

THE WAR OF THE REGULATION

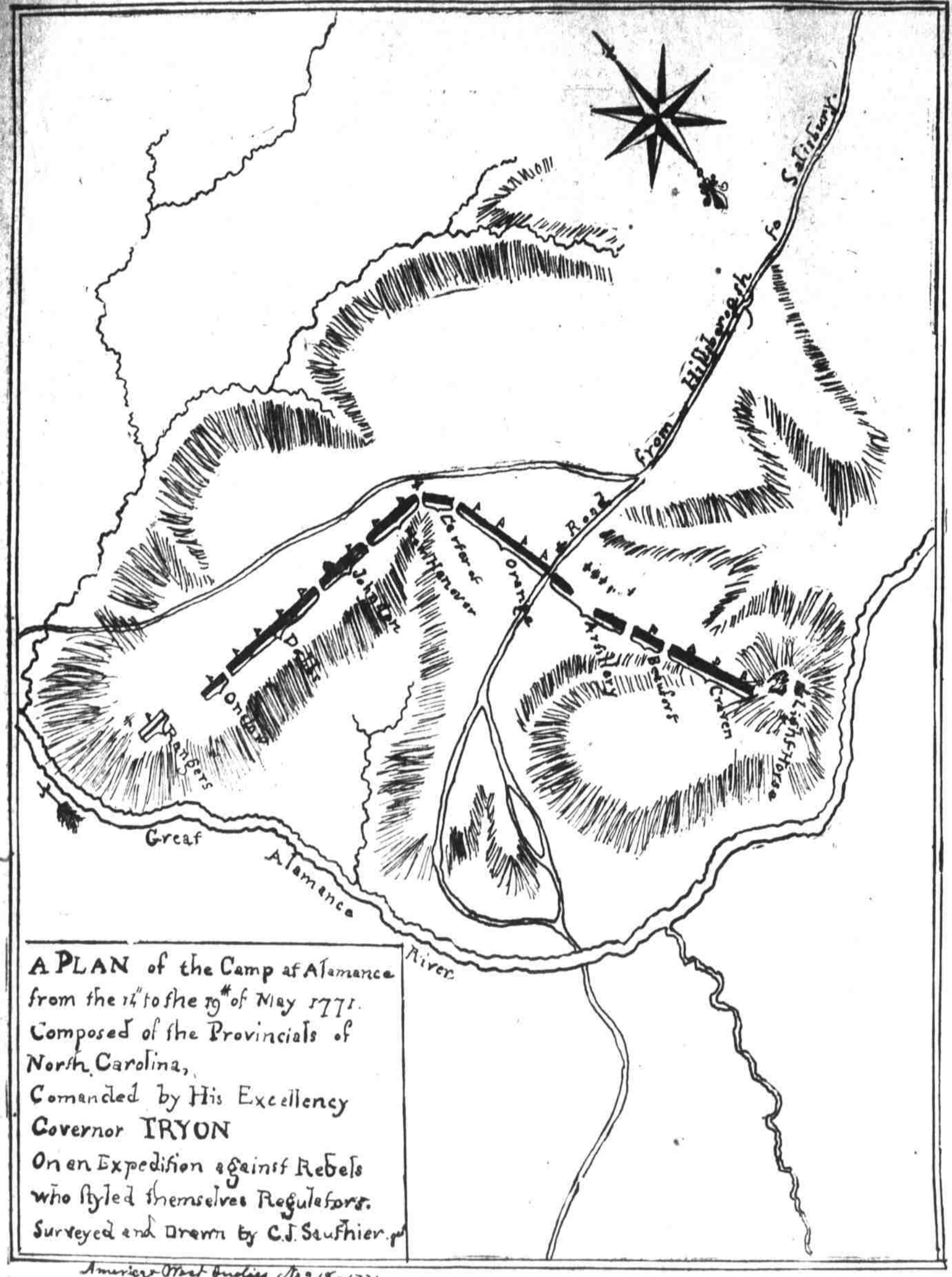
A COMPREHENSIVE SKETCH OF ONE OF THE MOST INTERESTING AND IMPORTANT ERAS IN NORTH CAROLINA HISTORY.
BY COL. FRED A. OLDS.

