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The Part Played by Certain Regulators in the American Revolution

Lorraine Marie Stajdohar
Loyola University Chicago

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THE PART PLAYED BY CERTAIN REGULATORS IN
THE AMERICAN REVOLUTION

by

Lorraine Marie Stajdohar

A Thesis Submitted to the Faculty of the Graduate School
of Loyola University in Partial Fulfillment of
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LIFE

Lorraine Marie Stajdonar was born in Chicago, Illinois May 19, 1928.

She was graduated from St. Mary High School, Chicago, Illinois, June, 1945, and from Mundelein College, Chicago, June, 1949, with the degree of Bachelor of Arts, cum laude.

From 1949 to 1951 the author worked as associate editor of the Compendium of American Genealogy and of the Handbook of American Genealogy, published by The Virkus Company of Chicago, and as a research assistant for the Institute of American Genealogy. During that same period she carried on her graduate studies at Loyola University, beginning in September, 1949.

At the present time, the writer is teaching history and English at Sacred Heart Academy, Lisle, Illinois.
TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>Who the Regulators were--Their grievances--Activities of the Regulators--Some men prominent in the Regulation--Alamance--A backview of the movement.</td>
<td></td>
</tr>
<tr>
<td>II. AFTER ALAMANCE</td>
<td>19</td>
</tr>
<tr>
<td>Tryon's proclamation--Attempts to capture the outlaws--Requests for pardon--Beginnings of revolutionary activity--Last of the Regulators as a group.</td>
<td></td>
</tr>
<tr>
<td>III. THE LOYALISTS: FIELDS AND DEVINEY.</td>
<td>29</td>
</tr>
<tr>
<td>Activities of Jeremiah Fields as a Regulator--Petitions and pardon--His part in the Revolution--Samuel Deviney as a Regulator--Petition and pardon of Deviney--His Tory status--Evaluation of their motives.</td>
<td></td>
</tr>
<tr>
<td>IV. THE TURNCOAT: JAMES HUNTER</td>
<td>40</td>
</tr>
<tr>
<td>His important part in the Regulation--At Alamance--Proclamation of Outlawry and escape--Hunter and Governor Martin--As a Tory--Conversion to patriotism--His part in the provincial government.</td>
<td></td>
</tr>
<tr>
<td>V. THOMAS PERSON, PATRIOT</td>
<td>54</td>
</tr>
<tr>
<td>Mystery of his part in the Regulation--Early career in the legislature--In the Provincial Congress--Member of Council of Safety--His offices under the revolutionary government--In the Constitutional Convention--An anti-Federalist--Evaluation.</td>
<td></td>
</tr>
<tr>
<td>VI. THE PROPAGANDISTS.</td>
<td>72</td>
</tr>
<tr>
<td>Howell, the versifier--His Regulatory activities--The letter to Hunter--Exemption from pardon and escape--Husband and pacifism in action--Brief career</td>
<td></td>
</tr>
</tbody>
</table>
VII. REGULATION, NOT REVOLUTION

Aims of the Regulators—Part played by leaders in the Revolution—Lack of evidence to support claim that movement was early stage of revolution—Regulation and Revolution, distinct movements.

CRITICAL ESSAY ON AUTHORITIES
CHAPTER I

INTRODUCTION

The colonies had succeeded in defeating the Stamp Act and the "Sons of Liberty" were victorious. The influential men of eastern North Carolina who controlled the Colonial Assembly had led the movement against Parliament's direct tax and had won. The new governor of North Carolina, ambitious and enterprising, with aristocratic tastes and ideals had brought with him his bride of a few months to his new post. Cordial relations between the governor and the Assembly were established, and it seemed that conditions in North Carolina should proceed peacefully and in harmony with the home government as well as within the colony itself.

While the eastern seaboard, with its well-developed commerce and easy plantation life, continued in this way for a few years more, stirrings in the back-country were auguring years of unrest and violence. The land between the Yadkin and Eno rivers, on the frontier, would prove a troubled and troublesome one in the years from 1766 to 1771. Back-country farmers in
Orange, Anson, Rowan, Granville, Halifax and other neighboring counties, were finding the demands made on them by the local colonial officers oppressive and unjust.

... the common people ... thought, and sometimes not without reason, that the sheriffs, lawyers and court officials defrauded them and did not do their duty; and as always and everywhere there were those who stirred up the mob, and added to their anger, so all kinds of base men gathered together ... called themselves Regulators, and undertook to call the officers of the land to account, and to force them to redress all fancied or real injustice. To this end they formed committees, before which men whom they suspected were summoned, and at their instigation many were severely whipped.

The movement called the Regulation was beginning. The men of the back-country, small farmers or holders of large expanses of property, were being aroused to action against the abuses of authority practiced by local officials. Lawyers and county clerks were charging exorbitant fees for minor legal functions, such as registering of deeds and wills. Courts were packed with their sympathizers and abettors. Sheriffs persecuted poor men who could not afford to pay the high fees and taxes. Justices of the peace charged so highly for performing the marriage ceremony, that some persons could not afford the expense. High taxes and the absence of specie or currency kept many of

these backwoodsmen in desperate straits, even though their real estate holdings were at times large. These were the grievances of the people called Regulators. Their program included the steps necessary for reforming the abuses of officialdom, and obtaining justice for themselves. This was to be accomplished in various ways: first, a refusal to pay unjust fees; second, the setting up, temporarily, until redress could be obtained, of their own courts, where the common farmer could obtain justice; third, addresses and petitions to the governor, calling his attention to the matters of abuse, and requesting his action to correct them; fourth, meetings with the officers of the counties, to arrange peacefully, if possible, the proper relationship between the groups; fifth, to resist, by force, if necessary, any further oppression. This program was carried out, but with much difficulty, and often without organization or discretion.

The loyalty of these people to the king did not waver. Toward the county officials, typified by their chief target, Edward Fanning, a supercilious and unscrupulous aristocratic office-holder in Orange County, they had a fierce and unabating contempt. In their judgment, the governor, William Tryon, was only a little less obnoxious. He had taken office immediately after passage of the Stamp Act, and though he gained the favor of the maritime counties after its repeal, the border districts did not cease to view him as the chief of their official
oppressors.

Little or no sympathy existed between the backwoods and the tidewater regions of the colony. The frontiersmen saw the members of the Assembly, even those who had been styled "Sons of Liberty," as supporters of an administration and its officers which took all it could from poor, honest, hard-working men - this in addition to the natural animosity, brought on by differences in economic interests, religious and political backgrounds, social aspects of life, between tidewater and frontier. The crowning blow was an appropriation by the legislature of a large sum of money to be used for the erection of a mansion for Governor Tryon at Newbern. The government of the colony did not suit the backwoodsmen - it gave them too small a share in it. The executive and judicial branches of the colonial system were filled by royal officeholders, and this was true to a great extent, of the legislature also.

In June, 1766, Tryon denounced the extortion practiced by officers in the western North Carolina county courts, and forbade these officials to take more than their legal fees. This

2 Alfred W. Waddell, A Colonial Officer and His Times, Raleigh, N.C., 1890, 131.

action came in answer to those early rumblings of discontent found in the Address to the People of Granville County, written by George Sims, and included in the famous Nutbush papers. The address was a call to the people of Granville to resist the oppression of the extorting sheriffs and lawyers, and arrange some plan of resistance. The paper was dedicated to Thomas Person who was destined to play an important part in the movement then beginning. 4 Sims, though he took no part in subsequent stages of the Regulation, was the forerunner of Husband the pamphleteer, and Howell, the versifier.

The first organized movement against the excessive taxes, dishonest sheriffs and extortionate fees was the Sandy Creek association in Orange (now Randolph) County, North Carolina. In August, 1766, during a session of the Inferior Court, a paper, which complained of local grievances, was given to the clerk to be read. October of the same year saw a similar move in the meeting of men of Deep River district at Maddock's Mill in Orange County. 5

The sheriff of Orange answered these protest meetings by posting a notice of tax collection stations, and the extra


fees to be charged for non-payment. It was at this time, too, that the men of the frontier heard a rumor that the Assembly had given Governor Tryon £15,000 to build a new residence. It was time for unified action, and the method was an organization called "the Mob" at first, later assuming the title of "Regulators." The first written protest of the group, addressed to members of the Assembly and vestrymen, declared the unwillingness of the inhabitants of Orange County to pay taxes which they considered excessive. They called for "a true regulation with our officers," determined as they were "to have the officers of this county under a better and honester regulation than they have been for some time past." Meanwhile, no taxes would be paid to the sheriffs.6

Perhaps afraid of reprisal, the Regulators issued a second protest, somewhat modified, calling for an association among themselves, which would "assemble for conference for regulating public grievances and abuses of power." These abuses they proposed to settle, by agreeing:

1. We will pay no more taxes until we are satisfied that they are agreeable to law, and applied to the purposes therein mentioned, unless we cannot help it, or are forced.
2. We will pay no officer any more fees than the law allows, unless we are obliged to do it, and then to show our dislike and hear open testimony

against it.

3. We will attend our meetings of conferences as often as we conveniently can, etc.

4. We will contribute to collections for defraying necessary expenses attending the work, according to our abilities.

5. In case of difference of judgment we will submit to the judgment of the majority of our body.7

Thus appears the first of the organizations which called itself Regulators, or the Regulation. It was followed by a similar movement in Anson County, where the Regulators issued seventeen points of redress calling for reform in taxation principles, the payment of only just fees, revision of "head rights" on land (by which many persons were deprived of land which they had spent time and labor cultivating), the abolition of quitrents, more leniency in the granting of land warrants and the abolition of fraud in this matter, and the extension of the rights to perform marriages to others than clergy of the Established Church.8

During the first days of April, 1768, the Regulators published a request to the former sheriff and vestrymen to meet a committee, and present them with a list of taxables, a list of insolvents, and a statement of all disbursements of public money. They also asked that assemblymen be present to explain the law in regard to fees. Before this action could be carried out, the


8 Saunders, Colonial Records, VII, 75-80.
Regulators involved themselves in an act of violence which brought upon them suppression by the governor and military action.

A horse and saddle belonging to one of this group was taken by the sheriff of Orange for non-payment of taxes. A party led by William Butler, Peter Craven and Ninian Bell Hamilton rode after the sheriff, followed him to Hillsborough, beat him severely, and took the horse back to its master. Edward Fanning, officer of the governor, ordered out the militia, but not enough men responded to carry out effective action, since most of the militiamen were in sympathy with the Regulators. A report of the proceedings was sent to Governor Tryon by Fanning, accusing the Regulators of all the actions they had threatened in their initial protest, and stating his intentions of arresting the ringleaders on May first.

On April thirtieth the Regulators met, and elected twelve of their members, and one non-member, as delegates for a meeting with the county officials. These "settlers" were to get a list of taxables for the terms of the last two sheriffs, a list of insolvents and delinquents, and were to obtain a fair account of the taxes collected, and laws authorizing them, an account of the province, county and parish taxes of 1767, and were to examine the fee bill to learn the cost of registering certain legal instruments in order to ascertain the proper fees which
should be charged and to know how much they were being overcharged.\textsuperscript{9}

A warrant for the arrest of William Butler and Herman Husband was issued by Thomas Lloyd, King's Justice, and was sent by Tyree Harris, the sheriff of Orange. On the second day of May, 1768, Butler and Husband were arrested by Colonel Fanning and twenty-seven armed men, the former being sent to Hillsborough and the latter to Newbern jail. They were charged with "traitorously and feloniously conspiring to stir up an insurrection among his Majesty's Liege Subjects" in Orange County, "and endeavouring by seditious libellous and Traitorous practices to withdraw diverse Inhabitants . . . from their natural Obedience to our said Lord the King and excite them to Act in open Rebellion to His Government and Laws . . ."\textsuperscript{10}

These arrests were protested by the Regulators in the form of a petition to Governor Tryon, in which they assured him that neither disloyalty to the king, nor disaffection to the Legislature, caused the "commotion which now makes so much noise throughout the province."\textsuperscript{11} The paper was signed by eight of the

\textsuperscript{9} Ibid., 731-732.

\textsuperscript{10} Ibid., 743-744.

group's members, including such leaders as James Hunter and Rednap Howell, both of whom were to bring the petition to Tryon with other papers arguing the innocence of the parties concerned, on the following June twentieth.

Tryon's reply took the form of a letter in which he described the Regulators as "those whose understandings have been run away with, and whose passions have been led in captivity by some evil designing men, who actuated by cowardice, and a sense of that public justice which is due to their crimes, have obscured themselves from public view . . . "12

The arrests of Butler and Husband excited the whole of the affected districts, to attempt the release of these men. The governor demanded from the Regulators a bond in the sum of one thousand pounds in assurance that the captured leaders would not be rescued.13 Their trial was set for the following September and though Husband was released on bond, Butler chose to remain in prison until trial. Though trial by jury was the practice in such cases, it was also common practice by county officials to pack juries with office-holders and others unsympathetic to the Regulation, causing Regulators and non-Regulators alike to fear

13 Saunders, Colonial Records, VII, 806.
that Husband might be condemned to death through the influence of Fanning. At the meeting of the court at Hillsborough in September, 1768, Husband was acquitted of the charges against him, but William Butler was convicted and sentenced to six months in prison and was fined. The prison sentence was suspended, but Butler was expected to pay the fine.

