

**The Rites of Violence:
Rough Music, Protest, Atrocity and Power, A Comparative
Examination, Ulster and the Carolinas 1760-1840**

By

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Signed:

A handwritten signature in black ink, appearing to read 'Nicole Willis', written in a cursive style.

Date: 19 September 2024

List of Abbreviations

Newspapers

<i>BNL</i>	<i>Belfast News-Letter</i>
<i>FLJ</i>	<i>Finns Leinster Journal</i> [Kilkenny, Ireland]
<i>FJ</i>	<i>Freeman's Journal</i> [Dublin, Ireland]
<i>GSSC</i>	<i>Gazette of the State of South Carolina</i> [Charleston]
<i>LMC</i>	[London] <i>Morning Chronicle</i>
<i>NYEP</i>	<i>New York Evening Post</i>
<i>SC&AGG</i>	<i>The South-Carolina, & American General Gazette</i> [Charleston]
<i>SCG</i>	<i>South-Carolina Gazette</i> [Charleston]
<i>SCG&CJ</i>	<i>The South-Carolina Gazette; and Country Journal</i> [Charleston]
<i>SCGGA</i>	<i>South-Carolina Gazette and General Advertiser</i> [Charleston]
<i>TCC</i>	<i>The Charleston Courier</i>
<i>TCM</i>	<i>The Charleston Mercury</i>
<i>TDM</i>	<i>The Derby Mercury</i>
<i>TGM</i>	<i>The Gentleman's Magazine</i> [London]
<i>TNS</i>	<i>The Northern Star</i> [Belfast]
<i>TVG</i>	<i>The Virginia Gazette</i> [Williamsburg]

Multi-Volume Works

<i>NCCR</i>	<i>Colonial Records of North Carolina</i>
<i>NCSR</i>	<i>State Records of North Carolina</i>
<i>SCCJ</i>	<i>South Carolina Council Journal</i>

Research Collections – Archives

CLS	Charleston Library Society, Charleston, South Carolina
LPL	Lambeth Palace Library, London, England
NCDAH	North Carolina State Archives, Raleigh, North Carolina
PRONI	Public Record Office of Northern Ireland, Belfast, Northern Ireland
RIA	Royal Irish Academy, Dublin, Ireland
SCDAH	South Carolina Department of History and Archives, Columbia, South Carolina

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On a personal note, I would like to offer my love and gratitude to my parents for their support, Manuel and Rebecca Williams. I would also offer a note of appreciation and love for the camaraderie and support of my friend Alison Basil.

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Abstract

This thesis is dedicated to the evolution of ritual violence in the south-eastern American states of Ulster, Ireland, and presents a pioneering comparative analysis and discussion of the phenomena from 1760-1840. The analysis encompasses a comprehensive discussion of the diverse types of ritual violence, including rough music, traditional forms of violent protest, crowds and processions, property damage, ritual torture, and retribution. Section One examines significant movements of ritual violence from approximately 1760 until 1775, Section Two covers 1775 to 1800, and Section Three provides a broad discussion of major campaigns or notable incidents of ritual violence from 1800 until 1840. Each locale, North Carolina, South Carolina, and Ulster, are given separate chapters, except for Section Three, where a discussion of Carolinian violence is consolidated into one chapter. Through detailed discussion, this thesis demonstrates that the rites of extralegal violence are oriented towards attaining or the maintenance of authority or power. Authority is shown to include varied dimensions of social, religious, political, economic, or individual power.

Although the use of ritual violence to obtain or sustain power is constant throughout this thesis, cultural practices demonstrated within the rites of violence evolve over time and through circumstance. To study this, the 'Scots-Irish', or Ulster Protestant settlement of the interior regions of North and South Carolina, presents an excellent opportunity to compare this evolution with ritual violence in Ulster, Ireland.

While the rites of violence differed in many respects between Protestant Ireland and the Carolinas, there were similarities, particularly in the first and second periods of study. From 1760 through 1775, ritual violence, while shocking, was characterised by some form of implied restraint. Deaths were rare. By the 1780s, during the American Revolutionary War and the rise of sectarian violence in County Armagh, ritual violence often became deadlier. Rites were not always dictated by tradition but by circumstance and expedience. This was particularly true in the case of the sparsely populated interior of the Carolinas. Of consequence during this period is the emergence of retributive violence as a form of ritual, a significant and novel aspect that previous scholars have not wholly explored. This emergence of retributive violence marks a significant shift in the evolution of ritual violence.

From 1800 until approximately 1840, the widest divergence in the application of ritual violence, rough music, and protest was found between the Carolinian states and Ulster. Whereas there was not an overarching campaign of violence to maintain political and social supremacy in the Carolinas until the emergence of the threat of slave revolt in the early 1830s, Ulster experienced waves of sectarian ritual brutality that was, in a sense, a continuation of the violence of the late eighteenth century. Similar themes only emerged in the Carolinas due to the threat of abolitionism. Despite the dissimilarity between the two, it is essential to note that many of the themes of restraint had disappeared in most, but not all, forms of ritual protest and violence.

Introduction

On 6 January 2021, thousands of President Donald Trump supporters assembled in Washington DC, ahead of a vote to certify the 2020 election victory of President-elect Joe Biden. They shouted and sang impromptu chants and songs and repeated political slogans with great vigour. Over the next few hours, rally attendees marched towards the United States Capitol building and forcibly and violently broke into the halls of the legislature. They carried flags, and some brought hanging gallows to the demonstration to intimidate those in Congress who might consider voting against their wishes. In addition to these scenes, several incidents of violence, theft, and property damage occurred that day. Many were masked or presented in a way that evaded detection by cameras, authorities, and witnesses. Comparably, two years later, on 23 November, a riot occurred in Dublin, Ireland. This event primarily attributed to anti-immigration sentiment that was sparked by a criminal act reportedly committed by a migrant. Protestors set about destroying buildings while police cars and transport were set ablaze. These events, shocking as they may have seemed to a modern public, have centuries of antecedents in the history of the British Isles and amongst the peoples who settled the colonial lands and eventually absorbed into what is now the United States. In short, this behaviour was nothing new.

The media have characterised the events of January 2021 and November 2023 as an insurrection and a riot. However, the terms overlook a long-standing practice of moral policing and protest, one characterised by extrajudicial ritual performative violence and intimidation. This behaviour is almost always conducted outside of the boundaries of sanctioned legal practice. Secondly, these incidents are often characterised through repeated actions or motivations, hence the term ritual. The Oxford English Dictionary defines a ritual as 'repeated actions or patterns of behaviour that hold significance within a particular social group.'¹ In the context of this thesis, ritual violence refers to extralegal acts or a form of vigilante violence—essentially habitual patterns of violence that exist outside the boundaries of lawful conduct.

¹ *Oxford English Dictionary*, s.v. "ritual (n.), sense 3," December 2024, <https://doi.org/10.1093/OED/6668178017>.

Why does this phenomenon occur? It is believed to be rooted in the enforcement of 'moral imperatives' by groups, factions, or communities. This drive to uphold such imperatives is often fuelled by motives related to 'group identity, righteousness, and, frequently, retribution.'² While this is a broad definition, it establishes a flexible understanding of ritual violence as a patterned series of violent actions or behaviours aimed at threatening, intimidating, humiliating, or physically harming individuals who violate social norms, expected conduct, or the prevailing socio-political climate within a community.

Ritualised violence may encompass actions of extralegal moral policing and protest, and in some cases, it can be associated with atrocities during periods of conflict. It is also evident in recurring patterns of retaliatory violence, as will be explored further.

Ritual violence is often linked to antecedent behaviour sometimes referred to as 'rough music' – a term that does not truly encompass the full breadth of ritual violence, protest, and intimidation but is commonly correlated to such actions. The term said to have originated in seventeenth-century England, was typically associated with ritual punishment, intimidation, or humiliation and was often meted out by community members against those who transgressed against commonly held social mores.³ Rough music, however, did not begin in the seventeenth century; it had existed in some form over several centuries throughout Western Europe.⁴ As such, the rites of rough music are known by many names in differing areas of the British Isles and further afield in Western Europe. In practice, the forms of rough music were so varied that 'it is possible to view them as distinct species' according to historian E.P. Thompson.⁵ Different scholars have emphasised several of these terms, many of whom have a regional affinity in name and practice. Furthermore, many of these practices were adopted into a broader model of ritualistic behaviour, typically due to political or economic stresses on a community, coined by sociologist Charles Tilly as the 'repertoire of contention'.⁶

² Muhammad Asif and Don Weenink, "Vigilante rituals theory: A cultural explanation of vigilante violence," *European Journal of Criminology* 19, no. 2 (2022): 164.

³ E.P. Thompson, 'Rough Music Reconsidered', *Folklore* 103, no. 1 (1992): 3.

⁴ Martin Ingram, 'Ridings, Rough Music and "Reform of Popular Culture" in Early Modern England', *Past & Present* 105, no. 1 (1984): 81.

⁵ Thompson, 'Rough Music Reconsidered', 3.

⁶ Charles Tilly, 'Collective Violence in European Perspective', *CRSO Working Paper 178*, 1978, Center for Research on Social Organization, University of Michigan, Ann Arbor, 1-37.

Consequently, there is a need to summarise the different terms and forms of ritual violence within the British-American context.

Initially, the ritual forms of 'rough music' involved 'a noisy, mocking demonstration' surrounding another type of activity, usually physical or violent, designed to intimidate and otherwise terrify and punish the victims of such a demonstration.⁷ Although it is difficult to describe the exact sounds from many accounts, noise is a central characteristic. Thompson states that the sounds, or music, and all forms of the practice share a trait of 'raucous, ear-shattering noise, un pitying laughter, and the mimicking of obscenities'⁸. Other scholars have identified the clatter associated with rough music with the playing of musical instruments, the clattering of common household items to create noise, and the sound created by instruments of violence, such as firearms.⁹ However, this tells us little about the importance of this cacophony within the rites as practised in the historiography. Thus, it is worth examining some of the regional variations of the ritual.

As mentioned, rough music has been employed throughout much of Great Britain's history. Remarkably, the dissimilarities found within the British American colonies compared to the English genre are worth noting. In fact, much of the literature surrounding rough music has been centred on the study of the practice in England during the early modern period into the nineteenth century.¹⁰ Pertinent analyses have found multiple variants of these rites in different geographic locales across Britain.

Rough music, also often referred to as charivari, is a term believed to have been popularized in France. This term is heavily favoured by Thompson and by other international researchers.¹¹ It is not, however, the only term historically used within the British Isles. One of the most common variants of this practice found in England was known as the

⁷ *ibid.*

⁸ *ibid.*

⁹ Ingram, 'Ridings, Rough Music', 86.

¹⁰ See Thompson, 'Rough Music Reconsidered', Ingram, 'Ridings, Rough Music' and Andrew Walker, 'Rough Music, Community Protest and the Local Press in Nineteenth-Century England', *International Journal of Regional and Local History* 13, no. 1 (2018) are significant contributors to the scholarship on rough music in early modern England.

¹¹ Walker, 'Rough Music, Community Protest', 86. See also Thompson, 'Rough Music Reconsidered', 5.

'skimmington' and is thought to have originated in the south-west region in or near Wiltshire.¹² Thompson mentions that this ritual was often used in response to some violation of patriarchal mores, such as the cuckold or violence directed at a husband from his spouse.¹³ Processions to the victims' residence may have included the sounding of horns, some mild violence perpetrated against the property, and the offender drug out into public, beaten or mocked amidst the satirical noise of a mob.¹⁴ Such incidents were noted for their variation and improvisational nature. This ritual often involved a parade of participants and onlookers who would seek the intended recipient(s) of punishment to inflict some ridicule, terror, or intimidation. In such instances, it was common for those participating, usually men, sometimes armed and accompanied by a mob of merrymakers, to make their way to the offenders' property, remove them from their house, and inflict some humiliation upon them. One such incident in 1618 recounts a woman accused of abusing her husband, being forcibly removed from her house by an angry mob, paraded through the village in a cart, sullied with mud and then ducked in filthy water by means of the 'cuckinge stoole'.¹⁵

Another popular variant of rough music ritual was commonly referred to as 'riding the stang' or 'a riding'. These terms are most commonly found in the north of England and lowland Scotland. This form of rough music was typified when the victim or offender, depending on the perspective of the person experiencing the event, would be carried long on a rail or mast of wood, sometimes backwards, surrounded by a mocking crowd, who may throw items at the person or persons of ridicule.¹⁶ Many accounts record the rail or 'stang' as being known as a 'cowlstaff'.¹⁷ Reports of these events mention, on occasion, that effigies were sometimes used in lieu of the targeted individual(s).¹⁸ The result would be the same; the community would be expressing displeasure and intolerance for some breach of community norms and behaviour. While the immediate intent would be to cause the

¹² *ibid.*, 88.

¹³ Thompson, 'Rough Music Reconsidered', x. See also M.J. George, 'Skimmington Revisited', *The Journal of Men's Studies* 10, no. 2 (2002): 112-3.

¹⁴ Thompson, 'Rough Music Reconsidered', 5.

¹⁵ B. Howard Cunnington, 'A Skimmington' in 1618', *Folklore* 41, no. 3 (1930): 289-90.

¹⁶ Thompson, 'Rough Music', *Customs in Common: Studies in Traditional Popular Culture* (New York, The New Press, 1993), loc. 10566. See also Ingram, 'Ridings, Rough Music', 86.

¹⁷ Ingram, 'Ridings, Rough Music', p. 86. See also, J.S. Leicester, 'Riding the Stang', *Monthly chronicle of north-country lore and legend* 1, no. 3 (1887): 122.

¹⁸ Ingram, 'Ridings, Rough Music', 86.

behaviour to stop, it also sent a message to onlookers and others that a similar fate could befall anyone who dared to transgress against communal standards.

As previously mentioned, the rude cacophony or music was central to this expression of discontent and anger by the participants in the rites of rough music. The music could include simple noise, laughter, the beating of drums, pots and pans, the playing of formal instruments, or the collective singing of folk songs, or 'nominy' was often recited during the event or procession. An example of such a song is seen in the following lyrics composed for a riding of a man who was accused of abusing his spouse in Thirsk, England:

'Hey Derry! Hey Derry! Hey Derry Dan!
It's neither for your cause nor my cause
That I ride the stang;
But it is for t'Peg Doctor for banging his deary,
If you'll stay a few minutes, I'll tell you all clearly.
One night he came home with a very red face—
I support he was drunk, as is often the case;
Be that as it may, but when he got in,
He knocked down his wife with a new rolling pin.
She jumped up against and knocked off his hat,
And he up with the pestle, and felled her quite flat,
She ran out to the yard and shouted for life,
And he swore he would kill her with a great gully-knife.
So, all you good people that lives in this raw,
I'd have you take warning, for this is our law;
And if any of you husbands your wives do bang,
Come to me and my congregation, and we'll Ride the
Stang!¹⁹

While this rhyme is but a sampling of any number of chants or songs that have been recorded at similar rough musickings, it is indicative of the contempt by which the community held the offender. Similarly, a procession may have included a parade of women banging on pans, musical instrumentation including drums, tambourines, or the blowing of horns.²⁰ This added an auditory component to the already carnivalesque nature of an otherwise serious event.

¹⁹ Leicester, 'Riding the Stang', *Monthly chronicle of north-country lore and legend* 1, no.3 (1887): 123.

²⁰ Ingram, 'Ridings, Rough Music', 86. See also Walker, 'Rough Music, Community Protest', 89.

The cornucopia provided by a mix of sound and spectacle assuredly galvanised the attention of almost any commoner living within the immediate area. In some instances, this cavalcade was reported to continue over successive days.²¹ Researchers have paid little attention to possible means and meanings of sound and song through this form of moral protest and intimidation. There is the possibility that the nominy and rhymes at these events were drawn from popular culture and could have also been influenced by older folk traditions.

The two most prominent variations of rough music, the skimmington and riding the stang, were not the only names or variations found in the British Isles. The Welsh variant of rough music was known as *ceffyl pren*.²² Similarly, in other areas of England, the names given to this custom were *lewbeling* and *rantanning*. The former term was used in Warwickshire as late as the early twentieth century, and the latter was found in Lincolnshire and surrounding locales.²³ Although Thompson states there were many variations of the rough music (or *charivari*) ritual, whilst examining the literature, it is difficult to ascertain where the divisions occur geographically or temporally in practice. Similar issues are found within the early Anglo-American rough music custom.

In the British tradition, rough music was transported from the British Isles to the Anglo-American colonies through waves of colonisation in the seventeenth and eighteenth centuries. Many of the settlements on the east coast of the present-day United States were settled by cultural or religious factions who self-segregated themselves geographically.²⁴ As a result, one might expect similar naming conventions or practices used in the rough music tradition during the American colonial era. However, despite this and the civil unrest that occurred during the American colonial era, the evidence is inconclusive based on an examination of the literature.

The historiography on rough music in colonial America is typically examined using terms that are, in effect, variants of rough music. Terms such as 'regulating' or 'skimmington'

²¹ Walker, 'Rough Music, Community Protest', 91.

²² Thompson, 'Rough Music', 16, 18.

²³ Walker, 'Rough Music, Community Protest', 88-9.

²⁴ David Hackett Fischer, *Albion's Seed: Four British Folkways in America*, (Oxford: Oxford University Press, 1989), 6.

were used in colonial America, particularly those in urban areas, to describe targeted mob action directed toward an offending party.²⁵ This type of behaviour was, as in Britain, reflected a certain if reluctant acceptance of the mob as part of the pillars of social order within an outpost of British society.²⁶ Paul Gilje singled out ritual practices common in New York City in the colonial period inclusive of noise or music, the parading of effigies, and physical attacks upon an offender.²⁷ These were not dissimilar to the rites of rough music found in England. A popular, and overly cruel variant of the skimmington in colonial America was the practice of tarring and feathering of an individual who had angered the local community. This ritual was extensively used in New England, the urban settlements along the mid-Atlantic region, and even found in the city of Charleston, South Carolina.²⁸ However, a distinct variant of ritual violence was found in the rural, sparsely populated region of the inland south.²⁹

The southern British colonies were sparsely populated outside a few coastal urban settlements. Because crowds were a key element of rough music, the chances of gathering a significant crowd or mob for a ritual action in a sparsely populated area were low. Consequently, some characteristics of northern ritual violence, such as the use of effigies and processions, were less common, and new customs were developed to help a local population enforce its norms and expectations on moral or legal offenders.

The whip was also often used to admonish individuals for immorality or criminal behaviour, especially when a magistrate was absent from enforcing legal sanctions. However, the whip's role as a means of extralegal justice extended beyond mere expediency; it served as a method of control and intimidation, particularly against those held in bondage.

²⁵ Paul A. Gilje, *The Road to Mobocracy: Popular Disorder in New York City, 1763-1834* (Chapel Hill: University of North Carolina Press, 1987), 20-1.

²⁶ *ibid.*, 8.

²⁷ *ibid.*, 20.

²⁸ Penack, 'Introduction', 6-9; Holger Hock, *Scars of Independence: America's Violent Birth* (New York: Crown Publishing, 2017), 27, 35, 40, 56, 61, 367.

²⁹ James E. Cutler, *Lynch-Law: An Investigation into the History of Lynching in the United States* (New York: Longmans, Green, and Co., 1905).

The whip was commonly employed in the coastal regions of the Carolinas in the eighteenth century, in particular, to control the enslaved population. The customary practice of whipping was commonly administered to those who escaped captivity in a house or on a plantation estate or who disobeyed the instruction of an overseer. The use of the whip was a primary, but not exclusive, tool for inflicting pain or humiliation to discipline and to display the authority of a slave owner over another human being on which they claimed ownership.³⁰ It was a palpable means to hurt, maim, and intimidate. Consequently, if the practice of administering the whip to an enslaved person was so common, can it be reasonably ascertained that those in the backcountry may have witnessed the practice and that it was transported into the Carolinian backcountry? For a probable explanation, a quick examination of the estimates of enslaved persons in the Carolinas is warranted.

Research on enslaved populations in South Carolina indicates that from 1730 to 1775, the number of enslaved individuals was twice that of the white population.³¹ The majority of enslaved persons lived in the coastal region of South Carolina, and there was a significant increase in the enslaved population in the state's interior in the years following the Revolutionary War.³² North Carolina, in comparison, does not reflect the same discrepancy between the white and black population in 1767 excepting the enslaved population in the Lower Cape Fear Region; despite this, there is a noted increase in the slave population of North Carolina throughout the late colonial era.³³

Given the growth of the population of enslaved individuals in the Carolinas, it is reasonable to suggest that the use of the whip gained popularity from its association with slavery. Numerous accounts from the eighteenth and nineteenth centuries document the whipping of enslaved people, indicating that this practice was prevalent throughout much of

³⁰ Daragh Grant, "'Civilizing' the Colonial Subject: The Co-Evolution of State and Slavery in South Carolina, 1670-1739," *Comparative Studies in Society and History* 57, no. 3 (2015): 617; Marvin L. Michael Kay and Lorin Lee Cary, *Slavery in North Carolina, 1748-1775* (Chapel Hill: University of North Carolina Press, 1995), 36.

³¹ Russell R. Menard, 'Slave Demography in the Lowcountry, 1670-1740: From Frontier Society to Plantation Regime', *The South Carolina Historical Magazine* 96, no. 4 (1995): 283.

³² Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (Chapel Hill: University of North Carolina Press, 2012), 253.

³³ Kay and Cary, *Slavery*, 227-228.

the slaveholding Anglo-American world.³⁴ Whilst the whip was undoubtedly employed as a deterrent against runaway slaves during the eighteenth century, it was often accompanied by additional measures that exacerbated their suffering, such as inflicting pain on open wounds.³⁵ In fact, its use may have become so widespread due over the decades because children often witnessed the flogging of enslaved individuals.³⁶ The prevalence of the whip implies that, in various respects, its use as a tool of ritual violence may have transitioned into the realm of extrajudicial violence.

Given the pervasive use of the whip on enslaved individuals, it is essential to examine how whipping served as a tool of humiliation and intimidation, particularly from the colonial period into the antebellum era in the interior regions of the Carolinas.³⁷ This thesis aims to explore the role of the whip and related rituals in projecting power. Although utilised widely during the colonial period, the practice of public whipping became emblematic of the emergence of an American variant of rough music, often referred to as 'lynch law.'³⁸

There is a common misconception surrounding the use of the term lynching or lynch law, which has often evoked the imagery of the ritual practice of extrajudicial execution by hanging, most often from a tree. This myth is due to a plethora of literature and imagery from the late nineteenth that surrounded the mistreatment and, at times, executions of black Americans, not simply in the southern United States but throughout much of the country. However, this fails to capture the depth and breadth of the history and meaning behind the term. Invoking 'Judge Lynch's Court' was an invocation of, or lynch law meant an application of popular justice outside of the sanctioned legal system, which, according to James Cutler, has no comparison outside of the United States.³⁹ E.P. Thompson countered this when he

³⁴ Justin Roberts, 'The Whip and the Hoe: Violence, Work and Productivity on Anglo-American Plantations', *Journal of Global Slavery* 6, no. 1 (2021): 108-10.

³⁵ Hooch, *Scars*, 94.

³⁶ Jeff Forret, 'Save-Poor White Violence in the Antebellum Carolinas' *The North Carolina Historical Review* 81, no. 2 (2004): 141.

³⁷ Richard Maxwell Brown, *The South Carolina Regulators* (Cambridge MA: Belknap Press of Harvard University Press, 1963); Klein, *Unification of a Slave State*, 47-77; Wayne E. Lee, *Crowds and Soldiers in Revolutionary North Carolina* (Gainesville: University Press of Florida, 2001), 66-6, 85.

³⁸ *ibid.*, 9; Andrew S. Buckser, 'Lynching as Ritual in the American South', *Berkley Journal of Sociology* 37 (1992): 12.

³⁹ Cutler, *Lynch-Law*, 1, 3-5.

stated that 'the rituals of rough music..., transported across the Atlantic, contributed not only to the good-humoured "shivaree" but may also have given something to lynch law'.⁴⁰

Indeed, some lynch law rituals were analogous. Moral punishment was not unheard of, even into the nineteenth century. The northern English and Scottish practice of 'riding' emerged in America and was carried forth into the nineteenth century. Many contemporary Americans know the phrase, 'riding someone out of town on a rail', perhaps from the fact that the ritual was described in the literary classic *The Adventures of Huckleberry Finn*.⁴¹ Similarly, the whip, predominant in southern American lynch law, was not confined solely to the southern region of the United States. Flogging was reportedly used in an extralegal manner against a couple in Llanbister, Wales, in 1898 for a moral offence.⁴² Humiliating practices such as riding, flogging, or even the occasional tarring and feathering did occur from the eighteenth century and into the nineteenth, it must be acknowledged that more sinister ritual practices emerged from within lynch law in the nineteenth-century on the anarchic American frontier.

By the first half of the nineteenth century, lynch law had captured the imagination of many Americans, particularly those who lived in or near the ever-expanding westward frontier. As with traditional rough music, lynch law became a means by which the community or even a small group of individuals could punish a moral offender. However, this could mean, in the absence of jails, police, and courts, common on the frontier, that vigilante violence became how criminal behaviour and moral offence were handled. The necessity of this type of justice was outlined by Edgar Allan Poe who stated that vigilante justice came about due to the proliferation of criminality that had 'escaped the civil power with impunity'.⁴³ Manifestations of this were seen in South Carolina as early as the late 1760s with summary measures taken up by extralegal means to counteract the rampant spread of crime and moral

⁴⁰ E.P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York: W.W. Norton, 1993), 530-1.

⁴¹ Mark Twain, *The Adventures of Huckleberry Finn* (New York: Charles L. Webster and Company, 1885), 290-1.

⁴² Thompson, *Customs*, 523.

⁴³ Edgar Allan Poe, 'Lynch's Law', *Southern Literary Messenger* 2 (May 1836): 389 as quoted in Christopher Waldrep, *Lynching in America: A History in Documents* (New York: New York University Press, 2006), 30.

disorder amongst the population who resided in the South Carolina backcountry.⁴⁴ Ritual beatings became prolific in remote regions that often lacked effective civil authorities to suppress criminal conduct.⁴⁵ Popular summary justice, in the form of lynch law represented, in effect, a significant departure from rough music as practised in the British Isles simply due to the practicality of life on a lawless frontier.

While death or serious injury because of traditional 'rough musicking' was rare during the seventeenth or much of the eighteenth century, lynch law offered, on occasion, ritual practices that resulted in the death of an offender. Richard Maxwell-Brown opined that many of the atrocities carried out during the American Revolutionary War were, in fact, 'an early manifestation of lynch law.'⁴⁶ This type of violence was most apparent in the barbarism that took place in North and South Carolina during the war. Although not clearly stated by any single scholar, retribution as a ritual was hinted at but not wholly explored by Jeffery Crow, who stated that disaffection from the cause of independence was a leading contributor to violence in the North Carolina backcountry.⁴⁷ The same could be said of the American Revolutionary War in the backcountry of South Carolina.⁴⁸ Undoubtedly, the war introduced a new dimension to violence, one that has not been wholly addressed as ritualised, as a struggle for social and political power.

By the dawn of the nineteenth century, the literature suggests that ritual violence had undergone a considerable transformation, especially during periods of heightened social, economic, and political tension. Examples of this include incidents of ritual violence during the American Revolutionary War and the rise of sectarian violence in Protestant Ulster during

⁴⁴ Richard Maxwell Brown, *The South Carolina Regulators* (Cambridge MA: Belknap Press of Harvard University Press, 1963).

⁴⁵ Christopher Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America* (New York: Palgrave Macmillan, 2002), 27-47.

⁴⁶ Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (Oxford: Oxford University Press, 1977), 7.

⁴⁷ Jeffrey J. Crow, 'Liberty Men and Loyalists: Disorder and Disaffection in the North Carolina Backcountry', in *An Uncivil War: The Southern Backcountry during the American Revolution*, ed. Ronald Hoffman, Thad W. Tate, Peter J. Albert (Charlottesville: University Press of Virginia, 1985), 128.

⁴⁸ Robert M. Weir, '"The Violent Spirit," the Reestablishment of Order, and the Continuity of Leadership in Post-Revolutionary South Carolina', in *An Uncivil War: The Southern Backcountry during the American Revolution*, ed. Ronald Hoffman, Thad W. Tate, Peter J. Albert (Charlottesville: University Press of Virginia, 1985), 72-98.

the latter eighteenth century. It was during this period that ritual violence had become something different, a means to inflict physical violence against those who were perceived as corrupt elites or enemies who threatened the social or economic standing of a class of people. Within this lies an evolution in the reasons for and the practice of rough music. By the mid-eighteenth century, it was suggested that for the commoner, there lay a repertory of actions available to them to express displeasure with government agents or the ruling classes.⁴⁹ These actions have been said to have been reactionary in nature and were often in response to a material change within the political or economic environment.⁵⁰ Incidents or campaigns of this sort of political intimidation or violence were antecedents of modern political organising and labour actions found in the late nineteenth and twentieth centuries.⁵¹ Furthermore, these contentious behaviours associated with this older form of expression of political or economic dissatisfaction were arguably drawn out of the rough music tradition, as discussed earlier.

Thompson describes one of the most common forms of this type of disorder in his examination of the food riot in England in the eighteenth century. He calls these actions 'disciplined and with clear objectives' to overcome malpractices by bakers, millers, or hawkers of foodstuffs in England.⁵² In these cases, the mob's motivations were to restore or uphold what was perceived as traditional norms and obligations of the merchant and upper classes to the poor.⁵³ Thompson does not go as far as to describe this as political nor entirely apolitical. In contrast, Tilly would likely argue that such activities were implicitly political and performative. Nevertheless, it would seem all but certain that these violent customs were, indeed, political in practice.

Rough music, as discussed, is a means to express outrage and deliver punishment to wrongdoers who have transgressed social norms. This type of behaviour lent itself to the

⁴⁹ Charles Tilly, *The Politics of Collective Violence* (Cambridge: Cambridge University Press, 2003), 45. See also Lee, *Crowds and Soldiers*, 17-9.

⁵⁰ E.P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past & Present*, 1971, 50, 78.

⁵¹ Charles Tilly, 'Charivaris, repertoires and urban politics', in *French Cities in the Nineteenth Century*, ed. John Merriman (London: Hutchinson, 1982), 76-7.

⁵² Thompson, 'The Moral Economy', 78-9.

⁵³ *ibid.*

evolution of various methods by which displeasure and redress could be sought through communal solidarity of a lower-middling class of people, particularly when there was an imbalance of political or economic power.⁵⁴ Thompson attributes some of this imbalance to the emergence of a new capitalist class emboldened by market forces and unrestrained by paternalist custom and law.⁵⁵ On the other hand, the labouring poor depended upon the protections afforded by these older customs and laws. Ill-prepared to deal with these new circumstances, commoners might appeal to magistrates for redress and, upon finding their pleas ignored, would coalesce around a form of collective action to express anger and displeasure.⁵⁶

The set of actions available to a community if authorities or agents have broken written law or custom is categorised by Tilly into what is commonly referred to as ‘the repertoire of collective action’ or contention. Within this set of activities, communities or crowds had means of displaying resentment yet placed unspoken limits on the types of violent action undertaken.⁵⁷ Yet, it is essential to note that despite restrictions on how communal displeasure was displayed, they could evolve due to the changing norms into the broader society and the political and economic environment. Therefore, it is worth briefly exploring some of these relevant practices in this political repertoire of action.

One of the many avenues by which community discontent was demonstrated was through property destruction. This type of activity, although not wholly consistent with the rites of rough music as practised in the British Isles, found utility as a means of expressing communal anger. Pertinent examples of such practices in eighteenth-century England are to be found throughout Thompson’s scholarship on mob behaviour.⁵⁸ One must ask, then, is such activity consistent with any discussion of rough music? The answer must be a resounding yes, as the cause of such calamity and the practices relating to how communities and classes of people expressed moral outrage and sought recompense for their grievances.

⁵⁴ Gilje, *Mobocracy*, 11.

⁵⁵ *ibid*, 79-80, 83, 88.

⁵⁶ Lee, ‘Crowds and Soldiers’, 17.

⁵⁷ Charles Tilly, ‘Repertoires of contention in America and Britain, 1750-1830’ in *The Dynamics of Social Movements*, ed. M.N. Zald and J.D. McCarthy (Cambridge, MA: Winthrop Publishers, 1979), 131.

⁵⁸ *ibid.*, 100, 107, 110-11, 113-14.

Another significant measure of the 'repertoire' that an aggrieved community may utilise is 'attacks on coercive authorities'.⁵⁹ Tilly's eighteenth-century repertoire of contention in the British Isles sets this type of behaviour apart from the practice of rough music. As previously stated, rough music, in most forms, is a type of punishment delivered through ritual humiliation, intimidation, and violence visited upon those who transgressed against communal norms and customs. However, there are many accounts in the British Isles and the United States during the late eighteenth (and nineteenth century) of symbolic or physical abuse against agents of the state that could only be categorised as some form of charivari. At first glance, it appears to be challenging to separate these concepts in practice. However, they are one and the same. It is only the object of scorn that has shifted from the commoner to the then agents of authority. Tilly continues and further delineates popular gatherings and celebratory measures as separate avenues for commoners to express frustration, a role that was crucial in the historical context.⁶⁰ Such behaviour has been described as a check on 'tyranny', that allowed the lower strata of society to momentarily challenge 'social authority without directly threatening the social system'.⁶¹ Thus, civil disorder, while detested by some, was 'tolerated as long as they did not go too far, as long as the amount of property destroyed remained small, and as long as not too many people were hurt seriously'.⁶² Accounts from both Ireland and America, within this thesis, will demonstrate that popular discontent would often encompass multiple dimensions of the eighteenth-century repertoire of contention at a single event.

Several scholars have contributed to the historiography of rough music and the repertoire of violence in both the British Isles and America. Much of the scholarly work does examine the reasons for events reminiscent of rough music and extrajudicial ritual violence. Many of these events describe periods of economic or political strife and the common popular reaction to them. This section will discuss pertinent literature covering the period 1760-1800 and primarily focuses on the studies of events in the 1760s and 1770s. Specifically, the focus

⁵⁹ Tilly, 'Charivaris, repertories and urban politics', 45.

⁶⁰ *ibid.*

⁶¹ Gilje, *Mobocracy*, 5, 7-8.

⁶² *ibid.*, vii, 8.

is on the north of Ireland and the backcountry regions of North and South Carolina, populated by people of a dissenting Protestant religious practice.

Recent investigations into crowd behaviours from Ulster to the American settlements on the eastern coasts of North America demonstrate the projection of social and political power that predate tumultuous mob actions before the War of American Independence and the Irish rebellion of 1798. Celebrations and reports from this era recount events that primarily occurred in a rural environment or small settlement such as a village.

Music, in many cases, was central to assembling crowds. Fife and drum were used alike for celebrations and elections in Ireland.⁶³ Likewise, public musical performances were commonplace in eighteenth-century American cities during celebratory events.⁶⁴ The fife and drum, long used as a means of assembly in civic and military settings, was a symbolic proclamation used to draw attention to several events, including public punishments, military musters, and parades. In the latter half of the seventeenth century, before the use of church bells, drummers played a crucial role in civic lives, including militia service, of the residents of many American settlements and Ulster towns. Often these musicians played a prominent role in any effort to draw attention to proclamations, emergencies, or other notices deemed to be in the public interest.⁶⁵ Ulster's Protestant communities often used musicians to assemble local townsfolk or to muster for a political cause.⁶⁶ Musicians were also a critical component in militia regiments throughout the British Isles and the colonies.⁶⁷ These musicians were used for calls to attention through regimental music and were commonplace throughout villages, towns, and cities within the British empire during this period.

⁶³ Peter Jupp and Eoin Magennis, 'Introduction: Crowds in Ireland, c. 1720-1920', in *Crowds in Ireland, c. 1720-1920*, ed. Peter Jupp and Eoin Magennis (London: Macmillan Press Ltd, 2000), 12.

⁶⁴ Roger D. Abrahams, 'White Indians in Penn's City: The Loyal Sons of St. Tammany', in *Riot and Revelry in Early America*, ed. William Penack, Matthew Dennis, and Simon P. Newman (University Park, PA: Pennsylvania University Press, 2002), 182.

⁶⁵ James Clark, *Connecticut's Fife and Drum Tradition* (Middletown, Connecticut: Wesleyan University Press, 2011), 19-21.

⁶⁶ Jupp and Magennis, 'Introduction', 12.

⁶⁷ Jean Martin Flynn, 'South Carolina's Compliance with the Militia Act of 1792', *The South Carolina Historical Magazine*, 69, no. 1 (1968): 28. For other mentions of eighteenth century fife and drum, Jupp and Magennis, 'Introduction' 12; Benjamin H. Irvin, 'Tar, Feathers, and the Enemies of American Liberties, 1768-1776', *The New England Quarterly*, 76, no. 2 (2003): 199, 219 and William E. White, 'The Independent Companies of Virginia, 1774-1775', *The Virginia Magazine of History and Biography*, 86, no. 2 (1978), 153.

As with the civic role of the fife and drum corps, processional gatherings played a significant part in the public consciousness of daily life for many people in Ulster and America in the eighteenth century. Many of these early processions were part of public ceremonial events associated with local chapters or lodges associated with Freemasonry. Masonic lodges began processional events in the second decade of the eighteenth century in Ireland, the first of which was on 24 June 1725 in Dublin.⁶⁸ These processions tended to attract crowds and became notable public events. An account from a masonic celebration in 1757 reveals that the procession passed by in grand form accompanied by musicians, who, in turn, attracted 'a numerous crowd of spectators' before concluding the festivities at a local tavern.⁶⁹ It is consequential that these parades were described as 'a central part of the social life of a [masonic] lodge' and whose atmosphere was 'closer to a carnival than a demonstration.'⁷⁰ It is believed that the rites associated with Masonic parades were inspired by earlier traditions associated with the trade guilds, many who still held public events into the eighteenth century, complete with music and colourful banners.⁷¹

A consequential example of such a procession occurred in Ulster during the summer of 1763. The processional campaign known as the Hearts of Oak utilised many of the trappings of a Masonic procession, including the colourful flags and music. Much like the Masonic celebrations, the Hearts of Oak used similar symbolism within a movement to protest increases in taxes, tolls, and tithes, which were believed to have placed an unfair burden on those in the lower strata of Ulster society.⁷² However, unlike the Masonic processions, the Hearts of Oak used threats of intimidation and even execution in order to gain concessions from targeted individuals. It is important to note that in this protest movement, protestors

⁶⁸ Petri Mirala, "'A Large Mob, Calling Themselves Freemasons': Masonic Parades in Ulster", *Crowds in Ireland, c. 1720-1920* (London: Macmillan Press Ltd, 2000), 121.

⁶⁹ *ibid.*

⁷⁰ Petri Mirala, *Freemasonry in Ulster, 1733-1812* (Dublin: Four Courts Press Ltd, 2007), 83, 12.

⁷¹ Faulkner's Dublin Journal, 3-7 Aug. 1731 as cited in Neil Jarman, *Material Conflicts* (New York: Routledge, 2020), 36.

⁷² James S. Donnelly, Jr., 'Hearts of Oak, Hearts of Steel', *Studia Hibernica*, no. 21 (1981): 7-22; Eoin Magennis, 'A "Presbyterian Insurrection"? Reconsidering the Hearts of Oak Disturbances of July 1763', *Irish Historical Studies* 31, no. 122 (1998): 165-187; Eoin Magennis, 'County Armagh Hearts of Oak', *Seanchas Ardmhacha: Journal of the Armagh Diocesan Historical Society* 17, no. 2 (1998): 19-31.

did not generally inflict serious bodily harm upon its targets⁷³. It was, in effect, a movement of spectacle and intimidation. Despite scholarship on this processional protest campaign, substantive questions remain on how a carnivalesque public protest campaign used ritual forms of intimidation and humiliation to strike at figures of authority in a campaign to obtain political and social agency.

The ritual of procession as a means of acting out performative attempts to obtain or appeal to power did not end with the Hearts of Oak; procession instead came to dominate much of the historiography of sectarian violence in Ulster in the nineteenth century. During this period, the Protestant-affiliated Orange Order began to use the trappings of power in the form of uniforms, music, and flags to commemorate historical events of consequence.⁷⁴ These commemorations were a manifestation of what Sean Farrell called the 'sectarian moral economy.' Echoing Thompson's thesis, processions were a demonstration of the plebian expectation that Protestant supremacy would be maintained relative to that of their Catholic counterparts.⁷⁵ As a result and due to the ongoing perception that the Protestant position in society was under threat, that processional violence was so endemic during the first half of the nineteenth-century that the British government was pushed to ban sectarian processions by the 1830s.⁷⁶ However, Farrell cautions that despite the seemingly repetitive nature of processional violence during this period, 'the specific events and issues that triggered communal confrontation and conflict changed constantly.'⁷⁷ Farrell's work on this topic is of consequence. It should be viewed as a companion work to this comparative thesis.

As in Ulster, processions played a part in the lives of the American colonists. However, unlike in Ulster, many communities were scattered far apart, particularly in the backcountry. As a result of the rural nature of the future United States, processional events were primarily confined, especially during the colonial period, to urban areas. Accounts of parading and ceremonial violence are plentiful in cities such as Boston and New York. One of the first reports of such an act in colonial America dates from 1675. The trigger for this act

⁷³ Donnelly, 'Hearts of Oak', 12.

⁷⁴ Farrell, *Riots and Rituals*, 105-117.

⁷⁵ *ibid.*, 13, 35.

⁷⁶ Neil Jarman, *Material Conflicts: Parades and Visual Displays in Northern Ireland* (Oxford: Berg, 1997), 54.

⁷⁷ Farrell, *Riots and Rituals*, 6.

involved a carpenter's apprentice who left his indenture early. Outraged by this dishonest act, the carpenter was paraded about in a mocking and satirical fashion through the local area as punishment.⁷⁸ There are similar accounts of ritual processions throughout eighteenth-century New England and the middle Atlantic colonies' cities and towns.⁷⁹ Although this is dissimilar to the grand masonic processions discussed above in Ulster, it indicates the significance of processions to not only celebrate but also deliver extrajudicial sanctions.