What is known in North Carolina as the "War of the Regulation" has been a subject of dispute among historians and the general public ever since the time, ante-dating the revolution, at which it occurred, and so there are two factions, holding exactly opposite opinions on this subject; the one declaring that it was a mere insurrection of peasants; that it was due to what may be

movement of the Regulators, a most critical study, declaring that it was not attempted as a revolution, but was more of an uprising of peasants; in other words, a popular upheaval; and at the time when it was crushed had not reached the stage of a revolution, though, had it been more successful, it might have become one. Dr. Bassett declares further that the regulation was not religious in

and in England. After the revolution he was Lieutenant Governor of Nova Scotia and he rose to the high rank of full general in the British army in 1808 and died in London in 1812, enjoying the esteem and admiration of the highest authorities. On the side of the Regulators the leader who was most prominent was Harmon Husband, or Husband, who had come to North Carolina from Pennsylvania and who had been bred a Quaker. While his principles, he declared, did not permit him to be a fighting man, yet they permitted him to foment disaffection and to do a wonderful amount of work. Very recently there has been found at Raleigh an original document, not heretofore published, which throws new light on Husband's career. It is an account of an interview by the late Dr. Eliza Mitchell, of New

England, who came to North Carolina in 1810 as a professor in the State University, with Joseph McPherson, who was present at the battle of Alamance, and who said that he, being on the Regulator side, and unarmed, witnessed the entire action. McPherson informed Dr. Mitchell that Husband was a fire-brand among the people, inciting them to resistance, and that he had a project for paying all taxes in kind and for this purpose warehouses were to be built in each county to which the produce was to be brought and delivered to the King's officers, by which phrase he meant the colonial officials, sheriffs, etc. This plan gave Husband great popularity among the country-folk. Some such system had once prevailed in the colony in regard to the payment of rents, and in years gone by there had been several such warehouses, wharfs the produce was delivered and stored. As the payments were often one of the grievous oppressions complained of by the Regulators, this is probably correct. McPherson is also authority for the statement that the learned and famous Benjamin Franklin and Husband were intimate and perhaps distinctly related; and that they exchanged messages by means of friends passing between Pennsylvania and North Carolina, Franklin sending by them to Husband pamphlets, which were distributed by the latter, who sometimes had them reprinted over his own name, one of these being Franklin's "Summons to Affairs." McPherson is authority for the further statement that both Franklin and Husband had in mind at the time of the separation of the colonies from England, though Husband did not communicate this project to his North Carolina associates so far as known. During the war of the revolution, McPherson states, Husband visited some North Carolinians at Staunton, Va., and told them that the revolutionary struggle was what he intended at the time of the revolution. But no matter whether it be taken as a rebellion against colonial or British authority, after it came the Mecklenburg Declaration of Independence, made in Charlotte, in May, 1775; the battle of Guilford Court House, the success of the American arms, when the people were imbued with the spirit of independence; the battle of King's Mountain, which had a decisive effect upon American success, and lastly, the battle of Guilford Court House, which, claimed as a British victory, was nevertheless a fatal success, and which was the swift and sure precursor of the surrender at Yorktown.



A PLAN of the Camp of Alamance from the 14 to the 19 of May 1771.
Composed of the Provincials of North Carolina,
Comanded by His Excellency Governor TRYON
On an Expedition against Rebels who styled themselves Regulators.
Surveyed and Drawn by C. J. Staufhier.
American State Archives No 2-18-1771

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During the war of the revolution, McPherson states, Husband visited some North Carolinians at Staunton, Va., and told them that the revolutionary struggle was what he intended at the time of the revolution. But no matter whether it be taken as a rebellion against colonial or British authority, after it came the Mecklenburg Declaration of Independence, made in Charlotte, in May, 1775; the battle of Guilford Court House, the success of the American arms, when the people were imbued with the spirit of independence; the battle of King's Mountain, which had a decisive effect upon American success, and lastly, the battle of Guilford Court House, which, claimed as a British victory, was nevertheless a fatal success, and which was the swift and sure precursor of the surrender at Yorktown. The town of Hillsboro had been established in 1759 and it became a few years later the center of the disaffection and the Regulator movement. This movement really originated in the county of Anson, according to the reports made by Col. Fanning to Governor Tryon, and it spread to other counties. As early as 1768 Col. John Ashe, of Wilmington, and his followers had shown their contempt for the British officials by throwing into the Cape Fear river an roasted whole, which the then Governor had provided for a feast and for the purpose of cajoling the militia after they had risen against the government in stamp act times. This movement of Col. Ashe was on a different line from that of the Regulators, and was aimed at resistance to British measures direct. Oother bold spirits, who, like Ashe, became so prominent during the war of the revolution, were associated with him in his efforts to secure self-government by the colonies. But Ashe and the others were to line with the Colonial Assembly; and so it came about that they were in the forces which were embodied by order of Governor Tryon and which marched upon the Regulators.

