, if not first, printed references to a regulation in North

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<sup>76</sup> Kars, *Breaking Loose Together*, 135.

<sup>77</sup> Kars, *Breaking Loose Together*, 137.

<sup>78</sup> Regulator Advertisement 4, (January 1768?), *CRNC*, VII, 671. Marjoleine Kars avers that the actual date for this advertisement is April 4, as opposed to the winter date assigned in *RD*, 76. Kars, *Breaking Loose Together*, 243, n. 12.

Carolina. This change in language indicates a significant shift in the organization's character and intent.<sup>79</sup>

Initially this nascent organization was simply known amongst themselves and within the backcountry as the "Mob." Mobs, however, were disorganized groups of loosely affiliated people lacking long-term goals and direction; this title did not serve to articulate the political purpose of the organization.<sup>80</sup> By assuming the title of *Regulator* the protestors were speaking more directly to the purpose and belief structures driving their movement. By attempting to address corruption within the backcountry and account for the uses of collected taxes, these men were regulating the Piedmont's political and legal affairs.

The Regulators were doing much more than changing names and assigning new titles to an older organization. Such shifts in language indicate a transformation in thinking; the association's character was different and its membership—steadily growing in numbers—intended to denote that change. Regulators not only engaged in discussions and meetings like the Sandy Creek Association but also sought to aggressively provoke transformation. Regulators used dynamic forms of resistance—at times extra-legal—such

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<sup>79</sup> Herman Husband, *An Impartial Relation of the First Rise and Cause of the Recent Differences in Publick Affairs, In the Province of North Carolina; and the Past Tumults and Riots That Lately Happened in That Province...*(1770), in *Some Eighteenth Century Tracts Concerning North Carolina*, eds., William K. Boyd (Raleigh, NC: Edwards & Broughton Company, 1927), 263; hereafter cited as *IR*. See also, Kars, *Breaking Loose Together*, 138 and Kay, "The North Carolina Regulation, 1766-1776," 85-86. The Sandy Creek Association itself is explored in Kars, *Breaking Loose Together*, 111-112 and 135-138; Lee, *Crowds and Soldiers in Revolutionary North Carolina*, 52-53; Kay, "The North Carolina Regulation, 1766-1776," 85, and Whittenburg, "Backwoods Revolutionaries," 329-334.

<sup>80</sup> For another discussion of the differences between mobs and Regulators see Whittenburg, "Backwoods Revolutionaries," 339. See also, William Henry Foote, *Sketches of North Carolina, Historical and Biographical, Illustratives of the Principles of a Portion of Her Early Settlers* (New York: Robert Carter, 1846), 52-53.

as withholding taxes, assembling in mass protest, and engaging in violence to resolve their quarrels with corrupt men.

From the fourth advertisement on it seems that the title of “Regulator” gained popularity; the term Regulator itself, however, was by no means new. Dating back to seventeenth-century England, the word was then carried to colonial America. From 1767 to 1769 South Carolinians participated in a regulation of their backcountry. Years later Pennsylvanians engaging in the Whiskey Rebellion and the citizens of Massachusetts in Shays’ Rebellion utilized similar terminology.<sup>81</sup>

The reliance on names and titles to define “self” formed an essential component of eighteenth-century language. Typically intertwined with one’s given name, at least for the middle and upper tiers of society, was an extension identifying an individual’s rank or position. For example, the court identifies Herman Husband as an “Orange County Planter” when they commanded the sheriff to retrieve his goods and chattels for the non-payment of taxes.<sup>82</sup> Husband’s extensive landholdings allowed for the title of “Planter” but even this sign of prosperity was distinct from the implications of someone called a “Gentleman.” Edmund Fanning describes the men to whom he gives executive power of his estate as: “Isaac Edwards of Newbern *Esquire*, William Johnston of Hillsborough *Gentleman*, Richard Fanning of the County of Anson *Gentleman* and Waightstill Avery

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<sup>81</sup> See, Richard Maxwell Brown, *The South Carolina Regulation* (Cambridge: Harvard University Press, 1963); Klein, *Unification of a Slave State*; Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986); and Brooke, *The Heart of the Commonwealth*.

<sup>82</sup> Issue to the sheriff of Orange County, 11 May 1770, Orange County Court Records, 1769-1771, The University of North Carolina at Chapel Hill, Southern Historical Collection.

of the County of Mecklenburg *Gentleman*” (emphasis added).<sup>83</sup> The differences in title determined where families sat in church, how the courts viewed them, and the possibilities of social and political mobility.<sup>84</sup> The same understanding and use of language that established the significance of these social distinctions carried over to self-imposed names used by groups of protest and dissent during the middle decades of the eighteenth century. Titles like the Sons of Liberty, South Carolina Regulators, and New Light Baptists all speak to modes of definition and creed implied through name. Similarly in North Carolina, by using the term *Regulator* backcountry farmers were shaping both an external and internal vision of their organization within the context of eighteenth-century linguistics.

It may stand to reason, therefore, that the terms in which the Regulators presented their petitions were as important as the liberties for which they were asking and the title of their group. Carefully constructed self-descriptive terms and caveats to complaints were necessary when addressing government. Petitioners from Orange and Rowan Counties described themselves as “poor Industrious peasants.”<sup>85</sup> The “poor inhabitants”

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<sup>83</sup> Edmund Fanning, legal document, 23 July 1771, Walter Alves Papers, 1771-1858, The University of North Carolina at Chapel Hill, Southern Historical Collection.

<sup>84</sup> Gordon S. Wood offers an excellent discussion of titles and the differences between classes in Chapter 2 of *The Radicalism of the American Revolution*. Wood writes that with the status of “Gentleman” certain rights were granted that were inaccessible to other segments of society—a source of contention among some. He relates, “Massachusetts courts debated endlessly over whether or not particular plaintiffs and defendants were properly identified as gentlemen.” Gordon S. Wood, *The Radicalism of the American Revolution: How a Revolution Transformed a Monarchical Society Into a Democratic One Unlike Any That Had Ever Existed* (New York: Alfred A. Knopf, 1992), quote on 25, see 24-42. See also, Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: The University of North Carolina Press, 1982).

<sup>85</sup> Petition of the Inhabitants of Orange and Rowan Countys to William Tryon, *CRNC*, VIII, 81. Allan Kulikoff makes the observation that Regulators, “calling themselves ‘farmers,’ ‘planters,’ and ‘poor industrious peasants,’ ...contrasted “themselves with rich and powerful men.” However, both Kulikoff and



of Anson County were much oppressed by taxes because of their “mean circumstances.”<sup>86</sup> A group of “poor industrious Farmers” from Orange County petitioned two chief justices and a judge for redress.<sup>87</sup> Similar examples permeate the historical records. While such terms of self-description were indeed applicable to the mass of protesters suffering under economic hardship these statements deliberately mask the diversity existing within the Regulator ranks. For instance, the 1772 inventory of known Regulator John Pryor includes an estate of twenty-one slaves, ninety-four pounds Virginia Currency, nineteen pounds of proclamation money, and sixty-six hogs, among other things.<sup>88</sup> John Miles, another individual whose name appears on Regulator documents, left an estate that, while not so extensive as Pryor’s, was worth a total of £88.15.2 at the time of his death; he was not poor by any means.<sup>89</sup> The point here is not to argue that the Regulators as a lot were wealthy, but rather to demonstrate their means of representing their organization belied the true complexity of the groups’ membership.<sup>90</sup>

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Kay use these names to indicate the class dimensions of this struggle—an interpretation, which I did not acknowledge fully. Allan Kulikoff, *The Agrarian Origins of American Capitalism* (Charlottesville: University Press of Virginia, 1992), 131. See also Kay, “The North Carolina Regulation, 1766-1776,” 74.

<sup>86</sup> The Petition of the Inhabitants of Anson County, being part of the Remonstrance of the Province of North Carolina, 9 October 1769, *CRNC*, VIII, 76.

<sup>87</sup> Petition of the Inhabitants of Orange County to Martin Howard Chief Justice and Maurice Moore and Richard Henderson Associate Judges, *CRNC*, VIII, 231.

<sup>88</sup> An Inventory of the Estate of John Pryor decd. taken 27<sup>th</sup> April 1772, Orange County, “Inventories and Accounts of Sale,” 1756-1785, NCSA.

<sup>89</sup> A true Inventory of the Goods & Chattles of John Miles, Orange County, “Inventories and Accounts of Sale,” 1756-1785, NCSA. The name of John Miles appears in the list of signatures on Regulator advertisements.

<sup>90</sup> The debate concerning the class dimensions of the Regulation is extensive, as noted in the historiographical essay at the beginning of this thesis. My intentions are not to fully enter this debate but rather to show the at times obscuring nature of the Regulators’ language. Clearly, as demonstrated, internal

Petitions from the “poor” were also written in a language of careful diplomacy, which deferred to royal authority as illustrated by documents dating to 1768. The Regulators’ ninth Advertisement is described as a “humble Petition.” Fearing possible misconstructions of this Advertisement and others, the Regulators ask in their eleventh Advertisement to forgive anything written that “may be construed as derogatory to His most sacred Majesty’s Prerogative, Person, Crown or Dignity, or in opposition to His Laws.”<sup>91</sup> Such statements are especially striking given that during this period of petitioning, 1768, some of the most violent protests were launched in Hillsborough against the colony’s court system and individuals like Edmund Fanning. The Regulators were teetering precariously between a legal protest and an illegal insurrection that broke the boundaries imposed by the British government. Tryon and Fanning already had accused them of actions outside the colony’s laws; they were relying on deference while pleading forgiveness for possible errors in judgment as well will see in later Chapters of this work.

The deeper we penetrate the Regulator movement the more we discover the significance of identity; this is not simply a discussion of words but rather worldviews. Edmund Fanning, lawyer, register of deeds, and close friend of William Tryon, grew

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class differences did exist. Marvin Michael Kay has argued for almost half a century now that class-consciousness propelled the Regulators forward. He contends that extreme discrepancies in wealth existed between the Regulator and anti-Regulator camps. James Whittenburg has challenged these assertions and countered Kay’s argument with his own statistical analysis. Other scholars have made marked contributions as well but these two historians most clearly mark the extremes. See Whittenburg, “Backwoods Revolutionaries” and “Planters, Merchants, and Lawyers;” Kay, “The North Carolina Regulation, 1766-1776” and “The Institutional Background to the Regulation in Colonial North Carolina”

<sup>91</sup> Regulator Advertisement 9, ca. May 1768, *RD*, 102 and Regulator Advertisement 11, 21 May 1768, *RD*, 115.

concerned over how the people of the backcountry—specifically citizens of Orange County—were depicting themselves. Fanning had an uneven relationship with the people of this region, which eventually dissolved into one of antagonism. Writing to Governor Tryon in 1768, Fanning insisted that Regulators, “as they are pleased to call themselves,” must be “termed rebels and Traitors” by lawyers.<sup>92</sup> In this revealing passage Fanning illustrates a pointed division in perception. As per their advertisements, by regulating the backcountry, these citizens were attempting to amend or remedy the region’s political ills. By so doing, however, they were directly challenging the judgment and leadership of individuals like Fanning. In calling these men “rebels and Traitors” Fanning was reasserting his authority—partially usurped by the Regulators’ slanders—to one of the most powerful men in the colony, the royal governor. Fortunately for Fanning, Tryon sympathized with his position and shared his views. Finding the term Regulator likewise irksome because of its implications, Tryon wished these men to stop its usage. In the North Carolina Council Minutes of 1768 he is documented as asking that “all Titles of Regulators or Associators” cease among the protestors.<sup>93</sup> To regain order Fanning and Tryon were undermining and even trying to destroy the principles behind this revolt as implied through linguistic choices.

The actions of the Regulators forced other citizens—mainly government officials, lawyers, and merchants—to form a body of “Redressers” in September of 1770. As with the Regulator movement the members acknowledged the significance of title as a means

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<sup>92</sup> Letter from Edmund Fanning to Governor Tryon, 23 April 1768, *CRNC*, VII, 714.

<sup>93</sup> Council Minutes, 20 June 1768, *RD*, 126.

of defining self. By assuming the name of Redressers—a play on the word Regulator—these individuals were both undermining and mocking backcountry protestors. The “Loyal ‘Regulators’ Association” organized for the purposes of supporting the “Laws & constitution” of their country, which had been destroyed by the Regulators’ “spirit of licentiousness sedition & Riot.” The people of the backcountry, according to the Redressers, were pursuing “measures dangerous to the Constitution subversive of all the ends & Designs of Good Government.” These charges parallel the accusations hurled by Regulators against the Piedmont’s political officials. Edmund Fanning, the Regulators’ most hated enemy, appears as the first name in the “Loyal ‘Regulators’ Association.”<sup>94</sup>

Eighteenth-century audiences recognized the potential multiplicity in perspectives by articulating the subjectivity of names or aspersions cast against another. An article published in *The Boston Gazette, and Country Journal* presents an intriguing discussion of this idea. Referring to those who rose against the North Carolina government, the paper notes, “They are called Factious and Rebels” by their enemies. The writer goes on to question such terms wondering who may be called what: “Be it remembered that it is possible for the Government itself to rebel, and when those who are entrusted with the Conduct of the Affairs of the Public, *oppress* the People...they, and not the People who resist them, are *Rebels*.”<sup>95</sup> One’s point of view is critical when judging events as this newspaper article so aptly illustrates. The Regulator struggle, as it gained rigidity in structure and became formalized through title, became a battle—if not directly

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<sup>94</sup> “Loyal ‘Regulators’ Association,” *CRNC*, VIII, quotes on 273, see 273-274. See also Kars, *Breaking Loose Together*, 197 and 257 n.10.

<sup>95</sup> *The Boston Gazette, and Country Journal*, 24 June 1771.

recognized by all participants—of “us” against “them.” This struggle concerned the authority of rulers and the rights of the ruled to question.

By imposing the name *Regulator* on their at times disorderly rabble, backcountry protestors were presenting a unified front of opposition to their enemies and outwardly portraying themselves as a politically motivated, structured body addressing the colony’s numerous corruptions. While many of the names of specific Regulators have been lost, forgotten, or deemed inconsequential, their collective body received government censure in the eighteenth century and frequent commentary in the nineteenth- and twentieth-century. By taking this title individuals assumed a degree of anonymity that equated to protection, but also this name carried with it the ability to act.

#### *Legality and Legitimacy—Questions of Law and Intent*

At its most dramatic moments the Regulation was a violent conflict, but for the prolonged struggle it was a war of words. How the protestors presented their cause and complaints to the government and public at large was vital for legitimacy. Widespread sympathy was required to gain more adherents and achieve resolution in the courts or through governmental intervention. The Regulators were aware of the precarious balance between extra-legal acts with societal sanction and illegal actions requiring royal intervention. Issues of constitutional and natural rights surround this delicate balance of power. At this confusing junction we may look to English historian E. P. Thompson for guidance in sorting out these conflicting worldviews. Thompson argues that at “the interface between law and agrarian practice we find custom.” This praxis for living, implemented at the local level by the English working classes, was predicated upon

localized experiences that were both inherited and invented. The social and ethnic diversity of the backcountry's population and the overwhelmingly rural character of this region suggest quite different lived experiences from that of Thompson's English peasants. Yet, Regulator documents demonstrate a concrete articulation of a unique sense of shared values—rights not guaranteed by the royal perspective despite the Regulators' consistent claims and staunch belief in such liberties.<sup>96</sup> The declaration of these beliefs among the Regulators does suggest, however tentatively, the beginnings of a common custom born from their past experiences and current lives.<sup>97</sup>

A series of incidents from April 1768 may illuminate the details of law, rebellion, and identity in colonial North Carolina. On April 4<sup>th</sup> the Regulators agreed to elect twelve men for the mission of meeting two former local officials to conduct an investigation of taxation policy.<sup>98</sup> Four days later, before this assignment was carried out, Orange County Sheriff Hawkins seized a mare, saddle, and bridle for the non-payment of taxes from a man traveling to Hillsborough. Hawkins, while possibly seeking to provoke the

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<sup>96</sup> Thompson, quote on 97, see Chapter 3. Thompson's thinking informed a great deal of my interpretation of the backcountry perspective on the issue of rights that follows in the ensuing discussion. Pauline Maier's work also lent a critical perspective. She establishes an important distinction between anti-authoritarian and illegal acts. Maier notes colonists had a willingness to act outside the bounds of law but such actions were still deferential to royal authority in their eyes. Maier, Chapter 1, especially 4-12. Roger Ekirch offers an excellent reading of the political underpinnings of the Regulator movement in "The North Carolina Regulators on Liberty and Corruption, 1766-1771," in *Perspectives in American History*, volume XI, ed. Donald Fleming (Published by the Charles Warren Center for Studies in American History, Harvard University, 1977-1978), especially 230-240. See also Ekirch, "*Poor Carolina*."

<sup>97</sup> Richard Maxwell Brown makes a similar observation though he argues a slightly different point. He contends, "By the middle of the eighteenth century, the homestead ethic had matured as a cluster of values that characterized rural life." Brown includes the North Carolina Regulators as adherents to the homestead ethic. Richard Maxwell Brown, "Back Country Rebellions and the Homestead Ethic in America, 1740-1799," in *Tradition, Conflict, and Modernization: Perspectives on the American Revolution*, eds., Richard Maxwell Brown and Don E. Fehrenbacher (New York: Academic Press, 1977), 76.

<sup>98</sup> Minutes of Regulator Meeting, 4 April 1768, *RD*, 80.