Processional events were not restricted to the rites of violence and punishment in colonial America. The first recognised Saint Patrick's Day parade was marked in New York in 1766, involving the participation of Irish soldiers in the British Army upon their arrival in America.⁸⁰ Likewise, 'Pope's Day', otherwise known as 'Guy Fawkes' Day' in England, was celebrated in pre-Revolutionary fashion with crowds in costume, marking the occasion in a satirical fashion.⁸¹ Not to be outdone, as in Ulster, colonial-era Masonic processions made their way through the streets of cities along the east coast, from Boston, Philadelphia, New York and Charleston, South Carolina, on Saint John's Day on 24 June of each year.⁸² These rituals have been construed as a means of projecting differing forms of social, political and economic power.⁸³

There was a certain similarity to many of these processional or celebratory events throughout the British Empire during this period. This similarity is worth considering, especially in the context of the potential influence of processional rites on the projection of political power. Newspapers often publicised these events, with their reports being reprinted far beyond the locality in which the events took place.⁸⁴ This fact suggests that processional

⁷⁸ Steven J. Stewart, "Skimmington in the Middle and New England Colonies" in *Riot and Revelry in Early America*, ed. William Penack, Matthew Dennis, and Simon P. Newman (University Park, Penn: The Pennsylvania University Press, 2002), 44.

⁷⁹ *ibid.*, 65; William Penack, "Play as Prelude to Revolution: Boston, 1765-1776" in *Riot and Revelry in Early America*, ed. William Penack, Matthew Dennis, and Simon P. Newman (University Park, Penn: The Pennsylvania University Press, 2002), 132; Gilje, *Mobocracy*, 17-8.

⁸⁰ Mike Cronin and Daryl Adair, *The Wearing of the Green: A History of St Patrick's Day* (London: Routledge, 2002), 9.

⁸¹ Penack, 'Play as Prelude to Revolution: Boston, 1765-1776' *Riot and Revelry in Early America*, 134.

⁸² Steven C. Bullock, *Revolutionary Brotherhood* (Chapel Hill: University of North Carolina Press, 1996), 53-56, 63, 78.

⁸³ *ibid.*, 39, 51, 55.

⁸⁴ David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill, University of North Carolina Press, 1997), 11.

and celebratory events in one part of the American colonies, or even within other parts of the British Empire, may have influenced the spectacle of processional rough music or rioting. The size and disposition of the crowds often impacted intensity of ritual violence.

Holidays, plebian events, and protests often attracted vast numbers of people to public events or commemorations. For many, particularly those in the lower classes, 'riots, parades, processions, and skimmingtons' broke with the monotony of daily life and often attracted vast numbers of people.⁸⁵ Massed spectators were often not simply passive viewers of events but were central participants in public ritual. Mark Harrison defined a crowd in his examination of the phenomena in England from 1790-1835 as 'a large group of people assembled outdoors in sufficient proximity to be able to influence each other's behaviour and to be identifiable as an assembly by contemporaries.'⁸⁶ Within the definition is an understanding how a large group of individuals may be able to influence the trajectory of public events. While crowd participation at its most basic level involved cheering, jeering, or some manner of song, it could have ancillary implications. An energised crowd could intimidate those in authority from carrying out their duties due to fear of provoking onlookers to violence.⁸⁷ Rudimentary noise emerging from a multitude of people could invigorate or terrify onlookers, including members of the merchant or upper classes in attendance. Keenly aware of the power of an energised crowd, organisers, particularly of protests, could use the crowd as 'an instrument of pressure' to achieve a desired outcome.⁸⁸

As a consequence of the size or disposition of a crowd, it must be ascertained whether and how crowds would impact the trajectory of ritual violence or protest. At first glance, it would seem that a crowd of a sizable number would be required to project power through protest, rough music, or simple procession. Conversely, rituals may be adapted to fit the population and environment in which they are performed. For example, many historians are well aware of the processional violence associated with the sectarian history of Ireland, many

⁸⁵ Penack, 'Introduction', 34.

⁸⁶ Mark Harrison, *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge: Cambridge University Press, 1988), 37.

⁸⁷ Stephen Ball, 'Crowd Activity during the Irish Land War, 1879-90' in *Crowds in Ireland, c. 1720-1920*, ed. Peter Jupp and Eoin Magennis (London: Macmillan Press Ltd, 2000), 232-3

⁸⁸ E.P. Thompson, *The Making of the English Working Class* (New York: Pantheon Books, 1963), 63.

of which have taken place in areas with settled populations. Likewise, as mentioned, processions and crowds played a role in the history of colonial American cities. Thus, the question must be advanced: how was power projected through ritual in the sparsely populated, rural American backcountry in the eighteenth and nineteenth centuries? Similarly, would power through ritual be reflected differently in another environment, under a differing set of circumstances, such as those found in Ulster during the same period? A reasonable hypothesis would be that rituals associated with intimidation and humiliation against a perceived offender or of protest would be altered to reflect the circumstance and environment in which it occurred.

It is worth considering if and how ritual and procession presented themselves as expressions of political will and authority over perceived wrongs. In eighteenth-century Ulster, as in America, the elite could use procession and ritual to express authority over the ordinary citizen. Perhaps not always for ill-gotten gain, yet it was an expression nonetheless. Likewise, plebian ritual events were also manifestations of power. Although it has been asserted that violence was seen as legitimate when wielded against the lower classes of society,⁸⁹ rough music, particularly in the political realm, was exercised to express legitimate authority over coercive authorities. Such violence, intimidation, or humiliation exercises are rooted in differing conceptions of morality, either in religious belief, as demonstrated in the punishment of moral offenders discussed earlier⁹⁰ or violations of older paternalistic norms, practices, or laws. Ritualised violence in the form of rough music or other aspects of Tilly's repertoire of contention will show that power or authority could be exercised toward not only inferior social status but anyone who dares challenge what is deemed the status quo. Although the state may not see this exercise of power as legitimate, those who play an active role in the exercise of extrajudicial violence viewed their actions as lawful.

While the procession was a means by which power could be displayed or challenged, direct attacks on property or persons became popular throughout both America and Ireland in the eighteenth and nineteenth centuries. Damaging, pillaging, or assault became a more

⁸⁹ Susan Dwyer Amussen, 'Punishment, Discipline, and Power: The Social Meanings of Violence in Early Modern England', *Journal of British Studies* 34, no. 1 (1995): 4.

⁹⁰ *ibid.*, 9.

direct ritual means by which a person could be humiliated, intimidated, or driven from an area or position of authority. Tilly refers to this type of act as 'coordinated destruction', or 'the varieties of collective violence in which persons or organizations specialized in the deployment of coercive means undertake programs of actions that damage persons and/or objects.' He further notes that this form of violence produces 'higher levels of damage...than other forms of collective violence.'⁹¹ Tilly states that this is a form of contention that 'overlaps with violent rituals'⁹² although this is a semantic argument as this form of violence, in and of itself, is a ritual.

Coordinated incidents or even campaigns of destruction as an expression of disgust or anger were relatively common in the British-American world of the eighteenth century. Tilly related several incidents of property, inclusive of whole houses, being destroyed in England in the late 1750s over a multitude of distinct causes from state corruption, moral turpitude, and the failure of the government to execute a convicted French spy.⁹³ Similarly, individuals targeted for their support of the Stamp Act in America had the contents of their houses wholly destroyed inclusive of Massachusetts Lieutenant Governor Thomas Hutchinson, whose house was wrecked by riotous teenage boys.⁹⁴

The backcountry of the southern American colonies also witnessed similar collective protests in the form of property damage or destruction. Wayne Lee provides valuable insights in his work on collective violence in the late colonial and revolutionary era period of North Carolina history. He briefly mentions instances such as the sacking and burning of government officials' residences, which were perceived as corrupt and indifferent.⁹⁵ Another incident in North Carolina, involved a mob destroying the residence of a coercive agent, sends a clear

⁹¹ Tilly, *Collective Violence*, 103.

⁹² *ibid.*

⁹³ Charles Tilly, 'Contentious Repertoires in Great Britain, 1758-1834' in *Repertoires & Cycles of Collective Action*, ed. Mark Traugott (Durham: Duke University Press, 1995), 16-8.

⁹⁴ Thomas J. Humphrey, 'Crowd and Court: Rough Music and Popular Justice in Colonial New York', in *Riot and Revelry in Early America* ed. William Penack, Matthew Dennis, and Simon P. Newman (University Park PA: Pennsylvania State University Press, 2002), 114; William Penack, 'Play as Prelude to Revolution: Boston, 1765-1776', in *Riot and Revelry in Early America* ed. William Penack, Matthew Dennis, and Simon P. Newman (University Park PA: Pennsylvania State University Press, 2002), 129.

⁹⁵ Lee, *Crowds and Soldiers*, 67-8, 71.

message that no one was beyond the reach of the people.⁹⁶ While the full implications of such attacks are not explored, Lee's work does demonstrate that property destruction was a significant form of protest in the sparsely populated backcountry.

In comparison to colonial America, property attacks in the form of arson were extensively found in Ulster in the second half of the eighteenth century. Arson attacks and the maiming of livestock were extensively utilised as a protest strategy against the threat of increased rents and evictions. The protest campaign, commonly referred to as the Hearts of Steel, was, in many respects, in terms of tactics used, a reaction to the swift manner in which the public processions of the Hearts of Oak were suppressed by the state earlier in the decade. James Donnelly's scholarly work on the movement is essential in understanding the various dynamics which led to and allowed the movement to persist over several years⁹⁷; however, the Hearts of Steel have never been analysed comparatively to the nearly simultaneous protest campaigns in the British American colonies of North and South Carolina. In addition, there are nuances within the historical record regarding how ritual destruction was carried out and by what means the Hearts of Steel projected power outside of nocturnal property destruction.

The decade of the 1780s was a violent one for coordinated destruction in both the Carolinas and Ulster. Social, political, and economic tensions in the previous two decades continued and evolved into separate campaigns of nearly unrestrained violence. In the Carolinas, this manifested through partisan loyalties and, in Ulster, by sectarian religious differences, both of which unleashed waves of ritual pillaging, wrecking, assault, maiming, and murder.

Pillaging, or the practice of forcibly taking material from non-combatants, sometimes followed by the burning or destruction of a house or farm, was widely employed in the Carolinas during the American Revolution. The tactic was not a new one; it was utilised in

⁹⁶ *ibid.*, 200.

⁹⁷ Donnelly, 'Hearts of Oak' 23-73.

seventeenth-century European warfare.⁹⁸ This fact suggests that the practice was culturally transported to the American colonies, although it certainly may have been seen as an evident ritual practice given the occasional lawless environment brought about by war. Pillaging has been widely acknowledged as having been utilised by militia and partisan fighters in the Carolina backcountry, and throughout the British American colonies, as a means to demoralise, 'humiliate and frighten'.⁹⁹ It was also suggested that the pillaging and destruction in the American Revolutionary War, as done in the Carolinas represented a retributive measure, as one faction took from and abused the other in recompense for similar behaviour by the other.¹⁰⁰ In many cases pillaging was connected with incidents of arson, and on occasion, assault or murder of an inhabitant of a dwelling.

Coincidentally, similar tactics were employed in County Armagh in Ulster in the mid to late 1780s. In Protestant Ireland, property belonging to Catholic residents, initially limited to weaponry, was forcibly taken by a Protestant-affiliated faction known as the Peep O'Day Boys during nightly raids. In this case, the Peep O'Day Boys justified their robbery as an enforcement of a law that prohibited Catholics from owning arms.¹⁰¹ This practice of robbery soon devolved into the wrecking or destruction of property and, on occasion, the physical assault of the inhabitants of a house.¹⁰²

While Tilly categorises plunder as a sort of collective 'opportunism', he segregates the practice from 'violent ritual'.¹⁰³ This thesis will demonstrate, in part, that pillaging and theft were not simply opportunistic but often targeted at individuals for their partisan or sectarian affiliation. As a result, pillaging and robbery, along with property destruction, if repeated and targeted, can only be reasonably defined as ritualistic violence. Despite recent scholarship on these practices only reluctantly alluding to the ritualistic nature of these practices, a thorough examination of these events in the Carolinas and Ulster will demonstrate the repeated and

⁹⁸ T. Cole James, *Captives of Liberty: Prisoners of War and the Politics of Vengeance in the American Revolution* (University Park PA: University of Pennsylvania Press, 2019), 14-5.

⁹⁹ Lee, *Crowds and Soldiers*, 113-4, 179; Rebecca Brannon, *From Revolution to Reunion: The Reintegration of the South Carolina Loyalists* (Columbia: University of South Carolina Press, 2016), 20-6; Hooch, *Scars*, 336, 338.

¹⁰⁰ Crow, 'Liberty Men', 129.

¹⁰¹ Brendan McEvoy, 'The Peep of Day Boys and Defenders in the County Armagh', *Seanchas Ardmhacha: Journal of the Armagh Diocesan Historical Society* 12, no. 1 (1986), 133.

¹⁰² *ibid.*, 130, 134, 136, 144.

¹⁰³ Charles Tilly, *The Politics of Collective Violence* (Cambridge: Cambridge University Press, 2003), 14-5.

ritualistic fashion in which they were employed to intimidate, humiliate, and assert social and political power.

There were other, more terrifying means by which individuals and families could be intimidated and violated: torture. As previously mentioned, Richard Maxwell Brown alluded to atrocity in the American Revolutionary War in the Carolinas as a sort of early manifestation of lynch law. While that is undoubtedly true, it is worth discussing how barbarism away from the battlefield manifested political and social protest and a dimension of a contest for power. Tilly categorises 'lynchings' as a variant form of 'violent ritual'.¹⁰⁴ It is, however, curious that he says little about torture, retributive or otherwise, except to classify it as a form of coordinated destruction. He also made no mention of the concept of torture within his work on the repertoire of contention in America or Britain from the mid-eighteenth century through 1830.¹⁰⁵ On the other hand, Brown acknowledges torture as a part of the type of violent actions present in America dating from the pre-colonial era to which settlers adapted conflict on the American frontier.¹⁰⁶

Recent work by historian Holger Hock has attempted to tackle the widespread use of torture and brutal retaliatory violence, not only in the southern campaign of the American Revolution War. Whilst Hock characterises many incidents that could be characterised as torture including rape, mob actions resulting in assault, maiming, and murder, he leans heavily on these tactics as aspects of violence throughout the American war. Notably, he characterises the violence found in the inland southern states as 'irregular warfare' which he, in part, cites as a tactic designed to instil 'fear and intimidation' into the civilian population.¹⁰⁷ While Hock does not characterise irregular warfare as ritualistic, many of the incidents which are discussed within his work have a ritualistic character. Targeted violence, inclusive of torture motivated by retribution, is an inherently a ritualistic act. Discussion of the nuances of ritual violence was not the intent Hock's scholarship, it is emphasised that the use such tactics in war, does not negate that targeted violence, away the field of battle, may be

¹⁰⁴ *ibid.*

¹⁰⁵ Tilly, 'Repertoires', 126-155.

¹⁰⁶ Brown, *Strain of Violence*, 26.

¹⁰⁷ Hock, *Scars*, 24-26, 61, 163-4, 277, 287, 320, 323

intrinsically ritualistic, depending upon the circumstance and environment in which an incident took place.

While scholarly work on ritual violence has not focused appropriate attention on torture, other scholars whose work has emphasised torture have acknowledged its inherent ritualistic nature. The Indigenous people of North America certainly practised ritualistic torture on their enemies in elaborate ceremonies.¹⁰⁸ Likewise, during the American colonial period, guilty convicts were often subjected to legal sanctions including, but not limited to: 'whipping, branding, ear-cropping, and the stocks.'¹⁰⁹

Within the realm of extralegal violence, torture was found in times of civil unrest, including war. However, what is notable about the use of ritual torture during periods of social tension and unrest is that the method by which torture was carried out was suited to the circumstances in which it occurred. The implications of this meant that the application of pain or even death could be improvised and often without great spectacle from onlookers. Torture was often motivated by vengeance.¹¹⁰

The retributive component within torture is particularly consequential in defining ritual violence especially in the eighteenth and nineteenth centuries. Tilly defines vengeance as a form of 'collective opportunism' which is defined as the 'consequence of shielding from routine surveillance and repression, individuals or clusters of individuals use immediately damaging means to pursue ends that would be unavailable or forbidden to them under other circumstances.'¹¹¹ Wars or other periods of near anarchic lawlessness, either from the absence or indifference from a governmental authority, explain these sorts of incidents.

Critics may respond to the inclusion of retribution as not being inherently ritualistic. This fails to take into account any number of incidents of not only torture but of processional violence, public rough music, or riot. Thompson suggests that revenge motivated several

¹⁰⁸ W. Fitzhugh Brundage, *Civilizing Torture: An American Tradition* (Cambridge MA: Belknap Press of Harvard University Press, 2018), 13-52.

¹⁰⁹ *ibid.*, 57

¹¹⁰ Brown, *Strain of Violence*, 80.

¹¹¹ Tilly, *Collective Violence*, 131.

incidents of riot in mid to late eighteenth-century England.¹¹² In America, revenge was noted to be the motivating factor for incidents of variants of rough music in eighteenth-century Fishkill, New York and Chester County, Pennsylvania.¹¹³ It was also implicit in nineteenth-century lynch law executions on the American frontier.¹¹⁴ Despite this, retribution has not been a focal aspect of broader examinations of ritual violence.

The failure of scholars to substantively address retribution as a ritual may come down to the overly violent and often improvised methods in which retribution is carried out. Undoubtedly, while there are revenge killings on a battlefield, violence or humiliation motivated by revenge has taken place outside of direct combat. Also, the method by which violence was delivered does not always mimic earlier types of ritual violence, although it may. It is important to note that retribution, much like ritual torture, is often manifest in an improvisational manner. This fact may explain why retribution as a ritual has been overlooked, particularly in the transatlantic world of the eighteenth and early nineteenth centuries.

Retribution as a ritual is also a manifestation of power. While it may seem evident that violence perpetrated against an individual or group in recompense for a violation of family, group, community, or personal honour. Revenge was the motive behind incidents of atrocity in the British Isles during the conflicts of the seventeenth, eighteenth, and nineteenth centuries.¹¹⁵ Similarly, retribution lay behind many of the incidents of atrocity in the American Revolutionary War in the northern and southern theatres of military operations.¹¹⁶

While the discussion of the many facets of ritual violence present in the British-American sphere presents a sometimes befuddling assortment of categories of intimidation, humiliation, symbolism, and even brutality, the question arises: what comparisons can be

¹¹² Thompson, 'Moral Economy', 113.

¹¹³ Stewart, 'Skimmington', 46-7, 58-9.

¹¹⁴ James Stuart, *Three Years in North America* (Edinburgh: Robert Cadell, 1833), 2: 266-267, as cited in Waldrep, *Lynching*, 46-7.

¹¹⁵ Micheál Ó Siochrú, 'Atrocity, Code of Conduct and the Irish in the British Civil Wars 1641-1653', *Past & Present*, no. 195 (2007): 69, 80, 85; Farrell, *Riot and Ritual*, 23, 76, 103.

¹¹⁶ Holger Hock, 'Mangled Bodies: Atrocity in the American Revolutionary War', *Past & Present*, no. 230 (2016): 148, 150, 152-4.

drawn between ritual intimidation, humiliation, and direct violence in the British Isles and America. In order to answer this question, it may be most straightforward to draw upon the cultural traditions of ethnicity where a substantial number of its members migrated to the British North American colonies in the eighteenth century. One of the more obvious choices for such a comparison can be drawn from the Protestant population who resided in the province of Ulster in the eighteenth and nineteenth centuries.

The Protestant population of Ulster by the dawn of the eighteenth century was primarily made up of people whose lineage could be traced back into the seventeenth and early eighteenth centuries of waves of migration from Scotland and England to the north of Ireland. The settlement of Ulster by the Scottish migrant population, many of whom were at least marginally identified as Presbyterian, set in motion a wave of social change and conflict which would forever alter the trajectory of not only Ireland but of the future United States of America.

Ireland was plunged into a deep spiral of political and social violence by the mid-seventeenth century. In 1641, native Irish, resentful over the loss of their lands and their treatment at the hands of the Protestant elite, launched a rebellion that would see nearly 4000 Protestants killed. Nearly the same number of Catholics died in retributive attacks.¹¹⁷ Likewise, the vanquishing of the last Catholic Stuart from the throne of Ireland gave rise to a legal system of oppression which marked a legally ascendant position of Protestants in Ireland.¹¹⁸ These developments also laid the foundation for the formation and maintenance of deep social-religious cleavages in Ulster, cleavages that would eventually lead to prolific campaigns of sectarian hatreds, and a history of ritual violence and civil unrest. At the same time, many other Protestant residents in Ulster left Ireland and took their cultural practices and traditions to America.

In the eighteenth century, a significant wave of migration was set in motion as Ulster Protestants, grappling with issues such as soaring rents, economic downturn, and religious

¹¹⁷ Farrell, *Riot and Ritual*, 26, 195.

¹¹⁸ Raymond Gillespie, 'The Irish Protestants and James II, 1688-90' *Irish Historical Studies* 28, no. 110 (1992): 133.

intolerance, sought refuge in ports across British North America.¹¹⁹ The scale of this migration is staggering, with an estimated 150,000 individuals, and potentially more, making the journey from Ireland to British North America between 1718 and 1775.¹²⁰ Initially, these settlers disembarked at ports in New Castle, Delaware and Philadelphia, Pennsylvania, but the allure of fertile, unclaimed, or at least unmanaged land enticed them to venture further inland.

Many of the Ulster settlers and their descendants settled all along inland territory ranging from Pennsylvania into western Maryland and the Shenandoah Valley of Virginia; prolific migration of Ulster Protestants and their progeny made their way into the sparsely populated inland region of 'North Carolina, in settlements scattered from Orange County on the east to the edge of the mountains in the west.'¹²¹ Settlement continued as the 'Scots-Irish' as history would know them, continued southward into 'Lancaster, York, and Chester counties, and elsewhere in backcountry South Carolina.'¹²² It was in the backcountry of the Carolinas with which the Scots-Irish would become so strongly associated.

While many scholarly texts have addressed the history and culture of both Ulster and the Carolinas during and after the period of migration, a few key texts have addressed the varied periods of civil unrest and war and associated campaigns or events characterised by varied forms of ritual violence, yet none exclusively focus on the ritual aspect, and symbolism associated with specific incidents or multi-year campaigns of ritualised violence, intimidation, and humiliation. Moreover, it is rare that within these examinations of ritual violence, there have been substantive attempts to address how rituals, including associated symbols have conveyed either an attempt to obtain, maintain, or test the boundaries of social and political power.

¹¹⁹ 598-9

¹²⁰ Fischer, *Albion's Seed*, 608-9. Fischer came to this number using an approximation of several other studies. It is acknowledged that it is impossible to accurately determine how many arrived from Ireland directly to North America.

¹²¹ Daniel Patterson, *The True Image: Gravestone Art and the Culture of Scotch Irish Settlers in the Pennsylvania and Carolina Backcountry* (Chapel Hill: UNC Press, 2012), 49.

¹²² *ibid.*

The rituals of protest and intimidation against coercive authorities were exemplified in the protest campaigns, war, and the maintenance of authority and power throughout the second half of the eighteenth century and the first three decades of the nineteenth in Ulster and the Carolinas. These provinces are particularly interesting due to the cultural heritage of many who settled in the inland region of North and South Carolina, popularly referred to in the eighteenth century as the backcountry. A significant number of these settlers had arrived from Ulster directly or had Ulster Protestant or 'Scots-Irish' ancestry, a fact that underscores the historical significance of their influence.¹²³

From the 1760s through approximately 1840, North and South Carolina, as well as Ulster, experienced waves of varied campaigns of ritual communal violence. While these movements are known to historians, no one has attempted to comparatively examine communal ritual violence between North and South Carolina and Protestant Ulster. To this end, the following chapters will discuss historical events associated with communal or group rituals of intimidation, humiliation, and violence in Ulster and the inland region of North and South Carolina. While this thesis is not an all-encompassing history of every incident of ritual violence, it is intended to provide a broad sampling of pertinent examples along with a comparative analysis from the late colonial period to approximately 1840.

This thesis will reflect more similarities between the Carolinian states and Ulster during the colonial era and, over time, demonstrate the variation found between the locales, separated by circumstance and broader societal influences. A critical part of any variation will be found in the physical and social environment, which would influence the performance of any ritual intended to intimidate, terrify, or directly cause harm to an individual or group of people. However, variation and difference are not absolute, as contests for power and authority will demonstrate the continuation of certain ritual practices despite variances in context and environment.

¹²³ Patrick Griffin, "Irish" Migration to America in the Eighteenth Century? Or the Strange Case for the "Scots/Irish" in *The Cambridge History of Ireland*, ed. James Kelly (Cambridge: Cambridge University Press, 2018) 596, 598. See also Michael Montgomery, 'Searching for Security: Backcountry Carolina 1760s-1780s' in *Ulster to America: The Scots-Irish Migration Experience, 1680-1830*, ed. Warren R. Hofstra (Knoxville: University of Tennessee Press, 2012), 147-160. Scots-Irish is the colloquial term commonly used in the contemporary United States.

The following thesis is divided into sections chronologically and geographic locations by chapter within their respective periods. The first section includes, broadly speaking, 1760 through 1775, the second covers 1775 until 1800, and the final section, 1800 through approximately 1840. Section one includes a discussion and analysis of North and South Carolina during the late colonial period and a pertinent discussion of civil unrest and protests in Ulster during the same period. Section two covers wartime ritual violence, torture, and political unrest in the period covering the American Revolutionary War in the Carolinas and the postwar period. The rise of sectarian ritual violence in County Armagh during the 1780s, which led to the creation of the Loyal Orange Order in the mid-1790s, is also discussed. Section three covers the antebellum era in the Carolinas, and sectarian and non-sectarian ritual violence and protest campaigns present in Ulster from 1800 through the 1830s are considered.

The Rites of Violence is built on a robust foundation of primary and secondary sources. Primary sources, such as period newspapers, government documents, pension records, correspondence, and journals or diaries, provide firsthand accounts of the events under study. Many of these materials were collected from government archives in the states of North Carolina and South Carolina, the Rubenstein Rare Book Collection at Duke University, the Public Record Office in Northern Ireland, Lambeth Palace Library in London, the Royal Irish Academy, and a number of other collections inclusive of digitised records and extensive travel. It is worth noting that newspaper articles, collected from newspapers.com, Genealogy Bank, the Irish News Archive, and the British Newspaper Archive contribute significantly to the primary sources cited within this thesis. While many newspapers often contain biases and these biases have been taken into account and are acknowledged. In a further effort to account for partialities those sources are supplemented by period histories, many of which incorporate oral histories from participants, witnesses, or those who heard about the events from individuals who experienced them. The analysis is further enriched by relevant histories from the eighteenth through the early twenty-first centuries. The inclusion of a diverse range of sources ensures a comprehensive and balanced view of the historical events, taking into account cultural prejudices where applicable.

Journals, diaries, correspondence, and written government records, published and unpublished, make up the majority of the remaining primary source documents. Many of which are sources from multi-volume publications including *The Colonial Records of North Carolina*, *The State Records of North Carolina*, *Records of the Moravians in North Carolina*, *Journals of the House of Representatives* (for South Carolina), along with a variety of transcribed documents published by the Public Record Office in Northern Ireland most of which concern events in the second half of the eighteenth century.

The importance of the source material is critical to establish and understand the trajectory of ritual violence and the events surrounding the events described here. While certain events are well documented, in other instances, there are minor details, or details which indicate a heavy bias. Careful interpretation has been undertaken, sometimes through the use of triangulation between multiple sources where possible. This is a particular importance given the highly contentious events described in the forthcoming chapters, many of which contain events of a hyper partisan, sectarian, or racial character. While the goal of this thesis is to examine the rites of and surrounding incidents or campaigns of violence, the implementation of that violence cannot always be separated from the environment in which it occurred.

This thesis, as presented, utilises an interdisciplinary approach to examine and comparatively interpret the movements, campaigns, and incidents of ritualised violence in the Carolinas and Ulster. Despite earlier scholarship in this area of inquiry, prior work has yet to be found that has attempted to cover these geographic locales comprehensively over eighty years. The comparative nature of this thesis is intended to explain, in terms of similarity and difference the trajectory of ritual violence through the lens of how power was expressed through the events discussed herein. Although it would be easier to conduct a one-on-one chronological research methodology, this thesis will demonstrate, particularly in the later chapters that these events cannot simply be analysed through simple linear order. In many cases, as circumstances dictate comparison to earlier events or types of violence as discussed by scholars such as E.P. Thompson, Charles Tilly and others. This is pertinent as the evolution of these rituals does not simply demonstrate change over time, but through circumstance and environment. While innovation in ritual violence is clearly demonstrated in many

circumstances, understanding how or why older rituals reoccur is consequential, and is why incidents or types of previously discussed ritual violence are considered throughout this thesis. At the heart of this thesis is culture, more precisely, understanding the cultural cues and meanings behind the varied and often very different types of ritual violence described herein. While it may be helpful to report the events in a given geographic locale and during a specific period, it would be difficult to ascertain the context or motivation that precipitated a particular incident or type of violent ritual. This thesis, however, seeks to understand the cultural phenomena of ritual violence and how the evolution of these practices coincides with external pressures, such as socio-political cleavages, economic disparities, and religious conflicts, thereby highlighting the importance of this research.

Rites is not intended to simply recount of historical events, but a quest to unveil the significance of the varied types of rituals described within this work. The thesis examines elements such as the attire of participants within these events, the songs, chants, or sounds associated with particular rituals or acts of violence, the use of flags, and the motivations that drive certain actions, such as retribution or moral outrage. To this end, this thesis employs an anthropological lens to describe, analyse, and discover meaning connected to historical events, movements, and campaigns associated with extrajudicial ritual acts of intimidation, vengeance, humiliation, and punishment. This approach is used widely as relevant details are available in the historical record and all effort is made to extract and interpret their meaning. Furthermore, such analysis can also illuminate the potential that similar rituals or associated events took place that may not be documented within primary sources, pointing to a broader understanding of the cultural 'mood' of the period, which may, in turn, explain why certain rituals could be described as brutal or more severe than earlier types of ritual violence which could be characterised as restrained. Such an approach is crucial for understanding the breadth of and evolution of ritual violence across space and time.

Analysis of this kind is often referred to as 'thick description,' a concept introduced by Gilbert Ryle and further elaborated by Clifford Geertz. As Geertz stated, 'culture...and the

analysis of it...[is] an interpretive one in search of meaning.¹²⁴ This underscores the approach many cultural historians often use to grasp a literal and implied understanding of social phenomena. This approach aligns seamlessly with the aims of this thesis, which is focused on events and the meaning surrounding events, campaigns, and movements associated with ritual violence in North Carolina, South Carolina, and Ulster, as outlined. Thus, *The Rites of Violence* is a significant contribution intended to deepen not only the understanding of the events described therein but also the study of ritual violence as a means of appealing to, fighting for, or maintaining political, economic, and social supremacy.

¹²⁴ Clifford Geertz, "Thick Description: Toward an Interpretive Theory of Culture", in *The Cultural Geography Reader*, ed. Timothy S. Oakes and Patricia L. Price (London: Routledge, 2008), 31.

Section I: 1760-1774

Chapter One: North Carolina: Backcountry Ritual Protest, c.1760-1771

From the initial period of colonisation until independence, North Carolina proved to be a centre of tumultuous political events, many of which were associated with migration into the province's interior. During the first half of the eighteenth century, the vast wilderness of the interior of North Carolina remained effectively absent of any meaningful European settlement. By the 1750s, large numbers of colonists began to arrive 'in hundreds of wagons' from other settlements in Virginia and Pennsylvania.¹ This mass migration of settlers included a multitude of ethnicities, many of whom had either been born in America or had lived in North America for some years prior to their arrival in North Carolina. However, many of those who opted to settle on the Carolina frontier were noted to be either from the province of Ulster or descended from an earlier wave of migration to British North America from the north of Ireland. The newly arrived settlers quickly took up residence on otherwise uninhabited land. However, there were claimants of this territory, which would spark conflict between the titled property owner, settlers, and those attempting to assist in extracting rents from its inhabitants.

Decades preceding the mass migration of new settlers into North Carolina, the financier Henry McCulloh, Sr., then living in England, had become involved in the financing of various endeavours in the colony, hoping to turn a profit. Many of these efforts were centred on attracting settlers to the land and, in turn, extracting rents and taxes from the residents. Complicating this matter was a system of land patents which remained from an earlier period when the North Carolina colony was administered by a group known as the Lords Proprietors.² The proprietorship had long granted privileges to individuals who had extracted profits from the eastern Cape Fear region in the form of rice, naval pitch, and indigo.³ Unfortunately, the lands from which these products were taken were based upon 'blank

¹ *The Colonial Records of North Carolina*, ed. William L. Saunders (Raleigh: Josephus Daniels, 1887), 5: xxi. Hereafter, *NCCR*.

² Charles G. Sellers, Jr. 'Private Profits and British Colonial Policy: The Speculations of Henry McCulloh', *The William and Mary Quarterly* 8, no. 4 (1951): 537. See also Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: University of North Carolina Press, 2002): 30-1.

³ *ibid.*

patents' – land which was not surveyed properly and often overlapped with one another. In addition, investors eager to attract settlers anticipated that the economic and population growth of the Cape Fear region would expand west while returning a handsome profit.⁴

McCulloh, through his influence within the British government, was able to expand his land-holding empire westward into otherwise uninhabited land into the Rowan District.⁵ He sold quantities of this land to North Carolina governor Arthur Dobbs and Englishman George Selwyn, with additional lands given to family and influential acquaintances, all of whom were tasked with bringing in families to settle and cultivate these areas.⁶ Settlers did arrive, but not with any agreement to settle these western lands. Instead, as there was little enforcement of any legal claim to the region, many opted to homestead without any rightful claim on any tract. The arrival of these settlers was unplanned yet welcomed by McCulloh and other grantees who believed they could extract set rents for the lands in the respective tracts.⁷ Disagreement over this pivotal issue set the stage for conflict between these new residents and their landlords.

The McCulloh-Selwyn lands needed to be surveyed before a determination could be made as to what rent was owed by each tenant. To complicate matters, several of these tracts sat within a disputed area between North and South Carolina.⁸ In an attempt to ascertain boundaries and ownership, survey teams were dispatched by McCulloh in 1755. However, the surveyors quickly met with resistance from several of the established homesteads. The first of these incidents occurred in the Rowan District, north of present-day Salisbury, North Carolina.

The surveyors sent to the area reportedly surveyed 'a Tract of One hundred Thousand Acres' on the Yadkin River and found that survey markers from a previous attempt had been relocated to deceive and confuse the team. On 23 June of that same year, one surveyor, James Mackilwean 'was overtaken by Col George Smith and fourteen other Men armed with

⁴ *ibid.*

⁵ Kars, *Breaking Loose*, 30.

⁶ *ibid.*, 41. See also Lee, *Crowds and Soldiers*, 28.

⁷ Lee, *Crowds and Soldiers*, 28.

⁸ *ibid.*, 28-9.

Guns, Swords, Clubs and Staves and Ordered to Desist from Running the line or any other on the said Land,' and if they proceeded with their duties they would 'Break their Bones'.⁹ This incident was the start of a pattern of defiance that would characterise the North Carolina backcountry.

According to scholar Marjoleine Kars, the anger of those who had settled these claimed lands came from the fact that McCulloh calculated the value of the properties and their subsequent rents based on the improvements made by the settlers. This practice was captured in testimony given after the American Revolutionary War, 'unless the people of the Country had settled down on the Lands they wo'd not at the time ... have given so much as 1s an Acre.'¹⁰ This is perhaps indicative of the rationale of the resistance to the surveyors during the initial confrontation.

Resistance was again demonstrated in 1762 when colonists whose homesteads were within the borders of tracts claimed by Governor Dobbs threatened to assault the surveyors who had been sent to ascertain the boundaries of each tract. Dobbs, in a communiqué to Governor Boone of South Carolina, stated that several of the residents claimed they resided in lands belonging to South Carolina and thusly threatened to seize the survey team and 'carry them down to Charles Town if they offer to survey...Lands which they have unjustly entered upon.'¹¹ These lands were in proximity to South Carolina, and Dobbs does acknowledge that the boundary between the two Carolinas was not yet fixed, leading residents to assert that Dobbs' claims on their homesteads were illegitimate.

The situation between Dobbs and those who had threatened his claims on the tracts of land continued to deteriorate. Dobbs, along with a surveyor, two servants and a local magistrate and militia officer, decided to investigate the situation in person. Upon his arrival, he was met by James Loosh, who claimed to be a Justice of the peace in South Carolina, yet

⁹ Council Journal, 13 October 1755, *NCCR* 5: 493-494.

¹⁰ Testimony of Alexander Elmsley, 2 July 1785, Henry Eustace McCulloh Loyalist Claim, Record 21.3.48.2 NCDA.

¹¹ 17 May 1762, Governor Dobbs to Governor Boone. *NCCR* 6: 779-80. The perpetrators of the threat are named as, James Loost, David Adams, Andrew Logan, Patrick Gibson, Benjamin Patten, John Logan, and Moses Shelly.

who had no claim on lands in North or South Carolina, according to Dobbs, stopped the party. Loosh was accompanied by 'thirty men on horseback armed with muskets and rifled guns' and asserted that no surveying would be permitted. Dobbs then replied that he was only there to 'ascertain the Lines and limits' of the tracts, and Loosh relented only to change his mind once additional members of his group joined him. Loosh then proceeded to threaten to arrest Colonel Harris, Dobbs' militia attaché and take him to Charleston as a prisoner. Loosh seized Dobbs' cane and took Harris into custody only to attempt to deliver him to another South Carolina magistrate, Justice Wyly. Wyly stated he would not make any determination as to who was at fault and deferred to try Harris in front of another justice. Clearly disturbed by this turn of events, Dobbs communicated his concerns to Governor Boone, stating that the dispute over the boundary line needed to be settled for the sake of peace and to preserve the property rights of men such as himself.¹² Although not characteristic of ritual violence, this event indicates the lack of deference that commoners in the Carolina backcountry gave to their state agents.

Two years later, in 1764, McCulloh's son, Henry Eustace McCulloh, was assigned land agent for his father and George Selwyn's interests in the region. Eustace McCulloh planned to conduct surveys of the relevant land tracts and, to avoid confrontation, agreed to meet with representatives of the residents of the areas in question. McCulloh returned to the area in March of the following year with a survey team, believing he had assuaged any opposition to these duties. However, upon arriving, he had been informed that some residents intended to oppose the surveying and, proceeding to the residence of Captain Abraham Alexander, discovered approximately one hundred fifty men there with the intent to stop Eustace McCulloh's assessment of the properties. According to McCulloh, the assemblage of men proceeded to offer £10 North Carolina proclamation money per one hundred acres.¹³ McCulloh refused. A counteroffer was made of £10-12 proc. per one hundred, again, he refused. McCulloh then described the language directed toward him as insolent, with McCulloh being told that if he continued in his efforts to survey, he 'would be to be tied Neck

¹² 5 July 1762, Governor Dobbs to Governor Boone. *NCCR* 6: 781-3.

¹³ Kars, *Breaking Loose*, 66. Proclamation money was issued in 1761 by the provincial North Carolina government. Kars write that the relative of paper money varied and was dependent on market prices for agricultural products, trade, and credit and in an effort to stabilize circulating currency the exchange rate from NC proc. pounds to the British pound was set by law.

and heels and be carried over the Yadkin [River], and that he might think himself happy if he got off so.’¹⁴

The literature reflects that this language is indicative of a means of punishment carried by the ‘North Carolina militia’, and it indicates the use of ‘popular violence’ in the Carolina backcountry.¹⁵ The law in question that recommends this type of punishment yet also offers an alternative penalty of riding ‘the wooden horse’, reminiscent of riding the stang, the ritual punishment used in lowland Scotland and northern England.¹⁶ The threat issued to McCulloh is an effort to intimidate him from his duty to Selwyn by using a form of ritual violence, in this case, mimicking of type of punishment used by the authorities. The men opposing McCulloh are asserting their legitimacy and power over a representative of an absentee landlord, a member of the elite. This is a subversive act.

During the following morning, McCulloh, insistent on completing his survey, was met by a group of settlers. Within a short period, over one hundred persons, many armed with guns and ‘in a most ignominious and taunting manner’, gathered nearby.¹⁷ Thomas Polk, one of the original representatives who had met with McCulloh in 1764, threateningly asked McCulloh if ‘he would have as many Men attend him to his Grave or not’.¹⁸ Those in attendance expressed anger at the situation by destroying the measuring chains, which prohibited any further action by McCulloh’s survey team.¹⁹ McCulloh later stated that he believed that had he persisted in his efforts that day, he would have risked his life. Polk, speaking on behalf of those assembled that day and ‘in a general manner’, proposed £15 N.C.

¹⁴ The Memorial of Henry Eustace McCulloh, *NCCR* 7: 21-2. This section of the North Carolina Colonial Records is where the majority of this event is drawn and is commonly referred to as ‘McCulloh’s Memorial’, and is not dated. This is important to note that the events described therein written by McCulloh and likely demonstrate bias. He asserts that his actions were in good faith and he used every measure to defuse the situation whilst endeavouring to complete the survey on behalf of Selwyn. Moreover, ‘McCulloh’s Memorial’ is the sole surviving account of what transpired during these series of events.

¹⁵ Lee, *Crowds and Soldiers*, 31. The specific 1760 law as it relates to the militia punishment of being tied by the neck and heels can be found in *State Records of North Carolina*, ed. Walter Clark (Goldsboro, NC: Nash Brothers, 1904) 23:520. Hereafter, *NCSR*. This punishment was again codified into the 1764 law, see *NCSR*, 23: 599. This type of punishment would have been common knowledge given that militia service lawfully required for all men between the ages of 16 and 60, *NCSR*, 23: 518.

¹⁶ *NCSR*, 23: 520, 599.

¹⁷ ‘McCulloh’s Memorial’, *NCCR*, 7: 24.

¹⁸ *ibid.*

¹⁹ ‘McCulloh’s Memorial’, *NCCR*, 7: 24-5.

proc. per one hundred acres to McCulloh to resolve the conflict. McCulloh stated that while he used no foul language, Polk and his men might wish to atone for what had transpired that day. He also later rebuffed Polk's offer in writing.²⁰ McCulloh added that the actions of the residents present that day were unlawful, and as the presumptive leader of those assembled, Polk bears responsibility for what transpired.²¹



Image 1: Environs of Mecklenburg County, 1770²²

The property destruction and verbal threats described through Henry Eustace McCulloh's recollection represent multiple facets within the repertoire of contention. To this point, although no major property damage or significant violence was visited upon McCulloh and his survey team, Polk informed those present on that day that he oversaw the situation and intended to take necessary measures to maintain his authority. Despite this, there appeared some hesitancy by Polk and his men to carry out any bodily harm to the land agent at that juncture; perhaps because he feared that should that occur, it may have invited other coercive agents into the area, namely provincial militia. However, the conflict between McCulloh and those living within this area had not yet reached its zenith.