The Regulators claimed that the sheriff's beat several persons and fired several shots into the house of Col. Fanning, who was out of town. The next day the lieutenant colonel of the Orange militia called a council of his officers, at which it was decided to assemble the militia to guard the town against any further attacks. Of the militia only 120 would appear, so many being in sympathy with the Regulators, but all the officers were present and determined. Fanning hurried to Hillsboro, to take command, and sent a special messenger to the Governor, then at Wilmington, whom he told that the Regulators had arranged to march at least 1,500 men to Hillsboro, May 10, and burn the place if their demands were not granted. He notified the Governor that he had planned to arrest the ringleaders at night, though he admitted that this might hasten the dissonment. In the proceedings of the council of the Regulators, April 25th, it is found that they were visited by a minister who persuaded them to promise not to enter Hillsboro before May 11th, unless the sheriff seized some of their property meanwhile. Fanning told the Governor he could suppress the trouble with the militia of his own county and that he would consider it disgraceful to ask for aid from the outside, but the council of the provinces took a different view and Governor Tryon ordered the militia officers of eight counties to be ready with their troops and notified Fanning that if his presence were needed he would personally go to the scene of horror, this no doubt having been his plan from the very first, as he was a soldier by breeding, and though quite a diplomat and generally very tactful in managing the people, was always ready, as a last resort, to employ force. On the night of May 1st, with a few of the militia, a captain went to the home of Herman Husband, whom he found in bed and carried back to town before any alarm was raised. William Butler, another Regulator of prominence, being also taken. Orders were issued that Husband should be sent to jail at Newbern, as it was feared his followers would free him if kept at Hillsboro. The charge against him was before a justice of the peace, being riot. Husband was politic and by making fair promises induced the officials to allow him to give bail, and Butler was released under the same arrangement. Governor Tryon went to Hillsboro in July, 1768, in an endeavor to settle the dissonment, but failed and returned to Newbern. A month later Fanning notified him that many Regulators had gathered and threatened to burn Hillsboro if their demands were not granted. He immediately called out the militia, and over two hundred appeared in Orange, but the Regulators did not make the attack. The Governor marched to the westward, gathering recruits, these joining him from Rowan and Mecklenburg counties, and on the 14th of August held a review at Salisbury, not far from Charlotte. He made an address at which he stated that a special court to try Husband and others concerned in the recent trouble had been ordered at Hillsboro and that troops were necessary to protect the court, but he would take only volunteers to be accepted for this service. A company volunteered and Tryon then gave it the flag of a regiment, that it should always carry into and bring out of the field the King's colors. The company which thus volunteered was commanded by Alexander Dobbins, who later served on the revolutionary committee of safety and also in the revolutionary army. Things were becoming critical, for upon the arrest of Husband the Regulators rose in great numbers. They had no military training and an old Scotchman of seventy years, who had been in the English army, was chosen their leader. They went to Hillsboro in great force and their claim was that the officials there became frightened and set the prisoners, Hunter and Husband, free while the Regulators were in a few miles of the town and that Fanning went out to meet the Regulators, taking with him rum and wine and wading the End river, in the



The Court House at Hillsboro.