Regulators, was probably performing his duties by any means necessary. Shortly thereafter a group of sixty to seventy farmers met Hawkins on the roads, tied him up, and carried him into Hillsborough for this act of seizure. While parading the sheriff past Edmund Fanning's home shots were fired into the structure to demonstrate their disdain for Fanning.<sup>99</sup> For the Regulators, Hawkins and Fanning had lost their authority because of malpractices. Hawkins was accused of taking funds for private interest and his cohort, Sheriff Tyree Harris, had angered many by refusing to collect taxes at private homes as of the winter of 1768. Edmund Fanning faced a host of charges against him including corruption, extortion, and the questionable accumulation of wealth. The Regulators felt justified in their actions according to the Whig ideologies described by historian Pauline Maier. She writes "resistance and revolution" were acceptable when the protesters oppose men "who pretended to retain an authority forfeited by their own unlawful efforts."<sup>100</sup> Fanning, viewing the actions in Hillsborough in a different light, called these acts "traitorous and rebellious conduct" that was in "opposition to Government" and law.<sup>101</sup> The Regulators' adherence to homegrown custom clashed with Fanning's reading of laws concerning the destruction of private property.

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<sup>99</sup> For descriptions of this incident see Husband, *IR*, 266-269; John Gray to Edmund Fanning, 9 April 1768, *RD*, 80-81; and Kars, *Breaking Loose Together*, 138-141.

<sup>100</sup> Maier, 40. A. Roger Ekirch indicates that most backcountry settlers were migrants from other areas—most notably Pennsylvania—where "Whig values had exerted a significant impact on indigenous political cultures for several decades;" therefore, further reinforcing the potential impact of Whig ideology on the forms this protest assumed. Ekirch, "The North Carolina Regulators on Liberty and Corruption, 1766-1771," 231. For a discussion of Whig ideology as a compact between the people and the government see J. R. Pole "Historians and the Problem of Early American Democracy," *The American Historical Review* 67, no. 3 (April 1962), especially 641-642.

<sup>101</sup> Edmund Fanning to John Gray, 13 April 1768, *RD*, 81.

Reactions from both sympathizers and anti-Regulators are available documenting the interesting aftermath of this incident. On April 27, 1768, William Tryon proclaimed that the “Riotous & disorderly Persons in the County of Orange” who assembled together to “oppose the just Measures of Government,” committed “several Outrages in open Violation of the Laws of their Country.” He ordered this group to disperse and retire to their homes; Tryon’s command was to be executed with the assistance of “all Officers Civil and Military.”<sup>102</sup> The “several Outrages” referred to by Tryon are probably those detailed in a letter by John Gray, a friend of Edmund Fanning—repossession of the levied horse; violent acts committed against Hillsborough inhabitants; and the assault on Fanning’s home.<sup>103</sup> Tryon obviously viewed this assembly and their measures as an affront to the laws guiding the colony—actions severe enough to warrant the intervention of the militia. The Proclamation was delivered in Hillsborough days later and swift action followed. By Sunday, May 1<sup>st</sup>, Edmund Fanning and a group of men reached the Sandy Creek settlement where they arrested Herman Husband and William Butler, the perceived ringleaders of the Regulators. While Fanning was politically obliged to take action against the Regulators, personally he was disgusted by the earlier incidents. In private correspondence he classified the Regulators’ acts in Hillsborough as a “disgrace to our Country” and a “dishonor to our King.”<sup>104</sup>

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<sup>102</sup> Proclamation of the Governor, 27 April 1768, in *The Correspondence of William Tryon and Other Selected Papers*, vol. II, 1768-1818, ed., William S. Powell (Raleigh: Division of Archives and History, Department of Cultural Resources, 1981), 88; *The Correspondence of William Tryon and Other Selected Papers* will hereafter be cited as *WT*.

<sup>103</sup> John Gray to Edmund Fanning, 9 April 1768, *RD*, 80-81.

<sup>104</sup> Edmund Fanning to John Gray, 13 April 1768, *RD*, 81.



The main source documenting this incident from the Regulators' perspective is Husband's account in *An Impartial Relation*—a biased account because of Husband's political leanings. The very slant of his writing will prove highly revealing, however. Recalling the details of May 1, Husband calls Fanning's posse "the od[d]est Thing" of which he had ever heard. He goes on to castigate the group for assembling on Sunday—a moral judgment reflecting his deeply held religious beliefs—and questions the legitimacy of the group members; he notes the inclusion of one or two tavern-keepers and one individual recently judged guilty of murder. They rode with "Guns, Pistols and Swords" all for the purposes of taking "one of the Rioters Prisoner by Virtue of a Warrant;—And also another innocent Person without any Precept at all."<sup>105</sup> In this revealing passage Husband is careful to note the usage of weapons, the arrest of an innocent person, and the fact that Fanning's group of riders did not fully meet Tryon's description of "Civil or Military" officers as referenced earlier in the proclamation.<sup>106</sup> By so doing Husband directly questions the moral, ethical, and legal justifications of this posse just as Tryon, Fanning, and others had leveled parallel accusations against the Regulator mob in Hillsborough. The aspersions cast by each side—some grounded in truth, others clear exaggeration—were meant to undermine the legitimacy of the other.

The inspection of events in April and May of 1768, gives a partial explanation of the legal issues intertwined with the Regulation and each side's perspective on these topics, but a broader view is required still. The colony of North Carolina was chiefly

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<sup>105</sup> Husband, *IR*, 267.

<sup>106</sup> See especially, Maier, 139-140 and Lee, *Crowds and Soldiers in Revolutionary North Carolina*, 67-69 and 256, n.19.

governed through the acts, ordinances, and statutes of the Royal Council (assistants to the governor) and General Assembly (elective branch) who were, in turn, subservient to the royal governor and then finally, the King of England; all of these men were responsible to the English Bill of Rights.<sup>107</sup> As we have established, the Regulators were, to some extent, subverting this entire system by appraising the effectiveness of backcountry rulers and questioning their power. How each side justified its authority is directly connected to their knowledge and interpretations of the law, which effected the actions and reactions of Regulators and anti-Regulators alike.

Governor Tryon with the support of his political officers held a strict interpretation of the legal codes enacted at the colony-wide level while Regulators, or at least particular leaders, relied on abstract legal theory and localized custom to justify their cause. The opposing sides pronounced their views in a series of clashes on paper. In both petitions from the Piedmont and Herman Husband's histories of the affair repeated references are made to natural rights. Many adherents claimed that through their participation in the struggle they were asserting what it meant to be an Englishman or an Englishwoman.<sup>108</sup> A petition from the inhabitants of Anson County speaks to this notion. They write, "crouch'd beneath our sufferings: and notwithstanding our sacred

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<sup>107</sup> The Carolina Charter may have held some weight during this period as well. William S. Powell avers that colonists of North Carolina insisted that the Carolina Charter trumped the powers of the crown during the early eighteenth-century especially in times of crisis. It is difficult to gauge the power of this document during this later period but it may be assumed it still held sway with at least some citizens. Powell, *North Carolina Through Four Centuries*, 88. A facsimile of "The Second Charter Granted by King Charles, II. To the Proprietors of Carolina" is available in John D. Cushing, compiler, *The First Laws of the State of North Carolina*, Volume I (Wilmington, DE: Michael Glazier, Inc., 1984).

<sup>108</sup> This study has thus far ignored the role of women. In terms of "officially" named Regulators women are completely absent from the rolls. Broadly speaking, women participated in this revolt at numerous levels making significant contributions to advance the struggle. To date, there has been virtually nothing written on the subject. For some commentary see Kars, *Breaking Loose Together*, 143-144.

priviledges, have too long yielded ourselves slaves to remorseless oppression.... Permit us to conceive it to be our inviolable right to make known our grievances, and to petition for redress; as appears in the Bill of Rights.”<sup>109</sup> This passage, rich in allusion and rhetoric, references the English Bill of Rights’ guarantee that subjects of the King could petition their ruler while invoking abstract “inviolable rights” and “sacred priviledges.”<sup>110</sup> Such focus on the intangible transcends Tryon’s strict reading of the law as seen in the following passage. Addressing the Royal Council, Tryon informs these men that they were appointed to maintain justice and peace, which required them to “Chastise and Punish all Persons that Offend against the Form of those Ordinances, Statutes and Acts of Assembly.”<sup>111</sup> Referring in particular to the assault on Fanning’s house in April 1768 and threats against civilians in a later section of this address, Tryon delineates specific instances of transgression on the part of the Regulators. A Pennsylvania newspaper account from 1771 captures this duality in perception quite clearly: “The accounts we have of this very unhappy disturbance, or as the government of that province calls it, of this rebellion, are not sufficiently particular to enable us at this distance to form a just opinion of it.”<sup>112</sup> While the Regulators’ cause may have been grounded in the inalienable

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<sup>109</sup> The Petition of the Inhabitants of Anson County, being part of the Remonstrance of the Province of North Carolina, 9 October 1769, *CRNC*, VIII, 75.

<sup>110</sup> The potential passage from the English Bill of Rights they are referencing states, “That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.” English Bill of Rights, 1689, quoted from The Avalon Project at Yale Law School: <http://www.yale.edu/lawweb/avalon/england.htm>. Accessed 20 October 2005.

<sup>111</sup> William Tryon to the Council, 29 April 1768, *WT*, 95.

<sup>112</sup> *Pennsylvania Gazette*, “To the Public,” 15 August 1771.

rights of the English, their violence in North Carolina subverted the concrete laws of the colony.

Further evidence from the writings of Regulators reveals their perceptions of liberty and freedom. Herman Husband maintains that he and other inhabitants of the backcountry were “endeavoring to recover our lost native Rights.”<sup>113</sup> In another passage from Husband’s tract *An Impartial Relation*, he offers a quote from a Regulator statement issued to the inhabitants of North Carolina. They write “How long will ye in this servile Manner subject yourselves to Slavery? Now shew yourselves to be Freemen, and for once assert your Liberty and maintain your Rights.”<sup>114</sup> Speaking in a similar vein the Regulators’ fifth Advertisement asserts that they had been wronged by men “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.”<sup>115</sup>

A cursory reading of this material may suggest that the Regulators were justifying their actions through the rhetoric of natural rights in an effort to legitimize illegitimate behavior. However, the resolution of these Regulators and their belief in the righteousness of their cause is suggested in their obstinate behavior against the government—they seemed to believe what they say. Seeing the potential consequences of their actions or responding to specific threats the Regulators wrote in 1768: “Think not to

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<sup>113</sup> Husband, *IR*, 256.

<sup>114</sup> An address from the Regulators “To the INHABITANTS of the Province of *North-Carolina*,” in Husband, *IR*, 303-304.

<sup>115</sup> Regulator Advertisement 5, 22 March 1768, *CRNC*, VII, 700.

frighten us (with Rebellion) in this Case, for if the Inhabitants of this Province have not as good a Right to Enquire into the Nature of our Constitution...as those of our Mother Country.”<sup>116</sup> Once again equating their cause to higher laws, such statements imply the Regulators maintained that they were acting within proper boundaries. Such behavior was fulfillment of their rights of inquiry and questioning when corruption seemed apparent not, as Fanning and others accused, illegal acts.

Throughout their protest Regulators responded to external censure by modifying the tone of their written addresses. In the spring of 1768, Orange County Regulators asserted that they suffered under heavy taxes, higher than any other county in the backcountry.<sup>117</sup> The strong words used in the earlier Advertisement—“Think not to frighten us (with Rebellion)” — were now of a different demeanor. Expressing their concern that no resolution had been offered they wrote, fearing the worst, “we were disregarded in the said application upon which the said discontent growing more and more so as to threaten a disturbance of the public peace.”<sup>118</sup> In this instance the writers of the document seem to fear the earlier accusation of the ruling authority—the movement dissolving into an illegal rebellion. It must be remembered that Fanning had called these men “Enemies of the Constitution” and the “most hateful and accursed enemies of a

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<sup>116</sup> Regulator Advertisement 5, quoted in Husband, *IR*, 265.

<sup>117</sup> Regulator Advertisement 9, *CRNC*, VII, 733. On backcountry taxation see Kars, *Breaking Loose Together*, 67 and 163-165; Kay, “The Institutional Background to the Regulation in Colonial North Carolina,” Chapter XIII; Kay, “The North Carolina Regulation, 1766-1776,” 89-90.

<sup>118</sup> Regulator Advertisement 9, *CRNC*, VII, 733.

people.”<sup>119</sup> Maintaining allegiance to their interpretation of English law was essential for justification of their protest.

In other addresses to the ruling elite the protestors’ language was constructed in terms readily accessible to intended audiences with poignant metaphors illustrating their experiences. In one petition Orange County inhabitants insisted that the only charges to be leveled against them is their “vertue in the very highest degree.” They had risked “all to save our Country from Rapine and Slavery.”<sup>120</sup> The word choice of “Slavery” is particularly interesting once again implying the total loss of liberties as promised all free white persons of the English empire.<sup>121</sup> Slavery also may have been used with a more subtle purpose however, one implying economic inequality. A petition from the citizens of Orange and Rowan Counties leveled charges against unfair taxation policy. They state: “[H]owever equitable the Law as it now stands, may appear to the Inhabitants of the Maritime parts of the province, where estates consist chiefly in Slaves; yet to us in the frontier, where very few are possessed of Slaves, tho’ their Estates are in proportion (in many instances) as of one Thousand to one, for all to pay equal, is with Submission, very grievous and oppressive.”<sup>122</sup> Taken collectively these statements indicate an ideological

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<sup>119</sup> Letter from Edmund Fanning to John Gray, 13 April 1768, *RD*, 82.

<sup>120</sup> Petition of the Inhabitants of Orange County to Martin Howard Chief Justice and Maurice Moore and Richard Henderson Associate Judges, *CRNC*, VIII, 234.

<sup>121</sup> For an excellent discussion of the many connotations of the word slavery see preface to Jill Lepore, *New York Burning: Liberty, Slavery, and Conspiracy in Eighteenth-Century Manhattan* (New York: Alfred A. Knopf, 2005). A. Roger Ekirch talks at length about the political ideology of the Regulators and terms such as slavery. Ekirch, “The North Carolina Regulators on Liberty and Corruption, 1766-1771,” 230-240.

<sup>122</sup> The humble Petition of us Inhabitants of Orange and Rowan Countys, true and faithful subjects of his Majesty King George the Third, *CRNC*, VIII, 83. Kars offers a discussion of “slavery” in relation to Whig ideology. Kars, *Breaking Loose Together*, 121-125. The metaphor of slavery was used in other regions of

framework predicated upon an irrepressible conflict where Regulators were attempting to uphold English law and retrieve native rights that had been seized by the tyranny of others. Once again, language is important to revealing perception and intent.

By consistently referring to inherent rights and English common law the Regulators explicitly were couching their protest against authority within the bounds of proper behavior that was ultimately deferential to authority. The Regulators' actions, however, posed legitimate threats to the liberties of the colony's greater majority—a fact the protestors never fully accepted but leaders such as Tryon gravely feared. On one occasion, petitioners of Orange County partially renounced allegiance to the Regulators' cause because of severe reprimand by Governor Tryon—an aberration in the movement's general direction but significant nonetheless. They wrote to Tryon “We have not only forfeited all title to, but also rendered ourselves liable to severe and heavy punishment by our late illegal & unwarrantable conduct in holding unlawful Assemblies to consult means of redress.”<sup>123</sup> By the time of this petition in May 1768, Tryon had issued his proclamation concerning riotous behavior in Hillsborough; Fanning had arrested Husband and Butler; and the Regulators as a lot were ceasing temporarily to meet formally.

If the citizens of Orange County were pronounced legally traitors to the British government, they may have been pleading for their very lives in this act of contrition.

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Colonial America to express degrees of oppression. An example from the South Carolina Regulation demonstrates: “We are *Free-Men*—British Subjects—Not Born Slaves.” Charles Woodmason, *The Carolina Backcountry on the Eve of the Revolution: The Journal and Other Writings Of Charles Woodmason, Anglican Itinerant*, ed. Richard J. Hooker (Chapel Hill: The University of North Carolina Press, 1953), 215.

<sup>123</sup> Petition from Orange County Inhabitants to Governor Tryon, [May 1768], *RD*, 103.

Distinctions between resistance and rebellion were literally matters of life and death in colonial America. Given Tryon's reaction over the incidents in Hillsborough during early April 1768, the inhabitants of Orange County and other Regulators in general may have recognized they overstepped legal boundaries. The Johnston Riot Act, which will be discussed in the next chapter, was issued in 1771 and characterized gatherings of ten or more people as a Riot to be punishable by death in the worst circumstances. If particular measures taken by the Regulators were construed as treasonous by the government, equally dire punishment might follow.<sup>124</sup> It was essential for them to represent events in the best possible light.

By late May of 1768 the Regulator camp was organizing men to present their complaints before the governor and document their struggle up to that date. Once again the power of representation is important. Through this action the Regulators could offer their interpretation of events constructed within the confines of their modes of thought. Their intent would be to present both their organization and its story to the royal government so as to gain sympathy. Because of the repressive actions in April of 1768, they adopted a tone of deference and submission. The petition of this committee, as recorded in the eighteenth-century tract *A Fan for Fanning, and a Touch-Stone to Tryon*,

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<sup>124</sup> In discussing the distinctions between resistance and revolution Pauline Maier writes "For Englishmen, the distinction between limited forceful resistance and revolution was easily drawn: the first proceeded against acts of the King's officers, the second against the monarch himself." She continues, "It should be noted, too, that justified resistance and revolution never technically confronted authority, according to Whig formulations: instead, the people opposed men who pretended to retain an authority forfeited by their own unlawful efforts." Maier, 40. For a discussion of the Regulators and constitutionality see Kars, *Breaking Loose Together*, 138-139 and 149; Whittenburg, "Backwoods Revolutionaries," 283-289. I believe Whittenburg underestimates the Regulators' knowledge of political ideology—based upon my reading of the material—when he states, "With a few prominent exceptions the Regulators were not ideologues. Neither were they well versed in contemporary political thought, again with a minimum of exceptions." Whittenburg, "Backwoods Revolutionaries," 286.



noted the Regulators' "loyalty to King George the third" and their "firm Attachment to the present establishment, and form of Government, to which we sincerely believe all our Grievances are quite opposite and contrary." They further begged the "Governor's Pardon and Forgiveness...for any errors" committed. Speaking to the importance of this measure the author of *A Fan for Fanning*—possibly Herman Husband although not definitively known—writes that they presented Tryon with a history of their struggle so that he might judge for himself "whether or not they were such as they had been represented by Col. Fanning; and whether their Conduct was, as had been suggested by the Officers, 'high Treason.'"<sup>125</sup>

According to the Regulators' point of view they were not attempting to overthrow the British government in order to install a new regime. Rather, as John Spencer Bassett has argued, the Regulation aimed "at a change of agents who administer, or of the manner of administering, affairs under principles or forms that remain intact."<sup>126</sup> By one measure the Regulation had increased the radicalism of the Sandy Creek Association yet, by another, it fell short of revolution. As we just read in the eleventh Advertisement, the Regulators still desired to adhere to the laws of the British Empire. By examining the documentary evidence of the Regulation we gain insights into how Regulators

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<sup>125</sup> Husband, *A Fan for Fanning*, 369. The author of this piece is still undecided, at least to some. William Boyd in 1927 and Marjoleine Kars in 2002 denote Herman Husband as the writer. Archibald Henderson asserts in 1941 that Herman Husband definitely did not write the tract—Marvin Michael Kay is in agreement. Given the small sampling of Husband's documented writing it would be difficult to definitively attribute this piece to him given the lack of any other documentation but his authorship seems probable in consideration of the scant textual evidence that does exist.