²⁰ Wayne Lee writes in *Crowds and Soldiers* that the refusal of this offer, in his view, was tied to the difference between the value of pound sterling to North Carolina proclamation money, and the instability of currency exchange between these two currencies. For more information, see 31-2.

²¹ 'McCulloh's Memorial', *NCCR*, 7: 25.

²² John Collet, J Bayly, and S Hooper, *A compleat map of North-Carolina from an actual survey*. London: S. Hooper, 1770. Map. <https://www.loc.gov/item/83693769/>.

Months later, on 7 May 1765, a team of surveyors arrived with the intention of surveying land owned by Selwyn and occupied by a woman known as ‘the Widow’ Alexander. Council Journal testimony seems to assert that this survey was acknowledged and accepted by Mrs Alexander, yet, the survey was still met by physical resistance. Twelve or more men, described as being ‘blackened and disguised and armed with Guns and Clubs’ assaulted John Frohock, who was then lead surveyor for the McCulloh team on site. The assault was described in some detail by Frohock, who conveyed that he was slapped across his face, Abraham Alexander whipped, and another man ‘very near had daylight let into his skull’.²³ McCulloh addressed this incident in a letter to Orange County Superior Court Clerk and militia officer Edmund Fanning by stating two days later, ‘Shall not the war of Sugar Creek be handed down to posterity?’ McCulloh further stated, ‘had I been present--, I most assuredly & without any ceremony had been murdered; --which in all probability would have made the Event must more fatal to my then present friends’ and acknowledging the presence of firearms by those who attended to the abuse as having been brought for that purpose.²⁴ This was the incident in which this series of events would become known by historians.

Here, unlike in the events described previously, physical abuse is perpetrated toward McCulloh’s staff. The crucial difference between this occurrence and those prior is that those who assaulted the survey team obscured their identities with costumes and a blackening agent. Clearly, those involved in the perpetration of violence against the surveyors knew this incident could have repercussions should their identities be revealed to the authorities. The new governor of North Carolina, William Tryon stated that if any two of those involved divulged the names of the other offenders, they would be issued a pardon.²⁵ None of the offenders reportedly accepted this offer. McCulloh did, however, name Polk and over forty other individuals as being responsible for the assault and resulting riot in September of the same year. Despite this action on his part, by March 1766, the cases were dismissed.²⁶

²³ Council Journals, 17 May 1765. *NCCR*, 7: 37-38. The full names of those physically assaulted are, John Frohock (sometimes spelt Frohawk), James Norris, Abraham Alexander, James Alexander, James Ross, Elias Alexander, and William Alexander. All were acknowledged as attending to surveying duties at the time of the incident.

²⁴ Henry E. McCulloh to Edmund Fanning, 9 May 1765. *NCCR*, 7:32.

²⁵ Council Journals, 17 May 1765. *NCCR*, 7: 37-8.

²⁶ Salisbury District Trial and Minute Docket, 1761-90, September 1765 and March 1766, North Carolina Department of Archives and History. Hereafter, NCDA.

The acceleration of violence within the so-called 'Sugar Creek War' demonstrates that despite the relatively recent settlement of the areas where verbal harassment, intimidation, humiliation, and assault took place, the residents formed communal bonds before and during these series of events by those who participated in them. These behaviours were indicative of cohesiveness within the settler communities, despite their having settled the lands relatively recently. Moreover, the use of costume to obscure the identities of those who perpetrated physical assaults shows a genuine fear of being identified by sufficiently robust authorities that backcountry residents may not be able to coerce from the area. Although it remains unclear by what means McCulloh identified those responsible for the violence. It is reasonable to believe that he named some of the most prominent individuals who had issued threats to him during prior encounters. Nevertheless, there appears to have been little appetite to prosecute the cases in the Rowan District court.

Antecedent incidents that led up to the Sugar Creek event illustrate a willingness to defy institutions and individuals of a higher social status in the North Carolina backcountry. Moreover, the use of intimidation and violence here served as a precursor for subsequent events in the same decade, described in more detail than those provided by Henry Eustace McCulloh and John Frohock, the North Carolina Regulator campaign.

In 1765, Joseph Macpherson, a relatively new arrival to North Carolina, attended a local wedding. He overheard a ballad being sung by another at the event; unfamiliar with the tune; he listened closely. The song he heard, 'When Fanning First to Orange Came,' lampooned a local figure of some notoriety, Edmund Fanning.²⁷ Fanning, who had interacted with Eustace McCulloh, was a central figure in a long series of grievances relating to malfeasances, including charging exorbitant fees as the clerk of court in Hillsborough (Orange County). Similar accusations were levied at John Frohock, Fanning's peer in the Salisbury (Rowan District) courthouse.

As discussed, the grievances that led to the conflict, often called the Regulator War or the War of the Regulation were not from violence but from corrupt practices and

²⁷ Arthur P. Hudson, 'Songs of the North Carolina Regulators' *William and Mary Quarterly*, 4, 4, pp. 476-77.

grievances.²⁸ As with the moral economy's food riots described by E.P. Thompson, the background and resulting ritual violence resulted from the erosion of older paternalistic norms that the Regulators and their supporters believed had been wrongfully denied them. Furthermore, like the Sugar Creek rebellion, the violence and intimidation perpetrated upon frontier elites would upend commonly held eighteenth-century notions of legitimacy and authority as flowing from the upper classes onto the middling and lower classes.²⁹

Although the literature on the North Carolina Regulators has sought to provide context as to why this political movement arose in a southern province in British North America, it is worth considering not only the reasons for the movement but how the Regulators attempted to shift political power in North Carolina in the years before the American Revolution. One of the first public murmurings of growing public discontent was in a speech given by North Carolina resident George Sims before the Granville County courthouse in 1765. Sims stated during his address that he did not know many of those in attendance that day, perhaps signifying the tentative nature of the community of much of the North Carolina backcountry, which was seeing increasing migration from other American colonies during this period. Sims continued to state that despite his unfamiliarity with his audience that the 'rights and privileges which our Constitution has endowed us with' have been undermined by a 'common evil, which has almost overrun our land.' He further purposes that a 'recovery of our native rights and privileges' must be undertaken in an effort to repudiate tyranny in the province. Sims explicitly named the 'Officers of our County Court' as central to the abuses which run counter to the rights and liberties afforded to British subjects and names the extortionate practices by which this was done. Sims emphatically asserted his loyalty to the King and Parliament along with the traditions and heritage irrevocably connected to those institutions as central to the grievances of which he spoke.³⁰

Sims' words demonstrated his allegiance to the social order and the traditions upon which that order is founded. Furthermore, Sims outlined that it is corrupt local officials and

²⁸ Lee, *Crowds and Soldiers*, 49.

²⁹ Amussen, 'Punishment, Discipline, and Power', 4-5.

³⁰ George Sims, 'An Address to the People of Granville County', in *Some Eighteenth-Century Tracts Concerning North Carolina*, ed. William K. Boyd (Raleigh, Edwards & Broughton Company, 1927), 183-92. See also Kars, *Breaking Loose*, 134 for further background information on Sims and his motivations.

lawyers who are extracting extravagant fees and are betraying the British tradition, custom, law to which they owe their loyalty.³¹ Sims appealed to Governor William Tryon for a redress of these grievances. Although this was addressed to the residents of Granville County, his appeal is emblematic of similar issues throughout other areas in North Carolina.

As previously mentioned, Fanning and Frohock were both seen as principal figures of what was perceived as extortionate practices by local elites. Moreover, their participation in the Sugar Creek affair did little to bolster their reputations with backcountry inhabitants. Consequently, these men featured prominently in the decision to create the Sandy Creek Association in an effort to gain redress against these practices in August 1766.³² Sandy Creek's principal figure, Herman Husband, a Quaker who settled in North Carolina in the 1750s, stated that extortionate practices that led to the creation of the association were pervasive throughout much of the North Carolina backcountry including, Granville, Halifax, and Orange counties. Specifically, Husband asserted the law that limited that allowable fees that could be charged by a lawyer were limited to fifteen shillings, yet ordinary citizens were being charged in excess of thirty shillings, 'And Three----, Four----, and Five Pounds for every Cause attended with the least Difficulty, and laugh at us for our Stupidity and same Submission to these D—n—d, &c.'³³ These words, echoing Sims, typified the experience that many in the settler community felt, that they were looked down upon, and used by those in the upper echelon of society as a means to enrich themselves at the expense of the lower economic classes which depended upon their services.

Husband explained that the burden that these punitive fees and usurious methods by local officers placed upon ordinary citizens in a province that was already starved of coinage.³⁴ Many of the settlers affected by these charges were extraordinarily poor even by eighteenth-century standards and little improved in their condition as those in the Sugar Creek conflict.

³¹ *ibid.*, 185-90.

³² Archibald Henderson, 'Hermon Husband's Continuation of the Impartial Relation', *The North Carolina Historical Review* 18, no. 1 (1941): 61.

³³ Husband, Herman, 'An Impartial Relation of the First Rise and Cause of the Present Differences in Public Affairs in the Province of North Carolina, &c', in *Some Eighteenth-Century Tracts Concerning North Carolina*, ed. William K. Boyd (Raleigh: Edwards & Broughton Company, 1927), 255.

³⁴ Lee, *Crowds and Soldiers*, 49. See also Husband, 'An Impartial Relation', 255.

Husband, as a leader within the Sandy Creek Association, publicly denounced these actions saying,

If these Things were absolutely according to Law, it were absolutely
According to Law, it were enough to make us throw off all Submission
To such tyrannical Laws; for were such Things tolerated, it would rob
Us of the Means of Living; and it would be better to die in Defence of
Our Privileges than to perish for what of the Means of Subsistance[sic].³⁵

The tract, 'An Impartial Relation' authored by Husband, summarised many of the grievances which led to the rebellion of backcountry farmers in North Carolina. Husband repeats, in more detail, the tone and tenor of George Sims' address. The accusation was repeatedly made that ancient law and custom by which common people found protections of their rights and privileges was eroded in the backcountry. For example, historian Eli Caruthers stated that although the Orange County court was only allowed to collect a fee roughly equivalent to one dollar for recording a deed, officials would extract fees equal to or in excess of eight dollars.³⁶ Caruthers further explains that similar practices were used by sheriffs in their efforts to collect taxes and of clerks who issued licenses for marriages. Similar fees were charged in Rowan, Granville, Anson, and Halifax counties. Legal limits were often ignored and residents most affected by these malpractices found no redress with area magistrates.³⁷

The fees associated with marriage licenses were a particularly contentious matter given that a significant number of the backcountry population were adherents of dissenting Christian sects. One should not make the mistake of believing that as many in the region were Presbyterians due to the prevalence of individuals of Ulster or Scottish heritage. A report from the period conveys the chaotic mixture of Christian sects in the backcountry, many of whom held varied animosities toward not only the established Anglican faith but one another.³⁸ It

³⁵ Husband, 'An Impartial Relation', 255.

³⁶ Eli W. Caruthers, *Revolutionary Incidents and Sketches of Character Chiefly in the "Old North State"*, (Philadelphia: Hayes & Zell, 1854), 20-1. It is unclear if Caruthers means literally one dollar which was not a currency denomination that circulated at the time, or if this should have been one pound in North Carolina proclamation money.

³⁷ *ibid.*, 21.

³⁸ Mr. [Charles] Woodmason's Account of North Carolina made in 1766, *NCCR* 7:286-7.

is asserted that many settlers may not have held any church membership electing to remain independent of any formal religious association.³⁹ This may have contributed to the practice of marriages taking place without a license or religious ceremony, thus avoiding any payment of fees to local constabularies.⁴⁰ Yet those who did wish to procure a legal marriage license would be made to suffer the deleterious effects of extortionate fees, which also upheld the established church. It must also be noted that other scholars, notably Kars, have asserted that although religious faith, association, and practice played a role in the grievances and events that precipitated the culmination of the 'War of the Regulation', in no way should grievances of the settlers be viewed simply through the lens of sectarian division.⁴¹

Following the first meeting of the Sandy Creek association, a petition for redress of the practices of clerks, magistrates, and sheriffs was issued. Finally, however, a meeting was agreed to in October 1766 between officials and the association. However, Edmund Fanning, a magistrate in Hillsborough, one of the preeminent officials associated with the corrupt practices that had galvanised county residents, declined to appear. Justice Fanning further denounced the gathering and accusations of the association as an 'insurrection'.⁴² This set-in motion a series of tumults that would see the dissolution of Sandy Creek.⁴³

The opportunity for an early settlement between the aggrieved residents and county officials passed. The administration of the provincial government, in response, appeared to turn a blind eye as state agents appeared to continue with their extortion of the settlers. In early 1768, a proclamation was issued stating that the North Carolina Assembly had authorised sheriffs to collect two shillings, eight pence additional levy on any person who does not pay taxes at the time and place prescribed by the tax agent.⁴⁴ Husband notes that this proclamation 'was quite insulting' and was little more than an attempt to extort further individuals who would have to travel some distance, often over rugged terrain, to avoid paying an additional penalty. The final insult was news that Tryon had authorised the

³⁹ Kars, *Breaking Loose*, 120.

⁴⁰ Eli W. Caruthers, *A Sketch of the Life and Character of the Rev. David Caldwell, D.D. Near Sixty Years Pastor of the Churches of Buffalo and Alamance* (Greensboro NC: Swaim and Sherwood, 1842), 114.

⁴¹ Kars, *Breaking Loose*, 119-20, 123-9.

⁴² Husband, 'An Impartial Relation', 259.

⁴³ *ibid.*, 261.

⁴⁴ B.P.R.O.A. & W.I. N.C, No. 216, *NCCR* 7: 771-2, See also Husband, 'An Impartial Relation', 262.

construction of a new governor's palace in the eastern city of New Bern.⁴⁵ These actions galvanised former Sandy Creek associates and other individuals to unite into the group known as the Regulators.

The Regulators, named for their assertion that they were required 'for Regulating publick Grievances and Abuses of Power' and asserted they would pay no more taxes until satisfied that any levies due would align with the law, that the collection of fees in excess of what is legally prescribed would not be allowed, they would seek redress from 'Burgesses and Vestry-men' as well as the Assembly, Governor, Council, King and Parliament', assist one another, and agree to the decisions made by majority decision.⁴⁶



Figure 2: Orange County, North Carolina in 1770.⁴⁷

The first incident of ritual humiliation to be ascribed to the nascent Regulator movement occurred in April 1768. A local sheriff, known as Hawkins, seized a horse from a Regulator who was en route to Hillsborough in lieu of a missed payment of taxes levied.⁴⁸ The

⁴⁵ Husband, 'An Impartial Relation', 263.

⁴⁶ *ibid.*, 263-4.

⁴⁷ Collet, Bayly, and Hooper, *A compleat map*.

⁴⁸ 'Regulators Advertisement No. 11' Address of the Regulators to Governor Tryon and Council, not dated, *NCCR* 7: 764.

taking of a mare was a serious matter, given that transportation overland and farm work required the use of such an animal. Thus, the resident would not only find his ability to pay taxes impeded but perhaps his ability to sustain himself and his family would be at risk. In response to this outrage, a crowd of approximately sixty or seventy persons armed with 'clubs, staves &c and cloven musquets[sic]' outside of Hillsborough forcibly took the horse from Hawkins.⁴⁹ They proceeded to bind the sheriff, placed him upon the horse, and entered Hillsborough in an informal procession. Moreover, in an affront to Fanning, 'some heated unruly spirits' fired bullets at the dormer windows of his residence located in the town from the street.⁵⁰

Although it is unclear how the sheriff was ultimately treated during this event, contempt for Hawkins was likely exhibited by the mob. The assembled crowd, vastly outnumbering any countering force that town officials could muster, was demonstrating its disgust at the situation and the power it wielded toward officials in Hillsborough. Like Thompson's moral economy thesis and through the petitions of the Sandy Creek association, there would be little tolerance for the abuses of the law by coercive agents. Undoubtedly, the cheering and jeering emanating from the mob only encouraged its actions, including the vandalism directed at the Fanning residence. Yet, as Lee notes, there was restraint in the day's violence. No one was maimed or killed; this was a public display of discontent and rebellion.⁵¹ The property violence and abuses directed toward the sheriff and others falls neatly within the eighteenth-century repertoire of contention as outlined by Tilly.

Wayne Lee states that the violence displayed during this event was 'familiar' and part of a long-standing method of communal action. He describes it as a textbook skimmington, particularly for Hawkins, who was tied up and presumably humiliated in the process.⁵² Nevertheless, unlike the older tradition of rough music or charivari, there is no evidence that this was a planned, elaborate ritual. Lee proclaims that the Regulators would have believed

⁴⁹ *ibid.*, See also Husband, 'An Impartial Relation', 267.

⁵⁰ *ibid.*, Lieutenant Col John Gray to Edmund Fanning, 9 April 1768. NCCR 7: 705-6. Gray believes there were up to one hundred people present that day, not sixty or seventy.

⁵¹ Lee, *Crowds and Soldiers*, 51.

⁵² *ibid.*

the actions of that day were legitimate and a means to requesting redress.⁵³ However, it is worth remarking that the auditory expression of discontent is not described in the accounts of that day. One could easily imagine the crowd breaking out into rhythmic songs as a demonstration of anger.

Music, as previously mentioned, was featured in the conflict. There are four surviving ballads or songs from that period. Two of those ballads mock and detail the perceived crimes and wrongdoings of Edmund Fanning and John Frohock, while two others exalted the causes and individuals of the Regulator movement. The song, 'When Fanning first to Orange came' predates the creation of the Regulator movement and yet exemplifies the resentments felt by many in the region.⁵⁴

The lyrics, which may have been sung at Regulator meetings or during performative public gatherings, convey that despite Fanning's humble appearance, he was portrayed as a thief of the public's money. One can imagine that those gathered in Hillsborough recited this short song when the shots rang out toward the Fanning property. It was speculated that song was central to the acts of defiance of the Regulator movement. The Fanning song and three other ballads are largely attributed to Rednap Howell, a Regulator and associate of Harmon Husband.⁵⁵ These surviving four songs coincide with and demonstrate in concert with the writings of Husband, the perceived righteousness of the Regulator cause. The significance of two of Howell's ballads is demonstrated by the Regulators' actions in response to the escalatory events after the April 1768 event.

Auditory sound, during this period as an emblematic aspect of ritual violence, was not limited to the North Carolina Regulator campaign. Chanting was known to have been employed during episodes of civil unrest in Massachusetts in the 1760s. During one protest and riot of the hated Stamp Act, a mob paraded about the streets of Boston rhythmically

⁵³ *ibid.*

⁵⁴ *Raleigh Register and North-Carolina Gazette*, 2 July 1826.

⁵⁵ Henry M. Belden and Arthur Palmer Hudson, *The Frank C. Brown Collection of North Carolina Folklore: Folk Ballads from North Carolina* (Durham NC: Duke University Press, 1952), 2:647-8.

chanting 'Liberty and Property' and 'Down with the Stamps'.⁵⁶ Likewise, Holger Hoock notes that the 'Rogue's March' was often employed during episodes of tarring and feathering in the same period.⁵⁷ While not as elaborate as the Regulator ballads, sound was an important aspect of pre-Revolutionary ritual protest. This is also seen in a subsequent chapter on ritual protest and violence in 1763 in the north of Ireland.

In response to the April Hillsborough incident, Fanning sent Tryon a letter describing Orange County as being in a state of 'rioting and rebellion'. He further informed Tryon that tax and other county officials were being threatened with death and that 'Clerks, Sheriffs, Registers, Attornies[sic] and all Officers of every degree and station to be arraigned at the Bar of their Shallow Understanding and to be punished and regulated at their Will.' Fanning further conveys that Hillsborough itself was under threat and that few local men could be organised into a militia that will raise arms in the town's defence. He also suggested that the Regulators wish to appropriate the role of legitimate government, and appealed for assistance from New Bern.⁵⁸ Fanning, a week later, publicly characterised the Regulators in a proclamation as 'seditious, riotous and tumultuous'.⁵⁹ It is important to note the dark, alarmist tone within his writings. This rhetoric would only escalate tensions between the Regulators and government officials.

Tryon responds to Fanning within days of his letter and exalts Fanning's effort to maintain law and order in the county. Tryon further empowered Fanning to use the militias of Burke, Granville, Rowan, Halifax, Mecklenburg, Anson, Johnston, and Cumberland to suppress 'all Insurrections' while simultaneously hoping that this authority would prove sufficient to bring the 'many deluded to a proper Sense'. Tryon did not wish to further inflame the situation with the Regulators as a body; however, he did convey that the leaders need be brought to trial for their part in inciting disorder in Orange County.⁶⁰ Also, militia officer John Gray submits a letter to Fanning stating that a warrant was issued to arrest Regulators William

⁵⁶ R.S. Longley, 'Mob Activities in Revolutionary Massachusetts', *The New England Quarterly* 6, no. 1 (1933): 116.

⁵⁷ Hoock, *Scars*, 107.

⁵⁸ Edmund Fanning to Governor Tryon, 23 April 1768, *NCCR* 7:713-6.

⁵⁹ Edmund Fanning 'Advertisement' 1 May 1768, *NCCR* 7: 739-40.

⁶⁰ Governor Tryon to Edmund Fanning, 27 April 1768, *NCCR* 7: 717-8.

Butler, Peter Craven and Ninian Hamilton, all named as instigators in the incident in Hillsborough.⁶¹ Although Tryon's response is characterised as restrained⁶², he underestimates the loyalty that the Regulators have not only to leaders like Husband and Howell but to one another.

As rhetoric turned to action in the form of the arrest warrants, Tryon attempted to straddle a middle ground in his response. On 29 April, Tryon stated that those who disturb the peace of North Carolina will be dealt with through legal means, yet in May 1768, he remained hopeful that a proclamation requiring the disturbances to cease along with authorisation to use militia to this end would prove fruitful.⁶³ Tryon appeared to believe that there is no legitimate need for the Regulators and their sympathisers to use coercive civil violence, and he stated, 'they will experience a proportionate redress to every Grievance that is founded in Equity and Reason'.⁶⁴

In May, the arrest warrants were executed on Husband and Butler, who were brought back to Hillsborough and detained. The response was swift. The next day, hundreds of people turned out in Hillsborough, many having travelled up to thirty miles from the town to protest the jailing of these two men.⁶⁵ The message was made clear to magistrates and sheriffs on that day. Although no direct violent action was undertaken, the prisoners were released on the pledge to 'never give his opinion of the law, nor frequent assembling of himself among people, nor shew any jealousy of the officers taking extraordinary fees, and others of a similar kind'.⁶⁶ The pledge, reportedly authored by Fanning, was regarded as a means to silence and humiliate his prisoners.⁶⁷ With this small victory, Fanning agreed to release the prisoners due

⁶¹ John Gray to Edmund Fanning, 9 April 1768, *NCCR* 7: 705-6.

⁶² Lee, *Crowds and Soldiers*, 55.

⁶³ Tryon to the Council, 29 April 1768, *NCCR* 7: 730-1, and Governor Tryon to Colonel Spencer, May 1768, *NCCR* 7: 727-8.

⁶⁴ Governor Tryon to Colonel Spencer, May 1768, *NCCR* 7: 727-8.

⁶⁵ Husband, 'An Impartial Relation', 268.

⁶⁶ Caruthers, *Caldwell*, 122. Caruthers cites, Martin, volume 2, 234 but no further information is found as to the author's full name or the name of the text for this quote. There is an additional report of this event in *The South-Carolina Gazette*, 3 October 1768.

⁶⁷ Archibald Henderson, 'Hermon Husband's Continuation of the Impartial Relation', *The North Carolina Historical Review*, 18, no. 1 (1941): 51.

to the threat of violence should the crowd assembled decide to free Butler and Husband by force.

A separate recorded account describes an event that challenged the power dynamic that Fanning was trying to uphold. Reportedly, there was an additional contingent of armed Regulators outside of Hillsborough. These men, led by Ninian Hamilton, were met by Fanning, who urgently requested that the Regulators not be allowed to enter Hillsborough for fear of an outbreak of violence. Fanning then proceeded to inform Hamilton that the prisoners had been freed. As this exchange took place on the banks of the Eno River, Fanning crossed the river and offered wine and rum as an offering to the Regulator force encamped there. After reaching the other side of the river, Fanning was rebuffed and forced to return, wet and humiliated, to Hillsborough.⁶⁸

These series of events, immortalised in the song 'From Hillsborough Town the First of May' by Rednap Howell, calls the local officials 'murdering traitors' who 'went to oppose the honest men That were called the Regulators.' The lyrics further lambast Fanning for wading across the river and mock the militia force as 'brave boys'.⁶⁹ The song salutes the leadership and unwavering demeanour of Hamilton outside of Hillsborough. This entire incident and the subsequent ballad associated with the liberation of the two men and the degradation of Fanning was seen as a victory in the minds of the Regulators. They asserted themselves above their station, not only as equals to Fanning and his associates but as superior through valour and support of the law.

Subsequent to the liberation of Husband, a communiqué was sent by a local merchant, Ralph McNair, advising Husband to tread carefully after a careful reading of the 'Statues of England', particularly when it comes to the accusation of libel or riot; a charge that could be levelled at individual Regulators, including Husband. It is unclear if this advice was solicited by Husband. Yet, McNair conveys that 'writing, copying, carrying about or dispersing a Libel (and anything tending to stir up a People to a dislike a Government or even to a single person

⁶⁸ *ibid.*, 122-3.

⁶⁹ White, *The Frank C. Brown Collection*, 2: 649-652. The lyrics to Howell's song are also found in, Caruthers, *Caldwell*, 123.

is a Libel), the Sentence is Confiscation of goods' yet 'Mobs and Riots (that is where a number rise without Arms and only murmuring) are treated with Lenity.' McNair warns that despite this if a mob is stirred against the government, the leaders will likely face the death sentence.⁷⁰ McNair suggests that should the movement conclude its efforts; no severe punishment will be levied on the Regulators. Despite McNair's counsel, this would not end the Regulator movement.

Governor Tryon's responded to the arrest and subsequent release of Husband and Butler by chastising the Regulators for their actions and taking up arms against state agents. He further praised Fanning and says the accusations made by Regulators do not 'Warrant the extraordinary steps' taken by their actions.⁷¹ Although the letter was characterised as conciliatory, an examination of Tryon's communiqué comes across as foreboding and rigid.⁷² Although Tryon did offer clemency to the Regulators and stated he was willing to address their grievances, the governor sternly cautions against future disruption to civil order in North Carolina. It appears certain that regardless of Tryon's stance on Regulator grievances, county officials felt no pressure to cease their practices and continued to increase fees. Husband stated that the Regulators paused their activities to await any change in the behaviour of clerks and attorneys yet soon discovered that the county clerk increased 'Fees Four-pence or Eight-Pence; upon which all Hopes of the Law vanished, and every Channel and Passage of Redress was stopped and shut up.'⁷³

Aggravating the increase of fees, the Regulators received another letter from Tryon advising them that the payment of taxes would soon come due and that no persons should molest or otherwise interrupt the sheriff and his deputies in the collection of levies. Husband responded by informing the sheriff that they would not pay taxes until their grievances had

⁷⁰ Ralph McNair to Harmon Husband, *NCCR* 7: 768. Lee, *Crowds and Soldiers*, 56. Wayne Lee discusses this letter at length suggesting it was written in May or June 1768 and that Husband was attempting to ascertain the legal limits of his writings and the operations of the Regulators. It remains unclear if this advice was sought by Husband, even if the entirety of the letter suggests that they have had communicated previously. It may be that Husbands realizes he had breached the law on libel yet perhaps he also believes that the statute is superseded by the 'ancient constitutions'.

⁷¹ Governor Tryon to the Regulators, Council Journals, 20 June 1768. *NCCR* 7: 793. Also, Husband, 'An Impartial Relation', 274.

⁷² Lee, *Crowds and Soldiers*, 57.

⁷³ Husband, 'An Impartial Relation', 274.

been presented to the North Carolina Assembly and Council.⁷⁴ Finally, on 13 August 1768, Tryon responded to the non-payment of taxes by stating the Regulators were 'Pursuing Measures highly Criminal and Illegal' and Husband and Butler will once again be taken into custody, and no violent attempt will be allowed to free them from jail. Tryon further stated that measures will be taken to 'provide for the safety of Government and to take care that the Publick[sic] receives no danger'.⁷⁵ This likely referred to the raising of the militia stationed in Hillsborough and the surrounding areas. These statements portend an escalation of the confrontation between state agents, Tryon, and the Regulators.

Around the same period, during the summer of 1768, a petition was received by Governor Tryon from residents of Anson County complaining of similar grievances to those of the Orange County Regulators. Within the proclamation, several offenders were named, inclusive of the sheriff, clerks, and magistrates within Anson County, who extract differing fees and taxes of the residents in excess of what is allowable by law.⁷⁶ Tryon's response is brief, stating the 'Attorney General...shall receive directions...to prosecute those who have abuse[d] their Public Trusts'. He further states, 'the Insults you offered to the Magistrates in the execution of their Offices at the inferior Court....will be a subject of Enquiry at His Majesty's Superior Court of Salisbury District'. Similar in tone to Tryon's dealings with the Orange County Regulators, he closed with an offer of leniency should the complainants comply with the officials from whom they seek redress.⁷⁷

At this point, Tryon likely realised that the issues raised by the Regulators in the initial disturbances were endemic and threatened the stability of the interior of the province. However, the notion that the inhabitants and middling classes of people who composed a great majority of the inhabitants of British-controlled North Carolina could assert themselves equal to or above the orders of the backcountry elite through subversion, libel and outright rebellion would have been a troubling prospect. Should the provincial authority investigate and remove agents engaging in corrupt practices on such a scale, it could have set a precedent

⁷⁴ *ibid.*, 275.

⁷⁵ Governor Tryon to the Regulators, Council Journals, 13 August 1768. *NCCR* 7: 804-6.

⁷⁶ Address from the Inhabitants in Anson County to Governor Tryon, *NCCR* 7: 806-08.

⁷⁷ Governor Tryon's answer to the Anson Petition, 16 August 1768. *NCCR* 7: 809-10.

that would have upset the balance of power in North Carolina and throughout much of British North America. It is worth discussing that given the insults described by Tryon in his answer to the Anson County petition and other tumults in Orange County, there existed a pattern of physical abuse and humiliation perpetrated on individuals in the North Carolina backcountry.

Despite the information provided through colonial era records and a lack of newspaper accounts, scholarship has strongly suggested that the use of flogging or whipping, mentioned briefly in the Sugar Creek conflict, was used with impunity in the backcountry. In 1769, a Colonel Spencer was purportedly abused by Regulators.⁷⁸ In April of the same year, John Lea acting as sheriff, was whipped by Ninian Hamilton, Samuel Devanny, and others whilst attempting to serve a warrant on Hamilton for a breach of the peace.⁷⁹ Likewise, a sheriff in Anson County, attempting to collect taxes, was whipped by Regulator sympathisers.⁸⁰ On occasions when targeted individuals would attempt to escape the Regulators and fail, physical punishment was usually followed. The 'people in their rage sometimes caught them and married them to a black-jack, that is, tied them up to a black-jack, with their arms round it, gave them a sound dressing, and then laughed to see them hug their bride while undergoing the operation.'⁸¹

James Hunter stated that backcountry settlers attained power through intimidation and physical violence, which persisted even after the end of the Regulator conflict.⁸² Logic suggests that such activities would have likely taken place outside areas with larger populations, such as Hillsborough or Salisbury and were perhaps directed at tax collectors, deputies, or those known to be aligned with county agents. There is little indication that these activities would have been carried out with the elaborate spectacle of the seventeenth-century charivaris in the British Isles. Nonetheless, it would be reasonable to believe that given the manner in which violence was administered at the end of the Sugar Creek War,

⁷⁸ Diary of Waightstill Avery, 12 April 1769, the Lyman Draper Manuscript Collection, Container id: MF-P.10.4, NCDA.

⁷⁹ Council Journals, 14 April 1769. NCCR 8: 26.

⁸⁰ Adelaide L. Fries, ed., *Records of the Moravians in North Carolina* (Raleigh: Edwards & Broughton Print Company, 1922), 1: 390.

⁸¹ Caruthers, *Caldwell*, 130.

⁸² James Hunter to Butler, 6 November 1772, William S. Powell, James K. Huhta, and Thomas J. Farnham, ed., *The Regulators in North Carolina: A Documentary History, 1759-1776*. (Raleigh: North Carolina Department of Archives and History, 1971), 537-8.

participants may have used methods to obscure their identities when ritual punishments were meted out. Not knowing the identity of the people attacking, mixed with the imagery of masked individuals, may have exacerbated the fear experienced by the representatives of governmental authority in the North Carolina countryside, i.e., sheriffs, tax collectors, and officers of the court.

Returning to the events in Hillsborough in September 1768, expecting a probable confrontation with the regulators regarding the trial of Husband and Butler, Tryon attempted to muster a large militia in nearby Mecklenburg County. A newspaper report stated that the sole purpose of the militia was to deal with the Regulator threat in Orange County. It was further stated that the militiamen who did muster was far fewer than usual. Moreover, Tryon requested that the assembled men pledge ‘to the utmost of their power, support and defend all the laws of the province, that were not repugnant to the laws of Great Britain’. Reportedly this resulted in a measure of audible discontent from the men, likely related to the tumults of the Stamp Act in other parts of British America, and not wishing to engage in combat against fellow North Carolinians. Many declined to stay until the following morning, and Tryon was left with a small force of men.⁸³

At this point, Tryon realised that he was faced with a difficult problem due to the reluctance of men to agree to accompany his force into Orange County. This demonstrates that the Regulators, if not wholly supported within the populace, likely had significant support in the area due to the proliferation of corrupt practices by officials and the inability or unwillingness of the government to deal with the problem effectively. Tryon, in his travels to neighbouring Rowan County, once again planned to muster the local county militia. However, this time he sought support among Presbyterian ministers in the area, believing that as the backcountry was filled with the sect’s adherents, many of Ulster heritage, which would encourage turnout.⁸⁴ Tryon appealed to the local militia officers that there was a danger of

⁸³ 3 October 1768, *The South Carolina Gazette*. Henceforth SCG.

⁸⁴ Letter from the Presbyterian Ministers to Governor Tryon, *NCCR* 7: 813-4. The Presbyterian ministers who signed their support for Governor Tryon include Hugh McCaddon, James Creswell, David Caldwell, and Henry Patillo. These same ministers openly presented their position and support for the government in this matter in *NCCR* 7: 814-6. Tryon’s mistake may have been to believe that the region’s inhabitants were faithful and devout Presbyterians. Many may have had loose connections to the Presbyterian church, or were adherents of other dissenting sects such as the Baptists, or even irreligious.

civil war in the province. Colonel Osborn, of the Rowan militia, in Tryon's presence, publicly stated that 'the Liberties and Properties of the Inhabitants' would be under threat should Hillsborough fall to attack.⁸⁵ Although there are reports that seem to indicate that the whole of the militia Tryon attempted to raise was below full strength, he commanded an impressive multitude of militia from across the Piedmont region and marched into Hillsborough on 19 September 1768.⁸⁶

A few days after Tryon's force entered Hillsborough, it was reported that eight hundred Regulators stopped just outside Hillsborough.⁸⁷ These men, reportedly from Rowan, Orange, and Anson counties, submitted a letter of their demands to Tryon. They wished to present themselves in the town, make their demands, and request pardons while also consenting for the trial of Husband and Butler to proceed. Tryon replied that he would require that the Regulator force surrender their arms to receive any pardon. Upon receipt of Tryon's terms, the Regulator force could not come to an agreement on how to proceed, and many left without surrendering their weapons. However, approximately thirty men submitted their weaponry to the militia and departed the area for good.⁸⁸

The evidence in Tryon's journal suggests that the entirety of the events, including the attempts to muster militia in numerous counties and through the march into Hillsborough, was not solely to defend the town. It was a show of force and a spectacle inclusive of a British military-style procession complete with regalia, regimental musicians, and union colours.⁸⁹ This was an attempt on the part of Tryon to use the force of his office in a ritualised expression of power to counter that of the Regulators. The sound and sight of a large force penetrating the backcountry would have sent a message that any attempt to interfere with the defence of Hillsborough would be met with force. Likewise, the procession would have conveyed the legitimacy of British law and the authority of the King. This may have left some residents who

⁸⁵ 'Tryon's Journal', *NCCR* 7: 822.

⁸⁶ 'Tryon's Journal', *NCCR*, 7: 827. Letter from Governor Tryon to the Earl of Hillsborough, 25 October 1768, *NCCR* 7: 859. Tryon places his force at over one thousand men upon entry to Hillsborough.

⁸⁷ 'Tryon's Journal', *NCCR* 7: 827. Husband disputes this number claiming that the Regulators mustered three thousand seven hundred. Husband, 'An Impartial Relation', 282.

⁸⁸ Husband, 'An Impartial Relation', 282.

⁸⁹ 'Tryon's Journal', *NCCR* 7: 823-4, 830.

witnessed the march into Hillsborough conflicted, given the Regulator's assertion that they were the legitimate defenders of British law and custom.

Regardless of how the peaceful impasse came to be, the trials of Husband and Butler proceeded. Husband was found innocent, while Butler, along with Regulators Samuel Devinney and John Philip, were found guilty of charges relating to the seizure of the horse that precipitated the last disturbance in Hillsborough. It is suggested that the not guilty verdict in the case of Husband had more to do with the threat of violence should a respected Regulator leader be imprisoned.⁹⁰ Fanning also stood over allegations regarding extorting money from the county's inhabitants. Fanning was found guilty of six counts of extortion but only fined a nominal amount as recompense for his crime.⁹¹ Fanning also promptly resigned his position in the Orange County court.⁹² This result left the Orange County Regulators unsatisfied, believing that Fanning was inadequately punished for his crimes.

Approximate to these confrontations in Hillsborough, other smaller-scale Regulator-affiliated incidents took place in other areas of North Carolina. An example was the attempted freeing of a Regulator from the Halifax County jail. This was reportedly stopped through the cooperation of residents. Although it remains unclear as to how the event transpired, many were injured, perhaps severely, and a horse was shot. In Johnston County, 'in August last', approximately eighty Regulators attempted to remove county magistrates from the courthouse forcibly. The judges, having been forewarned of the approach of these individuals, mustered a defence of the court resulting in the physical abuse and ensuing retreat of the rebels.⁹³ Although neither of these accounts demonstrated ritual punishment, they are consistent with the range of collective violent practices common within the eighteenth-century British tradition.

Up to this place in time, Regulator activities, particularly where individuals suffered some measures of abuse, were either in sparsely populated areas or in cases where there was

⁹⁰ Kars, *Breaking Loose*, 159.

⁹¹ Caruthers, *Caldwell*, 128.

⁹² Governor Tryon to the Earl of Hillsborough, 24 December 1768. *NCCR* 7: 884.

⁹³ *ibid.*, 885.

no sizeable policing presence that was able to deal with extrajudicial activities. This is particularly true of the first disturbance in Hillsborough. A direct confrontation between the Regulators and Tryon's militia force would have resulted in casualties and possibly a wider conflict within North Carolina. This would have been undesirable for either faction. Going forward, there was to be yet another showdown between the judiciary and the Regulators in Hillsborough.

The cumulative events that gave rise to the Regulator movement led to an opportunity in the subsequent legislative elections in North Carolina for both the Regulators and those sympathetic to their cause. Prominent individuals who had aligned themselves or who appeared supportive of the Regulator campaign stood in provincial elections in 1769.⁹⁴ Five of these men, including Husband, were elected to office.⁹⁵ The Regulators also spent much of the year holding meetings throughout the province and circulated petitions detailing their grievances.⁹⁶ Much of this year was characterised by the Regulators attempting to solidify public support and loose coalition building. However, these electoral victories did not amount to meaningful change that would address backcountry grievances.

It has been noted that although the Regulator cause was founded in the grievances of the poorest residents who were most likely to face hardship through having to pay exorbitant fees or travel long distances to pay taxes, those elected to the Assembly were of a higher economic class than a majority of families in the region.⁹⁷ The question must then be considered, were the motivations of these individuals ideologically driven, or given the shifting power dynamic that the Regulator movement caused, were at least some of these individuals motivated by a desire to establish a new political class whose ideology would elevate the interests of the poor and middling classes? At first glance, Husband, whose tract, 'An Impartial Relation' justifies his motivations during the period in question, seems to be an

⁹⁴ Kars, *Breaking Loose*, 170-1.

⁹⁵ A. Roger Ekirch, *"Poor Carolina": Politics and Society in Colonial North Carolina, 1729-1776* (Chapel Hill: University of North Carolina Press, 1981), 189-90. The names of the men elected to who were sympathetic to the Regulator cause were, Herman Husband and John Pryor of Orange County, Christopher Nation and Charles Robinson of Anson County, and Thomas Person of Granville County. It is noted in Henderson, 'Husband's Continuation', 65, that Fanning was a candidate in the same election.

⁹⁶ Caruthers, *Caldwell*, 129.

⁹⁷ *ibid.*, 190.

ideological remonstrance against the corrupt practices of the Orange County elites. Moreover, he found the notion of elite paternalism in exchange for the deference of the lower classes to be absurd, if not in theory, but in practice.⁹⁸ He also asserted that power, when abused, can be a danger to liberty but did not express a rebuke against the use of political power to preserve liberty.⁹⁹

Running for political office in the wake of the Regulator disturbances suggests that Husband and others of similar means may have wished to institute reform, yet in no way suggests a repudiation of his political influence. Husband asserted to the people that current elites held no motivation than to 'agrandize[sic] themselves and swim in Opulence' while the lower classes suffer from abuses allowed by government.¹⁰⁰ Although there are little to no surviving documents that suggest a motivation counter to that asserted by Husband from other Regulator-associated candidates, it seems reasonable that their motivations were ideologically pure. They sought to upend the elite political authority and supplant it with their own. Understanding why prominent Regulator figures stood for election provides insight into the motivations for the verbal and physical attacks. These ritualised expressions of Regulator backcountry authority would reach their apex in September 1770.

