G O V E R N O R

WILLIAM TRYON,

AND HIS

ADMINISTRATION

IN THE

PROVINCE of NORTH CAROLINA

1765 - 1771.

SERVICES IN A CIVIL CAPACITY AND MILITARY CAREER AS

COMMANDER-IN-Chief of COLONIAL FORCES WHICH

SUPPRESSED THE INSURRECTION of THE

REGULATORS.

BY

MARSHALL DELANCEY HAYWOOD.

"I can see no generosity. for less justice, in the conduct of those who are obstinately deaf to all evidence in favor of one whom they have been previously taught to condemn, and who seem to think that the strength of their own cause depends on the amount of obloquy which they can contrive to heap upon its opponents."

AYTOUN.

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TO THE MEMORY

of those

REVOLUTIONARY PATRIOTS of NORTH CAROLINA

WHO LEARNED A VALUABLE LESSON IN THE ART of WAR

WHILE FIGHTING UNDER TRYON AT ALAMANCE

IN 1771, AND AFTERWARDS MADE

USE of THEIR KNOWLEDGE IN A

WAY NOT TO HIS LIKING,

THIS VOLUME IS

DEDICATED.

To the present let us bid adieu
And with the past commune;
As Holy Writ enjoins, we'll view
The rock whence we are hewn.

Tales of a brave and warlike race
My pages will unfold
of peace and strife, of death and life,
of word and action bold.

I'll seek to tell of men long gone,
of long forgotten ways;
And how our fathers wrought and fought
In old colonial days.

While the historical content of this book has been preserved, reformatting rendered the original page numbers, table of contents, and table of illustration irrelevant.

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PREFACE

Ever since I have learned to rely more upon documentary evidence than upon the individual opinions of writers, I have been convinced that history has dealt too harshly with the memory of GOVERNOR TRYON. The story of his life in North Carolina, and my own opinion of him, will be found in this book.

I know that my views are very much at variance with those generally accepted; but I hold as true a declaration by the old Puritan divine, Richard Baxter, who says: “As long as men have liberty to examine and contradict one another, one may partly conjecture, by comparing their words, on which side the truth is like to be.”

Thus holding, I now submit my views to the public — or to that small portion of the public which shall do me the honor to read what I have written.

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GOVERNOR WILLIAM TRYON.

CHAPTER I.

CLOSE of THE ADMINISTRATION of GOVERNOR DOBBS IN NORTH CAROLINA — TRYON APPOINTED LIEUTENANT-GOVERNOR — HIS FAMILY AND ANCESTRY — HE ARRIVES IN THE COLONY — IMPROVES POSTAL SYSTEM — DEATH of GOVERNOR DOBBS — LORD ADAM GORDON IN NORTH CAROLINA — TRYON QUALIFIES AS GOVERNOR PRO TEMPORE.

From a colony owned and controlled by a company of English noblemen — the “Lords Proprietors” — North Carolina became a royal province in 1729. Thereafter Governors were appointed by the King. The third person so commissioned was ARTHUR DOBBS, a native of Ireland,whose seat was Castle Dobbs, in Carrickfergus, which is still owned by his descendants. Governor Dobbs was not to fame unknown before coming to America. Besides being an author on scientific and other subjects, he had occupied the posts of High Sheriff of County Antrim and Surveyor-General of Ireland. He had also been a member of the Irish Parliament for Carrickfergus. When the Chief Magistracy of North Carolina was assumed by him, however, in 1754, he was nearing his threescore and ten; and, as his age further advanced, it became necessary that a deputy, or Lieutenant-Governor, should be appointed to discharge the more active duties of state. This was accordingly done in 1764. The one thus chosen as Lieutenant-Governor of the province was WILLIAM TRYON, who then held a commission in the regular army of Great Britain. The eventful career, in North Carolina, of this noted person, who soon became full Governor (and was later Governor of New York), will constitute the theme of this work.

Governor Tryon was born in Surrey, at Norbury Park, a handsome seat then owned by his family but which has since passed into other hands. His entrance into the world took place in 1729 — the same year in which North Carolina, one of the chief scenes of his future achievements, was transformed from a proprietary into a royal province He belonged to an English family of high standing, which is said to have come originally from the Netherlands. In records of the baronetage, knightage, and landed gentry of Great Britain we of ten meet the name. “The first of this family that came into England was Peter Tryon, who quitted the Netherlands on account of the troubles raised in that country by the Duke of Alva. His ancestors had flourished there a long time in wealth and honor; so that he did not come over in an indigent manner to seek his fortune, but brought with him, as it is reported, above 60,000l.”*

* Morant’s History of Essex (A. D. 1768). Vol. II, p. 251.

While the Tryon family may be of Netherlandish origin, as stated by the old historian just quoted, there are records to show that the name, or one of the closest similarity, was home in England as early as the Norman Conquest; for, during the reign of Henry the Third, a writ of inquisition as to the title of an estate called Tryenestone, in Kent, was issued, with the result reported that it had been “given to a certain knight named TRYAN, who held it so long as he lived; and, after his decease, Hugh Tryan, his son and heir, retained it; and, after the said Hugh, Robert Tryan, son and heir of the said Hugh, retained it. So that the said Trian, Hugh, and Robert held the said land without challenge from the lord William the King, the Bastard, to the time of King John, who took the said land, together with other lands of the Normans, into his own hands, as his escheats, and

expelled the said Robert, the last holder, from the Kingdom of England, and held it in his own hand for two years, and afterwards gave it to Alberic de Marinis, to hold at his pleasure, who held it to the time of our lord the King Henry that now is."* It may be that the Robert Tryan, whom King John "expelled from the Kingdom of England," was the founder of the family that resided in the Netherlands, and which we are told "had flourished there a long time in wealth and honor."

* County Records of the surnames of Francus, Franceis, French, in England. A. D. 1100 — 1350. by A. D. Weld French. p. 208.

Branches of tho Tryon family have been settled in various parts of England — in Essex, Northampton, and elsewhere. Governor Tryon was the son of Charles Tryon, of Bulwick, Northamptonshire. The latter's wife (mother of the Governor) was the Honorable Lady Mary Tryon, née Shirley, daughter, by his second marriage, of Robert Shirley, first Earl Ferrers. The first wife of Lord Ferrets was a daughter of Laurence Washington, of Garsden, Wiltshire, a member of the family from which sprang General George Washington.

Through the House of Ferrers Governor Tryon was lineally descended from the Earl of Essex, Queen Elizabeth's sometime favorite, and from the Royal House of Plantagenet.*

* Compare monumental inscriptions in ninth chapter of this work with 1868 edition of Burke's Peerage (earldom of Ferrers); see also. 1900 edition of Burke's Landed Gentry. p. 1596.

The arms and crest of the Tryon family, as given by Burke, are as follows: Arms — Azure, a fesse embattled between six estoiles 0r. CREST — A bear's head sable, powdered with estoiles or. The accompanying illustration of the armorial seal of Governor Tryon is copied from a facsimile in Lossing's Field Book of the Revolution, and was made by Lossing from an original in the possession of the eminent American divine and historian, Reverend Francis Lister Hawks, grandson of John Hawks who superintended the erection of the Palace at New Bern. The inescutcheon, shown on the Governor's shield in the illustration here given, may have been adopted by him in right of his descent from tho — Devereuxs, Earls of Essex, as it exhibits a similarity to the arms borne by that family.

In the year 1757, at which time he held a commission as captain in the First Regiment of Foot-Guards, Mr. Tryon was united in marriage with Margaret Wake, then of Hanover street, London, a lady possessing a dower of thirty thousand pounds.

The brave and unfortunate Admiral Sir George Tryon, who was drowned when his flag-ship, the Victoria, collided with the Camperdown, on the 22d of June, 1893, was of the same stock as Governor Tryon. He was not, however, his lineal descendant.

The commission of William Tryon as Lieutenant-Governor of North Carolina was issued from the Court of St. James, by order of King George the Third, on April 26, 1764. As Governor Dobbs was fast succumbing to the infirmities of age, he had written to friends at Court, requesting that the King's leave be obtained for his temporary return to Great Britain. This was granted in the month following Tryon's appointment, but it was some time before the necessary papers reached North Carolina. Tryon arrived in the province, at Cape Fear, on Wednesday, the 10th of October, 1764; and next day waited on Governor Dobbs, who had already been apprised of his coming.*

* Colonial Records of NC, Vol. v1. pp. 1043. 1045. 1063.

It was the wish of Colonel Tryon to assume the reins of government immediately upon his arrival. But Governor Dobbs determined to remain until the following Spring, at which time he had requested that a sleep of war should be sent to convey him home. This delay proved a bitter disappointment to Tryon, who was making plans for immediate action upon policies which he intended to pursue. Being accompanied by his family, great inconvenience was likewise experienced by him in securing suitable lodgings, as the Governor's Villa was still in possession of its official occupant. Furthermore, Tryon was under the necessity of drawing largely on his personal revenues during the time intervening, as the Governor's full salary could not be paid him until Dobbs had vacated the Executive chair. Remonstrating about this in a letter to the Earl of Halifax, Tryon declared that mercenary gain had not been the motive which brought him to America; but, at the same time, he had not come with an idea of squandering his private fortune in unreasonable expenditures. Concerning Governor Dobbs, however, it was added that he had been very polite in his attentions to the Tryon household, and should receive all the respect due his character, age, and infirmities.*

* Colonial Records of NC, VOL VI. pp. 1053-1055.

Before coming to America, Tryon had consulted Lord Hyde, the Postmaster-General of England, with a view of establishing more convenient mail routes in the colonies; and the prosecution of this design was one of the first matters which engrossed his attention. Shortly after being sworn in as Lieutenant-Governor — which ceremonial occurred at Wilmington on the 27th of October, 1764 — he sought to impress his views upon Governor Dobbs, and the latter issued an address to the Assembly, in which were detailed the many advantages which would probably accrue from the execution of Tryon's suggestions. The recommendations met with a favorable reception, and several appropriations towards carrying them into effect were made before the session adjourned. Desiring the cooperation of the home government, Tryon sent to Lord Hyde, in the month following, a dispatch of some length in which were given the conditions which required the system in question. Aside from injury to commerce, caused by the irregularity with which letters were delivered, the writer declared that needs of war ought to be considered. Should the southern provinces be invaded, there were no reliable means through which aid could be summoned from the north. By water, the attempt to give an alarm would be a precarious undertaking; while equally dangerous, and even more uncertain, would be such an effort by land. In the latter event, Tryon went on to state, a messenger might ride two hundred miles or more before being able to provide himself with a fresh horse; and if by chance a hut should he reached, 110 shelter could be obtained for the animal, which must therefore be turned out to graze or stray, as the case might be. One line, from New York to Williamsburg, Virginia, was already in operation; hut, from the latter place to South Carolina, communication was well-nigh impossible. It was recommended that the route should be extended via the North Carolina towns of Edenton, Bath, New Bern, Wilmington, and Brunswick, to Charleston, in South Carolina. It was also urged that packet-boats should be ordered to call with greater regularity at Cape Fear, as a means of more frequent intercourse With England.*

* Colonial Records of NC, Vol. VI. pp. 1057-1060, 1291, 1299-1300, 1304, 1319.

The venerable Governor Dobbs was destined never to leave North Carolina. In the Spring of 1765 preparations were made by him to embark; and the Assembly drew up an

address, in which were expressed regret at parting and best wishes for the speedy restoration of his health. After returning grateful acknowledgments for these kind professions, the Governor began placing his effects in readiness to ship, when the attendant physician gave warning that “he had better prepare himself for a much longer voyage.” None too soon came the admonition, thus bluntly worded; for two days thereafter, on Thursday, the 28th of March, death brought relief to the aged ruler and wafted his spirit to that —

> “Silent shore, Where billows never break, nor tempests roar.”

And when his remains were laid to rest there was not a clergyman within a hundred miles of Brunswick, so the burial service had to be conducted by a Justice of the Peace.

Lieutenant-Governor Tryon was escorting the distinguished British soldier, Lord Adam Gordon (second son of the Duke of Gordon), through North Carolina when the news came that Governor Dobbs had passed away. Having been authorized to assume temporary control of the government upon the absence or death of his superior, Tryon returned to Brunswick; and, on the 3lst of March, took possession of the great seal of the province, together with the Governor’s commission and other documents of a public nature.*

* Colonial Records of NC, VOL v1. pp. 1320-1321; Ibid., Vol. VII. pp. 2-5.103.

At a session of the Provincial Council, held in Wilmington on the 3d of April, 1765, the oath of office as Governor pro tempore was administered to Tryon, who thereupon issued a proclamation which continued, for the time being, all official commissions then in force. He had written to the Earl of Halifax, when the vacancy first occurred, to secure that nobleman’s influence in obtaining a permanent appointment as Governor, and it will be seen hereafter that this effort was successful.

CHAPTER II.

GOVERNOR TRYON RECOMMENDS NEW BERN FOR THE CAPITAL of THE COLONY — IS TAKEN ILL — APPOINTED PERMANENT GOVERNOR — FRIENDLY TO DISSENTERS — REVEREND GEORGE WHITEFIELD — RELIGIOUS AND EDUCATIONAL ADVANCEMENT — NORTH CAROLINA MOUNTAINS AND THE MOUNTAINEERS — THE STAMP ACT PASSED.

On becoming temporary Chief Executive of the province, Governor Tryon summoned the Legislature to meet on May 2, 1765, at New Bern. As is well known, this town was settled by Swiss and German palatines brought to America by Baron Christopher De Graffenried. To Tryon, however, is due the credit of pointing out its advantages and establishing there the seat of government. In a letter to the Board of Trade he said that he had spent two months in a tour through the province, and was determined in the opinion that public business could be carried on nowhere else with so much convenience and advantage to far the greater part of the inhabitants.*

* Colonial Records of NC, Vol. VII. pp. 2, 5.

During the Summer and Fall of 1765, Tryon suffered a protracted illness which he said was the compound of every sort of fever, called by the inhabitants “the seasoning of the climate.” While his sickness continued he received the King’s commission which permanently vested him with the governorship. This document was issued from Westminster on the 19th of July, 1765, and opened before the Council in Wilmington on the 20th of December following. In line with the usual custom, a proclamation was next in order announcing the appointment.*

* Colonial Records of NC, Vol. VII. pp. 123, 133-124.

In compliance with- the call therefor, the Legislature met at New Bern on May 3, 1765, the day after the date specified in the summons. The delay was caused by the lack of a quorum.* Immediately after his commission was formally made known, Governor Tryon dissolved this Assembly and issued writs of election for another session, to be held at New Bern in April, 1766.

* Colonial Records of NC, Vol. VII. pp. 41, 61.

The town of New Bern soon began to feel good effects from the new Governor’s intention to make it the capital of the province. Thomas Tomlinson arrived from England in 1764; and, during the following year, was enabled to establish a school which accommodated more than thirty pupils. His academy was legally incorporated by Chapter XIX of the Private Laws of 1766. By Chapter XXVIII of the Private Laws of 1786, when the Church of England had been disestablished, the Globe in New Bern was given to this school. A few years after the New Bern Academy began operations a school in Edenton was incorporated by Chapter XXIII of the Laws of 1770.

Religion, too, in all denominations, obtained a firmer foothold after the arrival of Governor Tryon. Theretofore no clergymen but those of the Church of England had been authorized to perform the marriage ceremony. By Chapter IX of the Laws of 1766 Presbyterian ministers were vested with that right. It is generally believed that Tryon was instrumental in securing the passage of the act just mentioned.

The historian Williamson — himself a Presbyterian — seems inclined to this opinion.[1] Other denominations were not included, as none but Presbyterians claimed or exercised the powers.[2]

[1] Williamson's History of NC, Vol. II. pp. 118-119.
[2] Church History of NC, p. 80. note.

Like most gentlemen who held office under the Crown, Tryon was an adherent of the Church of England, and he used his best efforts to strengthen its establishment. Taxes, as in England, to maintain it, were collected from churchman and dissenter alike; but beyond an approval of this injustice the Governor never went. Doctor Williamson, in his History of North Carolina,[3] remarks: “It was fortunate for the dissenters that Governor Tryon was not a bigot. He did not conceive that a vicious life could be expiated by persecutions in favor of an established church; nor did he believe that any worship, in form or substance, could be acceptable to the Supreme Being that was not offered up with an approving heart.”

In an address on the Church of England in the Province of North Carolina,[4] which he delivered in Calvary Church, Tarborough, 1890, at the celebration of the centennial of the Diocese, the Reverend Joseph Blount Cheshire, who has since become Bishop of North Carolina, refers to Tryon in these words: “With the administration of Governor Tryon a new era of activity in ecclesiastical affairs begins. Gabriel Johnston and Arthur Dobbs were both zealous churchmen, but Tryon’s activity in seeking to advance the cause of the Church and of religion in the province was quite beyond anything which had been seen before. Yet it was not the zeal of a mere sectarian bigotry. All our historians have admitted that he met the dissenting interests of the country with a generous appreciation and tolerance which to a very great extent won their good-will. Upon the outbreak of the first Regulation troubles in 1768 the Presbyterian ministers united in an address to him, in which they declared that they had the highest sense of the justice and benevolence of his administration, under which they say that they enjoyed all the blessings of civil and religious liberty, or words to that effect. They also put forth a pastoral letter to their people, quite as ardent in its expressions of loyalty to King George as was Parson Micklejohn’s sermon before the troops at Hillsboro’ upon the text, ‘The powers that be are ordained of God.’ Governor Tryon, on his part, always speaks of the Presbyterians, and also of the Quakers, with the highest respect. As a civil administrator, bred in the school of military discipline, he had less respect for the ruder and more extravagant forms of religious enthusiasm, the ‘New Lights’ and the ‘Separatists,’ who were becoming so numerous in some quarters. But no complaint has come down to us from any religious body against his ecclesiastical administration.”

[3] Williamson's History of NC, Vol. 11. p. 113.
[4] Church History of NC, p. 75.

Tryon’s friendship for the Lutherans is shown by the fact that he and “the Honorable Miss Tryon” (probably his sister) joined in a subscription to aid them in securing a minister and a school-master for their congregation in the county of Rowan.[5]

[5] Colonial Records of NC, Vol. VIII. pp. 630-633.

The Moravians, too, came in for a full share of Tryon’s respect and admiration. From a work, by the Reverend John H. Clewell, entitled the History of Wachovia,* we

have a delightful picture, written in the community diary of the Moravian settlement (in what is now Forsyth county, North Carolina), when that place was visited by Governor and Mrs. Tryon in September, 1767. The entries given by Doctor Clewell were made originally in German at the time of Tryon's sojourn, and, as the testimony of eye-witnesses, are of great value historically. On September 18th it is said of the visiting party's entry into the town: "As the company approached, our band of musicians with French horns and trumpets greeted them. Half an hour later they dined in the hall of the single brethren's house, the musicians furnishing music while they sat at table. At the conclusion of the repast the governor, accompanied by some of the gentlemen of the party, took a walk through the village, inspecting the property, the stables and the farm. As it began to rain, they returned to their rooms. In the meantime, Mrs. Tryon was entertained by the ladies of the congregation, she con; versing with them in a charming and lovely manner. When comfortably seated in the room, the governor had a long and familiar conversation with Graff. He was greatly interested in our constitution and government." On the following day we have the chronicle: "After having breakfasted, the governor and his party went across the great meadow to Salem. He examined everything with interest. He was pleased with the regularity of the streets, and the care with which everything is laid out. When we returned to Bethabara, dinner was served, as yesterday, in the large hall, and later His Excellency examined the potter shop. The party then went to Bethania, spending some time at the mill. In the evening we were again in Bethabara, the governor having expressed himself as greatly pleased with what he saw. As he passed and greeted the young people, and saw them in front of the houses, he said the country would be blessed in these happy children." of Mrs. Tryon we also have an attractive view (Sunday, September 20th) from the same source: "We had arranged for a quiet afternoon for our visitors, but Mrs. Tryon expressed a desire to play upon the organ; and as she played, a number of the girls sang. This pleased her. She later requested Graff to perform on the organ, and he did so. By this time the governor became interested in the music, and came to the meeting hall from his room. An hour was pleasantly passed in this way." Before leaving the Moravians, Governor Tryon advised them to secure representation in the Legislature, as the importance of their community fully justified such a privilege. In reply he was told that such a step might arouse the jealousy of other sections, but his answer was that their prosperity would probably arouse envy and jealousy whether they were represented or not. On the 21st of September, Tryon returned to Salisbury from this visit, after a hearty interchange of good wishes With his hospitable entertainers.

* Clewell's History of Wachovia. pp. 99-102.

One missionary of the Church of England, writing from North Carolina in 1767, referred to Governor Tryon as "by inclination, as well as by his office, the defender and friend, the patron and nursing father of the church established amongst us; a religious frequenter of its worship and a steady adherent to its interest, prepared in times of the greatest danger and distress to suffer with and for it."* This extravagant praise does not bear out the statement made by one historian that the only reason for Tryon's tolerance was his utter indifference to religion in general.

Under date of July 31, 1765, Governor Tryon wrote to the Society for the Propagation of the Gospel, with reference to religious and educational matters, a letter in which he said that if the Society would send for his distribution as many well-bound Bibles and Prayer Books for the ministers' desks as there were parishes, it would have a better effect than a ship — load of small books recommending the

duty of a Christian; for the ignorant would hear their duty delivered out of the former, when they could not instruct themselves in the latter. This incapacity was due, he thought, to a want of schools in the province, which consideration impelled him to solicit the Society's bounty and encouragement to Mr. Tomlinson, the teacher then seated at New Bern. The Governor said he had recently held a long conversation with Mr. Tomlinson, and was much impressed by the sense and decency of his behavior, and the general good character he maintained. In conclusion, Tryon remarked that he could not close his letter without acquainting the Society that the Reverend George Whitefield had preached a sermon at Wilmington in the preceding March which would have done him honor had he delivered it at St. James's, allowing some little alteration of circumstances between a discourse adapted to the Royal Chapel and one prepared for the court-house at Wilmington.[1]

[1] Colonial Records of NC, VOL VII. p. 520

In the above-mentioned letter Governor Tryon stated that considerable sums of money had been subscribed for finishing the churches at Wilmington and Brunswick, and he thought both would be completed in less than twelve months. He does not mention that he himself had made a personal contribution of forty guineas toward building the one at Brunswick, yet such was the cases.[2] The walls of the historic edifice last alluded to, St. Philip's Church, are still standing at old Brunswick.

[2] Colonial Records of NC, Vol. VII. p.164.

In his work entitled Tales and Traditions of the Lower Cape. Fear[3], Mr. James Sprunt, of Wilmington, says:

> "St. Philip's Church was built of large brick brought from England. Its walls are nearly three feet thick and are solid and almost intact still, the roof and the floor only having disappeared. Its dimensions are nearly as large as those of our modern churches, being seventy-six feet six inches long, fifty-three feet three inches wide, standing walls twenty-four feet four inches high. There are eleven windows, measuring fifteen by seven feet, and three large doors. It must have possessed much architectural beauty and massive grandeur with its high-pitched roof, its lofty doors, and beautiful chancel windows.
>
> "Upon the fall of Fort Fisher, which is a few miles to the south-east of Orton, in 1865, the Federal troops visited the ruins of St. Philip's, and with pick-axes dug out the corner stone, which had remained undisturbed for one hundred and twenty-five years, and which doubtless contained papers of great interest and value to our people. It is a singular fact that during the terrific bombardment of Fort Anderson, which was erected on Orton, and which enclosed with earthworks the ruins of St. Philip's, while many of the tombs in the church-yard were shattered and broken to pieces by the storm of shot and shell, the walls escaped destruction; as if the Power Above had shielded from annihilation the building which had been dedicated to His service.
>
> "This sanctuary has long been a neglected ruin, trees of larger growth than the surrounding forest have grown up within its roof less walls, and where long years ago the earnest prayer and song of praise ascended up on high, a solemn stillness reigns, unbroken save by the distant murmur of the sea, which ever sings a requiem to the buried past."

[3] Sprunt's Tales and Traditions of the Lower Cape Fear. pp. 73-74.

The parish in Wilmington (organized in 17 29} has been more fortunate than the one at Brunswick, and is still in active operation, though its house of worship, St. James's Church, is not the same which was used in the days of Governor Tryon. The present building was erected many years after the Revolution.

To what we have said concerning Tryon's efforts to advance the cause of education, it should be added that his exertions were not designed to benefit the eastern part of the province alone. In a message to the Colonial Legislature, on December 5, 1770, he recommended to that body that, as soon as funds could be raised, a seminary should be established in the back-country settlements.[1] In reply, the Assembly promised favorable action as soon as the state of the public finance justified such an expenditure, saying that an institution of this character was very much to be desired, as morals and good government largely depended upon the early training given citizens of a country. At the same session, by Chapter III of the Laws of 1770,[2] Queen's College (sometimes called Queen's Museum) in Charlotte was incorporated; and, for its support, the trustees were authorized to levy and collect a duty on all rum and other spirituous liquors brought into and disposed of in Mecklenburg county. The trustees of this college were nearly altogether men of the Presbyterian faith, though Edmund Fanning and Abner Nash, two members of the Church of England, were also on the board. Upon being submitted for the approval of the authorities in England, according to the usual procedure, the act incorporating this institution was annulled; and another act, Chapter IX of the Laws of 1771 (later passed as an amendment), became of no effect in consequence thereof. It was not until the Revolution upset British authority that the desired legislation could be made effective. Then, by Chapter XX of the Private Laws of 1777 (April session), a charter was obtained vesting the government of the college in a board of trustees, on which were Thomas Polk, Adlai Osborne, Waightstill Avery, Ephraim Brevard, several of the Alexanders, and many other prominent Presbyterians. At this time the North Carolinians were not so anxious to honor royalty, and Queen's College became Liberty Hall. By Chapter XXIII of the Private Laws of 1778 (April session) all moneys coming from the sale of town lots in Charlotte were given to the college. Though it had done much good in the cause of ed11eation (for it ran some years without a charter), this institution did not long survive the Revolution. Chapter XXIX of the Private Laws of 1784 (October session) changed its name to Salisbury Academy, and it was then removed to Rowan county. We find the Osbornes, Brevards, Polks, and others who had been interested in Liberty Hall, among the earliest trustees and patrons of the University of North Carolina at Chapel Hill, which began its existence shortly after the war.

[1] Colonial Records of NC, Vol. VIII. pp. 285, 289, 312.

[2] In the publication of Laws only the caption of this act is given. For full text see Colonial Records of NC, Vol. VIII. p. 488.

In Liberty Hall, as if by way of retribution for the King's past injuries to it, were held the meetings, in 1775, which brought forth the Mecklenburg Declaration of Independence. Neither the remnants of this college nor the place of its location seem to have made a very profound impression on General Washington in 1791, when he visited that part of North Carolina. In his Diary,* on May 28th, of the year mentioned, he says: "Charlotte is a trifling place, though the Court of Mecklenburg is held in it. There is a school (called a college) in which, at times, there has

been fifty or sixty boys." As Washington, according to a well-known account handed down to us by the Reverend Mason L. Weems, "could not tell a lie," perhaps his description of the Charlotte of that day should not be questioned; yet, could the General repeat his visit, he would now find a town no longer "trifling," but enlightened educationally and progressive commercially. And it may be here mentioned that one of the principal streets of Charlotte is called for Governor Tryon.

* Washington's Diary (edited by B. J. Lossing, New York, 1860). p. 197.

It has been said that the royal approval was denied the act incorporating Queen's College because the institution was not in unison with the Church of England. This is probably true; but the fact that Great Britain was then afflicted with a monarch who sometimes overworked himself in performing the arduous duties devolving upon him as "Defender of the Faith" was not the fault either of Tryon or the North Carolina Assembly.

In February, 1766, Governor Tryon became a member of the Society for the Propagation of the Gospel in Foreign Parts, making a handsome donation in money to that organization at the same time.[1]

[1] Colonial Records of NC, Vol. VII, p.162.

One of the most laughable pictures we have of the religious transactions in the colony about the year 1766 is found in a letter from the Reverend Charles Woodmason, of the Established Church, to the Society for the Propagation of the Gospel.[2] Among other things, this worthy divine says that when the Presbyterians saw they were not strong enough to cope with the Church of England along the sea-coast, they cramped its usefulness by building a chain of meeting — houses which hedged it of i from the back-country. Then, says the parson, the Almighty allowed the Presbyterians to be caught in the nets they set for others, as the Baptists came down from Pennsylvania and wormed them out of their strong-holds; wherefore the rancor between the two sects was so great that a Presbyterian would prefer having ten children married to members of the Church of England than one to a Baptist, and the same was true of the antipathy borne by the Baptists towards the Presbyterians. As a consequence of these jealousies, said he, the Church of England was reaping great good; but, with some misgiving, he adds: "The Baptists have great prevalence and footing in North Carolina, and have taken such deep root that it will require long time and pains to grub up their layers." In considering this statement, we are impressed with the belief that the reverend gentleman did not overestimate the difficulties his church had to encounter; for, even at the present writing, the foundations or "layers" of the Baptist denomination in North Carolina have not been entirely grubbed up, and what further amount of "time and pains" will be required to effect that end is difficult to estimate.

[2] Colonial Records of NC, Vol. VII. p. 237.

We shall now leave the churchmen and dissenters to their three-cornered fight and take a look at the mountainous section of the province. Though somewhat devoid of that refinement which first reached the sea-coast counties, the inhabitants of the west were even then noted for their self reliance, and for the fearless love of liberty which was destined to make King's Mountain the turning point in America's great struggle for freedom, fifteen years thereafter. Vivid, indeed, is the portrayal both of locality and people given in 1765 by Attorney-General Robert

Jones, junior (sometimes known as Robin Jones), who had recently visited that section for his health. To Edmund Fanning he wrote:

> "The country, I suppose, is as healthy as any under the sun; for although the cold is very intense in Winter, occasioned by the north side of the mountains being continually covered with snow from December till the middle of March, the weather, I am told, is not liable to those sudden changes from hot to cold that we experience here, and, in the Summer, the - air is the most agreeable medium between those extremes that can be conceived, accompanied by pleasant breezes. The inhabitants are hospitable in their way, live in plenty and dirt, are stout, of great prowess in manual athletics; and, in private conversation, hold, impertinent, and vain. In the art of war (after the Indian manner), they are well skilled, are enterprising and fruitful of strategies; and, when in action, are as bold and intrepid as the ancient Romans. The Shawnees acknowledge them their superiors even in their own way of fighting. The land, such as is capable of cultivation, is fertile beyond conception, being much better than any I ever saw before; but of that there is a very small proportion, much the greater part being too stony and barren. It may be truly called the land of mountains, for they are so numerous that when you have reached the summit of one of them, you may see thousands, of every shape that the imagination can suggest, seeming to vie With each other Which should raise his lofty head to touch the clouds. The mountains and valleys abound With medicinal herbs of almost every kind, and there are some curious flowers and other curiosities well worth seeing. There are warm, hot, emetic, and sweet springs, most of Which I saw, but their virtues time must discover. However, it seems to me that nature has been wanton in be stowing her blessings on that country, and that these waters are the choicest of them."*

* Colonial Records of NC, Vol. VII. pp. 100-101.

Reluctantly departing from the beautiful scenes so graphically depicted by the above writer, we shall now carry our narrative to the town of Brunswick, on the Cape Fear river, where Governor Tryon tarries before proceeding to New Bern, at which place he purposes to meet the newly-elected Assembly. The Parliament of Great Britain has passed the Stamp Act; and news thereof is brought to North Carolina, where officers of the Crown hear it without misgiving. Little know they that a great storm is brewing — the prelude to a storm still greater, which will sweep every vestige of royal rule from the thirteen colonies.

CHAPTER III.

ATTEMPTS TO ENFORCE THE STAMP ACT — RESISTANCE BY THE COLONISTS — ARMED DEMONSTRATION AGAINST THE SLOOP of WAR DILIGENCE — CREW of THE SLOOP VIPER CAPTURED AND IMPRISONED — MEETING of THE GOVERNOR'S COUNCIL — PUBLIC PRINTER SUSPENDED FROM OFFICE — REPEAL of THE STAMP ACT — PERSONNEL of THE GOVERNOR'S COUNCIL.

The month of October, in 1765, was marked by the first resistance offered to the Stamp Act. Doctor William Houston, a resident of North Carolina, was appointed to distribute such stamps as should be sent into the province. The sloop of war Diligence, which brought the first and last cargo, under that hated enactment, arrived at Cape Fear on the 28th of November, 1765.[1] Previous to this time, on October 19th, about five hundred people had assembled in the streets of Wilmington and hanged in effigy "a certain honorable gentleman," whose name does not appear in the North Carolina Gazette,[2] from which we get the account The reason of this demonstration was that the gentleman in question had expressed himself in favor of the stamp duty. After the figure was cut down and consigned to the flames, all male inhabitants of the town were brought to the bonfire. Here they were compelled to drink the toast: "Liberty, property, no stamp duty, and confusion to Lord Bute and all his adherents." On the 31st of the same month, says the above paper, a great number of people again assembled "and produced an effigy of Liberty, which they put into a coffin and marched with it in solemn procession to the church-yard, a drum, in mourning, beating before them, and the town bell, muffled, ringing a doleful knell at the same time. But before they committed the body to the ground they thought it advisable to feel its pulse; and, when finding some remains of life, they returned back to the bonfire, ready prepared, placed the effigy before it in a large two — armed chair and concluded the evening with great rejoicings on finding that Liberty had still an existence in the colonies."

1 A Colonial officer and His Times. by Alfred Moore Weddell. p. 84.

[2] Reprinted in the Colonial Records of NC, Vol. VII. p. 123. et seq.

On November 16th it was the fortune of Stamp — Master Houston to be an unwilling participant in some impressive ceremonies in connection with the above matters. Immediately upon his coming to Wilmington, three or four hundred citizens, with drums beating and colors flying, gathered at the house where he lodged, and demanded whether he would attempt to execute his office. He replied that he would be sorry to perform any duties distasteful to the people of the province. Not content with this evasive answer, the multitude carried him to the court-house, where he was compelled to sign a paper in which he declared that he would never attempt to perform the duties devolving upon him as Stamp Master, and which he closed with the not over-truthful statement that this resignation was made of his own free-will and accord.

> "As soon as the Stamp officer had complied with their desires," says the newspaper already quoted, "they placed him in an arm-chair, carried him first round the courthouse, giving him three huzzas at every corner, and then proceeded with him round one of the squares of the town and sat him down at the door of his lodgings, formed themselves in a large circle around him and gave him three cheers. They then escorted him into the house, where was prepared the best liquors to be had, and treated him

> very genteelly. In the evening a large bonfire was made, and no person appeared on the streets without having ‘Liberty’ in large letters on his hat. They had a large table near the bonfire, well furnished with several sorts of liquors, where they drank in great form all the favorite American toasts, giving three cheers at the conclusion of each. The whole was conducted with great decorum, and not the least insult was offered to any person.”
>
> “Verily, these bibulous champions of liberty were a decorous set; and the above circumstances go to show that on one occasion, at least, in the history of North Carolina, matters were so arranged as to avoid the complaint (said to have been made at a conference of Governors in after years) that it was “a long time between drinks.”