<sup>126</sup> John S. Bassett characterizes the Regulator movement as a peasants' rising. He explicitly counters the definitions of revolution with those of a revolt. For Bassett, a revolt involves "a change of the form or principles of government," which exemplifies the Regulation. Bassett, 142.

constructed their organization, in what ways such constructs were products of culture, and how others viewed them. From these processes a fragmented view of the backcountry emerges. Internal corruption and unfair taxation policy pushed a group of angry farmers into becoming and indeed creating regulators. This very action, however, forced a reaction among the ruling classes to deem these Regulators rebels. From this exchange the complexities of colonial society emerge and raise larger questions. Adhering to ancient rights as English subjects, Regulators felt not only justified in their actions but also insisted they were acting to uphold English law. Their opponents, mainly drawn from the upper tiers of society and the ruling classes, saw this protest as a threat to the established order and a violation of law. We cannot fully reconcile these differences in opinion but from our examination of the evidence we gained some understanding of each side's justification of their legitimacy.

#### *Hearing the Regulation—Oaths and Oral Culture*

During the Regulation, spoken words, oaths in particular, played an essential role for both adherents to the protest and their opponents. For the Regulators, unity in title alone would be neither sufficiently effective nor meaningful to drive their prolonged protest forward. Oaths, however, were sacred bonds uttered to leaders, heard by friends and families, and used to pronounce dedication—adherence to these codes was necessary to maintain honor. As Rhys Isaac reminds us “language is, in all cultures, the primary form of communication, and thus words are the main elements used to construct knowledge of the world.”<sup>127</sup> By joining the Regulator movement in name and through

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<sup>127</sup> Isaac, 121.

sworn statements protestors had two powerful modes of cohesion and identity that were heard by friends and enemies.<sup>128</sup>

Oaths permeated the linguistic culture of colonial North Carolina shaping and reflecting the lives and beliefs of the colony's inhabitants. In court for instance, individuals like Josiah Lyon, an inhabitant of Orange County, made oaths "on the Holy Evangelists of Almighty God" about a particular incident witnessed. Edmund Fanning, before departing to New York in 1775, began his will "In the Name of God Amen. I Edmund Fanning...do make this my last Will & Testament."<sup>129</sup> In assemblies Regulators employed oaths of allegiance to drive their revolt forward. Similar modes of formal swearing and uttered words were used in the Piedmont courts in testimony against enemies of the government. At the end of the Regulation, oaths of allegiance to the king and colony would spare the lives of many.<sup>130</sup>

To assure success in their cause and dedication from group members, written oaths were composed that required oral allegiance—becoming a Regulator was more than just taking a title. The tone and purpose of these pacts suggests the importance of majority rule. Statements like "It was unanimously agreed," "we...voluntarily agree to

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<sup>128</sup> Mark Smith's provocative work on sensory history has caused me to reconsider the potential dimensions of this section. Initially I considered only oaths as recorded words since that is how they passed into the present. More evidence and Smith's methodology caused me to reconsider my initially hasty assessments. See in particular, Mark M. Smith, *Listening to Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 2001).

<sup>129</sup> Deposition of Josiah Lyon, 30 September 1770, *RD*, 250; Last, Will, and Testament of Edmund Fanning, 3 June 1775, Edmund Fanning Papers—Miscellaneous, NCSA.

<sup>130</sup> Rhys Isaac argues that in a "world where oral culture was strong and custom ruled, the acts of authority," such as oaths, "were spoken aloud and so assimilated into the fund of necessary community knowledge accessible to all." Isaac, quote on 91; see also 91-94.

form ourselves into an Association,” and it was the “judgment of the Majority” speak to principles of liberty and enjoyment of rights—at least among the white male membership of this organization.<sup>131</sup> Further, by imposing covenants, members became bound together by mutual honor in what they recognized as an organization extremely unpopular with many of the backcountry’s ruling class.<sup>132</sup>

“A large Body of the Inhabitants in Anson County” swore in 1768 they would assist any person punished or imprisoned for the non-payment of taxes. A Regulator advertisement, in a similar tone to the Anson County proclamation, required all adherents to the oath to stand firmly behind their cause until a resolution was offered that satisfied the majority.<sup>133</sup> An interesting stipulation to this request asks Quakers to “affirm” rather than “swear” given their religious beliefs. Both the Anson petition and Regulator Advertisement 4, demonstrate an emphasis on group solidarity—essential to propelling their protest forward given the backcountry’s diverse population and sprawling landscape. A copy of the Anson County oath reached the hands of William Tryon who pronounced an immediate reaction. (The document was included in a letter sent from

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<sup>131</sup> Regulator Advertisement 10, 21 May 1768, *RD*, 113 and Regulator Advertisement 4, (January 1768?), *RD*, 76 (quoted twice). Presbyterian ministers in the Piedmont proclaimed that by taking these oaths Regulators were breaking both the laws of God and government. Kars, *Breaking Loose Together*, 126.

<sup>132</sup> T. H. Breen explores, at length, the importance of collaboration and trust during the American Revolution. He argues that without the formation of shared identity it would have been impossible to mount such an extensive and successful protest against Great Britain. T. H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence* (New York: Oxford University Press, 2004), xiii; see Chapter 1 for an explanation of this concept. For an extremely thoughtful and developed discussion of the role of honor in southern society see Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982).

<sup>133</sup> Samuel Spencer to William Tryon, 28 April 1768, *CRNC*, VII, 722-726 and Regulator Advertisement 4, (January 1768?), *RD*, 76.

Samuel Spencer to William Tryon; Spencer was an assemblyman and clerk of the court for Anson County.) Tryon explained in a response to Spencer's letter that the "most solemn Oaths derive their Existence in Law;" therefore, the Anson County oath was not binding, at least in his eyes. Commanding Spencer to raise a regiment of Anson County militia, Tryon was hoping for swift action. He insisted by swearing to such oaths and refusing the payment of taxes the Regulators had renounced "Obedience to the Constitutional Laws of their Country."<sup>134</sup> Tryon asked Spencer to find the leaders of this movement and have them brought to trial.

Given the political climate of the 1760s Tryon was right to fear organizations binding themselves together with solemn agreements. Just three years earlier in 1765 he had received a letter from fifty "Gentlemen" expressing their concern over the Stamp Act. They agreed, as a group, to refuse payment of the stamp duty.<sup>135</sup> One-month prior, in October, five hundred colonists gathered in Wilmington, N.C., to demonstrate displeasure against a colonist who had publicly spoken in favor of the Act. Memories of these incidents probably lingered in Tryon's mind as he read the petition from Anson County and the Regulators' advertisements. The authority of Tryon and the British government at large were under question when the people assumed power for themselves.

The scope and scale of this backcountry protest frightened many in power. In an April 1768 letter to William Tryon, Edmund Fanning describes the situation in Orange County—his seat of political power—with great alarm that borders on paranoia. The

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<sup>134</sup> William Tryon to Samuel Spencer, May 1768, *WT*, vol. II, 100.

<sup>135</sup> Address of about Fifty Gentlemen of Brunswick, New Hanover, and Bladen Counties to Governor Tryon, 18 November 1765, *WT*, vol. I, 163-164.

people everywhere were “meeting, conspiring, and confederating by solemn oath” he writes, and “open violence to refuse the payment of Taxes and to prevent the execution of Law, threatening death and immediate destruction to myself and others, requiring settlements of the Public, Parish and County Taxes, to be made before their leaders.”<sup>136</sup> For Fanning, these agreements translated exclusively to social upheaval and illegal acts. He and others must have been frightened by the words of revolt passed amongst some of his constituents in Orange County. Given the intense Regulator activities in April of 1768—the confrontation in Hillsborough between Orange County Sheriff Hawkins and a group of Regulators and the shooting at Fanning’s home—Fanning may be correct in his alarm. But, more important to our current discussion of oral culture, is the correlation between a confederation of citizens and dynamic modes of protest—an agreement severe enough to threaten those outside of its fold.

Little information is known about opposition to the Regulator movement from within the Piedmont area exclusive of the well-documented reaction from local and government officials. One story, highly fragmented in detail and historical context, is significant enough to warrant mention as a means of establishing at least partial dissent from citizens of backcountry and suggestive about the power of words spoken or those implied. William Piggot, a Quaker living in Orange County at the time of the Regulation, was accused sometime in the spring of 1768 of testifying in court against Regulators

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<sup>136</sup> Letter from Edmund Fanning to Governor Tryon, 23 April 1768, *CRNC*, VII, 713. On the role of paranoia in politics see Richard Hofstadter, “The Paranoid Style in American Politics,” *Harper’s Magazine* 229:1373 (Nov., 1964): 77-86 and Gordon S. Wood, “Conspiracy and the Paranoid Style: Causality and Deceit in the Eighteenth Century,” *The William and Mary Quarterly* 3<sup>rd</sup> series, 39 (July 1982): 401-441.

Simon Dixon and Herman Husband.<sup>137</sup> Piggot, writing to Edmund Fanning in May 1768, stated “Those that Calls themselves Regulators” had “Entertained an Oppanion that Brother Jeremiah and I was Qualified when we ware at Court that Simon Dixon and Harmon Husbands was the Ringleaders of the Mob.” The suspected court testimony—sworn true by oath—was enough to enrage a group of Regulators who then threatened the Piggot brothers.<sup>138</sup> Whatever was said to Piggot was severe enough to strike fear into his heart and force him to call on Edmund Fanning for assistance. Fanning wrote a response to Simon Dixon—the accused Regulator—insisting that he did not know of “any Information was Ever made by either of the said William or Jeremiah Piggot, on their Solomon [*sic*] Information or otherwise against yourself Hermon Husbands or any other Person Concerning their being engaged in the Late Miserable unhappy Disturbance.” He further offered that anyone “desirous of being informed as to any particular which has of Late been the Cause of popular Discont[ent] I will endeavour and with Pleasure to Convince you of The the [*sic*] Truth of things.”<sup>139</sup> A “solemn” oath was probably never taken by the Piggots against specific Regulators but the rumor or implied threat of it was enough to warrant severe censure by a group of Regulators against the Piggot brothers.<sup>140</sup>

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<sup>137</sup> William Piggot’s religious orientation is gained through the Orange County Tax Lists, 1779, NCSA. He is noted as being a Quaker and refusing to pay taxes.

<sup>138</sup> Letter from William Piggot to Edmund Fanning, 10 May 1768, Fanning-McCulloh Papers, NCSA. It should be noted that both Herman Husband and Simon Dixon signed Regulator Advertisement 8 as well as other documents indicating the status of Regulators. Regulator Advertisement 8, *CRNC*, VII, 731-732.

<sup>139</sup> Letter from Edmund Fanning to Simon Dixon, 11 May 1768, Fanning-McCulloh Papers, NCSA.

<sup>140</sup> Little research has been published on this matter thus far. This is probably directly related to the scarcity of source material but it is intriguing to wonder if dozens of others had experiences similar to that of William and Jeremiah.

The intriguing exchange of letters among Piggot, Fanning, and Dixon suggests, however tentatively, that Regulators, like their enemies, could be guilty of suppressing liberty in particular situations. Piggot's letter leaves one wondering what conversations occurred in local taverns, at church meetings, or in town commons between oath-bound Regulators and those outside their group. This oral culture is lost to the historical record, but Piggot's written words stand as evidence that some may have viewed the Regulators as vigilantes who were not supporting the liberties of English citizens but rather suppressing the freedoms of some colonists. This episode also demonstrates the Regulators' preoccupation with the power of oaths and solemn agreements; others could tear them apart by using the same forces that bound them together.

The cohesive mechanisms for ensuring solidarity among the Regulators were also relaxed when necessary. In other words, people of the backcountry did not participate in constant protests between 1768 and 1771. Oaths were taken, petitions offered, and advertisements publicized in response to specific offensive actions during particular periods. For instance, during the winter of 1768 Orange County Sheriff Harris' notice that he would no longer collect taxes from people's home forcing them to go instead to distant locations or the General Assembly's bill providing an additional £10,000 for the construction of Tryon's palace produced periods of heated responses. Once these issues were addressed stints of inactivity ensued. It is probable that groups met and discussed social and political matters but did so in an informal capacity.

Herman Husband indicates that when the Regulators officially assembled swearing oaths were a critical means of structuring protestors. He writes that in the early



spring of 1768 the governor's secretary met with Regulators in Hillsborough and promised they would be given his due attention and allowed to write petitions articulating their grievances. According to Husband's account after this accord the Regulators did not officially meet for sometime. He writes in his history of the Regulation that "The formality of Subscribing Articles and Swearing had never been in Use since the Governor's Secretary met us." He goes on to denote the significance of such formal impositions, suggesting that now—with only an informal association—he and others were dedicated "[T]o prevent Mobs and Riots...as they were the only Thing that we feared our Enemies could get an Advantage against us in."<sup>141</sup> Husband indicates that oaths and spoken words provided a vital means of cohesion for the Regulators that built a solid foundation for group action rather than haphazard mob activity.

As noted in the beginning of this section many types of oaths were utilized in the Piedmont for a variety of purposes, some of which were directly intended to inhibit the Regulator movement. During moments of unrest Tryon often called upon county militias for assistance in quelling rioters or protestors. In August of 1768, the governor assembled roughly half of Mecklenburg County's militia. Asking the men to swear an oath that "they would to the utmost of their power support and defend all the laws of the province," Tryon intended to move on Orange County against the protestors. This was one oath many refused to take; the majority of troops believed the Regulators were justified in their actions.<sup>142</sup> Two and a half years later in the spring of 1771 Tryon did

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<sup>141</sup> Husband, *IR*, quote on 280; see 266-281.

<sup>142</sup> *South Carolina Gazette* (Charleston), 3 October 1768, quoted in Kars, *Breaking Loose Together*, 155.

manage to assemble enough militiamen together to engage in a pitched battle against the Regulators.

The same severity of swearing that bound the people of the backcountry together in their regulation of corruption spared their lives in an oath of allegiance. On May 17, 1771, one day after the Battle of Alamance, Governor Tryon issued a proclamation “out of Humanity and in Tender” consideration to every person “who will Come into Camp, lay down their arms, take the Oath of Allegiance and Promise to pay all Taxes” while swearing to submit to the laws of the colony; prisoners of war and Regulators declared “outlaws” were exempt.<sup>143</sup> Historian Marjoleine Kars notes that by the end of the Regulator movement some 6,400 people had taken the oath.<sup>144</sup> Just as oaths of loyalty had formed an organized protest now they too created subservient citizens of North Carolina. Oaths had shifting meaning during the colonial era depending on use and context. Swearing, therefore, was as fluid as the Regulator movement itself.

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<sup>143</sup> Proclamation of the Governor, *WT*, vol. II, 741-742. This same proclamation was offered on several subsequent occasions as well. See, *WT*, vol. II, 745-746, 751, 756, and 774.

<sup>144</sup> Kars, *Breaking Loose Together*, 204; *Maryland Gazette*, 18 July 1771; *Virginia Gazette* (Williamsburg) 20 June 1771. *South Carolina Gazette*, 25 July 1771 (Cites upwards of 6,000 Regulators who have come to take the oath) and 8 August 1771 (Cites upwards of 7,000 Regulators who have come to take the oath).

## CHAPTER IV

### BUSTED WINDOWS AND BROKEN BUILDINGS: THE ROLES OF HILLSBOROUGH AND NEW BERN, N.C., IN THE REGULATION

“Circumstances make men as much as men make circumstances.”

-Karl Marx

Throngs of shouting protesters broke Hillsborough's normal calm during the final days of September 1770. On Tuesday the twenty-fifth, a mob of North Carolina Regulators gathered around the area of King Street near the center of town. After some discussion the group descended upon the “Mansion House” of Edmund Fanning located on town lot 23. As tensions mounted the sounds of shattering glass and splintered wood were heard echoing through the air. The large crowd, using axes and other instruments, broke into the home and began emptying its contents. The surrounding lawn and packed-dirt street filled with broken furniture, articles of clothing, scattered papers, and empty bottles. After Fanning's possessions were either destroyed or carried away, the Regulators turned to the building itself. Once again utilizing their axes and assorted implements, the two-story structure was “pulled down and laid...in ruins.”<sup>145</sup> In this moment of great magnitude, the Regulators violently projected their internal fears and external anger onto objects and buildings, while symbolically manipulating the purpose and function of private space.

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<sup>145</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 244-253 and *Virginia Gazette* (Williamsburg), 25 October 1770.