In October, after Tryon had pardoned all except Herman Husband, Tyree Harris reported to Governor Tryon:

I have taken a Tour among the people called regulators, particularly I saw Ninian Hamilton Senr. William Butler John Law and about Twenty others who all declared they were ready to comply with, and be obedient to the Laws of the Government, and that they believed it was the general Intent of the people to do the same ... If such was the case, the comparative quiet of the next year is understandable. Herman Husband was acquitted of his part in the disturbances, at the court held in March, 1769. For the first part of the year, the situation remained quiet, although doubtlessly the Regulators continued to meet secretly and to make plans for a new offensive. One of their repeated requests had

14 Ibid., 759-766, 848; VIII, 68-70.
15 Ibid., VII, 351; VIII, 17.
16 Ibid., VII, 363.
17 Ibid., VIII, 32.
been for elections and a new assembly, which request was granted by the governor. By this election of 1769, many of the assembly-men were changed to those who were sympathetic with Regulators. The seat formerly filled by Edward Fanning, representative from Orange, was now taken, ironically, by Herman Husband.18

It would seem that with many of their sympathizers, and at least two of their leaders19 as members of the House of Commons, the Regulators would have been able to introduce at least some of the desired reform into the counties concerned. However, such was not the case, despite Husband's introduction into the Legislature of petitions from the inhabitants of Orange County relative to their grievances.20

During the year 1770, a defense of the Regulation and an explanation of its actions appeared, from the hands of Herman Husband.21 The fall of that year saw a renewal of violence among the men of Orange, Rowan, Anson and the other backwoods counties, which began a fast-moving chain of events, culminating finally in pitched battle between the Regulators and the colonial militia.

On September 29, 1770, Judge Richard Henderson, one of the King's Justices, sent the following account to Governor Tryon.

18 Ibid., 107, 303.
19 Husband and Thomas Person, cf. infra, chaps. V, VI.
21 cf. infra, chap. VI.
term."23 Promising to do so, he pleaded for a postponement until the following morning. That night the judge beat a hasty retreat.

The next day, finding the presiding justice gone, the Regulators took matters into their own hands. Setting up a mock court, they tried cases standing on the docket, and wrote into the clerk's record book their own ignorant and vulgar comments. Then, putting the final touch to the episode, they wrecked the courtroom.24 In March of the following year, the rioters were charged before a special court of oyer and terminer.

Meanwhile, another blow to the progress of the Regulation came with the expulsion of Herman Husband from the Assembly. Charged with being a close associate of the Regulators, and specifically with libel against Judge Maurice Moore, on December 20, 1770, Husband was expelled from the House. Immediately after this action, a warrant charging libel was sworn out against him, he was arrested and imprisoned at Newbern. A storm of indignation and protest rose at once in the Regulator country. Under the leadership of James Hunter and Rednap Howell, the insurgents armed themselves and set out to storm Newbern jail, free Husband, and it was rumored, burn the town, believing as they did that their friend had been jailed so that "he might not see their roguish proceedings and then the Governor and the Assembly made

23 Ibid., 243-245.
24 Ibid., 245.
just such Laws as the Lawyers wanted."25 The army of about 2,200 men and seventeen wagons, set out to free Herman Husband, whose case came before the jury on February 2, 1771, had already crossed the Haw River, when William Butler received a letter from Husband, informing him that the latter had been released, the Grand Jury finding no bill.26 Governor Tryon had taken the precaution of preventing the sale of firearms and ammunitions in the troublesome district, and for that reason, probably only about three hundred of the marchers were armed.27

Early March saw another mass meeting of Regulators, at which plans were made for arbitrators from among the Regulators to meet with the King's officers in the following May at Salisbury. It was hoped that a final settlement could then be made in reference to the grievances so long complained of. Two of the governor's officials, John Frohock and Alexander Martin, agreed to the arrangement, and informed Tryon of the proposal.28

Before any such meeting took place, all the leaders of the movement were indicted for riot at a special court of oyer and terminer at Hillsborough, March 11, 1771, under the Riot Act,

25 Ibid., 518-521.
26 Ibid., 500, 632-633.
27 Ibid., 497-498.
28 Ibid., 533-536.
In May, the arbitrators appointed by the Regulators decided to lead their supporters to the proposed meeting at Salisbury. At the same time, Governor Tryon began to organize his militia for a march. The response of the colonials was almost unanimous, the eastern counties seeing perhaps, the danger of such a mob to organized government of any kind, and perhaps, also fearing a threat to the underground movement already under way to achieve liberty for the colonies. A contemporary account from the Bethabara Diary of the Moravian settlement in western North Carolina gives a terse description of the preliminaries:

When the Regulators heard that Governor Tryon with a considerable body of Militia, was marching into the territory to suppress them they became very angry, although they had no proper organization or officers with which to oppose him ... daily they came noisily into the town [Bethabara], especially to the tavern and the store, and generally had to be supplied with food and drink, and their blows and boasting were almost unbearable. Some hundred of them, though without a proper leader, succeeded in the beginning of May, 1771, in forcing General Wadle and some militia to abandon a position on the north side of the Yadkin, where he had intended to join Governor Tryon, and to retreat eleven or twelve miles to the south side. In

29 Ibid., 531. The Riot Act, or Johnston Bill was passed by the Legislature in retaliation for the attempt to free Husband from Newbern jail after his first imprisonment. It prohibited the assembly of ten or more persons for more than an hour with violators subject to arrest. Should any obstruction or disturbance of court occur, offenders were subject to death sentences.
Mecklenburg County also their associates blew up two powder wagons. . . . 30

It was this large group of Regulators which met Tryon's army at the Alamance River in Guilford County. The Regulators sent James Hunter and Benjamin Merrill to the governor to communicate their desire for a redress of grievances. Tryon replied with a demand for the surrender of Husband, Hunter and Howell. When the Regulators requested an hour during which to deliberate, Tryon's patience was exhausted, and with his cry of "Fire! Fire on them or on me!" the "Battle" of Alamance was begun. Although they exchanged fire with the militia, far outdone as to equipment, training and organization, after a brave but poor struggle, the Regulators were routed, with not a great number of casualties, and the capture of several of their men. Trials of these captives were held between June fourteenth and eighteenth, and of the twelve condemned to death, six were executed and six pardoned by the governor. During the course of the fighting, one James Few, a young man of somewhat unbalanced mentality had been taken prisoner and was hanged the next day, without trial.

None of those tried or executed was among the ring-leaders of the Regulation. 31 The most important leaders had escaped and it is the careers of these with which this work is

30 Fries, Records of the Moravians, II, 652-653.
chiefly concerned. The Regulators' Rebellion has been described in varied evaluations, from the contemporary view that it was a "dangerous and daring Conspiracy, that every day increased and threatened to overwhelm this once flourishing Province in one Scene of horrid Confusion and lawless Fury . . ."32 to the later view that Alamance was "The first battle of the Revolution,"33 to the latest of opinions that "(t)he Regulators were agrarian democrats . . . potentially more revolutionary than . . . the Eastern merchants and planters . . . The Regulators were Democratic to a fault."34

Each of these views contains a grain of truth. The Regulation was dangerous to the colony of North Carolina and to organized government of any kind when the members began to take the law into their own hands. That there were seeds, if not of revolution, at least of rebellion against the colonial government is also obvious. In many respects the Regulators were democratic in their beliefs and actions. One aspect must be maintained

32 Saunders, Colonial Records, VIII, 615-616.


throughout, in any view; that is, the Regulators, as a group had no intention of overthrowing the royal government. From the leadership of the Regulation, it is difficult to prove any actual connection between this early reform movement and the American Revolution. The purpose of this study is to trace the careers of certain men of the Regulation, those whose leadership is prominent, and note their position during the world shaking years and events after Alamance.
CHAPTER II

AFTER ALAMANCE

The battle between Governor Tryon's troops and the Regulators resulted in the complete crushing of the Regulation as an organized movement. Many of the losers, perhaps as a direct result of the defeat, gathered their families and movable property together and joined the exodus then in progress to the Tennessee region, west of the mountains.1 Others, of course, remained in their homes, to resume their old positions in the community. Stringent measures were taken by the governor to assure himself and the home government that a resurgence of the Regulators would not occur. The general rank and file members of the movement, the followers, were required merely to swear allegiance to the king and the colonial government. The lot awarded to the leaders of the association was a harder one.

On June 9, 1771, Tryon issued the following proclamation:

Whereas, Herman Husbands, James Hunter, Rednap Howell and William Butler are outlawed and liable to be shot by any person whatever, I do therefore, that they may

be punished for the Traiterous and Rebellious Crimes they have committed, issue this my Proclamation hereby offering a Reward of one hundred pounds and one thousand acres of land to any person who will take dead or alive and bring into mine or General Waddell's camp either and each of the above named outlaws. 2

Two months earlier Tryon had communicated with the governors of South Carolina and Virginia his "plan of operation, that they may prevent the insurgents from taking shelter in the provinces of Virginia and South Carolina should they retreat to those governments." 3 The governor's precautionary measures had little effect, since the leaders were already on their way, or had found temporary refuge in Maryland. Of these, Rednap Howell never returned to North Carolina, but went instead to the colony of his birth, New Jersey, where his family had lived and continued to live long after. Herman Husband, probably the most interesting of these ringleaders, did not return to the scene of his "treason and sedition" for many years after, but instead staked a new homestead in the backwoods of Pennsylvania.

The others returned to North Carolina, and either through friends or in person, Jeremiah Fields, Minian Bell Hamilton, James Hunter, and William Butler asked the governor's pardon. In November, just six months after Alamance, the Assembly requested of the governor a general pardon for all Regulators, except

2 Saunders, Colonial Records, VIII, 617.
3 Ibid., 548.
Butler, Howell, and Husband.4

A change in governors brought about a change in attitude toward the Regulators. There is a strong probability that had Tryon not been promoted to the position of governor of New York, and Josiah Martin sent to take his place in North Carolina, the Regulators would have felt more severely, the wrath of the colonial government. On taking office, Martin submitted the legal questions on the Regulators to judges and attorneys, to ascertain their status. The judicial decision, that since the Riot Act had expired the people who had taken part in the disturbances were liable only under previous law, enabled the governor to be lenient toward these people. Martin ordered the outlawed Regulators to court to give recognizances, expecting a pardon to be forthcoming from the Assembly. He communicated the opinion to the Earl of Hillsborough, that the commotion was the fault of petty county officials who had taken advantage of the people.5

This spirit of leniency was not carried out to the extreme, however, as is evident from a contemporary chronicler's note that "In the Oath which the Justices must take there has been inserted a clause against the Regulators."6 This Moravian was

4 Ibid., VIII, 425, 433, 650.
6 Fries, Records of the Moravians, II, 729.
a member of the religious group who preached and practiced pacifism, and remained aloof and removed from the main current of rebellion and violence then taking place in their country. That the spirit of the Regulation was not entirely dead even a year after Alamance is also likely. Another Moravian historian, writing that continual record kept by these frugal, industrious people, of the events within their own settlements and in the western section of the colony, relates:

In general our situation is as usual, that is to say many of our neighbors are bitter against us, partly because of our outward prosperity, but so far it has more annoyed than hindered us. In some measure this is a remainder of the Regulator period, of which the spirit persists though it is nowhere in control.7

Although the Regulators as a group were no longer a dangerous threat to the peace of North Carolina, Governor Martin was anxious to reconcile them finally and lastingly with the king and the colony. An Act of Oblivion was proposed and discussed in the Council during the months of January and February, 1773, suggesting pardons for all except Herman Husband, James Hunter, Samuel Deviney and Ninian Bell Hamilton. The approval of the Assembly being necessary, the proposal was submitted to that

7 Ibid., 678.
house, where the names of Hunter, Deviney and Hamilton were deleted from the exception. For this reason the Council would not concur, especially in regard to Hunter, who had led the Regulator army at Alamance, and was considered particularly treasonous. 8

The governor informed his patron in England (Lord Dartmouth) of the situation on March 10, 1775. Since the Council and Assembly "will never agree about the exception to be made in the Act of Grace to the late Insurgents," Martin requests the King's Pardon for all except Herman Husband, since "they have now for some years lived under the most fearful apprehensions, shewing uniformly the truest contrition for their past Crimes and now actually stand foremost to declare their loyalty to his Majesty and attachment to his Government." 9

The last of these statements was probably wishful thinking on part of the governor, since already the wind of revolution was turning into a gale and it was the hope of Martin and others faithful to England, that the backwoods farmers would also retain allegiance to their sovereign. Martin's action was one of expediency as well, if it was an act of mercy. A group favored

9 Saunders, Colonial Records, IX, 1157.
with the king's own royal pardon for past rashness, would most likely show its gratitude by a reaffirmation of loyalty. This program included also the attempt of Martin to correct the abuses of which the Regulators complained. After meeting and conferring with the ex-Regulators and seeing the conditions which existed in the western counties, Governor Martin took steps to discharge the guilty officials, enforce legal fees, and see that only the legal taxes were collected. His honest efforts did succeed in regard to some of the Regulators, but in the end, it was an individu-ual determinant which placed certain Regulators in the Tory party and others with the Patriots.