In addition to the above account in the Gazette, its editor, Andrew Stuart, gives a tale of woe in relating his personal experiences. He was visited by a committee which demanded whether or not he would continue his business as heretofore and publish a newspaper. He replied that he could not lawfully do so without stamped paper, and he had none. Then followed threats of violence, when he said that, rather than run the hazard of his life, of being maimed, or having his printing office destroyed, he would issue his paper as usual.

In his Field Book of the Revolution* Lossing gives a description of the stamps sent to America. He says the impression was made upon dark blue paper (similar in appearance to that now commonly known as tobacco paper), to which was fastened a narrow strip of tin-foil. The ends of the foil were passed through the parchment or paper to which the stamp was to be attached, then flattened on the opposite side; and. a piece of paper, with the rough device and number of the stamp, pasted on to secure it. The device was a double Tudor rose, enclosed by the Royal Garter. Above this was a crown, and below was named the money Value of the stamp.

* Lossing's Field Book of the Revolution (edition 1851-1852). Vol. II. p. 877 (giving illustrations).

Seeing the serious turn affairs had taken, Governor Tryon sent out a circular-letter to the principal gentry of the Cape Fear section, inviting them to a conference at his house near Brunswick on the 18th of November, 1765.* When they came in response to his summons, he addressed them at some length on the events of recent occurrence and exhorted obedience to the decrees of Parliament. The right of Great Britain to tax the colonies, he said, would not constitute his theme of discussion, but that he hoped no one desired to destroy dependence on the mother country. He then dwelt on the advantages that would result from North Carolina’s acceptance of the law, saying that her commerce would thereupon extend, while the rural colonies were obstructing their own trade by a refusal to take the stamps. As a further inducement, he offered to pay, at his own expense, the duty on all stamped paper on which he was entitled to fees. Nor was this amount inconsiderable, for it included fees on land patents, testimonials, injunctions in Chancery, marriage licenses, and letters of administration; on four wine licenses

* Colonial Records of NC, Vol. VII. pp. 127-131.

each for the towns of Edenton, New Bern, Wilmington, Salisbury, and Halifax; two each for Brunswick and Cross Creek (now Fayetteville); and one each for Bath and Tarborough. Though recognizing the generosity of his offer, it soon became evident

that the men whom Tryon consulted were contending more for principle than for money. After due consultation they returned acknowledgments for the privilege of a conference with the Governor, and declared that Tryon's known sincerity left no room to doubt his professions. They also recognized, so the reply stated, that his family influence, fortune, and other interests in England would always give weight to remonstrances which he might make in behalf of the province. Then referring to the Stamp Act, the conviction was expressed that every view of it confirmed them in the Opinion that it was most dangerous to their liberties as British subjects. To the King they promised every act of loyalty and obedience consistent with the rights of a free people. As to the Governor's offer to pay the fees, they said that, with an approval of part, they could not deny the act's validity as a whole. Assurances were also given that every effort should be used to prevent insult and violence to officers of the Crown, except distributors of stamps, who, they said, were too much detested to be secure from the resentment of the colonists. In conclusion they expressed a desire to promote the mutual interests of Great Britain and the colonies, and to render Tryon's administration happy, easy, and honorable.

As noted in the beginning of this chapter, the sloop of war Diligence brought a cargo of stamped paper to the Cape Fear

on November 28, 1765. General Hugh Waddell's descendant and biographer, the Honorable Alfred Moore Waddell, in his work entitled A Colonial officer and His Times* has given a graphic account of her reception, as follows:

> "Twelve days afterward the Diligence arrived in the Cape Fear river with the stamps, and the welcome which awaited her captain must have astonished him. His name was Phipps, and his vessel was a twenty-gun sloop of war, which was cruising off the coast of Virginia and the Carolinas. He brought the stamps from Virginia, whither they had been sent from England, and, doubtless, anticipated no trouble Whatever in delivering them to the Collector of the Port of Brunswick. The idea of resistance of any kind probably never occurred to him, and the suggestion of armed defiance on the part of the people on shore would have seemed the wildest absurdity to a commander of one of His Majesty's war ships.
>
> "Comfortably pacing his deck, as the gallant sloop, with colors flying and all her canvas set, glided courtesy across the bar like a fine lady entering a drawing — room, the captain was doubtless already enjoying in anticipation the sideboard and table refreshments that awaited him in the hospitable mansions of the Cape Fear planters, and eager to stand, gun in hand, by one of the tall pines of Brunswick and watch the coming of the antlered monarch of the forest before the inspiring music of the hounds.
>
> "As the Diligence bowls along 'with a bone in her mouth' across the ruffled bosom of the beautiful bay into which the river expands opposite Fort Johnston, a puff of white smoke
>
> leaps from her port quarter, followed by a roar of salutation from one of her guns; an answering thunder of welcome comes from the fort, and the proud ship walks the waters towards the town of Brunswick, eight miles farther up the river towards Wilmington. An hour later she sights the town, and a little while afterwards, with a graceful sweep and a rushing

> keel, she gradually puts her nose in the wind as if scenting trouble; and then, at the shrill sound of the boatswain's whistle, the growling chains release the anchor from its long suspense, and the Diligence rests opposite to the Custom House of Brunswick, with her grinning port-holes open and all her guns exposed. Then her rigging-blocks chuckle as she lowers and clews her sails, and she 'rides at her moorings beneath the flag of the Mistress of the Seas.
>
> "The captain at once observes that the little town seems to be unusually lively and expectant. He soon discovers the cause. A considerable body of armed men occupy the streets and line the shore. Presently. he is informed that Colonel Hugh Waddell, an experienced soldier, who had been on the lookout for the Diligence with the militia of Brunswick county, had notified Colonel Ashe of New Hanover of his movements; and these two gentlemen, with the armed militia of both counties, confronted him and informed him that they would resist the landing of the stamps and would fire on any one attempting it.
>
> "Here was one of His Majesty's twenty-gun sloops of war openly defied and threatened by British subjects armed and drawn up in battle array. ' Here was treason, open, flagrant and in the broad light of day — treason, armed and led by the most distinguished soldier of the province and the Speaker of the Assembly.
>
> "The captain of the Diligence prudently concluded that it would be folly to attempt to land the stamps in the face of such a threat, backed by such force, and promised a compliance with the demands of the people. The 'Sons of Liberty,' as they were afterwards called, then seized one of the boats of the Diligence, and, leaving a guard at Brunswick, marched with it mounted on a cart to Wilmington, where there was a triumphal procession through the streets, and at night a general illumination of the town."

* A Colonial officer and His Times. p. 86. et seq.

In addition to his own account of the above transaction, Mr. Waddell quotes another writer, the Honorable George Davis, who says:

> "This was more than ten years before the Declaration of Independence, and more than nine before the battle of Lexington, and nearly eight years before the Boston 'Tea Party.' The destruction of the tea was done in the night by men in disguise. And history blazons it, and New England boasts of it, and the fame of it is world-Wide. But this other act, more gallant and daring, done in open day by well-known men, with arms in their hands, and under the King's flag — who remembers, or who tells of it ?"

The full name of the commander of the Diligence was Constantine John Phipps.* He was a distinguished naval officer and Arctic explorer, the son of an Irish nobleman, Baron Mulgrave, of New Ross, County Wexford. Upon the death of his father, Captain Phipps succeeded to the title and was himself later raised to the peerage of the United Kingdom as Baron Mulgrave, of Mulgrave, County York. In one of his exploring expeditions the future Admiral Nelson was a coxswain. Lord Mulgrave was in active service against America during the Revolution, as was also

his brother and successor, Henry, afterwards created Earl of Mulgrave and Marquis of Normanby. These titles are at present vested in the Marquis of Normanby, a descendant of the last named.

* Compare Burke's Peerage (1895 edition). pp. 1063-1064. with signature to Phipps a letter in A Colonial officer and His Times. by Weddell. p. 113; for portrait and sketch of Captain Phipps (Lord Mulgrave) nee Quebec periodical entitled North American Notes and Queries. July. 1900. Vol. I. pp. 56. 61.

One of the shrewdest acts of Tryon's administration in North Carolina was the prevention of all meetings of the Assembly during the Stamp Act disputes. More than a year and a half— from May 18, 1765, till November 3, 1766 — elapsed between two sessions. Having the right either to prorogue or dissolve that body whenever he saw fit, this power was freely exercised. Hence, when the Stamp Act Congress (composed of delegates from nearly all the provinces) convened in New York on October 7, 1765, North Carolina was not a party thereto, as the Assembly, not being in session, could not provide for the colony's representation — "an explanation of the absence of such delegates," says the biographer of General Waddell, "which does not seem to have been known to writers who have ignorantly criticized the State for a want of spirit at that time."[1]

* For full record of prorogations and dissolutions, see Colonial Records of NC, Vol. VII. pp. 87-88, 118, 135, 188, 342.

[1] A Colonial officer and His Times. by Alfred Moore Waddell. p. 82.

Though at times powerless to cope with the resistance offered the measures of the home government, Tryon was a man of strong determination and bent every energy to carry out the decrees of Parliament. At that time Cape Fear was said to be the only spot on the continent where vessels were actually seized by the British authorities for non — compliance with the laws concerning stamps, and it was soon learned that the inhabitants of Cape Fear would be about the last people on the continent to tamely submit to such a state of affairs. On the 18th of February, 1766, the colonists drew up and signed an agreement which avowed the utmost loyalty to the King, yet declared the Stamp Act an infringement on the constitutional rights transmitted to the people of America by their brave forefathers, and pledged the united action of the signers to prevent entirely the operation of that law.[1] The parties to this compact were inhabitants of the vicinity of Cape Fear. On February 19th they marched to Brunswick, where their force — according to one estimate — was augmented by upwards of a thousand men. At Brunswick news was received that several hundred more would soon arrive.[2] In order to remove any misapprehension in the mind of Governor Tryon, two of the party (George Moore and Cornelius Harnett) were deputed to wait on him and deliver a letter which said that no disrespect or insult should be offered his person; but that, being dissatisfied with the restrictions which were laid on their river commerce, the force assembled was going for a conference with the commanding officers of His Majesty's war ships with the hope of obtaining a peaceable redress of their grievances.[3] This letter was signed by John Ashe, Thomas Lloyd, and Alexander Lillington. An offer was also made by this committee of three to place a special guard for the protection of the Governor, but the proposition was contemptuously rejected, Tryon saying he had no fears for his person or property, and hoped their protection would not be given where it was neither needed nor desired.

[1] Colonial Records of NC, Vol. VII. p. 168c.

[2] Colonial Records of NC, Vol. VII. p. 168d.
[3] Colonial Records of NC, Vol. VII. p. 178-179.

When a conference was finally held by the colonists with the Collector of Customs and ranking naval officer, those functionaries agreed that no further restrictions should be placed on the port unless upon the order of the Surveyor — General of Customs when that officer should arrive.*

* Colonial Records of NC, VOL VII. p. 168d.

At one time during the troubles at Wilmington a general muster was ordered in the town, and the Governor sought to win over the militia by having an ox barbecued. He also opened several barrels of beer for their entertainment; but the people rose in riot and made a Douglas Larder of the feast by dumping the ox into the river and knocking out the heads of the beer barrels.*

* Martin’s History of NC, Vol. II. p. 211.

On the 21st of February a committee was sent for William Pennington, the Comptroller of Customs, William Dry, the Collector of the Port, and Thomas McGuire, an officer of the Admiralty Department, with all of whom a consultation was desired. The two last named made their appearance, but Pennington sought refuge with the Governor. One of the party, Colonel James Moore, thereupon went to summon him, and Tryon made answer that he had himself detained Mr. Pennington, who was engaged with dispatches in relation to the King’s service; but that any person desiring to consult him might attend for that purpose. Thereupon a company of men went to the Governor’s house and by threats of entering and capturing Pennington by force (also promising safety if he voluntarily complied), finally prevailed on him to come out. Then marching of f, they formed a circle, in the center of which he and the other customs officers were placed, and compelled them to make a solemn oath that they would not either directly or indirectly attempt to execute the duties of their respective offices, in so far as stamped papers were concerned. All court officers and lawyers present were sworn to the same effect.*

* Colonial Record. of NC, Vol. VII. p. 168e.

In giving an account of the above affair to the home government, Tryon said that, from the best accounts he could get, the force in arms amounted to about five hundred and eighty, with an additional hundred unarmed. He added that the Mayor and corporation officers of Wilmington, with some masters of vessels and nearly all of the planters and other inhabitants of Brunswick, New Hanover, Duplin, and Bladen counties composed this corps.*

* Colonial Records of NC, Vol. VII. p. 174.

On visiting Fort Johnston, the Governor had the mortification to find that the commandant, Captain John Dalrymple, had permitted all of the guns to be spiked. This was done by order of Captain Jacob Lobb of the sloop Viper, to whose commands Tryon had directed Dalrymple to hold himself subject. The armament thus temporarily disabled consisted of twenty-three swivel-guns, eight eighteen-pounders, and eight nine-pounders. Lobb was sharply reprimanded by Tryon for his action in this matter, but justified himself by declaring he had received word that several hundred men were approaching, led by Colonel Hugh Waddell, who purposed to take possession of the fort, which was then garrisoned by only five men and the commanding officer.

There was danger, said Lobb, that the guns would be captured and brought to bear on such of His Majesty's ships as were within range.[1] The officer who carried out the order for spiking the guns was Lieutenant Calder, then attached to the Diligence, under Captain Phipps.[2] He is believed to have been that Admiral Sir Robert Calder who afterwards figured in naval warfare against the French.

[1] Colonial Records of NC, Vol. VII. p. 180. et seq.

[2] A Colonial officer and His Times, by A. M. Weddell, pp. 112-118; Alfred Moore Waddell in North Carolina Booklet for July, 1901. p. 21.

Captain Dalrymple, mentioned above, was an officer in the British army, stationed in North Carolina for some years. He died in the province, at Fort Johnston, on the 13th of July, 1766.[3] His will was made in 1743, twenty-six years before his death, and is now on file in North Carolina. In it he designates himself second lawful son to Sir John Dalrymple of Cowsland, Baronet, of the Kingdom of Scotland." The latter was a grandson of John Dalrymple, first Viscount Stair, and nephew of the second Viscount (later created Earl of Stair), both of whom were conspicuous figures in the royal councils of their day.

[3] Colonial Records of NC, Vol. VII. pp. 40. 91. 244. 245, 445; State Records of NC Vol. XI. pp. 154-166; North Carolina Historical and Genealogical Register Vol. I, p. 201.

Before the Stamp Act dispute was settled the people of Wilmington had not been altogether inactive. Provisions on board the Viper began to run low, and a boat was sent to bring an additional supply. The citizens refused to furnish this, and complacently dumped the boat's crew into jail. In response to Tryon's inquiry concerning this action, Moses John DeRosset, the patriotic Mayor of Wilmington, replied that gentlemen of the Cape Fear section of the province had assembled to redress their grievances; and, hearing that Captain Lobb was seizing merchant vessels which were without stamped papers, had determined to cut off supplies from the men of war until these oppressive measures ceased. Seizures by the government were made, said Mayor DeRosset, notwithstanding the fact that masters of vessels produced certificates that no stamped papers could be obtained at the ports from which they sailed. In conclusion, he added that, since the local officers had come to terms, sufficient provisions would now be forwarded, and the Governor might rest assured that all efforts would be made to sustain His Majesty's service.*

* Colonial Records of NC, Vol. VII. pp. 186-186.

The Governor's Council met at Brunswick on the 26th of February, 1766. By advice of that body, Tryon issued a proclamation denouncing the late assemblages of the peoples.* He also suspended the Public Printer, Andrew Stuart, for having published a communication which was considered inflammatory.

* Colonial Records of NC, Vol. VII. p. 187.

Thwarted at every turn, Governor Tryon at one time had contemplated calling on the Crown for a military and naval force to uphold his authority. But soon, by a communication dated March 31, 1766 (though not received until some weeks later), notification came that the Stamp Act had been repealed.[1] Furthermore, persons who had suffered by its operations were indemnified for their losses. Then followed congratulations from the corporation officers of Wilmington, to which Tryon

returned a polite but rather stilted acknowledgment. Another address, by way of a remonstrance, soon followed, in which it was said that moderation had ceased to be a virtue when their rights as British subjects were ignored; but that the prudent action of Parliament, in repealing the law, had relieved them from the unpleasant dilemma.[2] Assurances were also given that they knew His Excellency's conduct had always been regulated by no motive other than a generous concern for the public good. With this the Governor was more appeased, and graciously declared that he stood ready to forget all improprieties of which the town and its people had been guilty. In conclusion, he thanked the gentlemen for characterizing as false an attack recently made upon him by a Barbados newspaper.

[1] Colonial Records of NC, Vol. VII. pp. 189, 193, 202, 217.
[2] Colonial Records of NC, Vol. VII. pp. 222-223, 242-243.

The Council of the Province, appointed by the King when Tryon was made Governor, consisted of James Hasell, John Rutherford, Lewis Henry DeRosset, Edward Brice Dobbs, Richard Spaight, John Sampson, Henry Eustace McCulloh, Alexander McCulloh, Charles Berry, William Dry, Robert Palmer, and Benjamin Heron.[1] of these, Dobbs was an officer in the British army, the son of Governor Dobbs, and had seen service in the French and Indian War. He left the province about the time of his father's death, and his property in North Carolina was confiscated during the Revolution.

[1] Colonial Records of NC, VOL VII. p. 131.

Spaight died in North Carolina before, Tryon arrived. He was a son of George Spaight, who married a niece of Governor Dobbs: hence Richard Spaight was a great-nephew of the last named, and not his nephew, as has always been stated in North Carolina histories. From him sprang Governor Richard Dobbs Spaight, senior, and Governor Richard Dobbs Spaight, junior, each of whom became Chief Magistrate of North Carolina after independence was achieved. The elder Governor Spaight was also a member of the Continental Congress, and fell in a duel with the Honorable John Stanly of New Bern on September 5, 1802.

of the other Councilors mentioned above, Hasell was also Chief Justice and became Governor ex officio, as President of the Council, in 1771. Rutherford (who married the widow of Governor Gabriel Johnston) was brought to North Carolina by his cousin, James Murray, in 1739. He served in the French and Indian War; and was a loyalist during the Revolution, as were also Hasell, DeRosset, and Henry Eustace McCulloh, though the last named was not in America when the war was in progress. Alexander McCulloh lived in Halifax county. of Henry Eustace McCulloh later mention will be made in this work. DeRosset belonged to an old Huguenot family, still extant in the Cape Fear section, and his loyalty to the House of Hanover was largely due to gratitude for the protection rendered his ancestors when they were exiled from France. He was a brother of Moses John DeRosset, to whom we have already had occasion to refer. It is from the latter that the present DeRosset family is descended.

Berry, another member of the Council, died by his own hand in a fit of insanity.* He had been made Chief Justice (vice Peter Henley, deceased) by the King's commission, hearing date November 27, 1758, but did not arrive in the colony till the Fall of the year following. He took the oath of office as Chief Justice before Governor Dobbs on the 6th of December, 1759. His service as a member of the Council also began during the administration of Governor Dobbs. After the death of Henley,

and before Berry's arrival in America, James Hasell was Chief Justice pro tempore. Descendants of Chief Justice Berry are still living in North Carolina.

* For correct account. see A Colonial officer and His Times. pp. 127-129. note.

Sampson's name is preserved by a North Carolina county called in his honor. Heron died before the Revolution, about 1770. When the war came on, Dry became a supporter of the American cause and occupied a seat at the council-board of the whig Governor. Palmer was probably born in North Carolina.* He lived at Bath and was Surveyor — General of the province. He was a loyalist in the Revolution, and his property in North Carolina was confiscated. He went to England and there was pensioned by the government.

* See will of Robert Palmer. Sr.. in North Carolina Historical and Genealogical Register. Vol. I. pp. 65, 369.

To fill vacancies in the above board, new councilors were sworn as follows: James Murray, July 16, 1767; Samuel Strudwick, December 14, 1767; Samuel Cornell, October 16, 1770; Martin Howard, November 19, 1770.[1] Murray, like some of the other councilors mentioned above, had also occupied a similar post under Governors Johnston and Dobbs, and the failure at first to insert his name in the commission sent to Tryon was due to an oversight. He was born in Scotland and came to America in 1735. From North Carolina he made protracted visits to Boston (later settling in New England), and finally his continued absence caused Governor Tryon to vacate his seat, together with that of Edward Brice Dobbs (then With his regiment in Great Britain), for the same reason. Murray was a loyalist during the Revolution, and died in exile about the close of the war, in 1781. His correspondence has recently been collected in book form, and is a most valuable addition to the literature which treats of colonial life in North Carolina, though it also relates largely to New England, where the volume was published.[2] Strudwick, who accompanied Tryon to North Carolina, was an Englishman, the son of Edmund Strudwick of St. Ann's Parish, Westminster, and came to take charge of the Stag Park and Hawfields estates which he and his father had bought from Governor Burrington and the latter's son, Lieutenant George Burrington, junior. Cornell resided at New Bern; and in January, 1770, was described by Tryon as "a merchant of the first credit in the province, a native of New York, about forty years of age, and of a very genteel and public spirit." Cornell's granddaughter, Caroline LeRoy, was the second wife of Daniel Webster. The last councilor to qualify, as above, Martin Howard, came to North Carolina from Rhode Island, Where his advocacy of the Stamp Act. had caused his property to be destroyed during an uprising of the populace. In addition to occupying a seat at the council-board, he filled the office of Chief Justice of North Carolina, and had no superior — if an equal — in the colonial judiciary. Most historians have dealt very unjustly with his memory; for, though a loyalist (like nearly all of the others mentioned above), he seems to have acted from conscientious motives, and was highly respected by members of the legal profession, including those of the opposite political faith.

[1] Colonial Records of NC, Vol. VII. pp. 160, 425-428, 437, 501, 532: Ibid., Vol. VIII. pp. 149, 167, 249, 258; Ibid. Vol. IX. p. 1002; State Records of NC, Vol. XI, p. 210.

[2] Letters of James Murray, Loyalist. edited by Nina Moore Tiffany and Susan I. Lesley (Boston, 1901).

Upon the face of a commission constituting a board of magistrates on the 29th of April, 17 68, it would appear that Sir Nathaniel Dukinfield, Baronet, and Marmaduke Jones, Esquire, were then members of the Council; and, in fact, both of them were members at a later period, after Josiah Martin became Governor.* But the commission of the peace, above mentioned, evidently meant only to refer to these gentlemen as magistrates for, on two later occasions, Tryon recommends that they be appointed to the Council. This was accordingly done on May 1, 1771, though neither of them qualified until after Governor Martin’s arrival.

* Colonial Records of NC, Vol. VII. p. 730; Ibid., Vol. VIII. pp. 157, 493, 601, 624; Ibid., Vol. II. pp. 19, 52, 291.

Sir Nathaniel Dukinfield lived in North Carolina for some years, but finally went back to Great Britain. His great-uncle, William Dukinfield, Esquire, had been a land owner in Chowan Precinct, North Carolina, prior to 1700, and died about 1720. Sir Nathaniel was the son of Nathaniel Dukinfield, Esquire, and a grandson of Sir Robert, first baronet of the name. The title finally came to the North Carolina baronet through the death, without male issue, of several of his uncles.* Before being elevated to the Council, Sir Nathaniel put in a claim for precedence, in which it was contended that, next to the Governor, he should be considered the first person of rank in the colony. This claim, however, was disallowed both by the Provincial Council and the Earl Marshal’s office in England, so he had to content himself with the eighth place in the line of precedence until his appointment to the Council raised him five grades. He was a friend of James Iredell, and is of ten referred to in the latter’s biography by McRee.

* See Betham's Baronetage. Vol. II. pp. 376-381; Collection of,the Private Laws of North Carolina. by F. X. Martin. p. 3; North Carolina Historical and Genealogical Register. Vol. I. p. 41 (January, 1900): Colonial Records of NC, VOL I. pp. 899. 558.

Marmaduke Jones, above referred to, was at first Attorney General of the colony, appointed to a vacancy caused by the death of Robin Jones, who belonged to a different family. Marmaduke Jones was, as Tryon states, a cousin of Sir Marmaduke Wyvill, Baronet. He was also the grandson of another Sir Marmaduke Wyvill — living at an earlier period - through one of the latter’s daughters, Ursula, who married a Mr. Jones of Furnival’s Court, London. of the Attorney General, Tryon says: “He is not inferior in abilities to any of his profession in this country.”

Though not Within the proper scope of this work, it may be of interest to genealogists to call attention to a statement concerning the Wyvill baronetcy (now dormant), which is made by Burke in the 1838 edition of his work on Extinct and Dormant Baronetages. He says that one William Wyvill, of this family, removed to Maryland, and died there about 1750, leaving a son, Marmaduke, whose primogenitive representative is now entitled to the baronetcy unless disbarred as an alien by the laws of Great Britain.

In the establishment of an admiralty system for America, the Earl of Northumberland was created Vice-Admiral of all the colonies; and, by the same commission, Tryon was constituted Vice — Admiral for North Carolina.[1] Governors of the colony before Tryon’s time had also held the rank of Vice-Admiral. During his incumbency in office, Governor Tryon prepared

a work entitled A View of the Polity of the Province of North Carolina in. the Y ear 1767.[2] This was an able discourse on the details of colonial government, and was highly commended by the King himself.

[1] Colonial Records of NC, Vol. VII. p. 459; State Records of NC, Vol. XI, pp. 218-219.

[2] Colonial Records of NC, Vol. VII. pp. 472, 498, 737-738.

CHAPTER IV.

LAND-GRANT RIOTS IN MECKLENBURG COUNTY — HENRY EUSTACE MCCULLOH AND GEORGE AUGUSTUS SELWYN — THEIR PROPERTY CONFISCATED DURING THE REVOLUTION - JAMES IREDELL BEFRIENDS MCCULLOH — CHEROKEE BOUNDARY — PERSONNEL of PARTY RUNNING SAME — TRYON ACCOMPANIES PARTY — HONORED WITH INDIAN NAMES - SOUTH CAROLINA BOUNDARY — GEORGE MERCER, of VIRGINIA, COMMISSIONED LIEUTENANT-GOVERNOR of NORTH CAROLINA.

It is doubtful if anything in the whole history of North Carolina, during the colonial era, was so prolific of prolonged controversies as was the subject of titles to land; and the period covered by the administration of Governor Tryon was in no way exempt from this unpleasantness.

Among the largest land owners in the province were George Augustus Selwyn and Henry Eustace McCulloh, whose respective fathers had, “by some legerdemain,” as early as 1737, obtained grants from King George the Second for many hundred thousands of acres, mostly located in what later became the counties of Mecklenburg and Duplin.*

* Colonial Records of NC, VOL V. Prefatory Notes. pp. xxxii-xxxv; Ibid., VOL VII, pp. 10-35, 37-38, 275-278, 451-455, 1004; as to Henry McCulloh (the father of Henry Eustace McCulloh), see State Records of NC, VOL XI. pp. 31-41, 45-73. 102-108, 118-121, 127.

McCulloh came in person to North Carolina to manage the interests he had inherited, but did not remain permanently in the colony. He also acted as the attorney of Selwyn. When he went to Mecklenburg to have a reckoning with the settlers on Mr. Selwyn’s grant he was unable to come to an agreement, owing to some contentions about the terms of sale on which deeds had been promised to those occupying the property. Thereupon the quarrel grew fiercer; and, when surveyors were sent to lay out the lands, their instruments and chains were broken and they themselves badly beaten by the Mecklenburgers. Though a pardon was offered to any two of the rioters who would disclose the names of the others engaged in the affair, no arrests were ever made, and the land controversy went into the courts, where it probably remained until the Revolution, at which time the estates of both Selwyn and McCulloh fell under the confiscation acts, along with other lands, including the vast domain of Lord Granville, for whom McCulloh was also agent at one time.

Among the relatives of McCulloh was the eminent American jurist, James Iredell. The latter’s biographer, in referring to McCulloh, says: “He was a man of more than ordinary ability and culture; cunning, rather than wise. of loose morals, with a decent regard for appearances, he veiled his vices from the public eye. He had no instrumentality in the appointment of young Iredell to office in America; but knowing him to be a youth of great promise, he employed all his arts to win his confidence and secure his subservience to his interests. He not only devolved on him all the duties of his collector-ship, but employed him as agent to transact his private business. Through the agency of Mr. Iredell, he was enabled to enjoy, uninterrupted for long periods, the pleasures of a London life. He made Mr. Iredell no compensation for his services. Time after time he would hint to him that he intended making him his heir. of ten he would amuse him with the hope that he would resign his office in his favor; but always found a ready excuse to evade the performance of his promise. His sagacity early detected the small cloud, surcharged with the thunders of the revolution, that was destined to spread over the

continent. It was not until thus warned that he resigned his office. His property was confiscated by the State. After this loss his letters to Mr. Iredell became abject and piteous. The latter, true to the generous instincts of his nature, forgiving McCulloh's errors, made, without success, strenuous efforts to procure his pardon and the restoration of his estates. The services he rendered him were manifold and valuable. At the close of the war, and after he had abandoned all hope of recovering his American lands, with shattered fortunes, but still with an income of twelve hundred guineas per annum, McCulloh retired to a country seat near London, where he died — as false to his kinsman in death as he had been in life."*

* Life and Correspondence of James Iredell, by G. J. McRee. Vol. I. p. 9.

George Augustus Selwyn (who probably never saw North Carolina) was a famous wit and politician in England, the son of Colonel John Selwyn of Matson, near Gloucester, and a grandson of Major-General William Selwyn, who was Governor of the Island of Jamaica about the beginning of the eighteenth century. The great English churchman, Right Reverend George Augustus Selwyn, Primate of New Zealand and afterwards Bishop of Lichfield, was of this family, though not lineally descended from any of the persons above mentioned.

For some time prior to 1766 many disputes had occurred between the people of North Carolina and the Cherokee Indians over a boundary line about which there was much uncertainty. To put an end to this trouble (which had been more than once the cause of bloodshed), Tryon determined to go into the Indian country and settle the differences by definitely fixing the line; and, in the Summer of the above year, the Council of the province passed a resolution approving his purpose and authorizing him to direct the Surveyor General to proceed With the running of the boundary.* It was also resolved that the Governor should have authority to draw on the Receiver-General for all expenses requisite in fitting up an expedition with this purpose in view. Tryon agreed to meet the chiefs or head-warriors of the Cherokees in September, 1766; but, owing to a great prevalence of sickness among the Indians, and the near approach of the hunting season, the conference was postponed until the following Spring.

* For fuller particulars relative to Indians and expedition to settle Cherokee boundary, see Colonial Records of NC, VOL, VII, pp, 108-112, 115-117, 164-165, 196-191, 207-221, 232-240, 244-245, 248-249, 254-257, 268-271, 279-283, 360-361, 404, 415, 446, 448, 455, 460-471, 500-510, 851-855, 991-1009.

On May 1, 1767, Governor Tryon notified Messrs. John Rutherford, Robert Palmer, and John Frohock, the commissioners Who were to run the boundary, that he had ordered a rendezvous of the party at Salisbury on the 18th of that month. Rutherford and Palmer were members of the Provincial Council, and the latter was also Surveyor — General.

As it would have been fool-hardy to venture among the Indians, even on a friendly mission, Without an armed escort, Tryon ordered out a detachment of the provincial troops to act in that capacity. of this body Colonel Hugh Waddell was Commandant; next under him were Lieutenant-Colonels John Frohock and Moses Alexander. The staff officers were: Colonel Edmund Farming, Adjutant; Captain Isaac Edwards, Aid de-Camp; Captain William Frohock, Commissary; and the Reverend John Wills, Chaplain. This party was later joined by Alexander Cameron, Deputy Superintendent of Indian Affairs for the southern colonies, and the march from Salisbury was begun on May 21st. On the 31st of the same month the Indians came to meet the Governor and his

party and were given a “talk” by Tryon. After receiving their reply the Governor sent some of the hand back to Salisbury with an order for presents, to the value of one hundred and seventy-five pounds, which had been voted by the Assembly as a token of good-will. On June 4th (King George’s birthday) the real work of the expedition began, when Messrs. Rutherford, Palmer, Frohock, Cameron and the Cherokee representatives began the survey. A company of twenty picked men, commanded in person by one of the commissioners, Lieutenant-Colonel Frohock, acted as a guard for the party. Among the officers in this little military detachment were Captain George Davidson and Lieutenant William Davidson. The latter afterwards became a brigadier-genera] in the War of the Revolution, and was slain, while resisting the passage of Lord Cornwallis over the Catawba river in North Carolina, at the Battle of Cowan’s Ford, February 1, 1781.

Governor Tryon did not remain with the commissioners and corps of engineers until the completion of the Cherokee boundary, but returned to Brunswick shortly after concluding his interview and negotiations with the Indians.

When Commissioner Rutherford returned to make his report to the Governor he stated that the head — waters of some of the tributaries of the Mississippi river began only three or four miles distant from a peak which had been named Tryon Mountain, where the line terminated. Tryon Mountain lies in what is now Polk county, North Carolina, and it is probable that Mr. Rutherford erred in his calculations about the Mississippi, though some of the waters which finally flow into that great stream do have their source not many miles westward of the peak mentioned.

In a letter to the Earl of Shelburn, dated July 14, 1767, Tryon states that while on his tour among the Cherokees he had been honored with the Indian name of Ohaiah Equah, or Great Wolf. This sobriquet (which the savages gave as a mark of high admiration) some historians have attempted to twist into a term of reproach. Wheeler, with that plenitude of inaccuracy for which so much of his work is noted, says that Tryon “knew when to use such force and cruelty as achieved for him, from the Cherokee Indians, the bloody title of the ‘Great Wolf of North Carolina.’” As loading them down with presents was the only “force and cruelty” of which the Governor was guilty on the above expedition, the Cherokees probably gave him his bloody title for some other reason. And Tryon, we may note, seems to have had a fondness for Indian nomenclature. On another occasion, when visited by a sachem of the Tuscaroras, he requested a name by which he and all future Governors should be known. Thereupon the chief bestowed upon him his own name, Diagawekee.

Prior to the running of the Cherokee boundary there had also been some disputed points on the subject of the dividing line between North and South Carolina.* When Tryon first arrived in America, commissioners, representing the two provinces, were at work on the survey of the same; and, when he went to New York, the controversy was left as a legacy to his successor, Governor Josiah Martin. While this boundary dispute with South Carolina was in progress Tryon paid a friendly visit of eight days’ duration to Governor Bull at Charleston, in April, 1770. At Charleston he found his old friend, Sir William Draper, who returned with him to the Palace at New Bern, where he remained as a guest for three weeks, sailing for Virginia on the 24th of May. Prior to this, in the Summer of 1769, Tryon had also visited Lord Botetourt, the Governor of Virginia, at Williamsburg.

* Colonial Records of NC, Vol. VII, pp. 154-157; Ibid., Vol. VIII, pp. 210-211, 554. et seq.