The Orange County Regulators, frustrated in their ability to constrain the activities of the government and its agents, conspired to demonstrate their influence again at a court session on 24 September 1770. Nearly all the accounts of what transpired on this day come from interests who had some interest in maintaining a negative perspective of the Regulators.¹⁰¹ Yet the overall course of events from that day demonstrated consistency that should be assumed to be reasonably accurate. That morning, as Judge Richard Henderson opened the session, Regulators filled the courthouse¹⁰². The men were armed with 'clubs,

⁹⁸ Kars, *Breaking Loose*, 70-1.

⁹⁹ Henderson, 'Husband's Continuation,' 58. Archibald Henderson authored this article that includes another tract authored by Husband as a follow up to 'An Impartial Relation'.

¹⁰⁰ Husband, 'An Impartial Relation', 304.

¹⁰¹ Lee, *Crowds and Soldiers*, 67. Lee further expands upon the biases on the sources in the endnotes on page 255, no 17.

¹⁰² Judge Henderson to Governor Tryon, 29 September 1770, *NCCR* 8: 241. See also 'Deposition of Ralph McNair', *NCCR* 8:245. McNair testified that Herman Husband, James Hunter, William Butler, Ninian Hamilton, Jeremiah Fields, Matthew Hamilton, Ely Branson, Peter Craven, John Frint, Abraham Teague, and Samuel Parks as members of the Regulator contingent present that day.

whips, loaded at the end with lead or iron...and many other offensive weapons'.¹⁰³ A man named Fields turned to address Henderson and said that the cases that day would proceed, and they 'had come down to see justice done and justice they w[oul]d have', and objected to the jury appointed by an 'Inferior Court' and insisted Regulator jurors should be selected.¹⁰⁴ The Regulators present then proceeded to abuse a 'Gentleman of the Bar', forcing out the man, and beat him.¹⁰⁵ That individual, John Williams, suffered from 'blows to the head and different parts of his body' until he managed to take refuge in a nearby building¹⁰⁶. From the moment the Regulators entered the courthouse with offensive weaponry, they made their intentions clear. However, there was no mention of any firearms carried into the courthouse on this day. This suggests that there were no militia present, and none were expected. Instead, this was a display of power by the Regulators proving they controlled the court and, by extension Hillsborough, absent reinforcement from Tryon.

Many of the cases on the docket that day involved Regulators in the role of plaintiff and defendant.¹⁰⁷ As the group had long asserted corruption and injustice present in the Orange County court, they likely believed that absent this demonstration, judgments would go against them. After the assault of Williams, the antagonists turned their attention to Fanning, also in attendance that day. The Regulators proceeded to take out their frustration so long denied them. Fanning was forcibly seized, dragged 'down the steps, his head striking violently with every step', and forced from the courthouse. Once outside, the Regulators continued to drag Fanning 'on the ground over stones and brickbats' while striking him with 'whips and clubs' while also kicking and spitting at him.¹⁰⁸ Fanning reportedly escaped from the melee, somehow surviving the assault.

In the aftermath of the assault on Fanning, the Regulators informed Henderson that he would not be harmed should the business of the court should proceed as planned. However, the Regulators decreed that no attorneys 'the King's Attorney excepted, should be

¹⁰³ 25 October 1770, *The Virginia Gazette*; 27 November 1770, *The South-Carolina Gazette and Country Journal*; 13 November 1770, *The South-Carolina and American General Gazette*; SCG, 22 November 1770.

¹⁰⁴ Judge Henderson to Governor Tryon, 29 September 1770, NCCR 8: 241.

¹⁰⁵ The Hillsborough Riots, 22 September 1770, NCCR 8: 235.

¹⁰⁶ 25 October 1770, *The Virginia Gazette*. Henceforth TVG.

¹⁰⁷ NCCR, 8: 236-40. The docket for that day included cases against Fanning and Husband.

¹⁰⁸ TVG, 25 October 1770.

admitted' to ensure 'justice impartially done.' Henderson proceeded as best he could until he could adjourn with a promise to reconvene the following day.¹⁰⁹ Feeling satisfied with the day, the Regulators escorted Henderson back to his accommodation in a 'great parade.'¹¹⁰ Henderson, in his letter to Governor Tryon, conveyed that during that day, several other men who held the animus of the Regulators were publicly flogged.¹¹¹ He further conveyed that feeling uncomfortable with the situation; he absconded under cover of darkness.

The following day, the Regulators launched an assault on Fanning's residence. The rioters entered the house and proceeded to destroy its contents, including all furniture, china, and glass. They also seized Fanning's currency, raided his liquor and wine cellar, and threw what they could not consume into the street. The Regulator mob also took Fanning's wardrobe, fashioned an effigy and paraded it about Hillsborough. Not satisfied with the destruction they had wrought, they 'pulled down and laid his house in ruins'. The Regulators, wishing to inflict another indignity, took a bell that was a gift from Fanning to the town church and destroyed it.¹¹² In a final act, according to *The Virginia Gazette*, the mob took the corpse of a black man who had been executed some time ago, 'placed him at the lawyer's bar' in the courtroom, and 'filled the Judge's seat with human excrement'.¹¹³

Prior research has asserted that the Regulators on this day abided by traditional rules of restraint characteristic of rule of traditional English riot, as no one was killed.¹¹⁴ There was far more to this event than a demonstration of political grievances. The Hillsborough riot contained several elements of the repertoire, including traditional rough music. The flogging of officials and others present at the courthouse were not simply intended to humiliate, they also underscored the message that no individual in the county was safe from the Regulators. In addition, flogging used in other British American colonies as a means of judicial

¹⁰⁹ Judge Henderson to Governor Tryon, *NCCR* 8: 241.

¹¹⁰ *ibid.*, 243.

¹¹¹ *ibid.*, Henderson reported that Thomas Mart, Alexander Martin, Michael Holt, Clerk of the Crown John Litterell were among those whipped during the court session. He further stated that others including Colonel Gray, Major Lloyd, Francis Nash, John Cooke, Tyree Harris and others would have suffered the same fate had they not escaped.

¹¹² *TVG*, 25 October 1770.

¹¹³ *ibid.*, See also Lee, *Crowds and Soldiers*, 68. Lee admits that the story about the corpse and the excrement was likely either fabricated or sensationalized. It does not appear in Henderson's communiqué to Tryon.

¹¹⁴ Lee, *Crowds and Soldiers*, 68-9.

punishment¹¹⁵ was used by the Regulators as a means of expressing political authority. Through the use of the whip, they usurped the role of government and claiming the right to mete out punishment on criminal wrongdoers, namely corrupt county officials.

The 'great parade' given to Henderson has been oft overlooked in any analyses of the events at Hillsborough on this occasion. The use of the term 'great' does not denote that this was a simple escort for the judge. This was a visible statement of Regulator control over the county judiciary, not only to Henderson but to those who witnessed the event. There is little within the narrative to draw from on this procession; however, one could easily assume that occasion was marked by noise or song and was a mocking ritual designed to humiliate Henderson, even if he was not subjected to physical harm.

The mob, on this occasion, presented Fanning with all the trappings of a Carolinian rough music serenade. His beating and removal from the courthouse by force was only a more severe variant of a traditional British charivari. Given that Fanning did not die from his encounter with the large number of Regulators, his treatment, while abusive, may have been exaggerated in reports from Judge Henderson and in *The Virginia Gazette*. Yet there is no question that Fanning was the object of an assault. At the point where there was no desire to further abuse Fanning's person, the Regulators turned their ire to his residence and the subsequent creation of an effigy that was mockingly paraded about the town. It is easy to imagine the sights and sounds of this moment. Although not conveyed in the written record, the Regulators uttered jeering sounds, chants, or one of Howell's songs during this procession. This was a demonstration of complete contempt, political rough music, not only for Fanning but the ruling elite, and an expression of political authority for the Regulators.

The Hillsborough Riot of 1770 was the peak of Regulator authority in the North Carolina backcountry. Shortly after the events in September of that year, Tryon was alerted as to what had transpired in Orange County. Ralph McNair, who had counselled Husband on

¹¹⁵ *ibid.*, 33. The use of whippings, was used as judicial punishment in the geographically adjacent colonies of Virginia and South Carolina, see *The South-Carolina Gazette; and Country Journal*, 3 May 1768; and TVG, 23 April 1767 for examples.

the limits and consequences of libel and riot, provided testimony at Newbern.¹¹⁶ Likewise, another letter pleads with Tryon to quell the Regulator disturbances or risk the peace and stability of North Carolina.¹¹⁷ Tryon, in turn, informed Lord Hillsborough of the riot, referring to the event as an 'insurrection'. In communications, the governor neglected to provide the gruesome details of the riot, either because he felt it could have reflected negatively on his governorship or, perhaps, he felt it was not pertinent.¹¹⁸

Until this point, it may be that Tryon believed the Regulators were only a threat to peace in the backcountry. However, it was not until late 1770, that the governor received additional information that the Regulators were behaving as a judiciary, delivering punishments, and interfering with operations of the court in Rowan County.¹¹⁹ As mentioned earlier, many of the same grievances laid at the officers of the Hillsborough court were also levelled at the Salisbury court and John Frohock, Fanning's counterpart. In one such incident, approximately seven hundred Regulators mustered near Salisbury, stopping county officials, including Frohock, who wished to attend a court session in March 1771. During this event, they accosted Frohock, 'whom they forced to give a Bond that on a certain day and at a certain place he would give back the excess Fees that he had taken.'¹²⁰ There is no indication that Frohock, in a manner similar to Fanning, mounted a vigorous defence of his activities and appeared to have not been subjected to the same abuse as a result.

It is noted that the Regulators were not a movement that could be characterised by top-down organisation.¹²¹ This was a movement typified by a set of similar grievances, perhaps loosely influenced by the activities of other Regulator groups. It is, therefore, difficult to determine who was ultimately responsible for specific actions against persons or property. For example, on 12 November 1770, Judge Henderson's estate and farm in Granville County was set ablaze 'by persons yet unknown', and two days later, another house belonging to Henderson fell victim to arson.¹²² Near this period, there was some indication that the

¹¹⁶ 'Deposition of Ralph McNair', 9 October 1770, *NCCR* 8: 245.

¹¹⁷ James Watson, Robert Lytle and others to Governor Tryon, 30 September 1770. *NCCR* 8: 246-7.

¹¹⁸ Governor Tryon to Lord Hillsborough, 7 October 1770, *NCCR* 8: 248.

¹¹⁹ *Moravian Records* 1: 450-2.

¹²⁰ *ibid.*, 1: 451.

¹²¹ Lee, *Crowds and Soldiers*, 71.

¹²² Council Journals, 19 November 1770, *NCCR* 8: 258-66.

Regulators planned to take their cause directly to the capital, New Bern.¹²³ Given the mayhem in Hillsborough, the Governor felt that this was the moment to take direct action to suppress the movement.

In response to the ongoing Regulator threat, the Assembly passed legislation known as 'An Act for Preventing Tumultuous and Riotous Assemblies', or the Johnston Riot Act, that granted the government several new powers to deal with riots or insurrections. This new authority granted the power to order unlawful assemblies to disperse or face death. Furthermore, the law stated that interference with a court session, the collection of taxes, or the illegal act of destruction of a public or private building is a felonious act and punishable by death.¹²⁴ The penalties were harsh and later to be found discordant with English law.¹²⁵ However, by the time the objection was provided to the North Carolina government, the Regulator movement had ended.

Considering the riot act and rumour of an attack on New Bern, the governor had Husband arrested and jailed in New Bern. Tryon knew that this act might galvanise his opponents, and he used this to his benefit and attempted to bolster support for the town's defence. The governor further stated that he was provided with information from Francis Nash in Hillsborough that a group was moving onto New Bern with the intention of releasing Husband from jail and laying 'New Bern in ashes'.¹²⁶

There were, in fact, a few hundred Regulators moving onto New Bern. Not enough to seize control of the town, but perhaps enough to panic some of the populace.¹²⁷ Husband had been freed through a judge's order by the time the procession to New Bern was underway as a jury failed to indite on a libel charge.¹²⁸ Upon hearing this, the Regulators en route to New Bern dispersed but not before stopping in Hillsborough.

¹²³ *ibid.*, NCCR 8: 260; Governor Tryon to John Simpson, 20 November 1770, NCCR 8: 681

¹²⁴ Lee, *Crowds and Soldiers*, 72; 'An Act for Preventing Tumultuous and Riotous Assemblies', NCPedia, accessed 14 October 2022, <https://www.ncpedia.org/printpdf/13502>.

¹²⁵ B.P.R.O No. Carolina. B.T. Vol. 17, 15 May 1772, NCCR 9: 289.

¹²⁶ Council Journals, 7 February 1772, NCCR 8: 497.

¹²⁷ Lee, *Crowds and Soldiers*, 72, 74.

¹²⁸ Letter from Governor Tryon to Earl Hillsborough, 12 April 1771, NCCR 8: 546.

It was reported that during the Regulator pause in Hillsborough, no property damage or riots occurred. Yet there was a display of their perceived power and authority aligning with the rites of government authority. Upon their departure from the town, 'they marched out in Triumph drums beating'.¹²⁹ The use of drums signified to the Regulators and those in Hillsborough that they were legitimate arbiters of authority. In a similar vein, Rednap Howell stated that he anticipated that the Regulator movement would spread unabated throughout much of the interior of North Carolina and 'facilitate Justice' to the colony.¹³⁰ It has been asserted that this implied the desire to overturn and institute a new government in the province.¹³¹ However, Howell's letter was intercepted and presented to Tryon the opportunity to raise a militia with the approval of the Assembly and end the Regulator threat.¹³²

It is important to consider Howell's assertion, along with the Regulator's expression of political anger through procession, music, and violence, described in this section as political expression and activism. The Regulators demonstrated a wide range within the standard eighteenth-century repertoire of political action. Their activities, from whippings, property destruction, song, processions, and the display of effigies, are a means of political action and mobilisation. However, they were not simply protesting the grievances; they were espousing political power through their ritual displays. The repertoire used by the Regulators should be seen as a means of early modern political activism. In the modern context, political factions may hold rallies, party conferences, and campaign for electoral power.¹³³ As a modern system for contesting political power had not yet developed these practices, the activities of the Regulators should be seen through such a lens.

Despite Regulator practices into the North Carolina backcountry, they would fail in their endeavour. Tryon, with much difficulty, managed to put together a large militia force with the intention of ending the Regulator threat. Scholarship has emphatically asserted that the Regulators as a movement essentially acknowledged the legitimacy of Tryon's authority

¹²⁹ Letter from Governor Tryon to Thomas McGuire, 27 February 1771, *NCCR* 8: 695-6.

¹³⁰ Letter from Rednap Howell to James Hunter, 16 February 1771, *NCCR* 8: 536.

¹³¹ Lee, *Crowds and Soldiers*, 76.

¹³² *ibid.*

¹³³ Tilly, 'Charivaris, Repertoires', 76-77.

until the governor's victory at Alamance, North Carolina on 16 May 1771. Historian Wayne Lee acknowledges the juxtaposition of the Regulators asserting themselves as an army while proclaiming themselves as a dissenting movement. Lee further states that the Regulators seemed to 'acknowledge the fundamental legitimacy of the Tryon regime.'¹³⁴ However, as discussed previously, the Regulators were not a monolithic group. Howell's intercepted letter and the trappings of legitimacy and power demonstrated at Hillsborough on multiple occasions suggest that although they may not have thought it possible to depose the government, they certainly wished to establish themselves as a powerful political faction.

¹³⁴ Lee, *Crowds and Soldiers*, 84.

Chapter Two: Disorder on the South Carolina Frontier, c.1760-1771

South Carolina, like its northern neighbour, underwent a massive population increase into the mid-eighteenth century. Migration into the sparsely populated wilderness brought with it, as in North Carolina, a period of turmoil. The bonds of social trust between individuals and families that may have characterised older settlements in British America, or the British Isles had not coalesced in the interior of South Carolina. As a result of the unsettled criminal activity, religion and property were the flashpoints for much of the turmoil of the period in the South Carolina backcountry.

The interior of South Carolina, characterised by its fertile soil and its numerous rivers and creeks, laid largely uninhabited by European settlers throughout the first decades of the eighteenth century. The region, once populated by the indigenous Yamassee confederation of tribes, was virtually empty of European settlement in any meaningful sense until the mid-eighteenth century.¹ In the 1750s, settlers began to emerge into the region, many following the same path of migration that had led to the settlement of the interior of North Carolina. Many of these settlers had emerged from northern colonies, including Pennsylvania and Virginia, while others arrived through the port of Charleston.² People within the region were described as a 'mix'd Medley from all Countries and the Off Scouring of America', and described as 'neither English, Scots Irish or Carolinian by Birth'³ This tumultuous mixture often led backcountry residents to rely on the bonds of kinship, religious faith, and ethnicity within their interactions with one another, and often to the exclusion of the other.⁴

¹ Rachel N. Klein, 'Ordering the Backcountry: The South Carolina Regulation', *The William and Mary Quarterly* 38, no. 4 (1981): 663.

² Peter N. Moore, *World of Toil and Strife: Community Transformation in Backcountry South Carolina, 1750-1805* (Columbia: University of South Carolina Press, 2007), 21; Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry 1760-1808*, (Chapel Hill, Omohundro Institute and University of North Carolina Press, 1990), 14; H. Tyler Blethen and Curtis W. Wood, Jr, *Ulster to the Carolinas* (Raleigh: North Carolina Department of Cultural Resources Office of Archives and History, 2013), 41; David N. Doyle, 'Scots Irish or Scotch-Irish' in *Making the Irish America: History and Heritage of the Irish in the United States*, ed. J.J. Lee, Marion R. Casey (New York: NYU Press, 2007), 167.

³ Richard J. Hooker, ed. *The Carolina Backcountry on the Eve of the Revolution: The Journal and other Writings of Charles Woodmason, Anglican Itinerant* (Chapel Hill, University of North Carolina Press, 1953), 6, 23.

⁴ Moore, *Toil and Strife*, 25.

Religion was a prominent social cleavage on the Carolina frontier. Despite the Church of England being the government-sanctioned and established Christian faith, the interior of South Carolina housed many active Christian sects, many of whom were in competition with one another for new converts. This led to a type of sectarian divide that resulted in open hostility with one another. Anglican itinerant Charles Woodmason repeatedly remarked in his writings on the treatment that he endured at the hands of Presbyterian adherents in the South Carolina countryside.

Woodmason wrote extensively about his travels and treatment in the interior of South Carolina. He sought to minister to the spiritual needs and education of the inhabitants of villages and towns in the region, many of whom lived in penurious circumstances. One of Woodmason's reports conveys the circumstances in which many people lived on the frontier. Following a sermon at Flatt Creek, he noted that the congregants departed and 'went to Revelling Drinking Singing Dancing and Whoring'. He further deplored the character of those assembled on that day 'as rude in their Manners as the Common Savages, and hardly a degree removed from them.'⁵ It should be noted, however, that Woodmason's biases are pronounced in his words. He, like North Carolina's Edmund Fanning, was a native to the communities or culture in which he laboured and, at times, held some contemptuous attitudes about the persons he encountered. However, his journal is considered illustrative of the environs and society of the backcountry during this era.

As an Anglican itinerant, Woodmason was both beloved by some and despised by others. Yet many may have held an indifferent or even curious manner to his travels throughout the interior of the province. In his travels, he did find himself at odds with dissenting Christian sects. Sometimes their interactions were explosive and indicative of the struggle for religious supremacy in nascent backcountry society.

Woodmason often interacted with Presbyterians. On many occasions, he sought permission to give a sermon at a Presbyterian meeting house. The number of Presbyterians by the mid-1760s was not at all unusual, as the interior of South Carolina had attracted a great

⁵ Hooker, *Carolina Backcountry*, 56.

number of people who either were of an Irish Protestant background or who had arrived directly from Presbyterian communities in the north of Ireland. However, Woodmason quickly gathered that he would not always find a welcoming reception from the Presbyterians, who harboured some animosity toward the established Anglican church. These communities were described as 'exclusive and suspicious' of outside influences.⁶

In an entry dated 25 January 1767, Woodmason discusses preaching to Anglican congregants who complained of,

...being eaten up by Itinerant Teachers, Preachers, and Imposters from New England and Pennsylvania[sic]—Baptists, New Lights, Presbyterian, Independents, and a hundred other Sects—So that one day You might hear this System of Doctrine—the next day another—next day another, retrograde to both—Thus by the Variety of Taylors who would pretend to know the best fashion in which Christs Coat is to be worn none will pit it on—And among the Various Plans of Religion, they are at Loss which to adapt and consequently are without any Religion at all.⁷

Such a statement is indicative of the competition within these dissenting denominations. The inhabitants of these areas likely wished to avoid making their communities targets for a succession of travelling preachers, many of whom were insular and wished to avoid these interactions altogether.

One of the most prolific religions in the backcountry was that between Anglican clergy and Presbyterian congregants. Woodmason referred to them as 'a Sett most lowest vilest Crew breathing—Scotch Irish Presbyterians from the North of Ireland', in an entry during a visit to the Waxhaws settlement in South Carolina.⁸ Shortly thereafter, Woodmason would discover the feeling was mutual. At Hanging Rock Creek in February 1767, he conveys that on his way to meet with a congregation, he was accosted by 'debauch'd licentious fellows, and

⁶ Moore, *World of Toil and Strife*, 32.

⁷ Hooker, *Carolina Backcountry*, 13.

⁸ *ibid.*, 14.

Scot Presbyterians who had hir'd these lawless Ruffians', to insult them and who then threatened to assault him. The following morning at a service, Presbyterians interrupted the service 'hallooing and whooping'.

This was the first incident consistent with a primitive form of rough music.⁹ Nowhere as elaborate as older ritual performances in the British Isles, or as violent as in North Carolina. However, the Presbyterians, in this case, were using noise and threats of bodily harm in an attempt to intimidate what they perceived to be a threatening outside force, the Anglican church. Although this incident was due to sectarian division, it should be considered that the insularity of these communities functioned as a multiplier in an already socially turbulent region.¹⁰ This would not be the last ritual attack launched to dissuade Woodmason and presumably other itinerant ministers in the region.

There were other incidents recalled by Woodmason that he attributed to the Presbyterians and the adversarial relations he maintained with many of the sect's adherents. In one instance, Woodmason reported that his advertisements and correspondence, many of which would have announced to the settler population that he would be giving a sermon at a specific place and time, were 'intercepted' by 'John Gaston, an Irish Presbyterian Justice of [the] Peace on Fishing Creek'. In another entry, Woodmason reported being robbed of his books and sermons and again attributed the thievery to area Presbyterians. Shortly thereafter, he conveyed that another incident was nearly perpetrated toward him at Hanging Rock again. Woodmason confronted the Presbyterian clergy in a stern manner and felt, at least, at Hanging Rock that the matter was settled.¹¹

The intimidation and violence which greeted Woodmason was part of a wider problem of sectarianism which was also frequent in northern colonies. In Massachusetts, any resident who adhered to the Church of England or who identified as a Quaker or Baptist was liable to be recognised as an unwelcome outside influence in the Puritan province. The colonial

⁹ Allan Kulikoff, "'No Damn Black Gown Sons of Bitches among Them': Rough Music and the Counter-Pastoral in the Eighteenth-Century Carolina Backcountry", *E-rea* 14, (2017).

¹⁰ Moore, *World of Toil and Strife*, 33.

¹¹ Hooker, *Carolina Backcountry*, 17-18, 20.

government there often fined or whipped dissenting clergy and congregants. This type of sectarian behaviour extended into the realm of extrajudicial ritual as Baptists were also whipped by mobs, and in one case in Massachusetts, there was a performative baptism for 'drunken men and dogs' in an effort to deter Baptist conversions.¹² Woodmason's treatment, in comparison may seem mild; however, it is worth considering that Massachusetts was a smaller, more urbane province by the second half of the century and societal norms and expectations more easily enforced as opposed to the South Carolina interior region.

Despite the relative peace achieved for Woodmason at Hanging Rock, the reverend recounts two other occasions where he accuses Presbyterians of attempting to disturb his sermons. In December 1767, Woodmason attempted to officiate church services at Little Lynch's Creek only to find that 'the Presbyterians' had delivered and encouraged the local populace to consume excess amounts of liquor. Consequently, the communion service was interrupted by 'very Noisy' persons. In another encounter, some Presbyterians supposedly 'hir'd a Band of rude fellows to come to Service' with a number of dogs, set to fight one another in another effort to disrupt church liturgy.¹³ Woodmason also conveys that another Anglican minister reported that Presbyterians threatened to whip the minister if he did not stop his sermon, and at another, excrement was left on a communion table the day after a communion service.¹⁴ Although none of these incidents involved the assault of a minister, they did constitute a pattern of intimidation and harassment of Woodmason and other Anglican clergies in the backcountry.

The pattern of noise, threats of violence, and disruption of communion were all intended to drive Woodmason, and those like him, from the communities that had taken hold in South Carolina. These incidents were connected to an older ethnic and religious cleavage that the colonists brought to South Carolina from the British Isles. The divisions that many felt within these communities, particularly between some Presbyterians and Anglicans, were

¹² Dirk Hoerder, *Crowd Action in Revolutionary Massachusetts 1765-1780* (New York: Academic Press, 1977), 49-50.

¹³ *ibid.*, 30, 45.

¹⁴ Hooker, *Carolina Backcountry*, 46-7.

transported from Ireland to the Carolinas. It has been suggested that this division was perhaps the most significant social divide in the province during the late colonial period.¹⁵

Woodmason's interactions with these Presbyterians were mild. He received no physical attacks, only threats. Woodmason's services were interrupted, but nothing more substantial. However, the disruption of the communion service is significant, considering the importance of the same ceremony to the Presbyterian community. Presbyterian communion, celebrated only twice a year in the spring and autumn, was a serious affair and participation in the ritual signified that a congregant was in good standing with the doctrines of the faith.¹⁶ Conversely, Anglican communion could be held monthly, minister permitting, and did not require that participants be confirmed members of the Church of England.¹⁷ It seems likely that the disruption or defilement of communion can reasonably be viewed as a demonstration of contempt for the Anglican variation of the ritual.

The Presbyterians were not the only dissenting denomination in South Carolina; nevertheless, they were the one group Woodmason stated had repeatedly attempted to intimidate him from a settlement or interrupt a religious service. Despite this, Woodmason did have cordial interactions with some Presbyterians, including the clergy. For example, in a memorandum, he conveys that Presbyterian minister William Richardson encountered as pastor of the Waxhaws Presbyterian meeting house in upstate South Carolina in the middle. Many of the difficulties related to changes that Richardson attempted to make to Presbyterian worship, including the reading of the Lord's Prayer and an attempt to adapt the popular hymnal from Rev. Isaac Watts.¹⁸ At first glance, Richardson appeared to have been a controversial figure within his congregation, and there has been much written about his life and suspicions about his death.¹⁹ Nonetheless, Woodmason likely included the story about Richardson in an effort to convey that the hostility that he'd encountered from the

¹⁵ Moore, *World of Toil and Strife*, 33-4.

¹⁶ Daniel Patterson, *True Image: Gravestone Art and the Culture of Scotch Irish Settlers in the Pennsylvania and Carolina Backcountry* (Chapel Hill: University of North Carolina Press, 2012), 172-4.

¹⁷ Michael Francis Snape, *The Church of England in Industrialising Society: The Lancashire Parish of Whalley in the Eighteenth Century* (Woodbridge, UK: Boydell Press, 2003), 16-7.

¹⁸ Hooker, *Carolina Backcountry*, 132-4.

¹⁹ Moore, *Toil and Strife*, 55-6; Patterson, *True Image*, 253-6.

backcountry Presbyterians was due to the zeal they had for their traditions and the rejection they held for new ideas and other Christian denominations.

It is difficult to determine how dominant the Presbyterian faith was in the South Carolina backcountry. However, Woodmason's encounters with Presbyterians, as an itinerant Anglican minister, certainly suggest that he was seen as a threat to the power the Presbyterians felt that they held within their communities. It is certainly possible and is suggested that ethnicity and religious faith or practice were seen as one and the same, and hostility to Anglican ministers was a means of maintaining control within the communities in which the Presbyterians maintained a significant population. Although no evidence has been uncovered that suggests how the Presbyterians welcomed the burgeoning Baptist sect, it is easy to assume that they met much of the same hostility. The ritual threats of noise, whipping, and even desecrating a communion table were intended to drive the Anglican threat from these areas and maintain religious and, perhaps, even ethnic continuity.

Around the time that Woodmason began his duties attempting to minister to the inhabitants of the South Carolina backcountry, news of criminal activity spread throughout the region. However, violence and thievery were not new problems in the interior region. As early as 1752, the residents near the Pedee River at Lynche's Creek issued a petition for assistance to the South Carolina House of Assembly.²⁰ The petition stated that 'the frontier here' is 'a place of refuge for many evil disposed people and those of the meanest principles, crowding in amongst us—such as Horse Stealers and other Felons', along with the offence of certain persons 'cohabiting with their neighbo[u]r's wives, and living in a most lascivious manner' that 'we have no means to suppress them' due to the remoteness of jail facilities and criminal courts.²¹ As the years passed, lawlessness in the backcountry worsened. This was, in part, attributed to a dramatic population increase caused by the end of the Anglo-Cherokee War and the Seven Years' War. As a result, individuals without property or means

²⁰ Richard M. Brown, *The South Carolina Regulators* (Cambridge MA: Belknap Press, 1963), 181; M. Eugene Sirmans, 'The South Carolina Royal Council', *The William and Mary Quarterly* 18, no. 3 (1961): 373-392. Brown asserts that appeals, petitions, were made to the House of Assembly because by the mid-eighteenth century, most political authority lay with this body eclipsing the governor and the Council. Sirmans explains how the evolution of political power came about.

²¹ Alexander Gregg, *The Old Cheraws Containing an Account of the Aborigines of the Pedee, the First White Settlements* (New York: Richardson and Company, 1867), 131-2.

migrated southward, and some of them participated in crimes of opportunity.²² As a result, backcountry settlers, desirous of an opportunity to transform the region and mimic the prosperity of the environs outside Charleston, would turn to the use of ritual violence to establish tranquillity in the region.

The conditions of many of the inhabitants of the backcountry, as discussed earlier, arguably contributed to the corresponding increase in criminal and disorderly behaviour. It was not uncommon for travellers in the interior to see people who could only be characterised as ‘drifters and outlaws’ who were described as aggressively alienated from backcountry society.²³ The people living on the fringes of society would pose a threat to the stability of frontier homesteads and settlements. Many of these types would find opportunity through associations that coalesced into banditti who took advantage of the relatively insular and provincial backcountry society.²⁴ The aggrieved residents of the region, who sought stability, appealed to Charleston in 1765 for assistance, pleading that as their homesteads were often ‘scattered’, they were left vulnerable to ‘vicious’ groups of individuals who stood to take advantage of their isolation.²⁵ Likewise, an appeal was made by then Lieutenant Governor William Bull to take up legislation that would assist in quelling the ‘Vagabonds who infest and injure the...remote Settlers’ through creation of county courts and jails.²⁶ However, no substantive action was taken by the colonial legislature.²⁷

In July 1765, a widely publicised robbery took place near the settlement of Amelia along the Congaree Road in the interior. According to *The South-Carolina Gazette*, an

²² David Ramsay, *Ramsay’s History of South Carolina From Its First Settlement in 1670 to the Year 1808* (Newberry SC: W.J. Duffie, 1858), 119-20.

²³ Brown, *South Carolina Regulators*, 27-8; Steven C. Pruitt, ‘Settlement of South Carolina’s Colonial Backcountry: From Conflict to Prosperity’, *Bound Away: The Liberty Journal of History* 1, no. 2 (2016): 5.

²⁴ Thomas Perrin Harrison, ed., *Journal of a voyage to Charlestown in So. Carolina by Pelatiah Webster in 1765* (Charleston: The Society, 1898), 16.

²⁵ 15 June 1756, SCG.

²⁶ A.S. Salley, ed., *Journal of the Commons House of Assembly of South Carolina: January 8, 1765 - August 1765* (Columbia, Historical Commission of South Carolina, 1949), 9.

²⁷ Hooker, *Carolina Backcountry*, 169. Hooker states in his introduction to the Regulator documents that the reason the assembly did not act was due to the worry that Charlestown would lose business if courts were set up in the interior, and that land values may decrease along the coastal plain with corresponding increases in the interior. He further states that Woodmason provided a similar rationale in Woodmason Sermon Book, IV, 375, New York Historical Society. Henceforth NYHS. A related editorial was published on 17 March 1767, *The South-Carolina Gazette; and Country Journal*. Henceforth, SCG&CJ.

innkeeper named Richard Baldrick was approached by two men at his residence. The men pretending to be customers turned to assault Baldrick and tied up the proprietor and his family. Subsequently, four or five additional men entered the property, one of whom placed a knife at Baldrick's throat and threatened to kill him if he did not inform the men where his money was hidden. Baldrick's wife, terrified, informed the men as to the location of the currency. The outlaws then proceeded to strip the house of every item of value before leaving the premises.²⁸ This incident shocked area residents, and it would not be the last. Charlestown newspapers also widely reported on another violent robbery of an area magistrate in August of the following year.²⁹ Robberies, 'some even attended with murders', had become rampant in the 'back settlements'.³⁰

In late December 1766, provincial Chief Justice Charles Shinner, a native of Ireland, coordinated with Woodmason to assist backcountry residents with the issue of criminal behaviour. However, Shinner, in an effort to raise the militia and impose order, discovered that he had both inadvertently alerted wrongdoers to his plan, 'as most of the low People around had Connexions[sic] with these Thieves' while other militia officers were fearful of engaging with these criminal gangs, presumably for fear of reprisals.³¹ This indicated that there was little confidence that there would be a sustained effort of legal enforcement in the backcountry.

At this point, Woodmason denounced the crime wave which was taking place in the backcountry. Thievery and violent assaults proceeded uninterrupted throughout much of 1765 through 1767, so much so that this period has been referred to as a 'reign of terror'.³² The situation was described by Woodmason in the following terms:

Large Stocks of Cattel are either stollen & destroy'd—Our Cowpens are broke up—and All our valuable Hordes are carried off. Houses have been burn'd by these Rogues, & families stripp'd and turn'd naked into the Woods—Stores

²⁸ 27 July 1765, SCG.

²⁹ 25 August 1766, SCG; 2 September 1766, SCG&CJ; 22 February 1768, SCG.

³⁰ 27 July 1765, SCG.

³¹ Woodmason, Sermon Book, IV, 372, NYHS, quoted in Hooker, *Carolina Backcountry*, 10-1.

³² Hooker, *Carolina Backcountry*, 170.

have been broken open & rifled by them wherefrom sev'l Traders are absolutely ruin'd. Private House have been plunder'd and the Inhabitants wantonly tortured in the Indian Manner for to be made confess where they secreted their Effects from Plunder. Married Women have been Ravish'd—Virgins deflowered, and other unheard of Cruelties committed by these barbarous Ruffians.³³

In the summer of 1767, the same year Woodmason made the above remarks, there continued to be a multitude of violent robberies, horse thieves and murders in the back settlements of the province. Some of these incidents even threatened the fragile peace with the remaining indigenous people living in the region, particularly near the South Carolina, Georgia border.³⁴ The perpetrators 'live in open defiance of the whole country and went about armed with rifled barrelled guns'. 'Magistrates, constables, and other honest people' were informed that they were to be targeted for retribution should any attempt be made to capture the perpetrators.³⁵ The backcountry had spiralled into chaos.

Despite the backcountry's disordered social and criminal state, it continued grow. It was not unusual for farmers in the region to own one to two hundred acres of land. In addition, a burgeoning upper-class developed in the region. Although not of the patrician class as one might have found in the Charlestown coastal region, these men 'rose to their position by dint of personal character'. These men were also targets of the bandits roaming the backcountry, as anyone thought to possess a sum as meagre as £50 would likely be beset by these criminal gangs.³⁶ These individuals, many of whom were ambitious, realised that the turmoil in the interior threatened their positions and their livelihoods.³⁷

The back settlers responded to these outrages through attempts to use the Charleston courts despite the difficulty of arresting, holding, and transporting suspected criminals to the

³³ Charles Woodmason, 1767, 'The Remonstrance present to the Commons House of Assembly by the Upper Inhabitants' Fulham Papers, Volume X, Lambeth Palace Library, London, 170. Henceforth, LPL.

³⁴ 7 August 1767, *SC&AGG*; 14 June 1768, *SCG&CJ*.

³⁵ 5 June 1767, 3, 7 August 1767, *The South-Carolina and American General Gazette*. Henceforth, *SC&AGG*.

³⁶ 7 August 1767, *ibid*.

³⁷ Brown, *South Carolina Regulators*, 25. Brown provides addition detail on the social and economic ambitions held by the 'leading class', 25-7.

city for trial. On 18 March 1767, in the Court of General Sessions, Assize sentenced five individuals to death for various crimes, including robbery, horse theft, larceny, and murder. Another individual, John Tilley, was convicted of petty larceny and sentenced to be publicly flogged. By 10 April, four of those sentenced to death were issued pardons by the governor.³⁸ In response, some of these individuals 'betook themselves immediately to repetition of their Old Offences and with great Cruelty than before'.³⁹ As the number of convictions was meagre compared to the number of criminal banditti in the backcountry they did nothing to slow the pace of criminal activity; moreover, the pardons did nothing to disincentivise assaults and robberies.

By mid-1767, many of the inhabitants realised that if the laws of the province would not offer them protection or a resolution to the disorder that threatened their livelihoods and lives, they would have to take a measure of action to stop the chaos. 'The whole Country at length rose in a Body and drove the Villains—burning their Cabbins[sic] and Camps-taking away the Goods and Horses, and the Young Girls they had carried off.'⁴⁰ This anecdote misses much of the nuance in how this act of vigilantism was accomplished. However, one of the most routine tools used by back settlers to mete out punishment and instil social order was the whip, which was widely employed.

It is all but certain that the revolt of the backcountry against criminals began either in late summer or as late as September 1767. By October, news of this rebellion of sorts had reached Charleston. The bandits responded in kind to the uprising, as one magistrate in the Ninety-Six district, James Mayson, was seized from his house in the evening, his hands tied behind him, his legs underneath a horse and 'dragg'd' to what was reported as 'about eighty miles distance.' Incidents such as this only caused area residents to take preparations to arm themselves in greater number than was usual in past years.⁴¹

³⁸ 3, 10 April 1767, SC&AGG.

³⁹ Hooker, *Carolina Backcountry*, 234.

⁴⁰ *ibid.*

⁴¹ 10 October 1767, SCG. The report states that prior to the Anglo-Cherokee War no more than 60 persons held 'arms', by 1767 over 5000 men possessed either pistols or rifled muskets.

The aforementioned reports of arson committed against the property of suspected criminals or those who harboured them were clearly designed to deprive persons of shelter and safety. Moreover, despite the crimes committed against the inhabitants of the backcountry, the destruction of property in South Carolina aligns with the type of insurgent activities that were committed in North Carolina against the property of state agents during the same period. Attacks on the property of co-conspirators involved with the banditti are statements of justice inflicted upon those who have offended the moral sensibilities of the residents of the backcountry.⁴² However, this was not yet a political movement. While the burning of houses borrowed from the repertoire of collective action, the residents were sending a message that no tolerance would be given to those who harbour criminals.

In October 1767, a report emerged that the settlers involved in their attempts to suppress criminal activity had committed themselves to execute justice ‘in a summary’ manner and yet were noted for their own ‘various excesses’, which included the practice of whipping and pickling.⁴³ Pickling refers to the practice of pouring salt or brine over the open wound caused by the whip. This practice, somewhat typical of eighteenth-century naval penalties, goes beyond the traditional public whipping typically administered either in a militia setting or through judicial action in South Carolina.⁴⁴ It may have been evocative of punishments administered to the enslaved; flogging in this manner was known to have occurred in eighteenth century Jamaica.⁴⁵ Adding brine to a wound would have exacerbated the pain felt by an individual after a public flogging. This type of action demonstrates the retributive characteristics of extrajudicial punishment used in the pacification of the backcountry.

By November that year, the Charleston-based government raised the alarm at this backcountry rebellion. On 5 November 1767, then Governor Charles Montegau requested the

⁴² Tilly, *The Politics of Collective Violence*, 45.

⁴³ 10 October 1767, SCG.

⁴⁴ *The Present Condition of the English Navy Set Forth in A Dialogue Betwixt Young Fudg of the Admiralty, And Capt. Steerwell, an Oliverian Commander* (London: E.Mallet, 1702), 16; Hans Turley, *Rum, Sodomy, and the Lash: Piracy, Sexuality, and Masculine Identity* (New York: NYU Press, 2001), 12.

⁴⁵ Nicholas Radburn, “[M]anaged at First as if They Were Beasts” The Seasoning of Enslaved Africans in Eighteenth-Century Jamaica’ *Journal of Global Slavery* 6, no. 1 (2021): 22, 24.

Assembly to take up legislation to quell mob action.⁴⁶ Coincidentally, leading men of the mob, now sometimes known as Regulators, presented their grievances the following day in a document commonly referred to as 'The Remonstrance'.⁴⁷ This document, although signed by four backcountry men, was known to be authored by Woodmason, who was highly sympathetic to their cause.

Within the Remonstrance, addressed to Governor Montagu, the Council, and the members of the Commons House of Assembly outlined the hardships faced by backcountry residents, including the hindrance of economic activity. The Regulators asserted that,

Grievances and Vexations have often been made by Us to those in Power—But without Redress—Our Cries must have pierced their Ears, tho' not enter'd into their Hearts—For, instead of Public Justice being executed on many of these notorious Robbers who have been taken by us at much Labour & Expense and Committed and on other who w'th g't difficulty & Charge have been arraigned and Convicted We have to lament, that such have from Time to Time been pardon'd; and afresh set loose among us, to repeat their Villanies[sic], & strip Us of the few remaining Cattle Horses & Moveables, which after their former Visits they had left us.⁴⁸

The Regulators provided reasons for their actions and a rebuke to the South Carolina government through a statement that although they abided by the law as written, no substantive measures have been taken to curtail the criminals, and even when they delivered captured bandits to the courts in Charleston, many of them were issued pardons. Based on those results, Regulators stated that they were forced to deliver extrajudicial punishments onto the captured 'in a proper manner'.⁴⁹

⁴⁶ Journal of the Commons House of Assembly, 5 November 1767, South Carolina Department of Archives and History, Columbia, SC. Henceforth, SCDAH.

⁴⁷ *ibid.*, 7 November 1767; Woodmason, Fulham Papers, Volume X, LPL, 186.

⁴⁸ Woodmason, 'The Remonstrance', LPL, 171.