Lord Dartmouth's reply to Governor Martin, dated May third, assured him that "his Majesty's clemency towards the Insurgents in 1770 will be extended in a Proclamation of general pardon to all except Harmon Husbands." The tension growing in North Carolina and in all the colonies worried the King into keeping as many Americans as possible favorable to royal government in this "present state of general frenzy," by reconciling as many as possible of those with grievances. In July, Dartmouth again wrote to Josiah Martin, enclosing the power to pardon all insur-gents except Husband, and trusting "it will have a very good

10 Ibid., 1241.
Effect." While the earl's letter was on its way, the diarist of the Moravian settlement at Salem was writing:

At present all is quiet in our County; no Committee has been organized in it, and I think the last Regulator Rebellion, which cost many lives and brought many into poverty and need, has made people afraid of hurting themselves again, for the burned child dreads the fire. In other Counties, however, it is disturbed enough, and they would gladly draw us into their net... 12

Committees of Safety were springing up throughout the colony, but Governor Martin was confident that the Regulators, because of the pardon, as well as the oath of fealty taken after Alamance, would remain loyal to the King. During that fateful year of 1775 many inhabitants of the old Regulator districts, Rowan, Surry, Guilford and Anson, assured the governor of their firm attachment to the king and declared their intention of remaining steadfast in support of the royal government. Some of these probably maintained this position because of scrupulosity regarding their oath to Governor Tryon. In general, however, it no doubt was a distrust of the men who were leading the movement toward independence that alienated the former Regulators. These men, who now protested the oppressions of the Crown and Parliament, were the same who had disregarded and ignored the oppression suffered by the western farmers, and had even borne arms against them at

11 Ibid., X, 90.
12 Fries, Records of the Moravians, II, 878-879.
Alamance. Many of the old Regulator group, however, did not hesitate to sign a test oath to the colonies, while yet another group remained neutral. There is no indication that the ex-Regulators joined either party in the Revolution as a group.

On the other hand, most of those who held civil and military office in the provincial government under Tryon and Martin, and had been the "have" group, as opposed to the "have-not" Regulators, now became the leaders in the revolutionary movement, the officers in revolutionary militia and government. This did not hold true in all cases, since some of the old officers remained staunch Loyalists, among them Edward Fanning, who had followed his master Tryon to New York. Many others who had fought the Regulators, and not necessarily at Alamance, became Patriots.

Although a Colonel Bryan collected about eight hundred men from the formerly troublesome district of the Yadkin for the British army, recent research indicates that the majority of

13 Ashe, History of N.C., I, 431, 477.


16 Johnson, War of the Regulation, 115, appendix III.
the Regulators fought for the Patriot cause during the Revolution, although there were many Tories among them. Of the names of known Regulators, only about thirty appear in the list of about five hundred Tories in British pension rolls while more than the third of the known Regulator names appear in the rosters of Revolutionary troops. Even such an estimate must remain conjectural since complete data are unobtainable, especially the names of all Regulators, which run into two thousand or more. Added to this, is the fact that the Revolution in the South was characterized by considerable "fence-jumping," and it is possible that many of those listed as patriot soldiers at some time fought for the British and that many of these by the end of the war were aligned with the patriots, therefore not appearing on Tory troop rosters.

With subsequent events, the new constitution of North Carolina embodied at least thirteen of the reforms which had been sought by the Regulators as early as 1768, so that all of their work was not in vain.

The Regulators were not forgotten by the royal government of the province as late as May, 1777, when Governor Martin wrote to Lord George Germain of the conditions in North Carolina and apologized for his omission of the report that he had found opportunity before leaving the colony "to signify His Majesty's

17 Fitch, Some Neglected History, 228.
Most gracious pardon to the Insurgents there except Hermon Hus­
bands pursuant to the Power . . . by His Majesty for that purpose
. . ." There was still a note of hope in Josiah Martin’s commu-
nication. 18

It is noteworthy that, while the Revolution was at its
height, appropriations were made by the Whig legislature of North
Carolina for the relief of soldiers who were suffering from in-
juries received while fighting the Regulators in the last expedi-
tion against the rebellious backwoodsmen. 19

The last date at which the Regulators appear as such is
August 28, 1781, at which time Andrew Armstrong reported to Gov-
nor Burke from Hillsborough that:

Captain Mebane is here with about twenty Regulators
and is exceedingly willing to do anything in his
power to render the country service. 20

Let us now consider the careers of certain of the lead-
ers of the Regulation prior and subsequent to Alamance, and note
that the courses followed by them in the revolutionary movement
varied from firm Loyalism to fervent Patriotism.


19 Walter Clark, ed., The State Records of North Caro-
lina, vols. XI-XIV, Winston-Salem, 1895-1906; vols. XV-XXVI,
Goldsboro, 1898-1907, XVI, 135.

20 Ibid., XXII, 1047.
CHAPTER III

THE LOYALISTS: FIELD AND DEVINEY

When Judge Richard Henderson expressed his shock and dismay over the Hillsborough disturbance, to Governor Tryon in September, 1770, one of the rioters specifically mentioned was Jeremiah Fields, who on being permitted to speak by the judge, proceeded to voice the demands of the group as their spokesman. Demanding a trial of their cases, he charged the court with injustice and objected to the jurors, "with many other things too tedious to mention."1 That the judge's word might not be doubted there is evidence given by Ralph McNair, an eye-witness, that Fields was one of the Hillsborough rioters.2 It was this same Jeremiah Fields who signed his name to the petition against exorbitant fees embodied in the Regulators' Advertisement number nine, addressed to the governor and council.3

That Fields was a man respected and well-regarded by

1 Saunders, Colonial Records, VIII, 241.
2 Ibid., 245.
3 Ibid., VII, 737.
the Regulators, there can be little doubt. In the letter of Frohock and Martin to Tryon he is named as one of the committee appointed by the association to meet and confer with the king's officers at a meeting scheduled for March 18, 1771. The plan had been formulated by the group when they had previously chosen Fields to confer with the officers of Rowan County on March seventh, at which time the Regulator Committeemen and the king's officers had drawn up an "Agreement for restitution by Rowan County officials to the Regulators." This agreement provided for the aforementioned conference, where it was hoped a settlement of complaints and disputes could be arrived at by representatives of each group. Jeremiah Fields's associates in the venture were to have been Husband, Hunter, Person and James Graham. The indictment of Fields and the others for Riot at the special court on March eleventh put an end to these plans.

What Fields's actions were from the time of his trial to some months after the Battle of Alamance is not evident. There is no way of knowing whether or not he took part in the actual fighting, though it is likely from his previous actions as one of

4 Ibid., VIII, 533-536.
5 Ibid., 531.
6 Ibid., 531.
the rioters at Hillsborough, that he did so. The first mention of his name after Alamance comes in a petition signed by him, James Hunter, Samuel Deviney and Ninian B. Hamilton, addressed to Governor Martin and requesting his "favor and protection." Fields must have been anxious to obtain pardon for his crimes, for he addressed a "humble petition" in his own name on October 25 of 1771, pleading his "Ignorance of the Nature of government," assuring the governor that "Being unacquainted with the Blessings I Enjoyed under a British Constitution was the Reason I Joined with other Misguided men in the late Insurrection . . ." Confessing his part in the Hillsborough episode as concerns the "use of aprobious Language," he denied participation "in the acts of violence offered to Either the persons or properties of Men but endeavored to persuade others from Committing such unwarrantable actions . . ." Before affixing his mark to the petition, Fields pledged "Loyalty to his Sovereigns Submission to Government Obedience to its Laws and officers promoting peace." That the Regulators were not the only group which appreciated and thought well of Jeremiah Fields is evident from another.

7 Clark, State Records, XXII, 391.

8 Saunders, Colonial Records, IX, 40. The lack of punctuation and peculiar capitalization are from the original.
petition for his pardon, submitted by his neighbors. These eighteen petitioners, though they had not been concerned in the Regulation, held their neighbor in esteem and respect as an industrious and honest man. They pleaded that his being "deluded" led to his taking part in "a matter he Did not Know the Consequence of." This same petition describes Fields's position as as poor, hard-working, unlearned man, who was easily intimidated by the promises of the Regulators’ program.

Included as he was in the king's pardon, no further petitions come from the hand of Jeremiah Fields. Instead, we find a new trust given him five years later by Governor Martin.

The time is now January 10, 1776 and the revolutionary fever has spread. To certain trustworthy men of Guilford County, Fields among them, the governor and his loyal Scotch Highlander general, MacDonald, address the following order:

I, reposing especial trust and confidence in your loyalty, courage, prudence and fidelity, do by virtue of the powers and authorities in me vested by His Majesty, hereby comissionate, authorize and empower you, whose names are above written, and each and every of you to erect the King's standard, and to raise, levy, muster, and array in arms, all His Majesty's loyal and faithful subjects within your respective counties or in any part or parts of this Province, who are willing and ready to repair to the Royal banner, for the support of the laws and Constitution thereof against the most horrid and unnatural

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9 Ibid., 41.
rebellion that has been excited therein by traitorous, wicked and designing men, and now threatens the subversion of His Majesty's Government, and the utter destruction of the rights and liberties of His Majesty's people . . . And I do hereby give to each and every of you, all power and authority to resist and oppose all Rebels and traitors against His Majesty and his Government by force and arms, and to apprehend, seize and detain them, their accomplices and abettors . . .

Also included in this commission was the former Regulator, James Hunter. Fields must have taken his commission seriously, for he maintained a staunch loyalty to his king. We find him among the Tories captured at the Battle of Moore's Creek Bridge, and in April, 1776, he was accused by the "Committee appointed by Congress to inquire into the conduct of Insurgents and other suspected Persons" of actually taking up arms and going forth to war against the patriot army.12 Taken into custody and held a prisoner at Frederickstown, Maryland on the charges mentioned, Fields's neighbors again came to his assistance. In this second petition, addressed to the North Carolina Council of Safety at Halifax, we find a possible explanation of the adherence to Loyalism of Fields and other ex-Regulators turned Tory. The

10 Ibid., X, 441-442.
11 Johnson, War of the Regulation, 106.
12 Saunders, Colonial Records, X, 599.
petitioners claimed that Jeremiah Fields had frequently expressed his approbation of the cause of liberty, "both before and since his unhappy confinement." His joining the Tory party they attributed to the fact that he had been outlawed by the province as a Regulator and had been assured by the government that only a pledge of loyalty could procure his pardon. However, he had expressed a wish of success to the "Cause of Liberty," and really was "a friend to the Common Cause." The petition is signed by a number of Guilford County residents, none of whom, apparently, had been Regulators themselves.13 A month later this action was followed by another petition from the wives of certain prisoners, in behalf of their husbands. Among the signatures are those of four women named Field, one of them the wife of Jeremiah.14

Whether these petitions were granted or not is difficult to ascertain. If so, Fields did not live up to his neighbors' recommendations, for some years later we find him again in the Loyalist forces, this time under Cornwallis at Yorktown.15

His fate after this date seems not to have been a dismal one. In December, 1786, Jeremiah and Robert Field (his

13 Ibid., 803-804.
14 Ibid., 841.
15 Haywood, Governor William Tryon, 128.
brother) appear as petitioners to the General Assembly for possession of the land of the late William Field, their father, which property had been confiscated by the Provincial Congress. The litigation dragged on for three years, when finally on December 19, 1789, the Senate gave its final approval of the deed of gift from William Field and his wife Lydia to Jeremiah and Robert. This is the last we find of Jeremiah Fields, ex-Regulator and ex-Loyalist. No doubt he returned to Guilford County, cultivated his land, added to the "great number of small children" in his family and lived to a ripe old age before passing to his reward. The contribution of Jeremiah Fields to the Regulation had been of some value; no can certainly be considered one of the more influential of the group, and yet his objection to the abuses of colonial government did not lead him to rebellion against the crown.

Another man, of like background, a frugal, untaught farmer of the backwoods, used to hardship and labor, whose career was of a similar pattern, was Samuel Deviney, of whom less is known than of Fields. Deviney has been described as "a bold man,


17 Saunders, Colonial Records, X, 293-304.
who could fight, but not contrive.”

He was one of that vast number of Regulators whose circumstance was modest, and who were most seriously affected by the financial oppressions of which they complained.

In 1768, having been involved in the affair of the mare, he, along with William Butler and John Philip Hartzo, was fined twenty-five pounds and sentenced to three months in prison. Sentence was suspended and the fine suspended for six months. This first violent action as part of the Regulation was followed by a second just as serious, the following year, when Deviney joined with Ninian Bell Hamilton and others in the beating of John Lea, the sheriff of Orange who had tried to serve a capias against Hamilton. Again in the forefront of the Regulators' plan of attack, Deviney is accused of being one of the leaders of the Hillsborough riots. For his part in this and other of his lawless activities, he was indicted for Riot under the Johnston Bill at the court held at Newbern in March, 1771.
Paralleling the Regulatory career of Jeremiah Fields, Deviney is lost sight of until two years after Alamance, when in February, 1773, the Governor's Council requests his name to be included among those exempt from the general pardon and oblivion. Since such an "honor" was reserved for only the more prominent trouble-makers, Deviney must have been considered one of the most dangerous of the group. The Assembly, wanting Deviney, Hunter and Hamilton included in the pardon, disagreed with the Council in the matter, and their constant bickering on the subject resulted in no action on part of the Legislature.24

Perhaps worried about his status under law, Deviney subscribed to the petition addressed to Josiah Martin, which has already been mentioned in regard to Jeremiah Fields. The signers expressed "great grief that many of the Legislatives are against us, and some fears still remaining of our present unhappy situation . . . we again declare our firm resolution to stand to and abide by whatever your Excellency shall prescribe for us . . ."25 News of the controversy in the Legislature had no doubt reached these men and it is evident that they considered the governor as one sympathetic to their situation.