When in Williamsburg, Governor Tryon wrote to the Earl of Hillsborough, saying that he first came to America because he believed his usefulness would be greater than it was in the rank he had then held in the army, but he would now be glad to return if given command of a regiment or made an aid-decamp to the King. He added that if a regiment should be his fortune, he would strive to make it as efficient and well disciplined as he had made the company of Grenadiers once commanded by him in England To this, Lord Hillsborough replied in a very complimentary letter, wherein he said he had made Tryon's wishes known to His Majesty. Further, he observed that the Governorship of New York had recently been vacant, and Tryon was then thought of for the position; but, as his office in North Carolina paid a better salary than the one in New York, it was not thought proper to sacrifice his interests. Now, however, said Hillsborough, that he had learned Tryon desired this change regardless of the pecuniary disadvantage, it was too late to remedy the matter.* So the prospect of getting to New York did not seem very bright at that time, though no doubt Tryon's wish was kept in mind, for it was destined to be finally gratified.

* Colonial Records of NC, Vol. VIII. pp. 54, 191.

On the 7th of September, 1769, a terrible storm devastated the coast of North Carolina, nearly entirely destroying New Bern, Brunswick, and other towns* Houses, ships, growing crops, trees, stores, live stock, and some human lives, fell a sacrifice to its fury. Among the buildings destroyed was the court-house at Brunswick, though the half-finished Palace at New Bern sustained little injury. In one of his letters Tryon wrote that this hurricane was attributed to the effect of a blazing planet or star which had been seen both from New Bern and Brunswick,- rising in the east for several nights between the 26th and the 3lst of August. Its tail was very long, he said, and stretched upwards towards the southwest. '

* Colonial Records of NC, Vol. VIII. pp. 71-75, 89, 115.

On the 14th of December, 1768, the King issued a commission from his Court at St. James, appointing George Mercer to the office of Lieutenant-Governor of North Carolina.* But it is probable that Mr. Mercer never came to the colony.

* Colonial Records of NC, Vol. IX. pp. 50, 277: State Records of NC, Vol. XI. 9, 219; Martin's History of NC, VOL II. pp. 203, 250; Charles Campbell's History of Virginia, pp. 487, 543-544; Bishop Meade's Old Churches and Families in Virginia, Vol. II. p. 205.

There seems to be no record of his presence; and furthermore, as he was vested with authority to temporarily act as Governor on the death or absence of the chief executive, he would (if in North Carolina) have taken the reins of power in 1771, for the period between Tryon's departure and the arrival of Governor Josiah Martin. At the time last mentioned James Hasell, President of the Council, became Governor pro tempore. Colonel Mercer was a Virginian, and had served under Washington in the French and Indian War. Later he was made distributor of stamps for Virginia; and, in the discharge of this office, seems to have-met With pretty much the same treatment as that accorded William Houston in North Carolina — being first threatened by the colonists, and then handsomely banqueted after complying with their demands. But Whether the Virginia entertainment, like that given Houston, included "the best liquors to be had" does not appear.

CHAPTER V.

TRYON'S HOUSE AT BRUNSWICK — GOVERNOR'S PALACE BUILT AT NEW BERN — DESCRIPTION of SAME — HAD NO EQUAL IN AMERICA — WASHINGTON ENTERTAINED THERE AFTER THE REVOLUTION — BUILDING DESTROYED BY FIRE — WHILOM COUNTIES of TRYON, DOBBS, BUTE, AND GLASGOW — TOWN of TRYON AND TRYON MOUNTAIN — SOME COUNTIES AND TOWNS NAMED FOR WHIGS IN ENGLAND AND AMERICA - WAKE COUNTY NAMED FDR MRS. TRYON, NEE WAKE - ESTHER WAKE A MYTH.

Before the Assembly had the "Palace" built as an official residence for the Governor at New Bern, Tryon lived near Brunswick, his house there being known as Castle Tryon.[1] In his Tales and Traditions of the Lower Cape Fear,[2] Mr. James Sprunt gives some interesting facts relative to the mansion at Brunswick. It was originally owned by the Moore family and later sold to Captain John Russell of His Majesty's sloop Scorpion, who named the place Russellborough. From Russell's widow it passed back to the Moore family as a part of the famous Orton plantation, from which it had been originally severed. In 1758 it was sold to Governor Dobbs, who called it Castle Dobbs, after his manor house in Ireland. It was subsequently occupied by Governor Tryon, who finally purchased it, in February, 1767, from Major Edward Brice Dobbs, a son of the late Governor. Mr. Sprunt, who is something of an antiquary as well as a gifted writer, has succeeded in locating the ruins of this

house. He did so by consulting land titles, and also had the assistance of an aged negro who had been reared in the vicinity. This old negro said he never heard of Governor Dobbs or Governor Tryon; but, when a boy, had heard of a man named Governor Palace who lived in a great house between Orton and Brunswick. Acting on this clue, Mr. Sprunt and the friends who accompanied him followed their venerable guide to the former abode of Governors Dobbs and Tryon, situated in a dense undergrowth beyond an opening still known as the Old Palace Field. The site of the "Palace" commands a fine view of the river. Approaching it are the marks of a well-worn carriage road, and there are also traces of a path leading down to the river landing known as Governor's Cove. Only the foundations of the house are now visible.

[1] Colonial Records of NC, Vol. VII. p. 161.
[2] Tales and Traditions of the Lower Cape Fear. pp. 67-71.

When New Bern was made the capital of the colony there was no suitable place for the transaction of public business, and the erection of a government building became necessary. By Chapter II of the Laws of 1766 it was provided that such a structure should be built. This act passed its third reading in the Assembly, or lower house, on November 17, 1766, and received its final ratification in the Council, or upper house, on the 27th of the same month.[1] The title of the bill was "An Act for erecting a convenient building within the town of New Bern for the residence of the Governor, or commander-in-chief, for the time being." Though Governor Tryon highly approved this measure, it seems to have originated upon a recommendation from the Crown, the reason being given that such an establishment had been made in almost all the colonies on the continent for their respective Governors.[2] But Tryon never did things by halves; and, when the work was completed, no Governor or other ruler on either of the American continents had an

establishment to equal it. It was not, however, simply a residence for the Governor, but also served as a capitol or state house — containing a hall where the Assembly met, a council — chamber, and public offices. The work on this mansion was begun on the 26th of August, 1767. It was built of brick and trimmed with marble. The latter material was also freely used on the interior decorations. John Hawks, who came to America with Tryon, superintended its construction. He estimated that the cost would aggregate about 14,710 pounds. Including furniture, etc., it finally amounted to one or two thousand pounds more. Skilled artisans were brought from Philadelphia for the work. The first legislative appropriation (Chapter II of the Laws of 1766) was only for five thousand pounds, but this amount was afterwards increased by Chapter V of the Laws of 17 67. The sum of 10,000 pounds (proclamation money) additional was appropriated by the latter act, and 1,500 pounds was granted to supply a deficiency in the former fund. In December, 1767, Tryon was able to report that the work was being steadily pushed to completion. In 1770 the house was ready for occupancy, and the public records were moved into it in January and February of the following year.[3]

[1] Colonial Records of NC, Vol. VII. pp. 320, 376.

[2] Colonial Records of NC, Vol. VII. p. 273.

[3] Colonial Records of NC, Vol. VII. pp. 431, 542-543, and Prefatory Notes of name volume, p. xii; Ibid., Vol. VIII. pp. 408, 480.

The main building was three stories high, had a frontage of eighty-seven feet, and was fifty-nine feet deep; while on each side was a two-storied building — connected with the central edifice by gracefully curving galleries. Between the galleries, in front of the Palace, was a handsome court-yard. The rear of the building was fashioned in the style of the Mansion House, or Lord Mayor’s residence, in London.[1] The plumbing was done by an expert who came over from England for the express purpose. Eight tons of lead were used in this work alone. All of the sashes and four of the principal mantels were imported. In the council-chamber there was a handsomely designed chimney-piece containing decorations of Ionic statuary, with columns of sienna, the fret — work on the frieze being also inlaid with the latter material. In addition to this, and above the whole, were richly ornamented marble tablets, on which were medallions of King George and his Queen.[2]

[1] Lossing’s Field Book of the Revolution. Leasing says the contract called for a building two stories high. His illustration, however, shows three stories.

[2] Colonial Records of NC, Vol. VIII. pp. 7-8.

Over the principal door of the vestibule was another tablet, containing a Latin verse, written by Sir William Draper, which ran thus:

> “Rege pio, felix, diris inimica tyrannis,
> Virtuti has aeds libero terra dedit;
> Sint domus et dominus saelis exempla futuris,
> Hic artcs, mores, jura, legosque colant.”

François Xavier Martin, in his History of North Carolina,* by a free translation, renders this into English verse as follows:

* Martin's History of NC, Vol. II, pp. 265-266.

> "In the reign of a monarch, who goodness disclosed,_ A free, happy people, to dread tyrants opposed, . Have to virtue and merit erected this dome; May the owner and household make this the loved home, Where religion, the arts, and the laws may invite Future ages to live in sweet peace and delight."

Draper seems to have been the Admiral Dewey of his day, as Martin refers to him as "the conqueror of Manila." Martin himself once visited the Palace in company with the great Venezuelan patriot, Don Francisco de Miranda, and tells us he heard Miranda say that the building had no equal in South America.

In December, 1770, the first meeting of the Assembly was held in its new quarters at New Bern.* The Governor, in his official message, said he gladly embraced the Opportunity to render acknowledgments for the Palace which had been built for himself and his official successors; adding; that it was a public ornament, a credit to the province, and an honor to British America. He also said he was confident that the strength of materials, the ability, integrity, and diligence of the architect, and the skill of the artisans who had been employed would all contribute to render it a lasting monument to the liberality of the colony. Little could he foresee that in less than two decades nothing but charred ruins would mark the site of this noble edifice!

* Colonial Records of NC, Vol. VIII. pp. 282-285.

For his instrumentality in having the Palace built, Tryon has received as much hostile criticism as for any other act of his administration, and it is true that the colony could ill afford the outlay of money employed in that work. But the Governor looked to the future, and — of course, not foreseeing the Revolution and the removal of the seat of government - no doubt thought that he was doing the province a good service by the erection of a mansion and state-house which would be useful to North Carolina for many years to come. To the gratification of personal vanity also, it must be said, his action was largely due; for, with all his strong points, he was vain to a marked degree, and it probably never entered his head that any house could be too good for a dignitary holding the high and mighty office of GOVERNOR, CAPTAIN-GENERAL, AND COMMANDER-IN-CHIEF IN AND OVER. HIS MAJESTY'S PROVINCE of NORTH CAROLINA AND VICE-ADMIRAL of THE SAME. And the Assembly also seems to have held sentiments somewhat similar; for, in a dispatch to the Earl of Shelburn, dated January 31, 1767, Tryon says that the act of appropriation for the building was carried through that body by a very large majority.

In connection with the above, it may not be out of place to observe that no public building, in any way a credit to the State, has ever been erected in North Carolina without bringing down denunciations upon those responsible for it. When the old Capitol in Raleigh was burned (June 21, 1831) the economical legislators of that day appropriated fifty thousand dollars, which they regarded as a princely sum, for the purpose of building a new one, and appointed commissioners to superintend its erection. These commissioners (all honor to their memory!) thought they knew more about building capitols than the Legislature did, and invested the fifty thousand dollars in a foundation. Then succeeding Legislatures had to spend considerably over half a million dollars in putting a superstructure on top of that foundation, and these appropriations caused the political death of many of the State's best

citizens; but now the chief fault found with the Capitol is that it is too small. It may be that the building committee which bought the foundation for the Capitol took the idea from the plan which Tryon was charged with pursuing — only Tryon got considerably more than his foundation completed before he asked for further appropriations.

And another "Governor's Palace" also caused a tempest in a tea-pot about ninety-five years after Tryon's death, when a far — seeing Chief Magistrate, Governor Jarvis, recommended to the General Assembly that an Executive Mansion be built in Burke Square, at Raleigh, to supply the place of an old one, at the foot of Fayetteville Street, which had become unfit for use and had been sold. When the new building was being put up people called it "Jarvis's Folly," and newspapers deplored the fact that no poor man could thereafter afford to be Governor, as such an establishment would require an independent fortune to keep it up. Yet the house is now considered an honor to the State, and quite of ten some poor man shows a willingness to offer himself a living sacrifice by becoming its official occupant.

But to return to the Palace at New Bern: during the short time in which it was occupied by Governor Tryon — he lived there but little over a year — it was the seat of extensive hospitality, both to prominent Americans and men of rank from abroad. When the building was first opened a grand ball was given by way of a housewarming. of this entertainment we can catch a faint glimpse in the correspondence between James Iredell and Sir Nathaniel Dukinfield, wherein the baronet recalls how the dignified councilor, Samuel Cornell, "hopped a reel" at the close of the evening.* Whether or not the erection of Tryon's vice-regal edifice was regarded with favor by other sections of the colony probably caused little concern in New Bern. The fortunes of that town were fixed, for a time at least, and the dull routine of governmental administration was relieved by gay social gatherings of Carolina's elite when the Assembly met.

* Life and Correspondence of James Iredell, Vol. I, p. 173.

> "A goodly place, a goodly time,
> For it was in the golden prime
> of good Haroun Alraschid."

One thing — the style of royalty assumed by the Governor at his Palace balls — — does not seem to have made a very pleasant impression on the colonial gentry of North Carolina; for, when Judge Maurice Moore, under the pseudonym of "Atticus," attacked Tryon, it was said of the latter: "Your solicitude about the title of Her Excellency for Mrs. Tryon, and the arrogant reception you gave to a respectable company at an entertainment of your own making, seated with your lady by your side on elbow-chairs in the middle of the ballroom, bespeak a littleness of mind, which, believe me, sir, when blended with the dignity and importance of your office, renders you truly ridiculous."

In the early stages of the Revolution, Abner Nash, Richard Cogdell, Alexander Gaston, and other patriots seized the artillery (six pieces) with which the Palace was fortified, and Josiah Martin (Tryon's successor, and the last of the Royal Governors) had to flee from his home and seek refuge on shipboard.* After the war the Palace was allowed to go to ruin. In its last years it was put to all kinds of uses: public entertainments were held therein; sometimes the Legislature met there; and usually it served the purposes of a school-house. The basement was used as a store-room for rubbish. The last mentioned circumstance explains why the building

is not there now; for, among other matter kept in the cellar, there was a large amount of combustibles, including hay. Sometime after night-fall, on February 27, 1798, an old negro woman was sent into the basement to hunt among the straw for hens' eggs. It being very dark, she carried with her a blazing pine knot, which she laid down in order to gather the eggs — and it is not necessary to trouble the reader with an account of what followed.

* Life and Correspondence of James Iredell. Vol. I. p. 240; Colonial Records of NC, Vol. X. pp. 41, et seq., 66, 145.

When the main edifice was burned one of the wings shared its destruction, but the other is still standing. After the Revolution the State Legislature appointed commissioners to sell the land and buildings. One of the lots was purchased by Major John Daves, a distinguished veteran of the War for Independence; and his son, John Pugh Daves, built upon it the house occupied by himself as a residence during the remainder of his life. James McKinlay (who married the latter's half-sister) bought the lot on which now stands the original wing. This house has had many vicissitudes. The first floor was used at one time as a stable and carriage-house, and there were kept the horses of General Washington at the time of his visit to New Bern. After the death of its first purchaser it was inherited by the children of John Pugh Daves, and they conveyed it to the parish of Christ Church, by which it was used as a chapel and parochial school. At the time of its conversion into the chapel much of the wood-work, when removed, was found to be of red cedar, in a remarkable state of preservation, notwithstanding the lapse of so many years. It is now used as a private dwelling. In dimensions it is fifty by forty feet.

The commissioners, mentioned above, did not sell the site of the main building, as that was needed for an extension of George Street southward to the Trent river.

In his History of the Presbyterian Church in New Bern* the Reverend Lachlan C. Vass says that the United States troops during the War Between the States attempted to pull down what remained of the walls of the old buildings, in order to get the brick; but that, so strong was the cement, no whole bricks could be gotten, and hence the attempt was given up. He also states that sundry relics of the Palace and Tryon were then (1886) in New Bern, including a fine clock, a silver tea-kettle, a child's chair, a marble and rosewood table, a writing-desk once used by the Governor, dresses worn by ladies of New Bern to the Palace balls, etc.

* History of the Presbyterian Church in New Bern. p. 94.

When General Washington visited New Bern in April, 1791, the Palace was used for the fêtes which were given in his honor. On the 21st of the above month he was entertained at a public dinner there; and afterwards attended a dance, where the company included upwards of seventy ladies.* Little did Tryon think, when taking his ease in this fine mansion, that, in so few years, its occupant would be driven from America and the house itself used in doing honor to a man whom, above all others, King George held in abhorrence as an arch rebel and traitor!

* Washington's Diary published in Pennsylvania Magazine of History, 1896, Vol. II, No. 2, p. 185.

The picture of the Palace shown in this work is based upon a plan preserved by John Hawks, the architect.

At its session of 1768 the colonial Assembly, by Chapter X[1] of its enactments, erected a county in the Piedmont section of the province (out of a part of Mecklenburg) and called it in honor of the Governor. But Tryon county, North Carolina (like Tryon county, New York), is now a thing of the past; for, by Chapter XXIII of the Laws of 1779, the name was wiped from the map by the erection out of it of two new counties — named for Revolutionary patriots — Lincoln and Rutherford. By Chapter XIX[2] passed at the same session, a similar thrust was made at Lord Bute; for Bute county was likewise divided into two new counties — Warren and Franklin. Even an honor paid to old Governor Dobbs (who died before the Revolution was ever thought of) was afterwards revoked by the passage of Chapter XLVII of the Laws of 1791, whereby Dobbs county was also divided into two new counties, which were given the names of Lenoir and Glasgow; but the "patriot" from whom the latter took its name was afterwards convicted of forging land grants, so Greene was substituted for Glasgow by Chapter XXXIX of the Laws of 1799.

[1] See Iredell's collection of statutes, also Martin's; Chapter X in Davis's collection is different.

[2] See Iredell's collection of statutes.

Though Tryon county has been abolished, there is a town (in the county of Polk) which takes its name from the Governor, as does also Tryon Mountain, several miles distant therefrom, to which reference has already been made.

It has been suggested that the counties called in honor of Johnston and Martin, who were royal Governors, escaped a change because there were two whig Governors who bore the same names. And, as illustrative of the gratitude of our ancestors to friends in Great Britain, it is well to observe that while the war was in full blast, in 1777, John Wilkes and the Earl of Camden had counties named for them. Burke county probably took its name from Governor Thomas Burke; for, at the same session, one was named for Governor Caswell, a contemporary statesman in North Carolina. It has been of ten stated that the county mentioned was named for Edmund Burke. Possibly it was a liking for both of these Burkes which caused the name to be selected. In 1779 one was named for the Duke of Richmond; and, as late as 1785, after independence had been won, Charles Watson Wentworth, Marquis of Rockingham, received a similar honor. For him, also, the county-seat of Rockingham is called Wentworth. There is likewise a town of Rockingham in the above mentioned county of Richmond. Before the Revolution, in 1760, a county was given the name of Pitt for William Pitt, afterwards Earl of Chatham; furthermore, in 1770, by way of an additional honor, Chatham county was erected, and the county-seat of the latter is called Pittsborough, as a compliment to the same statesman. And names of the royal family — despite its hostility to the colonies — are still preserved by the counties of Brunswick, Orange, New Hanover, Mecklenburg, and Cumberland.

Nor should we omit to mention the county of Wake, about the origin of whose name has centered so much discussion. Wake county, in which Raleigh, the State capital, is situated, was erected by Chapter XII of the Laws of 1770, the act being passed by the Assembly on December 23d, and by the Council on the 27th of that month, with a proviso that it should not take effect until March 12, 1771. The charter of the new county was formally signed by Governor Tryon on May 22, 1771.[1] From this it would appear that his approval was given while encamped with his army at Sandy Creek after the battle of Alamance; for, on that day he was at Sandy Creek, as shown by his military Order Book. Portions of the counties of Johnston, Cumberland, and Orange were severed for the erection of Wake, which, under the English church-

establishment, was known as the Parish of St. Margaret. That the name of Wake was given in honor of a member of the family to which Tryon was allied by marriage has never been questioned; but the perplexing point has been whether it was named for Mrs. Tryon, née Wake, or for her sister. The historian Martin states that it was called in honor of the Governor's wife; Jo. Seawell Jones of Shocco, in his Defense of North Carolina, ascribes the name's origin to Miss Esther Wake, a beautiful young lady who was the sister of Mrs. Tryon; Judge Gaston (a New Bern man, whose mother was once a member of Tryon's household) contended that Miss Esther was a creation of Jones's imagination; Wheeler and Governor Swain were inclined to the opinion of Gaston; Doctor Battle wavers between historical doubts and his early reverence for the memory of the lovely Esther; Mrs. Spencer supports the statement oF "Shocco" Jones, and here the matter stands, so far as past writings are concerned.2

[1] Colonial Records of NC, Vol. VIII. pp. 299, 383-384; copy of charter in archives of Wake county.

[2] Martin's History of NC, Vol. II. p. 271; Jones's Defense. pp. 18, 44-45; Gaston, Swain, and **BRYAN**, mentioned and quoted by Hon. K. P. Battle in NC University Magazine, November, 1894, p. 91, et seq.; Wheeler's History of NC, Part II. p. 414; Mrs. C. P. Spencer in Raleigh (N. C.) News and Observer (supplement). Sunday. November 25, 1894.

But, after all said and done, no one has been able to find any trace in the old records of this "rare and radiant maiden" whom the Tar-heels call Esther. None of the letters of the colonial period mention her. No known documents of any sort in either North Carolina or New York have a word to say of her. When the Governor's House in Fort George, New York, was burned, her name is not given among those of its inmates, though the members of Tryon's household are enumerated. Nor is she mentioned in the will of Mrs. Tryon, who left no children on whom to settle her fortune, and therefore divided it among her friends.

So all this about settles the fact that Esther Wake — that vision of loveliness which for so many years has been the idol of North Carolina romancers — was none other than a creature of fancy, brought forth from the realms of Fairyland by the pen of a sentimental writer. Many historians, other wise accurate, have been firm believers in her existence, and no one can regret more than the author of this biography that our beautiful and fascinating heroine has failed to materialize. Queen of Love and Beauty, farewell! — and peace to your ashes, if you left any.

CHAPTER VI.

FIRST INSURRECTION of THE REGULATORS — TRYON'S CAMPAIGN AGAINST THEM IN 1768 — OFFICIAL ABUSES - SCARCITY of CURRENCY — COLONEL EDMUND FANNING - FIRST ATTACK ON HILLSBOROUGH BY REGULATORS — HERMON HUSBAND AND WILLIAM BUTLER ARRESTED — HIGH TITLES IN SMALL ARMY UNDER TRYON — COLONEL ALEXANDER OSBORNE — JUDGES MOORE AND HENDERSON.

The subject to which we now come is that insurrection in North Carolina Whose supporters, as the historian Williamson puts it, called themselves Regulators, lest others should call them a mob. In fact, "the mob" was really the only name by which they were at first known, even among themselves.

The War of the Regulation has been the theme of so many books, magazine articles, oratorical flights on North Carolina's greatness, and attempts at poetry, that to separate the wheat from the chaff is well-nigh impossible.

Scarcely has there ever been a reference to the battle of Alamance that it is not characterized as the scene where the first blood of the Revolution was shed, yet no writer has attempted to prove by contemporary evidence that the Regulators even so much as dreamed of independence. On the other hand, when an opportunity to fight for liberty presented itself a few years later, they nearly all became Tories, as will be shown later on. And the North Carolina militia soldiers who marched from their homes to the scene of the disturbances in Orange county are spoken of in the average history as the Royal Troops of England!

In an article by Doctor John Spencer Bassett, published in the Annual Report of the American Historical Association for 1894, that writer reaches the very sensible conclusions:

> First. That the Regulation was not attempted as a revolution. It was rather a peasants' uprising, a popular upheaval.
>
> Second. That the Regulation was not a religious movement. It was rather of an economic or political nature.

It was not only not religious, continues Doctor Bassett, but it had the opposition of at least four of the five leading denominations in the disaffected district.

To get at the true source of trouble with the Regulators is rather difficult, though there is no uncertainty about the cause which provoked the movement. This was the extortionate conduct of county officials in North Carolina, made more burdensome by the scarcity of a circulating medium or legal tender money.

The British had nothing to do with it. It was a North Carolina insurrection and suppressed by North Carolina soldiers serving under North Carolina officers — all except Tryon himself were North Carolinians, and even he was one for the time being. But of course any treason against North Carolina was indirectly treason against the King, as its supreme ruler; and, in the formal bills of indictment, etc., the King's name is used, as is always the case in British dominions.

The man whose name, above all others, has been associated with the official abuses complained of, was Colonel Edmund Fanning. This person graduated from Yale in the class of 1757.* Though certainly not so black as painted, history charges him with being guilty of many extortionate and irregular practices; and we are told that he conducted himself with an insufferable hauteur in his dealings with the people. The idea (to quote his own words) of being "arraigned at the bar of their shallow understanding" did not have a very soothing effect on him. And it must be said that his blind adherence to each and every move of either the King or Governor, in both the colonial and revolutionary periods, would not (even were be above reproach in all other respects) give an impression that such adherence was altogether disinterested in a native American, for he was born in New York. During the Revolution (at which time he had returned to New York) he remained loyal to Great Britain and was Colonel of the "King's American Regiment."

* For sketch of his life. see pp. 458-462. Vol. II of Biographical Sketches of the Graduates of Yale College. by Franklin Bowditch Dexter: see also, sketch by Edward Jenner Wood in North Carolina University Magazine for February. 1899. p. 186.

That some of Fanning's illegal charges were made in pursuance of rules laid down for his guidance by the Superior Court, of which he was an officer, must be admitted. When he was found guilty at the September Term, 1768, of charging six shillings for registering a deed, while the law was supposed to allow only two shillings and eight pence, his case was referred to John Morgan, Esquire, of the Inner Temple, London, upon the following statement:

> "On an indictment in Hillsborough Superior Court of Justice, for said province, in September last, Edmund Fanning, Register of Orange county, duly appointed and qualified, was found guilty of extortion in his office as Register for taking 63 on Deed No. 13.
>
> "On the trial it was given in evidence and declared from the Bench that the taking did not by any means appear to be a tortuous taking, as the said Register had, previous to his entering on the said office, requested the Justices of the County Court (the supreme jurisdiction of the county) to consider on the fee — bill, who after so doing in open Court, instructed the said Register that he was legally entitled to 63 and odd pence, at least, for every deed whatever, with probate, order for registering, and Register's certificate of the due registering; and, in case of other instruments, more — as by bill drawn up by the Court and delivered to the said Register. The opinion of the late Attorney-General of North Carolina was likewise taken on this matter, who declared that the Register was entitled to demand fees to the amount of 8s 7d on any deed.
>
> "On application, several other Registers furnished him with Bills under their hands, for fees taken for the same services, for considerably more than 63.
>
> "The said Register, however, to be within the law as he conceived, demanded and took upon all deeds 63 only."

Upon these facts and the deed itself submitted to him, Mr. Morgan gave it as his opinion:

> "On the Deed 13 and endorsements, I am of opinion that the Register is entitled to four fees, viz.:
>
> (1.) For the deed; (2.) For the certificate of the examination of the feme covert; (3.) Certificate of persons examining, being justices; (4.) The oath of execution and order to register." Morgan further observes: "I think in the present case the Register was not liable to be indicted, for two reasons: (1.) I am clearly of opinion he was legally entitled to more than he took as to No. 13; (2.) Suppose he was not, we should then inquire quo animo he took the 6s. The answer is: not with intent to extort, but through an involuntary mistake — under a supposition of right, consequently he is not criminal. In this case, Mr. Fanning did actually intend to take less than be conceived himself entitled to. And on entering into his office, acted in the most prudent manner, by requesting the Justices of the County Court to ascertain his fees. I should think that the very allowance of a court of justice would be sufficient. to exculpate Mr. Fanning at common law had he taken more than he was entitled to by the Act of Assembly; and that, in such a case, there would not have been any mode of proceeding but by action of debt. He may be said to have acted with the approbation of the Justices; and therefore, for their honor, it is incumbent on the Judges, before whom this matter is pending, to give all the relief they can to Mr. Fanning."*

* Colonial Records of NC, Vol. VIII. pp. 33-36.

If none of Fanning's offenses were worse than the one just cited, surely he has been abused beyond his deserts. And it may be added that some charges against him are untrue on their face. Take, for example, the statement of Reverend E. W. Caruthers that Frohock (the Clerk of Rowan county) and Fanning made it a practice to charge fifteen dollars for a marriage license, when the law allowed a much smaller amount; and that Fanning, in particular, would charge five dollars for recording a deed when the law allowed only one dollar.* Now, if, instead of relying on hearsay, Doctor Caruthers had consulted the laws of the period of which he professes to treat, he would see that the word "dollar" is nowhere to be found. All fees were prescribed and paid according to the English system — pounds, shillings, and pence. Nor is it merely quibbling over monetary terms to make this contradiction of Caruthers; for, when Fanning was indicted as above, the record shows that his charge for recording a deed was six shillings, and that lacks a good deal of being five dollars.

* Life of Caldwell. by Caruthers. pp. 114-115.

In his History of North Carolina, Williamson makes the charge that Fanning, being unused to action and deficient in courage, fled precipitately from the field of Alamance with all of his command except Captain Francis Nash's company; yet one of the chief reasons assigned by Tryon for afterwards appointing Fanning to office in New York was the fact that he had behaved so well under fire in this battle, the Governor saying to the Privy Council at the time of making the appointment: "He is a gentleman, my Lords, that on the auspicious 16th of May, Her Majesty's birthday, headed two hundred men at the battle of Alamance and, by his brave example contributed to the success of that day."*

* Documents relating to the Colonial Records of the State of New York, Vol. VIII, p. 327.

The estimation in which Colonel Fanning was held by the colonial Assembly of North Carolina is shown by the passage of a resolution through that body on January 25, 1771, finding the ,charges against him “false, wretched, and malicious”; and declaring that (so far as anything had been made to appear to the House) his conduct had been “fair, just, and honorable, both as a member of the House in particular and of the community in general.” This resolution was not only passed, but passed unanimously by an Assembly in which were such men as Griffith Rutherford of Rowan, Thomas Polk of Mecklenburg, Richard Caswell of the borough of New Bern, Robert Howe of Brunswick, Howell Lewis of Granville, **NEEDHAM BRYAN** of Johnston, John Campbell of Bertie, Cornelius Harnett of the borough of Wilmington, and others of like character.*

* Colonial Records of NC, Vol. VIII. pp. 303-304, 461.

When the War of the Revolution was ended Fanning removed to Nova Scotia. There he became a member of the Council, and was later made Governor of St. John’s Island, now known as Prince Edward Island. At the time of his death, which occurred in 1818, he was a resident of London and held a general’s commission in the British service. From an English stand-point, in the Gentleman’s Magazine, it was then said:

> “The world did not contain a better man in all the various relations of life: a husband, a parent, and a friend. As a landlord and master he was kind and indulgent. He was much distinguished in the American war, and raised a regiment there, by which he lost a very large property.”

The number of literary degrees conferred upon Edmund Fanning was somewhat remarkable, and not only attests his scholastic excellence, but also the high esteem in which he was held in America, as well as in England, both before and after the Revolution. He was graduated Bachelor of Arts from Yale in 1757, and later was made Master of Arts by the same institution, which also conferred upon him the degree of Doctor of Laws in 1803. He was given the degree of Master of Arts by Harvard in 1764, and by King’s College (now Columbia) in 1772. In 1803 Dartmouth conferred upon him the degree of Doctor of Laws, and the University of Oxford, in England, gave him the degree of Doctor of Civil Law in 1774. It may be questioned whether any American-born citizen up to the time of Fanning was ever the recipient of so many honors of a like kind. And it should be remembered that Yale and Dartmouth conferred their highest degrees after the Revolution, when the bitter feeling engendered by that war, in which Fanning sided against the colonies, had not been wiped away.

One of Colonel Fanning’s nephews was the great Virginia lawyer, John Wickham, who was of counsel for the defense in Aaron Burr’s trial for treason.

Edmund Fanning should not be confused with the Tory marauder and outlaw, Colonel David Fanning of North Carolina. They were in no way related. And it should also be noted that the statement, of ten made, that Edmund Fanning was a son-in-law of Governor Tryon is entirely without foundation in fact.

Something also should be said of the Frohocks of Rowan, against whom Caruthers makes so many sweeping charges. Another writer, Reverend Jethro Rumple, in his

History of Rowan County,* gives the impression that they were not such a corrupt set after all. of Colonel John Frohock (who died in 1772), Rumple says his great fortune was amassed by entering unoccupied public lands; and that he owned real property on the Yadkin, Saxapahaw, and Tar rivers, and in Virginia. This account adds: “He mentions neither wife nor child in his will, and it is presumed that he was not married. Besides the kindness shown in the liberation and education of his body servant, Absalom, he expressly enjoins that his debtors should not be oppressed or sued, but ample time given to them to pay their debts to his executors.” The same writer continues: “Dr. Caruthers designates Thomas Frohock as a ‘bachelor,’ but the evidence of his will is to the contrary. His will, in 1794, leaves his property to his son, Alexander Frohock, and to his daughter, Elizabeth, who was married to Charles Hunt, a merchant of Salisbury. * * * * He gave to the town the lot now known as the ‘English Graveyard’ or ‘Oak Grove Cemetery,’ and the School House lot immediately in front.” Besides these brothers there was a third, William Frohock, at one time an officer of militia and Deputy Sheriff of Rowan. John Frohock was Clerk of the District Court, and Thomas was Clerk of the Superior Court. They at one time lived in Halifax county. When the town of Charlotte was first given a charter (Chapter XI, Private Laws of 1768), John Frohock was one of the three commissioners vested with the government of that now famous borough, his associates being Abraham Alexander and Thomas Polk. The last named also acted as Town Treasurer.

The scarcity of a circulating medium had a good deal to do with the insurrection of the Regulators. There was little money in the province, especially in the middle and western sections, and taxes could not be paid without it. Time and again would the Assembly attempt to stem the difficulty by a method which had been before employed — the emission of paper currency — but its action would fail to receive the royal assent, and therefore become of no effect.[1] Finally, some relief was obtained by a small issue of “notes of credit,” which, though not legal tender, sufficed as a domestic medium. While the misconduct of the public officials in the counties, where the Regulators rose up in arms, was bad enough in itself, it has been made to appear far worse by many writers who receive with implicit faith all the wild and improbable traditions of the section where the trouble occurred. Take, as an example, the statement in the first series of a work entitled The Old North State in 1776,[2] by the Reverend E. W. Caruthers, where that writer says: “In the county of Orange, and not far from the present seat of Chapel Hill, when the Sheriff was going over the country distraining and selling the property of every man who did not instantly pay the amount of tax demanded, accompanied, too, by his deputies, and perhaps some others, well armed and attending him as a life guard, he came to the house of a poor man who was not at home; but, as if determined not to be wholly disappointed in his object, and not finding anything else, or not enough of anything else to satisfy his demands, he took of Fhis wife’s dress, which she had on at the time, and which she had made with her own hands, sold it under the hammer for her husband’s tax, and then, giving her a box or slap With his hand, told her to go and make another. This was related to me some fourteen or fifteen years ago by an old gentleman of respectability in that region; and he gave it merely as illustrative of the course pursued by the ‘tax gatherers’ in that quarter.” While this is given by the writer just quoted as illustrative of the course pursued by the tax gatherers, it is still more illustrative of the fact that the “old gentleman of respectability” who told this tale to Doctor Caruthers had a very gullible listener. That household furniture (even including beds) was levied on then, as now, for the non-payment of taxes, is true. But asking sensible persons to believe that the sheriff’s of that day went around collecting taxes in the

peculiar, not to say indelicate, manner above described, is too great a strain on human credulity.

