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“Making a considerable Tumult in the Streets”: Protest and Place in the North Carolina Regulation

BY JAMES J. BROOMALL

Shouting throngs of protesters broke Hillsborough, North Carolina's normal calm in the final days of September 1770. On Tuesday the twenty-fifth, a band of more than one hundred North Carolina Regulators gathered around the area of King Street near the center of town. The group quickly descended upon the mansion house of Edmund Fanning, a prominent political figure accused of corruption by the Regulators. As tensions mounted the sounds of shattering glass and splintered wood were heard echoing through the air. Using axes and other instruments, the large crowd broke into the home and began emptying its contents. The surrounding lawn and packed-dirt street filled with broken furniture, articles of clothing, scattered papers, and empty bottles. After Fanning's possessions were either destroyed or carried away, the Regulators turned their attention to the building itself. Once again using their axes and assorted implements, they “pulled down and laid...in ruins” the structure.¹ In this moment of magnitude, the Regulators' cries of protest against malfeasance transformed into a defiant act of violence, which turned the private home of Edmund Fanning into the center of a public protest.

Between 1765 and 1771 the North Carolina backcountry was embroiled in social upheaval. Early vocal protests in 1765 and 1766 were limited to Granville and Halifax counties; yet, these beginning rumbles of protest launched a storm in the summer of 1766. In August, Herman Husband and other radical Protestants living in Orange County formed the Sandy Creek Association to alleviate corruption among local political figures and motivate farmers to join together in alliance. Husband, a prosperous backcountry farmer originally from Maryland, emerged as a key critic of local government and merchants who, in his mind, had unjustly treated indebted customers. By 1768, the Sandy Creek Association transformed into a more radical political alliance known as the “Regulators.”² It has been estimated that an excess of 8,000 North

¹ Richard Henderson to William Tryon, 29 September 1770, in William S. Powell, James K. Huhta, and Thomas J. Farnham, eds., *The Regulators in North Carolina: A Documentary History, 1759-1776* (Raleigh: State Department of Archives and History, 1971), 244-253; hereinafter cited as *RD*. See also, *Virginia Gazette* (Williamsburg), 25 October 1770.

² For the most thorough and comprehensive history of the North Carolina Regulation to date see Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: The University of North Carolina Press, 2002). See also, John S. Bassett, “The Regulators of North Carolina 1765-1771,” in *Annual Report of the American Historical Association for the Year 1894* (Washington D.C.: American Historical Association, 1895); William S. Powell, “The War of the Regulation and The Battle of Alamance, May 16, 1771,” (Raleigh: Division of Archives and History, North Carolina Department of Cultural Resources, 1975); Marvin L. Michael Kay, “The North Carolina Regulation, 1766-1776: A Class Conflict,” in Alfred F. Young, ed., *The American Revolution: Explorations in the History of American Radicalism* (DeKalb: Northern Illinois University Press, 1976); James P. Whittenburg, “Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation,” *William & Mary Quarterly* 3rd series, 34 (1977); Wayne E. Lee, *Crowds and*

Carolínians joined this cause either through formalized oath or implicit support.³ Farmers represented the vast majority of participants and were drawn mainly from middling and lower social tiers.

As the protest grew in numbers its geographic coverage spread. By the late 1760s, Orange County was joined in dissent by Anson and Rowan counties. Regulators and their supporters used the court systems, printed advertisements and newspaper articles, extralegal action, and collective violence to voice concerns over the corruption of officials, heavy regressive taxes that favored the wealthy, and the construction of a royal mansion in the capital city of New Bern.⁴ The Regulators' influence was felt well into the American Revolution and beyond; but the movement largely ended on the fields surrounding Alamance Creek in a pitched battle between Regulators and Governor Tryon's army of militia forces on May 16, 1771.

The North Carolina Regulation has attracted a great deal of scholarly attention resulting in four central arguments.⁵ First, many historians—especially in the 1940s and 1950s—characterized the Regulator movement as a sectional dispute between the eastern and western regions of North Carolina. Commonly emphasizing differences within the state, this interpretation directly contrasts the established aristocratic families of the east to the “frontier” farmers of the west. The second main argument stems from the Progressive tradition, which held a class-oriented view of the Regulation enumerating discrepancies in accumulated wealth between Regulators and anti-Regulators. This broad view differs from a more narrow interpretation that views the Regulation as an attempt to resolve a specific set of localized grievances. Many scholars in this third camp explicitly divorce the Regulation from the larger imperial struggle of the American Revolution. Finally, in recent years, works strongly influenced by social and cultural history have offered intriguing from-the-ground-up interpretations of the Regulation predicated on, specifically, investigations of religious ideology and social customs.

Each of these works, while presenting nuanced and original arguments, can be connected by a similar framework that posits economics and ideas as foundational causes for the Regulation. Such foci, while significant underpinnings, will not frame this argument. Rather, by using physical landscapes, objects, and architecture as the central forms of evidence, this work

Soldiers in Revolutionary North Carolina: The Culture of Violence in Riot and War (Gainesville: University Press of Florida, 2001).

³ Kay, “The North Carolina Regulation, 1766-1776,” 73. The protestors' names have been passed down through time by way of signatures. These names appear on sorted documents issued by Regulators during the course of their protest—scholars have documented between 796 and 883 names depending on methodological practices. In researching the Regulation three scholars compiled independent lists of known Regulators derived mainly from petitions—Elmer Johnson lists 883 names while James Whittenburg finds 796; Marvin Michael Kay's findings collaborate Johnson's research according to Kay. For a thorough list see, Elmer D. Johnson, *The War of the Regulation: Its Place in History* (M.A. thesis, University of North Carolina at Chapel Hill, 1942), 155-173. A discussion of these lists—which were never formally published—is found in James P. Whittenburg, “Backwoods Revolutionaries: Social Content and Constitutional Theories of the North Carolina Regulators, 1765-1771,” (Ph.D. diss., University of Georgia, 1974), 252, n.7 and Kay, “The North Carolina Regulation, 1766-1776,” 105.

⁴ Pauline Maier makes the careful distinction between *extra-institutional* and anti-institutional actions. I interpret her words to mean that *extra-institutional* acts exist within the confines of socially sanctioned behavior and, as such, do not attempt to overthrow social systems. Pauline Maier, *From Resistance to Revolution: Colonial radicals and the development of American opposition to Britain, 1765-1776* (New York: W.W. Norton & Company, 1991). An example of these distinctions is found on page 5.

⁵ George R. Adams' 1972 historiographical examination of the Regulation is extremely thorough. George R. Adams, “The Carolina Regulators: A Note on Changing Interpretations,” *North Carolina Historical Review* 49 (1972): 345-352. See also Alan D. Watson, “The Origins of the Regulation in North Carolina,” *The Mississippi Quarterly* vol. XLVII, no. 4 (Fall 1994): 567-598.

contends that the North Carolina backcountry's material world played an essential role not only to the Regulation's origins but also in how the Regulators launched their most pointed protests. The Regulators viewed material culture as cultural expressions. Therefore, in the town attacks on Hillsborough and the threats against Tryon Palace, the Regulators found concrete, physical targets to voice their anger against the accumulation of wealth through corruption and the oppressive practices of local government.⁶ While several scholars have acknowledged both the importance of towns and Tryon Palace to the Regulation, few have considered how physical landscapes and material culture shaped and directed this protest.

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During the eighteenth century the southern backcountry emerged as a significant geographic locale, which influenced and redefined colonial social and economic relationships. The influx of diverse peoples, the development of towns, changing economic conditions, and the redefinition of political positions and relationships each contributed to larger shifts.<sup>7</sup> North Carolina occupied a pivotal place both geographically and socially in the backcountry.<sup>8</sup> In 1751, North Carolina royal governor Gabriel Johnston noted, "Inhabitants flock in here daily, mostly from Pensilvania and other parts of America, who are overstocked with people and some directly from Europe."<sup>9</sup> Johnston's observation marked the beginning of a population explosion that the Carolina frontier experienced between 1750 and the time of Regulation. In 1754, the western counties had a taxable population of roughly 2,000, which increased to 10,500 in 1767. In 1753, there were 22,605 taxables colony wide and the total for 1769 was 52,151.<sup>10</sup>

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<sup>6</sup> Folklorist and historian Robert Blair St. George argues that symbolic actions are forms of "expressive culture" that act as societal "communicative processes." So, the house attack against Edmund Fanning detailed at the beginning of this work was a highly symbolic form of action that, while physically destructive, communicated an important component of the Regulators' protest against accumulated wealth by North Carolina's few. Robert Blair St. George, *Conversing by Signs: Poetics of Implication in Colonial New England Culture* (Chapel Hill: The University of North Carolina Press), 2.