24 Ibid., 425, 433, 547.

25 Clark, State Records, XXII, 891.
During this period ordinary matters of living naturally concerned the former Regulators, and Samuel Deviney is one of the signers of another petition to Governor Martin asking him to order dam owners on the Deep River to fix proper flood-gates, enabling the inhabitants of the district to fish freely.  

Out of sight again for a few years, we find Deviney captured as a Tory at the Battle of Moore's Creek Bridge along with the other ex-Regulator Fields, and charged with complicity in the shooting of Captain Dent, a patriot leader. At a meeting of the committee appointed by the Provincial Congress to inquire into the conduct of insurgents and other suspected persons, it was found "That Samuel Diviney did actually take up Arms and go forth to War" for the purpose of "assisting the Enemies of America." The captured Tories having been imprisoned in Maryland, their wives were apprehensive of the well-being of the prisoners, and we find the signature of "Hennay Diviney" affixed to the plea for release of the prisoners, or their transfer to a place nearer home "So that we may be of Some assistance to their

26 Saunders, Colonial Records, IX, 88.
27 Johnson, War of the Regulation, 106.
28 Haywood, Governor William Tryon, 178.
29 Saunders, Colonial Records, X, 599.
wants." This was the same document which had been signed by Jeremiah Fields's wife.30

There is evidence that Deviney, like Fields was a confirmed Loyalist, had attained the position of colonel of a Royalist division, and later served under Cornwallis at Yorktown as did Fields.31

If we were to examine the motives of these men, so similar in experience and activity during and after the Regulation, we could consider three explanations, any one or a combination of which might provide a reason for the revolutionary activities of Fields and Deviney. As Fields's neighbors claimed, many of the Regulators who remained loyal to the crown did so out of fear of reprisal. They were marked men and suspect continuously after taking part in the earlier movement, their families in danger of want should they be convicted under the Riot Act. Another consideration should be the rivalry and resentment which existed between the backwoodsmen and the tidewater planters who supported the cause of independence. A final reason is the possible lack of sympathy with the revolution and a loyalty to a king whom they believed to be their proper sovereign.

30 Ibid., 841.
31 Haywood, Governor William Tryon, 178.
CHAPTER IV

THE TURNCOAT: JAMES HUNTER

The story of James Hunter is the history of the Regulation. One of its earliest leaders, he remained a leading character throughout, until at Alamance, he was chosen commander of the insurgent army. His position during the Revolution is a peculiar one, as we shall see. Hunter has been described as "a man of parts and a strong speaker."¹ A courageous person, he was considered by the authorities to have been one of the "worst" and most "lawless" of the Regulators.²

Hunter lived north of the Sandy Creek District, in Orange County, the hot-bed of the Regulation. The work of the Regulators in 1768 had his ardent and active support; he signed Regulator Advertisements seven, eight, nine, ten, and eleven, all important as statements of policy and plan of action. The first of these, dated April 25, called for the meeting of twelve representatives of the party to meet the provincial officials at Hillsborough on May eleventh.³ The second of these⁴ appointed Hunter

¹ Ashe, History of N.C., I, 336.
² Saunders, Colonial Records, VIII, preface, xxx.
³ Ibid., VII, 716.
⁴ Ibid., 731-732.
one of the "settlers" who would confer with governor, council and assembly regarding Regulator grievances and present an explanation of the movement. The objection to exorbitant fees was included in the ninth advertisement, the explanation and petition for redress in the seventh, which was signed in behalf of the Regulator group by the Committee, of whom James Hunter was a member. This committee had been named in advertisement number ten, and it was their job to ask the governor's pardon and forgiveness for "any errors we have committed that is or may be construed to derogate from the Honor of His Majesty's Person, Crown, or Dignity . . .". Hunter and Rednap Howell were chosen from the Committee to present advertisements nine and eleven to Governor Tryon, together with other papers containing Regulator transactions.

Tryon's insulting reply to the Regulators' request for

5 Ibid., 737.
6 Ibid., 766.
7 Ibid., 758-759.
8 Ibid., 767.
9 cf. supra, 11.
a meeting was protested by the organization, who claimed that they endeavored only to obtain justice and blamed "the Representatives" who refused them conference "threatening us for requesting one, and frightening and deterring us from petitioning for redress" for giving occasion for disorder.\textsuperscript{10} James Hunter and John Lowe were chosen to deliver a reply to the governor's charges on August fifth.\textsuperscript{11} Two days before that date Hunter was named as one of the group that had met at George Adam Sally's on August first. The accuser, Tyree Harris, sheriff of Orange, stated that he had delivered Tryon's reply to Hunter, as representative of the Regulators, and that he had publicly read this and another previously received. At this meeting, Harris claimed, Hunter had expressed an opposition to the payment of taxes.\textsuperscript{12}

On the Regulators' march to Hillsborough in 1768, on occasion of Husband's imprisonment, Hunter acted as intermediary between the backwoodsmen and Tryon, carrying messages back and forth between the groups.\textsuperscript{13} After being freed when the bills of indictment were quashed for irregularity, Hunter was excepted from the governor's general pardon on October third. Brought to trial

\begin{itemize}
  \item \textsuperscript{10} Saunders, \textit{Colonial Records}, VII, 810-811.
  \item \textsuperscript{11} Ibid., 801, 804, 805, 819, 926.
  \item \textsuperscript{12} Ibid., 798-799.
  \item \textsuperscript{13} Ibid., 841-842, 927.
\end{itemize}
again, at Hillsborough in March, 1769, Hunter was awarded a new trial.14 Before the trial came up, he was pardoned by the king.

Using all manner and means to press the issue, in September, Hunter wrote to Herman Husband, asking his intercession as a member of the Assembly to redress the grievances of the Regulators.15 As a personal act of rebellion, the next year, Hunter sued Edward Fanning for debt. No doubt this was part of the Regulator program of protest against unlawfully high fees, and Hunter was trying to reclaim a sum of money paid Fanning in his capacity as sheriff. Another possible explanation is that Hunter paid an excessively high tax and attempted to reclaim that. The case was brought before the court of Orange County, and Hunter was ordered into custody until he paid the court fees to the crown office, when a nill debit judgment was rendered.16

Extraordinary for his complicity in practically every action undertaken by the Regulators, Hunter was the chief instigator at the Hillsborough riot, where he delivered the group's petition to Judge Henderson, and assured him that no harm would come to him if he would comply with the mob's request.17

14 At this time Herman Husband was acquitted. Saunders, Colonial Records, VIII, 32.
15 Ibid., 68-70.
16 Ibid., 185.
17 Ibid., 235, 242, 244, 245, 542.
With Jeremiah Fields, Herman Husband, Thomas Person, and others he was named as member of the Committee to meet the Rowan County officials, and later to confer with the committee of officers, to meet on May eleventh. At about this time, Hunter received a letter from Rednap Howell, which fell into official hands, and proved a great part of the Regulators' undoing, so infuriating did it prove to Tryon. On the eleventh day of March, Hunter, along with the others was named in two true bills for riot.

Two months later, at Alamance, no leader of the Regulation plays as prominent a part as does James Hunter. Chosen as their leader by the motley army, Hunter was sent to Tryon with the petition calling for redress, and was answered with the governor's demand that the Regulators lay down their arms, pay the taxes they owed, swear subjection to the law, and deliver up certain of their leaders, Hunter among them. Returning to his men, the courageous democrat, on being asked to take command, replied with the unorthodox (for a general) advice: "We are all freemen and everyone must command himself." After the dispersal of the rebels,

19 cf. infra, chap. VI.
20 cf. supra, 11-12.
22 Henderson, Old North State, I, 241.
Tryon wrote in his Journal of the Expedition, describing Hunter as "the General of the Rebels and an Outlaw" and noted that "His dwelling house, Barn &c., though mean, burnt down."23 That Hunter had an influential position among the Regulators is borne out in the last statement of Benjamin Merrill, who had accompanied Hunter on the mission to Tryon at Alamance, was captured, and sentenced to death in the month following the battle.

My first seducers were Hunter and Gelaspie. They had often solicited me, telling that a settlement only was contended for with regard to publick officers who they said had oppressed the people; and that unless these measures were taken there would be no remedy or redress hereafter . . . they pressed me on . . . 24

Though Merrill might have considered himself "seduced," it seems that Hunter had told him the truthful aims of the Regulation, and only after the failure of the governor to remedy the situation, and his sometimes stupid actions, did the Regulators begin to act surly and rebellious.

In the Proclamation of Outlawry and Reward of June 9, 1771,25 James Hunter acquired a price on his head, and was forced to flee the colony. The dispute between Council and Assembly over

23 Clark, State Records, XIX, 346.
26 cf. supra, 18-19.
who should be exempt from pardon hinged a great deal on Hunter. Tryon's last reference to Hunter came in a letter addressed to the Earl of Hillsborough on August 1, 1771, wherein the governor claimed that the people were satisfied it was Hunter and Husband, chiefly, who had misled them. 26 Succeeding Tryon as governor, Josiah Martin, only three months later, in October communicated a different view to Hillsborough, when he wrote that the hearts of the people lately involved in the Rebellion "seem much inclined towards Hunter one of the outlawed Leaders of the Insurgents."

The wives of Hunter and two others of the outlaws had come to plead for leniency toward their husbands, armed with petitions signed by people of Orange and Guilford counties. 27

Meanwhile, Hunter wandered through the thick woods of western North Carolina, afraid to approach his home for fear of capture. Wandering northward to Maryland for safety, he remained away until the expiration of the Johnston Act. Evidently he returned to his home colony before March 8, 1772, on which date, the incensed Governor Martin wrote to the Earl of Hillsborough:

Hunter the outlawed Ringleader of the Insurgents had with an audacity which provokes my resentment made his appearance publicly at the Inferior Court lately held there 28 and that the Magistrates sitting in their

26 Saunders, Colonial Records, VIII, 650.
27 Ibid., IX, 37, 85-87.
28 Guilford County is here referred to.
Judicial Capacity and armed with all the power of the Laws . . . suffered him to brave the offended Justice of his Country with impunity and to depart at his leisure and without notice . . .

The governor continues in this vein to decry the "lenity" toward Hunter evinced by the Assembly, since this "Rebel" has shown "open defiance of the laws by which he stands proscribed."

Hunter is a most egregious offender he was the leader of the Insurgents in arms and was called their General and has appeared from the beginning a Ringleader in Sedition, he is said to have a better capacity than his associates who pay him implicit obedience and treat him with a respect savouring of enthusiastic reverence, he received among others of these graceless wretches, the King's pardon for Treason and Violences committed in the year 1768, and yet seems like them hardened rather than reclaimed by his Majesty's most gracious indulgence . . .

Martin expresses, also, a fear that the Regulators are even at this time planning new attacks on the government.29 These fears were allayed only three months later, when on the way from Newbern to Hillsborough, the governor met and conversed with many of the Regulators, and in Guilford County where James Hunter and others expressed contrition for their past actions.30 The petition signed by Hunter, Fields, Deviney and Hamilton, asking pardon and declaring the resolution to abide by the governor's decision,


30 Ashe, History of N.C., I, 402-403.
brought from Tryon the comment to the Earl Hillsborough, that the outlaws of Guilford County, Hunter among them, have made the first overtures to surrender themselves. 31

A complete about-face in attitude is evident in Governor Martin's letter of August 30, 1772, to Hillsborough describing his meeting with Hunter, his submissive reply, and Martin's own feeling of pity and compassion at "their barbarous ignorance that really surpasses all description." 32 Though Josiah Martin was overcome by the "barbarous ignorance" of the Regulators, they had for him a respect which had been unknown in relationship to Tryon. In a letter written to William Butler, Hunter expressed his own opinions and reflects those of the others on the turn of events which was coming to pass under the new governor.

This summer our new governor has been up with us and given us every satisfaction we could expect of him, and has had our public tax settled and has found our gentry behind in our, the public, tax, 66, 443-9 shillings, besides the parish and county tax; and I think our officers hate him as bad as we hated Tryon, only they don't speak so free. He has turned Colonel McGee out of commission for making complaint against outlawed me - and he has turned out every officer that any complaint has been supported against. In short, I think he has determined to purge the country of them. 33

31 Saunders, Colonial Records, IX, 313; Clark, State Records, XXII, 891.
33 Ashe, History of N.C., I, 404-405; letter quoted in
The letter continues to account the measures taken by Martin to assuage the grievances of the back-country, and Hunter encourages Butler, Howell and Husband to return to North Carolina, for the country is safe. "The outlawed all live on their places again, and I think as free from want as ever."

The pardon of the ex-regulators in 1775 had the desired effect\(^{34}\) on James Hunter, and he allied himself with the Tory party. On June 1, 1775, he was appointed to serve on a grand jury from Guilford County.\(^{35}\) In August it was rumored that he was to lead an armed force against the Provincial Congress at Hillsborough.\(^{36}\) The first of the next year, he, along with his former Regulator compatriot, Jeremiah Fields, was appointed to erect the king's standard as an enlisting officer for the colonial army.\(^{37}\)

By May of 1776, the Provincial Congress of North Carolina had been enough disturbed by the counter-revolutionary activities of Mr. James Hunter, to parole him to Bute County, as a disturber of the welfare of the province.\(^{38}\) Hunter, of course,

\(^{34}\) cf. supra, 23-24.

\(^{35}\) Saunders, Colonial Records, X, 2-3.