[1] Colonial Records of NC, Vol. VII, pp. 570, 678-683, 709, 792, 866, 892, 922, 987; Ibid., Vol. VIII. pp. 9, 651.

[2] The Old North State in 1776, pp. 21-22.

This same Doctor Caruthers, in his Life of the Reverend David Caldwell,* favors us with a touching little romance concerning the death of James Few, which runs as follows: “He was engaged to be married to a young lady whom Fanning seduced. He then joined the Regulators; was taken on the field of battle, and, at the instigation of Fanning, was executed on the spot.” The above italics are in the original. of the death of Few — Who, by the bye, was a married man, and not a blighted young bachelor — mention will later be made. Tryon’s official report says that it occurred on the day after the battle, and omits to state that he was hanged as a delicate little attention to Colonel Fanning.

* Life of the Reverend David Caldwell, p. 158.

As early as August, 1766, there had been some movement at Maddock’s Mill, on the Eno river, a few miles from Hillsborough, to consult for the redress of grievances.[1] It was provided that no liquor should be accessible at this meeting, which was a very wise precaution; for, if the performances of the Regulators a few years later were indulged in when sober, there is no telling to what extreme they would have gone if drunk. The term “Regulator” was borrowed from an organization which had previously existed in South Carolina.[2]

[1] Colonial Records of NC, VOL VII. pp. 249-252.

[2] Articles on Regulation. by Dr. J. S. Bassett, in Report of the American Historical Association for 1894. p. 164. note (quoting authorities).

Sometime in the year 1768 a second meeting was held and a set of resolutions passed, setting forth the grievances of which the people complained. The parties to this compact bound themselves to pay no greater taxes than the law provided and to see that the taxes were properly applied; to exercise the legal right of petitioning the Governor and legislative body of North Carolina, or the King and Parliament, if necessary; and to join in defraying the expenses of presenting their case in the manner proposed. This was moderate enough, as was also a memorial dated March 22, 1768, which demanded that the public officers should give an account of their stewardship to the people.[1] But less than a month later began to appear that mob violence which was regarded by all of the respectable citizens of the colony as a blot on the good name of North Carolina. On the 8th of April rioters, to the number of about one hundred, came into Hillsborough to take from the Sheriff a horse which had been levied on for the non-payment of taxes; not content with this, they bound the Sheriff with ropes, maltreated other inhabitants, and amused themselves by firing shots through the house of Edmund Fanning, who was then absent from town.[2] Immediately after this disorder, Lieutenant-Colonel John Gray, of the Orange county militia, prepared to raise troops to protect the town against future attacks. For this purpose he called a council of the officers under him. These were Major Thomas Lloyd, Adjutant Francis Nash, and Captains Holt, Hart, Thompson, King, Mebane, Lytle, and Thackston. In a letter dated April 17th, two of these gentlemen, Captains Nash and Hart, reported that when the militia was ordered to assemble only

about one hundred and twenty effective men could be gotten together, as so many of the inhabitants were in sympathy with the mob. All of the officers, however, said this letter, behaved with the utmost loyalty, firmness and resolution, and to a man could be relied upon to venture their lives and fortunes in support of any measures for the suppression of such a lawless and rebellious crew.[3]

[1] Colonial Records of NC, Vol. VII. pp. 671-672, 690-700.
[2] Colonial Records of NC, Vol. VII. pp. 705-707.
[3] Colonial Records of NC, Vol. VII. pp. 710-712.

As already mentioned, Edmund Fanning was absent from Hillsborough when these occur renew took place. But he returned post-haste, immediately upon hearing of the disturbances, to assume command of the Orange county militia, of which he was colonel. He also dispatched a special messenger to Governor Tryon, then at Wilmington, giving an account of the troubles existing. In his letter Fanning stated that the agitation among the people had first arisen in Anson county and then spread into the territory adjoining; and that, at the time of his writing, the Regulators in Orange had a plan on foot to raise a force of about fifteen hundred men and march them into Hillsborough on the 3d of May, when they would lay the town in ashes if their demands were not complied with. In order to frustrate their plan, he also said it was his intention to have the ring-leaders arrested under cover of night, though he feared this might precipitate matters.

That the capture of Hillsborough, on May 3d, was proposed, does not mt upon Fanning’s testimony alone; for, in the records of proceedings by a council of the Regulators on April 25th, we find that a clergyman visited them and “by the power of persuasions and argument” induced them to promise they would not go into town before the 11th of that month unless some of their property was in the meantime levied on for taxes, in which event twelve of their number were to go in for a parley upon the matter.[1] Though Fanning had said he would consider it a disgrace to have to call on an outside force to aid in suppressing a disturbance in his own county, the Provincial Council took a different view; and, by its advice, the Governor ordered the militia colonels of Bute, Halifax, Granville, Rowan, Mecklenburg, Anson, Cumberland, and Johnston counties to be ready to furnish assistance if required. Being willing to share personally any danger which might arise, Tryon wrote Colonel Fanning: “The best testimony I can give of my approbation of such steady behavior in so righteous a cause is the offer, which I with sincerity make, to come up and join you against all your opposes; and this I will do as soon as you inform me my presence is necessary.”[2]

[1] Colonial Records of NC, Vol. VII. pp. 713-716.
[2] Colonial Records of NC, Vol. VII. p. 717.

It was doubtless Tryon’s intention from the first to command personally the provincial forces if a resort to arms became necessary. Concerning his military tastes, Saunders observes: “That he possessed personal courage, is doubtless true; and that he was well versed in the learning of his profession and possessed of a practical knowledge of its details, no one can deny who has studied his record. Undoubtedly he was fond of the pomps and vanities of life generally; but, possibly, be was never quite so happy as when riding at the head of a column of gallant men, and doubtless the feather in his hat was just a trifle, at least, more showy than the feathers worn by men of equal rank, though, perhaps, not of equal military ability. But Tryon, when in North Carolina, at least, is considered to have been something more than a mere soldier seeking the bubble reputation at the cannon’s

mouth; but, for all that, he was always a soldier, and while an adept in the arts of diplomacy whenever it pleased him to employ them, he always had in view the use of armed troops as the last resort."*

* Colonial Records of NC, Vol. VIII. Prefatory Notes, by W. L. Saunders, p. XXXV.

Upon being called together (April 27, 1768) for consultation on the alarming state of affairs in Orange county, the Council of the province, besides advising the Governor to get the militia in readiness for an emergency, also recommended that a proclamation be issued against the unlawful assemblages.* This proclamation was carried to the Regulators' country by Captain Isaac Edwards, Secretary and Aid de-Camp to the Governor.

* Colonial Records of NC, VOL VII. pp. 720-722.

As soon as the plans had been completed to arrest the ringleaders of the Regulators and thus thwart their design of a second armed descent on Hillsborough in May, 1768, Major Thomas Lloyd, one of the magistrates in Orange county, issued a warrant for Hermon Husband, the chief agitator in the movement. With a small force of armed men, Captain Thomas Hart rode out of Hillsborough on the night of May 1st, and, a little after sunrise on the day following, served the warrant on Husband, whom he took back to town before an alarm could be given. William Butler was arrested about the same time. Knowing that Husband could not be securely kept where his faction was in the ascendant, Justice Lloyd made out papers committing him to the j ail in New Bern; but, by many good promises, before he was taken there, he prevailed on the authorities to admit him to bail.* Butler was also released. It had been ordered that all persons arrested on charges of riot should be carried, for safekeeping, either to New Bern or Wilmington.

* Colonial Records of NC, Vol. VII. pp. 742-743; Husband's narrative in Wheeler's History. Part 11, pp. 316-317.

Next to Orange, it is probable that Anson county was the scene of more trouble than any other place. In April, 1768, while the County Court was being held there, a. mob assembled and broke up proceedings. In a letter to the Governor, Colonel Samuel Spencer gave an account of the troubles; and, for further particulars, referred His Excellency to William Hooper, who was one of the lawyers driven out of the court — house, and by whom the letter was carried.* Upon receiving the news from Anson, Tryon issued a proclamation (May 17, 1768) commanding the rioters to desist from their lawlessness. In response to a petition from the people of that county, he also promised that any officer who had been guilty of dishonest practices should be held to account for the same.

* Colonial Records of NC, Vol. VII. pp. 722-728, 751, 806, et seq.; North Carolina University Magazine, August, 1856, p. 252.

Each person Who joined the Association of Regulators in Anson was required to subscribe an oath declaring that if the goods of any fellow-member were seized for the non — payment of taxes, the same should be forcibly recovered; that if any Regulator was imprisoned, he should be rescued; and that if any one of their number was fined or otherwise put to expense by the government, his loss should be shared by the entire association.

In July, 1768, Governor Tryon went in person to Hillsborough with a view of pacifying the discontented element, but his endeavors were not successful. In the early part of August he received notice that a large body of insurgents had assembled and made threats that they would come in and burn the town if their demands were not acceded to. Immediately the militia was ordered out; and, by the 12th of August, a force of between two and three hundred had been raised from Orange county, but the Regulators did not attack.

Marching through Rowan and Mecklenburg counties to gather up recruits, Tryon was quite successful in his efforts. Colonel Alexander Osborne commanded the Rowan regiment and the regiment from Mecklenburg was under Colonel Robert Harris. Another Colonel Robert Harris, in the same expedition, commanded the regiment from Granville.* As both these gentlemen had names and ranks exactly similar, care should be taken not to confuse them.

* For references to these officers, see Colonial Records of NC, Vol. VII. pp. 828, 882, 888; Ibid., Vol. VIII. 9. 698.

On August 26th a grand review was held at Salisbury, when both Tryon and Colonel Osborne addressed the troops.* The former stated that a Superior Court, to try those concerned in the recent disturbances, had been ordered to convene - at Hillsborough, and an armed force was necessary for its protection. He also explained that no tr00ps would be forced into this service by draft, but only volunteers accepted. Then he dismounted; and, with the King’s colors in his hands, called for those companies which were ready to serve. The first to volunteer was a company under Captain Dobbins, to the custody of which Tryon then committed the colors as a compliment to its zeal. All of the other companies then followed in succession except one commanded by Captain Knox, and this officer was so disgusted at the action of his men that he immediately left them and joined the volunteers alone. The company here mentioned, however, afterwards sent an apology to the Governor, saying that a misunderstanding, and not disaffection, had caused its action; and many came back as volunteers. “The general battalion was then dismissed, and the Field officers, Captains, and other gentlemen waited on the Governor to dinner, where the health of His Majesty and the Royal family, prosperity to the province, and success to the Rowan and Mecklenburg. Volunteers were drank. Before the company broke up the Governor acquainted Colonel Osborne, in the presence of Captain Dobbins and the rest of the officers, that he presented His Majesty’s colors to the Rowan regiment of militia as an honorable testimony of the loyalty of that regiment and of the spirit they testified in turning out as volunteers in the service of their King and country. And that, in consideration of Captain Dobbins and his company first joining the union colors, His Excellency desired and requested that Captain Dobbins company might always carry into and bring out of the field the King’s colors and that the Ensign of the said company should always carry those colors whenever brought into the field.” So states the Governor’s military journal. The Captain Dobbins here mentioned appears to have been that Alexander Dobbins who afterwards served With Colonel Osborne and others on the Committee of Safety and in the State militia forces of Rowan county during the Revolution, when most of the inhabitants of that section were pretty effectually weaned from the “King’s colors.”

* For journal from which this account of expedition is drawn, see Colonial Records of NC, Vol. VII. p. 819. et seq.

Leaving the Rowan regiment at Salisbury, Governor Tryon moved forward to the home of Major Martin Phifer, where he held a consultation with Colonel Harris and other officers of the Mecklenburg regiment. He then arranged with them for a meeting to be held later at the house of Lieutenant Colonel Moses Alexander.

It is not necessary to weary the reader with a detailed account of the march of the Mecklenburg and Rowan regiments back to Hillsborough. They arrived there on the 19th of September. Two days later they were joined by the Orange and Granville regiments, the former commanded by Colonel Edmund Fanning, and the latter by one of the Colonel Robert Harris' heretofore mentioned.

In the matter of commissioned officers, it is doubtful if so remarkable a military make — up as Tryon's army ever existed. In numbers the whole body of troops would not exceed a colonel's command in the present regular army of the United States, and yet John Rutherford, Lewis Henry DeRosset, John Sampson, Benjamin Heron, Samuel Strudwick, and Robert Palmer were all made Lieutenant-Generals, While Thomas Lloyd and John Ashe became Major-Generals.

Among the Colonels were: James Moore (artillery), Alexander Osborne, Edmund Fanning, Robert Harris of Mecklenburg, Robert Harris of Granville, James Sampson, Samuel Spencer, and Maurice Moore.

Lieutenant-Colonels: Robert Schaw (artillery), John Frohock, Alexander Lillington, John Gray, and Samuel Benton.

Majors: Abner Nash, Robert Howe, William Bullock, Martin Phifer, John Hinton* and Walter Lindsay.

* Major (afterwards Colonel) Hinton then commanded Johnston county troops. When Wake was cut off from Johnston he lived in Wake. Farm interesting account of his life. by Miss Mary Hilliard Hinton. see South Atlantic Quarterly (Durham, NC). Vol. I. p. 182. April, 1902.

Aids de-camp: Isaac Edwards and John Abraham Collet.

Quartermasters: Lewis Coffer for Rowan regiment and William Bedford for Mecklenburg regiment.

Commissaries: Thomas Hart for Orange and Granville regiments, Hugh Montgomery far Rowan regiment, and Moses Alexander for Mecklenburg regiment.

Captain of Artillery: Samuel Swarm, junior.

Surgeon — General: Anthony Newman.

Surgeon for Mecklenburg regiment: Dominicus Hawk.

Besides these there were many other officers, the records of whose services are unfortunately lost.

Seeing the Superior Court hedged about by the provincial troops, the Regulators made no attempt to interrupt its proceedings When it convened in September, first at Salisbury and then at Hillsborough. of the tribunal just mentioned Martin Howard

was Chief Justice, while Maurice Moore and Richard Henderson were Associate Justices.

During the progress of the court at Hillsborough, William Butler, Samuel Devinney, and John Philip Hartzo were convicted of rioting and attempts to rescue distrained property from the Sheriff. Upon the first named defendant was imposed a fine of fifty pounds and a sentence to six months' imprisonment, and the other two were each fined twenty-five pounds and given a three months' sentence. But, as at that time the trouble seemed to be ended, the Governor by a pardon caused their release from prison and suspended the payment of the fines for six months. A full general pardon was afterwards proclaimed, and thus the fines were remitted. Concerning these prosecutions, Governor Tryon, in one of his letters, observes: "To say that these insurgents had not a color for their shewing a dissatisfaction at the conduct of their public officers would be doing them an injustice; for, on a prosecution at the Superior Court, carried on by the Attorney-General in the virtue of my directions, both the Register and Clerk of the county were found guilty of taking too high fees. It manifestly appearing that Colonel Fanning, the Register, had acted with the utmost candor to the people, and that his conduct proceeded from a misconstruction of the fee-bill, he was in court honorably acquitted of the least intentional abuse in office. Colonel Fanning, however, immediately after the above verdict, resigned up to me his commission as Register."*

* Colonial Records of NC, Vol. VII. pp. 884-885.

Quite a number of Regulators were indicted at the above court, though only Butler, Devinney and Hartzo were tried. The other cases were continued.

The insurgents having all submitted or dispersed, Tryon naturally thought that resistance was at an end and disbanded his troops on the 2d of October; but, as will be seen in the next chapter, the real trouble was just beginning.

In his farewell order the Governor said:

> "His Excellency returns both the officers and men of the army his grateful and unfeigned thanks for the patient and persevering conduct With which they have supported the government, their own honor, and the credit of the administration, as by their spirited behavior they have greatly contributed to the dispersing of the rioters and in bringing them to a submission to government and a sense of their error. These measures being happily effected, it is His Excellency's pleasure that Colonel Osborne carry a proclamation of pardon, With a few exceptions, for the insurgents, which Colonel Osborne will read at the head of the brigade at Salisbury, and afterwards affix it up at the court-house door."

Colonel Alexander Osborne, whose military services have been frequently referred to in this chapter, came to North Carolina about 1755 from New Jersey, where he was born in 1709. He died July 11, 1776, at the beginning of the War for Independence; and, in him, the cause of the colonies lost an able supporter, whose services to the Whig government had already been of value.[1] The family to which he belonged is said to be descended from the Dukes of Leeds, whose surname is Osborne.[2] Colonel Alexander Osborne was the father of Colonel Adlai Osborne, a useful Revolutionary patriot, and from him also springs the Osborne family (now chiefly resident in

Mecklenburg county) which has so prominently figured in the legal, political and military annals of North Carolina.

[1] Sketches of Western North Carolina, by C. L. Hunter. p. 186.
[2] See Memoir of General, Joseph Gardner Swift. p.93.

As much will be said of the colonial judiciary later on in this work, a few words concerning the personnel of the Court may not be out of place. of the Chief Justice, Martin Howard, mention has already been made, which renders it unnecessary to speak of him further. The Associate Justices were Maurice Moore and Richard Henderson, who received their appointments at the same time, March 1, 1768.*

* Colonial Records of NC, Vol. VII, pp. 691, 697.

Judge Moore had also filled the above position once before, but was turned out of office on account of his resistance to the Stamp Act. of him, at the time of his second appointment, Tryon says: “This gentleman I suspended during the late distractions in the colonies. His proper conduct and behavior since that period, and the British Act of Grace subsequent to those troubles, induced me, with the approbation of the Council, to reinstate Mr. Moore in office.” Some historians declare that Moore sympathized with the Regulation movement; but, when this rumor was afloat during his lifetime, he said: “I have been calumniated before now, but never so capitally as in this case.” And, in a military capacity, he marched against them. The Moore family, of which he was a member, had been prominent in the Cape Fear country since the days of Governor Burrington; and, prior to that time, was of great power in South Carolina, where several of the name had filled the office of Governor. As at the time of the Stamp Act, so in the days of the Revolution, Maurice Moore’s great influence went with the colonies, and there is further abundant. reason for believing that he ever had the good of North Carolina at heart. But that strong prejudices were among other strong points in his make — up we are also convinced, for the famous “Atticus” letter, in view of his own connection with a few of the matters treated therein, speaks more for his ability as a writer than for his consistency. He was a member of the North Carolina Provincial Congress at Halifax, in November, 1776, and died on the 15th of January, 1777.* One of his sons was Associate Justice Alfred Moore of the United States Supreme Court.

* Colonial Records of NC, Vol. X, p. 913; see also, address by Junius Davis in NC Supreme Court Reports, Vol. 124, p. 884

Judge Richard Henderson was one of those striking figures in our colonial history, in whose character the attributes of pioneer and statesman were jointly predominant. He is new chiefly remembered for his unsuccessful attempt to set up a new common wealth in the present beautiful region which was then, in fact, a “dark and bloody ground.” He was born in Hanover county, Virginia, on the 20th of April, 17 35; and, when a boy, not over ten years old, was brought by his father to Granville county, North Carolina. His first legal service, of a public nature, was as King’s Deputy Attorney. When later appointed Judge, in 1768, he is referred to by Governor Tryon as “a gentleman of candor and ability, born in Virginia, and about thirty-three years of age.” In addition to his civil positions, he also held, prior to the Revolution, a commission as colonel of militia under the Crown. When the War for Independence came on he cast his lot with the American cause. On

September 25, 1775, he was elected President of the whilom “Colony of Transylvania” — (a part of the present States of Kentucky and Tennessee) — which colony aided in sustaining the measures of the Continental Congress; in 1778 and again in 1782 he was a member of the North Carolina Council of State; on August 14, 177 8, he was elected a Judge of the Superior Courts of North Carolina, but declined the office; was one of the commissioners appointed to settle the boundary between Virginia and North Carolina in 1779; represented Granville county in the House of Commons at the session of 1781, and perhaps served the State in other capacities.* He died January 30, 1785. Among his children were Chief Justice Leonard Henderson and the eminent attorney, Archibald Henderson, whom Judge Murphey describes as “the most perfect model of a lawyer that the bar of North Carolina has produced.” Many talented representatives of this family now living have also added honors to the name. of Judge Richard Henderson’s experiences with the Regulators later mention will be made.

* Colonial Records of NC, Vol. X. pp. 256. et seq. 373, et seq., 382, et seq.; State Records of NC, Vol. XII. pp. 786, 851; Ibid., Vol. XIV. p. 353, et seq.; Ibid., Vol. XVI. p. 95: Ramsey’s Annals of Tennessee. pp. 117-119; Ch. XVI of the Public Lows of NC for 1779; article on Henderson family in Wake Forest Student for 1899, p. 1. by Dr. T. B. Kingsbury. For account of the government of Transylvania colony, see Kentucky publication by George W. Ranck, entitled "Boonesboro" issued by Filson Club.

During the encampment of the colonial troops at Hillsborough (September 25, 1768) they were addressed in a sermon by the Reverend George Micklejohn, S. T. D., who discoursed on the duty of submission to the established powers.[1] A few years later the parson still held to these principles, and retained his loyalty during the war with Great Britain — “a High Churchman in religion and a High Tory in politics,” one writer has called him. After the war he removed to Virginia. When he died he was more than a hundred years old. Bishop Meade, in his work on Old Churches and Families of Virginia,[2] states that Parson Micklejohn had taught school prior to the Revolution; and, after the close of hostilities, was solicited by some gentlemen to resume his occupation, but he refused, saying that he would have nothing to do with their little American democrats, for it was hard enough to manage them before the Revolution, and now it would be impossible.

[1] This sermon was afterwards printed by order of the Assembly. For title, etc., see North Carolina University Magazine, August, 1855. pp. 250-251, note.

[2] Old Churches and Families of Virginia, Vol. I, p. 488.

On Sunday, the 12th of May, 1771, during Tryon’s second campaign against the Regulators, his troops were favored with a sermon which even exceeded that. of Parson Micklejohn in war-like spirits.* This was delivered by the Reverend James Macartney, who chose as his text a selection from the thirty-sixth verse of the twenty-second chapter of St. Luke, “He that hath no sword, let him sell his garment and buy one.”

* State Records of NC, Vol. XIX. p. 840.

Besides other information contained in the biography by Caruthers we are also indebted to that author for some poetical effusions of the period embracing the War of the Regulation. These are from the pen of Rednap Howell, who is called the Poet Laureate of the Regulators, and are mostly directed at Edmund Fanning, who — though

a college-bred man and the son of wealthy parents — is represented as a weary pauper when first wending his way into North Carolina:

> “When Fanning first to Orange came,
> He looked both pale and wan;
> An old patched cost was on his back,
> An old mare he rode on.
>
> “Both man and mare wan’t worth five pounds,
> As I’ve been of ten told;
> But, by his civil robberies,
> He’s laced his coat with gold.”

Two more verses represent a dialogue between the partners in iniquity, and run as follows:

> “Says Frohock to Fanning: ‘To tell the plain truth,
> When I came to this country I was but a youth;
> My father sent for me: I wan’t worth a cross,
> And then my first study was stealing a horse;
> I quickly got credit, and then ran away,
> And haven’t paid for him to this very day.’
>
> “Says Fanning to Frohock: ‘Tis folly to lie,
> I rode an old mare that was blind of an 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 let us alone.’”

Howell was a school-teacher by profession and a brother of Governor Richard Howell of New Jersey. A granddaughter of Governor Howell married Jefferson Davis. Rednap Howell was never pardoned for his participation in the Insurrection of the Regulators — his name being specifically excepted from all “acts of grace” — and what became of him is not known. When last heard of he was in Virginia.

CHAPTER VII.

FURTHER VIOLENCE of THE REGULATORS — OUTRAGES CONTINUE AT HILLSBOROUGH — HOUSE-BURNING IN GRANVILLE COUNTY — HUSBAND EXPELLED FROM ASSEMBLY AND IMPRISONED — LEGISLATIVE MEASURES AGAINST THE INSURGENTS — TRYON'S SECOND MILITARY CAMPAIGN — PATRIOTIC NORTH CAROLINIANS IN HIS ARMY — PARTIAL LIST of OFFICERS — GENERAL WADDELL'S FORCE INTERCEPTED - INSURGENTS ROUTED AT BATTLE of ALAMANCE — SOME of THE KILLED AND WOUNDED — FLIGHT of HUSBAND BE. FORE THE BATTLE BEGINS.

As heretofore observed, Tryon issued a pardon to all concerned in the disturbances of 1768 and times previous thereto, with a few exceptions, and ordered his proclamation to be made public by Colonel Osborne. At a later period, September 9, 1769, another proclamation of pardon was issued, which included each and every offender, with no exceptions whatever.* This rendered things more quiet for some months, but the real trouble was yet to begin.

* Colonial Records of NC, Vol. VIII. p. 67.

On September 24, 1770, while Judge Richard Henderson was holding court at Hillsborough, the Regulators (including Hermon Husband, Robinson York, William Butler, Rednap Howell, Jeremiah Field, James Hunter, Samuel Devinney, and others) broke into the court-room, attempted to strike him while on the bench, and beat John Williams, afterwards a highly respected Judge. William Hooper, one of the greatest and best men of whom the annals of North Carolina can boast, they "dragged and paraded through the streets, and treated with every mark of contempt and insult." James Iredell (afterwards a Justice of the United States Supreme Court) was another lawyer attending this session of Orange Court, but the "parcel of banditti," as he called the Regulators, failed to get their clutches on him, as he had gone to visit a friend in the country. Edmund Fanning, whom the Regulators considered the chief author of their troubles, was dragged by his heels out of the court-room over rough cobblestones, suffered a severe injury to one of his eyes, and would probably have been murdered had he not. broken loose from the mob and taken refuge in a near-by house. The Regulators next turned their attention to Fanning's residence, which was torn to pieces by them, after which they whipped Alexander Martin (at a later time Governor), Captain Michael Holt, Captain Thomas Hart, and other prominent citizens — while Francis Nash (afterwards a Brigadier-General in the Continental Army and mortally wounded at Germantown) , Tyree Harris, High Sheriff of Orange, and many others had to take to the woods in order to escape like treatment. Later the rioters swarmed through the streets of Hillsborough and amused themselves by breaking the windows of residences. Finding himself powerless to enforce authority, Judge Henderson ordered an adjournment of court and fled by night from the town. N ext day the Regulators again came into the court-house; and, after setting up a mock judge, got possession of the docket, in which they made many entries, teeming with billingsgate and profanity. One contemporaneous newspaper account says they even took down the decomposed corpse of a negro who had been hanged in chains and placed it in the seat which Henderson had vacated. A few months later the dwelling and out — houses of Judge Henderson, in Granville county, were destroyed by the torch of incendiaries who belonged to the Regulating element.*

* Colonial Records of NC, Vol. VIII. pp. 235-260, 262; see also, quotation from New York Gazette in Annual Register (London) for 1770. p. 231: Life and Correspondence of James Iredell. Vol. I. pp. 89. 379.

As Chief Justice Howard was not in the colony when the outrages at Hillsborough occurred (September, 1770),[1] he could not have been "driven from the bench," as stated in the Defense of North Carolina, by Jo. Seawell Jones. The same work says: "The rioters respected the character of Judge Moore." If calling this distinguished personage a rascal, rogue, villain, and a scoundrel, and threatening to flog or kill him if he came to hold court at Salisbury,[2]: was the way in which these worthies showed their "respect," then Judge Moore did hold their respect to a most remarkable degree! But, seriously speaking, it would seem that the Regulators were really far less bitter against Chief Justice Howard than they were against Associate Justices Moore and Henderson; for, when informed that, owing to the riots, no court would be held at Salisbury, "they said there would have been no danger for the Chief Justice to have held a court; but, as to the Associate Justices, they were silent."[3]

[1] Colonial Records of NC, Vol. VIII. p. 248
[2] Colonial Records of NC, Vol. VIII. pp. 519 — 520.
[3] Colonial Records of NC, Vol. VIII. p. 534.

The old Assembly having been dissolved by Governor Tryon, a new one met in accordance with his summons at New Bern on the 23d of October, 1770.1 In this body, as one of the representatives from Orange county, appeared Hermon Husband, a chief of the Regulators. During the progress of the session, on the 20th of December,2 Mr. Husband was brought before the House (sitting as a Committee of the Whole, With Colonel John Campbell of Bertie as chairman), charged with sundry misdemeanors, and expelled in accordance with the following resolutions:

> Resolved, That it appears to this committee that Herman Husband, a member of the committee, is one of the people who denominate themselves Regulators, and that he hath been a principal mover and promoter of the late riots and seditious in the county of Orange, and other parts of the province.
>
> Resolved, That it appears to this committee that a letter published in the North Carolina Gazette of the 14th of December, directed to the Honorable Maurice Moore, Esquire, at New Bern, and signed by James Hunter, is a false, seditious, and malicious libel.
>
> Resolved, That it appears to this committee that the above named Her. man Husband was the publisher of the said libel.
>
> Resolved, That it appears to this committee that the said Herman Husband was guilty of gross prevarication and falsehood in his examination before the committee of propositions and grievances relative to the said libel.
>
> Resolved, That it appears to this committee that the said Herman Husband hath insinuated in conversation that in case he should be confined, by order of the House, he expected down a number of people to release him.

> Resolved, That it is opinion of this committee that such an insinuation is a daring insult offered to this House, and tending to intimidate the members from a due discharge of their duty.

After passing the above, further proceedings were had, as follows:

> Resolved, That the conduct of the said Herman Husband, both as a member of this House in particular, and of the community in general, has justly incurred the contempt of this House and rendered him unworthy of a seat in the Assembly.
>
> Resolved, That the said Herman Husband be immediately expelled from this House.
>
> Ordered, That the said Herman Husband appear at the Bar of the House, and that Mr. Speaker pronounce the said sentence —

Whereupon, the said Herman Husband appeared at the Bar of the House, and Mr. Speaker pronounced the said sentence accordingly.

> After his expulsion from the Assembly, Mr. Husband prepared to return to his followers, when the Council advised Tryon that if this were allowed it might further endanger the peace of the province. Thereupon a bench-warrant was issued by Chief Justice Howard for the apprehension of Husband, and he was accordingly committed to the jail in New Bern [3] As no evidence was then accessible to establish the charge of rioting, the prisoner was charged in the warrant with the libel on Maurice Moore.

[1] In the beginning of House Journal 1769 is erroneously given us year of meeting: but in the annual proceedings the date is given 1770, as it should be. See Colonial Records of NC, Vol. VIII. p. 808. et seq.

[2] Colonial Records of NC, Vol. VIII, pp. 330-331.

[3] Colonial Records of NC, Vol. VIII. pp. 494, 546. et seq.

As may be supposed, the Regulators were highly incensed at the arrest of their representative, and at once gave Open threats that they would go down in a body and forcibly effect his release. This caused some concern for the safety of New Bern, and troops were ordered to be in readiness to repel the anticipated attack. That a movement on New Bern was meditated, there is little doubt. Emissaries were dispatched by the Regulators to different. parts of the province to stir up further discontent and raise reinforcements. Nor was the government idle; for there was a chain of well affected counties through which the insurgents must pass. In these Colonel John Hinton of Wake, Colonel **NEEDHAM BRYAN** of Johnston, Colonel Richard Caswell of Dobbs, and possibly other officers, were all prepared with their regiments to intercept the march of the Regulators.[1] But, on February 8, 1771, while preparations on both sides were progressing, Husband was released from jail, the grand jury having failed to find a true bill. The proposed movement on New Bern was thereupon abandoned. But the discontented element in Orange county grew no more orderly. Proclamation after proclamation was issued by the Governor — having about as much effect as sermons would have on mud-turtles, and matters went from bad to worse each day. First had come a letter from Judge Moore, saying that the designs

of the insurgents went further than to promote inquiry into the conduct of civil officers, and that no legal process of any kind could be served among them.[2] Then the complaint from Judge Henderson was received, telling of the indignities offered him at Hillsborough, and soon followed the news that he had been burned out of house and home.

[1] Colonial Records of NC, Vol. VIII. pp. 500-501.
[2] Colonial Records of NC, Vol. VIII. p. 192.

In February, 1771, a court having been ordered to sit at Hillsborough,* the following remonstrance from the Chief Justice and his associates was laid before the Governor:

> Sir,
>
> Your Excellency having signified to us your opinion that it is expedient that the Chief Justice, Associate Justices, and Attorney-General should attend the ensuing Superior Court at Hillsborough, we do acquaint Your Excellency that we have conferred together upon the subject, and, considering the violences committed there at the last Court, and being well informed that the disturbances and the distractions in that district are rather increasing than declining, we submit it to Your Excellency as our opinion that we cannot attend that Court with any hopes of transacting the business of it; or, indeed, with any prospect of personal safety to ourselves.
>
> M. HOWARD, O. J.,
> M. MOORE,
> R. HENDERSON.
>
> March 18th, 1771, New Bern.

* Colonial Records of NC, Vol. VIII. p. 538.

Of the continued excesses indulged in by the Regulators, Williamson, in his History of North Carolina,* says:

> “Their demands and their violence increased at every meeting. Their success produced no reformation. They broke and trampled under foot all the bonds of civilized society, and gave reins to every disordered passion; for vice itself, by repeated acts of violence, had changed its name and color. They prevented the Superior Court from sitting in Hillsborough, insulted the Judges, and maltreated the inhabitants. Not satisfied with abusing Judge Henderson at court, they burnt his stables and corn on the twelfth of November, and they burnt his dwelling — house on the fourteenth. It was no longer a question whether clerks, registers or lawyers should be permitted to receive more than legal fees, and sheriffs be compelled to account for all the taxes they had collected. It was now to be determined whether civil government should prevail, or every man’s property be exposed, without redress, to the avarice or resentment of a lawless mob.”

* History of North Carolina. Vol. II. p. 138.