⁴⁹ *ibid.*

The term proper manner is important within the context of what the Regulators were asserting to the government. They assumed the role of law enforcement when they believed that the authorities in Charleston were either not adequately administering law and order, or in the case of the issuing pardons to known criminals, actively harming the development of the interior region. Furthermore, the Remonstrance issues a set of demands to the government, which the Regulators believe would resolve the problem of theft and violence.

The top two demands made by the Regulators centre on how to deal with captured criminals in an effective manner without placing an undue burden on area residents. Namely, the creation of courts and of jails to hold accused individuals. Other demands do not directly relate to the problem of crime, such as the control of escaped slaves, the building of schools, enforcement of social norms, and requests for the creation or maintenance of infrastructure.⁵⁰ Keeping in mind that Woodmason is the author of the Remonstrance, much of the document also pertains to his desire, and perhaps that of the Regulators, to civilise the backcountry. Pleas are made for a supply of and support for ministers in an effort to curtail the endemicity of 'Infidelity', 'Ignorance, Vice, & Idleness' and to support 'the Interests of Religion & Virtue'.⁵¹ This emphasis on social vice, idleness, and morality would come to define many of the documented activities of the Regulators in the following years.

It is worth briefly discussing Woodmason's biases in the interest of religion in the Remonstrance. As mentioned, as an Anglican minister, he speaks on behalf of the Regulators, although he calls for the support of the ministry, namely the Church of England. Although Woodmason laments the 'Imports of People from Ireland', several of the Regulators for whom his words represent are likely Presbyterian adherents.⁵² As it is difficult to ascertain the religious preferences of many of the Regulators, a cursory examination of a few prominent names suggests that a number of colonists would not have aligned with the Church of England.⁵³ This underscores the interdenominational agreement that the behaviour exhibited

⁵⁰ 17 November, SCG&CJ; Woodmason, 'The Remonstrance', LPL, 183-5.

⁵¹ Woodmason, 'The Remonstrance', LPL, 177-8.

⁵² *ibid.*, 181

⁵³ One of the signatories of the Remonstrance, John Scott has a Scottish or Ulster derived surname. Another prominent Regulator, Patrick Calhoun was a Presbyterian. A full accounting of the names of known Regulators can be located in Brown, *South Carolina Regulators*, 145-7.

by certain groups in the backcountry threatened the social and economic advancement of the region. Hence, the ritualized punishments used by the Regulators to subdue their enemies.

The Regulators began their war against social vice following the issuance of the Remonstrance. In April 1768, a rebuke appeared of an area magistrate Joseph Curry in *The South-Carolina Gazette*. Moses Kirkland, the author of the admonition, states that although he had it within his authority to suppress criminal activity in the backcountry, he, in some cases, opted to shield them from the law due to his personal associations with many of them. Kirkland accuses him of being a liar and behaving in a dishonourable manner towards backcountry residents.⁵⁴ Within these back-and-forth polemics, Curry appeared to be trying to deflect those criticisms, either because he was fearful of losing his position and influence or because he feared retaliation from the Regulators.

In August 1768, it was reported that the Regulators, called 'the People of good Principles and Property', whose duty has called them to drive 'all Horse-Thieves, with their Harbourers, Abettors, and other Vagabonds, from amongst them' captured a Charles Sparks. Sparks, an 'infamous Character' was taken from the Pedee region and given five hundred lashes with the whip and exiled from South Carolina. Another group led by Gideon Gibson 'surrounded a Constable and twelve Men who were sent to bring one of the Villains before a Magistrate' shot and killed two of the constable's party. The incident concluded with the flogging of the men involved with distraining the property of one of the 'villains' otherwise later reported to be a Regulator.⁵⁵ Approximate to this period, it was reported that at least three other people were reported to have died because of 'Fresh Disturbances in the back Settlements in the Province.'⁵⁶ The civil authorities, banditti, and Regulators were at war with one another.

⁵⁴ 18 April 1768, SCG.

⁵⁵ 15 August 1768, SCG; 2, 26 August 1768, *South Carolina Council Journal* (Columbia SC: SCDAH), henceforth SCCJ; Brown, *South Carolina Regulators*, 54-5. The newspaper account of this incident and the account in *The South Carolina Regulators* differs. The newspaper suggests that Gibson was a member of a criminal gang, whereas Brown states that Gibson was a Regulator who had angered the Regulators by issuing a decree for the distraint of property belonging to 'some of the Peedee Regulators.'

⁵⁶ 14 June 1768, SCG&CJ.

In light of the activities of the Regulators, in August 1768, Lieutenant Governor William Bull issued a proclamation against the backcountry mob. Bull acknowledged the 'Losses...sustained from the Gangs of Robbers and Banditti' and the difficulty in bringing those people to justice in Charleston in his proclamation. However, he ordered that those unlawfully assembled as Regulators retire to their residences. Bull further states that he was willing to offer a blanket pardon for their activities if their extrajudicial actions cease.⁵⁷ The historical record demonstrates that the Regulators did not accept this offer as there was still no guarantee of the creation of courts and jails in the back settlements of South Carolina.

In the autumn of 1768, the provincial authorities had not taken substantive action against the Regulators in the wake of Bull's proclamation. Despite this, the records seem to indicate there was a lull in violence during this brief interlude of the Regulator campaign. It has been speculated that Bull's proclamation had an effect on the intensity of the Regulator movement.⁵⁸ This seems somewhat unlikely as many incidents of Regulator activity may have either gone unreported or the accounts of which have been lost. Woodmason travelled to 25 Mile Creek with the intent of presenting Bull's proclamation at a communal gathering but decided against this course of action. The Provost Marshal was to 'come up from Town to publish it' and was threatened with a whipping should he arrive at the meeting. This incident alone demonstrates continued hostility to provincial authority and an intent to use the whip against Regulator foes, banditti or coercive agent alike. Residents in the backcountry would not abide by continued social disorder brought on by a recalcitrant population of criminals and vagrants.

⁵⁷ 6 August 1768, 'A Proclamation', Fulham Papers, Volume X, LPL, 199-200.

⁵⁸ Brown, *South Carolina Regulators*, 58-9.

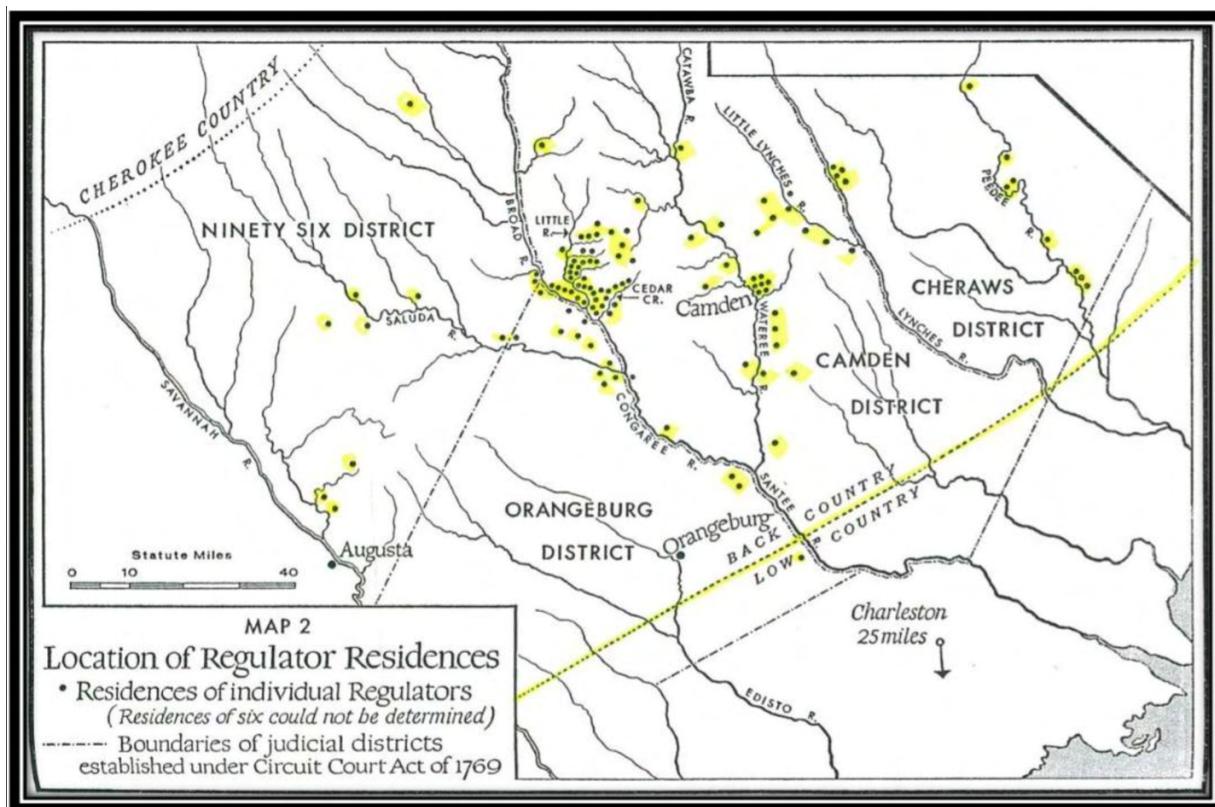


Image 2: Location of Regulator Residences⁵⁹

By the late 1760s, South Carolina was the only British province in North America that had not ratified a law against vagrancy.⁶⁰ Within the same month that Bull made his proclamation against Regulator activity, a 'Plan of Regulation' was published in *The South-Carolina, & American General Gazette* informing its readership of how the rebels in the interior planned on dealing with vagrancy. Within this plan, the Regulators asserted that they would deny the authority of the courts in Charleston, and any deputy of the law attempting to enforce their edicts would be dealt with severely. Moreover, those accused of rootlessness and idleness would be turned over to area Regulators to work an assigned area of land or be 'brought under the lash' so that they are not tempted to 'steal from their industrious neighbours.' The Regulators proclaimed that this would continue until such time that 'County-courts as well as Circuit-courts' are 'rightly established so that they may enjoy...the rights and privileges[sic] of British subjects, which they think themselves now deprived of.'⁶¹ This was a public statement that the provincial courts and their officers would have no power in the

⁵⁹ Brown, *South Carolina Regulators*, 112.

⁶⁰ *ibid.*, 49.

⁶¹ 2 September 1768, SC&AGG.

backcountry. The Regulators were implementing a plan that until their central demand was met, the governor and the legislative assembly held no power in the interior; the Regulator movement was, in practice, the lawful authority.

The Regulators would soon be tested on their defiance of civil authorities. John Wood, a deputy of the Provost Marshal, had arrest writs for several prominent Regulators, including Moses Kirkland. The Regulators, having been alerted to Wood's activities, seized him from his horse, bound him and abused him along the path to the residence of a Regulator known as Frazer. After holding Wood for several days, the Regulators took him to the house of Barnaby Pope, where he was again abused and threatened to be 'well flogged'. Although Wood was able to make his escape during a transfer to another location by his captors, he was never whipped yet was nonetheless traumatised and humiliated by his multi-day ordeal.⁶²

Backcountry warfare or not, the whip remained a principal instrument of backcountry justice for the Regulators in their struggle against the authorities, the criminal gangs, and vice. Five hundred lashes appear to have been a standard sentence applied by the extrajudicial magistracy. Moreover, the Regulators did not constrain the application of justice in this manner to men, as women were also known to have received whippings for maleficence of public norms.⁶³

Violence, intimidation, and humiliation were wielded as tools in what had become a multifaceted conflict. Government officials who attempted to suppress the Regulators would be treated little better than the banditti. The fact that these coercive agents were acting against the Regulators was farcical, as the backcountry rebellion's roots were based on the inaction of the provincial authority to establish jails, courts, and laws to deal with the chaos of vagrancy, crime, and antisocial behaviour that plagued the region. The astonishing violent application of the whip used against colonial authorities demonstrated the lack of deference and breadth of insubordination due to the government's failure to protect the life and property of backcountry residents.

⁶² 29 July 1768, *SCCJ*.

⁶³ 13 June 1768, *SCG*.

A report from that year concerned a man named Bennet Dozier, who was known to his community as an idle alcoholic. Dozier's wife, not receiving support from her husband, appealed to Regulator Samuel Boykin for assistance. Boykin considered her case and offered to flog him for his behaviour. Consequently, Dozier was forcibly taken, stripped, and tied to a Black Jack with the assistance of two other men and whipped thirty-nine times.⁶⁴ Similarly, in 1769 an accused horse thief, John Harvey, was tied to a tree 'at a place called Nobles Creek.' Regulator David Robinson and about fifty or sixty other men then 'chained' Harvey 'with a Waggon Chain and lock'd [him] to a sapling or young tree.' They then proceeded to strip Harvey's shirt, keeping him bound to the tree for about two hours and then 'they whipped him alternatively for the space of an hour with bundles of rods or switches each person given him ten stripes, until he had received in the whole five hundred stripes.' During this event, 'the mob' performed a recital of drum and fiddle.⁶⁵

In light of these two accounts, it is worth briefly discussing some differences in how extrajudicial punishment was administered. In the case of the former, the Regulator Boykin did not seek to discipline Dozier and only responded after Dozier's wife contacted him and appealed to him for assistance. Unlike other accounts of Regulator whippings, Dozier was only given thirty-nine lashes. They made no effort to exile him from the area either, only telling him to correct his behaviour.

In the latter incident, Harvey's punishment related to a serious crime. He was brutalised over the course of several hours, tied to a tree, and whipped five hundred times. Harvey, described as a 'roguish & troublesome' man, had obtained this reputation over a period of time.⁶⁶ The episode was so visibly traumatic that one observer, invited to participate in the ritual, declined, stating that the episode was 'inhumane'.⁶⁷

⁶⁴ Edward M. Boykin, *History of the Boykin Family From Their First Settlement in Virginia 1685, and in South Carolina, Georgia, and Alabama, To the Present Time* (Camden, SC: Colin Macrae, 1876), 7-9.

⁶⁵ 3 February 1772, *SCCJ*. Robinson was brought up on charges for assaulting Harvey in the Court of Common Pleas. Harvey obtained judgment by default in October 1771.

⁶⁶ *ibid.*

⁶⁷ 3 February 1772, *SCCJ*.

The ritualistic brutalization of Harvey accompanied by fiddle and drum is the first mention of music mentioned as part of Regulator extrajudicial practice in South Carolina. The performance of music during a ritual punishment is reminiscent of the rough music tradition as practised in the British Isles in the prior centuries. The barbarity of Harvey's punishment, however, exceeded those practices. Nonetheless, it is likely that the music served a two-fold purpose. Firstly, to mimic official government-sanctioned ceremonies performed during a public flogging or even an execution, and secondly, to mock a government who had not performed its duties in suppressing violence, vagrancy and maintenance of social order on the frontier.⁶⁸ Although no other account of a ritualised Regulator flogging offers this level of detail, one may assume that this was not an atypical account of the manner in which discipline was meted out.

By September 1768, Bull a prominent landowner, acting governor, and later lieutenant governor of South Carolina, found the need to seek guidance from the British Government. Bull contacted Lord Hillsborough, the recently appointed Secretary of State for the Colonies, an office newly created to govern and control the escalating anarchy facing colonial administrators in the American Colonies. Bull's communique cited an increasing lawlessness in the Carolinas and the many issues encountered in trying to establish order. In addition to the lawlessness, there was also the growing problem of loyalties in a markedly rebellious populous.

South Carolina was no stranger to civil unrest as a few years prior, in the wake of mob action in Charleston, Bull complained that city residents had 'imbibed & propagated' a spirit of tumult from sailors arriving from the colonies of Massachusetts and Rhode Island. Unlike the means of backcountry policing and protest, a spirit of rebelliousness had taken hold throughout British America as 'legislative protests, committee meetings, massive outdoor gatherings....military-civilian violence and riots' had become relatively commonplace, including in the city of Charleston. These types of actions were uniquely suited to the

⁶⁸ John Norris, *Marching to the Drums: A History of Military Drums and Drummers* (Cheltenham UK: The History Press, 2012), 10, 36, 86-8, 166-7. Fiddle playing may have been unusual, but drumming before or after the administration of military sanctioned punishment was a typical practice, at least within some quarters of western European practices in the eighteenth and parts of the nineteenth-century.

environment in which they occurred. This assertion has been previously made in earlier scholarship, as Benjamin Carp has stated that the manifestation of mob anger was inextricably linked to the cultural and built urban environment in the cities of colonial America. The rituals of tarring and feathering and mass gathering were not random occurrences, but a direct result of the unique settings of these urban environments.⁶⁹ Backcountry ritual violence and associated protest would likewise manifest within the environs and communal networks available to those in the sparsely populated and often lawless region of the interior of South Carolina.

Bull informed Hillsborough that the Regulators and those sympathetic to their cause would not easily be suppressed by a backcountry colonial militia given that the rank and file of the militia was filled with Regulator sympathisers. Moreover, Bull insisted that despite the Regulator's poor economic standing many were 'industrious' landowners who had justification for their activities given that they were 'deprived of the Fruits of their Labor'.⁷⁰

Bull's letter offers a hint of the motivation behind the intent of the Regulator movement. In order to attain a position of social and economic prosperity land-owning Regulators needed to bring about social and legal order in the backcountry. This is similar to the conclusion reached by other scholars who attested to the fact that ambitious men needed an ordered region in which to prosper.⁷¹ Despite this, the means by which the Regulators asserted their desire for law and order continued to challenge not only the vagrant and criminal element but the South Carolina colonial government. Because of this there was an ever-increasing problem for the provincial government on how to deal with colonial officers endorsing or participating in Regulator activities.

During this reign of Regulator violence, suspected banditti would wield violence not only as a tool to instil moral guidance and law enforcement, but also against those whom they considered their oppressors – including colonial government officials. In October 1767, a

⁶⁹ Benjamin L. Carp, *Rebels Rising: Cities and the American Revolution* (Oxford: Oxford University Press, 2007), 55, 12-3.

⁷⁰ William Bull II to Lord Hillsborough, 8 Sep 1768, British Public Record Office records relating to South Carolina, Vol 32: 37-41, transcript at SCDAAH.

⁷¹ Klein, 'Ordering the Backcountry', 662; Brown, *South Carolina Regulators*, 113-134.

magistrate in the Ninety-Six district, James Mayson, known as active in suppressing criminal behaviour, was attacked in a ritualised manner by the banditti. Mayson was reportedly forcibly removed from his residence then tried and sentenced to punishment in an impromptu mock court. Mayson's hands were then tied behind his back, and 'his legs underneath the horse's belly', and dragged 'about eighty miles distance' by the animal.⁷² There is no mention to how Mayson survived the encounter, or whether eighty miles was exaggerated by the account of the incident. The mention of a trial indicates that the perpetrators of this violence may have believed their activities to be legitimate. However, a summary trial and judgement were, perhaps like the application of the whip by the Regulators, an act intended to mock the supposed authority of the Regulators and the provincial government in the backcountry. This incident demonstrated that criminal elements who were under pressure were not above using ritual violence in an attempt to intimidate their opponents.

Suppression of criminal behaviour by backcountry magistrates, such as Mayson, often involved the cooperation with Regulators who would then carry out the sentencing of suspected offenders to the whip or some other means of punishment. As these acts were not authorised by the provincial government there were calls to remove area magistrates who coordinated with the Regulators. In accordance with the Governor Montagu's statement that the Regulators acted in 'defiance of government'⁷³, magistrates that cooperated with Regulator members to quell misbehaviour and bring about social order were removed from their duties as magistrates. In early 1769, magistrates John Savage, Barnabas Arthur, and Benjamin Farrar, accused of 'fomenting and encreasing[sic] the Disorders...among the People who style themselves REGULATORS' were removed from office.⁷⁴ Similarly, Mayson and several militia officers and magistrates were also 'deprived of their commissions' for similar involvement in Regulator punishments.⁷⁵ These acts were largely based on the repeated abuse suffered by prominent landowner and ranking militia officer, John Musgrove, and of written testimonies presented to the Council by his neighbour, Jonathan Gilbert, a justice of

⁷² 19 Oct 1767, SCG.

⁷³ 09 Nov 1767, SCG.

⁷⁴ 28 Mar 1769, SCG&CJ. See also, 23 Mar 1769, SCG.

⁷⁵ Brown, *South Carolina Regulators*, 90-1; 22 Feb 1769, SCCJ. See also Hooker, *Carolina Backcountry*, 206.

peace, in early 1769. The testimonies detailed Regulator mistreatment of certain individuals.⁷⁶

These instances demonstrated how interconnected some backcountry government officials were to the Regulator movement and its members. However, collaboration with known Regulators left backcountry officials vulnerable. Several of those accused were sanctioned by the colony's governing council and subsequently excluded from the apparatus of political and legal power. This took the form of stripping accused militia officers of their commissions and depriving accused officials of their office. Magistrates or militia officers accused of conspiring with the Regulators were barred from seeking office.

Success in stripping the legal authority of those magistrates and militia who had collaborated with the Regulators precipitated the creation of a countering force that would attempt to force the Regulators from their ascendant position in the backcountry. At the time many in the backcountry had grown disillusioned with the arbitrary violence of vigilante rule and a solution to the chaos was sought. Gilbert and Musgrove were key figures in the formation of what would become known as the countering Moderator movement.⁷⁷ The movement created to quell the rise of the Regulators and round up many of their leaders and prominent members.

A constable, Joseph Coffell, described by Woodmason as a 'common Robber, Thief, and notorious Rogue' was appointed to be the key enforcer of the Moderators.⁷⁸ Coffell was tasked with the apprehending over two dozen individuals 'on Suspicion of being concern'd in Riots and Tumults in the Back Country' along with the authority to arrest anyone suspected of being involved in similar activities. He was also given authority to raise a posse who would

⁷⁶ *ibid.*, The additional names as detailed in Brown, of those who were removed from their commissions and as militia officers include Elisha Teiger, Tacitus Gaillard, James Mayson, William Wofford, Robert Cunningham, Robert Buzzard, Jacob Fray, Jacob and John Fulmore.

⁷⁷ Brown, *South Carolina Regulators*, 91; 23 Mar 1769, *SCG*; 27 Mar 1769, *SC&AGG*. The first reported mention of the term Moderator was made on 27 March 1769 in *The South Carolina Gazette & American Country Journal*.

⁷⁸ Hooker, *Carolina Backcountry*, 207; Brown, *South Carolina Regulators*, 91, 204-5. Brown notes that primary sources list Coffell's name spelt as Scophol, Scofel, Scovil, Coffell or Cofell. 28 Mar 1769, *SCG&CJ*. Coffell is spelt Scolfle.

assist him in these endeavours. In short, Coffell was charged with apprehending, and by extension, suppressing the Regulators.⁷⁹

Coffell set to work, arresting a Regulator named Rudolph Buzzard named in the initial warrant issued by the colony's government. There was a subsequent failed attempt at a rescue of Buzzard made by other area Regulators, many of who were themselves taken into custody. Brown conveys that despite this initial success Coffell and Musgrove found themselves in hostile territory unable to travel to Charleston and present their prisoners into the jail.⁸⁰

The Moderators were not only zealous in their attempt to arrest Regulators, but in angering backcountry residents. The Moderators went about expropriating supplies, including food stores, horses, and equipment from homesteads and using the pretext of legal authority to do so.⁸¹ These actions further swayed the opinion of residents in favour of the Regulators. Freeholding men who were away from their properties to attend to an election, returned home to find their property stolen. When word spread of what had transpired, several hundred men assembled to oppose Coffell's men near Saluda. Both parties faced off with one another, firearms drawn. No shots were fired as several respected men arrived with orders revoking the warrant by which Coffell claimed authority to steal from area residents.⁸²

At this point Musgrove and Coffell had overplayed their hand. In protest, the Regulators then attempted to rescue of Buzzard, Coffell's prisoner. This is a further representation of the action of the repertoire of contention in the Carolina backcountry.

Regulators and their sympathisers did not acknowledge the legality of Coffell's commission, or the authority and warrants issued to the Moderators to arrest and detain individuals. The complete disregard for Musgrove and Coffell demonstrates the disgust by

⁷⁹ Hooker, *Carolina Backcountry*, 207.

⁸⁰ Brown, *South Carolina Regulators*, 92.

⁸¹ Hooker, *Carolina Backcountry*, 207.

⁸² Hooker, *Carolina Backcountry*, 208; 28 Mar 1769, *SCG&CJ*.

which the Regulators and their sympathisers felt not only for the Moderators, but for the colonial government that bestowed them.

Fearful of their waning authority and unpopularity in the backcountry, the Moderators sent word to the Council to appeal for assistance. Montagu attempted to raise a militia force to assist Musgrove and Coffell, yet no substantive men heeded the call. With no other option available, the governor sought to send a detachment of British soldiers to retrieve the Moderator group and their prisoners. According to Richard Maxwell Brown, Montagu believed that such a show of force would have a 'quieting effect' on the Regulators and their sympathisers. Before the military detachment could depart, the Moderators arrived to present themselves in Charleston. Musgrove had carefully managed to avoid confrontation in his effort to reach safety in the capital city.⁸³

By this time tensions between the Moderators and the Regulators and their sympathisers had reached a tipping point. Backcountry Regulators assured themselves that something needed to be done to stop the efforts of the Moderators in capturing Regulators and suppressing Regulator control of the interior of South Carolina.⁸⁴

It was at this point that a confrontation seemed inevitable. On 25 March 1769, on the Saluda River, in present day Newberry County, the Regulators and Moderators 'met in battle array', reportedly with each side mustering several hundred men near the land owned by Musgrove.⁸⁵ Both sides anticipated a confrontation with each being 'within musket shot of each other'. Despite this, bloodshed was averted. Coffell received a communiqué from Charleston ordering his men to stand down and not attack.⁸⁶ Both factions dispersed after hearing the message from the government's emissaries and a truce was reached. It is also

⁸³ Brown, *South Carolina Regulators*, 92-3.

⁸⁴ *ibid.*, 94.

⁸⁵ John Belton O'Neill, *The Annals of Newberry In Two Parts* (Newberry SC: Aull and Houseal, 1892), 63-4; Brown, *The South Carolina Regulators*, 94.

⁸⁶ 6 Apr 1769, SCG. Brown in *South Carolina Regulators* relates that the man who brought the orders for Coffell to stand down were Richard Richardson, Daniel McGirt, and William Thompson. Richardson and Thompson were well respected amongst the backcountry elite and their presence likely helped alleviate the potential for violence on this day, 94-5.

reported that after this event, the Regulators agreed to formerly stand down and retire the use of the term Regulator.⁸⁷ This effectively ended the Regulator movement in South Carolina.

In the wake of the disturbances and Regulator grievances that propelled the movement to suppress criminal activity and vagrancy in the backcountry, the South Carolina General Assembly passed legislation providing for a province wide court system along with the establishment of jails. The Circuit Court Act of 1769 explicitly addresses backcountry complaints asserting that the 'Rights, Liberties, and Properties, and the public Peace' must be preserved, regardless of the distance of the inhabitants and their property from Charleston. The Act further stated that residents were burdened by their obligation to attend court business as either witnesses, jurors, or parties which discouraged participation or justice. The passage of this legislation addressed the causes of the Regulator movement.

Criminal activity and other social ills did not cease in the wake of the passage of the Circuit Court Act of 1769. Despite this, backcountry inhabitants had the tools available to seek recompense and some form of punishment to those found guilty of violating the law.⁸⁸ The political divide between the Regulators and the provincial government was, in retrospect, not central to why ritualised violence was used to suppress the forces of social disorder.

As noted by historian Rachel Klein, the inhabitants of the Carolina interior had long since garnered the sympathy of officials such as Bull. Bull stated in a letter to the Lords of Trade that backcountry residents were too far removed from Charleston and suffer 'great hardships for want of that protection of their person and their property which the law affords'.⁸⁹ However, regardless of this sympathy, the South Carolina government could not turn a blind eye to what was, essentially, unsanctioned vigilante justice within the borders of the colony.

The Regulators did not direct violence towards state actors except on the occasion that a person or persons attempted to arrest or detain a Regulator or their sympathisers.

⁸⁷ 3 Apr 1769, SC&AGG.

⁸⁸ Klein, *Ordering the Backcountry*, 679.

⁸⁹ Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (Chapel Hill: University of North Carolina Press, 2012), 68; William Bull to Lords of Trade, 15 Mar 1765, British Public Record Office records relating to South Carolina, Vol 30: 251, transcript at SCDAH.

Instead, Regulators typically directed their animus toward the persons or gangs which they perceived to cause disorder. The reign of Regulator supremacy focused on suppression of not only the banditti that plagued the backcountry but the 'Vagrants—Idlers—Gamblers, and the Outcasts of Virginia and North Carolina' that were believed to be central to disorder in the region.⁹⁰ The ire of the Regulators was not focused on targeting the government but sought government assistance and the tools and means to deliver social order. Their ire was instead reserved for those who they believed, inhibited the development of the region.

The rationale for the South Carolina Regulator cause was quite different in this regard to that in North Carolina. What did remain wholly consistent was the use of the whip as the means by which perceived offenders were punished, intimidated, and humiliated. The abuse by which captured banditti and even vagrants would endure was public, swift, and as demonstrated in the case of the flogging of Dozier, brutal. In fact, the Dozier case indicates that the use of the whip may have been more widespread in South Carolina than with the North Carolina Regulators. According to one report, the consequences of defying their edicts, for vagrancy or any other behaviour believed 'guilty of mal-practices' amounted to full time employment for those Regulators enforcing their rule upon the populace.⁹¹

The interference of the South Carolina Council was focused on this brutality by which the Regulators carried out their plan for inhibiting crime and forcing idle residents into some level of productive work. By eighteenth-century standards, the Regulators' efforts were regarded as barbaric. Regarding justification for their actions, the South Carolina Regulator movement had more in common with pre-colonial Western European rough music as a form of political protest and an assertion of power than it did with the motivations of the Regulators of North Carolina.

Certainly, there was an element of political protest within the South Carolina movement; however, the majority and reason for the Regulator action was to punish and correct the behaviour of those who were not adhering to the subjective image of social order

⁹⁰ Hooker, *Carolina Backcountry*, 246.

⁹¹ 2 Sep 1768, SC&AGG.

the Regulators wished to impart in the backcountry. The lack of respect and disregard to the government's authority was based upon the belief that the state had not acted in the best interests of those 'industrious' men in the backcountry.⁹² Ultimately, after the creation of a violent vigilante justice movement; an equally violent and unlawful government sponsored counter movement; and nearly averting an armed battle between these two factions, a relative peace was achieved followed by the passage of the Circuit Court Act of 1769.

⁹² *ibid.*

Chapter Three: Discontent and Protest in Ulster, 1763-1772

As Ulster entered the mid-eighteenth century, the province stood apart from much of the rest of Ireland due to the sheer number of residents who identified as Protestant. This distinctiveness could be traced to the Plantation of Ulster instituted by King James I of England (also known as King James VI of Scotland) whereby Irish lands were granted to Protestant settlers who agreed to take up residence in Scotland. Well over a century after this project was started, Ulster took on a distinctly Protestant, often Presbyterian character. During the modernisation of Ulster, tenant farmers subsisted on a meagre income based on farming, with some linen production, largely done within the homestead of the tenant family. In the decades preceding the 1750s, many of tenant farmers suffered through bad harvests and subsequent famines resulting in a tenuous financial situation for many Ulster residents. By the 1750s the economy was bolstered through demand for linen in other areas of the British Empire.¹ However, residents within the agricultural areas remained relatively poor.

By 1761, other areas in Ireland also experienced a form of mass protest and property destruction. An agrarian movement popularly known as the Whiteboys began in County Limerick, spreading into the counties of Cork, Waterford, and Tipperary far outside of Ulster. The Whiteboy movement was a reaction against the policies and actions of excessive rents, evictions, and tithes that harmed many of the poor subsistence farmers that resided in their respective counties. Whiteboy participants largely constrained their initial activities during the first part of the decade to property destruction, hamstringing of livestock, sending threatening letters to landlords and their agents, defying demands for tithes to the established church, and on occasion, public processions.²

During the 1760s and early 1770s, Ulster was the setting of two significant protest movements. Though not related, they both exhibited forms of ritual violence. The first, popularly known as the Hearts of Oak focused on excessive taxes and tithes levied by the Church of Ireland. The second to be discussed was known as the Hearts of Steel, which

¹ Raymond Gillespie, 'The Early Modern Economy, 1600-1780' in *Ulster Since 1600: Politics, Economy, and Society*, ed. Liam Kennedy and Philip Ollerenshaw (Oxford: Oxford University Press, 2012), 24

² James S. Donnelly, Jr., 'The Whiteboy Movement, 1761-5' *Irish Historical Studies* 21, no. 81 (1978): 20-54.

focused on rack-renting and the threat of eviction. The movements, characterised by differing styles of protest and ritual violence were both typical examples of the types of social turmoil that took place in the British transatlantic world, inclusive of North and South Carolina.

The summer of 1763 saw the emergence of a protest movement which would come to be known as the Hearts of Oak. The grievance which perpetrated the movement primarily centred on the issue of cess, or taxes.³ The first known written account stated that the first protests began in County Armagh in late June of that year. That report conveyed that 'upward of ten thousand persons' assembled to protest to an increase in the county cess. Two days later in Richhill an estimated eight thousand people 'marched to Dean B_____s', who pledged to not to take any small dues from area residents. After this, the crowd continued on to visit two other gentlemen and make similar demands after which a drum was taken, noting that the instrument would be returned in the future.⁴

Another report published the same day in the *Belfast News-Letter*, specifically conveyed the goals of the protest were to challenge influential individuals regarding the increase in the county cess. The same report further acknowledged that many of those present were visibly armed with some manner of weaponry.⁵ It is unclear if these were muskets, staves, or other form of armament. Moreover, it is certain that discontent on the issue of cess had festered amongst the populace of Armagh for some time. Eight to ten thousand people mustered would have likely been an intimidating sight particularly as they marched toward the estates of individuals deemed somewhat responsible for the increase in taxes. In addition, the mention that a drum was taken is a sign that either the simple beating of a drum likely accompanied these first gatherings or was used to accompany other

³ James S. Donnelly, Jr., 'Hearts of Oak, Hearts of Steel' *Studia Hibernica* no. 21 (1981): 12-3. Donnelly remarks that there was protest in 1761 over road tolls and that crowds had caused property damage two 'turnpike gates on the Armagh-Lisburn road and five of seven gates on the Banbridge-Belfast road.' Donnelly further speculates that the increase in cess may have been, in part, to repair some of the damage caused by collective action. See also Eoin Magennis, 'A "Presbyterian Insurrection"? Reconsidering the Hearts of Oak Disturbances of July 1763' *Irish Historical Studies* 31, no. 122 (1998): 167. Magennis asserts that the protests were sparked by William Brownlow, M.P. who spent county tax revenue to repair roads on his personal estate, for corroborating evidence see Thomas Waite to Sir Robert Wilmot, 23 Jul 1763, PRONI, T/3019/4655.

⁴ 12 Jul 1763, *Belfast News-Letter*. Henceforth, *BNL*. The report comes via a letter dated 4 July 1763. The men visited by the protestors is not spelled out as was customary during this time.

⁵ *ibid.*

drummers or musicians, perhaps in an attempt to intimidate local officials. No physical violence was visited upon these men, but the intent was clear, acquiesce to the demands of the protestors or face potential harm.

In early July, an 'attack' by the Oakboys, as the movement's members had become known, occurred near Cookstown in County Tyrone. A protest of two hundred arrived at Hewart Hall on horseback with nearly an additional thousand on foot. Many were reported to be armed with swords, pistols and muskets. This group detained several men including Andrew Stewart, the brother of a M.P., along with several rectors and magistrates who were ordered to accompany the Oakboy contingent. A gentleman, Mr Knox, named as having a measure of influence over those in the mob, had proceeded ahead of the main body of the Oakboys to ensure that no early alarm was raised, and that no 'mischief' was carried out by an advance party. Stewart states that he and other targeted individuals were then 'detained' for about two hours before being ordered to swear to the standard Hearts of Oak oath that they would not press for the collection of cess. They were also required to reaffirm that oath at a ceremony in Dungannon the following week. Before being released, Stewart along with several other men were detained for a further three hours whilst being subjected to a number of 'grievances' inclusive of 'Exorbitant Taxes, small Dues...[and] working at High Roads'. Stewart further added that while the event was an extraordinary situation, he was 'met with great civility' by the Hearts of Oak and was not 'the least alarmed.'⁶ Intended to be intimidating, Stewart's account signifies that yielding to the Hearts of Oak without resistance would likely result in no physical or verbal abuse.

By 9 July 1763, word of the disturbances had reached the governing centre at Dublin Castle. In the initial report, the movement was announced as the Hearts of Oak. Additionally, there was a genuine concern that this movement could pose a threat to the region, and it should be considered that 'Troops [should be put] into that Part of the Country' in an effort

⁶ Andrew Stewart to [William Stewart], 8 Jul 1763, Public Record Office of Northern Ireland, T/3019/4631; 21 Jul 1763. Henceforth, PRONI; Magennis, 'A Presbyterian Insurrection?', 169. Magennis notes that Stewart is the brother of William Stewart, then a county MP. The other men detained were James Gledstones, Thomas Knox, James Hamilton, Edward Lill, Charles Caulfield and three rectors in the Church of Ireland.

to subdue the growing disturbances.⁷ Despite the early alarm, the Hearts of Oak continued to grow and make demands not only magistrates and local officials but of the established church.

A letter from 9 July conveyed that Church of Ireland deans James Richardson and Robert Lowry were visited by 'some hundreds' of the Hearts of Oak. Lowry along with his 'Brothers' met with them. The Hearts of Oak complained of the 'immoderate Charge imposed on the Barony of Dunganon[sic] last assises, nearly equal to the other three Baronies, violently searched for the Constable to destroy the publick Warrants, [and] insisted I should sign some Paper which I...refused.' Lowry further stated that the Oakboys asked him to meet them the following Tuesday at Dyan which was again refused. Lowry concluded by informing that a servant of his was taken prisoner and his 'Brother's Servants were sworn'. One of the men described as a brother was, according to scholar Eoin Magennis, named James Richardson. He received a demand for his attendance at an Oakboy muster at Dungannon in the near future.⁸ Although it is not specified in the letter, given that Richardson is described as a dean in the established church, the Oakboys were demanding that the small dues demanded by the church would no longer be collected.⁹

At this point, no physical harm or even physical jostling had appeared to have occurred to any of the persons reportedly visited by the Hearts of Oak. Even after Lowry had refused the gathering of people, and further refused their demand for his attendance at Dyan, nothing had taken place. The Oakboys search for the constable, described as violent, given the information presented in this letter, may best be regarded as aggressive. In addition, the mention that Lowry's servant was taken prisoner still cannot be regarded as any act of physical aggression, only that it may be implied that the Oakboys present that day intended to intimidate and threaten in using nonverbal imagery.

⁷ Thomas Waite to Sir Robert Wilmot, 9 Jul 1763. PRONI, Wilmot papers, T/3019/4634.

⁸ Robert Lowry to [William Stewart], 9 Jul 1763, PRONI, Wilmot Papers, T/3019/4633; Magennis, 'A Presbyterian Insurrection?', 167. It is unclear in the original letter that Congreve's forename is William, and that James Richardson is the other man referred to in the document. Magennis provides this information.

⁹ Magennis, 'A Presbyterian Insurrection?', 167. Small dues are listed as fees for common rituals such as 'marriage, baptisms, and funerals.'

During the same time period, the Oakboys also gathered in protest to demand that other influential county men, including a local Member of the Irish Parliament, Sir Archibald Acheson, not to press for the collection of cess. An example of this pledge stated those beset by the Oakboys were encouraged to take the following pledge; that they 'hereby solemnly promise and clear that we will never hereafter be aiding or assisting in laying on any tax or cess for building useless bridges and making highways (the King's highways excepted) and that we will to the utmost of our power oppose and suppress any tax being laid on amounting to more than one penny by the acre and also that we will never hereafter demand or receive any small dues under our hands...'.¹⁰

The grievances that spurred the initial growth of the Hearts of Oak continued to burn not only across County Armagh but quickly spread into nearby counties. A detailed account of the Oakboys using intimidation methods was recorded by Rev. Theodorus Martin, the rector of the Desertlyn parish church in County Tyrone.

In his account he conveyed that during a carriage journey with his wife, his driver was stopped by man who encouraged him to stop, stating, 'Sir, you must stop if you please, we have something to say to gentlemen of your cloth'. Refusing, Martin and his wife continued onwards despite estimating that there were five hundred persons assembled nearby. Taking refuge briefly in a house, they proceeded onward only to be stopped again by the same man as before. Another came up to Martin with a gun insisting that he must stop and 'go back'. Martin next describes what was told to him by a Captain McCallum, 'damn you, you with your eight hundred a year, and your horses [] and we working for six pence a day; (here I told him he was wronging me for I had no such fortune). O by the Lord we'll [] small dues, you shall have none of them; you shall [] or cows, or funerals, nothing for christenings or []'. The man then hit Martin's servant for 'not turning the mare [around] quick enough'.¹¹

¹⁰ Rev. Theodorus Martin, 'A full and circumstantial account of what happened to me on the eighth day of July 1763', in *Aspects of Irish Social History 1750-1800*, ed. W. H. Crawford and B. Trainor (Belfast: Public Record Office of Northern Ireland, 1969), 36. Henceforth, 'Martin's account'.

¹¹ *ibid.*, 34-5. The bracketed sections with no text are noted as being damaged and beyond readability in the original document.

As Martin's carriage was forced into the centre of Cookstown, he described 'two fiddlers playing before them the tune called "Hearts of Oak" and several pair of colours flying.' The tune, 'Hearts of Oak' by which the movement may have taken its name was written in 1759. The ballad, written during the Seven Years War, in the aftermath of British victories over the French in North America, cheerfully reminded listeners to remain free of bondage, and to remain steadfast in the fighting to come.¹²

Horns, like the ones described by Martin, have a long history of usage in war and in rough music. Scholar Andrew Walker in his work on the rough music tradition describes the use of 'ram's horns' in the nineteenth-century tale, *The Mayor of Casterbridge*, which recalls an earlier tradition of making raucous music during the collective punishment of a person or persons accused of a moral offense.¹³ Conversely, the fiddle plays a newer role in the role of political rough music or protest. Not prominently discussed in earlier rough music accounts, the role of this formal instrument may be related to the popular tune, the 'Hearts of Oak'.