With this violent act the direction and scope of the North Carolina Regulation changed thereby requiring an adjustment to the methods of investigation for this thesis.<sup>146</sup> Just as documentary evidence proved essential in the last chapter for examining abstract ideas so too will objects, geographic boundaries, and buildings serve as foundations for the work in this section. I will limit the direct use of surviving artifacts but draw extensively from written accounts of the eighteenth-century material world with a careful consideration of the roles that buildings and landscapes—their uses and perversions—played in the Regulation. For instance, by juxtaposing the private home of Edmund Fanning against the very public house attack outlined above, an object forms a component of the analysis expressing potential fluidity in meaning and form. This partial deviation in evidence does not correlate to a change in purpose. Building on the foundations established in the previous chapter, we can now see how the Regulators' sense of group identity played out at the ground level in heated debates and coordinated acts of violent protest. The protesters' sense of solidarity was essential for imposing internal controls on their action and activities in Hillsborough and communicating effectively their potential power.

*Trials and Tribulations—the Hillsborough Superior Court*

Hillsborough and New Bern were subjects of intense verbal sparring and potential victims of violence throughout the course of the Regulator movement. These communities, arguably the most significant in the colony, are central to the ensuing

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<sup>146</sup> This was by no means the first explosive moment in the Regulation as the previous chapter illustrated; yet, the scope of this action would not be matched again until the pitched battle at Alamance in May 1771.

discussion. The Hillsborough riots of 1770—briefly sketched in the paragraph above and fully developed in the section below—require an assessment of social tensions within the backcountry and the conflict between popular custom and royal law. Similar discord is apparent once public taxes mounted for the construction of Tryon Palace, the royal governor’s mansion in New Bern. Both the clashes in Hillsborough and potential for conflict at New Bern were struggles over representations of power at the material and ideological levels.<sup>147</sup> These two towns and the inhabitants within were unusual aberrations in eighteenth-century North Carolina. As Harry Merrens shows by 1775 there were only a dozen towns in North Carolina with less than 2% of the total population residing in urban areas.<sup>148</sup> The occupations of townspeople, the homes they lived in, and their physical environment contrasted with the surrounding rural countryside even if trade, travel, and custom connected both town and country.

Hillsborough had been the subject of Regulator protest and scattered acts of violence since the start of the backcountry’s insurrection. The summer and fall months of 1768 were especially tense. From July 6 through October 2, 1768, Governor Tryon led a sizable military force in an expedition through the backcountry “hoping to intimidate people into renouncing the Regulators,” according to Marjoleine Kars.<sup>149</sup> Tryon and his forces were in and out of Hillsborough throughout the course of the tour. In Tryon’s

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<sup>147</sup> For examples of these rumors during a condensed time frame see Tryon’s Journal of the Expedition into the Backcountry, 6 July 1768 - 2 October 1768, *RD*, 127-145. A specific instance is found in a “Note” in the “Council’s Journal,” Hillsborough, 13 August 1768, *CRNC*, VII, 804. William Tryon discusses the possibility of a Regulator attack on New Bern in a letter to Edmund Fanning. William Tryon to Edmund Fanning, 26 December 1770, *RD*, 298.

<sup>148</sup> Merrens, 142-143.

<sup>149</sup> Kars, *Breaking Loose Together*, 157.

journal of the expedition he describes the occupation of the town. The neatly arranged streets and public square were fortified and guarded under the watchful eyes of armed militia. Military forces converted the Court and Market houses to guard rooms and two cannons were used for the defense of Hillsborough and a nearby camp. A group of twenty men guarded the prison, which had been fortified with two swivel guns and renamed Fort Collet. By securing prominent public buildings and private homes, Tryon braced Hillsborough and its inhabitants for a Regulator attack.<sup>150</sup> According to Herman Husband around 3,700 Regulators went to Hillsborough for the September 1768 court session to have their complaints heard.<sup>151</sup> Despite armed confrontation between militia forces and Regulators violence was avoided. Tryon issued an ultimatum calling for Regulator forces to surrender their arms and pay taxes—the Regulators responded by leaving town.<sup>152</sup> In March of the following year Regulators once again went to court in order to alleviate their grievances but “met with less Encouragement of obtaining Redress in that Way than we had the Court before” in the words of Herman Husband.<sup>153</sup> These events influenced the atmosphere and attitudes in Hillsborough as the fall 1770 Superior Court Session for Orange County approached.

In September a frustrated and increasingly desperate group of protestors descended upon Hillsborough. The destination and purpose of this journey was clear—

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<sup>150</sup> See “William Tryon’s Journal,” *WT*, 144-160, especially 154-156. See also, Kars, *Breaking Loose Together*, 157-160.

<sup>151</sup> Husband, *IR*, 282.

<sup>152</sup> Kars, *Breaking Loose Together*, 159.

<sup>153</sup> Husband, *IR*, 295.

the Orange County courthouse for the bi-yearly court session, which was to begin on Saturday the twenty-second. Through legal process the Regulators hoped to achieve notable reforms, measures which they had largely not seen since their protest's start. This migration to the court was part of a yearly cycle for eighteenth-century British colonists.

Throughout the eighteenth century, court days were an integral part of social interaction. Individuals normally separated by great distances were able to commingle, discuss current events, and be entertained by the proceedings. In a profound sense, the people and their government met on common ground. Power relationships were shaped by and shifted at the court sessions. Rhys Isaac has argued persuasively for the courts' importance stating "In a world where oral culture was strong and custom ruled, the acts of authority were spoken aloud and so assimilated into the fund of necessary community knowledge accessible to all."<sup>154</sup> Few aspects of backcountry life remained untouched by the court systems. Courts regulated tax rates for public works, imposed fines and administered corporal punishment, and dispensed licenses for mills, taverns, and inns.<sup>155</sup> Marjoleine Kars summarizes the impressive power that courts wielded: "through such extensive powers, county court judges upheld social order and shaped economic

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<sup>154</sup> Isaac, 88-94, quote on 91; see also Carl Lounsbury, "The Structure of Justice: The Courthouses of Colonial Virginia," in *Perspectives in Vernacular Architecture, III*, eds., Thomas Carter and Bernard L. Herman (Columbia: University of Missouri Press, 1989), 214-226 and A. G. Roeber, "Authority, Law, and Custom: The Rituals of Court Day in Tidewater Virginia, 1720-1750," in *Material Life in America: 1600-1860*, ed., Robert Blair St. George (Boston: Northeastern University Press, 1988), 419-437. For the importance of courthouses to both North Carolinians in general and Regulators in particular see Alan D. Watson, "County Buildings and Other Public Structures in Colonial North Carolina," *The North Carolina Historical Review*, vol. LXXXII, no. 4 (October 2005): 431.

<sup>155</sup> Richard Bushman offers a thorough discussion of the Orange County court system during this period arguing that the courts served as "dominant influences in the formation of the farmer as a political subject." Richard L. Bushman, "Farmers in Court: Orange County, North Carolina, 1750-1776," in *The Many Legalities of Early America*, eds., Christopher L. Tomlins and Bruce H. Mann (Chapel Hill: The University of North Carolina Press, 2001), 390.

development.”<sup>156</sup> Who held such power was vital to the interests of backcountry folk. The Regulators’ grievances against these bodies were well founded. Abuse was rampant throughout this period—positions were appointed, power rested almost wholly with the elite, and members of the courts used insider knowledge for personal economic gains.<sup>157</sup>

The citizens of Orange County were among the most vocal critics of local government practices as demonstrated in the last chapter. The county supported a sizable population of Regulators—Marvin L. Michael Kay has identified four hundred and forty-five Orange County citizens, out of a population of roughly 4,300, as being known Regulators.<sup>158</sup> A large number of the September 1770 court cases involved known Regulators who felt the court was unwilling to offer justice based upon their experiences in the previous two years. Judge Richard Henderson, a planter and lawyer, probably felt great unease as the September court session approached. To further aggravate the situation neither Chief Justice Martin Howard nor Associate Justice Maurice Moore—prominent North Carolina officials—attended the September court; therefore, Judge Henderson would solely preside over the September court.<sup>159</sup>

Despite difficult traveling conditions, the court session drew large crowds of farm families clad in homespun attire, citizens from outlying areas, and anxious onlookers living in Hillsborough. While travel during the eighteenth century was problematic, the

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<sup>156</sup> Kars, *Breaking Loose Together*, 69.

<sup>157</sup> See Kay, “The Institutional Background to the Regulation in Colonial North Carolina,” 201-208 and Kars, *Breaking Loose Together*, 68-73.

<sup>158</sup> Kay, “The North Carolina Regulation, 1766-1776,” 110. According to records from 1767, Orange County had a taxable population of 4,300. List of Taxables, 1767, *RD*, 219.

<sup>159</sup> Kars, *Breaking Loose Together*, 183.



late summer of 1770 proved especially trying due to severe August rains; nonetheless, the people came in droves. Although exact numbers are unknown, Richard Henderson related to Governor William Tryon that there were 150 Regulators alone on the first court day and that number constantly increased during the following days.<sup>160</sup> By deliberately choosing to amass at a site of such political significance the Regulators could deliver a clear message of their intent, purpose, and, if necessary, potential power.

On Monday, the twenty-fourth, Judge Richard Henderson prepared for the day's proceedings and the court opened in the late morning.<sup>161</sup> According to an account offered by Henderson to Governor Tryon on the twenty-ninth, "early in the Morning the Town was filled with a great Number of these People [Regulators].... At about 11 O'Clock the Court was opened, and immediately the House filled as close as one Man could stand by another; some with Clubs, others with Whips and Switches, few or non without some Weapon!" The large presence of armed men was a dramatic shift in the dynamics of court days. The Regulators utilized the courtroom as a forum to have their grievances addressed. Judge Henderson allowed a member of the crowd to speak. (Henderson's account suggests it might be a man named Fields. According to the deposition of Ralph McNair, taken on October 9<sup>th</sup>, 1770, Jeremiah Fields was present in Hillsborough

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<sup>160</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 247.

<sup>161</sup> According to the Laws of North Carolina, 1766, the Superior Courts were to be annually held on the 22<sup>nd</sup> day of March and September. The Hillsborough Court was responsible for Orange and Granville Counties. Laws of North Carolina, 1766, *SRNC*, XXIII, 691-92; the events that transpired in the court session may be reconstructed but an explanation of sources is required. There are no surviving Regulator accounts of these events found to date. However, both anti-Regulators and newspapers offer information concerning the events in Hillsborough. While many scholars have bemoaned the use of these sources, they can be utilized to gain vital insight into how the Regulation was viewed by others. Further, correlation between sources does allow a relatively accurate outline of the basic events. It is also quite interesting to trace how stories changed over the course of time. This point will receive a detailed treatment in the final chapter of the thesis.

suggesting Judge Henderson is correct.<sup>162</sup>) Summarizing the man's words, Henderson wrote they "had come down to see Justice done, and Justice They would have." A discussion ensued and spokespersons for the Regulators enumerated a series of demands. These words marked a defiant attempt to control power over the court proceedings thus subverting the typical legal process and converting the courtroom into a public forum of debate. After some time "the Mobb Cried Out 'Retire, Retire, and let the Court go on,'" suggesting some disagreement among the group of onlookers and participants.<sup>163</sup> The Regulators slowly filed outside of the courthouse into the public commons.

After a few fleeting moments of quiet the air became excited with noise and shouts. Mr. Williams, an attorney for the court, neared the entrance of the courthouse when the Regulators fell upon him with sticks and clubs. Williams quickly escaped seeking shelter in a nearby storehouse. A group of Regulators then stormed into the courtroom and seized Edmund Fanning from a bench where he was seeking protection. Fanning was dragged out of the building while being hit by onlookers. He too managed to escape into a merchant's store for protection. Then, once again, silence. In an extreme outburst of violence the Regulators' frustration disrupted and temporarily displaced governmental authority at one of most significant locations of centralized authority. The exact motives of the attackers are not documented but their conduct is suggestive—if the

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<sup>162</sup> Deposition of Ralph McNair, 9 October 1770, *RD*, 261.

<sup>163</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 244-245; the most thorough investigation of these events is offered by Wayne E. Lee, *Crowds and Soldiers in Revolutionary North Carolina*, 66-70; see also Wayne E. Lee, "Careful Riot, Virtuous War," 126-131.

court would not offer justice or hear the Regulators' demands than they would dispense a brutal response.

James Hunter along with several other prominent Regulators reentered into the courtroom. They informed Judge Henderson that he should not "be uneasy for that no Man should hurt" him and that he should "hold Court to the end of the term" offering one fundamental stipulation that reveals the essence of their cause. Judge Henderson could continue but that "no Lawyer, The Kings Attorney excepted, should be admitted into Court." With this request the Regulators demonstrated their contempt for and distrust of Edmund Fanning and other lawyers from Orange County while still expressing their desire to uphold the court by asking Henderson to continue. Henderson's narrative becomes vague but it appears that the court proceeded and eventually was adjourned. (In his letter he mentions that it "would be impertinent to trouble" the Governor with the circumstances that occurred after the Regulators' decree to continue; he mentions several members of the court were whipped but he was allowed to proceed.<sup>164</sup>)

Sometime during the evening of the twenty-fourth, Judge Henderson fled town; the court would not open the following day, further enraging the growing crowd of Regulators. It is unclear what transpired during Tuesday morning. Subsequent events are well documented, however, with news eventually reaching as far north as the New England colonies. The Regulators' attempts at legal resolution having failed, they now turned their attention to a hated individual and the symbolic epicenter of his power and wealth. Edmund Fanning, who returned home the previous night, was found in the

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<sup>164</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 243.

morning and forced to leave town.<sup>165</sup> This gesture demonstrates the specificity of the Regulators' targets and their at times self-imposed restraints. Many local merchants, fearing for the worst, fled the town as well. The protestors then turned their attention to the buildings that surrounded them.

*Tearing Down the House—the Home of Edmund Fanning*

Whether the Regulators were projecting fear, anger, or envy when they attacked Fanning's home, their actions and attitudes illustrate that objects possessed metaphorical and symbolic meanings to peoples of the eighteenth century. Amos Rapoport argues for the importance of nonverbal communication in architecture and space by stating, "Material objects first arouse a feeling that provides a background for more specific images, which are then fitted to the material."<sup>166</sup> The audiences and users of buildings, in particular, illustrate divides in perception. To Edmund Fanning his house in Hillsborough, the surrounding outbuildings, and bounteous orchard must have embodied his notable political and economic accomplishments. This same structure and its owner, however, provoked a response of anger among the Regulators for they maintained this wealth was ill gotten. With the physical deconstruction of this large building, the assailants acted with a remarkable degree of coordination, planning, and effort. Their

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<sup>165</sup> The exact chronology of events surrounding Fanning's exit from town will be examined at some length in the next chapter. Eyewitness accounts differ from the renderings offered by newspapers.

<sup>166</sup> Amos Rapoport, *The Meaning of the Built Environment*, (Beverly Hills: Sage Publications, 1983), 14. For an excellent discussion of architecture's potential metaphors see Christopher Tilly, *Metaphor and Material Culture* (Great Britain: Blackwell Publishers, 1999), especially 40-49.

actions also ally with the responses offered by other colonial crowds angry at governing officials throughout the tumultuous middle period of the eighteenth century.<sup>167</sup>

Throughout the eighteenth century those of the lower and middle sorts engaged in acts of violence against the dwellings of despised or distrusted elites. Folklorist Robert Blair St. George traces numerous house attacks occurring in the middle decades of the eighteenth century in New York City, New Jersey, Massachusetts, Philadelphia, and the British West Indies.<sup>168</sup> The individual motives varied by place but the mode of protest—the deliberate destruction of a building—indicate private homes shared symbolic meaning as representations of actual people. St. George argues that the episodes in New England can be linked to social inequities embedded in material differences. He writes, “the masklike qualities of Georgian houses suggests they were the vilified symbol of a standard of living unattainable by working people.”<sup>169</sup> The façade of a structure, especially the imposing, orderly front of a Georgian home, both obscures and admits. Henri Lefebvre contends that what actions “occur *behind* the façade,” are hidden from onlookers thereby becoming sources of intrigue.<sup>170</sup> By destroying these barriers—both physically and symbolically—the inhabitants within and the protestors without are, in essence, equalized.

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<sup>167</sup> Robert Blair St. George traces the Anglo-American origins of house attacks and the assorted symbolic functions over time. He then implicates these larger processes within colonial New England. Robert Blair St. George, *Conversing by Signs: Poetics of Implication in Colonial New England Culture* (Chapel Hill: The University of North Carolina Press, 1998), Chapter 3, especially 242-295.

<sup>168</sup> St. George, 207.

<sup>169</sup> St. George, 281.

<sup>170</sup> Lefebvre, 99.

Edmund Fanning had large property holdings in Hillsborough including the entire northwest block of Churton Street and King Street—minus one lot—and a substantial dwelling. (This area contained lots 21 through 35; Sheriff John Nichols owned lot 24.<sup>171</sup>) The Regulators were probably unaware of Fanning’s exact landholdings but the house shootings in 1768 (referenced earlier) indicate they were alert to the building’s location. Fanning’s home, located on lot 23, connected to a large peach orchard. Little is known about the appearance of this structure but scattered evidence will allow some details to emerge. Richard Henderson refers to the structure as a “Mansion House” suggesting a building of some size and scale.<sup>172</sup> We also learn from Henderson that it was at least two stories in height and of timber-frame construction.<sup>173</sup> A North Carolina law from 1766 provides further details about materials and form. The law required that every building in Hillsborough conform to particular guidelines: anyone who shall “erect, build, and finish, on each lot so entered one brick, stone, or frame house, at least twenty feet long, sixteen feet wide, and nine feet pitch in the clear, with brick or stone chimney.”<sup>174</sup> Other accounts

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<sup>171</sup> Information concerning Fanning’s land ownership was derived from the “Schedule of the Goods & Chattels &c of William Johnston” (remaining in the hands of Richard Bennehan, one of the executors of the last will and testament; 1787) in the Walter Alves Papers, The University of North Carolina at Chapel Hill, Southern Historical Collection and Mary Claire Engstrom, Figure III, “Key to C. J. Sauthier’s Plan of Hillsborough,” “Early Quakers in the Eno River Valley, ca. 1750-1847.” A report on and short history of the still-standing Masonic Lodge (on the lot of Fanning’s home) was written for the Historic American Buildings Survey (HABS). See, HABS, No. NC-268, for the Eagle Lodge, Hillsborough, Orange County, North Carolina.