Given the potential dimensions of this argument a definition of material culture analysis, as applied here, is required given its many meanings and forms for different scholars. This work will limit the direct use of surviving artifacts but draw extensively from written accounts of the eighteenth-century material world with a careful consideration of the roles that buildings and landscapes—their uses and perversions—played in the Regulation. For instance, by juxtaposing the private home of Edmund Fanning against the very public house attack outlined above, an object forms a component of the analysis expressing potential fluidity in meaning and form.

<sup>7</sup> The term backcountry has a long and conflicted past. For an excellent discussion of this controversy and the evolution in thinking see Robert D. Mitchell, "The Southern Backcountry: A Geographical House Divided," in *The Southern Colonial Backcountry: Interdisciplinary Perspectives on Frontier Communities*, eds., David Colin Crass, Steven D. Smith, Martha A. Zierden, and Richard D. Brooks (Knoxville: The University of Tennessee Press, 1998), 1-35. While the geographic boundaries of the backcountry are still under discussion, variants on the term "backcountry" are found in many eighteenth century writings to describe the region in question—contemporary scholars place the North Carolina piedmont well within the confines of the eighteenth century backcountry; therefore, this author will employ the term with a clear conscience.

<sup>8</sup> Drawing from census data and other records Robert Mitchell estimates that between the 1720s and 1780s roughly "380,000 settlers occupied the piedmont and valley regions of Maryland (62,000), the valley region of Virginia (140,500), and the piedmont regions of the Carolinas (110,500 in North Carolina, 55,000 in South Carolina) and Georgia (12,000)."

<sup>9</sup> Letter to Secretary of Board of Trade from Gabriel Johnston, 1751, in Walter Clark, ed. *The State Records of North Carolina*, IV (Winston and Goldsboro: State of North Carolina, 1895-1907), 1073; hereinafter cited as *CRNC* or *SRNC* depending on year.

<sup>10</sup> Harry Merrens offers excellent comments concerning the problems of population estimates in colonial North Carolina. The colony did not have a complete population census until the first national census of 1790. The first complete list of taxables is found in 1753 with another in 1769; see Merrens, 53, 194-202, 218; on population

The region's new inhabitants—mostly of English, German, Scotch-Irish, and Scottish Highlander descent—quickly transformed the vast expanses of land in the Piedmont through farming, the central occupation of most families.<sup>11</sup> Tobacco, hemp, flax, wheat, and corn flourished in the region's rich soil. North Carolina Governor Arthur Dobbs wrote in 1754, that settlers “take up lands... with a view to cultivate and improve them, as fast as they can, all the back settlers being very industrious.”<sup>12</sup> The colonists' very survival required radical transformations in the landscape. The seasonal cycles of clearing, plowing, sowing, and harvesting were massive investments of time and energy. Backcountry farmers, according to historian Marjoleine Kars, were “less likely than their eastern counterparts to use enslaved workers.”<sup>13</sup>

Small family farms were essential social and economic units in North Carolina. The predominance of this mode of living is reflected in one estimate that maintains North Carolina was approximately ninety-five percent rural.<sup>14</sup> Such social patterns created a distinct character that became physically manifest. Warren Hofstra writes that what is striking about the eighteenth-century backcountry is “what it was not.”<sup>15</sup> The sprawling landscape of the backcountry did not include the grand homes found on the eastern shore. Most of the buildings were modest dwellings, one to one and half stories in height, and constructed of hewn timber.<sup>16</sup> Large quantities of land were available and industrious families could amass sizable holdings. Individuals like Herman Husband quickly controlled enough land to rival some of the largest eastern seaboard plantations.<sup>17</sup>

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growth in eighteenth century North Carolina, see also, Hugh T. Lefler and William S. Powell, *Colonial North Carolina: A History* (New York: Charles Scribner and Sons, 1973), 88-112; information concerning the population in the backcountry is found in Kay, “The North Carolina Regulation, 1766-1776: A Class Conflict,” 79. Herman Husband noted in 1771 that five to six hundred families moved into the backcountry each season. Herman Husband, *A Fan for Fanning, and a Touchtone to Tryon, Containing An Impartial Account of the Rise and Progress of the So Much Talked of Regulation in North Carolina* (Boston, 1771), in William K. Boyd, ed., *Some Eighteenth Century Tracts Concerning North Carolina* (Raleigh, N. C.: Edwards & Broughton Company, 1927), 343; according to Herman's figures the number of backcountry *families* would have increased to 6,500-7,800. The actual number of taxable *individuals* increased by 8,500 making his estimates relatively accurate.

<sup>11</sup> Kars, 18-22.

<sup>12</sup> Letter from Arthur Dobbs to the Board, 9 November 1754, *CRNC*, volume V, 149.

<sup>13</sup> Kars, 21. See also Kay, “The North Carolina Regulation, 1766-1776,” 79. James Whittenburg observes that for the backcountry's wealthiest ten percent slavery was quite significant. Whittenburg, “Planters, Merchants, and Lawyers,” 224-225. Governor Dobbs noted in 1754, that settlers “take up 5 or 600 acres to accommodate 2 or 3 families together in the same grant.” Letter from Arthur Dobbs to the Board, 9 November 1754, *CRNC*, volume V, 149; an excellent discussion of the ecological consequences of this transformation in New England is found in William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983).

<sup>14</sup> Catherine W. Bishir, et al., *Architects and Builders in North Carolina: A History of the Practice of Building* (Chapel Hill: University of North Carolina, 1990), 49 and 102. See also Lefler and Powell, 151.

<sup>15</sup> Warren R. Hofstra, *The Planting of New Virginia: Settlement and Landscape in the Shenandoah Valley* (Baltimore: The Johns Hopkins University Press, 2004), 151.

<sup>16</sup> Bishir, et al., 19. See also Frances B. Johnston, *The Early Architecture of North Carolina* (Chapel Hill: The University of North Carolina Press, 1941), 173-179. On the architecture of the capital city and major port of New Bern see Peter B. Sandbeck, *The Historic Architecture of New Bern and Craven County, North Carolina* (New Bern: Tryon Palace Commission, 1988).

<sup>17</sup> Hermon Husband patented 10,948 acres of land in Rowan and Orange counties; he later invested in a gristmill (the mill is marked on Abraham Collet's *A Compleat Map of North Carolina 1770*); for information on Husband's land acquisitions see A. Roger Ekirch, “*Poor Carolina*”: *Politics and Society in Colonial North Carolina, 1729-1776* (Chapel Hill: The University of North Carolina Press, 1981), 166-168; Mark Jones Haddon,

With the rise of North Carolina's western populations came towns, the creation of counties, and the establishment of court systems. Emerging backcountry communities such as Hillsborough and Salisbury included among their population significant numbers of merchants and individuals of some monetary means; with these people came stores and taverns.<sup>18</sup> Hofstra has offered a compelling argument for the interaction between town and country in the Shenandoah Valley during the eighteenth century. He stresses that rather than operating in isolation or even contention of each other, town and country were inextricably linked.<sup>19</sup> The essence of this argument applies to North Carolina as well: backcountry farmers required courts to settle disputes, markets to distribute produce, and stores to sell non-local items. Yet, in the late 1750s and early 1760s, perceived and real corruptions within these systems produced tension between rural farmers and townspeople who increasingly held centralized power.

The escalating number of people in the Piedmont brought significant economic and social changes to the region. Historian A. Roger Ekirch contends that North Carolina society was increasingly stratified by the middle decades of the eighteenth century.<sup>20</sup> This wealth materially transformed the landscape with the rise of towns and the construction of stores and private homes of some refinement although still modest as compared to the East.<sup>21</sup> Salisbury, the county seat of Rowan County situated roughly one hundred miles from Hillsborough in the southwestern Piedmont, provides an instructive example of this process. Governor Dobbs described this community in 1755 as consisting of a "Court House...and 7 or 8 log Houses."<sup>22</sup> Just seven years later Salisbury's population numbered 150 inhabitants, while the town hosted numerous craft shops and taverns, and thirty-five homes.<sup>23</sup>

Towns like Hillsborough exemplified a similar process. Hillsborough officially was established as the seat of government for Orange County in 1757 and incorporated in 1759.<sup>24</sup>

"Herman Husband: Millenarian, Carolina Regulator, and Whiskey Rebel," (Ph.D. diss., Northern Illinois University, 1983), 73-75.