\(^{36}\) Haywood, Governor William Tryon, 173.

\(^{37}\) cf. supra, 31-32.

\(^{38}\) Saunders, Colonial Records, X, 560.
was not satisfied with that situation, and appealed to the Committee of Safety in Guilford County, by which board he was taken into custody, and sent to the provincial Council of Safety at Halifax, in August.39

On coming before the Council of Safety, or slightly before that time, Hunter had a change of heart and mind, for in the records of the Council at Salisbury for September 6, 1776, is the following account:

James Hunter and Joseph Dobson, both of Guilford County, voluntarily came before the Council and moved that they might be admitted to the privileges of free citizens, and declared that they were willing to take an Oath of Allegiance to this State, which being and they having taken and subscribed to an oath for that purpose, Resolved, That they henceforward be considered as free citizens and Members of this State.40

His brief period of Loyalism over, Hunter began a quick rise among the patriots of his county, for in 1777, he became a member of the House of Commons of North Carolina, and was re-elected to a seat throughout the Revolution, and afterward, until, in 1789, he was nominated for the post of Councillor of State.41

39 Ibid., 761-762.
40 Ibid., 826.
41 Clark, State Records, XII, XIII, XVI, XVII, XVIII, XIX, XX, XXI, XXIV.
While a member of the House, Hunter served on various committees relative to the progress of the war. True to the old Regulator spirit, he voted against an increase in property tax,42 against an excessive allowance for members of the Council of State and the Public Secretary,43 for a bill to prevent forestalling and encouraging commerce and fair trade,44 for a bill to regulate and ascertain fees.45 With that spirit, too, he voted in favor of doubling the fees of clerks,46 probably with the idea that there would be less temptation for them to charge exorbitant ones if they were properly reimbursed.

In the spirit of his newly found patriotism, Hunter voted for the confiscation of the property of enemies to the United States.47 Conscious of the needs of the soldiers fighting for freedom, Hunter voted for an allowance of three dollars per day subsistence money to be paid continental officers under Washington.48 His position now being reversed, Hunter was appointed to a committee to "enquire into the Conduct of Certain Prisoners

42 Ibid., XIII, 703.
43 Ibid., 812-813.
44 Ibid., 990.
46 Ibid., 690.
47 Ibid., 721.
48 Ibid., 980.
of War, in Guilford County, who have broke their parole of honor to the Northward."49

Drafted in September of 1780 for service with the militia, Hunter paid for the services of a substitute, but was later refunded his money by the sheriff, on order of the Congress.50 In that same month, he contracted with the government to furnish kettles for the revolutionary army, and wagons in which to transport them and promised to provide as many of the latter as possible "with his own money."51

Other offices were added to this one of representative in the provincial Congress. In 1782 and 1787, Hunter was appointed one of the auditors for upper Salisbury district,52 and served as sheriff of Guilford in 1784.53 One of the men empowered and directed to contract with workmen for the erection of a courthouse prison and stocks for Rockingham County in 1785, was James Hunter.64

49 Ibid., XII, 778.
50 Ibid., XVII, 735, 738.
51 Ibid., XIV, 624.
52 Ibid., XXIV, 422; XVIII, 447.
53 Ibid., XX, 574, 578; XXI, 1074.
54 Ibid., XXIV, 746.
A full career was the lot of this Regulator-Tory-Patriot who took each of those roles with a serious and courageous attitude. His switch in parties during the Revolution is difficult to understand, unless we can apply the explanation that he feared for his own and his family's safety if he would join the patriots, because of his already precarious status as a former outlaw. What prompted the change, is less recognizable; it may have been a real sympathy with the Revolution and the removal of the threat to the ex-Regulators. Whatever the reason, Hunter proved himself worthwhile to the cause of liberty, Regulator or no.
CHAPTER V

THOMAS PERSON, PATRIOT

A man whose part in the Regulation is veiled in mystery, one of those, no doubt, whom Tryon claimed "obscured themselves from public view,"¹ was Thomas Person of Granville County. That he figured in the movement does not become generally known (except to a few top leaders among the Regulators) until in March of 1771, he was appointed by the group as one of the "settlers" who were to meet the crown officers, and find a common ground of settlement and arbitration.² He has been called the "man behind the Iron Curtain of the Regulation," "the power behind the throne" of Regulator leadership.³ As early as 1765, we find George Sims's pamphlet dedicated to Person, a hint of the latter's sympathy with the plight of the back-country.⁴

Thomas Person was not a run-of-the-mill Regulator, certainly, and his motives are the only ones we may suspect of some other end than mere desire for redress of grievances. He had

¹ cf. supra, 10.
² Saunders, Colonial Records, VIII, 535.
³ Letter from Roger Butterfield, author of histories of the Southwest.
⁴ cf. supra, 5.
come from Surry County, Virginia as a young man and became a surveyor for Lord Granville, and was noted for his accuracy and faithfulness. Accumulating a large estate in Granville County, he soon became one of the most influential men in his district, of the highest social position and unlike most of the Regulators a member of the Church of England. In 1754, he served in the colonial militia, and eight years later, at the age of twenty-nine, was appointed sheriff of Granville.

During the early period of the Regulation (1766), he became a member of the Assembly of North Carolina for the first time, and served in that capacity for almost every successive term until his death. His concern for the problems of the Regulators was evident in his work as a member of the legislature, for in December of 1770, we find James Iredell (another member) commenting on Person's appointment to a committee to prepare a bill for regulating officers' fees: "it seems that a majority of the house are of regulating Principles."

6 Clark, State Records, XXII, 373.
7 Saunders, Colonial Records, VI, 895, 897-898.
8 Ibid., VIII, preface, xxix.
9 Ibid., VIII, 270.
That Person was of regulating principles is evident from the events of 1771, when he was appointed to the aforementioned committee which was to meet the colonial officers in May of 1771, to reach an agreement for restitution and to decide on just fees and a redress of grievances.\textsuperscript{10} This evidence corroborated Tryon's former suspicions, and in the governor's Proclamation of Amnesty and Pardon on June 11, 1771, Person was excluded from the pardon along with Husband, Howell, Hunter and Butler.\textsuperscript{11} Expelled from his seat in the Assembly, Person was imprisoned at Hillsborough. A daring, but temporary escape, enabled him to return to his home and destroy whatever evidence there might have been against him. Voluntarily, he returned to prison the morning after. The search of his house and desk revealed nothing to tie him with the Regulators, and he was not tried at a court of oyer and terminer, but he was held without bail for three weeks. Being sent to Wilmington, he was there discharged on giving recognizance before a magistrate that he would appear at the next Superior Court.\textsuperscript{12}

Other than these few episodes, nothing further is known of Person's part in the Regulation. That he was important in the

\textsuperscript{10} Ibid., 521.
\textsuperscript{11} Ibid., 617-618.
\textsuperscript{12} Ibid., preface, xxviii-xxix, 635-636, 645-646.
movement cannot be doubted, particularly since Tryon took the precaution of excluding him from the first general pardon. Subsequently, he was pardoned along with all except the men previously mentioned.

During 1769, 1770, and 1771, the big years for the Regulators, Thomas Person was a member of the General Assembly. Late in 1769, he was charged with perjury by a political enemy, the charge coming to naught except a committee inquiry. A year later, probable proof of the unpopularity of these regulating principles among his co-members, he was accused of extortion, usury, exacting illegal fees, oppressing the people, and perjury. Strange charges against a Regulator! No doubt the members of the House who made the charges felt that "turn-about is fair play." Investigation of the charges found none of the allegations were supported, and the committee of inquiry declared that they had been made to injure his character and reputation by persons malicious and envious. Fittingly enough, Judge Richard Henderson, the justice insulted at the hands of the Regulators, appeared as prosecutor of the charges. Person's vindication was ordered published in the Public Gazette.

13 Ibid., 118.

14 Ibid., 326, 333, 448, 461, 467-468; IX, 717, 756, 761.
After Alamance and the change in governors, Person continued to hold his seat in the Assembly. Ironically, in 1773, he was appointed to a committee "to consider sundry claims incurred in the late expedition." Another office given him that year was "collector of public monies" along with certain other members of the house.

Although Governor Martin complained of the radicalism which was leading men of North Carolina to choose representatives for the Continental Congress, and it is known that many of its members shared that feeling, the Assembly in April, 1775, sent a resolution to Martin affirming the loyalty of its members to the king. Among the members of that first Provincial Congress of North Carolina, in August, 1774, had been the representative from Granville, Thomas Person. A year later, he appeared again, as a member of the Provincial Congress convened on August 20, 1775, and affixed his signature to a profession of allegiance to the king, a denial of the right of Parliament to tax the colonies, and a promise to support the Continental and Provincial Congresses.

15 Clark, State Records, XXII, 878-879.
16 Saunders, Colonial Records, IX, 591-593.
17 Ibid., 1187-1198.
18 Wheeler, Historical Sketches, 65.
Of the members of that body, Person alone had been affiliated with the Regulators, although there were others who had shown sympathy with their cause. By September of 1775, the Provincial Congress had begun to take over the government of North Carolina; Thomas Person was appointed to the Council from Hillsborough District, and the next month signed a test oath to the colonies. The next year in March, the members of the Provincial Council, Samuel Johnston, Thomas Jones and Thomas Person, were sent to Virginia to confer with the Committee of Safety of that state.

Preceding the official Declaration of Independence by three months, at least, the province of North Carolina through its Congress, appointed a committee to consider "the usurpations and violences attempted and committed by the King and Parliament of Britain against America, and the further measures to be taken from frustrating the same, and for the better defence of the province."

The committee, Thomas Person among its members, resolved:

That the delegates for this colony in the Continental Congress be empowered to concur with the delegates of the other colonies in declaring Independency, and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a constitution and laws


22 Ibid., 472, 476.
for this colony, and for appointing delegates from
time to time (under the direction of a general re-
presentation thereof) to meet the delegates of the
other colonies for such purposes as shall be here-
after pointed out.23

As closely allied as James Hunter was with the Regula-
tion, so is Thomas Person's career connected with the revolution-
ary movement in his home state. From the time he first served in
the Assembly under the royal government, the interim years of the
revolution, and finally under the Constitution of the state of
North Carolina, his life is one of service to the public. Person
continued to serve in the Provincial Congress, and in April of
1776 was appointed to a committee which was to prepare a civil
constitution for North Carolina.24 During that same month an im-
portant military post was given him, that of brigadier general for
the Hillsborough District.25 In that capacity, he received and
sent supplies to be used on the western frontier, a strategic
point in the defence of the province from Loyalist and Indian
attack. In July, 1776, he was ordered to send five hundred men
from Hillsborough District to the aid of General Rutherford in the
west, and the next month was sent to confer with the general as

23 April 12, 1776. Ibid., preface, xvii-svii.
24 Joseph Seawell Jones, A Defence of the Revolutionary
History of the State of North Carolina, Boston, 1834, 272.
25 Saunders, Colonial Records, X, 530, 552, 563; Clark,
to the conditions on that front.26

The first Council of Safety of the province met in June, 1776, and Person had been elected a member the month previous. This group acted as the governing body of North Carolina from the dissolution of the Provincial Congress until a governor was appointed under the constitution. It supplanted the Congress and the local committees of safety.27 On July 22, the Council issued the following:

Resolved, that the Committees of the respective Counties and towns in this state, on receiving the Declaration of Independence, do cause the same to be proclaimed in the most public manner, in order that the good people of this colony may be fully informed thereof.28

Three days later, a new test resolution was drawn up at Halifax; the king was not mentioned, the power of the British Parliament or any branch of that government to tax the colonies was denied, and again the members bound themselves by the acts of the Continental and Provincial Congresses.29 As a member of the committee appointed to inquire into the conduct of "Insurgents

26 Saunders, Colonial Records, X, 613; Clark, State Records, XI, 321, 327, 323, 335, 346, 351.
28 Jones, Defence, 263.
29 Saunders, Colonial Records, X, 634.
and other suspected Persons," by the Council, Person must have
been instrumental in the charges brought against his former asso-
ciates, Jeremiah Fields and Samuel Deviney.30 In this same vein,
and the Council of Safety having in view his former influence with
the people of that locale, Person was also appointed to:

agree with a proper person for the purpose of Instruct-
ing the Inhabitants of Anson County and other the West-
ern parts of this Colony in their duty to Almighty God,
and for explaining to them the justice and necessity of
the Measures pursued by the United States of America as
the only Means under God of supporting and maintaining
our Civil and Religious Liberties, and thereby induce the
good people of this Colony firmly to Unite in supporting
their just rights and Privileges and that the persons
who may be intrusted with the Execution of this impor-
tant Service, be . . . supplied with the sum of twenty-
five pounds each in order to defray their Travelling
Expenses . . . 31

The Congress which convened at Halifax in November, 1776
was organized to write a constitution for the province. During
the early days of that meeting, Thomas Person was chosen to serve
on a committee to form and lay before the Congress, a Bill of
Rights and a Constitution for the government of North Carolina.
Among the radicals who advocated manhood, instead of freehold
suffrage, Person was a leader.32

30 of. supra, chap. III; Saunders, Colonial Records, X, 594.
31 Ibid., 693.
32 Ibid., preface, xxiii, 914, 915, 960; Jones, Defence
285; for other committees, see Saunders, Colonial Records, X.
That same year, this versatile and spirited leader was appointed a justice of the peace for his county, an important position at the time. In December, 1776, with Cornelius Harnett, William Dry, William Haywood, Edward Starkey, Joseph Leech and Thomas Easton, he was made a member of the Council of State, the first body so appointed under the new constitution. 33 The ensuing years, as the Revolution continued, Person saw service on various important committees in the House of Commons. Again appointed a councillor of state, in 1777, he refused to serve under the new governor, Richard Caswell, because of political differences. 34 That Caswell was relieved at not having the radical Person serve under him, there can be no doubt. On June 26, 1777, Caswell wrote to Dr. Thomas Burke:

When I tell you that I saw with indignation such men as G - Th, R - d, T - s, P - S - N /Person/ and your colleague J. Penn, with a few others of the stamp, principle leaders in the houses, you will not expect that any thing good or great should proceed from the counsels of men of such narrow, contracted principle, supported by the most contemptable abilities. 35

Two months before, Person had been replaced as brigadier for Hillsborough by John Butler, at which time Caswell had

33 Clark, State Records, XXII, 986-993; Saunders,
34 Clark, State Records, XI, 393, XXII, 906.
35 Ibid., XI, 504.
commented to the same correspondent that Person had been "more troublesome this Assembly, if possible, than formerly." The radical democrats in the House proved troublesome to the old Tidewater representatives, and the disagreement was most obvious some ten years later, when the question of the federal constitution came up. Among his various appointments, Person was sent to concur with the Virginia Committee of Safety, for which he was paid fifteen pounds expense money in May, 1777. In August, 1778, he was chosen chairman of a joint committee of the upper and lower houses to make an arrangement of officers to command battalions from the new levies in the state, and in May, 1779, was a member of a committee to report on the situation of the southern army.

