

Protests in North Carolina, a Precursor to the American Revolution



The Regulators

Before the Revolutionary War, the colonists were protesting unfair English taxes imposed by local court systems. The courts were guilty of taxing the communities for various and sundry reasons. Protests were lodged throughout the colonies in the local courts. Complaints were generally ignored.

The voice of the people did not disappear, however, as communities became strong in their desire for personal freedom. In North Carolina, citizens against the "Regulators" proceeded to bring county officials to task for charging illegal fees for the purpose of putting down highwaymen and correcting abuses in the back country. Citizens refused to pay the taxes and when they failed to secure a redress of grievances in the local court using legal channels, they lodged public protests. A public demonstration in 1768 refusing to pay taxes was so powerfully influential among the citizenry that Governor William Tryon of North Carolina called out the provincial militia, and marched with a great show of force through the disaffected regions and succeeded in collecting the assessments.

Thereafter, a suit was brought against Edmund Fanning, Register, and Francis Nash, Clerk of Orange County, charging that both be "found guilty of taking too high fees." Fanning immediately resigned his commission as

Register; while Nash, who in conjunction with Fanning had previously offered to refund fees to any aggrieved party which the Superior Court might hold excessive, gave bond for his appearance at the next court. The following year, in Rowan County, similar suits for extortion met with failure. The outcome aroused the bitter resentment of the Regulators who felt themselves so deeply aggrieved that they proceeded to drive the justices from the bench by threatening court officials with violence. On September 22, 1770 in Hillsborough, the complainants petitioned the court demanding unprejudiced juries as well as a public accounting for taxes received by the sheriffs. In this petition occur these trenchant words: "As we are serious and in good earnest and the cause respects the whole body of the people it would be a loss of time to enter into arguments on particular points for though there are a few men who have the gift and art of reasoning, yet every man has a feeling and knows when he has justice done him as well as the most learned." When court convened on the following Monday, one hundred and fifty citizens led by James Hunter, Herman Husband, Rednap Howell and others, armed with clubs, whips, and cudgels, surged into the court-room and through their spokesman, Jeremiah Fields, presented a statement of their grievances. "I found myself," says Judge Henderson, "under a necessity of attempting to soften and turn away the fury of these mad people, in the best manner in my power, and as such could well be, pacify their rage and at the same time preserve the little remaining dignity of the court."

Meanwhile, when the Regulators retired for consultation, they fell without warning upon Fanning and gave him such rough treatment that he narrowly escaped with his life. The mob, now past control, horsewhipped a number of leading lawyers and citizens gathered there at court, and treated others, notably the courtly Mr. Hooper of Boston, "with every mark of contempt and insult." Judge Henderson was assured by Fields that no harm should come to him provided he would conduct the court in accordance with the behest of the Regulators: namely, that no lawyer, save the King's Attorney,

should be admitted to the court and that the cases of the Regulators should be tried with new jurors chosen by the Regulators.

The village was terrorized and the court wholly unprotected. Judge Henderson reluctantly acknowledged to himself that "the power of the judiciary was exhausted." Nevertheless, he said: "I made every effort in my power consistent with my office and the duty the public is entitled to claim to preserve peace and good order." Agreeing under duress to resume the session the following day, the judge ordered an adjournment. But later decided not to permit another mockery of the court and a travesty of justice to be staged under threat and intimidation, he returned that night to his home in Granville. Enraged by the escape of the judge, the regulators took possession of the court room the following morning, called over the cases, and in futile protest against the conditions they were powerless to remedy, made profane entries which may still be seen on the record: "Damned rogues." "Fanning pays cost but loses nothing" "Negroes not worth a damn, Cost exceeds the whole" "Hogan pays and be damned," and, in a case of slander, "Nonsense, let them argue for Ferrell has gone hellward."

The feverish popular longing for freedom was stimulated by the economic pressure of thousands of pioneers who were annually entering North Carolina. It seemed to set in motion a wave of migration across the mountains in 1769. Long before Alamance, many of the true Americans, distraught by apparently irremediable injustices, plunged fearlessly into the wilderness, seeking beyond the mountains a new birth of liberty, lands of their own selection free of cost or quit-rents, and a government of their own choosing and control.

Sources: Impartial Relation by Herman Husband; The Conquest of the Old Southwest by Archibald Henderson.