<sup>18</sup> Daniel B. Thorp, "Doing Business in the Backcountry: Retail Trade in Colonial Rowan County, North Carolina," *William and Mary Quarterly*, third series, vol. 48 issue 3 (July 1991): 387-408; Kay, "The Institutional Background to the Regulation in Colonial North Carolina," Chapter XV.

For a discussion of the backcountry and economy see Merrens, 162-172; Kenneth E. Lewis, "Economic Development in the South Carolina Backcountry: A View from Camden," in *The Southern Colonial Backcountry: Interdisciplinary Perspectives on Frontier Communities*, eds., David Colin Crass, Steven D. Smith, Martha A. Zierden, and Richard D. Brooks (Knoxville: The University of Tennessee Press, 1998), 89-95; Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (Published for the Omohundro Institute of Early American History and Culture by Chapel Hill: The University of North Carolina Press, 1990); Ekirch, 27-29, 178-182; Warren Hofstra offers an extremely thoughtful work dedicated mainly to the Virginia backcountry. Hofstra, especially 1-11.

<sup>19</sup> Hofstra, 2-5.

<sup>20</sup> Ekirch, especially 25-31.

<sup>21</sup> Peter Sandbeck notes "Continued prosperity enabled New Bern's builders to produce during the 1770s and 1780s some of the finest academic Georgian residences found in the state." Sandbeck, 7.

<sup>22</sup> Letter from Governor Dobbs to the Board, *CRNC*, V, 355.

<sup>23</sup> Kars, 17-18, quote on 18. For a detailed discussion of the migratory movements see the following: Merrens, 53-81; Mitchell, 13-21; Lefler and Powell, 98-112.

<sup>24</sup> For a general discussion of the town during this period see Francis Nash, *Hillsboro: Colonial and Revolutionary* (Raleigh: Edwards and Broughton, 1903). An official act of government leading to the demarcation of land occurred in 1754; "Hillsborough" was the fourth and final name for the settlement. Hillsborough was called Childsburg, Churton, and Corbinton before assuming its current name. The spelling of this community varies as well. "Hillsboro" and "Hillsborough" are, of course, one in the same. Throughout this paper I will use the current spelling Hillsborough.

Since the land grant of 1665, almost the entire northern half of the colony of North Carolina was part of the Granville District. By the time of the Regulation this district was the last remnant of the original land proprietary system that shaped the colony's structure in the late seventeenth- and early eighteenth-century.<sup>25</sup>

Hillsborough's layout speaks not only to the desires of the town's designers but also more broadly to eighteenth-century thinking. Carefully planned, the emerging towns and cities in eighteenth-century America were the culmination of social and psychological processes.<sup>26</sup> Many town designs reflected the layout of pre-existing cities. Such models were arranged in geometric squares and straight lines; the neatly organized streets and town blocks embodied an emerging Georgian worldview. Scholar Richard Bushman contends that city plans experienced a transformation during the latter-half of the seventeenth century. Symmetrical designs replaced the unorganized, organic, and rather haphazard development of medieval European towns and cities.<sup>27</sup> It is apparent that Hillsborough followed the precedent set by larger colonial communities through its reliance on balance and order.

A 1768 map of Hillsborough drawn by Swiss engineer and cartographer Claude Joseph Sauthier and the subtle remains in our current age of an older town plan offer opportunities to recreate the townscape. Two intersecting roads, King and Churton streets, form the center of Hillsborough and mark the town's public sphere.<sup>28</sup> This area held all of the town's most important public and civic buildings: the courthouse, a market house, and the jail. Among them, the market and courthouse occupied prominent places of visual importance signaling that a

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

Orange County itself was established in 1752, one of five new counties created between 1750 and 1754. Located in north-central North Carolina, this area is part of the larger Piedmont region. The shift from the coastal plain to the Piedmont must be described as a zone of transition since there are no rigidly defining geological features. Merrens, 39-41.

<sup>25</sup> Merrens, 24-31; See also Robert Ramsey for a discussion of the larger piedmont region stretching from Pennsylvania south into Virginia. Robert W. Ramsey, *Carolina Cradle: Settlement of the Northwest Carolina Frontier, 1747-1762* (Chapel Hill: The University of North Carolina Press, 1964), 3-9. William S. Powell asserts that the name Orange was probably derived from the infant William V of Orange (1748-1806) instead of William III, King of England who died in 1702; William III was of the House of Orange. William S. Powell, *The North Carolina Gazetteer: A Dictionary of Tar Heel Places* (Chapel Hill: The University of North Carolina Press, 1968), 364-65. During the American Revolution the property belonging to the Earl Granville was confiscated, thus ending the family's control of the land. William S. Powell, *North Carolina Through Four Centuries* (Chapel Hill: University of North Carolina Press, 1989), 84-86.

<sup>26</sup> French sociologist Henri Lefebvre advanced the argument that "everything that there is *in space*, everything that is produced either by nature or by society," is constructed through co-operation and conflict. Henri Lefebvre, *The Production of Space*, trans., Donald Nicholson-Smith (Malden, MA: Blackwell Publishing Ltd, 1991), 101. See also, Dell Upton, "The City as Material Culture," in Anne Elizabeth Yentsch and Mary C. Beaudry, eds., *The Art and Mystery of Historical Archaeology: Essays in Honor of James Deetz* (Ann Arbor: CRC Press, 1992).

<sup>27</sup> Richard L. Bushman, *The Refinement of America: Persons, Houses, Cities* (New York: Vintage Books, 1993), 140-143.

<sup>28</sup> While the intersection is centrally located in the town, the square itself is placed to the southeast. In the sense of regular geometric alignment Hillsborough's town plan does not conform to the traditionally central town square.

prominent seat of power was located in Hillsborough.<sup>29</sup> Pronounced features on the landscape such as snake-rail fencing, carefully planted gardens of practical and ceremonial purpose, and neatly cleared lots represented both functional acts and deeply embedded social customs.<sup>30</sup>

Land usage and lifestyles in Hillsborough contrasted with the practices of farmers in the surrounding areas. This point is no small matter and speaks directly to the significance of the backcountry's material development as related to escalating social tensions. Writing in 1767, Governor William Tryon asserted that the act establishing Hillsborough "will tend much towards the increase of settlement of that part of the back country, as well as to civilize the inhabitants thereof."<sup>31</sup> In this pronouncement Tryon suggested that physical space could literally transform people.<sup>32</sup> By imposing order on the "untamed" elements of the backcountry, settlers could enjoy a society more akin to the eastern seaboard. But, contrasting views over modes of living and land usage created differing opinions about the character and shape of the backcountry. For instance, regulations imposed on the Hillsborough townspeople, such as the 1766 ordinance prohibiting geese and hogs, ran afoul of farmers' practices. Backcountry farmer and later Regulator John Miles had an estate that included eight geese, fourteen hogs, eleven sheep, and two horses. These animals, vital to his livelihood, shaped the physical arrangement of Miles' property.<sup>33</sup> For residents of Hillsborough, legal dictates, demarcated land plots, and evolving social custom shaped the parameters and form of their constructed environ. These factors, coupled with the presence of prominent buildings, separated Hillsborough and similar backcountry towns from the rural farmsteads, mills, and taverns dotting the countryside.

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

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<sup>29</sup> Henri Lefebvre contends "Visible boundaries, such as walls or enclosures in general, give rise for their part to an appearance of separation between spaces where in fact what exists is an ambiguous continuity." Lefebvre, 87.

<sup>30</sup> For a treatment of the role of fences in English law and custom see Patricia Seed, *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640* (Cambridge: Cambridge University Press, 1995), 19-31. Fences—while holding symbolic functions—served pragmatically to keep livestock outside of a person's yard. It appears that roaming hogs and geese posed enough trouble to warrant legal action. A law from 1766 pertaining to Hillsborough stated, "And whereas, the allowing of hogs and geese to run at large in the said town, is found to be a great nuisance to the Inhabitants; be it Enacted... That none of the Inhabitants of the said town shall... suffer any of their hogs or geese to run or be at large within the bounds of the said town." Laws of North Carolina, 1766, Chapter XV, *SRNC*, 502. The practice of fencing yards rather than animals is discussed in an excellent study of agriculture and society in seventeenth century Maryland. See, Lois Green Carr, Russell R. Menard, and Lorena S. Walsh, *Robert Cole's World: Agriculture & Society in Early Maryland* (Williamsburg, VA, Published for the Institute of Early American History and Culture by the University of North Carolina Press, Chapel Hill, 1991), 36-37.