Another trusted office was given him in 1779, that of a commissioner authorized to receive paper money from the printer, to sign it, and pay it to the public treasurers; the next year,

36 Ibid., 470.
37 Ibid., XII, 106.
38 Ibid., XV, 715-716.
39 Ibid., XVIII, 811. During that same month Person was appointed a trustee for the establishment of an academy in Granville County; Ibid., XIII, 809-810, XXIV, 297.
40 Ibid., XXIV, 255.
he acted as chairman of a committee on "Congress Paper." As chairman of the Committee on Privileges and Elections, he ordered the investigation of an election at Wilmington and ordered the offender to appear before the committee.

On June 21, 1780, concerned with the progress of the war in the South, Person expressed to Governor Thomas Burke, his regret that Charleston was lost, and over the near loss of South Carolina. This he blames on the British practice of giving paroles to most patriots if they will agree to serve with the regular troops, and also on the difficulty in sending North Carolinians to the aid of their sister state, because of the lack of food for the troops. Discussing troops and troop movements, Person expresses his opinion that soldiers from the north "will be the Salvation of our State." Because he suspects mismanagement in the Staff Department, he intends to investigate at the next Assembly in October. Still interested in military matters and chairman of the committee representing the Marquis of Bretigny and Colonel Malmedy, two Frenchmen who had offered their services to the state, he recommends the former to the post of Inspector General and the latter to a post in the military command.

41 Ibid., XV, 197-198.
42 Ibid., XIV, 803, XV, 193.
43 Ibid., 837-859.
44 Ibid., 230.
Continuing to serve as member and chairman of various house committees, in June, 1781, Person was nominated by the Senate for the Council of State. Not content with political and military support of the war effort and the cause of the colonies, Person in his former capacity as brigadier general had sent fifty bushels of salt for the use of the militia, and in July, 1781, he loaned to the state of North Carolina, the sum of fifty thousand pounds.

Rumors in April, 1784, mentioned Thomas Person as a possible candidate for a member of the Congress of the Confederation. On May 11, he was elected a delegate from North Carolina. In 1786, he failed at re-election to the House from his county, to the delight of Governor Caswell, who wrote:

I cannot say it gives me great pain to hear my old friend, the General, was disappointed in the late Election for Granville, or that he is much mortified at being left out, as I flatter myself his country will derive advantage from the Legislature.

46 Ibid., XV, 625, 640-641.
47 Ibid., 552, 640-641, XVI, 299.
48 Ibid., XVII, 139. He had been nominated in 1782, but had not been elected; Ibid., XVI, 90, XIX, 57.
49 Ibid., XVII, 79, 143; XIX, 583.
50 Ibid., XVIII, 751.
Not long absent from public service, in that same year Person was appointed trustee of the new academy at Warrenton in Halifax district, and in 1787, was appointed to four different commissions by the Legislature. Returning to the House in December, 1787, he began his role as an anti-Federalist, when the time came for the Assembly to elect men to the coming Convention of North Carolina, which would vote on the federal constitution. As a radical and one of the most uncompromising of the anti-Federalist republicans, Person favored a simple form of government more directly responsible to the people. As a member of the ratifying convention, he proposed Samuel Johnston for president of that body, and Johnston was elected unanimously. On Person's motion, the convention voted to begin the next day (July 34, 1788) to "determine on what principles, and in what manner they will proceed to take up and debate on the proposed Federal Constitution." On the next day, Thomas Person was appointed to the committee to confer with a printer on the publication of the journal of the convention.

Throughout the convention, Thomas Person's opposition to the new constitution was evident. He voted against James

51 Ibid., 451, 459; XX, 630; XXII, 363; XXIV, 942.
52 Ibid., XXII, 6-7.
53 Ibid., 11-12.
Iredell's amendments, and in favor of the resolution:

That it be recommended to the Legislature of this State, that whenever Congress shall pass a law for collecting an impost in the States aforesaid which had already ratified this State enact a law for collecting a similar impost on goods imported into this State, and appropriate the money arising therefrom to the use of Congress. 54

Thus, though willing to cooperate with a federal government according to the old Articles of Confederation and the Confederation Congress, the North Carolina convention failed to ratify the Constitution of 1787. Through the influence of Person, David Caldwell of Guilford County, and James Galloway of Rockingham County, five north central counties were kept in the anti-Federalist column. Person was quoted as calling George Washington "a damned rascal and traitor to his country for putting his hand to such an infamous paper as the new Constitution." Because of the strength of these anti-Federalist radicals, who wished to surrender none of their state's sovereignty to a central government, North Carolina did not ratify the Constitution until the latter part of 1789, after which time the anti-Federalist democrats again resumed control. 55

54 Ibid., 25, 29, 31.
55 Henderson, Old North State, I, 410, 425, 447.
Again a member of the new convention which was chosen in November, 1788, Person continued his opposition to ratification and voted for a resolution not to ratify unless certain changes were made regarding elections of representatives and senators, direct taxation, paper money redemption and the treaty making power, all these measures being offensive to his party as provided for in the Federal Constitution. When the resolution: "That this Convention, in behalf of the freemen, citizens and inhabitants of the State of North Carolina do adopt and ratify, the said Constitution and form of government," Person voted "nay." Despite the opposition of the anti-Federalist party, this time the resolution was adopted, and on November 21, 1789, North Carolina ratified the Constitution of the United States of America.56

An interesting appraisal of the men who opposed federalism comes from one of the volatile writers on this phase in North Carolina history. "With many of the most eminent and zealous, such as Willie Jones and Thomas Person, the establishment of a democracy was an object of superior importance to the Independence of the country." Men such as these would have surrendered independence if an American aristocracy would be the result of the

56 Clark, State Records, XXII, 37-40.
struggle. Herein lies a possible explanation of the ideals and principles of that other democratic ex-Regulator, Herman Husband, and a basis for the stand taken by those Regulators who remained Loyalists.

Thomas Person's participation in the ratifying convention was not the end of his public life. His party resumed control after 1789, and during that year he received a new honor, the appointment to a trusteeship of the newly created University of North Carolina. Continuing to maintain a position of leadership in the House, he was chosen to serve on various committees and commissions until the end of his life. In November, 1789, he was nominated for the United States senatorship from his state, and a month later was recommended as a nominee for Councillor of State. (He requested his name be withdrawn from the latter nomination).

Dying without issue on November 16, 1800, while returning from Raleigh to his estate in Granville County, Person was not forgotten by the state he had served so long and so well. Honor

57 Jones, Defence, 275.
58 Clark, State Records, XXV, 22.
59 Ibid., XXI, 253; XXII, 39; XXV, 107.
60 Ibid., 389-390, 614, 704.
was paid him by naming the newly created county of 1791, Person County, and the University of North Carolina, to which he had donated a large sum of money, built Person Hall to commemorate his services to the institution.

If there could be found any connection between the principles of the Regulation and the American Revolution, it would certainly be found in the career of Thomas Person. A man of his position and influence, so different from the majority of Regulators, must certainly have had different motives in his support of that earlier movement. The probable supposition is that even at that early date, Person had some idea, however vague, that a strictly democratic form of government should be the aim of the American colonists, and for that reason supported the almost anarchic tendencies of the Regulation which would have destroyed government did it not answer the Regulator request for reform. His personal views were never expressed by him in writing or recorded conversation, but his subsequent activity in the cause of the Revolution supports the supposition that he had such intention as early as 1770. Since Thomas Person is the only ex-Regulator whose active part in the Revolution was outstanding, we must not judge the whole Regulatory movement as a forerunner of the American Revolution. The Regulators acted as individuals in the revolutionary movement, not in their old grouping.
CHAPTER VI

THE PROPAGANDISTS

The Regulators' Rebellion produced two writers, or perhaps it can be said that two writers produced the Regulators' Rebellion. Two men clever with the pen, wrote in different forms, material which stirred the Regulators and served also to explain their stand to outsiders. The first of these, whose life during the American Revolution is untraceable, was Rednap Howell, a schoolmaster who had come from New Jersey to settle in Chatham County, North Carolina. Before the Regulation began, he had already removed to Granville County, and became a neighbor of Thomas Person. As a writer of popular songs and political doggerel he was "a very powerful machine indeed for reaching and stirring up the popular heart."¹ His verses ridiculed the royal officers in rhymes that were better in point and wit than in musical cadences. Among his forty verses, later sung to raise the morale of the men of Alamance, are the following examples:

Says Frohawk to Fanning, to tell the plain truth;
When I came to this country, I was but a youth,
My father sent for me: I wa'nt worth a cross,
And then my first study was stealing a horse.
I quickly got credit; and then ran away,
And hav'nt paid for him to this very day.

¹ Saunders, Colonial Records, VIII, preface, xxvi-xxvii.
Says Fanning to Frohawk, 'tis folly to lie,
I rode an old mare that was blind of one eye;
Five shillings in money I had in my purse,
My coat it was patched, but not much the worse;
But now we've got rich, and it's very well known
That we'll do very well; if they'll leave us alone. 2

Though this verse lacked much in poetry and truth, since
Fanning was by no means poor when he came to North Carolina, it is
typical of the ridicule heaped on the officers of the crown.
Another song, this one to the praise of the popular Regulator
leaders, follows.

Who would have tho'jt Harmon, that drum old fox
Who looks so bemeaning with his towseled locks,
Would have had resolution to stand to the tack;
Alas my dear Ned [Fanning]/, our case is quite black.
And who would have tho'jt Hunter, so seemingly mild
Would have been so gigantic, mischievous and wild,
I tho'jt him a fool and I took him for one;
Alas, my dear Frank, our couise is undone.
Like Turkish Bashaws they bear absolute sway;
Alas my dear Frank, we must all run away. 3

With Edward Fanning as the chief butt of these songs,
the popular appeal is understandable. But all of Howell's writing
was not in such a light vein. He it was who probably wrote the
petitions of May 21, 1768, and September, 1770, and was one of
those chosen by the Regulators to present the petition to Tryon
at Alamance. Howell has been called the "master-spirit" control-

2 William D. Cooke, compiler, Revolutionary History of
North Carolina, Raleigh, 1853, 17.

3 Caruthers, Life of Caldwell, 130.
ling the movement in 1771. As a leader of the Regulation, not all of Howell's work consisted in written encouragement. In 1768 he was chosen one of the "settlers" to meet with the royal officials, and as such signed Regulators' Advertisements eight and nine, the latter in protest against the extortionate fees. Along with Hunter, he was appointed to "wait on His Excellency and their Honours" with the various papers explaining Regulator transactions, and is referred to in that capacity by Tryon, who gave him a message in return for the Regulators.

According to the court records of Orange County, Rednap Howell was one of those active in the Hillsborough court incident in September of 1770, and at the court of Oyer and Terminer held at Newbern in March, four true bills for Riot were entered against him.

On February 16, 1771, Howell wrote a letter which was to prove disastrous to the Regulators. The letter was addressed to James Hunter, from Halifax.

4 Saunders, Colonial Records, VIII, preface, xxvi-xxvii.
5 Ibid., VII, 731-733, 767, 792, 801, 819, 926.
6 Ibid., VIII, 235, 532, 542.
On my arrival here I had certain information that Herman [Husband] was at liberty, so that I found it needless to raise the country; but I am satisfied it would easily be done if occasion required. However, I have animated the people here to join the Regulators. On Saturday come two weeks they are to have a meeting for that purpose. If it once takes a start here it will run into the neighboring counties of Edgecomb, Bute and Northampton, and this will undoubtedly facilitate justice to poor Carolina. I will now inform you of such things as I have learnt since I left home.

At Newbern the governor called a general muster of eleven hundred men. After treating them at my and your expense, he tried to prevail on them to march against the rebels; but on one's absolute refusal, he ordered him to turn out, which he very readily did, and all the regiment followed or were following him. The governor perceiving his mistake, says, Gentlemen, you mistook me; I only meant should they come down and destroy all your livings would you not fight them. They answered, Yes; on which he dismissed them. They then gathered in companies of six, eight, ten, or twelve, growling and swearing would the Mob come down they would join them.