Affairs had finally reached that point where it would have been not only unjustifiable, but criminal, in Governor Tryon longer to submit to the prevailing anarchy, and this he now realized. Under similar circumstances at the present time no mob would be allowed to indulge in such excesses for half so long a period. In a message to the Council and Assembly, on the 5th of December, 1770, Tryon set forth at some length the distracted state of affairs and asked that provision be made for raising and arming a sufficient body of troops with which to march into the country of the insurgents and put an end to their lawlessness. The Council pledged its cooperation; and the lower house, if anything, seemed even more anxious to adopt measures for the suppression of the disturbances.[1] The latter (sitting as a Committee of the Whole, with Colonel William Haywood of Edgecombe as chairman) took the Governor's speech into consideration and reported its conclusions; thereupon, another committee was appointed to draw up a reply. The latter committee (composed of Maurice Moore, chairman, Joseph Hewes, Robert Howe, Edmund Farming, Samuel Johnston, Abner Nash, and Cornelius Harriett), on December 10th, submitted its report, which was duly adopted. Therein it was said: "The late daring and insolent attack made on the Superior Court at Hillsborough, by the people who call themselves Regulators, we hold in the utmost detestation and abhorrence. The deliberate and preconceived malice with which it was contrived, and the brutal fury with which it was executed, equally bespeak them unawed by the laws of their country, insensible to every moral duty, and wickedly disaffected to government itself. The dissolute principles and licentious spirit by which these people are actuated and stand united, render them too formidable for the ordinary process of law. Sensible of this, sir, we owe it to our sovereign, our constituents, and ourselves, to ad0pt measures at once spirited and decisive." And such measures (contained in a bill introduced by Samuel Johnston of Chowan, afterwards Governor) were adopted about a month later, on January 15, 1771.[2] It is doubtful if so drastic a measure as this ever passed an American Assembly. Among other things, it Provided that if any persons, to the number of ten or more, should unlawfully, riotously, and tumultuously assemble together after the first day of the succeeding February, and should refuse to disperse on the command of one or more magistrates or of the Sheriff, the offenders should, on due conviction by a jury, be adjudged felons and suffer death Without benefit of the clergy; that it should be the duty of any sheriff to summon a posse to seize the persons of rioters so assembled, and, if any rioter should be killed in resisting arrest, the person killing him should not be held answerable to the law for such act; that if, When the courts should convene after the first day of the following March, any person or persons should assault, beat, wound, or Openly threaten the Judge or other officers of the Court, hinder sheriffs in the discharge of their duties, burn or otherwise destroy any church, chapel, court-house, prison, dwelling, or out-house, such person or persons, and their aiders and abettors, if duly convicted before a jury, should be adjudged felons and suffer death Without benefit of the clergy; that if any person should be presented by a grand jury for the crimes above specified and should evade arrest, proclamation of outlawry should issue against him, and any party thereafter slaying him should not be held accountable for the deed; that the Governor and Commander-in-Chief should have power to make drafts on the militia if a military expedition should be found necessary, and that the cost of such expedition should be paid out of the public treasury; that if a body of men should gather together in arms for the purpose of resisting the military forces thus ordered out, and should fail to lay down their arms and surrender when so commanded, such men should be deemed traitors and dealt with under the law against treason; that any judge in the province should have power to issue warrants against any of the classes of offenders mentioned above, although such offenders might reside in districts other than the one wherein he was holding court; that the Justices of every Inferior

Court and the minister of each parish in the province should cause this act to be publicly read before the people on the second day of each court, or at least once every three months, during the continuance of this act; and that the act should continue in force for the space of one year, and no longer.

[1] Colonial Records of NC, Vol. VIII. pp. 284, 289, 306, 312.
[2] Colonial Records of NC, Vol. VIII. pp. 319, 481.

The above act (Chapter I of the Laws of 1770) is sometimes known as the Johnston Act, after its author, and sometimes as the Riot Act. When it was sent to England to be passed upon by the authorities there, even in that country — a land where the remains of quartered Jacobites had recently been exhibited like so much meat on a spit-rack — even there, parts of this law were declared "irreconcilable with the principles of the constitution, full of danger in its operation, and unfit for any part of the British Empire."* Permission, however, was given the Carolina Assembly to continue in force such sections of the act as were not considered too severe.

* Colonial Records of NC, Vol. VIII. p. 516; Ibid., Vol. IX. p. 289.

The Regulators, no doubt believing themselves secure by reason of their numbers, were not at all frightened by the Johnston Act, though its passage, as might be supposed, did not put them in a very amiable frame of mind. of their sentiments on the subject we have some knowledge from a deposition made in 1771 by Waightstill Avery.* It seems that, in the year mentioned, this gentleman was captured at a ferry by the insurgents; and, When an inn was reached, one of their number advised him to "call for a bowl of toddy and treat the captains, for they were going to ride on to the Regulating Camp." The toddy being forthcoming at Mr. Avery's expense, he was simply detained, not being ma]treated; but, while in the camp, he had an opportunity to get the sentiments of the insurgents. One of their number, Thomas Hamilton, stood in the midst of the crowd and delivered himself as follows:

> "What business has Maurice Moore to be a Judge? He is no Judge; he was not appointed by the King — he nor Henderson neither. They'll neither of them hold court. The Assembly have gone and made a Riotous Act, and the people are more enraged than ever. It was the best thing which could be done for the country, for now we shall be forced to kill all the clerks and lawyers, and we will kill them; and I'll be damned if they are not put to death. If they had not made that act we might have suffered some of them to live. A Riotous Act! There never was any such act in the laws of England, or any other country but France; they brought it from France, and they'll bring the Inquisition next."

* Colonial Records of NC, Vol. VIII. p. 518, et. Seq.

On March 11, 1771, the grand jury for the district of New Bern returned sixty-two bills against different Regulators.* Among those indicted were Hermon Husband, James Hunter, James Few, Jeremiah Field, Robinson York, John Pugh, William Butler, Samuel Devinney, Rednap Howell, Ninian Hamilton, Ninian Beall Hamilton, and John Fruit.

* Colonial Records of NC, Vol. VIII. pp. 531-532.

On the 18th of March, Governor Tryon began active preparations for the forcible reduction of the Regulators. First he submitted his proposition to the Council; * and, in the record of this matter, the Journal says:

> "The board taking the same into their serious consideration, it is their unanimous Opinion that the most effectual measures to reduce the people calling themselves Regulators be pursued by raising a body of sufficient forces from the militia, and marching against them with all expedition."

* Colonial Records of NC, Vol. VIII, p. 538.

Both the Council and Grand Jury, upon Tryon's offer to command the colonial forces in person, were favorable to the plan, and he sent out a circular letter on the day following (March 19th), calling upon the colonels of militia for detachments from their regiments. He also forwarded a request to General Gage, Commander — in-Chief of the British forces in America, for two field-pieces with which to cover any fords Which the Regulators might fortify. Some artillery (swivel-guns) the Governor already had. Going in person to Wilmington, Tryon there made plans for raising the troops of that section, and promoted Colonel Hugh Waddell to the rank of general. Expresses to President. Nelson, acting Governor of Virginia, and Governor Bull of South Carolina, were also sent, requesting that they take precautions to the end that none of the insurgents should be suffered to seek shelter by crossing the borders into those colonies.*

* Colonial Records of NC, Vol. VIII. pp. 540-542, 547-548.

The plan agreed upon was that General Waddell should proceed to raise the forces of the western counties, and form a rendezvous at Salisbury; while Tryon, with the eastern troops, should close in from the opposite direction. Salisbury had recently been occupied by a force of Regulators; but the officer there in command of the colonial forces, Major Dobbins (who had been promoted from captain since Tryon's first expedition), succeeded in preserving the peace, with the aid of a detachment from Mecklenburg, marched down in great haste under Colonel Moses Alexander and Captain Thomas Polk - Acting under Major Dobbins on this occasion was Captain Griffith Rutherford, who afterwards served the colonies as a brigadier-general during the Revolution. Another captain in this force was George Henry Berger, who also became a useful Revolutionary patriot in later years.

* Colonial Records of NC, Vol. VIII. pp. 535, 548.

On the 23d of April, Tryon began his march from New Bern; and, nine days later, arrived at Hunter's Lodge, in Wake county, which was appointed as the place of rendezvous for the eastern troops. Here the forces of the vicinity, under Colonel John Hinton, awaited him, together with some additional detachments from other counties.

If it is allowable for history to draw on fiction, in the course of a narrative, it will be a pleasure for us here to pause and recall the account of a North Carolina novelist, who tells of the progress of his hero who marched from New Bern under the Governor's banner:

> “For days and nights, and nights and days, did they march and encamp, decamp and march again, over roads and through forests, by river and by brook; and, as they marched, others came to swell their ranks. Sometimes the army, emerging from a dense wood, came face to face with a motley company of volunteers cheering and waving their caps. Again, some quick-eyed woodsman would see afar the glimmer of arms and the cloud of dust that overhung some detachment approaching in the distance. Thus came the reinforcements from the counties Craven and Carteret, from Dobbs and from New Hanover, from Johnston and from Onslow and from Wake; and the cheers were loud and long when Bullock dashed among them with his company of light-horse, when Neale swung into line with his band of sturdy riflemen, and when Moore toiled into the column with his little battery of artillery.”*

* From “Wallannah: A Colonial Romance." by Will Loftin Hargrave.

Though the list cannot be fully given, it will doubtless be of interest to record the names and ranks, so far as can be learned, of the officers serving immediately under Tryon in his Alamance campaigns.* Of the force under General Waddell mention will presently be made. The officers, so far as known, in the Governor’s little army were: Lewis Henry DeRosset, Adjutant-General; Robert Campbell, Assistant Adjutant~General; Robert Howe, Quartermaster-General; Alexander Lillington, Assistant Quartermaster-General; John Rutherford, Judge-Advocate-General; Thomas Clark, Provost-Marshal-General; Reverend James Macartney, Chaplain; and James Moore of New Hanover, Colonel of Artillery. The colonels commanding county detachments were: John Ashe of Brunswick, Richard Caswell of Dobbs, Joseph Leech of Craven, William Gray of Onslow, William Thompson of Carteret, Edmund Fanning of Orange, **NEEDHAM BRYAN** of Johnston, and John Hinton of Wake. Among officers of lesser rank were: Lieutenant-Colonels Richard Cogdell and Abner Nash; Majors Francis Mackilwean and Richard Clinton; Captains Christopher Neale (Craven Rangers), Philemon Hawkins (Bute Light-Horse), John Patten (Beaufort), William Bullock (Governor’s Body-guard of “Gentlemen Volunteer Light-Horse”), Robert Salter (of Pitt), John Walker (New Hanover Artillery), James Moore (of Wake), Simon Bright (of Dobbs), Francis Nash (of Orange), Nathaniel Hart (of Orange), **FARQUARD CAMPBELL** (of Cumberland); Adjutant William Burke; Lieutenant John Baptists. Ashe; Ensign Robert Fenner, Ensign **WILLIAM BRYAN**, and Ensign William Peyton. Captain James Moore of Wake county should not be confused with Colonel James Moore of New Hanover. As Aids de-camp to the Governor were Captains Philemon Hawkins of the Bute Light-Horse, Isaac Edwards, William Palmer, **WILLIE JONES**, Thomas Clark (also Provost-Marshal-General), and John Malcom. The last two were appointed to succeed Edwards and Palmer, who had resigned. The Surgeons were: Thomas Cobham and Thomas Haslin. Doctors Matthewson and Powers were Surgeons’ Mates. Captains Richard Blackledge and Thomas Hart were Commissaries, and Ensign Alexander Gillespie commanded the Corps of Pioneers.

* Compiled chiefly from Tryon’s Journals, Colonial Records of NC, Vol. VIII, pp. 574-600, 659-677; State Records of NC, Vol. XIX. pp. 836-854.

The troops under General Waddell did not join Tryon in time to take part in the battle of Alamance. They were useful, however, in completing the work of subjugation already begun. The forces commanded by Waddell were a detachment of artillery under Colonel Robert Schaw and county detachments, officered as follows: Colonel Robert Harris (of Mecklenburg), Colonel Samuel Spencer (of Anson), Colonel William Lindsay (of Rowan), and Colonel Thomas Neel (of Tryon). Among other officers were Majors Francis Ross, Samuel Snead, and William Luckie; and Captains

Griffith Rutherford and Adam Alexander. Colonel Moses Alexander and Captain Thomas Polk acted as Commissaries; the Reverend Mr. Terry was Chaplain, and Doctor Richards (transferred from Tryon's command) served as Surgeon.*

* This list of officers is compiled chiefly from Waddell's Journal, Colonial Records of NC, Vol. VIII. pp. 601-608.

The above lists by no means include all the officers; for, as in the 1768 expedition, the number of officers was far in excess of the forces they commanded. According to Governor Tryon's statement, there were about eleven hundred men immediately under him, officers included, while the Regulators numbered about two thousand. The forces under General Waddell (which were not, however, in the battle) did not exceed three hundred.[1] In one entry in his Journal it is said by Tryon that the Wake detachment and the Light Infantry did not join the army before the 20th of May. This means that they did not re-join the army till May 20th, after being detailed on a special service. The records show that the Wake county troops were in service at the time of the battle;[2] and, in after years, when Richard Caswell was Governor during the Revolution, he sent a message to the Legislature which contained a complimentary reference to Colonel Hinton of the Wake detachment (a noted patriot), whose "bravery and resolution," both at Alamance and Moore's Creek Bridge, Caswell said he had personally witnessed.[3] The position of the Wake troops in the line of battle is also set forth in Martin's History of North Carolina.

[1] Colonial Records of NC, Vol. VIII. pp. 607, 610, 677.
[2] Colonial Records of NC, Vol. VIII. p. 584.
[3] State Records of NC, Vol. XII. p. 707.

During the trouble with the Regulators, Bute county was apparently seriously disaffected to the government. When Colonel William Johnston ordered a muster of his regiment, from which to draw the small quota of fifty men, it was said that the troops broke ranks and declared for the insurgents. Shortly after this, however, a board of officers (which was appointed to investigate the matter) found that Colonel Johnston had not made proper efforts to raise the quota. Thereupon he was removed from command and succeeded by Colonel Thomas Eaton.* Not desiring that Bute should be backward in rendering the service required, one of its leading citizens, Philemon Hawkins, soon raised an effective and well armed troop of light-horse, which he tendered to the Governor. This offer was accepted, and the men of Bute rendered valiant service at Alamance, their commander at one time acting as an Aid de-Camp to His Excellency. Captain Hawkins and his son, Philemon Hawkins, junior (the latter a courier on Tryon's staff), were later colonels in the Revolution. Colonel Benjamin Hawkins, United States Senator from North Carolina, and Indian Agent for the Southern States, was another son of Tryon's Aid de-Camp; while William Hawkins, "War Governor" of North Carolina during the second conflict with Great Britain in 1812, was a son of the younger Philemon. When Colonel Philemon Hawkins, junior, died (February 28, 1833), his obituary stated: "He belonged to a troop of cavalry at the battle of Alamance, Which was fought on the 16th of May, 1771, and for the distinction he merited on that occasion was presented by the Commander-in-Chief, Governor Tryon, with a beautiful rifle."

* Colonial Records of NC, Vol. VIII. pp. 552, 588, 672.

We shall now give an account of the battle of Alamance, with its accompanying circumstances. When Tryon encamped at Hunter's Lodge[1] the seat of Colonel Theophilus Hunter, about four miles south of where the city of Raleigh now stands,

he remained there four days, from the 4th till the 8th of May. There was a good deal of difficulty in securing the services of the troops from Wake county, many of them having to be forcibly drafted into the army, though their commander, Colonel Hinton, was untiring in his efforts to aid the government.[2] Finding that he could not carry his artillery over the Granville Tobacco Path, which went in the direction of Hillsborough, Tryon had a way cleared through the woods and called it Ramsgate Road. This road — with its name corrupted into "Ramcat" — is still in use near Raleigh.

[1] As I once stated in my pamphlet biography of Colonel Joel Lane, Hunter's Lodge was a different plantation from Spring Hill, the seat of Theophilus Hunter, Jr.

[2] State Records of NC, Vol. XIX. pp. 838-839.

Marching westward from Hunter's Lodge on May 8th, Tryon and his army camped in the vicinity of Hillsborough on the next day; and, after some delay, pitched their tents, on the 14th, at Great Alamance Camp.[1] At Hillsborough the Governor received an express from General Waddell, stating that a supply of ammunition coming to him from Charleston, South Carolina, had been intercepted and blown up by the Regulators, after which they had assembled in such numbers as to cut of his march, and he had been compelled to retreat to Salisbury.[2] The destruction of Waddell's ammunition train was effected by some young men styling themselves "Black Boys," their faces being blacked as a disguise. They lived in that part of Mecklenburg which is now Cabarrus county. The success of this "gunpowder plot," as it was afterwards called, having deprived Tryon of the aid of his most trusted ally, he was left in a very critical position to face a force which outnumbered him two fold. "Citizen against citizen," says Williamson, "the difference was great in favor of the Regulators; but they were called together in haste, to risk their lives for a nameless something, that was hardly described or understood. The object was painted in different shapes and colors, according to the craft or imagination of different leaders. The militia, well appointed, were commanded by an experienced officer. They resented the turbulence of men who had compelled them to leave their homes at a critical season of the year and they were contending for the' security of their possessions".[3]

[1] Colonial Records of NC, Vol. VIII. pp. 576-582

[2] Williamson's History of NC, Vol. II. p. 145; Colonial Records of NC, Vol. VIII. pp. 608, 610, 622.

[3] Williamson's History of NC, Vol. 11. p.147.

When the opposing forces drew near each other the Regulators presented another petition to Tryon, requesting a redress of grievances. Thereupon one of His Excellency's Aids de-Camp, Captain Malcom, was sent forward with the answer that both personally and officially the Governor had already used every possible measure to quiet the disturbances and now had nothing further to offer; that he demanded immediate submission to the government, a promise to pay the taxes they had so long withheld, a peaceful return to their homes, and a solemn assurance that they would no longer protect persons under indictment from a trial by the courts. One hour, he said in conclusion, would be given them in which to consider the terms offered; and, if rejected, the consequences which followed would be attributable to them alone.* To this proposition came the dignified reply that the messenger might go back and tell Billy Tryon they defied him, and a fight was all they wanted. Even

then the Governor did not resort to force, but sent a magistrate to formally command them to disperse; and, later still, forwarded his ultimatum by Captain Hawkins.

* Martin’s History of NC, Vol. II. p. 280; Colonial Records of NC, Vol. VIII. pp. 640-642; State Records of NC, Vol. XIX. p. 843.

When the above courtesies were being interchanged, both armies had been drawn up for action. After treating of the day preceding the battle, the historian Martin says, referring to Tryon’s force: “The army moved the next morning, at break of day, without heat of drum, leaving their tents standing, and their baggage wagons in the camp; one company, from the detachment of Johnston county, with such men as were not able to march briskly, remained behind, as a guard to the camp, under the orders of Colonel **BRYAN**; the wagon horses were kept in their gears, and the whole army was drawn into a hollow square. At a distance of five miles from the camp, the armies being within half a mile from each other, three guns were fired, as a signal to form the line of battle, which was immediately done. The Governor’s men were drawn into two hollow lines, at the distance of one hundred yards from each other; the detachment of the counties of Craven and Beaufort formed the right wing of the front line, and those of the counties of Carteret and Orange the left, with the artillery in the center; the detachment of the county of New Hanover, and three companies of the county of Dobbs, formed the right wing of the second line, and those of the counties of Onslow and Johnston, with the rest of that of Dobbs, the left; the detachment of the county of Wake, with a troop of light-horsemen from that of Duplin, reinforced the rear-guard; the rangers covered the flanks on both sides, facing to the right; the troop of light-horse, from the county of Orange, escorted the Governor; the detachment of the counties of Carteret and Onslow were directed, in case of an attack on the left wing, to form an angle for their respective lines to cover the left flank.” *

* Martin's History of NC, Vol. II. p. 179.

While encamped near Hillsborough, two officers of Tryon’s army, Captain John Walker and Lieutenant John Baptista Ashe (not Colonel John Ashe, as so many historians state), had been captured by the Regulators, tied to trees and brutally beaten.* Word was later brought to Tryon’s camp that these gentlemen would be exposed to the fire of their own friends by being placed in front of the Regulators’ line of battle. The Governor thereupon sent forward one of his aids to say that several Regulators, who had been captured, were placed in a position of safety, and he hoped — in view of this fact — the same consideration would be shown to the above officers. In answer, the proposition was made that the seven Regulators should be exchanged for Ashe and Walker. These unequal terms Tryon at first refused, but some of his officers finally persuaded him to agree, and Hawkins rode over to receive the prisoners. The insurgents, who seem to have grown more unreasonable and fool-hardy each moment, then sent word that they would comply within an hour. This was more than Tryon could stand, and the marvel is that he restrained himself so long. As an ultimatum, Captain Hawkins was directed to inform the Regulators that the Governor would delay no longer; and, unless they dispersed, they would be fired upon at once. “Fire and be d — d!” was the reply. Then, says Martin (from whose history this account is largely drawn), the Governor gave the word. At first he was not obeyed; and, rising in his stirrups, he called out: “Fire! Fire on them or on me!” This sent forth an opening volley, and the action became general.

* State Records of NC, Vol. XIX. pp. 844-345.

In his official report of the battle, to the Earl of Hillsborough, King George's Secretary of State, Tryon wrote: "I have the happiness to inform Your Lordship that it has pleased God to bless His Majesty's arms in this province with a signal victory over the Regulators. The action began before twelve o'clock on Thursday, the 16th instant, five miles to the westward of Great Alamance river, on the road leading from Hillsborough to Salisbury. The loss of our army in killed, wounded, and missing amounts to about sixty men. We had but one officer killed and one dangerously wounded. The action lasted two hours; but, after about half an hour, the enemy took to tree — fighting and much annoyed the men who stood at their guns, which obliged me to cease the artillery for a short time and advance the first lines to force the rebels from the covering. This succeeded, and we pursued them half a mile beyond their camp, and took many of their horses and the little provision and ammunition they left behind them. This success I hope will lead soon to a perfect restoration of peace in this country; though, had they succeeded, nothing but desolation and ravage would have spread itself over the country."*

* Colonial Records of NC, Vol. VIII p. 609.

Of the killed, wounded, and missing, reported above, only nine were killed. The best estimate of the numbers of the Regulators arrayed at Alamance is probably that which says two thousand, though several contemporary accounts state that there were twice that number, including unarmed. About two months after the battle, one writer (and he very much prejudiced in favor of the Regulators) says a field piece, which was fired into the insurgents, killed one man and frightened three thousand seven hundred from off the ground, leaving only three hundred to settle the matter.* If this be true, it may be questioned whether, since the invention of gunpowder, a single shot ever caused such demoralization.

* Colonial Records of NC, Vol. VIII. p. 647.

The most pitiable feature of the battle we find in a report by Gideon Wright (of the then newly created county of Surry), who fought under Tryon. Wright's account, as preserved in the Moravian records, while speaking of the killed and wounded and of the battle in general, says "many had taken refuge in the woods," whereupon the Governor ordered the woods to be set on fire, and in consequence some of the wounded were roasted alive.[1] Doctor Clewell, in his excellent work, which reprints Wright's account, seems to infer that the killed and wounded alone were in the woods, and that the Governor's order was aimed at the wounded. As a matter of fact, these woods were swarming with riflemen, who, as Tryon's report mentions, had taken to "tree-fighting," i. e., fighting from behind trees — and were doing some execution among the provincial militia, when it became necessary to drive out the Regulators so engaged. After the battle, at least, it must be acknowledged that Tryon showed no disposition to torture the wounded, for he had their injuries dressed by the same surgeons who were in attendance on his own men.[2]

[1] Clewell's History of Wachovia, p. 110.
[2] Colonial Records or NC. VOL XI. p. 1023; State Records of NC, Vol. XIX. 9. 845.

Though a terrible fate awaited some of the captured Regulators, one of Tryon's first acts after the battle was to offer a general pardon to all parties concerned (except outlaws and prisoners) who, before the 21st of May, should surrender themselves, give up their arms, take the oath of allegiance, and promise future obedience to the laws. It was later represented to the Governor that, owing to had roads and swollen streams, many Regulators would be unable to comply in time, so

four successive extensions of the time were afterwards made.[1] Among those excepted from the benefit of these proclamations were the young men who destroyed General Waddell's ammunition, and several other persons, including Captain Merrill, who was later executed.

[1] Colonial Records of NC, Vol. VIII. pp. 608, 611, 613, 617.

In making acknowledgments to his army on the day after the battle, Tryon said:

> "The Governor, impressed with the most affectionate sense of gratitude, gives thanks to both officers and soldiers for the vigorous and generous support they afforded him yesterday in the battle near Alamance. It is to their velour and steady conduct that he owes, under the providence of God, the signal victory obtained over the obstinate and infatuated rebels. His Excellency sympathizes with the loyalists for the brave men that fell and suffered in the action; but, when he reflects that the fate of the constitution depended upon the success of the day, and the important service thereby rendered to their King and country, he considers the loss — though at present the cause of affliction to their relations and friends - as a monument of lasting glory and honor to themselves and families.
>
> "The dead to be interred at 5 o'clock this evening in front of the park of artillery.
>
> "Funeral service to be performed with military honors to the deceased.
>
> "After the ceremony of prayers and thanksgiving for the signal victory it has pleased Divine Providence yesterday to grant the army over the insurgents."*

* Colonial Records of NC, Vol. VIII, pp. 584-585.

In a second and more exact list of his casualties, Tryon reports that, of the force under his command, nine were killed and sixty-one wounded. of these there is something in the records to show names, though not quite fifty per cent is given.* The only officer killed was the bearer of the Royal standard, Ensign **WILLIAM BRYAN** of Craven. This gentleman was a near kinsman of Brigadier-General **WILLIAM BRYAN** of the Revolution, and belonged to the well-known **BRYAN** family still resident in New Bern. The King's colors dropped over his body as he fell, and he was interred with military honors along with the other soldiers slain in the action. It will be remembered that Governor Tryon in 1768 had promised that the honor of carrying the standard should always be assigned to the Rowan regiment; but, at Alamance, this could not be done, as the detachment from Rowan was then marching in General Waddell's division, which did not reach the scene of action in time to participate. So the custody of the colors remained with Craven, the Governor's home county, and Ensign **BRYAN** gave his life in their defense.

* For list of names, etc., here given, see Colonial Records of NC, Vol. IX. pp. 60. 62-64, 92-93, 129-131, 397, 694, 801-802; State Records or NC. Vol. XVI. p. 135.

Among the wounded in Tryon's army were Ensign William Peyton (of Beaufort county), and the following non-commissioned officers and privates: Thomas Caressy, William Fullerton, Charles Yeats, Isaac Reed, Henry Costin, Moses Griffin, Benjamin Clash,

Andrew Freasure, Thomas Clark, John Strange, William Gilbert, **THOMAS BRYANT**, Thomas Garnish, Daniel Pegram, James Hall, Thomas Kilpatrick, Charles Harrington, Christopher Acklin, Sweeting Bond, Thomas Tortle, James Nelson, William Lunsdale, John Neville, Thomas Kersley, and William Hiscock. Some of these were wounded more than once. Freasure, of the artillery, was wounded in the ankle, and then blown up by the powder he was serving — "hoist with his own petard." John Strange, one of the injured, was drowned a few months after the battle. Though not wounded, Alexander Curtis was seriously disabled by sickness contracted in this campaign. The worst hurt man seems to have been **THOMAS BRYANT**, who was struck five times. In the proceedings of the Colonial Assembly we find a petition from Fearnaught Beasley, setting forth that her son was killed in the battle, but not mentioning his given name. Similar petitions are on record from Ann Ferguson, Elizabeth Harper, and Faithy Smith, whose husbands lost their lives in the action. The given name of Mrs. Smith's husband (as might be supposed) was John, but only the surnames of the others are stated.

After the fight at Alamance, not only the provincial soldiery but also the wounded Regulators were cared for by surgeons from the Governor's army.[1] For the accommodation of those who were too badly injured to proceed on the march, a hospital was improvised by fitting up for such use the residence of Captain Michael Holt, a wealthy land owner of that section, on whose plantation the battle was fought. Captain Holt, it will be remembered, was one of the military officers mobbed by the Regulators in 1768; but, by the beginning of the Revolution (February, 1776), he had so far become reconciled to his old enemies as to go with them into the Moore's Creek campaign — being at first himself a loyalist, unlike most of Tryon's old officers. Before reaching McDonald's rendezvous, however, he turned back, yet was later made a prisoner of war, and taken to Philadelphia. He was finally released by order of the Continental Congress, upon a recommendation from the North Carolina Committee of Safety, which found upon investigation that "when he was fully acquainted with the intentions of the Tories, he did actually return home, and was the means of inducing a number of others to follow his example without a junction with the Scotch army."[2]

[1] Colonial Records of NC, Vol. X. p. 1023; State Records of NC, Vol. XIX. p. 845.
[2] Tour in America, J. F. D. Smyth, Vol. I. pp. 226-232; Colonial Records of NC, Vol. X. pp. 601, 828.

As illustrative of the fact that the services of the men under Tryon at Alamance were always held in grateful remembrance, 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 injuries received while fighting against the Regulators on that occasion.*

* State Records of NC, Vol. XVI. p. 135.

The statement has been made by the historian Martin that, out of a company of thirty men from Beaufort county, fifteen were either killed or wounded by the Regulators.* This, if correct, was a far greater percentage than might be expected from the general result; for, in the matter of killed, the whole army lost only nine. But, including both killed and wounded, the statement may be true. The commander of this company of Beaufort men was Captain John Patten (not Potter, as misprinted in Martin), and his force formed a part of the regiment of Colonel William Thompson. Captain Patten afterwards won fame as a colonel of Continentals in the Revolution, as we shall hereafter take occasion to note.

* Martin’s History of NC, Vol. II. p. 276.

The loss sustained by the insurgents, in killed and wounded, is placed by Williamson at about two hundred; Martin says upwards of twenty were killed, and many more wounded.*

* Williamson’s History of NC, Vol. II. p. 149; Martin's History of NC, Vol. II. p. 275.

In view of the fact that most of the men engaged were experienced backwoodsmen and hunters, the bad marksman ship displayed at Alamance, particularly by the Regulators, is almost incredible. As has been seen, only nine of the provincial troops were killed, though the wounded numbered many more. In an account written from New Bern to the Boston Gazette,[1] at the time of the battle, it was said that the bullets fired by the Regulators flew over the heads of Tryon’s men by the tens of thousands; and this may not be an exaggeration, as the insurgents were upwards of two thousand in number. The Reverend Morgan Edwards, a Baptist clergyman, who visited Alamance and its vicinity in 1773, says the Regulators “lodged in the trees an incredible number of balls, which the hunters have since picked out and therewith killed more deer and turkeys than they killed of their antagonists.”[2]

[1] Colonial Recorded NC. Vol. VIII. p. 616.

[2] Morgan Edwards, quoted in David Benedict's History of the Baptist Damnation in America (edition of 1813), Vol. II. p. 96, note.

Though only nine of Tryon’s men were slain at Alamance, the slaughter of his troops by hostile writers since that time has been something fearful. In an account quoted by Caruthers, James Pugh alone is credited with killing and wounding fifteen militiamen — six more than were killed by all the Regulators together! Verily, the pen is mightier than the sword.

Nor, in recording the work of extermination, should the claims of George Parsons be forgotten. Parsons, on the night before the battle, molded twelve bullets for his rifle. In after years, however, he modestly admitted that he had killed and wounded only eleven of Tryon’s men, because once his gun had “choked in loading.”

As the insurgents were not systematically enrolled, we have no definite return of their losses, and only one or two names of the killed have come down to us. Robert Thompson is said to have been killed by Tryon personally. of Thompson’s character we shall have something to say in the next chapter.

On May 17th, just after the interment of the soldiers slain at Alamance, James Few was hanged at the head of the army. He had been engaged in the Hillsborough riots and was under ban of outlawry therefor. Though far from the lunatic that historians have represented him to be, Few was of a fanatical turn religiously and believed himself raised up by the hand of God to liberate his country — a belief which greater men, as Oliver Cromwell, for example, have entertained with reference to themselves, and still not been considered maniacs. Several days after the above execution, Captain Willie Jones, with a company of horse, raided the plantation of Hermon Husband and there found a letter from Few, in which the writer said that he had been sent by heaven to relieve the world from oppression and was to begin in North Carolina.[1] This paper, which gave an insight into the mental condition of its author, was discovered too late to influence the Governor to spare his life. As a

reason for the immediate execution, instead of having Few tried with the other prisoners, Tryon claimed that there was great murmuring among his troops because none of the insurgents were summarily dealt with, notwithstanding the great sacrifice of blood and life their armed resistance and general lawlessness had caused. Without the example of such an execution, it was said, some of his men refused to go farther, while others declared that they would give no quarter in the future, should another fight occur.[2] As it was, the probability is that Few was offered a conditional pardon and refused it; for, in Clewell's History of Wachovia,[3] an extract is given from the community diary of the Moravians, bearing date May 24, 1771, which (on the testimony of a messenger from Alamance) says: "A certain young man, a fine young fellow, had been captured, and, when given the alternative of taking the oath or being hanged, he chose the latter. The Governor wished to spare his life, and twice urged him to submit. But the young man refused. The messenger described how, with the rope around his neck, he was urged to yield, but refused, and the Governor turned aside with tears in his eyes as the young man was swung into eternity." The old Moravian Who made this entry observes: "This severity we call inhuman obstinacy I" The point connecting Few with this incident is the fact that he was the only Regulator hanged before June. The devastation of the plantation of William Few (father of James) was not on account of his son's conduct, but because the father himself was charged with being "very active in promoting the disturbances of the country.[4] The North Carolina Assembly, however, probably did not consider this charge against the father as true, for a bill was later passed paying him for the pr0perty destroyed. As to James Few, mention has been made in a previous chapter of the sweet and sad romance which has floated down to us of how he was a young man engaged to be married, when the wicked Fanning came upon the scene and forever blasted his life by seducing his prospective bride; and how this great sorrow made a maniac of the youthful lover, who thereupon arrayed himself with the Regulators in order to have a chance at the life of the man who had done him so great an injury. This tale was first printed by Caruthers and afterwards embellished by the matchless eloquence of Francis L. Hawks. N ow, as a matter of fact, James Few was a married man; and, at his death, left a son and a daughter (twins) born February 9, 1771. During the Revolution, or just after the close of the war, his widow became the wife of a Tory, whereupon members of the Few family in Georgia (who had emigrated from North Carolina and were all good Whigs) took his children from their mother and carried them to Georgia, where they were raised in the family of their uncle, Colonel Benjamin Few, a distinguished Revolutionary officer. In her new home, Sallie Few, a daughter of the Regulator, married the Reverend John Garvin, originally an Englishman, who was a clergyman of the Methodist Church in Georgia. One member of the family of Few in Georgia was the Honorable William Few, at one time a colonel of the Revolutionary forces of that State and later a member of the Continental Congress.[5] The Regulator had a son also, named William, who was one of the two children carried South for the reason above mentioned. What became of the last named is not known. He may have died young. The Few family came to North Carolina from Maryland, but their original place of residence in America was Pennsylvania, to which province they came with Penn's colonists.

1 Williamson's History of NC, VOL II. p. 149, note.

2 State Records of NC, Vol. XIX, p. 845.

3 Clewell's History of Wachovia, p. 109.

4 State Records of NC, Vol. XIX. p. 852.

5 For memoir of Colonel William Few, by Charles C. Jones, Jr., and Few's autobiography, see Magazine of American History, November, 1881. Vol. VII. pp. 340-358; portrait of Few in same, facing p. 321.