declared that the people would pay no taxes and would not let the sheriffs come among them. They also claimed that the county officers practiced extortion. Fanning, the clerk of the court of Orange county at Hillsboro, was charged with gross extortion; and finally a number of the people combined and raised a fund to prosecute him, there being conviction in six cases at a term of court at which Governor Tryon was present. In 1768 Fanning declared that he charged only what the fee bill allowed. These cases went to England for review by the highest court there. As this wishful intent was lacking, only a small fine was imposed on Fanning, and the people were led to believe that the judges connived at the action of Fanning and that there would be no relief. In England the authorities sustained Fanning's contention and he went out free. The Regulators and their sympathizers were in fact awaiting the results of these suits and had the latter been successful the same course would have been taken in other counties. Some years before, in 1759, protests were sent to the Legislature and the Council of the Colony, by the tenants of Lord Granville's territory in North Carolina. The people who thus went to Edenton and seized Corbin gave him his liberty only upon his giving bond for 1,500 pounds, with eight sureties, for his good behavior in the future. The Governor did not take official notice of this act; it was said because one McCulloch, who was one of the friends, was engaged in his commission. The immunity of the mob in this and other proceedings of a similar nature emboldened the people to act for themselves. In 1768 the western part of the province was divided into four great counties, Anson, Mecklenburg, Rowan and Orange; and about that time affairs in Orange and in Anson became serious. In Anson a mob assembled and broke up the county court, driving out the lawyers, Governor Tryon issuing a proclamation commanding the rioters to disist and promising that any officer guilty of dishonest practices should be held to account for the same. The Regulators had a strong association in Anson, each member being required to swear that he would pay no taxes and that if the property of any of his fellows was taken for non-payment of taxes it should be forcibly re-taken; that there should be a rescue of any Regulator held a prisoner, and that fines of other expenses put by the government upon any Regulator should be shared by all the association. In April, 1768, the situation in Orange county likewise became so alarming that the council met, urged the Governor to put the militia on duty and issue a proclamation against the unlawful gatherings of Regulators, and Governor Tryon prepared this proclamation and sent it in to the county of Orange by his aide, Capt. Isaac Edwards. On the 8th of April the rioters, as the Governor termed them, about 100 strong, went to Hillsboro and took the sheriff's house which he had seized for taxes, tied the sheriff, beat several persons and fired several shots into the house of Col. Fanning, who was out of town. The next day the lieutenant colonel of the Orange militia called a council of his officers, at which it was decided to assemble the militia to guard the town against any further attacks. Of the militia only 120 would appear,

termed the agrarian feeling and that it really had no bearing upon the great revolutionary movement which began four years later and that it involved entirely different principles and had a different purpose. Such is the view-point of a number of persons who have made a study of the trouble, with all the wealth of material before them afforded by the great publication known as the North Carolina Colonial Records, while others who have made the same study take the view of the matter of the people of the State, that the Regulator movement was the precursor of the revolution and that the battle of the Fort Sumner upon the hearing upon that the firing upon Fort Sumner upon the great civil war movement of 1860-61. Others again regard the Regulator movement as important in its bearing upon the revolution but rank it as being perhaps parallel to the John Brown raid as leading to the civil war. Thus, in brief, the various views are given. The earlier accounts none of which were written very largely based upon tradition, and the bitterness of the spirit against anything British is very clearly manifested in many of these writings; that spirit having continued high until far along into the last century.

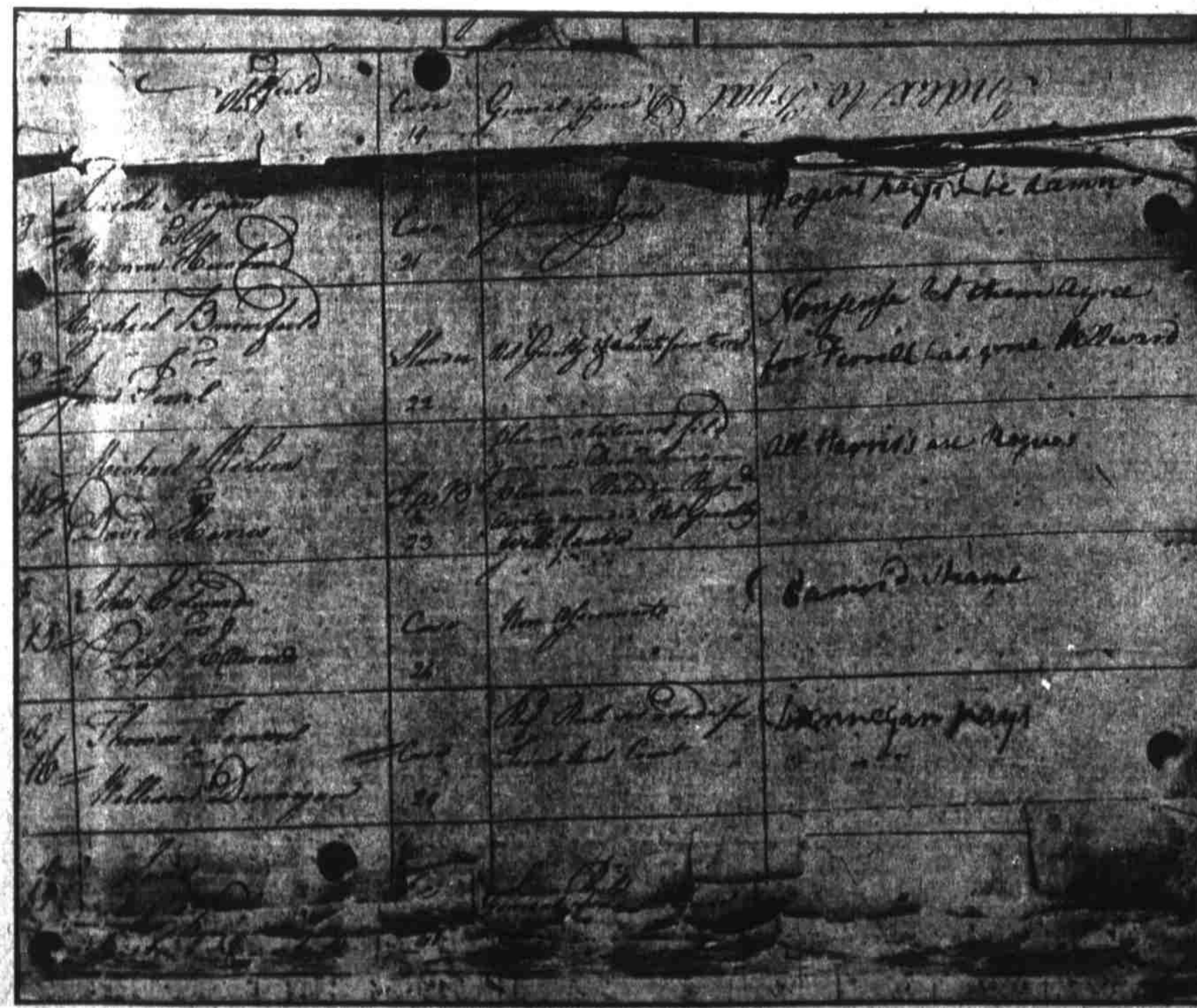
character, but was economic and political, and he supports this view by a statement that at least four of the five leading denominations in the disaffected district opposed it, including the Episcopal, Presbyterian, Baptist and Quaker. There was then no Methodist organization in that region. Yet among those who defend the regulation and who hold that it was a movement which had a vital effect upon the tragic and far-reaching events that soon followed, there is a deep-seated belief that it was a keynote to the American Revolution. This view is combated by the other