<sup>172</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 247.

<sup>173</sup> For a detailed discussion of timber-framed construction see Dell Upton, “Traditional Timber Framing,” in *Material Culture of the Wooden Age*, ed. Brook Hindle (Tarrytown, NY: Sleepy Hollow Press, 1981). In his letter to Tryon, Henderson relates, “Timbers support the lower Story, but they are cut off at the Sills.” Richard Henderson to William Tryon, 29 September 1770, *RD*, 248.

<sup>174</sup> Laws of North Carolina, 1766, *SRNC*, XXV, 500-501.

indicate that the building featured a cellar and that several smaller outbuildings were located on the lot. Based upon Henderson’s description of a “Mansion House,” Fanning’s personal wealth, and surviving contemporary eighteenth-century structures that survive it is probable that the structure conformed to the demands of Georgian style prevalent in colonial America among the middle to elite.<sup>175</sup> (See Figure II)

It is not possible to fully consider the material conditions of Hillsborough against those of the backcountry. Some suggestive details emerge, however, that demonstrate degrees of contrast. The *majority* of Regulators were farmers who toiled in fields—either as owners or as tenants—and proudly pronounced the virtues of physical labor and honest living.<sup>176</sup> A detailed analysis of Regulator house types is not possible because of sparse documentation but important generalizations may be drawn. Governor Tryon, observed in 1765, that settlers “coming from the Northward Colonies sat themselves down in the back Counties where the land is the best but who have not more than a sufficiency to erect a Log House for their families and procure a few Tools to get a little Corn into the

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<sup>175</sup> For a discussion of the evolution of urban streetscapes and townhouses see Bernard L. Herman, *Town House: Architecture and Material Culture in the Early American City, 1780-1830* (Chapel Hill: The University of North Carolina Press, 2005).

<sup>176</sup> Kars, *Breaking Loose Together*, see Chapter 1, especially 28-31, for an agricultural depiction of the Piedmont. The predominance of small rural family farms is also noted by Bishir, *et al.*, 49 and 102. For examples of Regulators proclaiming the virtues of labor and farming see, Husband, *A Fan for Fanning*, 343; Herman Husband, *A Fan for Fanning*, 347-348; Petition of the Inhabitants of Orange County To Martin Howard Chief Justice and Maurice Moore and Richard Henderson Associate Judges, *CRNC*, VIII, 234.

Kars and A. Roger Ekirch estimate that in 1780, 29 percent of households in Orange County possessed no land; 36.4 percent owned less than 250 acres; 20 percent owned between 501 and 1,000 acres; and 4 percent owned more than 1,000 acres. See Kars, *Breaking Loose Together*, 30 and 223, n.5. The 1790 Census reflects a similar trend in landholding patterns. In Orange County 60.8 percent of the taxable population owned 250 acres or less while only 11.3 percent of the population owned 501 or more acres; 16.6 percent of household heads owned no land. 1790 Federal Census, Orange County.

<sup>176</sup> Petition from Orange County Inhabitants to Governor Tryon, [May 1768], *RD*, 104.

ground.”<sup>177</sup> These log houses were of very different construction and style than that seen in Hillsborough. Governor Tryon describes the backcountry dwelling house and barn of Regulator James Hunter as “mean.”<sup>178</sup> North Carolina’s farmers employed long-held building traditions and vernacular designs. As architectural historian Catherine Bishir states, “The house plans, barn types, joinery techniques, and brickwork patterns of the backcountry bore the stamp of traditions evolved among Germans and British builders in the mid-Atlantic region and carried south.”<sup>179</sup>

The words that passed among the participants in the Fanning house attack are lost; their actions, however, have been recorded. Enraged by their failures at court and incensed specifically at Fanning’s wealth the large crowd descended upon the mansion house. Utilizing whatever tools were immediately available the Regulators broke down the door of Fanning’s home and flooded in. Objects were the first targets of their destruction. Henderson relates that “every Article of Furniture” was destroyed; then, “His Papers were carried into the Streets by Armfuls and destroyed.”<sup>180</sup> Numerous newspaper accounts tell of broken china and glassware scattered throughout the street. Clad in their homespun linen coats and breeches the group presumably then turned their attention to Fanning’s wearing apparel. His clothing in particular had proven to be a subject of the

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<sup>177</sup> William Tryon to Sewallis Shirley, 26 July 1765, *WT*, Volume I, 139. On the predominance of wood as a building material see Bishir, *et al.*, 9-18.

<sup>178</sup> “Journal of the Expedition against the Insurgents,” 21 May 1771, *WT*, vol. II, 724. For a discussion of material distinctions predicated upon wealth during the same period in Virginia see Richard R. Beeman, *The Evolution of the Southern Backcountry: A Case Study of Lunenburg, Virginia, 1746-1832* (Philadelphia: University of Pennsylvania Press, 1984), especially Chapter One.

<sup>179</sup> Bishir, *et al.*, 54.

<sup>180</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 247.



Regulators' ridicule and disgust as noted in a song time from the period—"he's laced his coat with gold."<sup>181</sup> In the hands of the crowd this finery became tattered and torn.

Fanning's physical absence caused the crowd to mock his personage in the form of an effigy. Men gathered some of his scattered garments and "stuck them on a pole, paraded them thro' the streets."<sup>182</sup> In this gesture, the Regulators emblematically had gained control over their enemy and, in ceremonial fashion, paraded him through the streets in mockery. Items that the Regulators believed had been bought with their stolen money were now manipulated in protest. Because Fanning had been unable to properly serve them justice, his effigy would be displayed for all to see and judge. These actions were "an inversion of established norms," to use the language of Robert Blair St. George.<sup>183</sup>

After parading the Fanning effigy the Regulators' resolve increased, as did their levels of violence. Turning to his home, they once again sought to turn the world upside down. Firmly gripping axes and other sharp instruments the Regulators began to destroy the home of Fanning. The loud crash of splintering wood echoed through the air as these men cut, broke, and pulled apart the heavy hand-hewn timbers of the wooden structure. By the time they were finished they had "laid the Fabrick level with its [the home's] Foundation." They then turned to the cellar, which they broke into and emptied of its

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<sup>181</sup> Quoted in Whittenburg, "Planters, Merchants, and Lawyers," 231. A letter from Edmund Fanning to Richard Bennehan includes a request for "double Gold Do. [lace] for a Jacket plain Narrow and good," thereby indicating the Regulators' descriptions of Fanning's clothes may be accurate. Letter from Edmund Fanning to Richard Bennehan, 13 July 1767, *CRNC*, VII, 507.

<sup>182</sup> "An Account of the Regulators," *Evening Post* (Boston), 12 November 1770, *RD*, 255.

<sup>183</sup> St. George, 251. For a full discussion of effigies see, 250-261

contents.<sup>184</sup> Some newspaper accounts claim that stores of liquor held in the cellar were quickly consumed but none of the recollections of Henderson or other town's people mention this detail. As silence returned Fanning's lot was covered with debris, the lawn strewn with papers, broken furniture and glass, and clothing. His mansion house had only "a few Timbers" remaining that were "cut off at the Sills." Henderson pronounced, "a small Breeze of Wind will throw down the little Remains."<sup>185</sup>

If the destruction of Fanning's home overtly demonstrated the Regulators' unrestrained power, their other actions in Hillsborough were suggestive of ritualized, more limited violence. Henderson relates that the crowd broke "the Windows of most of the Houses in Town.... The Merchants and others are taking possession of their shattered Tenaments."<sup>186</sup> In her analysis of similar events in New England, Pauline Maier argues, "Even within this surge of violence the hand of restraint was apparent. A line was usually drawn at lesser forms of harassment: window breaking, the 'besmearing' of signs, suggestions of impending violence."<sup>187</sup> The Regulators had inflicted the greatest violence upon the specific target of Edmund Fanning. The other activities aligned with a "traditional understanding of the 'correct' form of riotous protest. They were legitimate in a way that uncontrolled havoc was not" according to Wayne Lee.<sup>188</sup>

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<sup>184</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 247.

<sup>185</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 248.

<sup>186</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 248.

<sup>187</sup> Maier, 128-129.

<sup>188</sup> Lee, *Crowds and Soldiers in Revolutionary North Carolina*, 68.

Following the Hillsborough riots an outpouring of reactions came from participants, victims, and the government. One newspaper account reveals an exchange between a group of Regulators and Edmund Fanning. The Regulators, stressing devout allegiance to their cause and the perceived justness of their actions, “offered Fanning to repair his house and make good all his damage, if he would repay the money he had unjustly taken from them.” Fanning was not willing to concede. To this offer “he answered, that he only wanted revenge & revenge he would have &c.”<sup>189</sup> Despite the brevity of this account it relates the dichotomy in point of view. The same individuals who deliberately destroyed the home of Fanning—an act they believed was just because of his injustice—were willing to rebuild what was lost if repaid the money that was allegedly stolen. Fanning and others did not perceive the house attack as anything but wanton violence that deliberately overturned the social systems of North Carolina.

The Regulators delivered a public statement some months after attacking Hillsborough further reinforcing the perceived legitimacy of their cause. After the destruction of Fanning’s home it was suggested that the protestors stole money. Once word of this insult reached a group of Regulators, a public statement was issued. “Whereas we the Regulators...have heard A Report that we have...Taken some considerable quantity of money Belonging to Mr. Edmond Fanning At the time when his house & goods were Destory’d...We Don’t Design to lye under Such slurs & as we Always count ourselves Amongst the Number of Loyal Subjects.”<sup>190</sup> This statement

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<sup>189</sup> *Boston Gazette*, 21 October 1771, *CRNC*, VIII, 645.

<sup>190</sup> Regulators’ Statement on Edmund Fanning, 20 November 1770, *RD*, 274.

might seem paradoxical, for the same individuals who had inflicted over £1,500 of damage to private property were insulted deeply by an accusation that money was stolen. To those participants, however, the violence enacted against Fanning's home was induced by the victim's behavior according the mores they held dear. E. P. Thompson summarizes: the "men and women in the crowd were informed by the belief that they were defending traditional rights or customs; and, in general, that they were supported by the wider consensus of the community."<sup>191</sup>

If the Regulators' homegrown sense of ethics ruled their lives the edicts of government ruled the lives of all colonists. In the early winter of 1771 Governor Tryon and his council had written an answer to the Hillsborough riots in the form of a bill proposed by Samuel Johnston—lawyer, merchant, and representative of Chowan County—on December 15<sup>th</sup>. Subsequently known as the Johnston Riot Act, this action severely restricted the liberties of all North Carolinians but was specifically directed at the Regulators.<sup>192</sup> Signed by the governor on January 15<sup>th</sup>, the colony issued a powerful warning to the Regulators. The Act stipulated "That...any Persons to the Number of ten or more, being unlawfully, tumultuously and riotously assembled together, to the disturbance of the Public Peace" must disperse under the request of officials. Any

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<sup>191</sup> Thompson, 188. The figure of £1,500 worth of damage was derived from Edmund Fanning's own estimate. See, "Josiah Martin to Mr. Speaker and Gentlemen of the House of Assembly," *CRNC*, IX, 548.

<sup>192</sup> For a discussion of the Riot Act see Kars, *Breaking Loose Together*, 187-188; and Lee, *Crowds and Soldiers in Revolutionary North Carolina*, 72-73. The full text of the Riot Act is found in the *CRNC*, VIII, 481-486 or *RD*, 327-332.

individuals failing to do so would be considered “Felons and shall suffer Death as in Case of Felony and shall be utterly excluded from his or their Clergy.”<sup>193</sup>

In the spring and summer months of 1771, and in the wake of the Battle of Alamance, Governor Tryon lead his victorious army deep into the North Carolina Piedmont burning the fields and homes of prominent Regulators. On May 21, James Hunter, “the General of the Rebels,” lost his “dwelling House, Barn, &c” to fires set by Tryon’s troops.<sup>194</sup> This force then moved to the 600-acre farm of Herman Husband eventually destroying his home, fences, and fields of crops. Similar acts of destruction continued until the expeditions end on June 21.<sup>195</sup> The purposes and legal sanctions of these act diverged from the Regulators’ uprising in Hillsborough. However, the events are connected by the very destruction created. Homes, property, and material wealth translated to power that could be displaced or usurped if the means of accumulation were deemed contrary to social sanctions—who held the power to act was significant indeed.

*Conflicting Visions for a Changing World—Buildings and Barricades*

Following the Hillsborough riots in September 1770 the levels of terror and confusion in North Carolina increased with the destruction of Judge Henderson’s property. On the night of November 12<sup>th</sup> the barn, stables, and several outbuildings belonging to Henderson were consumed by fire; several horses and a stock of corn were

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<sup>193</sup> “An Act for Preventing Tumultous and Riotous Assemblies,” 15 January 1771, *RD*, 327.

<sup>194</sup> Journal of the Expedition against the Insurgents, 21 May 1771, *WT*, vol. II, 724.

<sup>195</sup> For a full account see Tryon’s “Journal of the Expedition against the Insurgents,” 20 April to 21 June 1771, *WT*, Volume II, 716-731. See also Kars, *Breaking Loose Together*, 203-205.

lost as well. Two days later, on the fourteenth, another fire destroyed the main house.<sup>196</sup> One newspaper account, speculating on the origins of the blazes, maintained, “the most violent Suspicion arises of its having been done by the Regulators.”<sup>197</sup> While the charges never were proven many in the colony must have taken great measures to protect their property and possessions, while quietly whispering the deepest fears. More immediately, however, these acts—whichever the culprits—may have provoked Henderson and his brother Thomas to warn the Governor’s Council of the Regulators imminent arrival in New Bern to disrupt the Assembly and possibly repeat their Hillsborough performance.<sup>198</sup> Other North Carolinians, fearing the same, alerted authorities of a potential attack. Action was swift.

In the wake of such warnings and following the Hillsborough riots the colony’s government officials and militia leaders rapidly exchanged letters with warnings of and making preparations for another Regulator attack. Governor Tryon was at the center of this correspondence calling upon militia forces to make ready and engage Regulator forces as they marched towards New Bern. The content of these letters suggests increasing levels of militancy and resolve on the part of Tryon and others. These fears were not unfounded. As with Hillsborough, New Bern’s prominent buildings and

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<sup>196</sup> Council Journals, 19 November 1770, *CRNC*, VIII, 258-259.

<sup>197</sup> *Pennsylvania Gazette*, 3 January 1771. The article’s citation indicates that the original article was derived from a New Bern article originally printed on 23 November 1770.

<sup>198</sup> Council Journals, 19 November 1770, *CRNC*, VIII, 260. Also, Kars, *Breaking Loose Together*, 186.

political significance marked the town's significance and indicated a potential target of Regulator violence.<sup>199</sup>

The town of New Bern had plagued the thoughts of many Regulators beginning especially in the late fall of 1766. On November 12, 1766, Edmund Fanning introduced a bill to construct of a governor's residence in the eastern North Carolina city that was to be the new capital. Twelve days later the measure passed with an appropriation of £5,000. The backcountry's response was limited; however, as costs escalated the mansion was treated with greater interest. In the final days of 1767, Tryon informed the Assembly more money was needed and by early 1768, the assembly provided for an additional £10,000. In early February 1768, Sheriff Tyree Harris posted a notice at the Orange County courthouse for the year's tax levy; every Orange County freeholder would be required to pay ten shillings eight pence. Over the period of the next three years a sum of eight shillings per head would be extracted for the construction of this edifice.<sup>200</sup> (See Figure III)

Citizens of the backcountry and outspoken Regulators expressed reservations about the cost, scale, and location of the governor's future home. In a region where money was scarce this added tax proved especially burdensome. Some questioned the very need for such a grand building. A deposition from Tyree Harris reported "Wm. Butler who appeared to be a Leader amongst them [the Regulators] declare himself to this purpose, 'We are determined not to pay the Tax for the next three years, for the Edifice or

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<sup>199</sup> Tryon to the Assembly, 5 December 1770, *RD*, 286-291.

<sup>200</sup> Dill, 128-129 and Powell, *WT*, vol. II, xxi-xxiii.

Governor's House We want no such House, nor will we pay for it.”<sup>201</sup> The citizens of Rowan and Orange Counties were apparently in agreement with Butler. In a petition to the North Carolina House of Representatives they pleaded, “to take it into your serious Considerations the sums to Erect a Publick Edifice it is a Pitiful Consideration to us poor Wretches to think where or how we shall Raise our Parts, of the sd. Sums Designed for that Purpose.”<sup>202</sup>

For Tryon and other members of the elite the construction of this palace solidified both the government's position and their social rank. Constructed of brick and built on a grand scale, the palace was a powerful symbol emblazoned upon a landscape of modest wooden dwellings. Rhys Isaac, writing on the significance of such structures, contends “The new style of building conveyed a whole set of social values and assumptions through attention to mathematical proportion and through the invariable usage of a three-part design.”<sup>203</sup> Governor Tryon, recognizing the monumentality of the project in his remarks to the Council and Assembly, thanked the country for allowing the construction of a most “Elegant and Noble Structure” that “is a public Ornament and Credit to the Colony” and “will remain a lasting Monument of the Liberality of this Country.”<sup>204</sup> The colony of North Carolina was not alone in such an extensive undertaking. Tryon Palace, the Governor's Palace in Williamsburg, Virginia, and the Governor's Mansion in

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<sup>201</sup> Deposition of Tyree Harris, 3 August 1768, *RD*, 152.