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

<sup>32</sup> Henri Lefebvre, summarizing Marxist theory noted, "merely to note the existence of things, whether specific objects or 'the object' in general, is to ignore what things at once embody and dissimulate, namely social relations and the forms of those relations." Lefebvre's work concerning the production of space was highly influential when considering the potential meaning of statements such as that by Governor Tryon. Further, Lefebvre argues for the overarching impact and importance of objects and space when analyzing a particular time period or place. Lefebvre, 81.

<sup>33</sup> "A true Inventory of the Goods & Chattles of John Miles," in Orange County, "Inventories and Accounts of Sale," 1756-1785, North Carolina State Archives, Division of Archives and History, Raleigh, NC; hereinafter cited as NCSA.

prominent.”<sup>34</sup> Indeed, lawyers, merchants, doctors, and political officials began populating the town, thereby transforming the backcountry community into a realm of centralized power. The aristocracy’s choice to live within town limits connects to broader shifts in colonial Americans’ living patterns. In these new housing patterns the gentry increasingly were withdrawn from daily, face-to-face interactions with society’s lower sorts.<sup>35</sup>

Prominent Hillsborough residents such as William Johnston, James Thackston, and Francis Nash owned single lots or a series of town plots. These men were socially upward and held positions of notable power. Johnston and Thackston operated a large store in Hillsborough and were members of a highly influential group of merchants. Nash, also a merchant, owned a block of six lots in the lower corridor of Hillsborough as well as other scattered plots throughout town.<sup>36</sup> The influence of the men in Hillsborough and other areas was far reaching producing substantial changes. Scholar James P. Whittenburg tracks concrete shifts in the power dynamics of the Carolina backcountry. He writes, “Whereas in the 1750s planters had dominated local government, in the 1760s and 1770s lawyers and merchants held the upper hand.”<sup>37</sup> The majority of such men were located in the realms of power—towns.

Most important to our unfolding story is the home of Edmund Fanning—a highly educated and wealthy lawyer who was close friend of Tryon and held numerous political offices. Fanning had large property holdings in Hillsborough including the entire northwest block of Churton Street and King Street—minus one lot—and a substantial dwelling.<sup>38</sup> Little is known about the appearance of Fanning’s home but scattered evidence allows some details to emerge. Richard Henderson refers to the structure as a “Mansion House” suggesting a building of some size and scale.<sup>39</sup> We also learn from Henderson that it was at least two stories in height and of timber-frame construction.<sup>40</sup> A North Carolina law from 1766 provides further details about materials and form. The law required that every building in Hillsborough conform to particular guidelines: anyone who shall “erect, build, and finish, on each lot so entered one brick, stone, or frame house, at least twenty feet long, sixteen feet wide, and nine feet pitch in the clear, with

<sup>34</sup> Whittenburg, “Backwoods Revolutionaries,” 164. See also, Mary Claire Engstrom, “Early Quakers in the Eno River Valley, ca. 1750-1847,” in *Eno: The Association for the Preservation of the Eno River Valley* (Durham, NC, printed by McNaughton & Gunn, Ann Arbor Michigan, 1989).

<sup>35</sup> See Nash, 11-12 and 27-28. For a larger discussion of this trend across colonial America see Bushman, chapters I and IV; and Fraser D. Neiman, “Vernacular Domestic Architecture in Eighteenth-Century Virginia,” in Dell Upton and John Michael Vlach, eds., *Common Places: Readings in American Vernacular Architecture* (Athens: The University of Georgia Press, 1986), 292-314. See also, Thompson, *Customs in Common* (New York: The New Press, 1991), 42-49.

<sup>36</sup> Engstrom’s Map of Hillsborough and C. J. Sauthier, “Plan of the Town of Hillsborough,” 1768, NCSA.

<sup>37</sup> James P. Whittenburg, “Planters, Merchants, and Lawyers,” 222-225.

<sup>38</sup> This area contained lots 21 through 35; Sheriff John Nichols owned lot 24. Information concerning Fanning’s land ownership was derived from the “Schedule of the Goods & Chattels &c of William Johnston” (remaining in the hands of Richard Bennehan, one of the executors of the last will and testament; 1787) in the Walter Alves Papers, Southern Historical Collection, The University of North Carolina, Chapel Hill and Mary Claire Engstrom, Map of Hillsborough, “Early Quakers in the Eno River Valley, ca. 1750-1847.” A report on and short history of the still-standing Masonic Lodge (the lot of Fanning’s home) was written for the Historic American Buildings Survey (HABS). See, HABS, No. NC-268, for the Eagle Lodge, Hillsborough, Orange County, North Carolina.

<sup>39</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 247.

<sup>40</sup> For a detailed discussion of timber-framed construction see Dell Upton, “Traditional Timber Framing,” in Brook Hindle, ed., *Material Culture of the Wooden Age* (Tarrytown, NY: Sleepy Hollow Press, 1981). In his letter to Tryon, Henderson relates, “Timbers support the lower Story, but they are cut off at the Sills,” Richard Henderson to William Tryon, 29 September 1770, *RD*, 248.

brick or stone chimney.”<sup>41</sup> Other accounts indicate that the building featured a cellar and that several smaller outbuildings were located on the lot. Based upon Henderson’s description of a “Mansion House,” Fanning’s personal wealth, and surrounding contemporary eighteenth-century structures that survive we may surmise that the building conformed to the demands of the Georgian style exhibiting commodious rooms and a symmetrical design prevalent in colonial America among the socially elite.

It is not possible to consider fully the material conditions of Hillsborough against those of the surrounding backcountry. Some suggestive details emerge, however, that demonstrate degrees of contrast. The majority of Regulators were farmers who toiled in fields—either owned or as tenants—and proudly pronounced the virtues of physical labor and honest living.<sup>42</sup> A detailed analysis of Regulator house types is not possible because of sparse documentation but important generalizations may be drawn. Governor Tryon, observed in 1765, that settlers “coming from the Northward Colonies sat themselves down in the back Counties where the land is the best but who have not more than a sufficiency to erect a Log House for their families and procure a few Tools to get a little Corn into the ground.”<sup>43</sup> These log houses were of very different construction and style than that seen in Hillsborough. Governor Tryon describes the backcountry dwelling house and barn of Regulator James Hunter as “mean.”<sup>44</sup> North Carolina’s farmers employed long-held building traditions and vernacular designs. As architectural historian Catherine Bishir states: “The house plans, barn types, joinery techniques, and brickwork patterns of the backcountry bore the stamp of traditions evolved among Germans and British builders in the mid-Atlantic region and carried south.”<sup>45</sup>

Many Regulators felt increasingly estranged by the material development of backcountry towns and with the construction of a lavish royal palace in the eastern capital city of New Bern. Economic distinctions among North Carolinians were most apparent in physical manifestations encountered daily throughout the colony. These signs of wealth surely only further angered farmers who, at times, barely met daily subsistence. A group of citizens from Rowan and Orange counties complained that for a “Gentlemen Rowling in affluence, a few shillings per man” in taxation “may seem trifling.” Yet, to “Poor People who must have their Bed and Bedclothes yea

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<sup>41</sup> Laws of North Carolina, 1766, Chapter XV, *SRNC*, p.500-501.

<sup>42</sup> Kars, see Chapter 1, especially 28-31, for an agricultural depiction of the Piedmont. The predominance of small rural family farms is also noted by Bishir, 49 and 102. For examples of Regulators proclaiming the virtues of labor and farming see, Husband, *A Fan for Fanning*, 343 and 347-348; “Petition of the Inhabitants of Orange County To Martin Howard Chief Justice and Maurice Moore and Richard Henderson Associate Judges,” *CRNC*, VIII, 234.

Kars and A. Roger Ekirch estimate that in 1780, 29 percent of households in Orange County possessed no land; 36.4 percent owned less than 250 acres; 20 percent owned between 501 and 1,000 acres; and 4 percent owned more than 1,000 acres. See Kars, 30 and 223, n.5.

The 1790 Census reflects a similar trend in landholding patterns. In Orange County 60.8 percent of the taxable population owned 250 acres or less while only 11.3 percent of the population owned 501 or more acres; 16.6 percent of household heads owned no land. 1790 Federal Census, Orange County.

<sup>42</sup> “Petition from Orange County Inhabitants to Governor Tryon,” [May 1768], *RD*, 104.

<sup>43</sup> William Tryon to Sewallis Shirley, 26 July 1765, *WT*, Volume I, 139. On the predominance of wood as a building material see Bishir, *et al.*, 9-18.