In Dobbs a general muster was called for the same purpose; but only seven men attended. I am informed the clerks' places in new counties are parcelled among the quality. One Cooper is designed for your county; but if you suffer any rascal to come there, may eternal oppression be your lot. As I cannot safely depend on the Irish ahead, pray you will reserve that morsel for yours to serve; for as the whole province is in your favor you may do as you list in that respect. I understand Butler and you are to be outlawed. Despise it; laugh at it. We hear that the governor has sent a proclamation to you, importing as the French and Spanish are now at war with us, it is a pity to breed a civil war among ourselves. That the chief cause of the troubles was the counterfeit money, for which the great men were to blame. Artful villain! . . . the Regulators are determined to whip every one who goes to law, or will not pay his just debts, or will not agree to leave his cause to men, where disputed. That they will choose representatives, but not send them to be put in jail. In short, to stand in defense; and as to thieves, to drive them out of the country . . ."
This amazingly defiant and rebellious letter, as luck would have it, fell into the hands of Tryon, who snatched on it as proof "of the wicked designs of those people."8 The effect of this letter on the governor was the prime factor in his decision to march against the Regulators; and most likely because of it, Rednap Howell was outlawed in the Proclamation of June ninth.9 Later, Howell, with Husband and Butler, was excepted from the pardon advocated by the Assembly to Governor Martin, and in March, 1775, excepted from Martin's recommendation of pardon to the Earl of Dartmouth.10

After Alamance, Howell fled, first to Maryland and later to New Jersey, his ancestral home, where the only mention of him is as witness to the will of David Howell in October, 1784.11 No record of Revolutionary service, as Tory or Patriot can be found, but because he was so important a leader in the Regulation, he has been included in this study. It is an interesting supposition that he joined the American cause, and continued to write his verses in support of that venture. Howell at no time can be

8 Ibid., 546–548.
9 Ibid., 615, 617.
10 Ibid., IX, 169, 1258.
11 Documents Relating to the Colonial, Revolutionary and Post-Revolutionary History of New Jersey, 1st series, 42 vols., Newark, 1880–1949, XXXV, 207.
accused of cowardice or other breach of honor.\textsuperscript{12}

The other propagandist, whose writings led to his continual persecution was Herman Husband.\textsuperscript{13} Of all the leaders, Husband was probably the one held in highest respect and affection by the Regulators. A former Quaker, a man beset by personal religious doubts and disturbances, Husband seems to have been one of those people driven by conscience to stand up and fight to the end for his principles - to fight not with violence, but with words. He had come from Maryland to North Carolina about 1751, moved from place to place in that province, until he settled at Sandy Creek in Orange (now Randolph) County. There he became known for his industry, honesty and intelligence, and acquired a large estate. Although "his profession \textsuperscript{14} was pacifism" he was "essentially an agitator,"\textsuperscript{15} and when the movement began to run excesses, Husband pressed for a settlement. Such a settlement not forthcoming, he fled from the field of Alamance and abandoned

\begin{itemize}
  \item \textsuperscript{12} S.W. Stockard, \textit{The History of Alamance}, Raleigh, 1900, 53.
  \item \textsuperscript{13} A thorough and well-done biographical study of Herman Husband has been written. Mary E. Lazenby, \textit{Herman Husband, A Story of His Life}, Washington, 1940.
  \item \textsuperscript{14} \textit{Ibid.}, 174.
  \item \textsuperscript{15} Bassett, "The Regulators of North Carolina," \textit{A.H.A. Annual Report}, 1894, 156.
\end{itemize}
the cause, of which he had never officially been a member.

A pamphleteer of "mystic and mystifying personality" Husband could phrase and rephrase the dominant motif of a basic wrong, and could adapt Scripture and secular writings to his propaganda purposes. The first work from the pen of Herman Husband to attract public attention was the *Impartial Relation*, which appeared in 1770, followed the same year by *A Continuation of an Impartial Relation*. In these expositions of Regulator principles he speaks for the others:

\[\ldots\text{it is not our form or mode of government nor yet the body of our laws that we are quarreling with, but with the malpractice of the officers of our county courts, and the abuses we suffer by those that are empowered to manage our public affairs}\ldots\]

In his emendations to James Murray's *Sermons to Asses*, Husband adapts the story of Balaam and the ass to Regulator propaganda, by means of dialogue of criticism of the attitude of


those who accept oppression and injustice without resistance.20

The high regard of the Regulators for Husband has already been hinted in their determination to free him from the prison at Newbern in 1768. One William Pigott, a Quaker, at that time wrote to Colonel Fanning, pleading for his protection against the Regulators who believed that Pigott had accused Husband of being one of the "Ringleaders of the Mob."21 After standing bond for William Butler on September 26, Husband had been ordered into custody, but was freed shortly after. Although he was described by the Regulators' Advertisement number eleven as "... a Gentleman that had never joined the Regulators, had never been concerned in any tumults, and whose only crime, was his being active in trying to bring on the intended settlement,"22 Husband had signed two of the previous advertisements, numbers eight and nine.23

By the election of 1769, Husband was sent as representative from Orange County, to the Assembly at Newbern. There he did as much as possible to gain redress for the grievances of his

20 Boyd, Some Eighteenth Tracts, 338.
21 Saunders, Colonial Records, VII, 745.
22 Ibid., 765.
23 Ibid., 731, 736.
constituents, in answer to a plea from some of them in protest against the proceedings at Salisbury General Court in September of that year. On October 27, Husband read the petitions from the inhabitants of Orange County to the lower house, and these were referred to the Committee of Privileges and Elections. No doubt they died there, for no action was taken.

At the March, 1770, meeting of the Regulators, Herman Husband was chosen one of the committee to meet and discuss disputes with the colonial officers, according to the Rowan County officials' agreement for restitution - the same committee of which Fields, Person, Howell and Hunter were members. In September, although still a member of the Legislature, Husband was named as one of the leaders of the rioters at Hillsborough. Resuming his seat at the convening of the Assembly, Husband does not seem to have been disturbed by the members of the house until December. Even then, ten days after his trial had begun, he was carrying on legislative business, and was

24 Ibid., VIII, 68-70.
25 Ibid., 110-112.
26 Ibid., 521.
27 Ibid., 235, 245, 542.
28 Ibid., 293, 295, 321, 329.
appointed to two committees, one, ironically, that which was to examine the facts in the charges against Thomas Person for extortion, usury, perjury and exacting illegal fees. 29 Husband’s reaction to that appointment provides interesting conjecture.

On December seventh, the first records of Husband’s trial begin. On that day, John Butler, sheriff of Orange, replied to the question "Do not the regulators in common associate with Mr. Hermon Husbands?" --- "They are neighbors and act friendly, and in Common theoppinion (sic) is that Mr. Husbands doth not approve their Conduct." 30 The charges had been brought on because of a letter which appeared in the North Carolina Gazette in December accusing Maurice Moore, a King’s Justice, of crimes and infidelity, over the signature of James Hunter. 31 Husband was accused of being its true author. On December twentieth, the Resolutions of the House in a Committee of the Whole against Herman Husband included the following charges: that Herman Husband is a Regulator, and has been "a principal mover and promoter of the late Riots and seditions in the County of Orange and other parts

29 Ibid., 320, 326.
30 Clark, State Records, XXII, 410.
31 Saunders, Colonial Records, VIII, 268, 331.
of this Province"; that the letter of December 14 in the Gazette to Maurice Moore "is a false Malicious and seditious Libel"; that Husband was the publisher of the said Libel; that Husband is "guilty of gross prevarication and falsehood" in his examination before the committee relative to the libel; that Husband insinuated that if he were confined by order of the House he expected a number of people to release him; that this insinuation "is a daring insult offered to this House and tending to intimidate."

For these reasons the House resolved that Herman Husband's conduct incurred the contempt of the House, rendered him unworthy of a seat in the Assembly, and he should be immediately expelled. 32

Arrested for libel and sent to prison at Newbern, Husband was presented to the grand jury on February 2, 1771, at which time he was released. A month later, along with the other Regulator leaders, he was indicted for Riot. 33 The Assembly requested a writ of Governor Tryon, enabling Orange County to elect a new member to replace Husband; in March, after the expulsion, a military force was sent to "protect the Election of a new

32 Ibid., 268-269, 330-331.

33 Ibid., 269-270, 494-495, 531, 546.
member."34 The Regulators, who had gathered in February to effect the release of their hero dispersed on hearing of his dismissal,35 but the fame continued to spread, even northward, of this man of good reputation and fortune, and against whom the most inveterate slander has yet uttered nothing but that he was conspicuous in endeavoring, tho' in vain to obtain justice in their courts of law, for his oppressed brethren and is stigmatized as the Cataline of that province . . . 36

At Alamance, after attempts at negotiation had failed, Husband left the field and rode away. The battle over, Tryon encamped with his troops on Husband's plantation.

This evening took possession of Herman Husband's plantation, containing 600 acres of excellent land, and encamped in two lines. No account of Husbands after the Action. A large parcel of treasonable papers found in his house, and some of his stock and cattle on and near the plantation.37

Among the "treasonable papers" were judgments passed by Regulator courts, letters and newspaper clippings.38 In the expenditures for the expedition Tryon listed two pounds to Job

34 Ibid., 471, 473-474, 538.
35 Ibid., 500, 546.
36 Ibid., 639-640.
38 Saunders, Colonial Records, X, 1018-1024.
Jackson "for taking Husband's negro."39

The Proclamation of Outlawry and Reward of June ninth included Husband, and in December, the Assembly excepted him from the request for pardon of the insurgents. Josiah Martin also specifically called for Husband's exclusion from the King's Pardon.40 In August, 1771, Tryon had written to his patron that the people are convinced that Husband, Hunter, and the others "have by misrepresentations misled Them."41

Fleeing from the region of strife, Husband passed through the Moravian settlement at Bethabara,42 on his way Maryland. Even after the large body of Regulators were pardoned, attempts were made to capture him there, along with the other outlaws, all of whom had been seen in that state. Precautions were taken to insure Husband's capture in Pennsylvania should he fly there. Plans were made to send a cutter or man-of-war to Maryland should the outlaws be found in that province.43 All these attempts were

39 Clark, State Records, XXII, 441.
40 Saunders, Colonial Records, VIII, 615, 617; IX, 169, 1258.
41 Ibid., VIII, 650.
42 Fries, Records of the Moravians, 652-653.
43 Saunders, Colonial Records, IX, 14.
fruitless, and none of the outlaws was ever captured or forcibly returned to North Carolina. The suspicions that Husband had gone to Pennsylvania were well-founded. Once there, Husband began as soon as possible to prepare a new home for himself and his family who had been left behind. From 1774-1794, he entered land warrants in Bedford County until his estate reached vast proportions. In 1783, Herman Husband is listed as a resident of Que-mahoning Township with 1,000 acres, and of Milford Township, with 3,000 acres, five horses, eight head of cattle, ten sheep. As a large property owner, an industrious and intelligent man, Husband had a sincere interest in government.

On October 14, 1777, Herman Husband was elected to the General Assembly of Pennsylvania, as a member from Bedford. In December he took the oath of allegiance to the constitution of the state, and joined the Assembly at Lancaster, Philadelphia then being under British control. As a member of the legislature he opposed a bill to tax those who did nothing to support the defense of the colony and voted against a supplement to the law

44 Ibid., 37.

45 William H. Egle, ed., Pennsylvania Archives, 3rd series, Harrisburg, 1897, XXII, 229, 237; see also XXII, 80, 115, 116, 119, 128, 166, 198, 234; XXV, 530, 532, 535, 536, 537.

calling for an oath of allegiance to Pennsylvania.\textsuperscript{47} Still the same man! In conformity with his old Regulator principles, he supported price regulation, and as a frontiersman, presented petitions calling for aid in defense against the Indians and for payment of the rangers in his county. With Regulator spirit, he requested the Committee on Public Accounts to call on those officers having public money, to settle their accounts and pay balances due. Toward the war, though a pacifist, he exerted some little effort by informing the War Board of a lead mine in Bedford County where bullet material might be obtained.\textsuperscript{48}

When a Committee of Safety was organized in Bedford, Husband served with such honored men as Gallatin, Brackenridge, and Bradford.\textsuperscript{49} Not neglecting his writing ability, he produced several political and religious pamphlets between 1782 and 1789.\textsuperscript{50} As member of the General Assembly, in 1789, he voted for the adoption of the Federal Constitution and the Bill of Rights.\textsuperscript{51}

\textsuperscript{47} Lazenby, Herman Husband, 142-143.
\textsuperscript{48} Ibid., 145-146.
\textsuperscript{49} Ibid., 149; Wheeler, Historical Sketches, 60.
\textsuperscript{50} Henderson, Old North State, I, 606.
\textsuperscript{51} Lazenby, Herman Husband, 159, 162.
Agitator and non-conformist to the end, at the age of sixty-six he joined the insurrectionists in the Whiskey Rebellion, and was saved from imprisonment only through the intercession of Dr. Benjamin Rush and the Rev. Dr. David Caldwell, his friends and sympathizers. Before he could return to his home, he died at an inn along the way. 52

Throughout his life Herman Husband had been at odds with authority; from his early Quaker days when he had been disowned by the Friends, 53 until his death, he was "a man of turbulent . . . character . . ." who lived in a country where the exercise of those qualities were not only excusable, but frequently indispensable, as a means of redress for outrage and wrong . . . a quick and ready perception of the state of the community in which he lived, he induced the discontented and oppressed to unite in a general and systematic opposition to the operations of . . . government. 54

Herman Husband's part in the Revolution, though a small one, was typical of the man himself - a man opposed to oppressive government of any king, royal or republican. A fascinating

52 Ibid., 164-173.
54 Jones, Defence, 35.
personality, a frontier Benjamin Franklin in his varied interests, he remained true to that principle as Quaker, Regulator and Patriot.