<sup>202</sup> Petition of Citizens of Rowan and Orange Counties, 4 October 1768 [to the House of Representatives of North Carolina], *RD*, 187. Further evidence is offered from a letter written in Mecklenburg, North Carolina, reprinted by the *Chronicle*, a Boston newspaper. See, *RD*, 195.

<sup>203</sup> Isaac, 34-42, quote on 37-38.

<sup>204</sup> William Tryon to the Assembly and Council, *WT*, vol. II, 533.



Charleston, South Carolina, were all constructed during the same decade, all bore similar designs, and spoke to a changing material and social world. (See Figure IV)

By the fall of 1770, fears over a possible attack reduced the town of New Bern and Tryon Palace to places of fortification—a disruption of Georgian opulence caused by the Regulators’ uproar. On November 20, 1770 Tryon penned to John Simpson that “the Body of People who style themselves Regulators intend coming to Newbern” to intimidate the General Assembly. Tryon commanded Simpson to engage the Regulators in the country and delay their arrival in New Bern.<sup>205</sup> Within the town itself other preparations were being hastily made. After the incidents in Hillsborough, Tryon wanted to make certain his newly constructed palace would not meet the same fate. Indeed, Tryon noted in one document that the Regulators had given many threats “that they would lay the town [New Bern] in Ashes.”<sup>206</sup> Accordingly, Tryon fortified the outer limits of New Bern.<sup>207</sup>

Black and white laborers engaged in the laborious task of fortifying New Bern and its recently finished palace.<sup>208</sup> The *South Carolina Gazette* described the defenses as

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<sup>205</sup> William Tryon to John Simpson, 20 November 1770, *WT*, vol. II, 524. See also William Tryon to Richard Caswell, 20 November 1770, *WT*, vol. II, 525.

<sup>206</sup> Council Journals, 23 February 1771, *CRNC*, VIII, 501.

<sup>207</sup> *Maryland Gazette*, 9 May 1771. The original article appeared in Charleston, South Carolina, 11 April 1771. See also, Tryon’s request to the Board to finish entrenching the town of New Bern, Council Journals, 23 February 1771, *CRNC*, VIII, 501.

<sup>208</sup> Records indicate the use of “Negro hire” and “Sundry Labourers” for the construction efforts. See “An Account of Money Disbursed...” for the Regulators Expedition, with receipt from John Hawks to Governor Tryon, 22 April 1771 and Receipts given by John Hawks, 21-23 February 1771, State Treasurer’s Papers, both quoted in *A Documentary History of the Building of Tryon Palace* (Compiled for the Tryon Palace Restoration, April 1992), 129 and 124.

an “entrenchment or barricade.”<sup>209</sup> The line of entrenchments stretched 1,500 yards in length, cost upwards of £500, and featured cannon according to historian Alonzo Dill.<sup>210</sup> Unlike the home of Edmund Fanning, however, the palace would not be destroyed nor even attacked by Regulator forces. The Regulators’ actions created substantial disruptions to the neat refinement imposed on the towns’ articulated landscapes creating, at least for brief periods, a statement of the backcountry’s power upon the town of New Bern. Tryon Palace survived the turmoil of the Regulator and the winds of a hurricane years later only to meet its final end in a fire on the night of February 27, 1798.<sup>211</sup>

The episode of collective violence in Hillsborough, potential attacks on New Bern, and the varied perspectives revealed through recorded word greatly inform the debate over the meanings of the Regulation. The destruction of Fanning’s home and threats against Tryon Palace demonstrate the protesters’ internally sanctioned sense of justice. These buildings both symbolically expressed the protesters’ charges of corruption and injustice; their destruction—real or potential—in essence equalized Regulator and resident. Town dwellers and political officials viewed such acts as unwarranted violence and unruly mob action. These individuals were informed through a strict understanding of the colony’s legal codes, which contrasted sharply with the protesters’ organic social customs. The complexities of these episodes expose contradictory notions of just behavior and underlying causes of social tension in colonial North Carolina.

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<sup>209</sup> *South Carolina Gazette*, 11 April 1771.

<sup>210</sup> Dill, 149-150.

<sup>211</sup> Dill, 259-260.

CHAPTER V  
THE POWER OF PRINT:  
NEWSPAPERS, PAMPHLETS, AND THE REGULATION

“Many strange Tales daily arrive, over Land, from North-Carolina, but vary so much, that it is impossible to tell which we may give most Credit.”

*-Maryland Gazette 1771*

The materials of ink and paper became powerful weapons in a protest that, at its most volatile moments, cast blood upon the North Carolina landscape. Even as the Regulation still gripped the backcountry, both participants and anxious onlookers wrote histories of this struggle. Audiences read or purchased these accounts in two main forms: newspapers and pamphlets. Three tracts, two published by Herman Husband in 1770 and another anonymous work (probably of Husband’s hand) from the following year, offered what were described as objective retellings of the protest. More immediate and frequent news was found in monthly or even weekly articles in newspapers spanning the colonies and even across the Atlantic Ocean. The publishers and writers of this print media captured the perspectives of both Regulator and anti-Regulator while integrating their own prejudices. Within this complex web of writings and documents emerge competing meanings and histories of the Regulation, which tell us more about the goals of outside observers than of internal participants thereby opening windows into the inter-colonial significance of a revolt in the North Carolina backcountry.

In 1771, an author noted that the history of the Regulation would be difficult to record, as it is “almost impossible to obtain good, and proper information.” A Maryland newspaper, bemoaning the great diversity in information, claimed: “Many strange Tales daily arrive, over Land, from North-Carolina, but vary so much, that it is impossible to tell which we may give most Credit.”<sup>212</sup> Throughout the Regulator movement stories of conflict, tales of battle, and records of protest permeated newspapers across North America; this coverage, however, was especially prominent in the final two years of the Regulation, 1770 and 1771. How these events were printed, what notable changes occurred in the storyline, and how the papers’ geographic locations affected the reporting of events. This broader context, largely ignored by historians to date, reveals how the Regulation was both viewed and used by contemporary audiences. In a narrow sense Regulators were persons who signed paper petitions in the Piedmont of the North Carolina or swore oaths of allegiance. But, what of those newspaper publishers who filtered the Regulators’ stories through their political lenses in order to make readers sympathetic to the plight of North Carolinians? The potential adherents to this struggle—at least in principle—spanned eastern North America. Conversely, the articles printed by other papers, which portrayed the Regulators in negative terms could motivate audiences to vocally denounce the protest. To simply view this struggle as a localized protest against North Carolina’s colonial government fails to consider fully how the Regulation

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<sup>212</sup> Herman Husband, *A Fan for Fanning*, 341 and *Maryland Gazette*, “Charles-Town (*South Carolina*) April 11.” 9 May 1771.

was received, through what lenses colonists' interpreted events, and how events in North Carolina were manipulated to bolster, in particular, New England protests.<sup>213</sup>

*A Hailstorm in Hillsborough—Newspapers and the Regulators' Riot*

Almost before the echoes of protest died away in September of 1770, news of the Hillsborough riots began circulating. Within four days Judge Richard Henderson had composed a detailed account of the events in town for Governor Tryon. The following day several townspeople put pen to paper in an attempt to seek royal intervention in restoring tranquility to the backcountry.<sup>214</sup> By October 5<sup>th</sup> an article printed in New Bern discussed the riot—from this story news quickly spread to papers in Massachusetts, Pennsylvania, and Virginia. (Since the October 5<sup>th</sup> edition is now lost scholars only assume that the story was printed in New Bern's *North Carolina Gazette*.) Two and a half months later this same account in slightly different form appeared in most English papers.<sup>215</sup> The information related, the author or authors' perspectives, and the reconstruction of events is pivotal to understanding this crucial event within a broad, indeed, trans-Atlantic context. But first, some background information explaining the North Carolina press must be established.

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<sup>213</sup> I am intellectually indebted to Benedict Anderson's work on this account. It engaged me to critically re-examine my evidence and more fully think about its potential impact upon audiences outside of North Carolina. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 1983), especially Chapter 2. For other excellent discussions see also David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: The University of North Carolina Press, 1997), Chapter 1, especially 33-34 and Charles E. Clark, *The Public Prints: The Newspaper in Anglo-American Culture, 1665-1740* (New York: Oxford University Press, 1994), Chapter 10.

<sup>214</sup> Richard Henderson to William Tryon, 29 September 1770 and James Watson and others to William Tryon, 30 September 1770, *RD*, 244-248.

<sup>215</sup> Creston S. Long, "The North Carolina Regulators: Representation and Interpretation in Colonial, Scottish, and English Newspapers," (M.A., thesis, Wake Forest University, 1997), 31 and 92-97.

During the latter part of the eighteenth century the *North Carolina Gazette* and *The Cape Fear Mercury* served as the primary newspapers for North Carolina.<sup>216</sup> In 1751, James Davis accepted an appointment as public printer in New Bern. The *North Carolina Gazette* continued irregularly and under different names until 1778. The *Cape-Fear Mercury* formed from a crisis of representation and patronage in the North Carolina press. In the early 1760s Andrew Steuart was recruited to establish a press in Wilmington, which was supported by the governor and royal council. James Davis, with backing from the lower house, continued to serve as a public printer in New Bern.<sup>217</sup> In 1769, Steuart died and Adam Boyd assumed control of his equipment and began publication of the *Cape-Fear Mercury* in Wilmington.<sup>218</sup> Those who supported these papers both politically and financially must have influenced the articles printed within the pages of these newspapers; as one scholar writes, the “newspaper’s publisher...changed from being a merchant of news to being a dealer in public opinion.”<sup>219</sup>

From the original October 5<sup>th</sup> New Bern article various printers derived the content of their story, each exhibiting variations ground in their specific paper’s format, the publishers’ demands, and local circumstances. Deviations within a central storyline

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<sup>216</sup> Unfortunately, no extant copies of these papers survive from the Regulator period; however, copies of articles do appear in other colonial newspapers.

<sup>217</sup> On the influence of money upon the press see Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, Thomas Burger, trans. (Cambridge: The MIT Press, 1989), 184-188 especially.

<sup>218</sup> For a summation of these events see Robert M. Weir, “Newspaper Press in the Southern Colonies,” in *The Press and the American Revolution*, eds., Bernard Bailyn and John B. Hench (Worcester: American Antiquarian Society, 1980), 107-108 and Sidney Kobre, *The Development of the Colonial Newspaper* (Gloucester, Mass.: Peter Smith, 1960), 179-180.

<sup>219</sup> K. Bücher, quoted in Habermas, 182.

are few and mainly include the deletion or addition of paragraphs or phrases.<sup>220</sup> (For the sake of clarity the Hillsborough article appearing in the *Virginia Gazette* will serve as the main reference unless other paper titles are required to illustrate a particular point; the word *article* will be pluralized throughout since multiple copies are under examination.) The overall content of these stories must be examined in conjunction with letters presented to Governor Tryon about the event and depositions offered by townspeople and other witnesses. Judge Richard Henderson's letter to Governor Tryon, in particular, is of prime importance because of his linkages to the government and potential use as a source for the initial newspaper article. A comparison among all these accounts reflects the overwhelming power of representation in the recorded word. Examining each of these sources in conjunction with the others produces multiple chronologies and divergent storylines. Such discrepancies force us to carefully consider source material when reconstructing the Regulators' past.

Each of the articles begins with a revelation of sources and explanation of content to serve as statements of authenticity. The papers note: "On Wednesday last, a special Messenger arrived in Town from Granville County, to his Excellency the Governor, with the melancholy Account of a violent Insurrection, or rather Rebellion, having broke out in Orange County, among a Sett of Men who call themselves Regulators."<sup>221</sup> The

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<sup>220</sup> I originally thought that any deviations or additions to the different versions of the story were political in nature. After several careful readings however, I could not discern notable differences in the article's overall argument or recounting of events. Wayne Lee corroborates in my assessment. See Lee, *Crowds and Soldiers in Revolutionary North Carolina*, 255, n.17.

<sup>221</sup> Slight variations occur in typesets but this basic relation is found in the following papers from the study sample of newspapers: *Virginia Gazette* (Williamsburg) 25 October 1770; *Pennsylvania Gazette*, 8

messenger probably was delivering Richard Henderson's report to Governor Tryon. From Henderson's September 29<sup>th</sup> letter we learn he is writing from Granville—his location after fleeing Hillsborough on September 24<sup>th</sup>—and presenting Tryon among the earliest if not first report of this event. The reader also is informed of the gravity of this account given the involvement of Governor Tryon and the potentially explosive situation he faced. In startling terms the article records, "a violent insurrection, or rather rebellion," had broken out in Orange County instigated by self-proclaimed Regulators. A close reading of these words is especially striking when considered against the overt differences between insurrections, which are uprisings of the people and rebellions attempting to overthrow government—ideas explored earlier.

Word of a rebellion in the North Carolina backcountry created a sense of fear and impending crisis for the Eastern seaboard and readers in the mother country. In Creston Long's analysis of newspaper coverage of the Regulation he notes a dearth of reports in the period from 1769 to 1770.<sup>222</sup> What little information the public received could prove highly influential in the opinions formed. By portraying the Regulation in terms of an overt rebellion newspaper writers were imposing a particular interpretation of events that would serve as the dominant reality for some readers. Throughout the Regulation the protestors consistently attempted to balance their actions within the boundaries defined by eighteenth-century custom. The disturbance in Hillsborough, from this account, sapped the whole foundation of civil government—a violation of "the laws of God and

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November 1770; *Evening Post* (Boston), 12 November 1770 [microfilmed copies]; *Annual Register* (London), 1770, *RD*, 255-258.

<sup>222</sup> Long, 34-35.



man.”<sup>223</sup> As the earlier exploration of the Hillsborough riot noted the Regulators believed that they had acted justly and issued two statements to that effect. (As indicated in the last chapter the first Regulator article appeared in the *Boston Gazette*, 21 October 1771, and the second statement was issued to Edmund Fanning directly on 20 November 1770.) The October 5<sup>th</sup> story creates a disparity between the papers’ words and those printed by Regulators. It is difficult to determine how audiences received these different versions, but it is quite clear that the Regulator movement assumed increasing complexity even for events of recent past.

The charge of rebellion is just one accusation among many in the newspaper accounts, which rhetorically heighten the Regulators’ levels of violence. Information about the treatment of Richard Henderson will serve to illustrate this point. Each of the papers under study recount that a group of Regulators “ascended the bench, shook their whips over Judge Henderson, told him his turn was next, ordered him to pursue business.”<sup>224</sup> Compare this public account with Henderson’s words written privately to Governor Tryon: his “[t]houghts were much Engaged” for his “own protection, but it was not long before James Hunter and some other of their Chieftons came and told Me not to be uneasy for that no Man should hurt Me on proviso.” He continues by noting the assailants forcibly urged him to continue with the proceedings but that “no Lawyer, The Kings Attorney excepted, should be admitted into Court, and that they would stay and see

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<sup>223</sup> *Virginia Gazette* (Williamsburg), 25 October 1770.

<sup>224</sup> This exact sentence appears in: *Virginia Gazette* (Williamsburg), 25 October 1770; *Evening Post* (Boston), 12 November 1770 [microfilmed copy]; *Annual Register* (London), 1770, RD, 255-258.

Justice impartially done.”<sup>225</sup> Another man, Ralph McNair—a Scottish merchant from Hillsborough—deposed his account of the events in Hillsborough to a public court on October 9<sup>th</sup>. He testified, “That some of the Number attempted to strike Richard Henderson Esq. Associate Judge.”<sup>226</sup> The public descriptions of the court attack, as recorded both in print and court, describe an attack on Judge Henderson, which he fails to note in his private correspondence to William Tryon. Perhaps all of these reports contain some degree of truth—discerning absolute validity is an irreconcilable proposition given the limited sources and misses the central point of assessing content. In a struggle over representation the printed word assumes a significant degree of power. Charges that Henderson—a judge and official of the government—was attacked had severe implications for public opinion of and potential repercussions for those involved.

In the litany of details the story of Edmund Fanning also emerges as highly significant to this examination of discrepancies and perspectives. According to Henderson’s letter the Regulators determined to put Fanning to death immediately on the morning of Tuesday, September 25<sup>th</sup>. Some of the more “Humane” members “turned Him out in the Street and spared His Life on no other Condition than that of his taking the Road and continuing to run until He should get out of their Sight.”<sup>227</sup> The Regulators then proceeded to destroy his home and large quantities of personal property. All the newspaper accounts under consideration note, however, that though Fanning’s home was

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<sup>225</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 246.

<sup>226</sup> Deposition of Ralph McNair, 9 October 1770, *RD*, 261.

<sup>227</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 247.

ruined, the rebels' revenge was not yet sated. Therefore, "they again pursued him, cruelly beat him, and at length with dogs hunted him out of town, and with a cruelty more savage than bloodhounds stoned him as he fled."<sup>228</sup> While Henderson describes, in detail, the first attack on Fanning, he records nothing about this second incident. We learned earlier that Henderson fled on Monday evening and was informed of all subsequent actions from several different eyewitnesses—an important caveat to his portrayal of events but not a complete explanation for these deviations.

Finally, questions arise over the type and use of weapons, which, for eighteenth-century audiences, translated to issues of legitimacy. Scholars Wayne Lee and Pauline Maier note the differences in eighteenth-century ideology between the use of weapons like whips or switches and pistols or guns. Pistols or guns implied more deadly force and, as such, were direct affronts to the law while whips and switches were used to circumvent the law.<sup>229</sup> In the descriptions of both Judge Henderson and Ralph McNair clubs, switches, and whips are mentioned. Specifically, McNair writes the Regulators were "armed with Wooden Cudgels or Cow Skin Whips."<sup>230</sup> Once again the articles portray something quite different: "a very large number of these people headed by men of considerable property, appeared in Hillsborough, armed with clubs, whips, loaded at the ends with lead or iron (a stroke from which would level the strongest man) and many

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<sup>228</sup> *Virginia Gazette* (Williamsburg), 25 October 1770. The same outline of events is described in the *Evening Post* (Boston), 12 November 1770 and the *Annual Register* [London], 1770.