<sup>44</sup> “Journal of the Expedition against the Insurgents,” 21 May 1771, *WT*, vol. II, 724. For a discussion of material distinctions predicated upon wealth during the same period in Virginia see Richard R. Beeman, *The Evolution of the Southern Backcountry: A Case Study of Lunenburg, Virginia, 1746-1832* (Philadelphia: University of Pennsylvania Press, 1984), especially Chapter One.

<sup>45</sup> Bishir, *et al.*, 54.

their Wives Petticoats taken and sold to Defray” debts, the costs were staggering.<sup>46</sup> As the Regulator movement unfolded, physical symbols of wealth attracted more attention and greater ire among the Regulators becoming, in the most severe instances, centers of violence.

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Hillsborough and other communities became Regulator targets both because of town inhabitants and political significance. For instance, throughout the period of the Regulation reports constantly circulated that the Regulators were planning to move on Hillsborough. Frightened inhabitants worried that this potential crowd of protesters would destroy private property, overturn social order, and, at their worst, burn their community.⁴⁷ Such fears had foundation as small groups of Regulators had frequented Hillsborough throughout the late 1760s for overtly political purposes. In the winter of 1771, Regulators began to move on the state capital of New Bern *en masse*. Both the Regulators’ actions and the reactions of town dwellers depict intra-regional conflict predicated on socio-economic divisions. As one early twentieth-century source wryly notes, Hillsborough was “always obnoxious to the Regulators.”⁴⁸

Hillsborough and New Bern were subjects of intense verbal sparring and potential victims of violence throughout the course of the Regulator movement. These communities, arguably the most significant in the colony, are central to the ensuing discussion. The Hillsborough riots of 1770 poignantly reveal social tensions within the backcountry and the conflict between popular custom and royal law. Similar discord is apparent once public taxes mounted for the construction of Tryon Palace, the royal governor’s mansion in New Bern. Both the clashes in Hillsborough and potential for conflict at New Bern were struggles over representations of power at the material and ideological levels.⁴⁹ These two towns and the inhabitants within were aberrations in eighteenth-century North Carolina. As historian and geographer Harry Merrens shows, by 1775 there were only a dozen towns in North Carolina with less than 2% of the total population residing in urban areas.⁵⁰ The occupations of townspeople, the homes they lived in, and their physical environment contrasted with the surrounding rural countryside even if trade, travel, and custom connected both town and country.

In September 1770, a frustrated and increasingly desperate group of protesters descended upon Hillsborough. The destination and purpose of this journey was clear—the Orange County courthouse, for the bi-yearly Superior Court session, which was to begin on Saturday the twenty-second. Through legal process the Regulators hoped to achieve notable reforms, measures which they had largely not seen since their protest begun. This migration to the court was part of a yearly cycle for eighteenth-century British colonists.⁵¹ Throughout the eighteenth century, court

⁴⁶ Petition of Citizens of Rowan and Orange Counties to the House of Representatives of North Carolina, 4 October 1768, *RD*, 188.

⁴⁷ For threats against New Bern see *The Maryland Gazette*, 13 December 1770; *South Carolina Gazette*, 11 April 1771.

⁴⁸ Francis Nash, “The Patriots of Hillsboro,” *Charlotte Daily Observer*, 17 November 1901. North Carolina Collection Clipping File through 1975, The University of North Carolina, Chapel Hill.

⁴⁹ For examples of these rumors during a condensed time frame see Tryon’s *Journal of the Expedition into the Backcountry*, 6 July 1768 - 2 October 1768, *RD*, 127-145. A specific instance is found in a “Note” in the “Council’s Journal,” Hillsborough, 13 August 1768, in *CRNC*, VII, 804. William Tryon discusses the possibility of a Regulator attack on New Bern in a letter to Edmund Fanning. William Tryon to Edmund Fanning, 26 December 1770, *RD*, 298.

⁵⁰ Merrens, 142-143.

⁵¹ Few aspects of backcountry life remained untouched by the court systems. Courts regulated tax rates for public works, imposed fines and administered corporal punishment, and dispensed licenses for mills, taverns, and inns. Richard Bushman offers a thorough discussion of the Orange County court system during this period arguing

days were an integral part of social interaction. Individuals normally separated by great distances were able to commingle, discuss current events, and be entertained by the proceedings. In a profound sense, the people and their government met on common ground. Power relationships were shaped by and shifted at the court sessions.⁵² What followed, however, was extraordinary. By Wednesday, September twenty-sixth the home of lawyer and politician Edmund Fanning was destroyed, the windows in almost every Hillsborough building were broken, and the fall court was prematurely ended because of violent acts and irreversible disruptions.

Hillsborough had been the subject of Regulators' protest and scattered acts of violence since the start of their insurrection. The summer and fall months of 1768 were especially tense. From July 6 through October 2, 1768, North Carolina's royal governor William Tryon led a sizable military force in an expedition through the backcountry. Tryon and his forces were in and out of Hillsborough throughout the duration of the expedition. In Tryon's journal of the expedition he describes the military occupation of the town. The neatly arranged streets and public square were fortified and under the watchful eyes of armed militia. Militia reverted the Court House and Market House to guardrooms and two cannons were used for defense of the town and a military camp. A group of twenty men guarded the prison, which had been fortified with two swivel guns and renamed Fort Collet. Fear of a Regulator attack against the town forced Tryon to brace prominent public buildings, and secure private homes and the inhabitants within through military presence.⁵³ According to Herman Husband around 3,700 Regulators went to Hillsborough for the September 1768 court session to have their complaints heard.⁵⁴ Despite armed confrontation between militia forces and Regulators, violence was avoided. Tryon issued an ultimatum calling for Regulator forces to surrender their arms and pay taxes—the Regulators responded by leaving town.⁵⁵ In March of the following year Regulators once again went to court in order to seek redress but “met with less Encouragement of obtaining Redress in that Way than we had the Court before” according to Herman Husband's account.⁵⁶ The September 22, 1770, Superior Court Session was, therefore, opened with some degree of trepidation.

The citizens of Orange County were among the most vocal critics of local government practices; the county also supported a sizable population of Regulators. Marvin L. Michael Kay

that the courts served as “dominant influences in the formation of the farmer as a political subject.” Richard L. Bushman, “Farmers in Court: Orange County, North Carolina, 1750-1776,” in Christopher L. Tomlins and Bruce H. Mann, eds., *The Many Legalities of Early America* (Williamsburg, VA: The Omohundro Institute of Early American History and Culture, published by The University of North Carolina Press, Chapel Hill, NC, 2001), 390.

⁵² Rhys Isaac has argued persuasively for the courts' importance stating “In a world where oral culture was strong and custom ruled, the acts of authority were spoken aloud and so assimilated into the fund of necessary community knowledge accessible to all.” Isaac, 88-94, quote on 91; see also Carl Lounsbury, “The Structure of Justice: The Courthouses of Colonial Virginia,” in Thomas Carter and Bernard L. Herman, eds., *Perspectives in Vernacular Architecture, III* (Columbia: University of Missouri Press, 1989), 214-226 and A. G. Roeber, “Authority, Law, and Custom: The Rituals of Court Day in Tidewater Virginia, 1720-1750,” in Robert Blair St. George, ed, *Material Life in America: 1600-1860* (Boston: Northeastern University Press, 1988), 419-437. For the importance of courthouses to both North Carolinians in general and Regulators in particular see Alan D. Watson, “County Buildings and Other Public Structures in Colonial North Carolina, *The North Carolina Historical Review*, vol. LXXXII no. 4 (October 2005): 431.

⁵³ See “William Tryon's Journal,” *WT*, 144-160, especially 154-156. See also, Kars, 157-160.

⁵⁴ Herman Husband, *An Impartial Relation of the First Rise and Cause of the Recent Differences in Publick Affairs, In the Province of North Carolina; and the Past Tumults and Riots That Lately Happened in that Province...*(1770), in Boyd, 282; hereinafter cited as *IR*.

⁵⁵ Kars, 159.