Whatever may be thought of the cause he espoused, the manner in which James Few, the Regulator, went to his death, scorning a recantation of his principles while others begged for mercy, furnishes an example with but one parallel in American history. The story of his execution recalls the fate of a Confederate martyr in later years, Sam Davis of Tennessee, with the lines to his memory by a Northern writer:

> "They offered life and freedom
> If he would speak the word;
> In silent pride he gazed aside
> As one who had not heard.
> They argued, pleaded, threatened -
> It was but wasted breath.
> 'Let come what must, I keep my trust,'
> He said, and laughed at death.
>
> "He would not sell his manhood
> To purchase priceless hope;
> Where kings drag down a name and crown,
> He dignified a rope.
> Ah, grave! where was your triumph?
> h, death! where was your sting?
> He showed you how a man could how
> To doom, and stay a king!"

But we must now turn from this long digression and resume our narrative of the events which followed Tryon's victory. As already stated, Few was the only person who was executed at once. But many prisoners were taken, and twelve of these were afterwards capitally convicted, though only half of this number actually suffered death. Some of the particulars of their trial and conviction before the Court at Hillsborough will be later given.

After perusing an account of the battle of Alamance, a faint, sorrowful voice in the heart of some anxious reader may ask: "What of Hermon Husband, the chief Regulator? In a list of killed and wounded, infinitesimally meager though it he, surely something may be found to tell of his fate. That he was a man of might, full well we know; for did he not join with several hundred other patriots and drive Judge Henderson away from Hillsborough? And did not these selfsame patriots, with no outside assistance, punish John Williams upon discovering that he was guilty of practicing law? And was not William Hooper subjected to treatment scarcely less severe for a similar offense? And furthermore, did they not administer a well-merited chastisement to the rapacious Farming and demolish his house, leaving not one stone above another? Oh, Alamance! Alamance! — 'Where tyrants conquer'd and where heroes bled' — may thy mute rocks find utterance in all succeeding ages to tell how this great leader fell!" And then the lamentation of the faint, sorrowful voice dies away, and out gurgles a sigh of relief, when it is learned that the name of Mr. Husband fails to appear among the victims of the fight. The truth is, he was not there. Like the war-steed that paweth in the valley and rejoiceth in his strength, he went forth to meet the armed men, mocking at fear, and was not affrighted; but, when he smelt the battle afar off, the odor thereof reminded him

of what up to that time he seems to have forgotten — that he was a Quaker, with conscientious samples against carnal warfare. So, leaving his less pious followers to try conclusions with the hated Tryon, he scampered away to Pennsylvania — there to breed fresh discord after the Revolution as a participant in the Whiskey Insurrection, for which he was sentenced to be hanged, though afterwards pardoned.

The name "Alamance" is supposed by some to be of Indian origin, while others contend (more correctly, perhaps) that it is derived from the Gothic word Alamans — "all men" — a term anciently applied to the federated tribes of Germany. This word, in a slightly changed form, still survives in the French and German languages to signify the country whose inhabitants it originally designated. The locality in North Carolina where the name occurs was settled largely by German immigrants. The creek known as the Great Alamance was the first object so called in the old county of Orange. Many years later, in 1848, the county of Alamance was erected by act of the Legislature, the bill for its creation being introduced by the Honorable Giles Mebane. Though some contended at the time that the name should be given a different orthography, Mr. Mebane was correct, according to old records and maps. Tryon himself spelled it as it is now written, and it is the same on the map "survey'd and drawn by C. J. Sauthier" in 1771, as shown by illustration in the present volume. Even at an earlier date "Great Alamance Creek" appears on a map of North Carolina drawn by Captain John Collet and published by an act of the British Parliament in 1770. In the dedication of his collection of North Carolina statutes, published in 1773, James Davis also spells it "Alamance." A different spelling, it is true — "Allemance" — is given by Maurice Moore in his "Atticus" letter. Great Alamance Creek flows into Haw river, and one of the tributaries of Great Alamance is another creek called the Little Alamance.

The location of the battlefield of Alamance is in Alamance county, about nine miles from the present town of Burlington (formerly Company's Shops), in a south-westerly direction. The spot where the action took place is marked by a granite monument which was dedicated on the 29th of May, 1880, when Judge Daniel G. Fowle, Colonel Thomas M. Holt (each of whom later successively became Governor of the State), Reverend Daniel Albright Long, and others delivered addresses. The movement toward erecting the above memorial was inaugurated at the suggestion of Doctor Long, in an address near the battle ground on the 4th of July, 1879. On the monument is this inscription:

HERE
WAS FOUGHT THE
BATTLE of
A L A M A N C E,
MAY 16, 1771,
BETWEEN THE
BRITISH AND THE
REGULATORS.

Another side bears the date of the erection of the shaft, 1880, and there is also some emblematical ornamentation cut on the granite.

CHAPTER VIII.

TRYON COMPLETES WORK of SUBJUGATION — SIX INSURGENTS HANGED AND SIX PARDONED — CAPTAIN MERRILL EXECUTED — TRYON MADE GOVERNOR of NEW YORK, BUT TEMPORARILY REMAINS IN NORTH CAROLINA — "ATTICUS" LETTER — CHARACTER of ROBERT THOMPSON — DEATH of GENERAL WADDELL — THE GILLESPIES PATRIOTS IN THE REVOLUTION — NEARLY ALL OTHER REGULATORS TORIES — TRYON'S OLD SOLDIERS CONQUER TORY REGULATORS IN THE REVOLUTION — ALL RELIGIOUS DENOMINATIONS DISCLAIM REGULATOR JAMES HASELL, ACTING GOVERNOR — GOVERNOR JOSIAH MARTIN ARRIVES — MARTIN SNUBBED BY ASSEMBLY, WHICH COMPLIMENTS TRYON — CONCLUDING REMARKS ABOUT TRYON'S ADMINISTRATION IN NORTH CAROLINA — ENTRANCE UPON HIS DUTIES IN NEW YORK.

Though, in carrying on war against the insurgents, Tryon spread desolation among their plantations, he issued the strictest orders for protecting the property of friendly and neutral inhabitants, both before and after the battle.

On May 13th the following appears in his military Journal:

> "His Excellency having been informed that the army has committed outrages on the properties of the inhabitants seated on the road, contrary to his express commands, and scandalous and dishonorable to the service — he does once more strictly forbid every person belonging to the army from taking or disturbing the property of any person whatsoever; as they will, on complaint made, receive the severest punishment the nature of the offense deserves, besides making restitution to the person they injure."

On June 1st we find the order:

> "The soldiers not to burn any fence rails on any account, on pain of being severely punished."

And again, on June 4th:

> "Any person that is detected taking anything out of the gardens of houses of any of the inhabitants of this settlement or doing any injury to their persons and properties, shall he most severely punished."

It was not until the 4th of June that General Waddell succeeded in effecting a junction with Tryon's army; and two days later their forces celebrated King George's birthday and the victory of the 16th of May. The King's birthday fell on the 4th of June, but the celebration was postponed until the Moravian settlement was reached.[1] The Moravians had sent Tryon word that they held ready for his reception the same room he had occupied during his visit in 1767, and this message greatly pleased him.[2] After his arrival (June 3d), Tryon and his troops lay encamped in the town for several days. With them were many prisoners chained together. These were taken with the army for the double reason that the sight might overawe the inhabitants of the districts through which they passed and because there was no place of safekeeping Where they could be left till Tryon's return to Hillsborough. At the Moravian settlement the celebration of the King's birthday was carried out in due form with a grand military review. "The army was drilled for several hours, and the manoeuvres of the Battle of Alamance were repeated. Volley after volley was fired, both from the musketry and artillery, until the houses in

the village trembled and shook. This display of an army of three thousand men, under the command of select officers, was a grand and imposing sight. At two o'clock the manoeuvres were finished and the army marched back to its quarters." So says the town record heretofore quoted.[3] After this display the Governor was waited on by a committee composed of Frederick William Marshall, John Michael Graff, Richard Utley and Traugott Bagge, all leading men of the community, who delivered an address, filled with expressions of loyalty and good-will, to which His Excellency made an appreciative reply. It was on the 7th of June that Tryon's forces again directed their march towards Hillsborough. The Governor himself tarried a short while before following them.

[1] Colonial Records of NC, Vol. VIII. pp. 592-593; State Record. of NC, Vol. XIX. p. 351.

[2] Clewell's History of Wachovia, p. 110.

[3] See Clewell's History of Wachovia. pp. 114-115.

While the Moravian records are of the greatest value historically, they also throw some light on the humorous side of the Regulation movement. Thus, on May 17th, before news of the battle had been received, we find the entry: "Old man Jarvis is loud in his threats against the Moravians for their unwillingness to take up arms against the Governor, and he declares that if the battle is decided in their favor, severe punishment will follow for Bethabara." On May 22d, Mr. Jarvis again passed through, and "pleaded with Meyer to use his good influence with the Governor when he came to Wachovia. Jarvis said the Regulators would never forget the kindness if the Moravians interceded for them." Another venerable patriot seems also to have ground out words, not wisely, but too well, as the following will show: "Old man Borg, a Regulator, was in town to-day, making wild and excited speeches, filled with lies, and trying to stir up our people to take part in the troubles." Later old man Borg again passed through, in search of wounded comrades; then "he said that the people in Bethabara had given him good advice, and that he intended to follow it." When some Moravians wished to see the wounded men, Mr. Borg upbraided them for their curiosity; thereupon "three Regulators became very angry, and replied to the old man, telling him he had no right to find fault, since he had not been near the fighting." The record also states that, according to reports, "the leaders were the first to run from the battlefield, and the common people, after resisting for a time, also fled into the forest."[1]

[1] Clewell's History of Wachovia, pp. 105-108.

On the 8th of June, General Waddell was detached with a considerable force of infantry, and some artillery (the latter being composed chiefly of seamen), to enforce the submission of such insurgents and suspects as had not surrendered.[1] This step was taken upon receipt of a report that inhabitants of the counties of Mecklenburg, Tryon and a part of Rowan meditated further resistance. But neither Tryon nor Waddell met with any opposition after the fight at Alamance. That action brought the Regulators to a realization of the fact that, while His Excellency was very fond of issuing proclamations, he could sometimes resort to stronger measures, when the occasion required. After his victory at Alamance, Tryon advanced into the plantations of the principal persons implicated in the insurrection, and burned such buildings as lay in his route.[2] Among the farms thus devastated was one, in a high state of cultivation, belonging to Hermon Husband. Upon his wheat fields and clover meadows the soldiers grazed their horses (amounting to several hundreds),

and a contemporaneous account says the army left the place without a spear of corn, grass or herbage growing, and without a house or fence standing. The plantation buildings — “though mean” — of James Hunter, who Tryon’s Journal says was the general of the rebels and an outlaw, were also burned. The phrase “though mean” is probably intended to convey the idea that these houses were too insignificant to be worth burning, but Hunter no doubt thought that the act of destroying them was even more mean.

[1] Colonial Records of NC, Vol. VIII pp. 649, 674.

[2] Colonial Records of NC, Vol. VIII pp. 616, 651; State Records of NC, Vol. XIX, p.846.

Six thousand four hundred and nine persons came into camp and took the oath of allegiance before the militia was disbanded; and seven or eight hundred stands of arms were surrendered.*

* Colonial Records of NC, Vol. IX. p. 78.

Under the law against treason, as laid down by the act of Assembly heretofore quoted, the property of all convicted Regulators was forfeited; but, in the case of at least two (Merrill and Matear), the lands were restored to their families.*

* Colonial Records or NC, Vol. VIII. p. 650; Ibid., Vol. IX. pp. 36, 65, 311.

When the forces of Tryon and Waddell parted early in June the former returned to Hillsborough; and, almost immediately after his arrival, a special Court of Oyer and Terminer was convened for the trial of prisoners taken in the battle.[1] Over this court Chief Justice Howard presided, together with Associate Justices Moore and Henderson. Twelve of the Regulators were found guilty of treason, under the act of the North Carolina Assembly defining that crime, and were condemned to death. Those hanged were six in number: Benjamin Merrill, Robert Matear, James Pugh, and three whose names are not known. The remaining six were reprieved by Tryon, who forwarded a petition to the King, begging that a pardon be extended to them, which was accordingly done.[2] Those who thus escaped the gallows were: Forester Mercer (Messer ?), James Stewart, James Emerson, Herman Cox, William Brown, and James Copeland. The authorities in North Carolina evidently thought that a reprieve from the Governor was equal to the King’s pardon; for, “by some strange irregularity,” the prisoners were set at liberty during Tryon’s absence, and went on their way rejoicing before the royal instructions concerning them were received by Governor Martin. It has been the custom of some writers to inveigh bitterly against Governor Tryon for the execution of the Regulators, as if they were hanged merely to gratify a thirst for blood on his part. As a matter of fact, he had no more to do with these executions than the present Governor of North Carolina has with the punishment which the law imposes upon capital offenders. The Hillsborough trials were not courts-martial; they were presided over by three judges, all natives of America, and two of whom afterwards supported the colonies during the Revolution. The verdicts were rendered by a jury composed of North Carolinians, acting under a law passed by the North Carolina Assembly. When several thousand men had been in open and armed insurrection against the colony, and had been guilty of all manner of excesses, only twelve were convicted; and the Governor pardoned half of that small number. Now, all this being true, it seems rather hard that Tryon should be blamed because he did not entirely nullify the findings of law and fact by fifteen North Carolinians - three judges and twelve jurymen.

1 Colonial Records of NC, Vol. VIII. p. 650.

2 Colonial Records of NC, Vol. VIII. p. 635; Ibid., Vol. IX, pp. 36-37, 274, 311.

The place where the six Regulators suffered death is just beyond the limits of the town of Hillsborough, a few hundred yards in front of the residence of the late Paul C. Cameron, and about a quarter of a mile from the historic Eno river. In a grove of many acres, filled with massive white oaks and other survivors of the original forest, is a large slab which was placed by Mr. Cameron on the spot where the gallows stood. All around is an extensive and well-kept lawn, crossed by a slight depression, overgrown With grass, which was once the Indian Trading Path. Everything is beautiful, serene, peaceful, with nothing but the music of song-birds to break the stillness, and one finds difficulty in realizing that this lovely place was once the scene of so distressing an incident as the one there presented in the “old colony days.” Were the power of speech given those oaks and the stream hard by, how strange a tale would come forth!

> “Old trees at night are like men in thought,
> By poetry to silence wrought;
> They stand so still and they look so wise
> With folded arms and half-shut eyes,
> More shadowy than the shade they cast
> When the wan moonlight on the river past;
> The river is green and runneth slow
> We cannot tell what it saith;
> It keepeth its secrets down below,
> And so doth Death!”

The person whose fate probably excited more compassion than that of any other Regulator put to death, was Captain Benjamin Merrill, who was an officer of militia in Rowan county and raised a company to join the insurgents. He was largely instrumental in turning back the brigade of General Waddell. Afterwards he was captured by a force under Colonel Fanning, and his life paid the penalty. It is said that when he was brought out for execution, one of Tryon’s soldiers was heard to declare that, if all men went to the gallows with a character such as Captain Merrill’s, hanging would be an honorable death. On being permitted to speak, Merrill said he had been deceived concerning the objects of the revolt, for the leaders had at first assured him that the disputes were to be adjusted without bloodshed; that afterwards he was pressed to further action by the report (which he too late found to be false and propagated to shield old offenders) that Tryon had raised the militia to lay waste the country and destroy the inhabitants; but that now all was over, and he hoped that the multitude would prof it by his miserable end when he was hung up as a spectacle before them. Concerning his private life, he declared that he knew of no charge which could be justly laid against-him; that fifteen years previously he had been converted, but had since been a backslider, yet now felt that he was forgiven, and - though the halter was around his neck — he would not exchange places with any man on the ground. In conclusion, he referred feelingly to his wife and children, saying:

> “I entreat that no reflection may be cast upon them on my account; and, if possible, shall deem it as a bounty should you, gentlemen, petition the Governor and Council that some part of my estate may be spared for

> the widow and fatherless. It will be an act of charity; for I have forfeited the whole by the laws of God and man."

Merrill was a Baptist; and the old Baptist chronicler, from whose narrative we take the above, says:

> "All pitied him, and blamed the wicked Hunter, Gelaspie, Howell, Husband, Butler, and others who deceived and seduced him."*

* Morgan Edwards, quoted in David Benedict's History of the Baptist Denomination in America (edition of 1818). Vol. II. pp. 117-118.

Captain Merrill's dying request for the restoration of his property to his family was forwarded to the King by Governor Tryon, who wrote Lord Secretary Hillsborough a letter, from which we take the following: "Benjamin Merrill, a Captain of Militia, at the hour of his execution, left it in charge to the officers to solicit me to petition His Majesty to grant his plantation and estate to his wife and eight children. He died under a thorough conviction of his crime and the justice of his sentence, and addressed himself to the spectators to take warning by his suffering. His Majesty's indulgence to this request would, I am persuaded, be dutifully and affectionately received by his unhappy widow and children." This restitution was accordingly made in pursuance of an order. transmitted to Governor Martin by Lord Hillsborough, who said: "In the last letter I received from Mr. Tryon relative to the affairs in North Carolina, and which is dated from New York, he expressed a wish that the plantation and estate of Benjamin Merrill, a Captain of Militia, and who was one of the six rebels executed on the 19th of June, may be granted to his wife and the eight children he left behind him, and I have it in command from the King to signify to you His Majesty's pleasure that you do accordingly take the proper measures that whatever property, belonging to that unhappy person, became forfeited to the Crown by his conviction, should be re-granted to his widow and children."*

* Colonial Records of NC, Vol. VIII. p. 660; Ibid., Vol. IX. pp. 65-66.

In the Life of Caldwell* by Caruthers, there is an affecting tale from a Tennessee newspaper, in which a writer gives an account of the death of Captain Messer. But in justice to Doctor Caruthers it should be observed that he says he never heard of it from any source other than the one quoted. This is to the effect that when Messer. was about to be hanged on the day after the battle, one of his children went to Tryon and asked to be hanged in the place of his father. "Who told you to say that?" asked the Governor. "No one," replied the child. "Then why do you ask?" continued Tryon. "Because," was the answer, "if you hang my father, my mother and her children will starve." Then the account goes on to tell how the heart of the wicked Tryon was momentarily softened, and that Messer was not hanged that day, but afterwards released and sent to take Hermon Husband — the reward of which service should be a pardon to the captor; how Messer failed in his effort, returned, and was executed with due formality; and how the little boy who had pleaded for his father's life was taken away by the Governor to act as his foot-page — with the addition of a few more distressing details which it is not necessary here to repeat. Altogether it makes a very dramatic narrative, but the probability is that the "Mercer" whom Tryon reported in the list of those who were pardoned was none other than this Messer. Mercer and Messer are written enough alike to cause a

mistake, and the latter is a name still found in the Piedmont section of North Carolina.

* Life of Caldwell. p. 166.

Concerning James Pugh, Caruthers says: “When placed under the gallows, he appeared perfectly calm and composed; told them that he had long been prepared to meet his God in another world; refused to make any acknowledgment of what he had done; and requested of the Governor permission to address the people for one-half hour in his own defense. Having obtained this permission, he told them that his blood would be as good seed sown on good ground, which would soon produce a hundredfold; recapitulated the causes of the late conflict; asserted that the Regulators had taken the life of no man previous to the battle, nor had they aimed at anything more than a redress of their grievances; charged the Governor with having brought an army there to murder the people instead of taking sides with them against a set of dishonest officers; advised him to put away his corrupt clerks and tax-gatherers, and be a friend of the people whom he was appointed to govern; but when he told him that his friend Colonel Fanning was not fit for the office which he held, he was suddenly interrupted; the barrel was turned over, at the instigation of Fanning, and he was launched into eternity before he had finished his speech, and before the half-hour which had been promised him was expired.”*

* Life of Caldwell, by Caruthers. p. 166.

According to Caruthers, nearly everything which happened to the Regulators was “at the instigation of Fanning.” As an instigator, the bold, bad Colonel seems to have been quite successful. Commenting upon the description of Pugh’s execution as given by Doctor Caruthers, an apt comment has been made as follows:

> “It. was the habit of those at the period at which this account was written (long after the event, and the writer depending upon tradition or rumor for his facts), to bring Fanning in, as the suggesting fiend or active demon when any specially dark scenes were depicted. In the first place, Fanning was the Colonel in charge of the Orange detachment, and with such a commander as Tryon, a thorough soldier and a stickler for forms, it would have been a serious breach of military discipline for him to leave his place and communicate with the Sheriff of the county who had the execution in charge. This Tryon would never have allowed. Again, the hanging of these men was not a lynching. They were executed in due form of law. They were drawn to the place of execution in carts or wagons, of which there were many with the army, and if any improvised platform was needed one of these was used. The probabilities, then, are all against the use of as crude a means as a barrel, particularly as Tryon, if not present at the execution, took an active interest in all the preliminaries.”*

* Hillsboro: Colonial and Revolutionary, by Francis Nash. p. 25.

In pronouncing sentence upon each of the condemned insurgents, Chief Justice Howard used the form prescribed by the laws of England in cases of treason, to-wit, that the prisoner should be carried to the place from whence he came; that he should be drawn from thence to the place of execution, and banged by the neck; that he should be cut down while yet alive; that his bowels should be taken out and burned before his face; that his head should be cut off; and that his body be divided into four

quarters, which were to be placed at the King's disposal. It is needless to say that the blood-curdling details of these sentences were never carried out. Yet in New England, where there had also been some troubles with the authorities, the newspapers seized upon the matter for effect.[1] One of these papers, the Massachusetts Spy, contained articles signed "Leonidas" and "Mucius Scaevola," which were published after Tryon went to New York. The people of New Bern seem to have been greatly incensed at this attack on their former Governor, and held an indignation meeting which ordered the offending periodical to be publicly burned by the common hangman.[2] Then the meeting proceeded to pass resolutions, reading a stately lecture to the editor (editors were called printers in those days), in which it was said:

> "It is certainly difficult to conceive to what a degree of iniquity a man may arrive, who, like Leonidas, has the effrontery to set truth and decency at defiance; and you, Mr. Printer, in undertaking to be the publisher of such vile calumnies, fall little short of him in point of guilt. Be it known to him, and to you, sir, that the beloved memory of Governor Tryon is, and will continue to be, deeply impressed on our grateful hearts, and we trust will be transmitted by us to our latest posterity; while the stigmatized name of Leonidas, and yours, Mr. Printer, will be consigned to that infamy justly attendant on such egregious calumniators."

[1] Account of the Regulation. by Dr. J. S. Bassett, in Report of the American Historical Association for 1894. p. 209.

[2] Colonial Records of NC, Vol. x. pp. 1019-1024.

Then follows a defense of Tryon's campaign against the Regulators. This says of the course pursued by him on that occasion: "His Excellency tried every expedient that human prudence could suggest to prevail on the miscreants to lay down their arms, take the oaths to government, and surrender up to public justice their outlawed chiefs, promising them upon such easy terms His Majesty's most gracious pardon for all their past numerous transgressions; but they rejected his offers with contempt. Nay, some of the audacious wretches cried out to his troops: 'Fire and be damned!' Others exclaimed: 'Here's death in one hand, and no mercy in the other! Battle! Battle!' He then directed the Sheriff to order them to disperse, agreeable to the riot act, Which the Sheriff did, but to no purpose. Yet still he forbore attacking them, till the hour allowed in such cases by the said act was expired; and even then he sent an express messenger to inform them that the hour was elapsed, requiring them once more to lay down their arms and submit to the government — declaring that, in case of their refusal, he would, Without further delay, fire upon them; but they spurned his threats and contemned his admonitions, still crying out: 'Battle! Battle!' In such situation, what could or ought His Excellency do but perform his duty (which he most gallantly did) as a brave and experienced officer, by reducing to reason and proper submission a parcel of abandoned profligates, who seemed to set all laws, divine and human, at defiance, and were overrunning the country With every species of rapine and violence. Yet these are the men of whom Leonidas and Mucius Scaevola, and their partisans, are advocates; and dare, in their behalf, to attack and traduce one of the brightest characters on this continent."

This stinging rebuke to “Mr. Printer” declared, in conclusion, that a sight of the resolutions passed should shock his guilty soul and force him to curse the day he unhappily undertook to make his paper the infamous vehicle of such a detestable slander; while “Leonidas” and “Mucius Scaevola” were admonished to pacify the Divine vengeance for their awful crime by unfeigned repentance and “publicly asking pardon of God and the world, and of His Excellency Governor Tryon in particular.” of the letter signed “Leonidas,” Dr. Samuel Cooper, of Boston, was supposed to have been the author. This we learn from the diary of Josiah Quincy, junior, who visited North Carolina in 1773.

It was while with his troops at Hillsborough, in 1771, that Tryon received intelligence that he had been appointed Governor of New York. Accordingly he left his army on the 21st of June, and returned to New Bern (reaching there the 24th) to make his preparations for departure.* Before leaving the army, it was drawn up in two long columns, facing inward, and through these lines the Governor rode, “taking an affectionate and painful leave of those brave men, through whose spirit, obedience and attachment he had surmounted all his difficulties.” His “After Orders,” for the disposition of his army, were as follows:

* Colonial Records of NC, Vol. VIII, pp. 650, 675; Ibid., Vol. XIX. pp. 853, 854.

> “His Excellency having received at Hillsborough camp His Majesty’s commands to repair immediately to New York to take upon him the government of that province, he cannot quit this army without a particular and sincere acknowledgment to the officers and men for the steady and uniform conduct they have observed throughout the campaign. He will embrace the first opportunity to represent to His Majesty the important services that through their zeal and bravery they have rendered to their King and country.
>
> “Colonel Ashe will take command of the army and march with them to Colonel **BRYAN**’s (excepting the Wake detachment, which will be discharged at Hunter’s), from whence the several detachments will march under the command of their respective commanding officers to their particular counties and be there discharged. The Commissary will supply the army with provisions as usual until they get to Colonel **BRYAN**’s and then furnish the commanding officers of the several detachments With a sufficient quantity to serve them to their respective homes. The whole of the artillery and ammunition to be escorted from Colonel **BRYAN**’s to New Bern by the detachment under the command of Colonel Leech.”

Probably the most laughable mishap which occurred during Tryon’s campaign was near the Yadkin river, after the battle.* It seems that several hundred horses were turned loose at night to graze, each having tied to his neck a bell, intended to aid in finding any which might stray. Near their pasture was a garden containing some bee-hives, from which several soldiers attempted to steal honey. In the darkness the hives were overturned and the bees began stinging the horses, which thereupon set out at a full gallop for the near-by camp, demolishing fences as they went, and carrying with them their hundreds of discordant bells, which made night hideous. The outer sentinels at once fired their pieces, and the cry to arms rang through camp, for it seemed that all the Regulators in Carolina had joined in this furious night attack. But soon the cause of the disturbance became known, and quiet reigned once more.

* State Records of NC, Vol. XIX. p.849.

After Tryon left North Carolina and had been installed as Governor of New York, Judge Maurice Moore fired a farewell shot at him, under the pseudonym of “Atticus,” in a letter of which the following is a copy:

> To His Excellency William Tryon, Esquire.
>
> I am too well acquainted with your character to suppose you can bear to be told of your faults with temper. You are too much of the soldier, and too little of the philosopher, for reprehension. With this opinion of Your Excellency, I have reason to believe that this letter will be more serviceable to the province of New York, than useful or entertaining to its governor.
>
> The beginning of your administration in this province was marked with oppression and distress to its inhabitants. These, sir, I do not place to your account; they are derived from higher authority than yours. You were, however, a dull, yet willing instrument, in the hands of the British ministry, to promote the means of both. You called together some of the principal inhabitants of your neighborhood, and in a strange, inverted, self-affecting speech, told them you had left your native country, friends, and connections, and taken upon yourself the government of North Carolina with no other view than to serve it. In the next breath, sir, you advised them to submit to the Stamp Act, and become slaves. How could you reconcile such baneful advice with such friendly professions? But, sir, self-contradictions with you have not been confined to words only; they have been equally extended to actions. On other occasions you have played the governor with an air of greater dignity and importance than any of your predecessors; on this, Your Excellency was meanly content to solicit the currency of stamped paper in private companies. But, alas! ministerial approbation is the first wish of your heart; it is the best security you have for your office. Engaged as you were in this disgraceful negotiation, the more important duties of the governor were forgotten, or willfully neglected. In murmuring, discontent, and public confusion, you left the colony committed to your care, for near eighteen months together, without calling an assembly. The Stamp Act repealed, you called one; and a fatal one it was! Under every influence your character afforded you, at this assembly, was laid the foundation of all the mischief which has since befallen this unhappy province. A grant was made to the Crown of five thousands pounds, to erect a house for the residence of a governor; and you, sir, were solely entrusted with the management of it. The infant and impoverished state of this country could not afford to make such a grant, and it was your duty to have been acquainted with the circumstances of the colony you governed. This trust proved equally fatal to the interest of the province and to Your Excellency’s honor. You made use of it, sir, to gratify your vanity, at the expense of both. It at once afforded you an opportunity for leaving an elegant monument of your taste in building behind you, and giving the ministry an instance of your great influence and address in your new government. You, therefore, regardless of every moral, as well as legal obligation, changed the plan of a province house for that of a palace, worthy the residence of a prince of the blood, and augmented the expense to fifteen thousand pounds. Here, sir, you betrayed your trust,

disgracefully to the governor, and dishonorably to the man. This liberal and ingenious stroke in politics, may, for all I know, have promoted you to the government of New York. Promotion may have been the reward of such sort of merit. Be this as it may, you reduced the next assembly you met to the unjust alternative of granting ten thousand pounds more, or sinking the five thousand they had already granted. They chose the former. It was most pleasing to the governor, but directly contrary to the sense of their constituents. This public imposition upon a people, who, from poverty, were hardly able to pay the necessary expenses of government, occasioned general discontent, which Your Excellency, with wonderful address, improved into a civil war.

In a colony without money, and among a people almost desperate with distress, public profusion should have been carefully avoided; but unfortunately for the country, you were bred a soldier, and have a natural, as well as acquired fondness for military parade. You were entrusted to run a Cherokee boundary about ninety miles in length; this little service at once afforded you an opportunity of exercising your military talents, and making a splendid exhibition of yourself to the Indians. To a gentleman of Your Excellency’s turn of mind, this was no unpleasing prospect; you marched to perform it, in a time of profound peace, at the head of a company of militia, in all the pomp of war, and returned with the honorable title, conferred on you by the Cherokees, of Great Wolf of North Carolina. This line of marked trees, and Your Excellency’s prophetic title, cost the province a greater sum than two pence a head, on all the taxable persons in it for one year, would pay.

Your next expedition, sir, was a more important one. Four or five hundred ignorant people, who called themselves Regulators, took it into their heads to quarrel, with their representative, a gentleman honored with Your Excellency's esteem. They foolishly charged him with every distress they felt; and, in revenge, shot two or three musket balls through his house. They at the same time rescued a horse which had been seized for the public tax. These crimes were punishable in the courts of law, and at that time the criminals were amenable to legal process. Your Excellency and your confidential friends, it seems, were of a different opinion. All your duty could possibly require of you on this occasion, if it required anything at all, was to direct a prosecution against the offenders. You should have carefully avoided becoming a party in the dispute. But, sir, your genius could not lie still; you enlisted yourself a volunteer in this service, and entered into a negotiation with the Regulators which at once disgraced you and encouraged them. They despised the governor who had degraded his own character by taking a part in a private quarrel, and insulted the man whom they considered as personally their enemy. The terms of accommodation Your Excellency had offered them were treated with contempt. What they were, I never knew. They could not have related to public offenses; these belong to another jurisdiction. All hopes of settling the mighty contest by treaty ceasing, you prepared to decide it by means more agreeable to your martial disposition, an appeal to the sword. You took the field in September, 1768, at the head of ten or twelve hundred men, and published an oral manifesto, the substance of which was that you had taken up arms to protect a superior court of justice from insult. Permit me here to ask you, sir, why you were apprehensive for the court? Was the court apprehensive for itself? Did

the judges or the attorney general address Your Excellency for protection? So far from it, air, if these gentlemen are to be believed, they never entertained the least suspicion of any insult, unless it was that which they afterwards experienced from the undue influence you offered to extend to them, and the military display of drums, colors, and guards, with which they were surrounded and disturbed. How fully has your conduct, on a like occasion since, testified that you acted in this instance from passion, and not from principle! In September, 1770, the Regulators forcibly obstructed the proceedings of Hillsborough Superior Court, obliged the officers to leave it, and blotted out the records. A little before the next term, when their contempt of courts was sufficiently proved, you wrote an insolent letter to the judges and attorney general, commanding them to attend it. Why did you not protect the court at this time? You will blush at the answer, sir. The conduct of the Regulators at the preceding term made it more than probable that these gentlemen would be insulted at this, and you were not unwilling to sacrifice them to increase the guilt of your enemies.

Your Excellency said that you had armed to protect a court. Had you said to revenge the insult you and your friends had received, it would have been generally credited in this country. The men, for the trial of whom the court was thus extravagantly protected, of their own accord squeezed through a crowd of soldiers and surrendered themselves, as they were bound to do by their recognizance Some of these people were convicted, fined, and imprisoned; which put an end to a piece of knight errantry, equally aggravating to the populace and burdensome to the country. On this occasion, sir, you were alike successful in the diffusion of a military spirit through the colony and in the warlike exhibition you set before the public; you at once disposed the vulgar to hostilities, and proved the legality of arming, in cases of dispute, by example. Thus warranted by precedent and tempered by sympathy, popular discontent soon became resentment and opposition; revenge superseded justice, and force the laws of the country; courts of law were treated with contempt, and government itself set at defiance. For upwards of two months was the frontier part of the country left in a state of perfect anarchy. Your Excellency then thought fit to consult the representatives of the people, who presented you a bill which you passed into a law. The design of this act was to punish past riots in a new jurisdiction, to create new offenses and to secure the collection of the public tax; which, ever since the province had been saddled with a palace, the Regulators had refused to pay. The jurisdiction for holding pleas of all capital offenses was, by a former law, confined to the particular district in which they were committed. This act did not change that jurisdiction; yet Your Excellency, in the fullness of your power, established a new one for the trial of such crimes in a different district. Whether you did this through ignorance or design can only be determined in your own breast; it was equally violative of a sacred right, every British subject is entitled to, of being tried by his neighbors, and a positive law of the province you yourself had ratified. In this foreign jurisdiction, bills of indictment were preferred and found, as well for felonies as riots, against a number of Regulators; they refused to surrender themselves within the time limited by the riot act, and Your Excellency opened your third campaign. These indictments charged the crimes to have been committed in Orange county, in a distinct district from that in which the

court was held. The superior court law prohibits prosecution for capital offenses in any other district than that in which they were committed. What distinctions the gentlemen of the long robe might make on such an occasion. I do not know; but it appears to me those indictments might as well have been found in Your Excellency's kitchen; and give me leave to tell you, sir, that a man is not bound to answer to a charge that a court has no authority to make, nor doth the law punish a neglect to perform that which it does not command. The riot act declared those only outlawed who refused to answer to indictments legally found. Those who had been capitally charged were illegally indicted, and could not be outlaws; yet Your Excellency proceeded against them as such. I mean to expose your blunders, not to defend their conduct; that was as insolent and daring as the desperate state your administration had reduced them to could possibly occasion. I am willing to give you full credit for every service you have rendered this country. Your active and gallant behavior, in extinguishing the flame you yourself had kindled, does you great honor. For once your military talents were useful to the province, you bravely met in the field, and vanquished, an host of scoundrels whom you had made intrepid by abuse. It seems difficult to determine, sir, whether Your Excellency is more to be admired for your skill in creating the cause, or your bravery in suppressing the effect. This single action would have blotted out forever half the evils of your administration; but alas, sir, the conduct of the general after his victory was more disgraceful to the hero who obtained it than that of the man before it had been to the governor. Why did you stain so great an action with the blood of a prisoner who was in a state of insanity? The execution of James Few was inhuman; that miserable wretch was entitled to life till nature, or the laws of his country, deprived him of it. The battle of the allegiance was over; the soldier was crowned with success, and the peace of the province restored. There was no necessity for the infamous example of an arbitrary execution, without judge or jury. I can freely forgive you, sir, for killing Robert Thompson at the beginning of the battle; he was your prisoner, and was making his escape to fight against you. The laws of self-preservation sanctioned the action, and justly entitle Your Excellency to an act of indemnity.