<sup>229</sup> See especially, Maier, 139-140 and Lee, *Crowds and Soldiers in Revolutionary North Carolina*, 67-69 and 256, n.19.

<sup>230</sup> Deposition of Ralph McNair, 9 October 1770, *RD*, 261.

other offensive weapons.”<sup>231</sup> The added severity of these weapons possibly served to cast the Regulators once more in a more ominous light.

Conflicting reports, geographic distance from the epicenter of action in Hillsborough, and the papers’ financial supports and reading audiences each contributed to the inconsistencies found in reports of the Hillsborough riots in 1770. The portrayals of the Regulation cast within the pages of these newspapers lent a degree of authenticity given the permanency of print. Inflating details because of political leanings or ignorance does not negate the potential consequences of a story. Establishing control over such histories was of prime importance to Regulators, anti-Regulators, and neutral observers.

*Slanders, Aspersion, and Attacks—The “Massachusetts Spy”*

Among the newspaper accounts of the Regulator none are more dramatic in tone and content than that of the *Massachusetts Spy*. After Isaiah Thomas assumed control of the paper in 1770, he implemented a series of substantial revisions redirecting the paper’s style and potential readership. Most significant among these overhauls was a reduction in printed articles; smaller amounts of information appeared more frequently whereby Thomas hoped to reach the working classes. He noted, now “mechanics, and other classes of people who had not much time to spare from business” could enjoy the news.<sup>232</sup> Under Thomas’ leadership and with these substantial alterations the *Massachusetts Spy* became

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<sup>231</sup> *Virginia Gazette* (Williamsburg), 25 October 1770. Wayne Lee discusses the different descriptions of weapon types in his excellent study of revolutionary North Carolina. Lee also makes some reference to the changing version of events in the newspaper accounts; however, our ultimate purposes are quite different. Lee utilizes this evidence for the purposes of demonstrating the Regulators’ reliance on legitimated forms of violence. I am much more concerned with the political ramifications of these accounts and the importance of one’s perspective when judging and writing about particular events. For Lee’s discussion see *Crowds and Soldiers in Revolutionary North Carolina*, 66-70 and 255-256 n.17-28.

<sup>232</sup> Isaiah Thomas quoted in Weir, 133.

a powerful forum for the discussion of radical ideas. The paper's political leanings did not escape the watchful eye of government. In 1771, Massachusetts Governor Thomas Hutchinson prosecuted the paper for libel; this effort was unsuccessful, however, as juries failed to return indictments.<sup>233</sup> Hutchinson's fears about the paper's radicalism are apparent in the *Spy*'s portrayal of events in North Carolina. Most of the articles assume a confrontational tone with royal policy and unabashedly support the Regulators—allegiance to the Regulators' cause, however, relates more directly to the politics of the *Massachusetts Spy* than an unwavering support for the backcountry's protest.

On June 27, 1771, the *Massachusetts Spy* issued six “queries” to Governor Tryon concerning his conduct in the colony North Carolina; someone under the pseudonym “Leonidas” signed the article.<sup>234</sup> Implying that Governor Tryon controlled the local press, Leonidas savagely wrote that even those newspapers under the governor's control “confess it is dangerous to reason in reach of your artillery.” Without fear, however, the *Massachusetts Spy* outlines its complaints and directly questions the leadership of Tryon. The most pointed accusations included a charge that Tryon was attempting to impoverish the colony by constructing a palace; the indictment that a cabal existed within the colony to rob the people; and that particular acts of the government subverted British law. These three points in particular align with the Regulators' grievances suggesting the paper's loyalty to their protest. The article's tone is clearly intended to incite an adverse, even

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<sup>233</sup> Maier, 189.

<sup>234</sup> Leonidas (5<sup>th</sup> century B.C.E.) was a famous king of Sparta. Killed during the Battle of Thermopylai, Leonidas became a hero whose reputation traveled across the centuries. Known for his bravery, self-discipline, and respect for the law, this classical reference may suggest the writer's heroic battle against tyranny and oppression.

violent, reaction from governmental supporters in North Carolina. Specifically, the paper asks “What shall we in future think of the term Loyalist, should it continue any time to be exclusively applied to executioners, traitors, and murders?”<sup>235</sup>

Days later, as supporters of the British government were fuming over the *Spy*'s indictments Leonidas' venomous pen was set to paper once again. The writer's August 1<sup>st</sup> article began with an address to “*To his Excellency WILLIAM TRYON Conspicuous Sir!*” In a bold proclamation of unity, the author claims that Massachusetts and the sister colonies in New England shared in the writer's disdain for North Carolina policy. The writer sarcastically venerates a litany of policies enacted by Tryon and his administration. Leonidas enumerates these acts as a warning to all future Regulators as to what they should expect “from the humane disposition of Stuartizing Loyalists!”<sup>236</sup>

The challenges Thomas and others leveled at British policy in Massachusetts transcended geography to become sharp attacks against Tryon and his political dealings. Leonidas claims, “We cannot sufficiently admire your political address in moulding the whole legislative and executive bodies of North-Carolina so exactly to your wish.” He then continues, in reference to the Johnston Riot Act, that Tryon passed “that notable act of Assembly...to make opposition to your unsufferable tyranny and undisguised villainy, high-treason, and punishable accordingly!” It was also with this overbearing control that “*General Tryon*” poured down the mostly deadly fire around the fields of Alamance

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<sup>235</sup> *Massachusetts Spy*, 27 June 1771; reprint in *South Carolina Gazette*, 18 July 1771. See Long, 44-48 for a discussion of the *Massachusetts Spy* in general and this episode in particular.

<sup>236</sup> *Massachusetts Spy*, 1 August 1771.

Creek killing, the article asserts, his subjects in a most inhumane and barbarous manner. Suggesting lasting infamy, the writer notes, “Ages unborn, believe me, Sir, will recount these several extraordinary emanations of your uncommon capacity, in civil, *social*, military and religious life, with an emotion, which no Marius, Sylla, Caesar, or even Pontius Pilate, could ever raise.”<sup>237</sup> Resplendent in classical references and evoking some of the most infamous characters in world history, Leonidas’ words probably seared the hearts of any friend to royal government.

These two articles relating to the Regulator movement represent broadly the *Spy*’s political rhetoric and adamant opposition to certain British officials. Given our knowledge that the *Spy* was intended for a working class readership and that Boston’s Sons of Liberty was highly active during this period, the implications of the press’ potential role in inciting revolt are significant. These articles and other pieces garnered distant support for the Regulators’ protest but the writers’ reconstruction of the North Carolinians’ goals goes beyond what the Regulators themselves envisioned. Isaiah Thomas seems to have been well aware of his political machinations and the potential consequences of publishing libel against prominent political figures. In an August 7, 1770, edition he offered a poetic discourse concerning these issues:

TO print or not to print—that is the question.  
Whether ‘tis better in a trunk to bury  
The quirks and crotches of outrageous fancy,

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<sup>237</sup> *Massachusetts Spy*, 1 August 1771.

Or send a well-wrote Essay to the press.<sup>238</sup>

Thomas chose, despite such ruminations, to publish on repeated occasions articles bordering on or guilty of libel. In an attack against the governor of Massachusetts for instance, the *Spy* directly questions Thomas Hutchinson's right to hold office. The New England author asserts, "If the ruler of this province be a constitutional ruler, he is a servant of the people, and as such subject to the animadversions of every individual, who judges his conduct reprehensible. If he be a ruler the *constitution knows not*, he is a *traitorous usurper*, and as such the enemy of every men of sense, spirit, honour, and honesty."<sup>239</sup>

The June 27<sup>th</sup> issue of the *Massachusetts Spy* did not pass unnoticed in North Carolina. Southerners loyal to the British government launched a response illustrating the inter-colony exchange of information and ideas. Leonidas' inquiries into Tryon's actions received a reply that equally matched the writer's harshness in temper and tone. According to accounts published in the *South Carolina Gazette* and *New York Journal* a company of "Gentleman" gathered at the King's Arms Tavern in New Bern to discuss the *Spy's* article. These refined men agreed to hold a public meeting and determine a course of action; at this public forum, held some days later, a series of resolutions were passed. It was determined that copies of the *Massachusetts Spy* were to be publicly burnt beneath the town gallows by a common hangman. This gesture was intended to demonstrate "the

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<sup>238</sup> *Massachusetts Spy*, 7 August 1770, quoted in David A. Copeland, *Colonial American Newspapers: Character and Content* (Newark: University of Delaware Press, 1997), 238.

<sup>239</sup> *Massachusetts Spy*, 27 July 1771.



utter abhorrence and detestation in which that infamous production, and its still more infamous authors, are held by the people of this government.”<sup>240</sup> Just as the *Spy* had attempted to provoke a public discourse concerning Tryon’s policy, so too were these men going to publicly display their loyalty to the governor. The resolutions this body passed also were to appear in print in the *North Carolina Gazette* “as a Proof to the Massachusetts *Spy*, of the Freedom of the Press in North Carolina.”<sup>241</sup>

The crowd’s decisions circulated throughout eastern North Carolina and the distant Piedmont in the pages of the July 29<sup>th</sup> edition of the *North Carolina Gazette* and through the spoken word of colonists. The article appeared in the *Massachusetts Spy* on August 29, 1771. Countering the earlier charges against the governor the writer concludes the epithets of “Tyrant, Traitor, and Villain” are groundless unless “it be thought tyranny to be courteous, humane, and benevolent, on all occasion.” The North Carolinian continued by addressing larger issues of freedom of the press—a benefit, which Tryon, according to Leonidas, did not afford the people under his governance. He states, “That the blessings derived to the British nation from the liberty of the press, arises, as we apprehend, from the priviledge of a discreet and unreserved discovery or communication of real facts and opinions, whereby the public may be benefited, or an individual made

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<sup>240</sup> *South Carolina Gazette*, 8 August 1771. Additional information derived from the *New York Journal*, 29 August 1771. The *New York Journal* cites the August 2<sup>nd</sup> edition of the *North Carolina Gazette* as its source of information.

<sup>241</sup> *New York Journal*, 29 August 1771.

the wiser, better, or happier.” The press is not be used as a vehicle of “private scandal or public abuse” as it had been in Massachusetts according to this writer.<sup>242</sup>

The potential power of rhetoric did not go unnoticed by eighteenth-century audiences. The *North Carolina Gazette* seemed quite aware of the *Spy*’s significance in offering a dominant interpretation of events. The series of resolutions offered by the New Bern “Gentlemen” included a total denouncement of the articles and information offered by Leonidas and others. Their writings “are replete with the basest misrepresentations, the most palpable falsities, abusive epithets, and scandalous invectives, and that therefore it is a shameful perversion of the liberty of the press.” In this printed quarrel over representation, questioning the authenticity of the other side was vital for constructing and ensuring one’s own legitimacy.

The scorn felt by many New Bernians for the *Spy* went beyond printed replies and public resolutions transforming into acts of violence and elaborate rituals. The *South Carolina Gazette* recorded “three figures, designed to represent the printer of, and two writers in, the *Massachusetts Spy*” were created for public display.<sup>243</sup> According to the *New York Journal* a highly symbolic execution then followed. In ceremonial fashion the executioner asked if the three figures had any confessions or dying words to offer. Apparently, the “criminals...with dejected ghastly Countenances, and so confounded with Guilt, and the Terrors of an approaching ignominious Death” did not possess the power

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<sup>242</sup> *Massachusetts Spy*, 29 August 1771.

<sup>243</sup> *South Carolina Gazette*, 8 August 1771.

of speech.<sup>244</sup> Therefore, “the Sheriff, in their Names, pronounced the following Declaration.” Addressing the good people, the speaker acknowledged the parties’ guilt for they were “moved and seduced by the Instigation of the *Devil*.” They further apologized for the “most audacious Lies, bitter Invectives, and scurrilous Epithets” hurled against a “distinguish’d Gentleman, of the most exalted Character.”<sup>245</sup>

After hanging at the gallows for several minutes the three figures were cut down. Then, the effigies were cast into a fire “prepared for that purpose, amidst the shouts and acclamations of a large concourse of reputable inhabitants” of New Bern. As the fire crackled and bright flames consumed the three figures the air filled with voices crying out “Long live governor Tryon, prosperity to the city and province of New-York, &c.”<sup>246</sup> In a final act of denouncement an epitaph was posted below the gallows for public consumption. It read:

Beneath this Gallows three Traducers lie,  
Who for their Crimes were justly doomed to die,  
Leonidas, with Mucius of ill Fame,  
And we the Third, Isaiah Thomas, Name.  
Sworn Foes to Honour, Virtue, Truth they fell,  
And where they now reside we cannot tell.

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<sup>244</sup> *New York Journal*, 29 August 1771.

<sup>245</sup> *New York Journal*, 29 August 1771.

<sup>246</sup> *South Carolina Gazette*, 8 August 1771. William Tryon became the royal governor of New York in the late spring of 1771.

After these proceedings the “Gentlemen” of the town met once again at the King’s Arms Tavern where they spent the remainder of the evening in social festivities. Glasses were raised and toasts offered to governors William Tryon and Josiah Martin.<sup>247</sup> The reactions of these men from New Bern readily bring memories of the Hillsborough riot to mind. As with the Regulators actions, effigies were used to mock a hated enemy and the pronouncements of another were inverted in a mocking manner. Each side utilized a symbolic language of metaphors to articulate their dominant view of reality.

In this fascinating trans-American exchange of words coupled with retaliatory acts distant parties—each potentially never knowing the other—fought in an ideologically charged battle. The representation of events and people was indeed significant to these parties thereby indicating the profound importance words carried. Control over or the reorientation of public opinion was possible in the print media.

*Presenting the Past—Representations of the Regulation as History*

Even in the midst of the Regulator movement histories of this struggle were constructed for both internal consumption and external audiences. How these works were written and the ways in which the Regulation was portrayed are compelling means of representation both then and now. The influential French sociologist Pierre Bourdieu, referring specifically to aesthetic conflicts but delivering a powerful general idea, writes, “what deserves to be represented and the right way to represent it—are political

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<sup>247</sup> *New York Journal*, 29 August 1771. For an excellent discussion of toasts and their symbolic importance see Waldstreicher, 26 and 33-34 especially.

conflicts...for the power to impose the dominant definition of reality.”<sup>248</sup> Print media supplemented oral culture serving as a powerful and more permanent record of events. A series of histories concerning the Regulation ran in northern and southern newspapers. Each attempted to either inform their readers of particular situations or to ensure that printed documentary evidence would allow the public to form their own opinions—these editions demonstrate varying degrees of partisanship.

A page-length treatment of the history of the Regulation appeared in the *Pennsylvania Gazette* on August 15, 1771, which was reprinted in the *South Carolina Gazette* on September 5, 1771. Still uncertain of the chain of events the papers’ printers took an active interest in the Regulation given the protest’s escalation in the spring of 1771—the May 1771 Battle of Alamance was a remarkable event for colonists given the violence inflicted by North Carolinians upon fellow North Carolinians. The writers’ confusion about events is noted in the revelation, we “are not sufficiently particular to enable us at this distance to form a just opinion of it.” They go on to claim that the governor must judge it “expedient to act the part he has taken on the one hand, even to his firing upon these people” but counter this statement writing “that any body of men composed of individuals, varying from each other in principles, civil and religious, as well as in interest, could enter into so dangerous an opposition to government, unless they found themselves aggrieved.” These latter statements indicate the papers’ willingness to explain if not excuse the actions of North Carolina Regulators. Announcing English libertarian ideology, the papers’ state the “design of government is acknowledged to be

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<sup>248</sup> Pierre Bourdieu, *The Field of Cultural Production*, Randal Johnson, ed., (New York: Columbia University Press, 1993), 101.

the good of the people.” At times, however, rulers with a “confidence in the laws” acted with “impositions and cruelties” in their attempts to ensure the happiness of the people. The writers evoke scenes of a battlefield and great sufferings to introduce a series of extracts from “some of the public papers” recounting the affairs in North Carolina.<sup>249</sup>

The two articles, after their extended preface to events, go on to recount the details of the Regulation. The majority of both accounts are extracted from Husband’s writings on the affair and petitions offered by Regulators to the government; therefore, the Regulators’ perspectives dominate these publications. After concluding a cursory description of events the papers assert some “idea may be formed of the situation, temper, and intentions of those people.” The articles continue, “They must appear to have been an illiterate, injured multitude, struggling against all the weight, influence, and artifices of their oppressors; without any one advantage, except what they derive from the justness of their cause.” The writers’ sense of partisanship increases towards the end of each piece: “I say such a situation is truly melancholy, and must justify every legal and rational mode of prosecuting an enquiry and redress.” This article is highly significant given that it appeared in a northern and a southern newspaper exposing audiences, in the aftermath of the Battle of Alamance, to an account largely drawn from the Regulators’ words.

During the colonial period newspapers served as a crucial means of exposing dispersed populations to sometimes-distant events; both readers and printers were concerned with the sources for this material. The writers of the South Carolina and

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<sup>249</sup> The accounts from these papers are almost identical in content with only slight differences in typographical details. Therefore, I will quote solely from the *South Carolina Gazette* with the understanding that these words are represented in both newspapers. *Pennsylvania Gazette*, 15 August 1771 and *South Carolina Gazette*, 5 September 1771.