⁵⁶ Husband, *IR*, 295.

has identified four hundred and forty-five Orange County citizens, out of a population of roughly 4,300, as being known Regulators.⁵⁷ Throughout the late 1760s this large group of individuals vocalized their complaints thereby creating an antagonistic but still deferential relationship with the colonial government. The mood was grim by the fall of 1770: a large number of the upcoming cases involved known Regulators who felt the court was unwilling to offer justice based upon their experiences in the previous two years. Judge Richard Henderson, a planter and lawyer, probably felt great unease as the September court session approached. To further aggravate the situation neither Chief Justice Martin Howard nor Associate Justice Maurice Moore attended the September court; therefore, Judge Henderson would solely preside over the September court.⁵⁸

Despite difficult traveling conditions, the court session drew large crowds of farm families clad in homespun attire, citizens from outlying areas, and anxious onlookers living in Hillsborough. While travel during the eighteenth century was a problematic proposition, the late summer of 1770 proved especially trying due to severe August rains; nonetheless, the people came in droves. Although exact numbers are not known, Richard Henderson related to Governor William Tryon that there were 150 Regulators alone on the first court day and that number constantly increased during the following days.⁵⁹

On Monday, the twenty-fourth, Judge Richard Henderson prepared for the day's proceedings and the court opened in the late morning.⁶⁰ According to an account offered by Henderson to Governor Tryon on the twenty-ninth, "early in the Morning the Town was filled with a great Number of these People [Regulators].... At about 11 O'Clock the Court was opened, and immediately the House filled as close as one Man could stand by another; some with Clubs, others with Whips and Switches, few or non without some Weapon!" The large presence of armed men was a dramatic shift in the dynamics of court days. The Regulators used the courtroom as a forum to have their grievances addressed. The judge allowed a member of the crowd to speak. Henderson's account suggested it might be a man named Fields; according to the deposition of Ralph McNair, taken on October 9, 1770, Jeremiah Fields was present.⁶¹ Summarizing the man's words, Henderson wrote they "had come down to see Justice done, and Justice They would have." A discussion ensued and spokespersons for the Regulators enumerated a series of demands, thus marking defiant attempt to control power over the court proceedings thus subverting the typical legal process and converting the courtroom into a public forum of debate. After some time "the Mobb Cried Out 'Retire, Retire, and let the Court go on,'"

⁵⁷ Kay, "The North Carolina Regulation," 110. According to records from 1767, Orange County had a taxable population of 4,300. "List of Taxables, 1767," *RD*, 219.

⁵⁸ Kars, 183.

⁵⁹ Richard Henderson to William Tryon, 29 September 1770, *RD*, 247.

⁶⁰ According to the Laws of North Carolina, 1766, the Superior Courts were to be annually held on the 22nd day of March and September. The Hillsborough Court was responsible for Orange and Granville Counties. Laws of North Carolina, 1766, *SRNC*, XXIII, 691-92; the events that transpired in the court session may be reconstructed but an explanation of sources is required. There are no surviving Regulator accounts of these events found to date. However, both anti-Regulators and newspapers offer information concerning the events in Hillsborough. While many scholars have bemoaned the use of these sources, they can be utilized to gain vital insight into how the Regulation was viewed by others. Further, correlation between sources does allow a relatively accurate outline of the basic events. It is also quite interesting to trace how stories changed over the course of time. This point will receive a detailed treatment in the final chapter of the thesis.

⁶¹ Deposition of Ralph McNair, 9 October 1770, *RD*, 261.

suggesting some disagreement among the crowd of onlookers and participants.⁶² The Regulators slowly filed outside of the courthouse into the public commons.

The court proceedings either went poorly or the armed body of men felt they had reached an impasse for what followed is a substantial change in form and conduct. The Regulators had offered petitions, voiced their displeasure at legal rulings from previous years, and repeatedly attempted to have their cause heard, all without resolution from the Regulators' perspective. By deliberating choosing to amass at a site of such significance they could transform the purpose and function of architecture and space. Here, through physical action and destruction, the Regulators could send the royal government a clear message of their intent, purpose, and potential power.⁶³

After a few fleeting moments of quiet the air became excited with noise and shouts. Mr. Williams, an attorney for the court, neared the entrance of the courthouse when the Regulators fell upon him with sticks and clubs. Williams quickly escaped to the shelter of a nearby storehouse. A group of Regulators then stormed into the courtroom and seized Edmund Fanning from a bench where he was seeking protection. Fanning was dragged out of the building while being hit by onlookers. He too managed to escape into a merchant's store for protection. Then, once again, silence. In an extreme outburst of violence the Regulators were flaunting their power at one of the county's most important places of governmental authority and disrupting the typically orderly routines of court. The exact motives of the attacker are not documented but their conduct is suggestive. If the court would not offer justice then they would dispense a brutal response.

James Hunter along with several other prominent Regulators reentered the courtroom. They informed Judge Henderson that he should not "be uneasy for that no Man should hurt" him and that he should "hold Court to the end of the term" offering one fundamental stipulation that reveals the essence of their cause. Judge Henderson could continue but that "no Lawyer, The Kings Attorney excepted, should be admitted into Court." Henderson's narrative becomes vague but it appears that the court proceeded and eventually was adjourned.⁶⁴

Sometime during the evening of the twenty-fourth, Judge Henderson fled town; the court would not open the following day, further enraging the growing crowd of Regulators. It is unclear what transpired during Tuesday morning. Subsequent events are well documented, however, with news eventually reaching as far north as the New England colonies. The Regulators' attempts at legal resolution having failed, they now turned their attention to a hated individual and the symbolic center of his power and wealth. Edmund Fanning returned home the previous night, and was found in the morning and forced to leave town.⁶⁵ This gesture demonstrates the specificity of the Regulators' targets and their at times self-imposed restraints. Many local merchants, fearing the worst, fled the town as well. The protestors then turned their attention to the buildings that surrounded them.

⁶² Richard Henderson to William Tryon, 29 September 1770, *RD*, 244-245; the most thorough investigation of these events is offered by Wayne E. Lee, *Crowds and Soldiers in Revolutionary North Carolina*, 66-70.

⁶³ The scholarly community has, by and large, neglected this aspect of the Regulators' story thereby ignoring a significant portion of their psychology and overall intent. Wayne E. Lee is the most notable exception to this statement.

⁶⁴ In Henderson's letter he mentions that it "would be impertinent to trouble" the Governor with the circumstances that occurred after the Regulators' decree to continue; he mentions several members of the court were whipped but he was allowed to proceed Richard Henderson to William Tryon, 29 September 1770, *RD*, 243.

⁶⁵ The exact chronology of events surrounding Fanning's exit from town will be examined at some length in the next chapter. Eyewitness accounts differ from the renderings offered by newspapers.

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Whether the Regulators were projecting fear, anger, or envy when they attacked Fanning's home and threatened Tryon Palace, their actions and attitudes illustrate that objects possessed metaphorical and symbolic meanings to peoples of the eighteenth century.<sup>66</sup> To Edmund Fanning his house in Hillsborough, the surrounding outbuildings, and bounteous orchard must have embodied his notable political and economic accomplishments. This same structure and its owner, however, provoked a response of anger among the Regulators. After the Regulators' failed to resolve their grievances in court, they turned to this home and destroyed the building demonstrating a remarkable degree of coordination, planning, and effort. This house attack aligned with the responses offered by other crowds angry at governing officials throughout the tumultuous middle period of the eighteenth century.<sup>67</sup>

In the eighteenth century those of the lower and middle sorts engaged in acts of violence against the dwellings of despised or distrusted elites. Folklorist Robert Blair St. George traces numerous house attacks occurring in the middle decades of the eighteenth century in New York City, New Jersey, Massachusetts, Philadelphia, and the British West Indies.<sup>68</sup> The individual motives varied by place but the mode of protest—the deliberate destruction of a building—indicate shared reactions. St. George argues that the episodes in New England can be linked to social inequities embedded in material differences. He writes, “the masklike qualities of Georgian houses suggests they were the vilified symbol of a standard of living unattainable by working people.”<sup>69</sup> The façade of a structure, especially the imposing, orderly front of a Georgian home, both obscures and admits. Henri Lefebvre contends that what actions “occur *behind* the façade,” are hidden from onlookers thereby becoming sources of intrigue.<sup>70</sup> By destroying these barriers both physically and symbolically, the inhabitants within and the protestors without are, in essence, equalized.

Enraged by their failures at court, incensed at Fanning's wealth that many charged to be ill gotten, and perhaps angered by the structure itself, the large crowd descended upon Fanning's home. Employing whatever tools were immediately available the Regulators broke down the door and flooded in. Objects were the first targets of their destruction. Henderson relates that “every Article of Furniture” was destroyed; then, “His Papers were carried into the Streets by Armfuls and destroyed.”<sup>71</sup> Numerous newspaper accounts tell of broken china and glassware scattered throughout the street. Clad in their homespun linen coats and breeches the group presumably then turned their attention to Fanning's wearing apparel. His clothing in particular had proven to be a subject of the Regulators' ridicule and disgust as noted in a song time from

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<sup>66</sup> Amos Rapoport argues for the importance of nonverbal communication in architecture and space by stating, “Material objects first arouse a feeling that provides a background for more specific images, which are then fitted to the material.” Amos Rapoport, *The Meaning of the Built Environment*, (Beverly Hills: Sage Publications, 1983), 14. For an excellent discussion of architectures potential metaphors see Christopher Tilly, *Metaphor and Material Culture* (Great Britain: Blackwell Publishers, 1999), especially 40-49.