The sacrifice of Few, under its criminal circumstances, could neither atone for his crime nor abate your rage; this task was reserved for his unhappy parents. Your vengeance, sir, in this instance, it seems, moved in a retrograde direction to that proposed in the second commandment against idolaters; you visited the sins of the child upon the father, and, for want of the third and fourth generation to extend it to, collaterally divided it between brothers and sisters. The heavy affliction, with which the untimely death of a son had burthened his parents, was sufficient to have cooled the resentment of any man whose heart was susceptible of the feelings of humanity; yours, I am afraid, is not a heart of that kind. If it is, why did you add to the distresses of that family? Why refuse the petition of the town of Hillsborough in favor of them, and unrelentingly destroy, as far as you could, the means of their future existence? It was cruel, sir, and unworthy a soldier.

Your conduct to others after your success, whether it respected person or property, was as lawless as it was unnecessarily expensive to the colony. When Your Excellency had exemplified the power of government in the death

of a hundred Regulators, the survivors, to a man, became proselytes to government; they readily swallowed your new-coined oath, to be obedient to the laws of the province, and to pay the public taxes. It is a pity, sir, that, in devising this oath, you had not attended to the morals of those people. You might have easily restrained every criminal inclination, and have made them good men, as well as good subjects. The battle of the Allegiance had equally disposed them to moral and to political conversion; there was no necessity, sir, when the people were reduced to obedience, to ravage the country or to insult individuals.

Had Your Excellency nothing else in view than to enforce a submission to the laws of the country, you might safely have disbanded the army within ten days after your victory; in that time the chiefs of the Regulators were run away, and their deluded followers had returned to their homes. Such a measure would have saved the province twenty thousand pounds at least. But, sir, you had farther employment for the army; you were, by an extraordinary bustle in administering oaths, and disarming the country, to give a serious appearance of rebellion to the outrage of a mob; you were to aggravate the importance of your own services by changing a general dislike of your administration into disaffection to His Majesty’s person and government, and the riotous conduct, that dislike had occasioned, into premeditated rebellion. This scheme, air, is really an ingenious one; if it succeeds, you may possibly be rewarded for your services with the honor of knighthood.

From the 16th of May to the 16th of June, you were busy in securing the allegiance of rioters, and levying contributions of beef and flour. You occasionally amused yourself with burning a few houses, treading down corn, insulting the suspected, and holding courts-martial. These courts took cognizance of civil, as well as military offenses, and even extended their jurisdiction to ill-breeding and want of good manners. One Johnston, who was a reputed Regulator, but whose greatest crime, I believe, was writing an impudent letter to your lady, was sentenced, in one of these military courts, to receive five hundred lashes, and received two hundred and fifty of them accordingly. But, sir, however exceptionable your conduct may have been on this occasion, it bears little proportion to that which you adopted on the trial of the prisoners you had taken. These miserable wretches were to be tried for a crime made capital by a temporary act of assembly, of twelve months duration. That act had, in great tenderness to His Majesty’s subjects, converted riots into treasons. A rigorous and punctual execution of it was as unjust as it was politically unnecessary. The terror of the examples now proposed to be made under it was to expire, with the law, in less than nine months after. The sufferings of these people could therefore amount to little more than mere punishment to themselves. Their offenses were derived from public and from private impositions; and they were the followers, not the leaders, in the crimes they had committed. Never were criminals more justly entitled to every lenity the law could afford them; but, sir, no consideration could abate your zeal in a cause you had transferred from yourself to your sovereign. You shamefully exerted every influence of your character against the lives of these people. As soon as you were told that an indulgence of one day had been granted by the court to two men to send for witnesses, who actually established their innocence and saved their lives, you sent an aide-de-camp to the judges and attorney

general, to acquaint them that you were dissatisfied with the inactivity of their conduct, and threatened to represent them unfavorably in England if they did not proceed with more spirit and despatch. Had the court submitted to influence, all testimony on the part of the prisoners would have been excluded; they must have been condemned, to a man. You said that your solicitude for the condemnation of these people arose from your desire of manifesting the lenity of government in their pardon. How have your actions contradicted your words! Out of twelve that were condemned, the lives of six only were spared. Do you know, sir, that your lenity on this occasion was less than that of the bloody Jeffries in 1685? He condemned five hundred persons, but saved the lives of two hundred and seventy.

In the execution of the six devoted offenders, Your Excellency was as short of General Kirk in form, as you were of Judge Jeffries in lenity. That general honored the execution he had the charge of with play of pipes, sound of trumpets, and beat of drums; you were content with the silent display of colors only. The disgraceful part you acted in this ceremony, of pointing out the spot for erecting the gallows, and clearing the field around for drawing up the army in form, has left a ridiculous idea of your character behind you, which bears a strong resemblance to that of a busy undertaker at a funeral. This scene closed Your Excellency’s administration in this country, to the great joy of every man in it, a few of your own contemptible tools only excepted.

Were I personally Your Excellency’s enemy, I would follow you into the shade of life, and show you equally the object of pity and contempt to the wise and serious, and of jest and ridicule to the ludicrous and sarcastic. Truly pitiable, sir, is the pale and trembling impatience of your temper. No character, however distinguished for wisdom and virtue, can sanctify the least degree of contradiction to your political opinions. On such occasions, sir, in a rage. you renounce the character of a gentleman and precipitately mark the most exalted merit with every disgrace the haughty insolence of a governor can inflict upon it. To this unhappy temper, sir, may be ascribed most of the absurdities of your administration in this country. It deprived you of every assistance men of spirit and abilities could have given you, and left you, with all your passions and inexperience about you, to blunder through the duties of your office, supported and approved by the most profound ignorance and abject servility.

Your pride has of ten exposed you to ridicule, as the rude petulance of your disposition has to contempt. Your solicitude about the title of Her Excellency for Mrs. Tryon, and the arrogant reception you gave to a respectable company at an entertainment of your own making, seated with your lady by your side on elbow-chairs, in the middle of the ballroom, bespeak a littleness of mind which, believe me, sir, when blended with the dignity and importance of your office, renders you truly ridiculous.

High stations have of ten proved fatal to those who have been promoted to them; yours, sir, has proved so to you. Had you been contented to pass through life in a subordinate military character, with the private virtues you have, you might have lived serviceable to your country and reputable to yourself; but, sir, when, with every disqualifying

circumstance, you took upon you the government of a province, though you gratified your ambition, you made a sacrifice of yourself.

Yours, &c.,

ATTICUS.

In caustic style and elegant invective the above letter would be difficult to equal. Yet some of the criticisms come with poor grace from Judge Moore. The act he ridicules for converting riots into treasons was passed by an Assembly in which he himself was a leading member; furthermore, he was chairman of a legislative committee which recommended measures against the Regulators “at once spirited and decisive,” and it was probably this recommendation which caused the Johnston Act to be introduced and passed.[1] The same committee, through Chairman Moore, gave voice to regrets nothing short of lamentations on the “afflicting occasion” of Tryon’s purposed departure from the province in 1770, deplored the “ill-fated means” which would cause North Carolina to lose his services, and made the “warmest return of gratitude and respect” for the “well-known benevolence of his disposition and friendly concern for the welfare of mankind.” If the first campaign against the Regulators were simply a costly display to gratify Tryon’s vanity — “a piece of knight - errantry equally aggravating to the populace and burdensome to the country” — it is strange that Mr. Moore, in his military capacity, deemed it his duty to go into that expedition. He was an officer in the Governor’s army, and could not have been ordered out against his will; for, as Tryon officially announced before the troops at Salisbury, only volunteers were desired. Concerning the disturbances of 1768, he tells the Governor: “All your duty could possibly require of you on this occasion, if it required anything at all, was to direct a prosecution against the offenders.” Yet Orange county in 1768 was far more turbulent than was Rowan in March, 1770, when Moore complained to Tryon that no legal process of any kind could be there executed. And if the Governor were a bloody Jeffries for allowing to be even partly carried out the sentences of the Court assembled at Hillsborough, certainly a Justice of that Court should be slow to cast reproach upon him for it. But when Judge Moore, in this “Atticus” letter, declared that he could freely forgive the Governor for killing Robert Thompson, that assertion no doubt came with all sincerity from the depths of his soul: for Mr. Thompson it was who had harangued the Regulators in a speech wherein he denounced Moore as a rascal, rogue, villain, and a scoundrel; and said that, while acting as Judge, the latter had attempted to cheat him out of his landed possessions for the benefit of a counter — litigant to whom he was partial.[2] And this Thompson, by the bye, who was hand in glove with Regulators of the most rabid variety — men who openly advocated the indiscriminate assassination of public officials — this Thompson is the same whose blessed memory as a peace-maker is thus preserved by Doctor Hawks in an account of the battle of Alamance: “Among other peaceful men who passed to and fro, in the good work of conciliation, was Robert Thompson, a man deservedly beloved and respected for his irreproachable character. He was without arms, and was not one of the Regulators.”[3]

[1] Colonial Records of NC, Vol. VIII, pp, 311-313

[2] Colonial Records of NC, Vol. VIII, p. 520.

[3] Hawks, Graham, and Swain Lectures on the Revolutionary History of North Carolina, p. 83.

While treating of the War of the Regulation, it may be well to speak of three aspects which thus far we have omitted to mention: first, the part later borne in the Revolution by the men who fought against the Regulators; second, the part borne in the Revolution by the Regulators themselves; third, the religious character of those engaged in the revolts of 1768 and 1771.

Tryon himself was an ardent and active Royalist in the Revolution, as was also Edmund Fanning; and almost all members of the Governor's Council, in North Carolina, sympathized with Great Britain. With these exceptions, nearly every officer of note in the army under Tryon, at Alamance, went heart and soul into the struggle for freedom during the Revolution; and, were the names of this galaxy of patriots omitted from the annals of the fight for independence, little material would be left for the historian of that epoch in North Carolina. Though he little realized it at the time, Tryon gave practical instruction in the art of war to a set of apt pupils who would soon make use of their knowledge in a way not much to his liking. One of these, Robert Howe, marched at the head of a Continental Regiment in December, 1775, to the assistance of Virginia, aided in the operations against Lord Dunmore (though too late for the fight at Great Bridge), was formally thanked for his services by the Virginia House of Burgesses, and afterwards rose to the rank of Major-General in the Continental army; Francis Nash, another of Tryon's pupils, became a Brigadier-General, first served against Sir Henry Clinton in South Carolina and afterwards joined Washington, under whom he fell while fighting at Germantown in 1777; James Moore, likewise a Brigadier-General of Continentals, was a splendid type of soldier, whose untimely death by sickness, early in the war, lost to North Carolina a patriotic and fearless defender; John Walker,whom the Regulators treated with such brutality while a prisoner, distinguished himself as an officer of the Line, and was an Aid-de-Camp to General Washington; John Baptista Ashe, whom the Regulators maltreated with Walker, was Lieutenant-Colonel of Continentals, and also Governor-elect at the time of his death; Thomas Clark, a Brevet Brigadier-General of Continentals in the Revolution, had also served under Tryon; then there were Generals Griffith Rutherford, Alexander Lillington, John Ashe, and Richard Caswell, all of whom held commissions in either the State or the Continental forces. Caswell was likewise Governor during the war; as also were Abner Nash, and Willie Jones (acting),while Alexander Martin, whom the Regulators "severely whipped" at Hillsborough, was Governor for several terms, besides having served as a Colonel in the Continental Line. John Patten, whose Beaufort county men fought so desperately at Alamance, entered the American army at the outbreak of the Revolution and remained to its close in 1783, when he was Colonel of the Second Continental Regiment. In the years 1777-1778-1779 he was in the principal battles fought by Washington in the North; and, in 1780, was serving under General Lincoln in Charleston when that city was beleaguered and captured by Sir Henry Clinton. For some time after that he was a prisoner of war. His name is of ten misspelled Patton in the records.

Besides the above officers of Tryon's army, let us recall such names as Polk, Phifer, and Alexander of Mecklenburg; Hinton of Wake; Cogdell, **BRYAN**, and Leech of Craven; **BRYAN** of Johnston; Osborne, Montgomery and Dobbins of Rowan; Clinton of Duplin; Hawkins of Bute; Fenner of Halifax; Mebane, Lytle, and Thackston of Orange; Salter of Pitt; Cray of Onslow; Spencer oi Anson, and hosts of others — all these aided in suppressing the mob violence aimed at North Carolina by the Regulators; and these, too, again stood by the Old State in her hour of need, when those selfsame Regulators united with the troops of King George in endeavoring to effect her subjugation in the dark hours of the Revolution. Besides these we should take

into consideration the civil services of such great Revolutionary patriots as William Hooper, Cornelius Harnett, Samuel Johnston, and others of like character, who, either in the Assembly or in the courts, were active supporters of Tryon's administration when it was opposed by the Regulators. Even the ultra — democratic John Harvey seems to have been most friendly in his disposition towards the Governor,* though many times has his name been cited by historians as a leader of opposition to government measures during the insurrections of 1768-1771. If the Regulators were patriots, and Tryon, while operating against them, was playing the part of a tyrant, then the above men were either the tools or the dupes of a tyrant; and North Carolina can ill afford to make this charge against her brave sons who, during seven long years, fought, starved, and shed their blood in her defense.

* Colonial Records of NC, Vol. VIII, pp. 697-696.

While the above names are being recorded a feeling of sadness is awakened that General Hugh Waddell no longer figures in our narrative. In the prime of a Vigorous manhood, yet old in the school of war, this great soldier passed away in 1773 — "Like a summer-dried fountain, When our need was the sorest."

In the French and Indian War, during the administration of Governor Dobbs, he had served with great distinction; had proved his devotion to North Carolina by resisting the earlier parliamentary encroachments of Great Britain, and again by volunteering against the faction which destroyed the colony's domestic tranquility: yet just on the eve of the Revolution, when his splendid talents would have found a wider and more useful field, death sounded the final roll-call, and his long service was at an end. His life has been most fittingly portrayed in a volume of biography which is the work of one of his many gifted descendants, Honorable Alfred Moore Waddell. From General Waddell also sprang the noted North Carolina lawyer, Hugh Waddell, and Commander James Iredell Waddell, an officer in both the United States and Confederate States Navies, whose cruiser, the Shenandoah, was the only vessel which ever carried the flag of the Southern Confederacy around the world, and which, in the number of prizes captured, ranked second only to the far-famed Alabama.

But, calling a halt on this digression, we must now return to the subsequent history of the Regulators. For some time after they were routed at Alamance, these persons were kept busy endeavoring to secure pardons for their participation in the uprising. "Either through friends or in person," says an account we have already quoted, "Jeremiah Field, Ninian Bell Hamilton, Matthew Hamilton, James Hunter, Thomas Welborn, William Butler, and John Fruit petitioned the Governor for pardon."[1] To do Hunter full justice, however, it must be said that his neighbors were far more solicitous for his safety than he himself was. After an absence of about ten months, he returned to his old home; and, on all occasions, appeared in public as if he had nothing to fear. In holy horror, on March 8, 1772, Governor Martin wrote the Earl of Hillsborough that it was with the utmost concern that he had the honor to inform His Lordship that Hunter, the outlawed ring-leader of the insurgents, had made his appearance publicly at the Inferior Court lately held in Guilford county, and that the magistrates, sitting in their judicial capacity, and armed with all the powers of the laws, though repeatedly moved to order him to be apprehended, had shamefully suffered him to brave the offended justice of his country with impunity, and to depart at leisure and without notice.[2] Later in this letter, Martin says:

> “Hunter is a most egregious offender. He was the leader of the insurgents in arms, was called their general, and has appeared from the beginning a ring-leader in sedition. He is said to have a better capacity than his associates, who pay him implicit obedience and treat him with a respect savoring of enthusiastic reverence. He received, among other of these graceless wretches, the King’s pardon for treasons and violences committed in the year 1768; and yet seems, like them, hardened rather than reclaimed, by His Majesty’s most gracious indulgence.”

[1] Account of the Regulation. by Dr. J. S. Bassett, in Report of the American Historical Association for 1894. p. 207 (citing authorities).

[2] Colonial Records of NC, Vol. IX, pp. 268-269.

Hunter not only had the temerity to appear at court, but he also appeared in person before Governor Martin himself, when the latter passed through Guilford county in 1772.* Along with some other Regulators, he visited His Excellency to apply for a pardon, and seems to have made quite an impression upon the theretofore irate Chief Executive. Somewhat more moderate is a second letter from Martin to Lord Hillsborough, giving an account of the interview, which says that he reprehended Hunter for his defiance of a Court of Justice by appearing in the face of it, while he stood in so criminal a state, with any other design than to render himself up. To this reproof, says Martin, Hunter submissively replied that, if he had of fended by so doing, it was innocently and ignorantly, and that he heartily asked pardon for it. After his observations concerning Hunter, Governor Martin sets forth a scathing arraignment of the county officers, saying that his progress through the scenes of the recent disturbances had completely opened his eyes with reference to the ills to which the people had recently been subjected — that now he could clearly see that they had been provoked by the insolence and oppression of a set of mercenary attorneys, clerks and other petty officers, who first brought down upon themselves the resentment of the inhabitants, and then worked up the government in their own defense by representing that the vengeance which the wretched people, in folly and madness, aimed at their oppressors, was directed against the constitution or government itself. Martin adds that since becoming acquainted with the barbarism and profound ignorance of these oppressed and wretched people, all of his indignation had been melted into pity.

* Colonial Records of NC, VOL II. pp. 313, 329.

In December, 1771, the Assembly petitioned Governor Martin to grant a general pardon to all persons concerned in the recent insurrection, except Hermon Husband, Rednap Howell, and William Butler, whose crimes the petitioners declared were too atrocious to merit any degree of lenity. This pardon would cover many exceptions at first made, including James Hunter (who commanded the Regulators at Alamance after Husband’s flight), and also the nine men engaged in the “gunpowder plot,” by which General Waddell’s ammunition was destroyed. Colonel Moses Alexander, of Mecklenburg, had interested himself in behalf of those last mentioned, who were: James White, junior, James Ashmore, Joshua Hadley, Robert Davis, Benjamin Cochrane, William White, William White, junior, John White, and Robert Caruthers. Though willing that a general pardon should issue, Governor Martin did not think he had power to grant it, but laid the matter before the home government, with a recommendation for favorable action.* In reply, Lord Hillsborough said that the

King authorized the Provincial Assembly to pass an act of grace, suspending proceedings till His Majesty's pleasure should be known to the contrary.

* Colonial Records at NC, Vol. IX, pp. 57, 68-69, 98, 109, 172, 275.

To what has been said of James Hunter, some additional remarks may be made. In August, 1775, it was rumored that he would bring an armed force against the Provincial Congress at Hillsborough, but no such movement was attempted.[1] In February, 1776, he was one of those whom Governor Martin authorized to enlist Loyalists for the Cross Creek rendezvous. This, in itself, would not stamp Mr. Hunter as a Tory; for, in the same manifesto were named several prominent Whigs, either for the purpose of winning them over to the Royal standard or injuring their influence with the Americans by exciting suspicion against them. Hunter's name, however, does appear along with that of Parson Micklejohn and others of the same vicinity, in a list of prisoners paroled by the Provincial Congress at Halifax (April, 1776), and ordered to the eastern part of the State, where their influence would not be felt.[2] Whether Hunter went, however, is doubtful, for, on September 6, 1776, he took the oath of allegiance to North Carolina.[3]

[1] Life and Correspondence of James Iradell. Vol. I. pp. 261-262.
[2] Colonial Records of NC, Vol. X. p. 560.
[3] Colonial Records of NC, Vol. X. p. 826.

It had doubtless been agreed by the State authorities that Hunter should be allowed to remain neutral; for, in September, 1780, when drafted into the army, he refused to serve. Thereupon the Sheriff levied upon his property; and, with six thousand pounds (in the plentiful paper currency of that day) employed a substitute to act in his stead. At the next session of the Assembly, in 1781, Hunter petitioned for redress, which was granted in a joint resolution ordering "that the Sheriff of Guilford county be and he is hereby directed to refund to James Hunter, of said county, all the effects and moneys levied upon * * * * * * for the purpose of hiring a substitute," etc.*

* State Records of NC, Vol. XVII. pp. 644, 726, 735.

Hunter's two old associates, John and Daniel Gillespie, rendered the State faithful service, as did also Thomas Person, though the last named Regulator was not among those arrayed at Alamance. With these exceptions, nearly all the old Regulators who later engaged in the Revolution were Loyalists.

Time and again has the statement been made that the Revolutionary patriot, General John Butler, of North Carolina, was a Regulator. This is a mistake, probably due to confusing his name with that of his brother William. The latter was a Regulator and a very pronounced one. With John, however, the case was different. He was one of the witnesses for the prosecution when the Regulators were indicted at New Bern;[1] and, shortly after the battle of Alamance, we find him petitioning for the pardon of his brother, as one who he said was "very sensible of his folly, and who sincerely promised never to be of such a riotous party again."[2] Had John been a Regulator, it is probable that he would have realized that his intercession would not favorably influence the Governor. William Butler himself declared: "It is with the utmost abhorrence that I reflect on the proceedings of the people formerly called Regulators, being fully convinced that the principles which they espoused are erroneous, and therefore most sincerely promise never to engage in the like again." If we may judge by the wording of their petitions, all the Regulators were

penitent enough after the battle. But they should not be too harshly criticized on account of this sudden change of front; for, though Satan is authority for the statement, it is too of ten true that “all that a man hath will he give for his life.” Then, too, the fact that the families of many were reduced to want by their absence, no doubt had a powerful influence in bringing the Regulators to seek pardon. This is shown by many of their petitions, including that of William Butler.

[1] Colonial Records of NC, Vol. VIII. p. 532.
[2] Colonial Records of NC, Vol. IX. pp. 99-100.

About the beginning of the Revolution the Regulators received all sorts of pardons from all sorts of sources — from the King, the Royal Governor, and the rebel Congresses (both Continental and Provincial). Each of the contending countries was graciously moved to overlook their past misconduct, if they would only prove by their deeds that they were worthy of forgiveness. On the 3d of May, 1775, Lord Dartmouth wrote from the Court of St. James to Governor Martin that the addresses to the King from the North Carolina counties of Guilford, Dobbs, Rowan and Surry, breathed such loyalty and attachment to Great Britain that royal clemency would soon be extended to all of the old Regulators except Hermon Husband.[1] The promised pardon was later issued in due form. The petition from Guilford, mentioned in Dartmouth’s letter, was headed by the name of John Field, and the one from Rowan and Surry (these two counties jointly) by **SAMUEL BRYAN** — both Loyalists in the Revolution, and one (**BRYAN**) sentenced to death for high treason in 1782, though afterwards pardoned and exchanged. On the address from Dobbs county the name of Joseph Taylor, junior, comes first; but on none of these petitions are the lists of subscribers given. Dartmouth also said in his letter that, if war came, it would be politic for Governor Martin to hold out encouragement to the Regulators by issuing military commissions to the leading men among them.[2] Before receiving this communication, Martin had written His Lordship that if the King himself pardoned the Regulators it would have a better effect than if he allowed the North Carolina Assembly to do so. If the Assembly issued the pardon, the Governor said, it would diminish the credit which would go to the Crown in consequence of this act of magnanimity.[3] But the Whigs of North Carolina were bent on showing the Regulators that the King was not the only pardon-granting institution in existence; so, when the Provincial Congress met at Hillsborough in August, 1775, a committee was appointed to quiet their fears by assuring them that they would be protected if Great Britain should attempt to harm them.[4] Protection promised from such a source against such a power as the forces of King George no doubt seemed ludicrous in the extreme. The Continental Congress later employed missionaries to ease the “tender consciences” of the Regulators by absolving them from their allegiance. On the above committee from the Provincial Congress at Hillsborough were several of Tryon’s old officers whom the Regulators had good cause to hate — Maurice Moore, Richard Caswell, and others. One old Regulator, Thomas Person, also served as a member of this committee, but was in a hopeless minority. Had he then been able to engage the influence of James Hunter (who later came over to the American side), and that of a few other leaders of the revolt of 1771, the movement might have met with better success. As it was, the Regulators pondered a while over their embarrassment of riches, in the way of pardons, and then came to the worldly-wise conclusion that the battle would be won by the strong, so sided with King George and Governor Martin. Later their judgment was destined to be rudely shaken.

[1] Colonial Records of NC, Vol. IX. pp. 1127, 1160, 1161, 1241.
[2] Colonial Records of NC, Vol. IX. p. 1241.
[3] Colonial Records of NC, Vol. IX. p. 1258.

[4] Colonial Records of NC, Vol. X. p. 169.

Next to the recently arrived Scottish Highlanders — including many who had survived the carnage of Culloden — the Regulators were Governor Josiah Martin's main reliance during the Revolution. The very word Regulator became a synonym for Tory. As to the Highlanders, loyalty was a part of their very being; in fact, their so — called rebellions in Scotland had been nothing more than ultra-loyalty to a race of monarchs whose right to the throne, so far at least as heredity counts, all must admit.

When General Donald McDonald began his movements in 1776 for re-establishing royal rule, the Regulators were prompt to co — operate with him. On the other hand, those North Carolina troops who opposed him were commanded by Brigadier-General James Moore, a veteran of the Alamance campaign, who had fought under Tryon. Moore, however, was not personally present when the Royalists were finally intercepted, as it had been uncertain where the fight would occur. But many of the officers in his command - as Colonels Richard Caswell of Dobbs, Alexander Lillington of New Hanover, John Hinton of Wake, and others — had also received their first lessons in war while serving under Tryon; and for a second time they conquered the Regulators, in a battle fought on the 27th of February, 1776, at Moore's Creek Bridge.

Colonel William Purviance, an officer in the American service, reported in February, 1776, that there were not two hundred old Regulators in the army under McDonald.[1] But if they were not there then, they came later; and many, who were on their way to join the Royal standard, turned back when they heard how the battle had gone. In April, 1776, a committee was appointed by the State to look into the cases of prisoners who had been taken.[2] In this list, though a large majority are Highlanders, we find many names which look strangely familiar to those who have studied the history of the Regulators. There are the names of Devinney, Field, York, and others. Devinney, who had formerly been fined and imprisoned for his violence when a Regulator, now had to answer the charge of belonging to a party of Tories by whom Captain Dent was shot. William Field was once a member of some sort of court, instituted in 1770-'71 by the Regulators, which sentenced George Mabry to exile unless he should pay a disputed debt, and which also enforced said sentence by a threat to whip Mabry and burn his home if he failed to leave the colony. Now Field had been captured while "Colonel of a Division" in the Royalist forces.[3] He violated his "solemn assurances" to the Whig government that he would remain neutral, though possibly he was one of those too conscientious to violate the oath Tryon forced on the Regulators. With him, as prisoners, were his three brothers: Robert (captain of a company of sixty men), Joseph (a lieutenant), and Jeremiah. One of these, Jeremiah, had been spokesman of the mob which broke up the court that Judge Henderson was holding at Hillsborough in 1770. As William and Jeremiah were with Cornwallis at Yorktown, they seem to have gotten back into the British service after their first capture. Among the "Lamentations of Jeremiah," after the war, was the assertion that he had fought twice — once for his country and once for his King — had been beaten both times, and would fight no more.[4] The Yorks, too, had been prominent Regulators, and one of them, Robinson, is said to have been "clerk" of the mock court which made the famous docket entries at Hillsborough in 1770. Now, he and Seymore York, probably his brother, had been locked up by the Whigs because each was commanding a company of Loyalists. Robinson, when sent a prisoner to Maryland, broke jail in September, 1776, and, in the advertisement for his recapture, he was described as having "red hair, curled on his neck, remarkable large lips, and bad teeth," and as being "a very chattering fellow." Lyman York was another captain in the royal service.[5]

[1] Colonial Records of NC, Vol. X, pp. 465-468.
[2] Colonial Records of NC, Vol. X, pp. 598-603, 841.
[3] Colonial Records of NC, Vol. X, pp. 1018-1019.
[4] Life of Caldwell by Caruthers, p. 177.
[5] Sabine's American loyalists (1864 edition). Vol. II. pp. 463-464.

When the Regulators were repairing to McDonald's rendezvous at Cross Creek (now Fayetteville), one prophetic individual wrote from New Bern: "An express arrived here yesterday from the back country, informing us that the Regulators and Tories were making head there, and intended marching to Cross Creek, and from thence to Cape Fear. I am of opinion they will get well flogged before they reach Cape Fear, provided they Will fight.[1] And well flogged they were — so well that when the British invasion of 1781 was in progress, Cornwallis was much disheartened at the small number of Regulators which turned out at his call. From His Lordship's own pen (April 10, 1781) we have the statement: "Many of the inhabitants rode into camp, shook me by the hand, said they were glad to see us and to hear that we had beat Greene, and then rode home again. I could not get 100 men in all the Regulators' country to stay with us, even as militia."[2] Like their compatriot, Jeremiah Field, these people probably knew when they were beaten enough.

[1] Colonial Records of NC, Vol. X. p. 452.
[2] Clinton-Cornwallis Controversy (1833 edition). Vol. I. pp. 396-397.

Before leaving this subject, let us see how the movement, culminating in the battle of Moore's Creek Bridge, was viewed in Great Britain. An old English publication, the Annual Register, for 1776, in giving an account of this campaign, says:

> "The connection he [Governor Josiah Martin] had formed with a body of desperate people, lately considered rebels to the King's government, now equally enemies to the provincial establishment, whom we have frequently had occasion to take notice of under the name of Regulators, as well as the Highland emigrants, seemed to insure the reduction of the insurgents, even independent of the expected force [from Ireland]. That Colony [North Carolina] was deemed the weakest in America, except Georgia; and the two parties we have mentioned were numerous, active, daring; and the former were at this time, as well as [were] the latter, zealously attached to the royal cause. The Highlanders were considered as naturally war-like, and the Regulators, from situation, habits, and manner of living, to be much bolder, hardier, and better marksmen than those who had been bred to other courses, and in more civilized parts of the country."

This same account later says:

> "The provincial parties were so close in the pursuit, and so alert in cutting the country and seizing the passes, that McDonald at length found himself under a necessity of engaging a Colonel Caswell, who, with about a thousand militia and minute men, had taken possession of a place called Moore's Creek Bridge, where they had thrown up an entrenchment. The royalists were by all accounts much superior in number, having been rated from 3,000 to 1,500, which last number McDonald, after the action, acknowledged them to be. The emigrants began the attack with great fury; but McLeod, the second in command, and a few more of the bravest officers and men, being killed at the first onset, they suddenly lost all spirit, fled with the utmost precipitation, and, as the provincials say, deserted

> their General, who was taken prisoner, as were nearly all their leaders, and the rest totally broken and dispersed. This victory was a matter of great exultation to the Carolinians. They had shewn that their province was not so weak as was imagined; for though their force actually in the engagement was not considerable, they had raised 10,000 men in about ten days. But what was still more flattering, and, perhaps, not of less real importance, they had encountered Europeans (who were supposed to hold them in the most sovereign contempt, both as men and as soldiers) in the field, and defeated them with an inferior force. If the zeal of these people could have been kept dormant until the arrival of the force from Ireland, it seems more than probable that the Southern colonies would have considerably felt the impression of such an insurrection. But now their force and spirits were so entirely broken, their leaders being sent to different prisons, and the rest stripped of their arms and watched with all the eyes of distrust, that no future effort could be reasonably expected of them."*

* Annual Register for 1776, star-ages 156-158.

Among the number of Highland settlers at Cross Creek was Flora McDonald, the Scottish heroine, who had accompanied her husband to America.

One North Carolina officer who personally participated in the Moore's Creek campaign was Nathaniel Rochester, for whom the city of Rochester, in New York, was afterwards named. In an autobiography, Rochester says:

> "On our arrival about daybreak at Devo's Ferry, about 20 miles from Cross Creek, or headquarters, we met about 500 men with General McDonald on their retreat, they having been met and defeated at Moore's Creek Bridge by Colonel Caswell, commander of a regiment of minute men. * * * * * We took the 500 prisoners. Being, however, in a sparsely settled country, where provisions could not be obtained, I was obliged to discharge all but about fifty, who were appointed officers by McDonald, after swearing those discharged that they would not again take up arms against the United Colonies; notwithstanding which they did afterwards join Lord Cornwallis when he marched through North Carolina. * * * * They were sent under a guard as prisoners of war to Frederick Town, in Maryland, where they remained until exchanged. In disarming the prisoners at Devo's Ferry, the Scotch gave up their dirks with much reluctance, these having, as they said, been handed down from father to son for many generations."*

* See autobiography of Rochester p. 99 of "Fragments of Revolutionary History." edited by Gaillard Hunt for the District of Columbia Society of Sons of the Revolution.

The brilliant achievement of the patriots at Moore's Creek Bridge was of such importance that more than four years elapsed before the Tories again made an organized stand on the soil of North Carolina; and then, at Ramsour's Mill, on the 20th of June, 1780, they were again badly beaten. Though we may be sure that the news of Moore's Creek was not many weeks in reaching Old England, it has not even yet, it seems, reached some of the people of New England; for the Massachusetts statesman, Honorable George F. Hoar, contemptuously intimated in the United States Senate,* on the 5th of January, 1901, while engaged in a debate, that

this was a battle of which he had never heard! As a matter of fact, the number of men engaged at Moore's Creek Bridge was more than double the entire forces present at both of the world-famous battles of Lexington and Concord, in Senator Hoar's own State; and, unlike the two Massachusetts fights, Moore's Creek was a great victory for the Americans.

* Congressional Record. Vol. 34, Part I, p. 589.