Pennsylvania newspaper articles note that the information to date had been unduly influenced by the North Carolina government. Such prejudice ran afoul to the desire of the colonial populous to be objectively informed. Historian Robert Weir asserts that during the eighteenth century, Americans believed “that an enlightened and informed populace will behave wisely in the long run.”<sup>250</sup> Balanced information was therefore crucial for the critical judgment of events. According to the South Carolina and Pennsylvania newspapers, to date however, this was not possible. The articles note, “It was thought hard that the government accounts only should be in the view of an impartial public, which has been anxious to hear what have been the complaints and conduct of this unhappy people.” In a final note of attempted balance, the author writes that any “untruths or misrepresentations” in the story must be blamed on the source—the Regulators. If such deceptions appear then the protestors have colluded in “their own ruin.”<sup>251</sup>

Seven days later the *South Carolina Gazette* ran a story from the *Cape-Fear Mercury* written by an anonymous author who may be aptly deemed an anti-Regulator. As we learned earlier, Adam Boyd ran the *Cape-Fear Mercury* during this period and held the favor of the governor and royal council. Accordingly, the *Cape-Fear Mercury* maintained a prominent role as the mouthpiece for the aristocracy. The subscribers of the

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<sup>250</sup> Weir, 100.

<sup>251</sup> *South Carolina Gazette*, 5 September 1771.

*South Carolina Gazette* and *Cape-Fear Mercury* were drawn from the ranks of the upper classes.<sup>252</sup>

The September 12, 1770 edition of the *South Carolina Gazette* ran an article derived from the *Cape-Fear Mercury* of August 14<sup>th</sup> concerning “a Friend to the Province’s” opinion of the Regulator movement. Beginning with a concession that the Regulators were an injured lot the author supplies a caveat insisting that such injuries “were not so enormous as the world hath been made to believe.” But, unwilling to make any hasty conclusions, this author, like the writer from September 5<sup>th</sup>, suggests an examination of facts. Unlike the previous account this author relies heavily upon his own words to chronicle events once again suggesting the importance of voice in the formation of opinions and representations.

“A Friend to the Province” appears to have been quite familiar with the names of known Regulators, the pamphlets and advertisements they wrote, and the progression of events. Of note, the account offered by this author centers on the concept of representation by tracing what documents were being offered to whom for what purposes. He starts his chronology of events by writing “In June 1768, Hunter and and [*sic*] Howell, deputed by the Regulators, waited upon Governor Tryon with a state of their case drawn up by themselves.” The author continues that according to Regulator recollections the governor completely refused to fulfill their requests thereby forcing their severe reaction. In a pamphlet published in 1770—probably Husband’s *An Impartial Relation*—the writer notes that the Regulators, in a “misrepresentation too obvious not to

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<sup>252</sup> Weir, 132.



be done willfully,” wrote of the governor that he “excused himself from protecting or helping” the protesters. The article describes these comments as a misrepresentation and direct perversion of the governor’s words, “which would naturally prejudice the people against him, and make them believe he disregarded their complaints.”<sup>253</sup>

This writer’s careful recounting of facts, largely from the government’s perspective, does much to undermine the Regulation’s justness. The most severe charge includes an accusation of rebellion. The author questions, “If this is not to be in actual rebellion, what, in the name of God, can possibly be called rebellion?” He agrees that the people of the Piedmont had been wronged but the extent of their reaction was unjustified according to this writer. He goes to imply, however, these illegal actions were deliberate: “Those who know most of the Regulators, know they have been injured; but they also know that they aimed at something besides a redress of grievances.” The writer’s partial sympathy implies the Regulators’ grievances were indeed true and widely felt. But for this author the revolt went well beyond what was necessary. “We wanted regulation in many things, but not such Regulators as Husbands and his colleagues.”<sup>254</sup>

The *South Carolina Gazette* is particularly interesting because the publishers ran these two deeply contrasting versions of the Regulation. The accounts were never reconciled in a third version of the two stories suggesting either the author’s personal ambivalence about assigning blame or a desire to allow the public to form an opinion without the paper’s influence. While such balance pervades particular newspaper articles,

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<sup>253</sup> *South Carolina Gazette*, 12 September 1771.

<sup>254</sup> *South Carolina Gazette*, 12 September 1771.

the political leanings of other authors are apparent directly within their work as seen in Herman Husband's accounts.

Herman Husband's version of the Regulation appeared in print as two self-proclaimed unbiased accounts of this rather complicated affair. (The discussion thus far as relied almost solely on newspaper accounts—Husband's pamphlets mark a deviation in evidence. The content within, however, aligns with the overarching goal of this section, which is an exposure of constructed pasts; the inclusion of these pamphlets is, therefore, vital.) The first work is entitled "An Impartial RELATION of the First Rise and Cause of the Recent DIFFERENCES, in PUBLICK AFFAIRS, In the Province of *North-Carolina*; and of the past *Tumults* and *Riots* that lately happened in that Province" and the second "A Continuation of the Impartial RELATION...." Potential audiences would immediately perceive the legitimacy of these pamphlets or such was the author's hope in writing such lengthy titles. The subtext to the first pamphlet's heading describes the account as containing "most of the true and genuine Copies of Letters, Messages, and Remonstrances, between Parties contending." With this evidence "any impartial Man may easily" form a judgment of the causalities of this struggle and form an adequate opinion of events.<sup>255</sup> The focus on impartiality, authenticity, and truth pervade similar texts of the seventeenth and eighteenth centuries.<sup>256</sup> As Bernard Bailyn observes

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<sup>255</sup> All quotes derived from the title page of Husband's *IR*. William K. Boyd's 1927 edited volume, which includes a reprint of Husband's work, notes that neither the publisher nor the press of the pamphlet is known. To my knowledge the pamphlet's origins still remain masked. Boyd, 249.

<sup>256</sup> Jill Lepore describes a similar trend in her discussion of the war narratives of King Philip's War; she writes all accounts "exhibit a pressing if not a frantic concern about truthfulness." Jill Lepore, *The Name of War: King Phillip's War and the Origins of American Identity* (New York: Vintage Books, 1998), 59.

generally, “The pamphlets aim to persuade.”<sup>257</sup> Husband’s pamphlet is not alone. The anonymously published (most likely Husband’s work as well) “A Fan for FANNING, And A Touch-Stone to TRYON” contained “An Impartial Account of the Rise and Progress of the so much talked of Regulation in NORTH-CAROLINA.”<sup>258</sup> With such authenticity one may wonder how could the details of the Regulation ever become obscure. Yet, as the authors’ quoted at the beginning of this chapter note, many strange tales and fragments of information would make it difficult to render a complete history of this affair.

A great deal of mystery surrounds the publication of Husband’s 1770 work *An Impartial Relation* although it has served as one of the most important histories of this event even into the present. Part of the ambiguity arises immediately as no author is directly cited. An address to the reader claims “The Author does not think it necessary to set his Name to this Work” as he was already well known. Reinforcing his legitimacy, he notes, “I think no one Man in the Province could give a better Relation of the Matter.” I do not intend to recount Husband’s lengthy work in detail but rather simply consider briefly why it was composed and its linkages to the other representations of the Regulation.<sup>259</sup>

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<sup>257</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: The Belknap Press of Harvard University Press, 1992), 19.

<sup>258</sup> This pamphlet was issued in Boston in 1771. Although the printer is uncertain, it was most likely Daniel Kneeland. The tract’s title page indicates the printer was located at the head of Queen Street—the place of Kneeland’s office. Traditionally Isaiah Thomas, publisher of the *Massachusetts Spy* as noted earlier, is cited as the printer of this piece. Thomas ran an advertisement for *A Fan for Fanning* in the October 17, 1771 edition of his paper. Despite past claims for Thomas’ involvement, Kneeland’s potential involvement is more likely. Boyd, 337.

Herman Husband had a series of involvements with the North Carolina courts as plaintiff and defendant as well as numerous spats with the colony's political structure. Because many of his personal fights were never resolved Husband began campaigning for a seat in the assembly to seek redress. Husband's *An Impartial Relation* recounted a history of the Regulation up to 1768, a paraphrase of English Minister James Murray's *Sermon to Asses* (1768), and a discussion of land rights in the Granville District. Scholars James Whittenburg and Mark Jones relate this history as Husband's means of establishing the legality of an, at times, illegal protest.<sup>260</sup> Imposing specific representations of the protest were significant enough for Husband to ensure the Regulators' perspective was printed for public consumption. Husband's rendering of events is drawn mainly from contemporary sources with his interpretation of events imposed at particular points. It is indeed significant that the unsigned tracts were composed by one of the Regulators' most prominent spokesperson and, often radical leader, who was writing the only "Impartial" history of the protest. His efforts speak to the multitude of *Regulations* circulating even in the midst of the struggle.

The lasting influences of paper and print are highly significant for even these fragile mediums are among the only surviving remnants of the Regulators' past. Indeed, scholars into the present day have utilized this documentary evidence as the chief, if not sole means, of recounting the Regulation. By contextualizing these stories and the

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<sup>259</sup> Kars, *Breaking Loose Together*, 121.

<sup>260</sup> Whittenburg, "Backwoods Revolutionaries," 330 and Jones, 153-155.

inherent biases within, deeper meanings emerge concerning the multitude of perspectives about the Regulation.

## CHAPTER VI

### EPILOGUE

Just as the printed word of the eighteenth century defined the Regulation so too did words of representation influence the Regulator movement in the twentieth century. In 1921, the *Confederate Veteran* published an article concerning “The Battle of the Alamance.” In this piece the author, James H. M’Neilly proclaimed, “Yet in history scant justice is done to the character or the motives of the people who resisted unto blood the tyranny of an unjust, corrupt, and oppressive government.” He continues noting the Regulators “efforts are either ignored or misrepresented as an episode, a riot instigated by lawless and rebellious men.” The author demonstrates how Regulators valiantly opposed the corruption of North Carolina’s colonial government, a struggle that “prepared the way for the Revolution...fighting and suffering for a righteous cause.”<sup>261</sup> By explicitly portraying the Regulation as part of a larger tradition of struggles against tyranny, the North Carolina backcountry protest is linked to both the Revolutionary War and American Civil War. The Regulation once again assumes a very different meaning grounded in the specific political persuasions of the author and the audience for whom he was writing.

At the beginning of this work I described a series of cryptic signs lining the streets of Hillsborough. We know now what events are referenced, the key players involved, and how this struggle gripped the North Carolina backcountry from 1765 to 1771 and

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<sup>261</sup> James H. M’Neilly, “The Battle of the Alamance,” *Confederate Veteran*, vol. XXIX (Nashville: TN, 1921): 376-378.

received outside commentary both supporting and criticizing the movement. The complexities of this story have been revealed through the usage of documentary evidence as well as the Regulators' politicized activities in or associated with Hillsborough and New Bern, North Carolina. By portraying an array of perspectives I have constructed a narrative that demonstrates the internal and external dynamics of the formation and perpetuation of the Regulation. I have used the episodes in Hillsborough, North Carolina, in particular, to open windows into the perceptions of backcountry protestors, outside commentators, and North Carolina's political establishment. This dialogue allows insights into the complex worldviews of eighteenth-century colonists and uncovers the means by which these individuals both made sense of and constructed their worlds.

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Granville County Estates Papers  
Military Records, War of the Regulation  
Orange County Court Minutes  
Orange County, "Inventories and Accounts of Sale," 1756-1785  
Orange County Tax Lists, 1779  
Person Family Papers  
C. J. Sauthier, "Plan of the Town of Hillsborough," 1768.  
Treasurers and Comptrollers Papers  
John Williams Papers

Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill

Walter Alves Papers  
John Lancaster Bailey Papers  
Richard Bennehan Papers  
Fanning-McCulloh Papers  
Henry Eustace McCulloh Survey Book  
Orange County Court Records

### Newspapers

*Annual Register* (London)  
*Cape Fear Mercury*  
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APPENDIX A. FIGURES

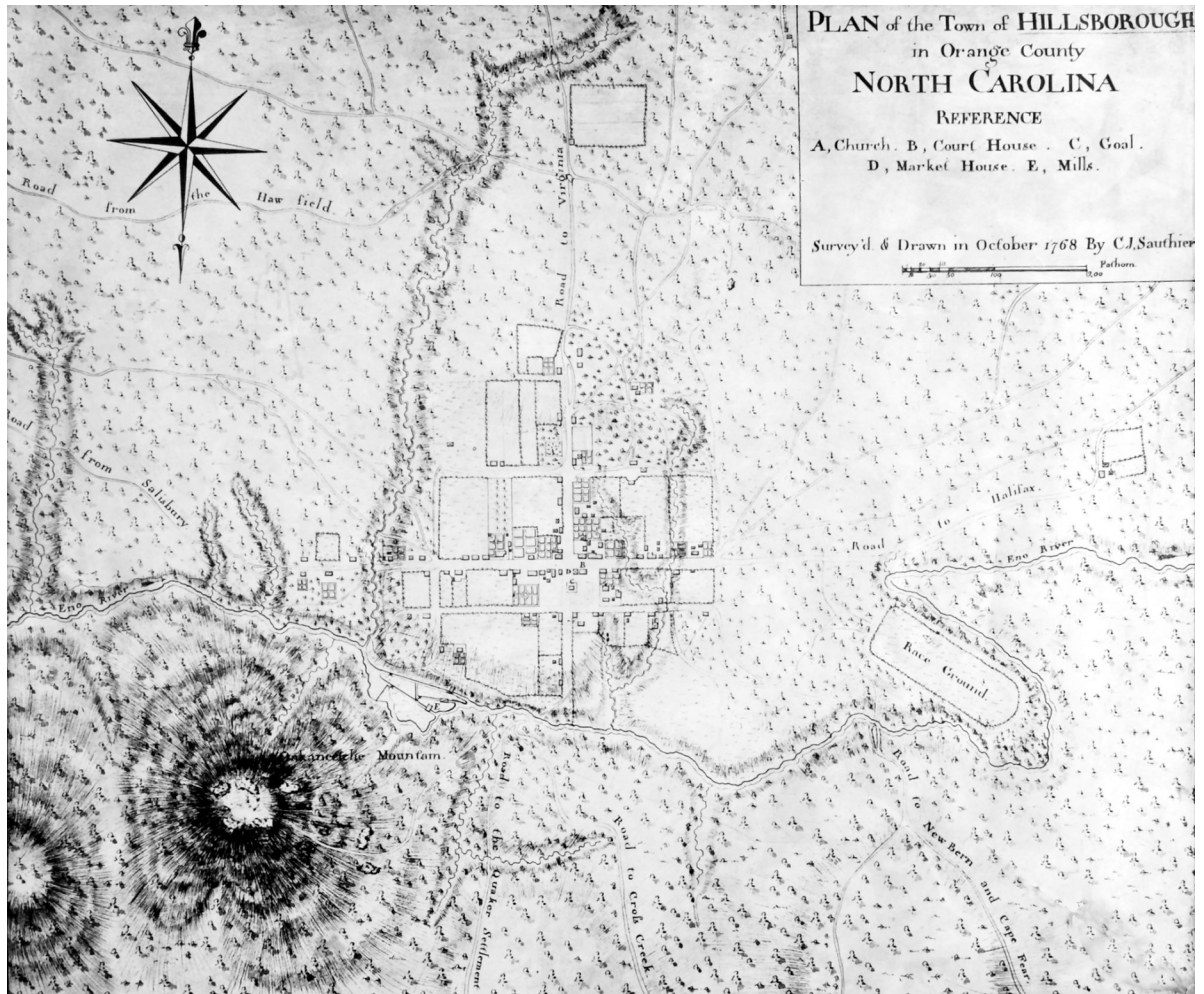


Figure 1. Claude Joseph Sauthier's 1768 Map of Hillsborough. *Courtesy of the North Carolina State Archives, Raleigh, NC.*



Figure 2. Regulator-era Houses in Hillsborough. From top left: Mason's Ordinary (ca. 1754?); Nash-Hooper House (1772); William Courtney's Yellow House Tavern (ca. 1768 or 1770s); and Twin Chimneys (ca. 1770). *Photographs by Matisha H. Wiggs.*

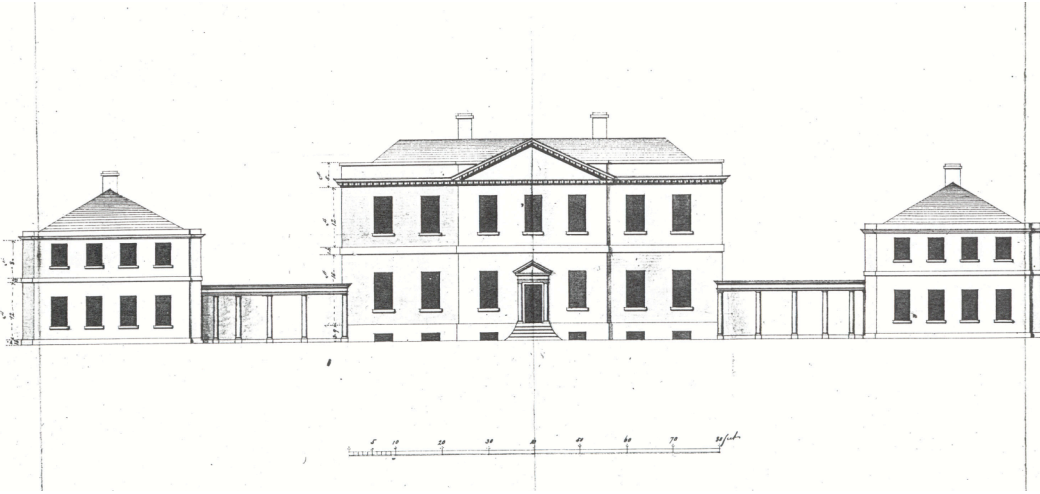


Figure 3. Colonial-era views of Tryon Palace. Top, Palace architect John Hawks' drawing of the north elevation. Bottom, a post-Regulation North Carolina Colonial five dollar bill, showing a line drawing of the Palace; an image of the building was included on currency from just after its completion through the end of the province's colonial period. *Courtesy of Tryon Palace Historic Sites and Gardens, New Bern, NC.*





Figure 4. The reconstructed Governor's Palace at Colonial Williamsburg, Virginia. Rear elevation seen here. *Photograph by Matisha H. Wiggs.*