<sup>67</sup> Robert Blair St. George traces the Anglo-American origins of house attacks and the assorted symbolic functions over time. He then implicates these larger processes within colonial New England. Robert Blair St. George, *Conversing by Signs*, Chapter 3, especially 242-295.

<sup>68</sup> St. George, *Conversing by Signs*, 207.

<sup>69</sup> St. George, 281.

<sup>70</sup> Lefebvre, 99.

<sup>71</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 247.

the period, which described his gold-laced coat.<sup>72</sup> In the hands of the crowd this finery became tattered and torn.

Fanning's physical absence caused the crowd to mock his personage in the form of an effigy. Men gathered some of his scattered garments and "stuck them on a pole, paraded them thro' the streets."<sup>73</sup> In this gesture, the Regulators emblematically had gained control over their enemy and, in ceremonial fashion, paraded him through the streets in mockery. Items that the Regulators believed had been bought with their stolen money were now used in protest. Because Fanning had been unable to properly serve them justice, his effigy would be displayed for all to see and judge. These actions were "an inversion of established norms," to use the language of Robert Blair St. George.<sup>74</sup>

After parading the Fanning effigy the Regulators' resolve increased, as did their levels of violence. Turning to his home, they once again sought to establish control by inverting norms. Firmly gripping their weapons, the Regulators began to destroy the home of Fanning. The loud crash of splintering wood echoed through the air as these men cut, broke, and pulled apart the heavy hand-hewn timbers of the wooden structure. By the time they were finished they had "laid the Fabrick level with its [the home's] Foundation." They then turned to the cellar, which they broke into and emptied of its contents.<sup>75</sup> Some newspaper accounts claim that stores of liquor held in the cellar were quickly consumed but none of the recollections of Henderson or other town's people mention this detail. As silence returned Fanning's lot was covered with debris, the lawn strewn with papers, broken furniture and glass, and clothing. His mansion house had only "a few Timbers" remaining that were "cut off at the Sills." Henderson pronounced, "a small Breeze of Wind will throw down the little Remains."<sup>76</sup>

If the destruction of Fanning's home overtly demonstrated the Regulators' unrestrained power, their other actions in Hillsborough were suggestive of ritualized, more limited violence. Henderson relates that the crowd broke "the Windows of most of the Houses in Town... The Merchants and others are taking possession of their shattered Tenaments."<sup>77</sup> In her analysis of similar events in New England, Pauline Maier argues, "[e]ven within this surge of violence the hand of restraint was apparent. A line was usually drawn at lesser forms of harassment: window breaking, the 'besmearing' of signs, suggestions of impending violence."<sup>78</sup> The Regulators had inflicted the greatest violence upon the specific target of Edmund Fanning. The other activities aligned with a "traditional understanding of the 'correct' form of riotous protest. They were legitimate in a way that uncontrolled havoc was not" according to historian Wayne Lee.<sup>79</sup>

Following the Hillsborough riots an outpouring of reactions came from participants, victims, and the government. One newspaper account reveals an exchange between a group of Regulators and Edmund Fanning. The Regulators, stressing devout allegiance to their cause and the perceived justness of their actions, "offered Fanning to repair his house and make good all

<sup>72</sup> Quoted in Whittenburg, "Planters, Merchants, and Lawyers," 231. A letter from Edmund Fanning to Richard Bennehan includes a request for "double Gold [lace] for a Jacket plain Narrow and good," thereby indicating the Regulators' descriptions of Fanning's clothes may be accurate. Letter from Edmund Fanning to Richard Bennehan, 13 July 1767, *CRNC*, VII, 507.

<sup>73</sup> "An Account of the Regulators," *Evening Post* (Boston), 12 November 1770, *RD*, 255.

<sup>74</sup> St. George, *Conversing by Signs*, 251. For a full discussion of effigies see, 250-261

<sup>75</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 247.

<sup>76</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 248.

<sup>77</sup> Richard Henderson to William Tryon, 29 September 1770, *RD*, 248.

<sup>78</sup> Maier, 128-129.

<sup>79</sup> Lee, *Crowds and Soldiers*, 68.

his damage, if he would repay the money he had unjustly taken from them.” Fanning was not willing to concede. To this offer “he answered, that he only wanted revenge & revenge he would have &c.”<sup>80</sup> Fanning and others did not perceive the house attack as anything but wanton violence that deliberately overturned the social systems of North Carolina.

The Regulators delivered a public statement some months after Hillsborough, further reinforcing the perceived legitimacy of their cause. After the destruction of Fanning’s home it was suggested that protestors stole money from the dwelling. Once word of this insult reached a group of Regulators, a public statement was issued: “Whereas we the Regulators...have heard A Report that we have...Taken some considerable quantity of money Belonging to Mr. Edmond Fanning At the time when his house & goods were Destroy’d... We Don’t Design to lye under Such slurs & as we Always count ourselves Amongst the Number of Loyal Subjects.”<sup>81</sup> This statement might seem paradoxical for the same individuals who had inflicted over £1,500 of damage to private property were insulted deeply by an accusation that money was stolen. To the participants, however, the destruction of Fanning’s home remained justified accord to their internally sanctioned traditional rights and customs.<sup>82</sup>

If the Regulators’ homegrown sense of ethics ruled their lives, the edicts of government ruled the lives of all colonists. By the winter of 1771 Governor Tryon and his council responded to the Hillsborough riots in the form of a bill proposed by Samuel Johnston—lawyer, merchant, and representative of Chowan County—on December 15. Subsequently known as the Johnston Riot Act, this action severely restricted the liberties of all North Carolinians but was specifically directed at the Regulators.<sup>83</sup> Signed by the governor on January 15, the colony issued a powerful warning to the Regulators. The Act stipulated “That...any Persons to the Number of ten or more, being unlawfully, tumultuously and riotously assembled together, to the disturbance of the Public Peace” must disperse under the request of officials. Any individuals failing to do so would be considered “Felons and shall suffer Death as in Case of Felony and shall be utterly excluded from his or their Clergy.”<sup>84</sup>

More than a year later in spring and summer months of 1771 and in the wake of the Battle of Alamance, Governor Tryon lead his victorious army deep into the North Carolina Piedmont burning the fields and homes of known Regulators. On May 21, James Hunter, “the General of the Rebels,” lost his “dwelling House, Barn, &c” to fires set by Tryon’s troops.<sup>85</sup> This force then moved to the 600-acre farm of Herman Husband eventually destroying his home, fences, and fields of crops. Similar acts of destruction continued until the expedition’s end on

<sup>80</sup> *Boston Gazette*, 21 October 1771, *CRNC*, VIII, 645.

<sup>81</sup> Regulators’ Statement on Edmund Fanning, 20 November 1770, *RD*, 274.

<sup>82</sup> E. P. Thompson summarizes: the “men and women in the crowd were informed by the belief that they were defending traditional rights or customs; and, in general, that they were supported by the wider consensus of the community.” E. P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York: New Press, 1993), 188. The figure of £1,500 worth of damage was derived from Edmund Fanning’s own estimate. See, Josiah Martin to Mr. Speaker and Gentlemen of the House of Assembly,” *CRNC*, IX, 548.

<sup>83</sup> For a discussion of the Riot Act see Kars, 187-188 and Lee, *Crowds and Soldiers*, 72-73. The full text of the Riot Act is found in the *CRNC*, VIII, 481-486 or *RD*, 327-332.

<sup>84</sup> “An Act for Preventing Tumultuous and Riotous Assemblies,” 15 January 1771, *RD*, 327.

<sup>85</sup> “Journal of the Expedition against the Insurgents,” 21 May 1771, in William S. Powell, ed., *The Correspondence of William Tryon and Other Selected Papers*, II (Raleigh, N. C.: Division of Archives and History, Department of Cultural Resources, 1980), 724; hereinafter cited as *WT*.

June 21.<sup>86</sup> Tryon acted in the name of the British government deriving sanction from the highest authority, while the Regulators were restrained by an informal ethos.