What has been said in this chapter concerning the part borne by the Regulators in the Revolution is not simply for the purpose of casting reproach upon them. Though too many of them were animated by personal hatred of the Whig leaders and fear of Great Britain, some, no doubt, sincerely believed in the righteousness of the Royal cause and so deemed themselves justified in pursuing the course they did. Many men remained loyal from conscientious motives. But as it is so of ten said and reiterated that the Regulators "began the Revolution," truth demands evidence to show which side they espoused in that war.

It is proper to add that when Governor Martin ordered a rally of the royal forces just prior to the battle of Moore's Creek Bridge, he included in his commission some members of the American party, among whom were Paul Barringer of Mecklenburg, Philemon Hawkins, senior, and Philemon Hawkins, junior, of Bute, and possibly others. of the three just mentioned, Governor Swain, in one of his published addresses, says: "These gentlemen were sturdy and well-tried Whigs throughout the Revolutionary War. Governor Martin may have been misinformed in relation to them, or may have inserted their names in order to render them objects of suspicion, and strip them of their influence among the Whigs. * * * * * Similar injustice may possibly have been done to others."*

* Hawks, Graham, and Swain Lectures on the Revolutionary History of North Carolina, p. 117, note.

Many surmises and speculations have been made as to why nearly all of the Regulators became Tories. Some of their defenders say it was because they were too conscientious to violate the oath of allegiance they had been compelled to take after the battle of Alamance. But this belief is difficult to accept. They were not superior in morals to the great patriots of the Revolution, many of whom — Washington included — had held military commissions and civil offices prior to the war and, hence, had sworn allegiance to the King. The real causes of the disaffection of the Regulators were hatred to the Revolutionary patriots who had defeated them at Alamance and fear of Great Britain. The ablest defense of the Regulators ever written is from the pen of the great North Carolina historian, Honorable William L. Saunders, LL. D.[1] That writer, in part, says:

> "The famous Hillsborough Provincial Congress in 1775 made haste on the first day of its session to resolve that the Regulators who broke their oaths ought to be protected from punishment therefor, and appointed Caswell, Moore, Patillo, and others, a committee to persuade them that they ought to break them — Caswell, whose bayonets had forced the oaths down their throats; Patillo, who, with the other Presbyterian pastors in the province, had addressed a laudatory letter to Tryon and a denunciatory one to their congregations about the crime of being a Regulator; and Moore, who had been on a court that convicted twelve of the Regulators of treason and sentenced them to death!"

This quotation from Saunders will form the basis of a true analysis. It was largely to pay old scores that the Regulators became Tories. Then, too, there was another cause, as given by the earliest Tennessee historian, Judge John Haywood, a native of North Carolina, who says that fear of British authority made them Tories; and the writings of Judge Haywood certainly do not display any love for Tryon or the civil officers under his administration which might prejudice him against the Regulators. Probably the best summing up of the whole movement was that written in October, 1780, by John Adams, of Massachusetts, while Minister to Holland.[2] Adams says:

> "There were some warm disputes in North Carolina concerning some of the internal regulations of the province; and a small number of people in the back parts rose in arms, under the name of Regulators, against the government. Governor Tryon marched at the head of some troops drawn from the militia, gave battle to the Regulators, defeated them, hanged some of their ringleaders, and published proclamations against many others. These people were all treated as having been in rebellion, and they were left to solicit pardon of the Crown. This established in the minds of those Regulators such a hatred towards the rest of their fellow citizens, that in 1775, when the war broke out, they would not join with them. The King has since promised them pardon for their former treasons upon the condition that they commit fresh ones against their country. * * * * * In conjunction with a number of Scotch Highlanders they rose; and Governor Caswell marched against them, gave them battle, and defeated them. This year they have risen again, and been again defeated. But these people are so few in number, and there is so much apparent malice and revenge, instead of any principle, in their disaffection, that any one who knows anything of the human heart will see that, instead of finally weakening the cause in North Carolina, it will only serve to give a keenness and an obstinacy to those who support it."

[1] Colonial Records of NC, Vol. VIII. Perfactory Notes, p. xxxiv.
[2] See Life and Works of John Adams, Vol. VII, p. 284

Some writers say that those who resisted the Stamp Act and those who rose up as Regulators were alike, in that both movements were against British oppression. But exactly wherein the British — either King or Parliament — had anything to do with alleged irregularities of county officials in the backwoods of North Carolina is difficult to see. The abuses which caused the Regulators to rise were no more attributable to the King or government of Great Britain than to the Shah of Persia or the Holy Roman Empire. On the other hand, the Stamp Act came from the highest legislative authority of Great Britain. Nor did the people of Cape Fear, in 1766, seek to substitute anarchy for the administration of the laws of the colony, even though they did temporarily coop up the Governor and bully a few Crown officials. Some also there are who say that the Regulators slain at Alamance were the first martyrs of the Revolution; if this be true, they were very different in principles from those who survived the battle, for, as has already been shown, the survivors were among the most bitter enemies of the Revolutionary movement.

In politics, religions, irreligions, and manias the Regulators were quite variable. Accordingly as the whim moved them, they praised the reigning monarch as the best of rulers, or drank: "Damnation to King George and success to the Pretender." They found fault with Judges Moore and Henderson because they were "not appointed by the King." To Governor Martin, in 1772,they made "the most solemn protestation of their

innocence and abhorrence of the design to subvert the government." One of their principal written agreements began: "Being conscious of our loyalty to King George the Third, on the present throne, and our firm attachment to the present establishment and form of government," etc.* If they themselves are to be believed, the Regulators had no quarrel in particular with Great Britain, yet Tryon was right when he said that, had they succeeded in the battle of Alamance, all law and order in North Carolina would have been at an end.

* Colonial Records of NC, Vol. VIII. pp. 246, 519; Ibid., Vol. IX. p. 329; Husband's Book, reprinted in Wheeler's History of NC, Part II, p. 309.

At the time of their uprising all of the religious denominations in the colony held the Regulators in the utmost abhorrence. Yet not a few writers in more recent years have attempted to make it appear that they were a deeply religious set and only sided against America in the Revolution because they were too pious to violate the oaths of allegiance taken prior to the war. Caruthers, in his Life of Caldwell,[1] says that they, for the most part, had been religiously educated and taught to regard the Bible as a revelation from heaven. He also intimates that they were largely Presbyterians. Yet Tryon always spoke with gratitude of the aid afforded him by the Presbyterians, and quite a number of Presbyterian clergymen (including Doctor Caldwell himself) issued a pastoral letter to their flocks in 1768, saying that very few of their faith were engaged in the insurrection, but that to these — "who had been seduced from the peaceable deportment and loyalty of their profession and ancestry" — they would sound a note of warning. These same clergymen, in an address to Governor Tryon, on August 23, 17 68, gave utterance to extravagant professions of loyalty, which need not be here quoted, and also say: "We humbly hope Your Excellency has found but a very small proportion of the people of our denomination among the present insurgents; and we assure you, sir, if any there are, they have departed from. the invariable principles of their profession, which some, bred in the wilderness, for want of proper instruction, may be supposed ignorant of."[2]

[1] Life of Caldwell. pp. 115, 148.
[2] Colonial Records of NC, Vol. VII. pp. 813-816.

In endeavoring to prove that the Regulators were mostly Baptists, a great deal has also been written; yet a noted Baptist divine, the Reverend Morgan Edwards, who passed through the scene of the then recent disturbances a little over a year after the battle of Alamance, says that he made it his business to inquire into the matter, and could aver that there were only seven Baptists in the entire movement, and these had every one been expelled from congregations to which they belonged in consequence of a resolve passed by the Baptist Association at Sandy Creek on the second Saturday in October, 1769, which said: "if any of our members shall take up arms against the legal authority, or aid and abet them that do so, he shall be excommunicated." of the Regulators afterwards indicted, says the same authority, only one (Captain Merrill) was a Baptist. Edwards also states that on one occasion an armed band of Regulators marched into a meeting of Baptists and threatened to disperse it in consequence of the passage of the above resolution.*

* Morgan Edwards, quoted in David Benedict's History of the Baptist Denomination in America (edition of 1813). Vol. II, p. 116.

Again, it has been said that many Quakers sympathized with the insurrectionists; yet Doctor Stephen B. Weeks, in his work on Southern Quakers and Slavery,* quotes

records to show that all Quakers were expelled from their societies who had anything to do with the movement — not only for joining the Regulators, but even for “aiding them,” as in the case of one Humphrey Williams.

* Southern Quaker: and Slavery, pp. 182-183.

The author of the present biography being of the Anglican “persuasion,” and not a great admirer of the Regulators, has until recently rejoiced in the belief that no one ever charged members of the Church of England with being engaged in the outbreak, but this rejoicing is now turned into humiliation and sorrow; for in the book written by Husband himself * is the statement:

> “We found our body to consist promiscuously of all sects, but the men who we put the most trust in were of the Church of England communion.”

* Reprinted in Wheeler's History of NC, Part II. p. 316.

In connection with that deeply religious character which the Regulators are supposed to have possessed, it is of interest to recall the entries on the docket-book in Hillsborough which they made when holding a mock court after driving out Judge Henderson at the September Term, 1770. One entry by them says:

> “The Elect pays cost.”

Another, in the suit of Isaiah Hogan vs. Hermon Husband:

> “Hogan pays & be damned.”

On the case of John McMund vs. William Courtney, is the remark:

> “Damned Rogues.”

In Michael Wilson vs. David Harris, appears the entry:

> “All Harrises are Rogues.”

In a judgment by default, in Sales Brown vs. William Lewis:

> “The Man is sick. It ’tis damned roguery.”

In Solomon Turvil vs. James Turvil, where an execution was levied on two Negroes:

> “Negroes not worth a dam. Cost exceeds the whole.”

In Ezekiel Brumfield vs. James Ferrel, for slander, is the advice and charitable observation:

> “Let them agree, for Ferrel has gone Hell-ward.”

We are not advised of the religious denomination to which the parties belonged who made the above entries. They were probably not those religiously educated Presbyterians who had been taught to regard the Bible as a revelation from heaven, for they adjudged that the "elect" should pay the costs. And the phraseology employed does not bear any striking similitude to the dialect (so easily recognizable) which is used by the Society of Friends: hence it is probable that the Quakers did not do it, either. So it must have been the work of some members of the Church of England, or those seven excommunicated Baptists mentioned by Morgan Edwards.

Upon Tryon's departure from New Bern, James Hasell, President of the Council, qualified as Governor pro tempore (July 1, 1771). On August 11th the new Governor, Colonel Josiah Martin, arrived by sea from New York, after a passage of nineteen days, and was sworn in on the day after his arrival. Tryon reached New York and had a consultation with Martin just before the latter set out for North Carolina.[1] Colonel Martin belonged to a very ancient English family, of Norman origin, which traced its descent from Martin of Tours, a general in the army of William the Conqueror. Like Tryon, Governor Martin was "a soldier by profession. He married his cousin, Elizabeth Martin, a daughter of Josiah Martin, of Long Island, New York. One of the Governor's brothers was later created a baronet. This was Sir Henry Martin, of Lock Inge, in Berkshire. The father of Sir Henry and Governor Martin lived for many years on the West Indian Island of Antigua, and there the Governor was probably born.[2] Some authorities state that Governor Martin died in New York. This is a mistake, probably caused by confusing him with his uncle or a relative of the same name.

[1] Colonial Records of NC, Vol. IX, pp. 3, 9, 15-17.
[2] Betham's Baronetage, Vol. IV, pp. 210-211.

On his way from England to North Carolina, the new Governor was taken sick in New York, and bitterly complained in a letter to the Earl of Hillsborough of being unable to proceed to the government with which he had been entrusted, in time to share the dangers of the war there existing.[1] Ultimately, however, he was rather friendly to the Regulators. The historian Williamson ascribes this to jealousy. That writer says:

> "Martin sickened at the praises of Tryon. He had little reason to expect that his own achievements would ever swell the trump of fame. He could hardly rise to the standard of Tryon, but he might possibly reduce the character of Tryon, in the province, to his own level.
>
> The man who scatters censure is sure to please the ignorant and the disappointed. He takes the beaten road to popularity. It may be trodden without the aid of virtue or talents."[2]

[1] Colonial Records of NC, Vol. IX. pp. 16-17.
[2] Williamson's History of NC, Vol. II. p. 163.

If such ungenerous feelings as those suggested by Williamson indeed found place in Martin's bosom, it is certain be concealed them under a polite exterior, for never did he mention Tryon in his letters save with respect. Nor, in those letters, did he ever attribute to his predecessor aught but credit for the Alamance campaign, though he severely denounced the extortionate county officials, who, he said, stirred up the trouble.

One thing seems certain, however, that the North Carolina Assembly always looked with far more favor upon Tryon than upon Martin. As late as December, 1773, when desiring to have an important measure laid before the King, the Assembly passed a resolution entirely ignoring their own Governor and ordering that a committee "do address His Excellency, William Tryon, Esquire, the present Governor of New York, who, happily for this country, for so many years presided over it, and of whose good intentions to its welfare we feel the fullest conviction; that they forward to him our dutiful address to His Majesty, and request that he should be pleased to convey the same to our most gracious sovereign, support our earnest solicitations with his interest and influence, and that he accept of this important trust as a testimony of the great affection this colony bears him, and the entire confidence they repose in him." Governor Martin was cut to the quick by this insult, yet preserved his temper under the provocation with more than ordinary grace.

Concerning the Assembly and its action, he wrote Lord Hillsborough a letter saying:

> "I am glad, with all my heart, that their evil dispositions towards me have drawn upon my friend Governor Tryon a compliment and mark of confidence to which his services in this country so greatly entitle him. It is a real mitigation of the pain I have felt from the wound given me, through him, that his merits are illustrated by it; and it is my sufficient consolation that I have been assured that all but the immediate contrivers of it look back with shame and indignation to the unmerited insult in which they blindly concurred."*

* Colonial Records of NC, Vol. IX. pp. 787, 800.

Strange as it may now seem, North Carolina was a more populous colony than New York in 1771. Indeed, so late as 1790, when the first official census was compiled, North Carolina had 393,751 inhabitants, while New York had only 340,120. Nor do these figures include Tennessee as a part of North Carolina. Only two States, Virginia and Pennsylvania, then exceeded North Carolina in population. By the most recent census (1900), North Carolina drops down to the fifteenth place, yet ranks ahead of Virginia, and has more than twice the population of any State in New England except Massachusetts; while Tennessee (North Carolina's daughter), which had only 35,791 inhabitants by the census of 1790, contains a greater population, by the census of 1900, than either North Carolina or Virginia.

Not only was North Carolina more populous than New York in 1771, but the Governor's salary in the former seems to have been larger, while the Palace at New Bern was the most elegant structure in America. All this being true, it is somewhat strange that Tryon should have preferred the northern colony. If he foresaw, in even a small degree, its future greatness, it speaks well for his sagacity.

On July 9, 1771, two days after his arrival in New York, Tryon was sworn in as Governor. His predecessor in that office was a Scottish nobleman of the House of Murray, whom one Revolutionary poet, no respecter of persons, has described as —

> "That silly old fellow, much noted of yore, And known by the name of John, Earl of Dunmore."

Lord Dumnore had been Governor of New York for a very brief period (since October 19, 1770), and left that province to become Governor of Virginia, where he remained until the war put an end to Royal authority. He seems to have been transferred from the Governorship of New York to that of Virginia against his will, as he endeavored to persuade Tryon to exchange governments with him, which arrangement had been authorized by the King, if agreeable to both parties. Tryon, however, preferred New York, and was sworn in accordingly.* Next the members of the Council qualified, and a procession was formed which proceeded in state to the Town Hall, where the appointment of the new Governor was formally proclaimed to the multitude.

* Documents Relating to the Colonial History of the State of New York, Vol. VIII, p. 278.

CHAPTER IX.

OBSERVATIONS ON TRYON'S CAREER IN REVOLUTION — MAJOR GENERAL of LOYALISTS, AND LIEUTENANT — GENERAL AFTER RETURN TO ENGLAND — TRIBUTE TO HIS CHARACTER BY JUDGE JONES, of NEW YORK — DEATH — OBITUARY IN GENTLEMAN'S MAGAZINE — BURIED IN FAMILY VAULT AT TWICKENHAM — HIS WILL AND THAT of HIS WIFE — CONCLUSION.

As this narrative is limited to North Carolina, it leaves untold some of the most momentous events of Tryon's life. At first it was the author's purpose to follow him through the years he ruled New York, to tell of the rupture with Great Britain, and to place on record the part he bore as a Major-General in command of American Loyalists, when vainly endeavoring to re-establish Royal rule. But on second consideration it has been deemed preferable simply to devote a few concluding remarks to his administration in the more northern province, and let a detailed account await the pen of some New Yorker, "native and to the manner born." That writer, if the task be undertaken, should bring to his work a generous appreciation of the circumstances by which Governor Tryon was beset. He was an Englishman, not an American, and should not be harshly criticized for refusing to turn against a monarch who had twice confided to him the government of important provinces.

In a private letter to the author of this present work, a distinguished North Carolina lawyer writes:

> "Tryon has been the worst misrepresented man in our history."

This is too true; nor has misrepresentation been confined to North Carolina. In New York as well, his years of toil in the up-building of that province have been to a large extent lost sight of, while the minutest details of his hostility are cherished and exaggerated. Do we ever stop to think that Tryon committed no act during the entire Revolution which did not have its counterpart in the warfare carried on by Americans? Historians aver that he attempted to kill or capture General Washington, and therefore denounce him as a savage, as if war could exist Without such methods. Indeed, Washington himself was none the less a savage; for, while writing to Richard Henry Lee, on December 26, 1775, concerning the Loyalist Governor of Virginia, Lord Dunmore, he said:

> "I do not think that forcing His Lordship on shipboard is sufficient; nothing less than depriving him of life or liberty will secure peace to Virginia."*

* Writings of Washington (1837 edition). Vol. III. p. 216, et seq.

Did Tryon burn and destroy in his Connecticut expeditions? Yes, but the Americans were no better in dealing with their enemies. In both New York and New England it was nothing unusual for the homes of Loyalists to be burned. Nor can North Carolina or Virginia cast the first stone at Tryon for warfare of this character. In January, 1776, when Norfolk, in the latter State, had been partly burned by the British, the Virginia House of Burgesses authorized Colonel Robert Howe, of the North Carolina Continentals (afterwards a Major-General), to burn up the Tory section of the town. This he accordingly did, and afterwards was honored with an official vote of thanks by the Virginia Convention for his services to that province.*

* Jones's Defense of North Carolina, p. 242. ct seq.

Indeed, the history of war, in all times, is more or less a record of devastation and smoking ruins. We read, in the one authority worthy of all credence, how Samson caught three hundred foxes, put fire to their tails, and sent the affrighted incendiaries scampering through the cornfields of the Philistines. Then, passing over the succeeding ages and coming nearer home, it is not pleasant to scrutinize too closely our "domestic infelicity" of 1861-65. When Sheridan laid waste the Valley of the Shenandoah, and then boasted that a crow would starve in attempting to fly over it without carrying a supply of rations, little praise was accorded him by inhabitants of Virginia. When Sherman made his famous march to the sea, and burned more houses in a day than Tryon did in a life — time, it is equally true that very few of the poems and songs, commemorative thereof, were the products of Southern bards. When the city of Chambersburg was sent up in smoke by Confederate troops under General Early, it was not considered a very commendable exploit by the people of Pennsylvania. Yet Sheridan, and Sherman, and Early, all find favor with historians of their respective sections. And as to Samson — well, it is neither necessary nor profitable to discuss that gentleman's military record, for foxes are too few ever again to be employed with any degree of success in the warfare of nations.

As every well — equipped representative of royalty is supposed to be provided with an hereditary title, the historical writers of both North Carolina and New York have seen to it that Governor Tryon shall not be lacking in this respect. Sometimes they give him the honor of knighthood, as Sir William Tryon; others confer upon him a baronetcy, as Sir William Tryon, Baronet; and occasionally he is even elevated to the peerage, as Lord Tryon! If King George had conferred all these splendid honors upon the Governor during his lifetime it would have been very flattering to the latter's vanity; but, unfortunately for Tryon, peerages and other titles emanating from American historians and pamphleteers have never been officially recognized by the House of Lords or His Majesty's College of Arms.

Tryon remained nominally Governor of New York until March 22, 1780, when James Robertson qualified as his successor by appointment from the King. of course neither Tryon nor Robertson was recognized by the State after its independent government had been established. The name of Governor Tryon appears at the head of the list of names enumerated in the confiscation acts of both North Carolina and New York, and the counties of Tryon in these States were expunged from the map. Shortly after relinquishing the government of New York, he sailed for England, where he finally rose to the rank of Lieutenant-General.

Among the Loyalists Tryon had his enemies as well as among the Whigs, yet many of the former were his devoted friends. Judge Thomas Jones, the Loyalist historian of New York, was one of his admirers, and writes of him thus:

> "He was beloved, esteemed, and almost adored by the people in the colony. While Governor he heard all complaints with the utmost patience. His ears were always Open, as well to the poor as to the rich; he was easy of access; he refused admittance to no man; he was kind, charitable, humane, and benevolent; had ever the good of his country at heart; despised, abhorred, and abominated all kind of peculation; he never did a mean act while Governor of the colony; he was universally looked upon as a brave soldier, an honest man, and a good Christian."*

* History of New York. by Judge Thomas Jones. Vol. I. p. 165. Judge Jones was an American Loyalist and died in 1792. but his work was not published till 1879.

The death of Governor Tryon occurred in London, at his house on Upper Grosvenor Street, January 27, 1788. In the Gentleman's Magazine, for February of that year, appeared the following obituary:

> DIED. — — At his home in Upper Grosvenor str., sincerely lamented, Lieut. General Tryon, Colonel of the 29th regiment of foot, late Governor of the province of New York, and commander in chief of his Majesty's forces there. His remains were deposited in the family vault at Twickenham. The importance of his character in the annals of this country precludes the necessity of expatiating on the eminent services that distinguished his life. Illustrious as a legislator, he suppressed the rising seeds of revolt in North Carolina, during the time of his administration in that province. Calmed to peace under his mild and beneficent sway, the people relinquished every other ambition than that of looking up with filial attachment to their friend and protector, whose jurisprudence breathed much of paternal tenderness, as of legislative authority. Called to the government of New York, a wider field of action opened to this accomplished statesman, whose superior powers of wisdom and philanthropy were unceasingly exerted for the real welfare of the colonists. His princely munificence extended to the most inconsiderable of the people; and the heart-felt gratitude that pervaded every branch of the community will make the name of Tryon revered across the Atlantic while virtue and sensibility remain. In private life the benevolence of his heart corresponded with the endowments of his mind, diffusing honor and happiness in an extensive circle, and obtaining permanent advantages for those who, being in early youth elected to his patronage, now live to pour the tear of sorrow over his honored tomb.

The passage in this obituary, telling how the Regulators were calmed to peace under Tryon's mild and beneficent sway, is calculated to provoke a smile; for it will be remembered that it was not mildness which broke up their revolt, nor was it beneficence. These means failed. Then the military power of North Carolina was employed, and proved more potent.

For interment the remains of Governor Tryon were carried to the burial-ground of the old parish church of St. Mary's in Twickenham, Middlesex, and deposited in an altar-tomb, where rest many other members of his family. On the top of this tomb are three inscriptions, which read:

HERE LIETH
THE RIGHT HONORABLE
SELINA, COUNTESS DOWAGER FERRERS
WHO DEPARTED THIS LIFE MARCH 20TH, 1762,
IN THE 80TH YEAR of HER AGE.

———

HERE LIETH THE BODY
OF THE
HONORABLE LADY MARY TRYON,
WIDOW of CHARLES TRYON, ESQ^{r}
OF BULWICK IN NORTHAMPTONSHIRE,
AND DAUGHTER of ROBERT, EARL FERRERS.
SHE DIED MAY 17TH, 1771, AGED 68.

———

ALSO THE BODY
OF
LIEUT.-GENERAL WILLIAM TRYON,
SON OF CHARLES TRYON OF NORTHAMPTON , ESQ^{r}
AND OF THE AFOREMENTIONED LADY MARY,
LATE GOVERNOR OF THE PROVINCE of NEW
YORK AND COLONEL OF THE 29TH REGIMENT OF FOOT,
WHO DIED THE 27TH OF JANUARY, 1788, AGED 58 YEARS.

On a panel, on the south side of the tomb, is an inscription of which the following is a copy:

HERE ARE DEPOSITED THE REMAINS
OF
MRS. MARGARET TRYON,
LATE OF GREAT YARMOUTH IN THE COUNTY OF NORFOLK,
RELICT OF THE AFOREMENTIONED LIEUTENANT-GENERAL
WILLIAM TRYON,
WHO DEPARTED THIS LIFE THE 16TH DAY OF FEB^{y}, 1819,
IN THE 86TH YEAR OF HER AGE.

On the north side is another panel, which contains two inscriptions, as follows:

HERE LIETH THE BODY
OF
MISS MARGARET TRYON,
DAUGHTER OF THE LATE LIEUTENANT-GENERAL
TRYON AND MARGARET TRYON,
WHO DIED JULY 28TH, 1791.
AGED 30 YEARS.

———

ALSO OF
MISS ANN TRYON,
DAUGHTER OF THE LATE CHARLES TRYON, ESQ^{r},
AND OF
LADY MARY TRYON OF BULWICK, NORTHAMPTONSHIRE,
WHO DIED JULY 10TH, 1822,
AGED 82 YEARS.

Though many other men of note (among them Alexander Pope) are interred near the last resting-place of Governor Tryon, the sepulcher of most interest to Americans is in a vault beneath the chancel of the adjoining church; for there, unmarked by any memorial, lie the remains of the old cavalier, Sir William Berkeley, sometime Governor of Virginia and one of the Lords Proprietors of Carolina. There, too, rests the body of Lord John Berkeley, also one of the Carolina Pr0prietors and a brother of Sir William. of the remains of Governor Berkeley a most remarkable circumstance is related by the Reverend R. S. Cobbett, in his Memorials of Twickenham,* while referring to the interment in St. Mary's Church of Admiral Byron (grandfather of Lord Byron) , who died in 1786. This is to the effect that when the vault was opened the body of Sir William Berkeley was found lying on the ground without a coffin, cased in lead exactly fitted to the shape of the body, showing the form of the features, hands, feet, and even nails. The lead appeared to be beaten firmly over the body, which presented the appearance of a figure in armor.

* Memorials of Twickenham, p. 37.

Though they were not contemporaries (Berkeley died before Tryon was born), it is a singular coincidence that these two old Governors of adjoining American colonies should, after years of turmoil and strife spent in the New World, be brought together in a quiet church-yard of their native England —

> "Among familiar names to rest, And in the places of their youth."

Governor Tryon has no lineal descendants now living, though at least two children were born to him — one before he came to North Carolina, and the other after his arrival in the colony. In an old letter, so stained by age that it is almost illegible, written at Wilmington, North Carolina, by Mrs. John Burgwin, to her sister, Mrs. Hugh Waddell, on the 22d of November, 1768, I find the passage: "You no doubt heard long ago that Mrs. Tryon has a son." This little child is probably the same whose death Governor Tryon announced to the Earl of Hillsborough on the 3lst of March, 1769, saying:

> "I thank you, my Lord, for your communication of the happy increase in Their Majesty's family by the birth of a princess, an intelligence that afforded me much satisfaction, though I received it while under affliction for the death of my own son."

Margaret Tryon, daughter of the Governor, died unmarried at the age of thirty. She was born in the year 1761, before her father was sent to North Carolina. She was the young lady who made such a narrow escape from death by fire in New York, on December 29, 1773, when the Governor's house, in Fort George, was accidentally burned. In this conflagration, it may be added, all of Tryon's private papers, which he had been years in accumulating, were destroyed.* The New York Assembly voted him five thousand pounds to indemnify this loss, but much of the property, particularly the papers, could not be replaced at any price.

* Documents Relating to the Colonial History of the State of New York. Vol. VIII. p. 407

The last will and testament of Governor Tryon is now on file in the Principal Registry of the Probate, Divorce, and Admiralty Division of the High Court of Justice, in London, as is also that of his wife, Mrs. Margaret Tryon. Copies of

these documents are now before me. The Governor, in his will (executed November 21, 1787; probated February 21, 1788) styles himself:

> "William Tryon, of Upper Grosvenor Street, in the County of Middlesex, Esquire, Lieutenant-General of His Majesty's Forces, and late Governor of the Province of New York, in North America."

The will is a trifle too complicated in its terms and conditions to be here set forth. It disposes of an estate amounting to thousands of pounds, largely invested in stock of the Bank of England. Among the legatees are the testator's wife, Mrs. Margaret Tryon (also sole executrix); his daughter, Margaret Tryon; his four sisters, Ann, Mary, and Harriot Tryon, and Mrs. Sophia Bulstrode; his friends, Fountain Elwin, Robert Palmer, and Edmund Fanning; Mary Stanton, of the town of Northampton, Elizabeth Saunders of the same town, and William Saunders, youngest son of the last named. It was provided that the legacy to Mrs. Saunders should be a life estate, With a reversion to any children thereafter born by her, and "not be subject or liable to the intermeddling, debts, or engagements, of her present husband or any after taken husband." It was also provided that all domestic and household servants in the employ of the testator should receive one year's wages over and above the amounts due them for their services.

Mrs. Tryon, widow of the Governor, survived her husband many years, also outliving her daughter, and died on the 10th of February, 1819, in the eighty-sixth year of her age. In 1757, at the time of her marriage to Mr. Tryon, then a Captain in the Foot-Guards, the Gentleman's Magazine alluded to her as: "Miss Wake, of Hanover Street, London." In her will (executed May 30, 1818; probated March 3, 1819) she refers to herself as: "Margaret Tryon, formerly of the Parish of Saint Luke's, Chelsea, in the County of Middlesex, but now of Great Yarmouth, in the County of Norfolk, widow of the late Lieutenant — General Tryon." Though the class receiving her legacies included many per sons, the most numerous beneficiaries of Mrs. Tryon's will were members of a family named Elwin, possibly her relatives, though she does not so state. The will begins by setting forth that, owing to the previous death of her daughter Margaret, the sum of fifteen thousand pounds (left by the father of the testator, Mrs. Tryon) has come into her possession a representative of her said daughter. Disposition of her property is then made as follows: Thomas Horatio Batchelor, of Horstead, in the County of Norfolk, seventeen hundred pounds; Mrs. Mary Ann Ficklin, of the city of Norwich (Widow of the Reverend Robert Ficklin), fifteen hundred pounds; Hastings Elwin, late of Sloane Street, Chelsea, three hundred pounds; Fountain Elwin (son of Hastings), on hundred pounds; Harriot Elwin (daughter of Hastings) fifty pounds; Reverend Robert Elwin, of the city of Norwich (son of the late Robert Elwin), one hundred pounds; Philippa Elwin, Caleb Elwin, and Fountain John Elwin (daughter and sons of the late Thomas Elwin), one hundred pounds each; Thomas Henry Elwin (son of the said Foun tain), three hundred pounds; Rebecca and Philippa Elwin (children of the said Fountain), twenty pounds each; Mrs Virtue Elwin, of the city of Norwich, widow, one hundred pounds; Major Fountain Elwin, of His Majesty's Forty fourth Regiment of Foot, one hundred pounds and a silver waiter; Lieutenant Jonathan Wrench, late of His Majesty' Forty-fourth Regiment of Foot, fifty pounds; Mrs. Ann Wrench, of Islington, Widow, one hundred pounds per annum during her natural life; Miss Wrench (daughter of Mrs. Ann Wrench), one hundred pounds; Mrs. Ann Reed (widow of surgeon William Reed), fifty pounds; Mrs. Dorothy Longe, of Coltishall, in the County of Norfolk, widow, one hundred pounds; Captain Robert Longe, of the East Norfolk Militia, one hundred pounds per annum for his natural life; William Pennington, and his wife, Penelope, of the Hot Wells, Bristol, the remainder of a lease, owned by testator, on property

in Sloane Street, Chelsea, occupied by Lady Skipwith, and one hundred pounds additional to the said Penelope Pennington; Mrs. Howard (wife of William Howard, of Sloane Street, Chelsea), one hundred pounds; Mrs. Mary Leigh Bennett (daughter of the Reverend John Leigh Bennett), ne hundred pounds and a diamond ring; Miss Mary Tryon, of Winchester, spinster, one hundred pounds; Miss Ann Tryon, formerly of Hounslow, spinster, fifty pounds; Miss Margaret Burton, of Knightsbridge, spinster, twenty-five pounds; Mrs. Mary Barrett, of Great Yarmouth, widow, twenty pounds; Mrs. Sparrow, wife of a carpenter at Knightsridge, five guineas. To her servants, William Rix and Ann Newborn, she bequeathed twenty pounds each, and one year's wages in addition to what should be due them at the time of her death, together with mourning; to Mary Harbord and Sarah Saxton, two other servants, were bequeathed ten pounds each, one year's additional wages, and mourning. Fifty guineas went to the poor of the parish of Saint Luke's, Chelsea; and Fountain Elwin, of Enfield, was named as residuary legatee. The executors were Fountain Elwin, of Enfield, Major Fountain Elwin, of the Forty-fourth Regiment of Foot, and Hastings Elwin, formerly of Sloane Street, Chelsea.

It is noted at the end of Mrs. Tryon's will that a bequest of twenty guineas to Captain Robert Palmer, of Shrewsbury, had been stricken out. Possibly Captain Palmer had died. It is probable that this was the same Robert Palmer who had been a member of Governor Tryon's Council in North Carolina, as the councilor went to England, as heretofore noted. Palmer, it will be remembered, is also mentioned in the Governor's will. William Pennington, mentioned in Mrs. Tryon's will, was the same who had been Comptroller of Customs at Cape Fear, and had there encountered so much opposition in attempting to execute the duties of his office. In the fashionable English resort at Bath, he was master of ceremonies for some time.

CONCLUSION.

This contribution to the biographical and historical literature of North Carolina is now finished. Many writers there are who could have performed the task more creditably; but, as no one seems to have been moved to such an effort, I have thought it well to put forth what I have been able to learn oi the life of our sometime friend and final enemy. The enmity of Tryon, however — his career in the Revolution — has no direct bearing on the history of North Carolina; and I believe that it was against his personal inclination ever to engage in hostilities against any of the American colonies. Even from a stand-point of policy, if we give him credit for no good qualities whatever, it must be conceded that he had nothing to gain and all to lose by a war between the colonies and their mother country. But when the time came that no man could serve both Britain and America, he chose to array himself in the cause of his own country, and under the banner of his royal benefactor, with feelings, may hap, akin to those voiced in after years by a naval hero who offered the toast, with reference to America:

> "Our country! In her intercourse with foreign nations, may she always be in the right; but our country, right or wrong." In the bloody tribunal of war the cause of independence won, and it may be that Great Britain, as well as America, is better for the separation. This mutual benefit was anticipated by Governor Jonathan Trumbull, of Connecticut, as early as the 23d of April, 1778, when, in his military correspondence with General Tryon, he said: "The British nation may, perhaps, find us as affectionate and valuable friends in peace as we now are determined and fatal enemies, and will derive from that friendship more solid and real advantage than the most sanguine can expect from conquest."

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