Martin describes he and his wife's carriage as being surrounded with the sounds of horns emanating from the crowd. Martin stated that the crowd gave a loud cheer, and several gun shots were heard behind them. He wrote, 'With all these tokens of triumph were we escorted opposite to Doctor Stokes's whom I found in the street surrounded with armed men.'¹⁴

The Oakboys presented Martin with a document that included a pledge not to lay excessive county taxes or collect small dues by the church. Doctor Stokes then inquired as to the consequence of not signing the document to which Captain McCallum responded that 'he would be hanged directly; upon which he signed it.' Martin was given a similar answer, after which he acquiesced, and signed the pledge. Subsequently, Martin and the other men were required to 'swear to perform what we had subscribed.' Martin then inquired as to who would

¹² John Ogasapian, *Music of the Colonial and Revolutionary Era* (Westport, CT: Greenwood Press, 2004), 100-1.

¹³ Andrew Walker, 'Rough Music, Community Protest and the Local Press in Nineteenth-Century England', *International Journal of Regional and Local History* no. 13, 1(2018), 89; Thomas Hardy, *The Mayor of Casterbridge*, (London: Penguin Books, 1997), 256. See also Martin Ingram, 'Ridings, Rough Music and the "Reform of Popular Culture" in Early Modern England', *Past and Present* no. 105(1984), 82.

¹⁴ *ibid.*, 35.

administer an oath. The Oakboys responded that they were not magistrates and would not be able to do so, but they could take a 'voluntary oath'. Captain McCallum was then asked how many had they hung. He informed Martin, 'none yet...because [none] refu[sed]'. Placing a stem of oak in Martin's hat, they produced to let him go.¹⁵

Martin's personal account of his interaction with the Hearts of Oak is the most illustrative surviving account from the perspective of one who was targeted by its members. Within his words, Martin illustrates that the Oakboys used auditory and spectacle to galvanise and excite their supporters and any onlookers that may have been in the vicinity.

Despite the sinister pageantry described by Martin, there is little evidence that the Hearts of Oak, were trying to demonstrate any expansion of political power. The threat made that the Oakboys would hang anyone who did not submit to signing their pledge to not lay taxes or collect small dues does not seem to signify a move to consolidate or create a political class via the Hearts of Oak movement. The admittance that an oath could not be administered in any official capacity without a magistrate reveals the Oakboys maintained a respect for the law and indicates that the Oakboys did not wish to supplant their own authority over the legal structure or institutions in place at that time. Conversely, the Oakboys did publicly assert their political agency and proclaimed they would not be abused by the elite of society without consequence.

In regards to actual physical violence against a person, Martin does describe a degree of physical abuse when the Oakboys struck his servant or coachman for disobeying their commands to redirect the Reverend's chaise towards town. Additionally, the Oakboys threats of death by hanging is an example of a demonstration of power through intimidation. Incidents of violence or suggestions and threats of violence such as these would continue throughout the Oakboy disturbances.

On 12 July, a report from the *Dublin Journal*, republished in the *Belfast News-Letter*, raised the alarm at the ongoing in the north of the country. By this time the Oakboys had

¹⁵ *ibid.*, 35-6.

‘formed into companies, having colours in imitation of English, irregularly armed with muskets, bayonets, swords, &c. marched to the house of Mr. ----- near that town’ and that gentleman, having been alerted to these plans days before, set aside barrels of ‘ale’ in an effort to placate the men. This offer was refused, yet the man agreed to ride ‘in company with six of the leaders whom he knew, into Newry where he agreed to their requests.’ The gathering of Oakboys who rode out to the residence that day reportedly made the streets of Newry impassable.¹⁶ Despite the mild treatment of their target on this day, Oakboy intimidation continued.

Another notable confrontation involved Henry Clarke, rector of the Church of Ireland at Clonfeacle parish. Accused of routinely levying tithes in excess of what could be comfortably afforded by area residents, Clarke was forced out of his house by a mob of Oakboys. Clarke, ‘first being duly sworn’ was then ‘set upon the top of his own coach’ and paraded about ‘admist the shouts and hisses of an enormous mob.’ Seemingly released by the mob at the end of this course of humiliation, this was as much a spectacle for the entertainment of the Oakboys and onlookers, as it was to send a message to Clarke and his contemporaries.¹⁷ The spectacle may have been more important than the message. Supporters of the Hearts of Oak expected an entertaining display of temporary supremacy over the upper classes. These disturbances would eventually lead to casualties.

The first death attributed to the Oakboy movement comes from a letter dated 12 July from Isaac Corry to Thomas Waite. Corry detailed the death of James Warneck, reportedly killed by an Oakboy referred to as Captain Grant, ‘being one of the ringleaders of a tumultuous Number of People between 4 & 5000, who came out of the County of Armagh to this Town [Newry]’. According to Corry, several persons present on the day witnessed the death of Warneck and named Grant as the perpetrator. This accusation inflamed the situation as several members of the Hearts of Oak, in turn, threatened to ‘burn every House in the Town’ if they determined that a local resident perpetrated the killing, refuting that Grant had

¹⁶ 15 Jul 1763, *BNL*; Magennis, ‘A Presbyterian Insurrection?’ 168. Magennis names the man visited as Richard Jackson.

¹⁷ Lord Charlemont, *The manuscripts and correspondence of James, First Earl of Charlemont*, I, (London: Eyre and Spottiswoode, 1894), 138. The full name of Henry Clarke and his role as rector at Clonfeacle parish is provided in Magennis, ‘A Presbyterian Insurrection?’, 167.

anything to do with the death of Warneck.¹⁸ Conversely, the *Belfast News-Letter* asserted in a report that the death of Warneck was no more than an accident.¹⁹ It is unclear to whether Corry believed Grant to be guilty, but his assertion that notices had been placed for the people to 'rise and assert their Liberties' seems to indicate that he firmly believed that the Oakboys were a threat, not only to the general peace, but perhaps, to his own safety.²⁰

The unrealised threat to set fire to houses in Newry was, itself, a tactic of political protest. It was certainly used by the North Carolina Regulators, as discussed in an earlier chapter, against Judge Richard Henderson. It is also part of Tilly's eighteenth-century repertoire of contention. Although not utilised by the Hearts of Oak, arson would be used as a form of political protest and power projection in Ulster within the decade.

Around the same time as the death of Warneck, the Hearts of Oak continued their foray against those charged with levying taxes, and collecting small dues. On or near to 11 July, an estimated twelve thousand Oakboys mustered in Dungannon and proceeded to attack a tithe farmer known only as 'Mr. Bell's son', drawing him 'through the River with a Rope' after which they 'dragged him to the Market-Cross in Dungannon' with the intent to hang him. Bell, as with nearly every other individual targeted by the Oakboys, submitted and took the oath required of him.²¹

The ritual humiliation of Bell is unusual. The practice of drawing him through the river is not found in other reports of Oakboy activities during the summer of 1763.²² However, it is unlikely to be an isolated incident even if it was an uncommon means of administering punishment. The sort of ritual is reminiscent of the use of a ducking stool as was common in the seventeenth and eighteenth-century British Isles and in America and was a punishment

¹⁸ Isaac Corry to Thomas Waite, 12 Jul 1763, PRONI T/3019/4636.

¹⁹ 15 Jul 1763, *BNL*.

²⁰ Isaac Corry to Thomas Waite, 12 Jul 1763, PRONI T/3019/4636. See also Magennis, 'A Presbyterian Insurrection?' for his analysis of his incident. Magennis states that Corry was a member of the local gentry and, therefore, had the motive to encourage the government to suppress the Hearts of Oak.

²¹ 22 Jul 1763, *The Derby Mercury*. Henceforth, *TDM*.

²² There is one isolated report that drowning or hanging was threatened upon refusal to sign the oath, no other substantive information is provided in 27 Aug 1763, *The Ipswich Journal*.

typically given to women.²³ Such a highly gendered punishment inflicted upon a man would have been particularly demeaning. The Oakboys, on this occasion, may not only have planned to terrify Bell but perhaps were openly intent on mocking his status as a man. Although this was not reportedly a common tactic of the Hearts of Oak, it is likely that one or more people who decided upon this experience would have been familiar with this exercise. Regardless of the means of intimidation, abuse and threatening behaviour continued to spread throughout Armagh and Tyrone through July.

The Hearts of Oak continued to make their presence known through the sheer numbers that appeared at their gatherings. These enormous shows of force led Lord Charlemont to declare that 'the whole country is now in confusion', and further described hundreds of men, with a twig of oak in their hats assembled by the sound of a horn, only to set upon anyone deemed their 'enemy'. At this juncture, the Oakboys routinely threatened execution by hanging, and in many instances, even carried along a hanging gallows to terrify their targets. Yet, it was noted that while 'gentlemen' were abused, none was truly subjected to physical injury or death and were typically set free at the end of each day's activities.²⁴

As previously mentioned, music or some sort of public performance of sound was found to be typical in most any detailed reports of these protests. Drums, fifes, horns, and fiddles, nearly every type of instrument commonly found in Ulster likely saw some form of appearance at Oakboy events.²⁵ This, along with the display of flags, and weaponry would have made for an almost comical, yet formidable scene, particularly for those whom they harassed. This was, much like with the North Carolina Regulators and their approach on the Orange County courthouse, giving the appearance of authority, and in this case, perhaps mockery of the trappings of state power.

²³ David Underdown, 'The Taming of the Scold: Enforcement of Patriarchal Authority in Early Modern England' in *Order and Disorder in Early Modern England*, ed. Anthony Fletcher and John Stevenson (Cambridge: Cambridge University Press, 1985), 123; Joseph Addison Waddell, *Scotch-Irish of the Valley of Virginia* (n.p.: n.p., 1895), 84. Waddell mentions this as a punishment largely given to women in largely Scots-Irish communities in the mid-eighteenth-century Virginia.

²⁴ Charlemont, *The manuscripts and correspondence*, 138-9. A similar account inclusive of the use of a gallows (and a 'bloody flag') near to this date can be found in the correspondence, Rev. William Henry to -----, 17 Jul 1763, PRONI, Northumberland Papers, T/2872/7.

²⁵ *Pope's Bath Chronicle and Weekly Gazette*; 26 Jul 1763, *The Leeds Intelligencer and Yorkshire General Advertiser*. See also Aug 1763, *The Gentleman's Magazine*, Vol XXXIII, 361. Henceforth, TGM.

By mid-July, the uninhibited progress of the Hearts of Oak began to spread outside of Armagh and Tyrone to adjacent counties in Ulster. A report dated 15 July stated that information was provided to local magistrates that 'a great Number of the Green Boys' planned to assemble in Magherafelt in County Derry and demand the Oakboy oath from two prominent men in the area. Upon receipt of this information, military troops were called up fearful that the mob would attempt to seize militia arms, then under the possession of a Colonel Cunningham. As predicted, approximately one thousand armed members of the Hearts of Oak did gather in the immediate area where they were met by 'Two Companies of Foot' and after a brief parley with local magistrates and the military, the Oakboys opted to withdraw.²⁶

By mid-July the intimidating, yet largely nonviolent confrontations between coercive authorities made way for a more aggressive strategy by the Oakboys. Protests began to emerge in counties Monaghan and Londonderry, and as a result, there was a rationale to call up military forces to confront the Hearts of Oak.²⁷ Captain Pierce Butler, at the behest of magistrates John Downing, A. Hamilton, and Thomas Rankin, marched to confront a procession of eight thousand Oakboys, many of them armed with muskets, pistols and 'long poles with bayonets fixed to them'. Butler's soldiers, after ordering them to disband, were advanced upon by the Oakboys. However, the soldiers held their ground and repelled the advance without firing their weapons. The military garrison 'took several Prisoners with arms' and the Hearts of Oak temporarily withdrew. A short while later, after obtaining reinforcements, the Oakboys again marched on Butler's unit. Threatening to 'cut officers, and men to pieces if they did not give up the Justices'. The Oakboys relented only after an agreement that captured prisoners would be released, and that Rankin would give 'a Memorial from them to the Government'. By the following day, the Oakboys had once again altered course and seemed to be intent on sparking an outright confrontation with Butler's men. Blowing their horns and displaying colours as had been typical at earlier gatherings, an estimated ten thousand Oakboys moved toward Butler with the intent of capturing the magistrates. Butler's force fixed bayonets and moved forward to the rhythm of military drum

²⁶ William Congreve to -----, 19 Jul 1763, PRONI, T/3019/4642.

²⁷ Magennis, 'A Presbyterian Insurrection?', 170.

in response. The Oakboys, clearly intimidated by the display of power and strength projected by the military, quickly dispersed but not before several were wounded and four taken prisoner.²⁸

The aggressiveness that the Oakboys displayed during this interaction with Butler's forces is indicative of an attempt to display the same strength and measure of intimidation that had earlier proven successful. However, it also demonstrated that the Hearts of Oak had no stomach for direct confrontation, not with the government or a trained military. Despite the customary projection of awe and intimidation by the Hearts of Oak in their standoff with the military, the Oakboys realised that they would not receive the customary deference and capitulation that was usually afforded them. Finding themselves in a dangerous situation against an armed military unit, the Oakboys had to concede and withdraw. Power was on display on this day, the balance of which was projected by Butler's men. Despite the conclusion to this episode, this was only the beginning of the challenge that the government would present to the Hearts of Oak.

The Oakboys, undeterred, continued with their spectacle of intimidation. In mid-July they mustered an impressive number of adherents in County Monaghan and continued to press for oaths from magistrates, clergy from the established church, and anyone they believed might hold sway on the matter of tithes, cess, or small dues. They split into three groups, 'one for Aughnecloy, one for Clogher, and the third and largest...for Monaghan'. Proceeding from village to village, the Hearts of Oak continued to press influential men for their oaths. At or near Castleblayney, Charles Coote, then an MP for County Cavan in the Irish Parliament, and backed only by fourteen men, found 'a strong Spirit of Commotion and Rebellion' within this Oakboy contingent. Coote stated that he attempted to reason with the group yet described them as 'more riotous infinitely than elsewhere' and was insulted, then fired upon. Coote's men returned fire and 'wounded a few of them' and eleven were taken prisoner. Although Coote stated that he hoped this incident would give the Oakboys pause, it

²⁸ Captain Pierce Butler to Mr. Waite, 19 Jul 1763, PRONI, T/3019/4650; Thomas Rankin, John Downing, and A. Hamilton to Lord Forbes, 21 Jul 1763, PRONI, T/3019/4653.

would not. In fact, Coote would become a central figure in the government's reaction to the disturbances.²⁹

Coote does not describe the colourful pageantry of earlier Oakboy gatherings, and it is entirely possible that in the weeks following the start of the disturbances that the movement had become increasingly unruly. The insults, and then being fired upon prior to his men wounding several members of the mob indicate that they did not believe that he would order his men to fire upon them, or that numerically they held superior position. This also demonstrated that the discipline and ritual held to by the Oakboys earlier in the month may have broken down, at least, within subgroups of the movement.

As word spread as to the exploits of Coote, anger within the ranks of the Hearts of Oak, at least within County Monaghan, spread. Coote recounted that as he made his way through the area towards Castleblayney with his prisoners he was met by a 'murmuring Crowd of upwards of eight thousand Men, many whom were very tolerably armed, and the rest with Sticks'. In each village that he and his men passed through they were met by 'Parties of from ten to four hundred Men'. Continuing onward, Coote noted that 'these Parties became...more frequent, more numerous, better prepared, and more assured.' By the time the garrison reached the town, they were greeted with a crowd of an estimated ten thousand men. Coote soon learned that a bounty had been placed upon him, 'dead or alive' and 'declared [Coote's] Town and House to be the objects of Their Revenge'.³⁰ Coote had made his allegiance known as a foe of the Oakboys and their yeoman sympathisers, and from this point each faction would behave accordingly.

Coote through his capture of several Oakboy prisoners became an object of derision and scorn. Unlike the magistrates, tithe farmers, and clergy who were the targets of the Heart of Oak, Coote became a personified enemy due to his power to take decisive action to end the disturbances.

²⁹ Charles Coote to [Thomas Tenison], 19 July 1763, PRONI, T/3019/4648; [Colonel] P[hilip] Roberts to Waite, 19 Jul 1763, PRONI, T/3019/4649.

³⁰ Charles Coote to [Abp Stone], 22 Jul 1763, PRONI, T/3019/4660.

By this time, Coote realised that the anger held by the Oakboys could likely lead to significant bloodshed. Altering his characterisation of the rioters into rebels, Coote knew that a show of military force may be the only path to end the disturbances and restore civil order in many parts of Ulster that were under threat.³¹ The following Saturday, Coote escorted a number of magistrates to County Armagh 'where they were received by three Troops of Light Horse' after which they all returned to Monaghan. Having increased his force, Coote received information that several groups of Oakboys from Killigragey and Newbless along with others from County Cavan would join and converge on his house at Cootehill with the intention of taking revenge, either through violence to Coote's house or to himself.

Whilst Coote was developing a military strategy against the increasing threat converging upon him and his property, the Oakboys intensified their efforts elsewhere. Londonderry had reportedly become a city of refuge for those fleeing the torments of the Oakboys.³² In response, large numbers of the Hearts of Oak based in the towns of Newtownstewart and Omagh made incursions into neighbouring areas seeking their targets. This included the town of Strabane, whose mayor was notified that the Oakboys planned to besiege the town until the clergy were sent out.³³ On 26 July, another contingent of the Hearts of Oak made their way into the town of Cavan, presumably with the intent of carrying about disruptions and were met enroute by Coote and some dragoons near Wattlebridge in County Fermanagh. The dragoons engaged with the Oakboys, killing one, wounding another, and capturing seventeen men including the supposed leader of the group. The Oakboys in their panic fled the scene, which was later described as a rout.³⁴ This marked the beginning of the end of the Hearts of Oak disturbances. Coote continued his pursuit of the Oakboys, taking a number prisoner, and in another confrontation at Wattlebridge seven were killed.³⁵ By 26 July any resistance to Coote's unit had ended.³⁶

³¹ *ibid.*

³² Aug 1763, *TGM*, Vol XXXIII, 414.

³³ 3 Nov 1763, *The Maryland Gazette*.

³⁴ Thomas Donaldson to -----, 26 Jul 1763, PRONI, T/3019/4669.

³⁵ Aug 1763, *TGM*, Vol XXXIII, 414. See also *A Genuine Account of the Progress of Charles Coote, Esq. In Pursuing and Defeating the Oakboys In the Counties of Monaghan, Cavan, and Fermanagh* (Dublin, n.p., 1763).

³⁶ Magennis, 'A Presbyterian Insurrection?', 171.

The aftermath of the Hearts of Oak, and the response by the government to their activities and incursions left much of the rural Ulster countryside in chaos. A news report published the following month, in August, stated that there was ‘almost total desertion of several provinces by the inhabitants, that the harvest [was] in danger of being lost, the linen manufactory deserted, and the trade of the country ruined.’ In response, the government offered a general pardon to those who participated in the disturbances except for those already in custody or those who had outstanding warrants for their capture.³⁷

This general pardon and amnesty had the desired effect, Ulster slowly began to recover economically. Despite this, resentment remained. The loud and brash exuberance of the Hearts of Oak likely hastened its demise due to its overtly public nature. While the public threats of hanging, verbal abuse, and jostling used by the movement, the Oakboys did not substantively target individuals for physical punishment. The Hearts of Oak primarily relied on intimidation and humiliation without inflicting pain or injury. In this light, the Hearts of Oak held more in common with older ritual practices of rough music as traditionally practiced in the British Isles in previous centuries. This is substantively different from the widespread use of the whip by the North and South Carolina Regulators.

The lessons learnt from the Hearts of Oak would arguably impact a new wave of protest that would ignite passions throughout Ulster within the decade. Loud, boisterous music, displays of colourful flags, and forced oath taking would make way for covert, often nocturnal practices inclusive of property destruction, the mutilation of livestock, and as with the Hearts of Oak, armed confrontation.³⁸

The loud and boisterous wave of political protest and violence that swept through much of Ulster in the summer of 1763 would, only 6 years later, make way for different tactics and for different reasons. Public displays of anger that culminated in threats of execution and coerced oaths made way for a multiyear campaign of anonymous threats, the houghing of livestock, arson, and murder. And unlike the Hearts of Oak, this new wave of disturbances,

³⁷ Aug 1763, *TGM*, Vol XXXIII, 414.

³⁸ Donnelly, ‘Hearts of Oak’, 59.

which would eventually become known as the Hearts of Steel, was based on land speculation, the threats of eviction, and often the pressures placed upon poor tenant farmers.

In 1769 a wave of violent property destruction commenced in County Antrim. The cause was rooted in a complex series of grievances related to the increasing costs of leasing farmland, subsequent threats of eviction, and the reaction of the tenants of to these developments. The common factor most often discussed when framing the reasons for these disturbances related to the ascendancy of Englishman, Arthur Chichester to the Earldom of Donegall.

Lord Donegall inherited an enormous estate across the north of Ireland upon his uncle's death in 1757.³⁹ His aim was to use his Irish properties to support a grand lifestyle and finance the building of an enormous English hall in Staffordshire. His inherited lands were estimated to include as much as 160,000 acres, 90,000 of which was located in County Antrim, thought to have been among of the largest in Ireland at the time.⁴⁰ Donegall, recognising that his land holds were not as profitable as they could be, yielding only about £7000 in annual income, sought to increase the rents and thus, the revenue by which he derived his income.⁴¹ In 1761, Lord Donegall was able to take possession of his familial estates in Ireland upon his coming of age and quickly realised that many of his tenants leases were set to expire within the decade. He recognised that this was an opportunity to increase the profitability of his estates, and thus his income. Donegall, who wished to be particularly active in this scheme, obtained a 'free hand in arranging the relettings' and moved to bring his lands in line with what he believed were their market value within the coming decade.⁴²

Donegall's first step in reorganising and releasing his properties in Ulster began in 1765 with this first visit to Ireland. Despite this, Donegall did not take active steps to begin this process until 1767. Lord Donegall then commissioned new surveys of his properties with the purpose of having each tract revalued. His plan included the provision of ninety nine-year

³⁹ W.A. Maguire, 'Lord Donegall and the Hearts of Steel', *Irish Historical Studies* 22, no. 84 (1979): 358.

⁴⁰ *ibid.*, 360.

⁴¹ Donnelly, 'Hearts of Oak', 24; Maguire, 'Lord Donegall', 360.

⁴² *ibid.*, 24.

leases, as had been common in the seventeenth and eighteenth centuries, along corresponding higher rents reflecting what he and his advisors determined as market rate for his estates.⁴³ The first phase in the reletting of his properties began in earnest in Belfast, many of which were the site of commercial enterprises including shops and businesses associated with trade and shipping. He then proceeded to northern Inishowen peninsula without major incident. After this his land agents began contacting leaseholders to begin renegotiating leases at higher rents on the estates in the vastly agrarian County Antrim.⁴⁴ Unlike the relatively smooth process of renewing leases in Inishowen and in Belfast, a wave of discontent arose from leaseholders, and of more import, from those who resided on the properties, the subtenant farmer. The dissatisfaction with Donegall and financial concerns surrounding this process would delay its completion, in many cases, until mid- 1770.⁴⁵

The renegotiation of a lease in County Antrim included the imposition of a fine, or fee as part of the process of issuing a new lease on the property in question. Although these fees were not demanded as part of every new leasing agreement, they did comprise a measure of the revenue that Donegall hoped to raise through the reissuance of new leases. However, in a period where finances were constrained due to series of poor harvests, and a corresponding scarcity in agricultural goods. A number defaults occurred even though individual rents remained relatively modest.⁴⁶

Although the fees or fines paid to Donegall did not originate directly from the leaseholder, they were paid through the rents of the sublease holder who resided and worked the property. The leases were issued to tenant landlords who subleased plots to smaller farmers or other types homesteads. This had been customary, at least on the holdings of the Chichester family dating back to the seventeenth-century.⁴⁷ However, the continuation of this practice in the 1760s and 1770s by Donegall caused consternation among some of the

⁴³ Maguire, 'Lord Donegall, 361-2.

⁴⁴ Donegall, 'Hearts of Oak', 25-6.

⁴⁵ *ibid.*, 26; Deposition of Charles Talbot, Aug 1772, Donegall Papers, PRONI, T/1893, Letter Book 1771-4.

⁴⁶ Donegall, 'Hearts of Oak', 26, 44.

⁴⁷ P. Roebuck, 'The Making of an Ulster Great Estate: The Chichesters, Barons of Belfast and Viscounts of Carrickfergus, 1599-1648', *Proceedings of the Royal Irish Academy: Archeology, Culture, History, Literature* 79 (1979): 18.

‘undertenants’ who had hoped to lease directly from Lord Donegall.⁴⁸ Many of these tenants, who did not have the social or financial standing to obtain a direct lease, knew that they would continue to remain vulnerable to the practice of rack-renting, and severe downturns in the economic climate in Ulster. Moreover, many of these undertenants, who had made significant improvements to their tracts on their land, knew that they could be evicted. The tenant farmer’s situation was further complicated by the fact that they had ‘no legal--, or customary’ right to transfer a lease to another, only to retain their leased holdings on the land, if possible.⁴⁹ This left an entire class of people vulnerable to forces that were, at times, wholly out of their control. A loss of the land in which a family had likely worked for perhaps a century or more, along with the improvements made to the land would have been catastrophic. Thus, the fear of eviction, and the practice of rack-renting lay at the heart of the grievances of the undertenant class in County Antrim.⁵⁰ These complaints would lead to a new wave of disturbances that would inflame Ulster for several years.

The exact genesis of the Hearts of Steel is unknown. What is known is that the movement that began protesting rack renting, land speculation, fees, and the threat of eviction began its activities in or near to 1769. While there may have been minor incidents lost to history that predated the first incident in that year, the first known major disruption was an arson attack.

In July 1769, a series of attacks were precipitated against the property of a John Bill of Ballymartin, near Templepatrick. The first attack on 13 July was an arson attack against the ‘office houses’ belonging to Bill under the cover of night, destroying the houses. Not satisfied, the perpetrators again returned on the night of 21 July to ‘stab and maim’ livestock on the property. In response, a County Antrim grand jury issued a reward for the capture and prosecution of the offenders on the day following the second incident.⁵¹

⁴⁸ W.A. Maguire, ‘Lord Donegall’, 364-6.

⁴⁹ *ibid.*, 366.

⁵⁰ Donnelly, ‘Hearts of Oak’, 32.

⁵¹ 28 Jul 1769, *BNL*. See also Francis Joseph Bigger, *The Ulster Land War of 1770 (The Hearts of Steel)*, (Dublin: Sealy, Byers & Walker, 1910), 57. Bigger simply states infers that there was a single attack on the Bill estate on 23 July 1769.

Prior scholarship illuminates why the Bill estate was chosen for the initial Steelboy, as they became known, attack. Bill's lands were subleased from Clotworthy Upton, a middleman landlord for the Donegall estate. Upton's predecessor, Arthur Upton had previously agreed to a higher leasing fee agreement with the new Donegall estate agent. This led to his successor, Clotworthy Upton, increasing rents to recoup his expenses. He then listed over sixty farms shortening them to twenty-one-year leasing agreements.⁵² This action would be a cause of concern for subtenant farmers who were required to add improvements to their properties to both live and turn a profit. A shorter lease did not give them peace of mind regarding stability, hard work, and economic expenditure, when they could lose house, home, and farm after only two decades vice the more usual ninety nine-year lease.

According to Donnelly, the process to get tenants to agree to new terms was frustratingly slow.⁵³ This was likely due to the conditions of increased rents, and leasing terms that were shorter than the norm. By the spring of the following year, Clotworthy Upton proclaimed that six tenants would be evicted, possibly for frustrating plans preventing him from concluding the new leasing agreements in a timely manner.⁵⁴ Although Bill was not among these six new tenants, it was speculated that his prior assent to a new lease agreement ran counter to the resistance of his neighbours. This may have made him and his farm a target.⁵⁵ The destruction of his farm incident was less against Donegall or the middleman landlords as much as it was to warn that solidarity would be required from other tenants in the area.

For many months afterward, no incidents of property destruction attributed to land and rent disputes were reported until December of that year. However, on the night of 5 December 1769, the residence of Andrew McIlwain of Ballymartin, near Templepatrick was set on fire. According to the *Belfast News-Letter* the McIlwain family were inside the house when the house was set ablaze. No injuries or deaths were reported. Two nights later the house of John Douglas of Ballycushan in the parish of Templepatrick in County Antrim was

⁵² 29 Jul 1768, *BNL*.

⁵³ Donnelly, 'Hearts of Oak', 36.

⁵⁴ *ibid*.

⁵⁵ 3 Jan 1769, *BNL*; Donnelly, 'Hearts of Oak', 36.

also purposefully burnt down.⁵⁶ Likewise, the houses of James McAlister and John Busby, both of Ballypallady, were set on fire.⁵⁷

To date no existing evidence has been found as to why the McIlwain or Douglas residences were targeted, or why there was a lull of property attacks between July and December. It seems reasonable to infer that McIlwain and Douglas may have reached an agreement with Upton, and that neighbouring tenant's motives were to punish those whom they believed has acquiesced to changes in the area's leasing terms. It is also worth noting at up to this point all attacks were conducted at night, providing cover to those involved. This tactic would frustrate authorities in their attempts to arrest those responsible well into 1770.

Similar arson attacks continued into the following year. In February 1770, a house whose tenant, Martha Hill, had been evicted from in Ballykeel recently was 'burn'd to the Ground.'⁵⁸ Similarly, a house was burnt down and several trees were felled in Carrickfergus on the estate of Edward Brice, a Dublin based landlord in March 1770.⁵⁹ These two attacks occurred away from Templepatrick and clearly signalled an escalation in the strategy of the movement. Neither residence was reported to have been occupied by a tenant at the time of their respective attacks. Either way the target of the attacks in these instances clearly seemed to indicate that the perpetrators were sending the message to the middleman landlord that evicting or raising rents above an acceptable amount would amount to the destruction of the residences on the land, decreasing the value of the property to prospective tenants.

Arson attacks were not the only tool at the disposal of the Hearts of Steel. As previously mentioned in the maiming of one or more animals on the farm of Bill, the maiming of livestock took on new importance as a means of protest. On the night of the 29 March, seven head of cattle were 'feloniously and maliciously cut and maimed' with two of the male steers having their hamstrings cut on the farm of William Crawford of Ballysavage in County Antrim. As a result, twenty-four cattle owners signed a proclamation offering a reward for the

⁵⁶ 12 Dec 1769, *BNL*.

⁵⁷ Bigger, *Ulster Land War*, 57.

⁵⁸ 27 Feb 1770, *BNL*; Donnelly, 'Hearts of Oak', 37.

⁵⁹ 23 Mar 1770, *BNL*.

capture and conviction of the perpetrators. One of those targeted was Edward Brice whose property had previously been set ablaze.⁶⁰

The maiming and houghing of cattle was a serious matter. Farmers required healthy livestock to breed and produce milk and beef for market. Tenants concerned that they could be deprived of their livestock could, in some circumstances, be faced with financial ruin and frustrate their ability to pay their landlords. Many of these landlords were middlemen with their lease payments due to landowners such as Lord Donegall. Thus, through such actions, the Steelboys may have been willing to injure the tenant farmer's property and assets for the sake of causing financial hardship to the middlemen who may or may not have resided in the immediate area. The seriousness of this would become apparent in the subsequent maiming of livestock later in the same year.

Belfast businessman Thomas Greg was the next to feel the brunt of Steelboy anger and violence. Repeating the tactic used in the Crawford incident, 'twenty-three head of Black Cattle' in Lisnalinchy in Ballylinney parish were 'houghed, maimed, and wounded'.⁶¹ Donnelly suggests that Greg was a middleman landlord and likely had evicted a tenant on the property where he then placed his cattle.⁶² This accounted for why Greg's livestock were targeted. The act, described as 'barbarous and inhuman' in the *Belfast News-Letter*, quickly garnered the attention of fifty-three prominent individuals including Clotworthy Upton, each who pledged a reward for information leading to the arrest and conviction of those involved.⁶³ The sizable number of men who offered an award for information leading to the capture of the perpetrators underscored the seriousness of the threat to these men's financial well-being.

Around the same time as the mutilation of the Greg livestock, the Hearts of Steel widened its appeal to include the church. Instead of only targeting middleman landlords due to excessive rents and threats of eviction, the Steelboys pledged to also stop the collection of

⁶⁰ 17 Apr 1770, *BNL*.

⁶¹ 4 Sep 1770, *BNL*.

⁶² Donnelly, 'Hearts of Oak', 37.

⁶³ 4, 25 Sep 1770, *BNL*.

increased cess and tithes.⁶⁴ They also sent members out to collect money to support the movement. This echoed the same grievances of the Hearts of Oak from seven years earlier. This tactic may have been part of a strategy to widen their influence beyond the immediate area where the initial property attacks occurred. These actions foretold of further escalation.

By the following month, October 1770, there was substantial alarm at the number of attacks on the property and livestock in County Antrim. These attacks not only included the maiming and killing of cattle and the burning of houses, but the destruction of 'hay and corn'. These attacks, conducted at night, evolved into open protest during daylight hours and were composed of men 'undisguised, armed and in large bodies'. The editors of the *Belfast News-Letter* stated that County Antrim faced a potential insurrection and reminded its readers that the crimes committed were legally punishable by death. Despite this, there was an admission that although the grievances that precipitated this movement may hold some validity, there was no redress to be found in 'illegal and wicked' actions.⁶⁵

The escalation of these attacks on property and the increasing public musters surely would have heralded concern amongst tenant farmers, landowners, the merchant class, and government officials. Public gatherings of undisguised armed individuals certainly escalated tensions in County Antrim. If Steelboy adherents were openly flaunting their allegiance to the movement, which up to this point had been carried out under cover of darkness, then there was a threat that the disruptions could spread and pose a more significant problem to the upper classes and the government. It also seems likely that even unreported attacks stoked the sense of social and economic uncertainty in the north of Ireland.

The increase in number of Hearts of Steel public gatherings foretold the difficulties they would soon face. Area magistrates and state agents were aware of the identities of some of the Steelboys and they would use that knowledge to arrest their first suspect. In December 1770, the authorities captured and jailed David Douglas, a County Antrim farmer from Templepatrick, and charged him with 'aiding and assisting in...houghing and maiming...cattle,

⁶⁴ Robert M. Young, *Historical Notices of Old Belfast and Its Vicinity*, (Belfast: Marcus Ward & Co. Limited, 1896), 270; Bigger, *Ulster Land War*, 57.

⁶⁵ 30 Oct 1770, *BNL*.

the property of Thomas Gregg'.⁶⁶ In response, on 23 December, the Steelboys mustered at Templepatrick, then proceeded to several local Presbyterian churches with the intent of drafting additional followers along the way. Satisfied with the result, the mob who had increased their numbers to 1,200 men, armed themselves with 'guns, pistols, swords, and ruder weapons' and proceeded to Belfast to free Douglas who has been jailed by the local military.⁶⁷



Image 3: 'The Hearts of Steel storming the barracks at Belfast'⁶⁸

Upon arrival, the Hearts of Steel demanded the release of the prisoner, and after being refused, opened fire on the barracks. This had no effect, and the Steelboys turned their anger toward the residence of Waddel Cunningham, the wealthy businessman who had arranged for the arrest of Douglas. After destroying some of the contents of Cunningham's house, they were stopped by a Dr Halliday who pleaded with them to stop. Instead, the Steelboys took Halliday prisoner whereby he asserted that he would work to release Douglas if given the

⁶⁶ Bigger, *Ulster Land War*, 73

⁶⁷ George Benn, *A History of the Town of Belfast from the Earliest Times to the Close of the Eighteenth Century* (London: Marcus Ward & Company, 1877), 615.

⁶⁸ Bigger, *Ulster Land War*, i.

opportunity and was freed for this purpose. Upon reaching the barracks, 'the gate was thrown open by the military, who fired upon the mob' killing five and wounding nine of the assembled Steelboy contingent. Fearing continued violence, the leader of the military forces, Stewart Banks, ordered the release of Douglas. After this, the Steelboys withdrew from the Barracks, opting to set Cunningham's house on fire, destroying it. They also visited Gregg's house and fired gunshots into the residence.⁶⁹

The events of mid-December 1770, including the violent demand by mob-rule to release a prisoner, and the sacking and destruction of the residence of the civic leader who arrested that imprisoned man are emblematic of the traditional repertoire of contention as understood by those living in the British Empire in the late eighteenth-century. The Hearts of Steel, having become emboldened through their nocturnal activities changed tactics, and opted for a more open confrontational strategy. During this action, they challenged the authority of the government, likely believing there was no legitimate cause to hold Douglas. However, this was the first instance where the Hearts of Steel violently confronted landowners and government authority directly, instead of targeting the property of tenant farmers and middlemen landlords with whom their initial grievances centred.

There are strong parallels with the destruction of the property of Edmund Fanning in North Carolina by the Regulators. Finding that their initial attempt to free Douglas failed, the Steelboys turned to the property of the powerful and wealthy man responsible for his capture. The Steelboys, like the North Carolina Regulators, were determined before leaving Belfast to destroy the Cunningham residence, and for good measure vandalise the Gregg house. This informed the military, and by extension, the government, that the Steelboy's authority could be projected outside of County Antrim should their grievances not be addressed. Despite the loss of life at this event, the Steelboys became emboldened and would become a significant problem for the authorities.

⁶⁹ Young, *Historical Notices of Old Belfast*, 270-1; Bigger, *Ulster Land War*, 72-3. See also Jan 1771, *TGM*, vol. XLI, 41; 11 Jan 1771, *TDM*. The articles in *TGM* and *TDM* mention that two were killed instead of five.

Sensing the urgency to address the situation, the chief governor and the magistrates of County Antrim issued a proclamation that served both as a warning and offered forgiveness for past actions. On 8 January 1771, the *Belfast News-Letter* published a government proclamation that assured that the guilty would be caught and punished, yet offered clemency up to the consideration of a full pardon if those involved promised to report to a county magistrate, surrender their weaponry, and pledge loyalty to the King and the laws of the country.⁷⁰ While falling short of promising a pardon, which was likely beyond the ability of the local magistracy to guarantee, there was a commitment to press for such an outcome should those involved in the disturbances come forward and surrender.

Regardless of the offer of forgiveness, the Hearts of Steel continued their campaign. In January 1771, messages described as 'seditious' and 'rebellious and inflammatory' in Holywood and Bangor in County Down were posted in communal areas, including on the door of local meeting-houses. Notices posted in the *Belfast News-Letter* repudiated the fliers, urging local residents to unite in opposition.⁷¹ Nonetheless, this demonstrated that Steelboy rhetoric had spread into other areas outside of County Antrim.

The Lord Lieutenant and Council of Ireland in Dublin reacted to the events in Belfast in December of the previous year, issuing a proclamation on 25 January 1771, naming several individuals responsible for the attack on the barracks, the attack on the Cunningham residence, and the freeing of Douglas. All those who were named were residents of County Antrim, and a bounty was placed for their capture and conviction.⁷² This action by the government in Dublin demonstrated the seriousness and threat that the Hearts of Steel posed to those in authority. The Lord Lieutenant, likely fearful of the spread of violence moved to try to contain the threat posed by the Steelboy rebellion.

Behaviour consistent with earlier Steelboy incidents of property destruction erupted in May 1771. Charles Boyd of Ballymisert in County Down reported to have received a warning that if his livestock were to graze in the area that they would be houghed. This warning was

⁷⁰ 22 Jan 1771, *BNL*.

⁷¹ 8, 25 Jan, 8 Feb 1771, *BNL*.

⁷² Bigger, *Ulster Land War*, 74-5.

perhaps connected to evictions that had been conducted in the area recently, although why Boyd was targeted remains unclear.⁷³ Another incident was reported on the land of Reverend Moses Nelson of Marybrook whose house was set ablaze along with the purposeful drowning of a cow in County Down. Nelson, as had other victims of the Steelboys, offered a reward for the capture and conviction of those persons responsible.⁷⁴

Not to be outdone by the actions in County Down, a significant arson attack on 13 June was perpetrated on the land occupied by Shem Thompson in Ballygomartin Township in County Antrim. Three houses on the Thompson property were destroyed by fire. Nearby, and on the same night, three head of cattle, belonging to James Wilson were ‘feloniously shot and maim’d’. The losses incurred by Thompson were significant enough that he offered a substantial award of £50 leading to the capture and conviction of the assailants.⁷⁵

The Thompson and Wilson attacks demonstrated a continuation of the Steelboy evening raids. Using the cover of darkness frustrated most efforts to identify and capture the culprits. While public gatherings and processions may have provided spectacle to garner supporters and terrify opponents, the elusive nocturnal nature of the Hearts of Steel left its opponents uneasy regarding to whom and where an attack would occur. In fact, this strategy sent a sense of fear and foreboding throughout much of Ulster society. This was particularly true at the time for area magistrates who were apprehensive of attack, or even murder, by the numerous factions active in Ireland, inclusive of the Hearts of Steel.⁷⁶

As the summer of 1771 progressed, additional attacks were perpetrated on several properties in the counties of Armagh, Tyrone, and Londonderry.⁷⁷ The situation at this point had spiralled into chaos, and those most at risk – the poor tenant farmer – realising that monetary rewards alone would not slow the violence and damage imparted by the Hearts of Steel. Instead, those at risk, made public proclamations that they would defend their properties and themselves with force, if necessary. It was unknown if an acquaintance, friend,

⁷³ Donnelly, ‘Hearts of Oak’, 40.

⁷⁴ 14 Jun 1771, *BNL*.

⁷⁵ 26 Jul 1771, *BNL*.

⁷⁶ 8 Aug 1771, *TVG*.

⁷⁷ 13 Aug, 29 Oct, 8, 22 Nov 1771, *BNL*.

or stranger might have been the person or persons who harboured ill intentions to them or their property and may have already participated in earlier attacks. This uncertainty of not knowing the identify of your enemies, would come to haunt, and frustrate Ulster society. It would also harm the stability and any certainty regarding the economic environment of the Ulster province.

Pledging cooperation and that they would 'repel Force by Force' to protect their property, forty-nine men publicly acknowledged that they would act in mutual defence of one another.⁷⁸ Such arrangements, public and private were devised as it seemed that there was little hope that the Irish authorities could bring the Steelboys to submission.