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Following the Hillsborough riots in September 1770 the levels of terror and confusion in North Carolina increased with the destruction of Judge Henderson's property. On the night of November 12, the barn, stables, and several outbuildings belonging to Henderson were consumed by fire; several horses and a stock of corn were lost as well. Two days later, on the fourteenth, another fire destroyed the main house.⁸⁷ One newspaper account, speculating on the origins of the blazes, maintained, "the most violent Suspicion arises of its having been done by the Regulators."⁸⁸ While the charges were never proven many in the colony must have taken great measures to protect their property and possessions, while quietly whispering the deepest fears. More immediately, these acts—whoever the culprits—may have provoked Henderson and his brother Thomas to warn the Governor's Council of the Regulators imminent arrival in New Bern to disrupt the Assembly and possibly repeat their performance in Hillsborough.⁸⁹ Other elites scattered throughout North Carolina feared the same. Action was swift.

In the wake of such warnings following on the heels of the Hillsborough riots, the colony's government officials and militia leaders rapidly exchanged letters with an eye towards preparing for another Regulator attack. Governor Tryon was at the center of this correspondence calling upon militia forces to make ready and engage Regulator forces as they marched towards New Bern. The content of these letters suggests increasing levels of militancy and resolve on the part of Tryon and others. These fears were not unfounded. As with Hillsborough, New Bern's prominent buildings and political significance marked the town's significance and indicated a potential target of Regulator violence.⁹⁰

The town of New Bern had plagued the thoughts of many Regulators beginning in the late fall of 1766. On November 12, 1766, Edmund Fanning introduced a bill to construct of a governor's residence in the eastern North Carolina city that was to be the new capital. Twelve days later the measure passed with an appropriation of £5,000. The backcountry's response was limited. As costs escalated the mansion was treated with greater interest. In the final days of 1767, Tryon informed the Assembly more money was needed; by early 1768, the assembly provided for an additional £10,000. In early February 1768, Sheriff Tyree Harris posted a notice at the Orange County courthouse for the year's tax levy; every Orange County freeholder would be required to pay ten shillings eight pence. Over the period of the next three years a sum of eight shillings per head would be extracted for this edifice.⁹¹

Citizens of the backcountry and outspoken Regulators expressed reservations about the cost, scale, and location of the governor's future home. In a region where money was scarce this added tax proved especially burdensome.⁹² Some questioned the very need for such a grand

⁸⁶ For a full account see Tryon's "Journal of the Expedition against the Insurgents," 20 April to 21 June 1771, *WT*, vol. II, 716-731. See also Kars, 203-205.

⁸⁷ Council Journals, 19 November 1770, *CRNC*, VIII, 258-259.

⁸⁸ *Pennsylvania Gazette*, 3 January 1771. The article's citation indicates that the original article was derived from a New Bern article originally printed on 23 November 1770.

⁸⁹ Council Journals, 19 November 1770, *CRNC*, VIII, 260. Also, Kars, 186.

⁹⁰ Tryon to the Assembly, 5 December 1770, *RD*, 286-291.

⁹¹ Alonzo Thomas Dill, *Governor Tryon and His Palace* (Chapel Hill: University of North Carolina Press, 1955), 128-129 and Powell, *WT*, xxi-xxiii.

⁹² A. Roger Ekirch observes that roughly £70,000 in paper currency circulated among a population of more than one hundred thousand. Ekirch, 10.

building. A deposition from Tyree Harris reported “Wm. Butler who appeared to be a Leader amongst them [the Regulators] declare himself to this purpose, ‘We are determined not to pay the Tax for the next three years, for the Edifice or Governor’s House We want no such House, nor will we pay for it.’”⁹³ The citizens of Rowan and Orange apparently agreed with Butler. In a petition to the North Carolina House of Representatives they pleaded, “to take it into your serious Considerations the sums to Erect a Publick Edifice it is a Pitiful Consideration to us poor Wretches to think where or how we shall Raise our Parts, of the sd. Sums Designed for that Purpose.”⁹⁴

For Tryon and other members of the elite the construction of this palace solidified both the government’s position and their social rank. Constructed of brick and built on a grand scale, the palace was a powerful symbol emblazoned upon a landscape of modest wooden dwellings. Rhys Isaac, writing on the significance of such structures, contends “The new style of building conveyed a whole set of social values and assumptions through attention to mathematical proportion and through the invariable usage of a three-part design.”⁹⁵ Governor Tryon, recognizing the monumentality of the project in his remarks to the Council and Assembly, thanked the country for allowing the construction of a most “Elegant and Noble Structure” that “is a public Ornament and Credit to the Colony” and “will remain a lasting Monument of the Liberality of this Country.”⁹⁶ The colony of North Carolina was not alone in such an extensive undertaking. Tryon Palace, the Governor’s Palace in Williamsburg, Virginia, and the Governor’s Mansion in Charleston, South Carolina, were all constructed during the same decade, all bore similar designs, and spoke to a changing material and social world.

By the fall of 1770, fears over a possible attack against New Bern reduced the town and Tryon Palace to a place of fortification. The Regulator uproar disrupted Georgian opulence. On November 20, 1770, Tryon penned to John Simpson that “the Body of People who style themselves Regulators intend coming to Newbern” to intimidate the General Assembly. Tryon commanded Simpson to engage the Regulators in the country and delay their arrival in New Bern.⁹⁷ In town, other preparation was being hastily made. After the incidents in Hillsborough Tryon wanted to make certain his newly constructed palace would not meet the same fate. Indeed, Tryon noted in one document that the Regulators had given many threats “that they would lay the town [New Bern] in Ashes.”⁹⁸ Accordingly, Tryon fortified the outer limits of New Bern.⁹⁹

Black and white laborers engaged in the task of fortifying New Bern and its recently built palace.¹⁰⁰ The *South Carolina Gazette* described the defenses as an “entrenchment or

⁹³ Deposition of Tyree Harris, 3 August 1768, in, *RD*, 152.

⁹⁴ Petition of Citizens of Rowan and Orange Counties, 4 October 1768 [to the House of Representatives of North Carolina], *RD*, 187. Further evidence is offered from a letter written in Mecklenburg, North Carolina, reprinted by the *Chronicle*, a Boston newspaper. See, *RD*, 195.

⁹⁵ Isaac, 34-42, quote on 37-38.

⁹⁶ William Tryon to the Assembly and Council, *WT*, Vol. II, 533.

⁹⁷ William Tryon to John Simpson, 20 November 1770, in *WT*, Vol. II, 524. See also William Tryon to Richard Caswell, 20 November 1770, in *WT*, Vol. II, 525.

⁹⁸ Council Journals, 23 February 1771, *CRNC*, VIII, 501.

⁹⁹ *Maryland Gazette*, 9 May 1771. The original article appeared in Charleston, South Carolina, 11 April 1771. See also, Tryon’s request to the Board to finish entrenching the town of New Bern, Council Journals, 23 February 1771, *CRNC*, VIII, 501.

¹⁰⁰ Records indicate the use of “Negro hire” and “Sundry Labourers” for the construction efforts. See “An Account of Money Disbursed...” for the Regulators Expedition, with receipt from John Hawks to Governor Tryon, 22 April 1771 and Receipts given by John Hawks, 21-23 February 1771, State Treasurer’s Papers, both quoted in A

barricade.”¹⁰¹ The line of entrenchments stretched 1,500 yards in length, cost upwards of £500, and featured cannon according to historian Alonzo Dill.¹⁰² Unlike the home of Edmund Fanning, however, the palace would not be destroyed nor even attacked by Regulator forces. The building survived the turmoil of the Regulator and the winds of a hurricane years later only to meet its final end in a fire on the night of February 27, 1798.¹⁰³

An attack against New Bern or the disruption of court proceedings may have proven logistically impossible. Or, these acts have defied the Regulators’ sense of order and internally sanctioned boundaries of just behavior. What is remarkable is their consistent emphasis on the material components and political significance of New Bern and Hillsborough. How Regulators and anti-Regulators conceived of and viewed these two communities speaks to pointed dissimilarities in perceptions and changing attitudes to an evolving world. The Regulators’ actions created substantial disruptions to the neat refinement imposed on the towns’ articulated landscapes creating, at least for brief periods, profound statements of the Regulators’ political views.

Documentary History of the Building of Tryon Palace (Compiled for the Tryon Palace Restoration, April 1992), 129 and 124.

¹⁰¹ *South Carolina Gazette*, 11 April 1771.

¹⁰² Dill, 149-150.

¹⁰³ Dill, 259-260.