CHAPTER VII
REGULATION, NOT REVOLUTION

The Regulators' movement was begun with the intention of reforming abuses in county government. It can be described as an uprising of backwoods farmers and property owners in protest against unjust oppression by local colonial officials, which took the form of heavy taxation, illegal fees, packed juries, aggravated by the troubled financial conditions in the colony of North Carolina, especially the lack of sufficient currency. These discontented westerners tried at first to settle their problems by legal means, or at least the only means open to them, petitions to their governor for redress of grievances. Until some action could be taken by him, they drew up a program of resistance to the abuses practiced by their sheriffs and justices. When peaceful means failed, because of the failure of Governor Tryon to remedy the complaints and the lack of sympathetic action by the Legislature, the Regulators took a different attitude and began an active and sometimes violent resistance to the fraudulent officials. Although they remained supporters of the king and his power, they opposed the colonial government that exploited them. Attempting reconciliation several times, each time meeting failure their last try resulted in pitched battle between the poorly armed
and poorly organized Regulators and the trained militia led by Governor Tryon.

Although there are some democratic tendencies evident in the Regulators' program: the demand for real representation in colonial government and the practice of democratic majority rule among their own membership while in conference, the entire movement cannot be considered as a democratic agitation. The excesses which developed through the assumption of powers which were not theirs, the illegal measures and the rowdyism, threatened rebellion if not complete anarchy, and brought upon them equally violent methods of suppression. The Regulators' grievances were intensified by the passage of the Riot Act, and made them even more determined to change their oppressive local officers for honest ones.

The Regulators objected to the dishonest and incompetent government of North Carolina in their counties, but there is no indication that the reformers thought of revolution or independence and concentrated solely on local issues. The leaders of the Regulation show no indication as a group, of revolutionary principles. In a cross-section of these leaders there is the staunch Loyalism of Fields and Deviney during the American Revolution, the part Tory-part Patriot stand of Hunter during and after the establishment of the revolutionary provincial government of North Carolina,
the true patriotism of Husband and Person, both members of the interim legislatures and of the government of their states under new constitutions. In the case of Person we have the only example of a Regulator whose contribution to the American Revolution assumes significant proportions. The other of this representative group, Howell, appears to have been of no influence in the patriot cause, since no service, distinguished or otherwise, is reported of him.

The evidence supplied by the Regulation and the subsequent actions of individual members indicates no real connection between the two movements in cause or effect. The Regulators were not "forerunners of the Revolution," neither in motives nor plan of action. They were men trying to right injustice and oppression as it affected them through corrupt local officials. Their interest lay in overthrowing only that corruption, not in destroying the system of government. They had no intention of fighting for independence from royal rule. Since these were the basic principles of the American Revolution, it is impossible to view the Regulation as an early stage of revolution. The men who made the Regulation were unsympathetic as a whole, with those who led the revolutionary movement in North Carolina, except Thomas Person.

The Regulation and the American Revolution were two
distinct movements, the one ended before the other began. As was true of the general population which were divided, so the Regulators fell into the three divisions of Patriots, Tories and neutrals, with a generous number of those who changed sides when convenient. Although certain individuals joined in the agitation for revolution, the Regulation as a whole was local and restricted to the grievances of the rural backwoods.
CRITICAL ESSAY ON AUTHORITIES

I. Primary Material

The most complete source for contemporary material on the Regulation and its leaders is William L. Saunders, ed., The Colonial Records of North Carolina, 10 vols., Raleigh, 1927. The period after the adoption of the state constitution is covered by Walter Clark, ed., The State Records of North Carolina, Vols. 11-14, Winston-Salem, 1895-1896, Vols. 15-26, Goldsboro, 1899-1907, and is valuable for the later history of those Regulators who remained in the state, in particular Thomas Person. Both sets are indexed in the three final volumes.


 William K. Boyd, ed., Some Eighteenth Century Tracts Concerning North Carolina, Raleigh, 1927, is an important
contribution to the colonial history of the state, and includes such valuable documents as Herman Husband, An Impartial Relation of the First Rise and Cause of the Recent Differences in Publick Affairs in the Province of North Carolina, no place, 1770; the controversial A Fan For Fanning and a Touchstone to Tryon, Boston, 1771, which gives more of the Regulators' principles and grievances, whose author is not definitely known, and which has been sometimes attributed to Husband; Husband, Some Remarks on Religion, no place, 1767, in which the writer tells of his conversion from Anglicanism to Presbyterianism to Quakerism; and the first exposition of regulatory ideals, one of the Nutbush Papers, George Sims, An Address to the People of Granville County, no place, 1766.

Professor Archibald Henderson has done good work on the Regulation, and by editing Herman Husband, 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, no place, 1770, reprinted in The North Carolina Historical Review XVIII, 1941, has added another to the contemporary vindications of the Regulator cause.

A particularly interesting account of a separate stream of colonial history is Adelaide L. Fries, ed., Records of the Moravians in North Carolina, II, Raleigh, 1925, which gives a
contemporary view of the situation by persons who were more or less withdrawn from the activities of the other inhabitants of the vicinity. The pacifism and simplicity of this group is evident in the diaries of Salem and Bethabara, which are written with a remarkable objectivity for such purely local history.

Another interesting collection of North Caroliniana is Hugh T. Lefler, ed., *North Carolina History Told by Contemporaries*, Chapel Hill, 1934, which covers the history of the state from early colonial times to the nineteenth century with excerpts from original sources. The work is well-done and gives a good view of state history from the pages of contemporary commentaries. On the Regulation, Mr. Lefler has included part of Husband, *Impartial Relation*, and Judge Richard Henderson's letter to Governor Tryon on the Hillsborough Riot, taken from the *Colonial Records*.

II. Secondary Material

A complete history of the Regulation has yet to be written. Any secondary material on the subject is contained in general histories of the state, histories of the old southwest, or in biographical studies, and is inferior in every way. Facts are often twisted to fit the sympathies of the "historian," or
biographer, or interpretations are put on facts or events which at least are a stretch of the imagination.

The latest history of North Carolina, Archibald Henderson, North Carolina, The Old North State and New, I, Chicago, 1941---, discusses the Regulation in thirty-five pages as part of the general history of the state. The author gives neither foot-notes nor bibliography, but it is evident that he has relied heavily on original source material, and though it is written as a popular history, it is thorough and complete. In the same historian's The Conquest of the Old Southwest, New York, 1920, the doubtful stand is taken that the Regulators, almost as a group moved over the mountains after Alamance to settle in Tennessee. There is no real evidence that such a general exodus took place, and many descendants of the Regulators still live in North Carolina.

One of the most well-balanced treatments of the Regulators and the Regulation is Marshall DeLancey Haywood, Governor William Tryon, and his Administration in the Province of North Carolina, 1765-1771, Raleigh, 1903. Although sometimes bending backward in defence of Tryon and Fanning, there is good criticism of the many traditional fables and tales concerning the Regulators which appear in other works. The contrast of this work is great-
est with one which followed just nine years later, William Edward Fitch, *Some Neglected History of North Carolina*, 2nd ed., New York, 1912, which is subtitled "an account of the Revolution of the Regulators and of the Battle of Alamance, the First Battle of the American Revolution." Fitch's work is one of the typical, old school, southern patriotic outlooks of the Regulation, as an early stage of the Revolution. Although he uses original sources, especially the North Carolina Colonial Records, the comments, opinions and judgments do not always proceed from the facts, and the history is so subjective in scope that it is full of illogical conclusions and faulty interpretation. An earlier work of this writer, of which the above is an enlargement is W.E. Fitch, *Some Things the Colony of North Carolina Did, and Did First, in the Founding of English-Speaking America*, Publications of the New York Society of the Order of the Founders and Patriots of America, No. 23, New York, 1908.

George Elliott Howard, *Preliminaries of the Revolution*, Vol. VIII of *The American Nation: A History*, edited by Albert Bushnell Hart, 28 vols., New York, 1904-1918, gives another view. The author holds that most of the Regulators went to the Tennessee region where they were influential in the founding of that state, and contends that the Regulation had no influence on the
American Revolution, since the men who opposed the Regulators were those who led and supported the revolutionary movement. This latter is true partially, although Howard neglects the influence of Thomas Person.

Other comparatively good works, though sometimes biased are: Samuel A. Ashe, History of North Carolina, 2 vols., Greensboro, 1908, which is exhaustive in use of primary sources and well-annotated, but without an index; William D. Cooke, compiler, Revolutionary History of North Carolina, Raleigh, 1853, which contains good primary source material on the Regulatory movement in three lectures, by Francis L. Hawks, David L. Swain and William A. Graham, but does not emphasize the Regulation's effect on the Revolution; Joseph Seawell Jones, A Defence of the Revolutionary History of the State of North Carolina, Boston, 1834, an old work which contains many statements contrary to subsequent findings, i.e. "Maurice Moore was a Regulator"; Eli W. Caruthers, Revolutionary Incidents and Sketches of Character Chiefly in the "Old North State," 2 vols., Philadelphia, 1854, in which the Regulator turn to Toryism is blamed on the oath of allegiance after Alamance; Francois-Xavier Martin, The History of North Carolina from the Earliest Period, 2 vols., New Orleans, 1829, almost purely narrative, and for an old account, surprisingly objective
in viewpoint; John W. Moore, History of North Carolina, 2 vols., Raleigh, 1880, which contains numerous inaccuracies in fact on the Regulation; John P. Arthur, Western North Carolina, A History, Raleigh, 1914; S.W. Stockard, The History of Alamance, Raleigh, 1900, good for its discussion of personalities in the movement; Coralie Parker, The History of Taxation in North Carolina during the Colonial Period, 1663-1776, New York, 1928, a truly scholarly work, which is brief in discussion of the Regulation, and blames the agitation on the unfair poll tax and the corruption of tax collectors.

Other less important works which contain some material, though faulty, on the Regulation are: John H. Wheeler, Historical Sketches of North Carolina, I, Philadelphia, 1851, a biased, inaccurate local history; Justin Winsor, ed., Narrative and Critical History of America, VI, Boston, 1888, which has little mention of the controversial nature and some few listed sources of Regulatory history; Hugh Williamson, The History of North Carolina, 2 vols., Philadelphia, 1812; Enoch W. Sikes, The Transition of North Carolina from Colony to Commonwealth, Johns Hopkins University Studies in Historical and Political Science, Baltimore, 1898; Charles Lee Raper, North Carolina: A Royal Province 1729-1775, Chapel Hill, 1901; C.L. Hunter, Sketches of Western North
Biographical works include some good observations on the Regulation. Alfred M. Wadell, *A Colonial Officer and His Times*, Raleigh, 1890, on the life of General Hugh Wadell, one of the officers of Tryon's army and later a Tory general, offers some good observations on the general aspects of the Regulation and is quite moderate in judgment. The big failing of this work is the faulty factual material on Herman Husband, but as a whole is historically sound and fairly unbiased. Frank Nash, *The North Carolina Constitution of 1776 and Its Makers*, James Sprunt Historical Publications, Vol. XII (no. 6), Chapel Hill, 1912, is a good study of the early patriots of the state and the making of its constitution. One biography which has been used continuously since its publication as a source for Regulatory history, though opinionated and sometimes inaccurate, is the life of a pioneer
Baptist minister of the Sandy Creek district, Eli W. Caruthers, A Sketch of the Life and Character of Rev. David Caldwell, D.D., Greensborough, 1842. Another biased, although interesting biography of an influential man in North Carolinian history of the revolutionary period is R.D.W. Connor, Cornelius Harnett, Raleigh, 1909, which is annotated, but without a bibliography. The best biographical work consulted was Mary E. Lazenby, Herman Husband, A Story of His Life, Washington, 1940, a thorough study of an exceptionally interesting personality. The author of the latter takes most of her material from available primary sources, and relies to some extent on Stephen B. Weeks, Southern Quakers and Slavery, Baltimore, 1896, another analytic study.

III. Periodicals

of Trinity College (series 2), Durham, 1898, 44-61; and probably the best work dealing exclusively with the Regulation, though in some ways out-dated, John S. Bassett, "The Regulators of North Carolina (1765-1771)," *Annual Report of the American Historical Association*, 1894, Washington, 1895, 141-213.

IV. Unpublished Matter

The only unpublished material used in preparation of this paper is the latest work on the Regulation and among the most scholarly, well-authenticated, and objective, is Elmer D. Johnson, *The War of the Regulation: Its Place in History*, Unpublished Master’s Thesis, University of North Carolina, Chapel Hill, 1942, and certainly deserving of publication. Here is the last word on the Regulation, with valuable statistical data included in several appendices.
The thesis submitted by Lorraine Marie Stajdohar has been read and approved by three members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

Jan 30, 1957

Date

Signature of Adviser