Despite this, the authorities did, on occasion receive information as to where contingents of the Hearts of Steel arranged to convene. On 28 July, a military unit received information that the Steelboys were holding an assembly at a Presbyterian meeting house in County Antrim, in or near Belfast. The military surrounded the building and blockaded the exits, hoping to seize those inside without violence. Reportedly, there was a subterranean exit, and the Steelboys emerged outside the church unmolested after realising that the building was surrounded. At this point the Steelboys turned to face their assailants and the two forces engaged one another in a brief skirmish, after which the rebels escaped. Several Steelboys were wounded, and prisoners were taken.⁷⁹

To this point, there had been only two incidents of direct armed confrontation between the Hearts of Steel and the authorities. No deaths had been reported due to the arson attacks or the mutilation of cattle, although lives were certainly placed at risk due to the fires of occupied houses. Like the Hearts of Oak and the Regulator movements in the Carolinas, there seemed to be a reluctance to engage in the purposeful killing of their opponents by the Hearts of Steel. The likely cause of this disinclination is based upon the performative role that the Hearts of Steel were playing. The tradition of ritual violence which they employed, was considered by many to be a legitimate, if technically illegal, method of

⁷⁸ 29 Oct 1771, *BNL*.

⁷⁹ 24 Aug 1771, *Leicester and Nottingham Journal*.

having group or class grievances addressed. Despite this, there was no sign that either the tenant landlords, the Earl of Donegall, or the authorities were in the least bit interested in making concessions to the Hearts of Steel. However, the defensive rhetoric and fear emanating from the landed gentry, and the increasing aggressiveness of the Steelboys would place the two factions on the path to further violence.

By December 1771, the scale and scope of Steelboy violence had become so alarming that the Route Presbytery issued a strong rebuke to those who participated in or were sympathetic to the aims of the Steelboys. The presbytery's proclamation to their congregants stated that they knew 'of no Grievances [illegible] provoke these Unhappy Men to carry their Resentments onward to [illegible] Heights as to maim and kill Cattle.' Calling these actions 'Crimes subversive of the Peace and Good of Society, and perpetrated at the Hazard of your Lives, and of every Thing dear and valuable to you and your Families in the World'. Admonishing those who shared in the activities of the Steelboys, presbytery leaders emphatically stated that religious differences were not the cause of the grievances which drove the disturbances, as many of the victims were fellow Presbyterians.⁸⁰ Within this proclamation, clergy leaders likely hoped to assuage the authorities from blaming the Presbyterian church, also to dissuade their congregants from having any connection with the Hearts of Steel. Presbyteries of Armagh, Tyrone, Newry, Belfast, Antrim, Monaghan, Ballymena, Templepatrick, Moira, and Derry all issued similar rebukes of Steelboy activities.⁸¹

Despite the concern and rebukes by Ulster presbyteries, violence continued. There are scattered reports of property damage not directly connected to the Hearts of Steel and, on occasion, assault and murder. It is difficult to ascertain if there was any connection; however, animosities between individuals in such a highly polarised society at this time suggest that specific incidents could be indirectly, linked with the other disturbances. One such report mentions a father and son, Robert and James Rainey, who reportedly stabbed and murdered Samuel Douglas and Edward Hunter on the road between Ballyclare and Doagh on 26

⁸⁰ 'The Address of the Presbytery of Rout, to the Congregations of Protestant Dissenters under their Care', 2 Jan 1772, *BNL*.

⁸¹ Bigger, *Ulster Land War* 61, 66-7, 151.

December 1771.⁸² No surviving evidence suggests a reason for these murders. However, given that they took place in County Antrim at the height of Steelboy paranoia, it is reasonable to make such a connection. Despite this, little indicates that this event had any ritualised connotation to typical Steelboy actions. However, it demonstrates Ulster society's deteriorating condition during this period.

In the beginning of 1772, the Hearts of Steel had begun to make significant open incursions into the northern areas of Londonderry as Steelboys numbering in the thousands overran the populace making their presence known in the city. The sight of an assembly of armed individuals, already known for carrying out campaigns of violence against property and possibly murder, sent area residents into a panic. Many local citizens opted to barricade windows turning some houses in armed garrisons protected by soldiers. While others took up arms to protect themselves and their property as neighbourhoods took on the appearance of a city under siege.⁸³

Men openly brandished arms during this period of disruption brought about by the Hearts of Steel movement which began to draw comparison to the 1763 Hearts of Oak movement. These included evening gatherings of over 10,000 participants, paralleling some of the largest Oakboy gatherings. On one evening, Steelboys marched 'in the night through the country...go among the Gentlemen and Landowners, [and] oblige them to swear to never set their lands at above twelve shillings an acre'. These processions also included the common use of sound through the blowing of horns as an auditory expression of alarm or to signify that a muster was taking place or was used as a means of intimidation.⁸⁴ Taking place at night, they took on a fear more sinister in tone than the daylight exuberances of the Oakboys in the summer of 1763. These Steelboy processions were spectacles designed to inflict fear and terror, if not by action, then by implication.

Throughout the Spring of 1772, proclamations were issued throughout Ulster's counties vowing resistance to the Hearts of Steel. These proclamations, similar to the one

⁸² Bigger, *Ulster Land War*, 70.

⁸³ Donnelly, 'Hearts of Oak', 40; Eliza O'Neill to Elizabeth Tobin, 27 Mar 1772, PRONI, D/1125/2/6-8.

⁸⁴ 28 May 1772, *The Pennsylvania Gazette*.

issued in October 1771, pledged mutual aid, including the use of force to anyone threatened or affected within their local communities or counties.⁸⁵ Those who stood to lose their livelihoods and property made the decision that they would take proactive measures to protect themselves. Despite these declarations, it is difficult to ascertain the level of support or opposition that the Steelboys enjoyed within these villages, towns, and cities. Middlemen or tenants on good terms with their landlords would have likely been prime targets for threats or violence, while tenants who resisted or those recently dispossessed may have been viewed as sympathetic to the Hearts of Steel.

By March, occasional incidents of nocturnal property destruction had given way to an approximation of open war. In County Down, the Steelboys had gone so far as to assign themselves as both judge and jury, taking on the authority to determine guilt or innocence and ‘putting their determinations in force by the most violent means.’⁸⁶ This sort of behaviour, echoing the actions of the North and South Carolina Regulators, showed that the Hearts of Steel would act to regulate their grievances by becoming their own *de facto* government. Extrajudicial governance unconcerned with actual law or the proclamations of threats made by area magistrates, the Lord Lieutenant, or the Irish Parliament were routinely ignored by the Steelboys.

The Hearts of Steel would demonstrate their contempt for the government and any who dared to defy them. One such case involved a local County Down magistrate, Richard Johnston, who had been a central figure in establishing a militia intent on resisting the Hearts of Steel. Upon receiving information that told of a Steelboy meeting in Clare, Johnston acted. He and his militia raided the property of a man named Tidderton, at whose house the gathering was taking place, capturing three persons. A fourth man, named Finley, who had also been captured, escaped.⁸⁷

Finley notified his comrades of the raid sometime during that night or the following morning. As customary, horns sounded throughout the area, alerting the Steelboys to muster.

⁸⁵ 24, 31 Mar, 7, 10, 14 Apr, *BNL*.

⁸⁶ 13 Mar 1772, *BNL*.

⁸⁷ Bigger, *Ulster Land War*, 78.

Up to 2,000 men responded, many carrying various types of weaponry and ammunition. Advised of the situation, these men marched toward Gilford to demand the release of the prisoners being held further afield at the Downpatrick jail. At some point during the procession, the Steelboys, as a means of expressing their anger at Johnston, fired shots into his residence. Johnston alerted to what was likely to occur hours before, attempted to muster men to defend his property. However, many of his militia did not assemble, perhaps out of fear, which left his defending garrison with only twenty-three men.

Gunfire erupted when the Steelboys arrived. This continued with each side exchanging gunfire for about half an hour. At this point, Johnston's group, exhausted of their meagre supply of ammunition, capitulated to surrender. During the attempted defence of his property, one of Johnston's loyal compatriots, Rev. Samuel Morell, a Presbyterian minister, and a public opponent of the Steelboys, was shot in the arm and chest, falling from a window inside of Johnston's house. He received additional injuries which resulted in his death. Johnston, narrowly escaping the *mêlée*, returned two days later to find his house and property pillaged and destroyed. Later, at the trial of the men accused of being leaders of the Steelboys during the attack on Johnston's property, one of the defendants, John Hill stated that he wished Johnston's corpse 'be cut into four quarters, and the quarters put on the four ends of the house.'⁸⁸

Despite the violence and barbarity exhibited in what came to be known as the Battle of Gilford, disturbances continued to spread in County Armagh.⁸⁹ However, at this point, the government had enough and decided to end the disturbances in a show of strength.⁹⁰ In a letter dated 12 March 1772, it was conveyed that threats were made toward the mill at Ballytromery which was responsible for much of the flour produced in County Antrim. The author, Langford Rowley, stated that losing these mills would bring disaster upon the local area and requested 'half a company with sufficient ammunition' sent to protect the property. Another letter conveyed news of an open engagement that had occurred between 'insurgents

⁸⁸ *ibid.*, 11, 13 Mar 1772, 21 Aug 1772, *BNL*, 'Proceedings on the Trial of the Hearts of Steel', Oct 1772, *TGM*, Vol XLII, 456-61.

⁸⁹ Donnelly, 'Hearts of Oak', 43.

⁹⁰ 13, 20 Mar 1772, *BNL*.

at a place called Clody, in the county of Derry' which left nine dead Steelboys in its wake. This was followed by another skirmish at Grange which resulted in seven killed and many wounded.⁹¹ Although Donnelly writes that casualty estimates should be viewed with some scepticism,⁹² it became clear that military force, not civilian militia or magistrates, was an effective tool for subduing the Hearts of Steel.

In locales where the army had no active detachments of forces, the Hearts of Steel remained active. On 20 March, 'several hundreds of the Hearts of Steel attacked the house of Daniel O'Neill, near Ballymena, and after a fire kept up on each side for a considerable time, they set fire to his offices, burnt his barn...stables, hay, and turf stacks.' However, this would be nearly the last gasp of the dying Hearts of Steel movement. By this time, the Steelboys had begun to evacuate from the counties of Armagh and Down in areas where the army had deployed.⁹³ Likewise, another report stated, 'the soldiers are in parties hunting the country every night and each day bringing in one or more prisoners.' Witnesses claimed that the aggressiveness with which the military moved to secure the north of Ireland caused many Steelboys to panic and flee at the sight of approaching soldiers. Many who did not escape and were taken prisoner would opt to name their comrades in the hope of leniency from Crown prosecution.⁹⁴ At this point, it was only a matter of time before the Hearts of Steel no longer operated as a force in Ireland.

The end of the Hearts of Steel came not with a bang but with a gradual whimper. With the introduction of a well-trained and equipped army, the Hearts of Steel quickly realised that the end was at hand. Despite this, the issues of rack-renting, evictions, and dubious leasing practices did not disappear. As the Lord Lieutenant of Ireland once acknowledged,

the disturbances sprung from gross iniquity, and that they can be cured only by the lenity of the proprietors, who, if they refused to let their land on more moderate terms, will compel their tenants to go to America or to any part of

⁹¹ Bigger, *Ulster Land War*, 92-93.

⁹² Donnelly, 'Hearts of Oak', 64.

⁹³ 28 Mar 1772, *Finns Leinster Journal*. Henceforth, *FLJ*.

⁹⁴ 1 Apr 1772, *FLJ*.

the world where they can receive the reward which is honestly due to their labours.⁹⁵

Moreover, for the disillusioned whose cause was lost, or those wanted by the authorities, many who were able, left Ireland in the wake of the Steelboy movement, a significant number sailed for America, whilst others chose exile in Scotland.⁹⁶ Notwithstanding this migration from Ulster, crown prosecutors found significant difficulty in obtaining convictions for those brought to trial regarding illegal Steelboy activities.

One of the most consequential was the widely publicised trial surrounding the murder of Rev. Morell. Nine defendants associated with the Hearts of Steel were charged with either his murder or related offences involving the events that transpired at Gilford. At the trial's conclusion and after a short jury deliberation, and a quick verdict of 'not guilty', all nine were released.⁹⁷ The jury's decision reflected less upon the trial's details, the death of the reverend, and the evidence presented and more on the perception of inequity, injustice, and imbalance of power within Ulster society, a society that penalised the industrious yet lower-class tenant farmer.

In summation, the Hearts of Steel's methodology is consistent with the repertoire of contention used to register displeasure and anger in the eighteenth-century British Isles, as defined by Tilly. While the Steelboy's actions were distinct from other movements in the British-American transatlantic world, practices like those of the Steelboys existed in the Carolinas during the same period. The Steelboy movement, as with others discussed previously, rejected traditional norms of power projected downward from the elites onto the lower classes.

Believing their cause to be just, the Steelboys coordinated their actions locally, inspiring neighbouring counties. Disavowing any attempts to take them prisoner, they would utilise threats and weaponry to deter their actions. Striking upward from a position of

⁹⁵ 30 March, 1907, 'Hearts of Steel, Ulster in the Eighteenth Century', 30 Mar 1907, *The Northern Whig*.

⁹⁶ 4, 8, 11 Apr 1772, *FLJ*.

⁹⁷ 21 Aug 1772, *BNL*.

economic inferiority, the Hearts of Steel operated with impunity for several years. They carried out their forms of justice onto those who stood against them. The Irish government, notoriously slow to respond to the building upheaval in Ulster society, and based upon remarks from the Lord Lieutenant, who believed that the actions of the Steelboys were, at least, somewhat justified, was forced to take action after the 'battle' at Gilford in March 1772.

However, unlike the Hearts of Oak, the Hearts of Steel's direct adversary was not the government and its coercive agents, but the wealthy merchants and landowners who wielded economic power over Ireland's tenant farmers. Specifically, the avarice of the Earl of Donegall and the greed and actions of middlemen landlords – nearly all of whom leased land from Donegall – spurred the creation of the Steelboy movement. Ironically, it was the improvements made of by the tenant-class families who lived and worked these lands for generations were used to justify the rent increases. These landlords, only attempting to dramatically increase profit, instead created societal instability and a violent movement that would ultimately forever change the landscape of Ulster.

Section II: 1775-1799

Chapter Four: Ritual and Revolution in the North Carolina Backcountry, 1775-c.1795

The ritualised violence perpetrated during the Regulator movement in North Carolina symbolised an American frontier variant of within the tradition of British protest as described by E.P. Thompson in his work 'The Moral Economy of the English Crowd in the Eighteenth Century.' Backcountry residents, outraged at corrupt practices of court officials and sheriffs, resorted to customary forms of humiliation and violence to express discontent and to project power. The defeat of the Regulators at Alamance was a brief interregnum in the practice of protest and punishment. By the mid 1770s, a new conflict arose, a war, and one not solely fought on battlefields, but one of disaffection, cruel punishment, and ritualised violence. These practices were be further complicated as ordinary citizens found their allegiances challenged, and acts of intimidation and violence brought to their front doors. This war, while not wholly altering the means by which anger and displeasure were expressed, demonstrated that the old norms of restraint no longer applied.

The Revolutionary War and its aftermath led to years of upheaval in North Carolina society. Citizens pitted against one another, with each faction witness to violent acts perpetrated against their families and communities reflected the character of collective action within the late eighteenth-century American south. The interpersonal violence wielded in this conflict would forever blur the lines between traditional rough music, collective protest, and outright warfare. Where once the target of a mob might have resulted in a flogging or some other form of abuse against an individual, the revolution intensified violence to include the abuse of non-combatants, widespread property destruction, and extrajudicial executions. This highly partisan and, on occasion, lawless environment in the North Carolina backcountry during the war was fertile ground for an acceleration in the brutality of violence meted out to individuals.

The purposeful wounding or killing of an individual in North Carolina did, arguably, change the trajectory of how communal violence was exercised for decades following the war. Common trappings of ritual violence such as the ritual performance of sound or music, or an exuberant procession of a crowd became less common after the conflict. What did emerge were acts of violent protest that could be described as chaotic. These were caused

by post-war anxieties and issues of political and economic power in the nascent American republic. Conversely, there is also evidence that despite tumult of this period, communities still adhered to older norms of morality and punished those who contravened them.

The Carolinian, and by extension, American experience of the Revolution and the years after the conflict, would redefine the use and performance of ritual violence. Uncoupled from European norms of restraint and influenced by living on an often lawless frontier, backcountry violence during this period demonstrated that there is reason to reconsider the means by which collective justice and protest were utilised. Consequently, this discussion of the background and rites of communal violence will redefine, in some cases, rough music through the lens of revolutionary vigilantism and its aftermath.

By the latter eighteenth century, the North Carolina backcountry was typified by subsistence farming and small settlements. Farmers were isolated from coastal markets due to the rugged terrain, and residents in the region lived a meagre existence raising corn, wheat and livestock such as hogs and cattle. Likewise, the roads in the backcountry made transport of excess agriculture or other goods produced by the settler and his family difficult and expensive. Backcountry culture was oriented around necessity. On the other hand, backcountry farmers were a crucial part of the North Carolina economy as some of the agricultural products produced in the region made their way to Atlantic ports for export to other areas of the American colonies and further afield. Farmers were often incentivised to sell their products in exchange for goods that could not be produced locally, such as sugar, iron, tea, and coffee. This arrangement was mutually beneficial to the entirety of North Carolina, given that nearly half of the colony's population resided in the backcountry by the mid-1770s.¹

¹ Harry L. Watson, *An Independent People: The Way We Lived in North Carolina, 1770-1820* (Chapel Hill: UNC Press, 1983), 1, 23, 53; Harry Roy Merrens, *Colonial North Carolina in the Eighteenth Century: A Study in Historical Geography* (Chapel Hill: University of North Carolina Press, 1964), 112-19, 159-60. A. Roger Ekirch, 'Whig Authority and Public Order in Backcountry North Carolina' in *An Uncivil War: The Southern Backcountry during the American Revolution*, ed. Ronald Hoffman, Thad W. Tate and Peter J. Albert (Charlottesville: University Press of Virginia, 1985), 105.

of contention. Protests often involved the ritual abuse of tax collectors, the trappings of drums and flags, the seizure and destruction of property and the burning of targeted individuals in effigy as a means of political protest and were employed throughout towns in the coastal region.³ Many of these acts of resistance to British imperial policy were connected to grievances held by the wealthy planter and merchant classes, many of whom were connected to the North Carolina faction of the Sons of Liberty.

While stirrings of rebellion took place in coastal settlements, questions remained as to the sympathies of backcountry society. The targets of Regulator ire in the backcountry were corrupt local officials and, by extension, the provincial government, not the Crown. However, former Regulators and their compatriots had been left 'embittered' with 'ambivalent allegiances', many unwilling to align themselves with coastal elites or the British government.⁴ There were still rumblings of discontent in the backcountry due to excessive fees collected by the courts in the years before the Revolution, whilst many also held resentment for the merchant and planter class who resided at the top of the economic strata in North Carolina. Complicating the situation, some members of the backcountry had disdain for those in the upper class who agitated for conflict with Great Britain.⁵ Realising the backcountry could be a source of support for the loyalist cause, Governor Josiah Martin stated in 1775, 'that the people in the Western Counties of this Province who were for the most part concerned in the late Insurrection remember very properly the correction they received for their offences...and the solemn Oath of Allegiance they took at that time...I have received the fullest assurances of their devotion to His Majesty and of their readiness to support me in maintaining the constitution and the Laws of their County upon all occasions...'.⁶ Likewise, Whig elites were well aware of the ambivalence and lack of support that existed in the backcountry. Continental Congress delegate Joseph Hewes wrote, 'It is the particular misfortune of North Carolina that in a very populous part of that Province there is seated a

³ Donna J. Spindel, 'Law and Disorder: The North Carolina Stamp Act Crisis', *North Carolina Historical Review* 57, no. 1 (1980): 7-8; Milton Ready, *The Tar Heel State: A New History of North Carolina* (Columbia: University of South Carolina Press, 2020), 73.

⁴ Crow, 'Liberty Men', 100; Ekirch, 'Whig Authority', 110.

⁵ Roger Ekirch, *Poor Carolina: Politics and Society in Colonial North Carolina, 1729-1776* (Chapel Hill: University of North Carolina Press, 1981), 209-10.

⁶ Governor [Josiah] Martin to the Earl of Dartmouth, 20 Apr 1775, Saunders, *NCCR* 9: 1228.

body of Men who...refuse to become active in support of those rights and privileges which belong to them.'⁷

North Carolina rebel leaders knew that to secure a significant portion of the province they would have to have the support of many in the backcountry. To this end, an effort was made by the Continental Congress in Philadelphia to secure the allegiance of both former Regulators and Scottish Highlanders through an offer of compensation for their support in the defence of the province. Moreover, a plan was devised to convince others to distribute pamphlets supporting the rebel cause in the backcountry.⁸ Yet none of these strategies yielded a considerable turnout for the Whig cause. As a result, more coercive methods would be used.

As stated, many in the backcountry remained ambivalent in their allegiances during the early years of the conflict. There was a sense that this conflict did not involve the interests of often isolated and poor backcountry families. Furthermore, many people living in the backcountry held varied reasons for disavowing allegiance to either faction. These included many German-speaking Moravians who held sincere religious reasons for not involving themselves in political matters, much less an armed conflict. Others in the region wanted to be left alone. Regardless, there were a significant number of people who could be described as disaffected. Disaffection meant that many felt a sense of alienation and refused to acquiesce to the prevailing social order, which was, for many, a rejection of loyalty to the ascendant Whig authority that emerged in the early years of the war.

The key to understanding how the backcountry became the centre of a series of repeated atrocities in North Carolina is due to the fact that the war weighed heavily on those who were ill-prepared to tolerate the hardship that the conflict would bring into their lives.

⁷ Joseph Hewes to Rev Elihu Spencer, 8 Dec 1775, Private Collections, Hayes Collection, MfP243.3, NCDAH.

⁸ Extracts from the Proceedings of the Continental Congress, 28 Nov 1775, Proceedings of the Provincial Council of North Carolina, 24 Dec 1775, *NCCR* 10: 338, 360.

Those of little material wealth or social standing would be thrust into the maelstrom and forced to decide how to respond to the conflict as it encroached upon them.⁹

The pressures placed upon the disaffected resulted less in what could be called, in any conventional sense, a traditional war. A malaise of resentment, anger, and alienation built up during the first years of the war to reach a crescendo of retaliation and retributive violence in North Carolina.¹⁰ As a result, many backcountry residents, particularly during the later years of the war, found themselves participating in violence that straddled the boundaries between rough music, political protest, and atrocity.

Early in the conflict, certain tactics were used to suppress the suspected threat that the disaffected posed to the Whig authority's hegemony in the province's rural interior. Shortly after the last royal governor, Josiah Martin, left North Carolina for his safety, those aligned with the Whig faction quickly seized power and became the de facto government in North Carolina. The new regime quickly attempted to expand its authority through its agents, aligned militias, and local committees of safety. However, the new regime realised that its grip on power was fragile and that maintaining that authority depended upon maintaining the support of a significant number of its citizenry. Maintenance of this balance of authority proved to be, at times, challenging. The new government had to assert its authority whilst demonising its loyalist enemies and not alienating the nonaligned. This was a difficult challenge as many residents, particularly in the backcountry, 'preferred neutrality and disliked central authority'.¹¹ Conversely, the government felt pressured to ensure that those same citizens were not used to hamper the war effort or, worse, be turned to the loyalist cause. Despite these challenges, the government made the implicit decision to exert authority through the use of 'political and military discipline', which agitated for a sort of 'retributive loyalism' in many who were inclined in those early years to remain neutral.¹²

⁹ Jefferey J. Crow, 'Liberty Men and Loyalists: Disorder and Disaffection in the North Carolina Backcountry' in *An Uncivil War: The Southern Backcountry During the American Revolution*, ed. Ronald Hoffman, Thad W. Tate and Peter J. Albert (Charlottesville VA: University Press of Virginia, 1985), 128.

¹⁰ Paul D. Escott and Jeffrey J. Crow, 'The Social Order and Violent Disorder: An Analysis of North Carolina in the Revolution and the Civil War', *Journal of Southern History* 52, no. 3 (1986): 393.

¹¹ Crow, 'Liberty Men', 128.

¹² Lee, *Crowds and Soldiers*, 149; Crow 'Liberty Men', 128.

Militia units, organised for war by the North Carolina Provincial Congress in 1775, were used early in the conflict as agents of authority. Despite operating in an official capacity, militia units sometimes exceeded their mandate and often acted in a manner that was interpreted by the disaffected as abusive. In the effort to suppress any surge in loyalist sentiment, many of the nonaligned were swept up and forced to take oaths of allegiance to the new government that they were not prepared to abide by. Likewise, many people were aggrieved when they were forced, by law, to surrender their property to the same authority. For example, in November 1775, in an effort to subdue any resistance to Whig power, the militia in Rowan County was instructed by a local committee of safety to bring before them any persons suspected of harbouring 'political sentiments' contrary to 'American freedom' for interrogation. Militias acted under the authority of the same committee to confiscate the property, often gunpowder, from area residents for use by the militia.¹³ While these seem to be comparatively mild methods of persuasion, the fact that they were forced upon nonaligned residents undoubtedly caused resentments against those in positions of authority.

More forceful measures were used in certain instances, specifically against those suspected of harbouring loyalist sympathies. Tarring and feathering of several individuals were recorded on a handful of occasions. Notably, these acts were sequestered in the eastern part of North Carolina, away from the settlements in the western interior. In one incident, a militia in Halifax County tarred and feathered an individual suspected of holding loyalist opinions in 1775.¹⁴ Another similar incident occurred in the coastal town of Edenton in the same year.¹⁵ Despite this, there is some anecdotal evidence that tarring and feathering could have occurred in other regions of North Carolina. Across the border in northern South Carolina, Thomas Brown, who was overheard denouncing the Whig cause, was confronted by a group of Whigs. Brown was forcibly taken, tarred, feathered, and drawn in a cart for three miles. His feet were also burnt resulting in the loss of a few toes, and he was 'partially scalped'. His tormentors only relented once he agreed to take an oath of allegiance to the Whig cause.

¹³ John H. Wheeler, *Historical Sketches of North Carolina, from 1584 to 1851* (Philadelphia: T.K. and P.G. Collins, 1851), 2: 371-6.

¹⁴ Robert Nelson to Henry Nelson, 20 Oct 1775, The National Archives UK, CO5/134, transcript located in ER 13-7.

¹⁵ Mrs Colonel Pollock to Joseph Hewes, 23 Dec 1775, Clark, *NCSR*, 10: 1027-33.

Brown later admitted that he only agreed to the stipulations of the oath to end his anguish and later took up arms as an officer in a loyalist militia unit.¹⁶ It is reasonable to infer that similar incidents may have occurred in settlements in North Carolina. It is also unlikely that such treatment would have endeared its victims to take up the Whig banner, and the threat of such treatment would have driven some to loyalism.

The Thomas Brown incident is likely representative of the other incidents of tarring and featherings that had taken place in nearby North Carolina. Brown was not simply demonstrating disaffection but verbally demonstrating open disdain for the Whig cause. For this reason, he was subjected to a late eighteenth-century variant of rough music. The intent of this exercise was three-fold: as an admonishment of Brown's political speech, to intimidate any others in the area who may hold loyalist inclinations, and most importantly, as a display of the ascendant position that the Whigs believed that they held over the population. This ritual, however, was not typical of the type of rites of humiliation that angered and radicalised the disaffected. This is likely due to the fact that there were few densely populated settlements in the populated backcountry. Tarring and feathering was not only a punishment but a performative act that would have entertained onlookers. As a result, sparse populations often resulted in simpler acts of ritualised violence.

In the early years of the war, backcountry residents were often pressured by increasing costs of essential commodities. One of these goods was salt, used not only for seasoning purposes but also essential in food preservation. North Carolinians, many unable to bear the brunt of these increases, became increasingly disgruntled. These frustrations nearly erupted into violence in July 1777. On one occasion, approximately one hundred and forty discontented persons from Duplin and Johnston counties, upset with the increases in the price of salt, gathered in the town of Cross Creek and besieged a local merchant. The crowd were determined to take 'the salt by force, and paying what price they thought proper...and did not expect to meet with the least opposition.' When it became apparent that the situation was becoming increasingly tense, a militia unit arrived. Faced with armed men,

¹⁶ David Fanning, *The Narrative of Colonel David Fanning (A Tory in the Revolutionary War with Great Britain) Giving an Account of His Adventures in North Carolina from 1775 to 1783 As Written by Himself with an Introduction and Explanatory Notes* (Richmond VA: n.p., 1861) 2, 78-9; Hooch, *Scars*, 41.

the crowd took on a 'penitent' tone. They were informed that the salt would be only sold to them at 'the market price' and only in exchange for taking an oath of allegiance to the state.¹⁷ This incident demonstrated that while the crowd, or the mob, as militia commander Robert Rowan referred to them, felt that they had a moral authority to purchase the salt at what they believed was a fair price, the crowd were ill-prepared to face armed resistance. Much like the excessive rents sought by land owners during the Sugar Creek land war in the 1760s, the assembled crowd was not attempting to steal the product, but they believed they were being taken advantage of by the merchant. If the salt merchant had not had the protection of the militia, it seems almost certain that some form of violence would have occurred. Rowan, who was keen to seize an opportunity to minimise disaffection among those assembled, required that the mob take an oath to the state to minimise the odds that any person present would not later act against the Whig regime in North Carolina. This strategy may have seemed beneficial to Rowan, but to those assembled, such a tactic may have bred additional bitterness toward the Whigs.¹⁸

Such resentments were not lost on Rowan, who later complained, in a letter to then Governor Richard Caswell, that the residents of Cumberland County have suffered due to 'the tyranny, oppression and ignorance of those men who were appointed to rule over us.' He continued by blaming militia officers and area magistrates for these abuses. He conveyed the story of one elderly man who took the oath or under the threat of being sent to jail, and 'another poor man, from one of the back counties [who] had his loaded wagon carrying home salt' and was 'thrown into jail for saying he would not take the oath here, but in his own County.'¹⁹ Events such as these would lay the groundwork for outbreaks of violence among those who felt disenchanting with local officials.

Comparatively speaking, the 'near' salt riot paled compared to food riots in several northern states during the war. As in the Cross Creek incident, merchants often responded to raise commodity prices, and angry crowds were not so easily dissuaded. Mobs often

¹⁷ Robert Rowan to General John Ashe, 30 Jul 1777, *NCSR*, 11:560-61.

¹⁸ This incident is indicative of the type of behaviour that would have been expected of food riots in the eighteenth-century in England. See E.P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past & Present* no. 9 (1971): 76-136.

¹⁹ Robert Rowan to Gov [Richard] Caswell, 18 Sep 1777, Clark, *NCSR* 11: 626-29.

responded to what were felt to be unreasonable price increases by forcibly taking those staple items. Mobs were known to have forcibly taken items inclusive of rum, tea, sugar, and coffee on multiple occasions in more urbane areas of Massachusetts, New York, Connecticut, Pennsylvania, to name a few, and as in Cross Creek, many still asserted or even tried to pay for the items which were taken, only not at the inflated prices demanded, if the goods were for sale at all.²⁰ These types of events were similar in many respects to food riots that took place in England during the same period.²¹

Despite the incident at Cross Creek, where the militia was used to bring about order, the militia were known to behave more like banditti than agents of the law. It was not entirely unheard of for Whig militia to plunder homesteads or entire settlements. In one such instance, a complaint was lodged in Rowan County that ‘the Companies’ had ‘unlawfully and feloniously plundered and robbed sundry peaceable people of this State of their property under the pretence of their being Tories and Enemies to their County, and converted the same to their use in open violation of the Laws of this State’.²² Similarly, the non-combatant Moravians in the Piedmont region were sometimes harassed and plundered by militia units. Defensive and hunting weaponry were sometimes seized from the Moravians in Rowan and Surry counties. In at least one case in 1776, the Moravians appealed to Whig officer Colonel Armstrong, who ordered the militia ‘to return the arms, but it had no effect.’ To the west of the Moravians, suspected Tory sympathizers who resided near the Yadkin River ‘were driven from house and home by persecution’ and forced to live in the woods as ‘Outliers’. While the Moravians had amenable and gracious relationships with some militia officers, other families suffered at the hands of the Whigs.²³ In another incident in October 1780, it was recorded that ‘Liberty men,’ referring to the militia, raided and plundered the Schemel family farm, and abused the couple who resided at the property.²⁴ Whilst it is unlikely that the Moravians experienced or saw militia behaviour that would have driven them to take up arms, there would have certainly been a measure of resentment.

²⁰ Barbara C. Smith, ‘Food Rioters and the American Revolution’, *The William and Mary Quarterly* 51, no.1 (1994): 3, 6-7, 17, 20, 22, 26.

²¹ *ibid.*, 5.

²² Proceedings of the Board of War, 25 November 1780, Clark, *NCSR* 14: 468-9.

²³ Fries, *Moravian Records* 3: 1024-8.

²⁴ *ibid.*, 4: 1645.

These few incidents in the western part of the state are not indicative of the whole of the Whig militia. However, as discussed, there were undoubtedly militia that behaved illegally and skirted the laws of the state while acting under the auspices of agents of the government. While the plunder and physical abuse suffered by individuals and families, Tory or non-combatant alike, at the hand of the militia were not indicative of any traditional norms of rough music, they are symbolic of repeated types of intimidation and humiliation of people who were not aligned with the Whig militia. In a sense, this demonstrated that some militia units were eager to punish by their actions those who did not abide by what they believed were accepted partisan inclinations of this period.

It is important to emphasise that the actions of particular Whig militia units were not indicative of accepted behaviour by the North Carolina government during the war. Historian Wayne Lee notes that the Provincial Congress as early as 1776 authorised that the impressment of material could only be done lawfully if two members of a local committee authorised the action, and those two individuals could not also be militia officers.²⁵ Undoubtedly, this did not stop the practice of the abuse and plunder of suspected disaffected persons; however, state officials were mindful of the impact that plunder and the appearance of corruption could hinder support for the war effort. This further demonstrates the illegality by which some militia behaved and how their practices could have been construed as extralegal.²⁶

While the intervening period from 1777-1779 was considered a relatively quiet period of formal military engagements within the state, the government authorised a campaign to vigorously 'scour' the countryside to 'compel Tories or other disorderly people of their county to a due observance of the law.'²⁷ The strategy was intended to suppress loyalist or other types of dissent or criminal behaviour. While the policy of Tory scouring has been discussed

²⁵ Proceedings of the Provincial Congress, 4 May 1776, Saunders, *NCCR* 10: 574-5; Clark, *NCSR* 24:3-4; Lee, *Crowds and Soldiers*, 156.

²⁶ The use of the term extralegal instead of illegal is used because it is likely that any persons involved in such actions would have declared their actions as necessary because of suspected Tory activity or other extenuating circumstances.

²⁷ Lee, *Crowds and Soldiers*, 169; Senate Journals, 13, 19 August 1778, Clark, *NCSR*, 12: 775, 811.

by other scholars, few, if any, have substantively discussed the punitive measures used by the militia and not explicitly authorised by the state government during this campaign. Illustrative examples are found in pension applications submitted by Whig militia veterans.

Accounts of the scouring campaign demonstrate how militia units wielded authority and punished suspected loyalist activity. One report of the scouring campaign was provided by George Parks, who in 1779 was a volunteer 'in the Minute Service in the company commanded by Captain William Lenior...in the Regiment commanded by Colonel Benjamin Cleveland.' During his service with this unit, he stated that his company was engaged in 'maneuvering[sic] and guarding against small bands of Tories.' Parks described taking prisoners in scouring campaigns in both Wilkes and Rutherford counties, but his militia unit often opted to administer punishments in the field. For example, Parks recalled that after capturing seven Tories in a surprise raid, they 'hung two of them William Coil [Coyle] and Lem Jones' and then proceeded to whip 'the rest nearly to death' before letting them go.²⁸ Other similar whippings were administered to suspected Tories, all in near or west of the Moravian settlements in the North Carolina Piedmont.²⁹

The accounts of the whippings during the scouring campaign are illustrative of the type of violence exerted during this phase of the war in the backcountry. Admittedly, the occasional loyalist was executed by hanging; however, many others were ritually flogged. Given the limited detail of the whippings, it seems likely that such a ritual mimicked the type of abuse administered by the government of North Carolina and utilised by the Regulators in both North and South Carolina. Militia units in the backcountry likely had no ability to transport prisoners to jail, and absent an immediate threat from their prisoners, flogging was the best option available for suspected offenders whose transgression did not merit summary execution. However, it is curious that, unlike most Regulator floggings, as in the Parks case, Tories were beaten to 'nearly to death.' Beatings such as these reminded criminals that they

²⁸ Pension application of George Parks (Parkes) W27457, 26 Mar 1833, trans. Will Graves, accessed 25 Jul 2023, Southern Campaigns American Revolution Pension Statements & Rosters, <http://revwarapps.org/>.

²⁹ Pension applications of William Pauley W10233, 26 Apr 1834; Henry Trolinger W4087, 16 Sep 1832; James Wyly W26145, 26 Mar 1833, trans. Will Graves, accessed 25 Jul 2023, *ibid*.

were fortunate compared to their executed comrades, and if they wished to remain alive, they should reconsider their allegiances.

The scouring effort and subsequent punishments administered in the field were, in some cases, the result of abuses by alleged Tories. William Gipson, after a tour through Rowan County on a scouring campaign, recalled that in 'his absence, his mother, a widow woman, was tied up & whipped by the tories, her house burned, & property all destroyed.' Gipson, enraged, continued in his campaign work with the Whig militia with vigour. He recalled that in one instance, 'the notorious Hugh McPherson, a tory' was captured along with two other men, brothers, who had the surname Campbell. In this instance, the three were taken and court-martialled at Guilford Courthouse. McPherson was executed for his crimes while one Campbell 'was condemned to be spicketed, that is, he was placed with one foote[sic] upon a sharp pin drove in a block' and turned 'until the pin run through his foot, then he was turned loose'. Gipson further explained that the punishment did indeed appear cruel, yet he was unsatisfied by the result because this group were allegedly part of the gang that had mistreated his mother.³⁰

There is a question regarding the legality of such punishments. This is a grey area. Certainly, the government granted the ability of the militia to 'compel tories or other disorderly people of their County to a due observance of the law.' However, there is no mention of a trial, and the accused Tories were not uniformed at this stage of the conflict, so they could not be construed as foreign combatants, only criminals. There was only one tribunal in the Gipson account; all other records examined either neglected to include that information or the punishment was administered in the field. The only instruction provided by the authorities was that offenders be brought 'to justice.'³¹ Therefore, the only reasonable conclusion is that the punishments conducted in the field were, in the strictest sense, extralegal, as a governing body did not explicitly authorise them.

³⁰ Pension application of William Gipson S17437, 29 Oct 1832, trans. Will Graves, accessed 26 Jul 2023, *ibid*.

³¹ Senate Journals, 13, 19 August 1778, Clark, *NCSR*, 12: 775, 811. Wayne Lee characterises the treatment of captured Tories as often improvised. Lee, *Crowds and Soldiers*, 188.

The scouring campaign itself was, if nothing else, an attempt by the government and the militia to consolidate its authority over the fledgling independent state. Rumour and fears of Tory uprisings fuelled efforts by the militia to demonstrate their authority throughout much of the backcountry.³² While Whig authorities spoke of the desire to wage a virtuous war³³, the reality of the conflict and the perception of those who administered or who were on the receiving end of violent punishment certainly brought into question the legitimacy of the conflict. Executions, maiming and the whipping of accused Tories and other outlaws certainly would have served to exacerbate disaffection among specific segments of the population who may not otherwise have had the impetus to take up arms against the government and its agents.³⁴ North Carolina would pay a heavy price for the apparent inability of the state to resolve the conundrum of the appropriate use of violence, legitimacy of these tactics, and the resulting impact on the disaffected in subsequent years.

In the spring of 1780, the British, frustrated with their progress in the north, decided to invade the Carolinas and secure control of the southern colonies. After the fall of Charleston, the British military moved steadily northward, securing settlements in South Carolina with an eye toward North Carolina. The news of the invasion stirred loyalist hopes and allowed the disaffected to take action against their Whig oppressors. The anticipated arrival of the British would herald a campaign of internecine violence in the backcountry. To this end, multiple facets of ritualised violence were carried over with great effect from earlier years. These included whipping, with the intent to maim or intimidate, and setting an opponent's property ablaze. Likewise, improvised methods of torture and summary executions found extensive use as instruments of terror and retribution during this phase of the conflict.

In the year following the British capture of Charleston, it was reported that the Whig militia had intensified its campaign to rid the countryside of suspected Tories. This campaign was typified in a letter that stated that Tory sympathisers were being routinely 'whipped and beaten, houses...burned, cattle driven away, and farms ruined.' In Hillsborough, 'parents

³² Lee, *Crowds and Soldiers*, 170.

³³ *ibid*, 172-3, 179

³⁴ *ibid.*, 149-50, 175.

were tied and [their] Girls abused in their sight' by Tory militia or British regulars. Other communiqués to state officials complained of robberies, torture, whipping, arson, and murder.³⁵ Yet few of these accounts allow for an in-depth examination of how these atrocities unfolded to evaluate if these many incidents can genuinely be called ritualised violence.

Despite this violence, it is easy to determine that such acts served to escalate further acts of viciousness. This phase of intensified brutality was exemplified in a letter written by General Herndon Ramsey, Whig militia commander, who conveyed to Governor Burke in 1782, after his capture at Chatham Court House, the complaints by his captors 'of the greatest cruelties' to both 'persons and property.' Ramsay continued, 'Others had been whipped and ill-treated, without trial[sic]; Others had their houses burned, and all their property plundered, and [that] Barbarous and cruel Murders had been committed in their Neighborhoods.' He continued by stating 'that unless an immediate stop is put to such inhuman practices we [will] plainly discover the whole country will be deluged in Blood, and the innocent will suffer for the guilty.'³⁶ Although the letter may have been coerced, it certainly indicated that the disaffected held what they saw as legitimate grievances against the Whigs for perceived mistreatment. The Tories used similar practices against the Whigs.

Some scholars may offer that these types of violent acts are indicative of war atrocities, and to an extent, they certainly are. From another perspective, given the disaffected population and the scouring campaign by the Whigs in previous years, retributive violence may be viewed, in some circumstances, as expressions of political disenchantment and anger.