Col. Edmund Fanning. side, who urge upon the evidence that it was entirely a rebellion against the colonial government and not against Great Britain; in other words, a defiance in greater or less degree of the laws of the Colony of North Carolina, made by the North Carolina Assembly, composed of Representatives elected by the people themselves. It was an insurrection against North Carolina laws and not against the laws for Parliament or the acts of British officials, and in the forces which marched against the Regulators there were no British troops, but only the colonial militia Governor Tryon, who commanded in person,

gan to impose burdens on the colonists and the French being put down, all fear from that source was ended and the people were left free to consider what they regarded as the oppressions of the English government. The oppressions were felt most keenly by the people who had long before settled in the eastern third of the State, along the maze of sounds and rivers which mark that section, and there it was that early movements for organized resistance began. The people who had poured into this middle section of the State had additional grievances of a local nature and there were grievous imposition and extortions practiced upon them by these local officials. The movement of the people into that section had begun on a large scale about 1740, great numbers of Scotch-Irish and Germans going there from Pennsylvania. These lived in a great degree in the fashion of frontier life, practically all being farmers. Some lived 200 miles from any market where they could sell their produce, and they could not get ready money to pay their taxes, and the sheriffs would seize their property and oppress them.

There were two central figures in the Regulator movement, on the respective sides, one of these being Col. Edmund Fanning, a native of New York State, who graduated at Yale University in 1757. He has gone down into history until the past few years as the personification of cruelty, fraud and villainess, and it is certain that the regulators regarded him as the head-centre of all to which they were opposed. Yet on the 25th of January, 1771, the Colonial assembly, composed of the representatives of the people at Newbern, declared the charges made against Fanning to be both malicious and false. His courage has been questioned, but when Governor Tryon, after his departure from North Carolina and when Governor of New York, appointed Fanning to a very responsible position, he said that this was largely because of the good behavior of Fanning under fire during the battle with the Regulators on the Alamance in 1771. Fanning was the colonel of the Orange county regiment and had 300 men under him at the battle and Governor Tryon stated that by his brave example he had much contributed to the success of the day. Fanning must not be confounded with the notorious Tory and outlaw Fanning who was a man of learning and was the recipient to a very remarkable degree of honors from colleges in this country



A Page From the Court Records at Hillsboro, Showing Flippant Entries Made by the Regulators.