During this period, one of the most common forms of violence utilised by the Tories against Whig families was arson and the destruction of property as tools of intimidation and terror. Many of the most detailed accounts of such incidents centre on the activities of the

³⁵ Friedrich W. Marshall to Henry XXVIII, Count Reuss, 2 Jan 1781, Fries, *Moravian Records*, 4: 1906-7; Jean Blair to Hannah Iredell, 10 May 1781, Don Higginbotham, ed. *The Papers of James Iredell*, 2 vols. (Raleigh: North Carolina Division of Archives and History, 1976), 2:239; Major Roger Griffith to General [John] Butler, 2 Mar 1782, Matthew Ramsey to Gov. Thomas Burke, 18 Mar 1782, Major A. Tatom to Governor Burke, 20 Mar 1782 in Clark, *NCSR*, 16: 212-3, 236, 245.

³⁶ Gen [Herndon] Ramsey and others to Gov [Thomas] Burke, 22 Jul 1781, Clark, *NCSR*, 22: 550-1.

Tory militia commander, David Fanning and the men under his command. Despite having been known for participation in several battles, skirmishes, and in one case, the capture of the governor of North Carolina, he is perhaps most well-known for his campaign of terror, which included targeted killings and a spate of plundering and property destruction.

Fanning, well-known as a commander of Tory insurgents, harboured a deep hatred of the Whigs in North Carolina. American historian Eli Caruthers characterised him as ‘...a scourge to humanity while living, and a by-word and a name of reproach when dead.’ Conversely, Canadian scholar Alfred Savary stated that Fanning was ‘animated by a chivalrous loyalty to his lawful sovereign’ and ‘patriotically devoted to the interests of his country as he saw them.’³⁷ Much of Fanning’s resentment arose from the sense that the disaffected and those loyal to the British Crown had been unfairly treated and maligned by the Whig authorities. He used that sense of injustice to inspire others to join him and forged these men into a retributive force.

In early 1782, Fanning wrote to Governor Burke to request a truce on behalf of loyalists in North Carolina and a stay of execution for men under his command who had been captured. He cited an earlier proclamation from Burke that stated that persons ‘guilty of murder, robbery, and house burning’ were to be excluded from possible clemency and countered by stating ‘there was never a man who has been in Arms on either side but what is guilty of some of the above mentioned crimes’. He further accused the ‘rebel side’ of these crimes and threatened that he was willing to continue to ‘retaliate blood for blood and tenfold for one’ if his demands were not met.³⁸ Governor Burke dismissed Fanning’s ultimatum.

Fanning delivered on his promise. In March, following the governor’s refusal, Fanning waged a brutal campaign against his Whig foes in Randolph County, which he characterised as ‘a small scourge’.³⁹ This first of his victims was Colonel Andrew Balfour, who had clashed

³⁷ Caruthers, *Revolutionary Incidents*, 296; Alfred W. Savary, ‘Col. David Fanning’s Narrative of his Exploits and Adventures as a Loyalist of North Carolina in the American Revolution, supplying important omissions in the copy published in the United States’ *The Canadian Magazine*, 1908, 6.

³⁸ David Fanning to Governor [Thomas] Burke, 29 Feb 1782, Clark, *NCSR*, 16: 205-6.

³⁹ Fanning, *Narrative*, 53.

with Fanning repeatedly in prior engagements.⁴⁰ Fanning recalled that as he 'came upon him [Balfour], [and] he endeavored to make his Escape, but we soon prevented him, having Fired at him and wounded him, the first ball he Received was through one of his Arms, and Ranged through his body, and the other through his neck, which put an end to his committed any more ill Deeds.'⁴¹ Balfour's sister, Margaret, who was present at the time of the murder of her brother, stated that she and another family members were 'bruised' by the Tories when they attempted to tend to the body of their brother and who then proceeded to plunder the family's household goods and other personal effects.⁴²

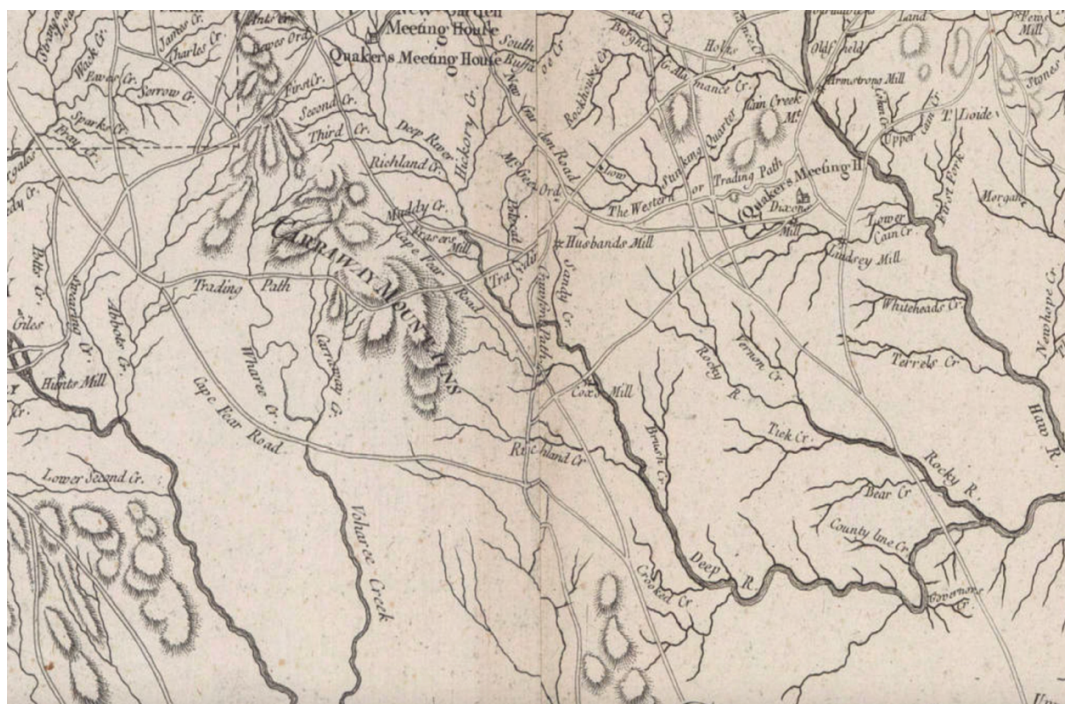


Image 5: Topographic map approximating the location of Randolph County, North Carolina from 1777 reflecting the region where David Fanning carried out his campaign of murder and plunder. Note the lack of significant settlements during this period.⁴³

Fanning, not satisfied, proceeded to the house of William Milliken, a known Whig who lived near Johnsonville, North Carolina. After arriving at the residence, Fanning's men inquired as to the whereabouts of Milliken. Finding that he was not at home, they proceeded to set the house, and all outbuildings, on fire. In their zeal, the Tories sought to ensure that the estate was a total loss; any effort to retrieve or salvage property from the house was

⁴⁰ *ibid.*, 17-8, 30-1.

⁴¹ *ibid.*, 53.

⁴² Margaret Balfour to Eliza Balfour, 24 Sep 1782, Caruthers, *Revolutionary Incidents*, 322.

⁴³ Henry Mouzon and Georges-Louis Le Rouge, *Carolina septentrionale et meridionale en 4 feuilles* [map]. 1777. Scale not given. Paris: chez le Rouge. University of North Carolina, North Carolina Maps. <<https://dc.lib.unc.edu/cdm/ref/collection/ncmaps/id/64>> (accessed 24 Nov 2023).

stopped by force. At the time of the attack, Jane Milliken, William's wife, attempted to remove a feather bed from the house, and Fanning's men 'carried it back and threw it on the fire.' Seeking to further the humiliation of Mrs Milliken, as 'the bed began to burn, they twisted a stick into the feathers and scattered them over the house.' This action only hastened the fire, which caught a batch of yarn ablaze. At this point, a Tory attacker then 'taunted Mrs Milliken and said, "Look at your yarn, old woman."' Fanning then forced Milliken's sons to direct him to the house of Whig officer Colonel Joshua Lowe. Finding Lowe not at home, they also burnt his residence.⁴⁴

Fanning's path of destruction continued for some time after these events. The Tory gang continued on targeting the estates of known Whigs in the vicinity. During which, it was reported that Fanning crossed paths with Stephen Harlin, who was thought to be a Quaker, 'or at least an inoffensive man'. Fanning and his men, acknowledging his nonaggression, did not attempt to harm or abuse him in any capacity.⁴⁵

The type of violence exercised by Fanning in these cases was not indiscriminate, but targeted and ritualised. As explained by Caruthers, 'if he got the man and took his life, he never burned the house nor destroyed any other property...but if he failed to get the man, he then destroyed every thing he could and seemed to delight in causing as much distress to the family as possible.'⁴⁶ In these cases, and extrapolating to the wider conflict in North Carolina outside of the battlefield, Fanning exemplified violent protest and the retributive nature of the conflict. He stated in an effort to justify his actions that,

Those people [the loyalists] have been induced to brave every danger and difficulty during the late war, rather than render any service to the Rebels—their properties real and personal, taken to support their enemies—the fatherless and widows stripped, and every means of support taken from them—their houses and lands and all personal property taken, and no resting place, could be found for them. As to place them in their former possessions,

⁴⁴ Caruthers, *Revolutionary Incidents*, 262-3.

⁴⁵ *ibid.*, 265.

⁴⁶ *ibid.*, 262.

is impossible—stripped of their property, driven from the Houses; deprived of their wives and children—robbed of a free and mild government—betrayed and deserted by their friends, what can repay them, for the misery?⁴⁷

Fanning's actions were as much a war tactic as they were a protest on behalf of those he thought had been abused by Whig partisans. Aspects of Fanning's campaign, most notably the property burnings, shared characteristics with the methods that the Hearts of Steel in Ireland used to demonstrate anger towards the practise of rack renting and the threat of eviction. Fanning was likewise demonstrating his contempt for the actions of Whig militia. However, unlike the Hearts of Steel, Fanning did not hesitate to kill those who, he felt, were directly responsible for the condition of the disaffected. When that option was unavailable to him, Fanning took delight in the intimidation and humiliation of families or associates of his intended victims. His methods were often repeated and provoked by his sense of righteousness in opposition to what he saw as an unjust regime. The crucial difference is that Fanning directed his anger toward the ruling regime, whereas the Steelboys of Ulster wanted to assert their wrath toward the landlords and their agents.

Other more improvised types of violence were used as instruments of terror and intimidation during the conflict by the Whigs and Tories. Both factions widely used plunder as a necessity and a means to demonstrate control over victims. The Whig militia used this tactic widely during and after the scouring campaign, as it was preeminent in the grievances of the Tories late in the war. Likewise, the Whigs widely complained of the practice of plunder and connected it with the act of criminal banditry. The practice certainly intensified the conflict in the backcountry while undermining any claim to moral superiority by either faction.⁴⁸

Backcountry pillaging was likely inspired, in part, by the policy of confiscation instituted by the Whig-controlled North Carolina government. From 1777 to 1782, various measures were passed by the legislature to expropriate the property of suspected Tories and

⁴⁷ Fanning, *The Narrative*, 23-4.

⁴⁸ Crow, 'Liberty Men', 128.

loyalist sympathisers.⁴⁹ Although these acts certainly deepened the animosity of the disaffected, later study shows that approximately only ninety-seven persons actually had their property confiscated, many of whom significant tracts of land and other assets.⁵⁰ Despite these seemingly meagre numbers of individuals directly affected, the threat of confiscation along with the destructive nature of scouring campaign by the Whig militia would have undoubtedly, in the minds of the disaffected, justified the practice of pillaging.

Pillaging often coincided with other forms of ritual abuse, such as the previously discussed incidents of property burnings and the abuse of the family of a targeted individual. Caruthers described these incidents of pillaging as the victims having ‘their stock of every kind—horses, cattle, hogs, &c., driven off before their eyes—and the very bread and meat prepared for their next meal devoured in their presence by a set of voracious harpies in human shape—and all this repeated as often as they could’.⁵¹ Caruthers phrasing, while biased, uncovers a routine altered only by circumstance, and one that was repeated across the backcountry.

Plunder was so commonly carried out across much of the backcountry that residents knew to expect its occurrence. In one case, a Tory gang visited the residence of Jesse Franklin, a Whig militiaman. The Tories realising that Franklin was not likely at his residence, surrounded his house whilst ‘six or seven of them went in to search for plunder.’ Franklin’s wife, anticipating the possibility of such an event, had already secured ‘her best clothes and table linen into a large box and buried it in the garden, and had potato hills made over it and planted, in order more effectively to conceal the place where it was hidden.’ Others were not so fortunate. In May 1780, a British army detachment was sent out to ransack and destroy the property of Whig general William Henry Harrington, owner of a plantation house. Upon arrival, the British soldiers ‘tied the overseer’s hands, and drove him before them as if he had been a criminal.’ The unit proceeded to take into their custody a number of slaves, livestock, horses, and ‘every thing they could take with them.’⁵²

⁴⁹ Clark, *NCSR*, 24:11-12, 209-210, 263-268, 348-353, 376-77, 424-429.

⁵⁰ Isaac S. Harrell, ‘North Carolina Loyalists’, *The North Carolina Historical Review* 3, no. 4 (1926): 589-90.

⁵¹ E.W. Caruthers, *Interesting Revolutionary Incidents and Sketches of Character, Chiefly in the “Old North State”* (Philadelphia: Hayes & Zell, 1856), 271.

⁵² Caruthers, *Interesting Revolutionary*, 201, 256

Often the act of plunder may have accompanied what can best be described as petty incidents of property destruction. An example of which took place at the house of Jacob McGraw, who was described as ‘a decided and active Whig.’ His wife, who was at home at the time of the event, along with their enslaved servants, instructed those who were able to flee while she hid the youngest enslaved in a closet. The Tories then ‘ransacked almost every nook and corner’ in search of plunder. After taking what they wanted, the Tories ‘went to the old lady’s cupboard, and took down her shining rows of pewter plates’ and proceeded to cut ‘holes through the rims’ and then carried them away. Elizabeth McGraw was not reportedly abused, only subject to the humiliation of seeing her personal belongings taken and her plates mangled and taken from the house.⁵³

These types of events were prevalent. While seemingly mild on their own, for most people, the loss of personal property and seeing your house carelessly looted would have inflicted mental anguish. As previously stated, the practice was widespread and may have accompanied other methods of violence; however, plunder alone signifies another type of ritual that was both targeted and purposeful.

Despite the ritual humiliation and excesses of violent behaviour visited upon North Carolinians by either faction, by 1782, the outcome of the conflict was all but assured. The abuses inflicted upon the disaffected and loyalist population earlier in the war had no doubt triggered a retributive sense of justice in the acts perpetrated by the Tories. Nevertheless, the humiliating, tragic, and often ritualistic violence employed during the last years of the conflict by the Tories coincided with policy decisions by the state in an attempt to restrain the passions of its militia, helped to bring about a sense of legitimacy the outcome of the war.⁵⁴ While there was certainly the expectation that war would bring violence into North Carolina, few might have been prepared for the types of repetitive vicious acts brought into the homes of many otherwise ordinary families living through extraordinary events.

⁵³ *ibid.*, 282-3

⁵⁴ Ekirch, ‘Whig Authority’, 123; Lee, *Crowds and Soldiers*, 210-1.

In the backcountry, the anger and resentment that many held toward former Tories was slow to subside. As a result, questions quickly arose about what should be done with the disaffected North Carolinians who had espoused loyalist sympathies and those who participated in the depredations perpetrated against the Whigs and their families. Governor Burke foresaw this when he stated that 'the pernicious license with which the people in the Southern Counties have been pillaged and persecuted, no doubt has rendered them vindictive and desperate, and we have very great reason to apprehend the greatest Cruelties and devastation from their resentments.'⁵⁵ Realising the burden this would place on the state, Burke proclaimed on Christmas Day 1781, in a statement to the state legislature and made during his imprisonment and perhaps under duress, that the citizens who 'have been deluded by the wicked artifices of our enemies & have revolted and withdrawn themselves from the faith and allegiance...they plighted to owe their country, and treacherously have taken up against,' were offered a pardon in exchange for service in 'the Continental battalions.' Governor Alexander Martin, in his role as acting governor during the imprisonment of Burke by the British, was careful to exclude those 'guilty of murder, robbery, and house breaking' from this attempt at reconciliation.⁵⁶ Similar efforts, and exceptions were made in 1782.⁵⁷

It is important to note that the effort to reintegrate the disaffected with a period of service in arms on behalf of North Carolina specifically excluded anyone known to have participated in or suspected of the atrocities discussed previously. There was a sense that anyone who engaged in outright murder or brought the conflict into the residences of partisans and inflicted terror or humiliation on women and other non-combatants was not simply a loyalist in arms but a criminal. In post-war North Carolina, these incidents, for those who had experienced them, were unforgivable.

The position of the public on the matter of leniency varied. Residents, on occasion, were known to have petitioned the state assembly on behalf of citizens who faced punitive

⁵⁵ Message of Governor Burke to the General Assembly, 14 Jul 1781, Clark, *NCSR*, 22: 1041-2.

⁵⁶ Proclamation of Governor Alexander Martin, 25 Dec 1781, Clark, *NCSR* 22: 211-2

⁵⁷ Thomas Burke to Major Hogg, 13 Mar 1782, Alexander Martin to South Carolina Governor Matthews, 9 Jun 1782, Clark, *NCSR*, 16: 229-231, 690. Although Burke was the governor of North Carolina from 26 Jun 1781 until 22 Apr 1782, and Martin formerly was elected by the General Assembly and assumed the role on 22 Apr 1782, he had been acting as governor during Burke's period of imprisonment.

legal sanctions. In one instance, the residents of Hillsborough requested mercy in the case of Thomas Estridge. The petition stated that Estridge, who was 'under Sentence of Death for High Treason', was lauded for 'his Humane Treatment and Great Good Services to our Citizens' and should earn him a reprieve.⁵⁸ Such appeals illustrated that despite the negative regard that many held about the Tories, it was difficult to assign collective guilt on all disaffected persons. Despite individual cases such as these, significant segments of the population of North Carolina remained wary of any attempt to allow loyalists to reside, and live freely amongst them. Residents of the coastal settlement of Edenton, adamantly stated that they hoped that 'proper measures may be taken to guard against the evils that might arise from a return of those Persons who withdrew themselves from a defence of the Country, and joined the British in the time of our distress.' They further unanimously resolved that, 'it be earnestly recommended to the Magistrates of this Town to be vigilant in the execution of the duty against such Persons...who may attempt to return and render themselves obnoxious to the laws now in force against them.'⁵⁹ Similar sentiment would have been found throughout the state during the period.

Governor Martin, well aware of threat that this hostility posed to the recovery from the war, issued a proclamation that he hoped would stem any threats to civil order posed by loyalists returning to the state. Martin stated that any 'ill disposed persons, late inhabitants of this State...who withdrew from the same and attached themselves to the King of Great Britain in the late war, or who were expelled for being obnoxious to the Laws' after 1 May 1782 were immediately to depart the same unless they had secured permission from the governor to remain.⁶⁰ Conversely, this did not substantively deal with animosity within the local population and the suspicion of anyone still residing in North Carolina who may have cooperated with the Tories. This hostility was put on display in one well-documented occurrence in a Bladen County in 1782.

⁵⁸ The Petition of Sundry Inhabitants of Hillsborough District in Behalf of Thomas Estridge, Clark, *NCSR*, 22: 931-2. A number of pardons were recommended by the legislature for convicted loyalists, see House Journals, 21 Apr 1783, Clark, *NCSR*, 22: 245-6.

⁵⁹ Resolutions of the Citizens of Edenton, 1 Aug 1783, *The Papers of James Iredell*, 2: 431.

⁶⁰ Proclamation of Governor Alexander Martin, 28 Jul 1783, *NCSR*, 16: 850-1.

One prominent individual who sought to mediate the spirit of anger and revenge that permeated much of the state near the end of the war was attorney Archibald Maclaine. Maclaine, born in Banbridge, Ireland, in the second decade of the eighteenth-century, had vigorously championed the Whig cause. However, unlike many of his contemporaries, Maclaine also campaigned for a moderating spirit in the state's treatment of accused loyalists. His experience, in particular, inside a Bladen County courtroom, illustrated that the vindictive disposition of many Whigs was not easily dismissed and could be turned against one of its most esteemed citizens.⁶¹

The Bladen County court session convened in August 1782. The cases on the docket included the trial of John White, the clerk of court for Bladen County, who was charged with 'treasonable correspondence and other crimes.'⁶² White strongly suspected of having been an active Tory or holding loyalist sympathies. The seriousness of these charges was compounded by the issue that by the summer of 1782, the threat of Tory attacks on persons and property had not yet entirely diminished, 'particularly on the Lower Cape Fear River'.⁶³ The prosecuting attorney in this case called Robert Rayford, 'a captain in the army of the United States of the North Carolina line', to testify.⁶⁴ Rayford was asked if he knew about the crimes with which White was charged. Rayford said no, but then declared while under oath 'that he believed Mr White to be a damn tory.' Maclaine took exception to this characterisation of White, suspecting that Rayford was intoxicated and requested that 'Rayford should be reproved.' The justices ignored the request. Maclaine later stated that he believed this was due to the presence of several armed men, 'who were evidently the friends and supporters' of Rayford in the courtroom.⁶⁵

During further questioning of Rayford continued by the state's attorney, Maclaine stated that he 'heard a bustle behind him and felt something like strokes upon his head and

⁶¹ John R. Maass, "'The Cure for All Our Political Calamities': Archibald Maclaine and the Politics of Moderation in Revolutionary North Carolina," *The North Carolina Historical Review* 85 no. 3 (2008): 251-2.

⁶² Draft of Deposition of Archibald Maclaine, General Assembly Session Records, House Committee, Committee of the Whole House, 7 May 1783, Apr-May 1783, Box 1, NCDAH.

⁶³ Maass, "The Cure", 258.

⁶⁴ In the transcriptions of the pensions of men who served under Rayford often wrote his surname as Raiford.

⁶⁵ Draft of Deposition of Archibald Maclaine, General Assembly Session Records, House Committee, Committee of the Whole House, 7 May 1783, Apr-May 1783, Box 1, NCDAH.

back, and at the same time heard some of the Justice upon the bench call out to disarm that man.’ Maclaine stated that he was ‘pulled down’ by the state’s attorney and a man identified as Mr Hay, who were nearby. Maclaine looked up to see Rayford with a sword, who then ‘gave him three different strokes on his left arm’. Finally able to gain his footing, Maclaine stated that there was a man who aimed a rifle in his direction and that he saw,

standing in the court house a certain David Ross with a musquet in his hand which this deponent hath been informed and verily believes was charged ready for execution, and a certain Jared Irvin and a number of others whom he doth not recollect with swords drawn and in appearance ready to aid the intended murder and the said Rayford advancing to repeat his strokes, (whilst a cry of fair play resounded through the house)...[Maclaine] as the last resource seized the sword of Rayford, which he held during a violent struggle of several minutes, until the said Rayford was nearly exhausted, and...[Maclaine] in a fair way of wrestling his weapon from him when a certain Mr Samuel Richardson appeared seized the sword and assured..[Maclaine] that it should not be used against him, and having taken it from Rayford threatened vengeance...⁶⁶

Maclaine was wounded and bled profusely from his shoulder, head, and left arm. Other people in the courtroom took notice and attempted to attend to his injuries. However, Rayford was not done. After exiting the courtroom, Rayford returned to the courthouse carrying a whip, described as a ‘cow-skin’, and made an effort to go after John White. Fearing further injury, Maclaine fled the courthouse. Once outside, Maclaine was again confronted by Rayford. Rayford continued his assault by verbally insulting and striking Maclaine with the whip.⁶⁷

Rayford’s comrades, fearful of the ramifications of what had transpired, urged him to retreat. Maclaine, finally free of his abuser, was taken to the nearby house of James

⁶⁶ *ibid.*

⁶⁷ *ibid.*

Kirkpatrick, who tended to his wounds. Later that night, the 'Liberty Boys of Bladen' took it upon themselves to assemble, in the street, outside the Kirkpatrick residence. In an attempt to celebrate the assault on Maclaine and intimidate his associates, they reportedly carried one another on their shoulders whilst repeatedly and loudly shouting 'huzzas'.⁶⁸

In hindsight, Maclaine might have anticipated this assault based upon an earlier incident in the same month. In an affidavit provided by John King, a justice of the peace in Bladen County, he stated that Maclaine had slandered the character of a Bladen County judge and Whig militia officer on 5 August. Specifically, King recalled that Maclaine had said that John Stingsby, a deceased Tory militia officer, 'was a better man in his morals and principles than [Judge] James Richardson'. Remarks such as this would have sparked considerable anger in a time when the Tory threat remained potent. It may account for the presence of armed men in the court on this occasion.⁶⁹

Despite King's account, Maclaine later stated that he 'did not consider himself as an object of resentment, much less assassination' on the day he was assaulted. King either did not accurately recall Maclaine's statement in court, or Maclaine may not have realised how people would interpret what he said in court on that day. Maclaine's statement on 5 August angered Rayford and his men, and his presence at White's trial allowed them to demonstrate their anger and frustration.

Despite the assault on Maclaine, it is unclear how close Maclaine came to being killed in the courtroom. It is also unclear if Maclaine or White were the intended target. Rayford and others were disgusted at the continuing Tory threat, and they were prepared to demonstrate through the use of violence their contempt for anyone who aligned themselves with the Tories or anyone who dared defend them in court.

The use of the whip demonstrated once again that it was a central tool in exhibiting power and protest in North Carolina. As discussed, the whip was utilised by Whig militia and

⁶⁸ *ibid.*

⁶⁹ Affidavit of John King, Nov 1782, General Assembly Session Records, House Committee, Committee of the Whole House, 7 May 1783, Apr-May 1783, Box 1, NCDAH.

the North and South Carolina Regulators in their attempts to mimic the punishment rites administered by pre-Revolutionary provincial governments on convicted criminals. The whip was also synonymous with the power wielded by patrols and plantation owners to punish slaves.⁷⁰ There was no greater insult than being publicly whipped; such actions demonstrated the authority that the person carrying out such rites had over the person being flogged.

The final insult delivered to Maclaine was the traditional charivari type of ritual demonstrated outside of Kirkpatrick's house. The so-called 'Liberty Boys' carried each other in lieu of Maclaine's person, mocking the ritual of a 'riding' and shouting. In this case, the noise or chants of huzzah signified traditional rough music in their attempt to intimidate Maclaine further and harass Kirkpatrick. As the perpetrators of these acts were not convicted for their public assault on Maclaine, their behaviour demonstrated that they believed that they represented the grievances of the people of Bladen County, even if their actions were, strictly speaking, extrajudicial.⁷¹ Despite this public display of viciousness further incidents of violent protest would continue in North Carolina for several years following the war.

By the end of the decade, another continuous issue had become the subject of public debate in the state, whether or not to ratify the proposed new republican constitution that had emerged in Philadelphia in 1787. As a result, many North Carolinians became divided over the issue of ratification. This polarisation, in a sense, reflected the division between the Whigs and the disaffected during the Revolutionary War, with many of the state's elite and monied class supporting ratification, whilst those who tended to resist the new constitution, commonly referred to as Antifederalists, were suspicious of political authority, either within the state or at the national level.⁷²

⁷⁰ Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, MA: Harvard University Press, 2001): 18, 35, 61, 68, 116, 123-4, 126.

⁷¹ Alexander Maclaine to George Hooper, 16 Dec 1783, Clark, *NCSR* 16: 990-3.

⁷² Walter F. Pratt Jr., 'Law and the Experience of Political in Late Eighteenth-Century North Carolina: North Carolina Considers the Constitution', *Wake Forest Law Review* 22, no. 3 (1987): 581. For a more detailed discussion regarding the economic interests that favoured ratification see, William C. Pool, 'An Economic Interpretation of the Ratification of the Federal Constitution in North Carolina: Part I: The Hillsboro Convention—Background and Economic Interest of the Federalists', *North Carolina Historical Review* 27, no. 2 (1950): 119-141.

Sporadic informal violence between these two political factions had already occurred. In the summer of 1787, 'charges of fraud were made' over the outcome of state election results as 'conservative [candidate] William Hooper had his eyes blacked in a fight.' The type of contentious politics represented by these incidents would be carried forth and intensified in 1788 with an announcement that a convention would be held in the town of Hillsborough in July to debate and 'act upon the question of ratification' of a new federal constitution.⁷³ This heralded a period of political intensification in the form of verbal and physical confrontations between the two factions that opposed and supported ratification of the Constitution. And in at least two counties, the contentious selection of delegates to the convention resulted in a near riot and, in one case, outright violence.

The first incident involved ardent Federalist Elkanah Watson. Watson, a native of Massachusetts, relocated to North Carolina to further his growing business interests as a merchant. He also believed that the ratification of the proposed constitution would benefit his commercial interests and bolster the economic fortunes of the new American republic.⁷⁴ Watson, to his dismay, quickly discovered that many others in North Carolina did not share in these sentiments. In late March 1788, while riding with two companions, Major Hardy Murfree and Dr Patrick Garvey, Watson took notice of an announcement nailed to a tree. Looking closer, Watson read that the notice asked that 'all persons desirous of hearing the new Constitution explained, by Elder B[urkit]t, are requested to attend his church in the Woodlands.' Watson, indignant and determined to 'counteract' what he knew to be the work of backcountry Antifederalists, ventured onwards to the meeting. Upon arrival, Watson and his comrades found the assembly well-attended and entered the church building. The men, having seated themselves, immediately took notice of Elder Burkitt speaking passionately against ratification of the constitution. Burkitt declared that should the Constitution be ratified; the people would be 'enslave[d]' and 'gradually disarmed.' Unable to stay silent any longer, Watson stood up to counter what he felt were spurious accusations made by Burkitt. Many in attendance, who agreed with Burkitt, rose in anger which Watson later described as

⁷³ Albert Ray Newsome, 'North Carolina's Ratification of the Federal Constitution', *The North Carolina Historical Review* 17, no. 4 (1940): 289.

⁷⁴ Thomas C. Parramore, 'A Year in Hertford County with Elkanah Watson', *The North Carolina Historical Review* 41, no. 4 (1964): 448, 451-2, 455-60.

‘a general movement and buzz, which instantly swelled into a perfect uproar.’ Watson realised that he was in an untenable situation and, fearing for his safety, braced for an assault. A physical attack was averted when Murfree stepped forward in an attempt placate the assembled crowd. Murfree was deeply respected by many in the community, and his reputation allowed the emotion of the moment to relax enough so that the three men were allowed enough time and leeway to leave the church without further incident.⁷⁵

Watson’s interaction with the Antifederalists at the Woodlands shares attributes with the rough music tradition. What makes this incident consequential is that it was not premeditated by the Antifederalists, even though they were the party that drove off Watson and his comrades from the gathering. The Antifederalists used their numerical superiority, noise and the implied threat of violence to implicitly inform Watson and his comrades that they were an unwanted presence. Parallels could be drawn to the disruption of Charles Woodmason’s sermons by Presbyterians in the South Carolina backcountry. Nevertheless, the difference is that Watson conspired to interrupt the gathering, and those in attendance used auditory and physical cues to drive his party away. Although this confrontation was relatively mild compared to the serious events previously discussed, it is not the only incident connected to the leadup to the North Carolina ratifying convention.

In March of the same year, electors convened at the Dobbs County courthouse to select delegates to the Hillsborough convention. At the conclusion of the balloting, it was announced that the Antifederalist contingent was selected to represent the county by a total of one hundred fifty-five votes to the Federalists, who received one hundred and twenty-one votes. When this announcement was made, a man identified as Colonel A. Sheppard ‘cast out many aspersions and very degrading and abusive language to the other candidates’. According to a report in the *State Gazette of South Carolina*, Sheppard was insulted in return slapped an Antifederalist adversary and stated, ‘Your language is too abusive to be submitted to, nothing but your age now protects you from that punishment which you should receive.’ The *Norfolk and Portsmouth Journal*, apparently sympathetic to the Antifederalists, stated

⁷⁵ Winslow C. Watson, ed., *Men and Times of the Revolution; Or, Memoirs of Elkanah Watson, including Journals of Travels in Europe and America, from 1777 to 1842* (New York: Dana and Company, 1856), 262-264.

that all the candles in the courtroom were ‘instantly put out’ and that ‘many blows with clubs were heard to pass.’ At an uncertain point, that ballot box was seized in the darkness, forcing the North Carolina General Assembly to consider the election void, which resulted in no delegation from Dobbs County in attendance at the Hillsborough convention.⁷⁶

In the Dobbs incident, the two primary sources heavily conflict in how the event transpired. The person or persons who provided the reports or the newspapers themselves were heavily biased in their summation of blame. Nonetheless, what can be surmised is that a group of people, likely two or more Federalists anticipated that they would lose to the Antifederalist group of candidates and had carried clubs or some primitive form of offensive weaponry into the courthouse to seize the ballot box with the intent of voiding an Antifederalist victory. There are additional reports that Sheppard was assaulted in the street outside the courthouse. In contrast, another report emphasized that Antifederalist Isaac Groom was assaulted by a group of twelve to fifteen men with clubs. Nevertheless, it is almost certain that the violence was premeditated and designed to void the election results ensuring that the victorious faction could not contribute to the event in Hillsborough.

It is doubtful that these two incidents had any sway on the outcome of the Hillsborough convention. Nevertheless, they both illustrate the willingness of either political faction to use violence or simple intimidation to control an event's narrative or outcome. They are a form of political organizing and resistance. Displays of defiance or political authority may have taken differing forms, often shaped by circumstance, but the reasons why incidents of intimidation or violence occur often repeat themselves within the broader framework of local, state, or national politics.

As North Carolina moved into the final decade of the eighteenth-century, backcountry residents would once again use the threat of violence to demonstrate resistance to state agents. In 1791, the U.S. Congress passed an excise tax on domestically produced distilled spirits throughout the federal republic. Taxes such as these were part of why there had been

⁷⁶ 30 Apr 1788, *Norfolk and Portsmouth Journal*; 28 Jul 1788, *State Gazette of South-Carolina*; Journal of the Convention of North Carolina, 23 Jul 1788, Clark, *NCSR* 22: 10-1.

considerable resistance to the ratification of the Constitution by North Carolina by the Antifederalists. This resistance was based, in part, on the poor economic condition of many North Carolinians. Moreover, the tradition of resisting unfair and burdensome taxes was familiar to many. North Carolinians resisted the corrupt practices and extortion of sheriffs and the courts through the Regulator movement, whilst others protested, sometimes violently, against the Stamp Act.

There is ample proof that backcountry residents resisted taxes after the Revolutionary War. Joseph McDowell, Sr., of Burke County, offered at the Hillsborough convention, 'If the tax-gatherers come upon us, they will, like the locusts of old, destroy us. They will have pretty high salaries, and exert themselves to oppress us.' Samuel Spencer of Anson County stated that a direct 'tax so odious to a free people, that I would with great reluctance agree to its exercise.' He further stated that 'from the great scarcity of money at this day, that great distresses must happen.'⁷⁷ These statements foretold considerable resistance facing any effort to collect Federal taxes, particularly in the backcountry.

Whisky and other forms of liquor formed an almost ubiquitous part of the daily lives of many residents in the state. Backcountry residents eagerly 'turned what surplus grain they produced into alcohol.' Liquor was a backcountry commodity often used for trade, to sell at the market, and was consumed widely. For many who lived in the remote interior of the state, liquor production and consumption were a mainstay of backcountry society.⁷⁸

The imposition of a tax on whisky and other spirits would have proven exceptionally difficult for the U.S. government in the remote areas in the state that were far from the towns in the coastal plain. Transportation was challenging, especially in the state's mountainous western region, and local government agents were not likely to enforce an unpopular law seen by many as 'hostile to liberty' lest they become targeted by area residents. According to

⁷⁷ Jonathan Elliot, ed., *The Debates in the Several State Conventions, on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia in 1787 Together with The Journal of the Federal Convention, Luther Martin's Letter, Yates' Minutes, Congressional Opinions, Virginia & Kentucky Resolution of '98-'99 and Other Illustration of the Constitution* 4 vols., 2nd ed. (Washington DC: Jonathan Elliot, 1836), 4: 97-8, 107-8; Jeffrey J. Crow, 'The Whiskey Rebellion in North Carolina', *The North Carolina Historical Review* 66, no. 1 (1989): 4.

⁷⁸ Crow, 'Whiskey Rebellion', 6.

scholar Jeffrey Crow, backcountry culture was one 'in which fierce loyalties and volatile responses to perceived threats quickly developed violent overtones.'⁷⁹ The presence of tax collector on the property of a backcountry farmer would have been seen as an insult to the independence of this often-isolated society. Affronts such as this would have not been easily forgiven. Few would be willing to pursue such an endeavour in such a hostile region.

It was therefore unsurprising that compliance with the new law was at its highest in the coastal region. However, it quickly became apparent that little to no revenue was being collected further inland 'for want of Collectors, and from pretty strong discontents.' In fact, the western region proved troublesome due to the 'menaces of the property of the Officers and strong dispositions to Violence'.⁸⁰ While it was expected that tax collectors would meet with difficulty in some areas, many agents eschewed their duties in areas where they knew that their presence would likely incur a violent reaction. The rancour emanating from backcountry society was exemplified in a poem entitled 'A Petition and Remonstrance to the President and Congress of the United States' authored by an unnamed North Carolina planter of Scottish origin or heritage distraught by the excise law. A pertinent excerpt of which stated:

The country's a' in a greeting mood
And some like to rin red-wud:
Some chaps whom freedom's spirit
warms
Are threatning hard to take up arms,
And headstrong in rebellion rise
'Fore they'll submit to that excise:
Their liberty they will maintain,
They fought for't, and they'll fight again:
Others as fierce we'bitter dash
The persons of our great folk lash,
And sen' them to auld Clootie sta'it
For villains a' and knaves 'state:
And some douce folk wha see right clear
Think we hae something mair to fear.
That fair alarms us: this, they say,

⁷⁹ Crow, 'Whiskey Rebellion', 4-5, 9, 21.

⁸⁰ Tench Coxe to Alexander Hamilton, 19 Oct 1792, Harold C. Syrett and Jacob E. Cooke, ed., *The Papers of Alexander Hamilton*, 26 vols (New York: Columbia University Press, 1967) 12: 599-600.

Is but the prologue 'o your play,
 Which if ye once can put in practice
 There'll be no end o'tolls and taxes
 Frae less to mair, till by degrees
 Y'ell tax our bread hearth-stones and
 cheese.
 Tos dreadfu' times! I dinna ken
 How a' there carryings-on may end',
 But spite of a' your fair pretences
 Folk tremble for the consequences.
 From what, now think you, can a' this
 be?
 Its just your tax upo' their whiskie.⁸¹

Resistance to the law occurred in other states yet North Carolinians were preeminent in the southern states their resistance to the excise tax. Congressman Daniel Huger of South Carolina stated in a letter to the Secretary of the Treasury Alexander Hamilton that North Carolina was behaving like 'an Idle, Ignorant Wanton Jade.' Huger conveyed that he knew of an instance where an inspector 'requested permission of a Distiller to gauge his Still' who 'let the officer in, turned the Key and kept him confined three Days on water only. He then very humanely, assured him that his life Shou'd not be in any danger, but [that] he must submit to the mild punishment of having his Nose ground off at the Grindstone'.⁸² The threat was never executed. However, the fact remained that inhabitants were resisting any attempt, particularly in remote areas where enforcement of the tax would have been problematic. President George Washington conveyed to Hamilton in August 1792, based upon a letter from Joseph McDowell, Jr., that the 'temper of the people in the District', referring to the '5th survey in the State of North Carolina', is an 'unpleasant & disagreeable one.'⁸³

Although no detailed account has been found that detailed the methods by which North Carolinians refused or rebuked the excise tax, there is a report by the British Consul

⁸¹ William K. Boyd, ed., *Some Eighteenth Century Tracts Concerning North Carolina*, (Raleigh: Edwards & Broughton Company, 1927): 491-503

⁸² Daniel Huger to Alexander Hamilton, 22 Jun 1792, Syrett and Cooke, *The Papers of Alexander Hamilton*, 11: 541-4.

⁸³ George Washington to Alexander Hamilton, 31 Aug 1792, Syrett and Cooke, *The Papers of Alexander Hamilton*, 12: 304-5. It is stated that the letter to Washington from McDowell has not yet been uncovered.

John Hamilton to Lord Grenville which stated that 'Some Riots have prevailed in the Country during the Summer & Autumn, occasioned by the Excise law which the Citizens dislike very much & are determined in many places to resist the collection, in Rowan County No. Carolina the [residents] treated the Collector rather rudely [and] they were apprehended and carried before one of the Judges, who to appease the minds of the Mob, prudently released them.'⁸⁴ It can be speculated that tax collectors, who, as evidence suggests, worked alone,⁸⁵ were routinely subjected to intimidation and threatened in the execution of their duties. In many cases, local authorities would have refused to cooperate with the prosecution of anyone accused of the abuse of revenue agents. It is reasonable to assume that tax collectors may have been subjected to Carolinian rough music, inclusive of flogging, tarring and feathering, and the forced removal tax agents from an area.

In contrast to the resistance in North Carolina, residents of western Pennsylvania vehemently and violently opposed the excise tax. Like their North Carolina counterparts, tax agents in western Pennsylvania faced severe intimidation. Many reported being harassed by mobs, whipped, robbed, tarred and feathered, with at least one agent being tied to a tree.⁸⁶ However, unlike the situation in North Carolina, the opposition to the whiskey tax in Pennsylvania was more widespread, characterised by organised resistance, gunfire, property destruction, and arson that targeted physical assets associated with the despised excise agents.⁸⁷ What makes this particularly interesting is that western Pennsylvania, much like its counterpart in western North Carolina, was the locale where the most intense resistance occurred and had a significant proportion of residents whose heritage connected them to their Ulster Protestant ancestors.⁸⁸ The violence in western Pennsylvania could be regarded as similar in tone to that used by the Hearts of Steel in Ulster.

Despite the warnings and dangers of collecting excise taxes, there is little to indicate that anyone was subject to the type of violence visited upon Whig and Tory alike during the

⁸⁴ John Hamilton to Lord Grenville, Nov 1792, British Records, FP 4/16 Pg. 262-263b, Z.5.188P, NCDAAH.

⁸⁵ 4 Jun 1793, *The Encyclopedian Instructor* [Edenton].

⁸⁶ Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986), 113, 115, 151, 166.

⁸⁷ *ibid.*, 3, 11.

⁸⁸ Peter E. Gilmore, *Irish Presbyterians and the Shaping of Western Pennsylvania 1770-1830* (Pittsburgh: University of Pittsburgh Press, 2018), 61-2.

American Revolution. This is an indication that despite resistance to taxation, few, if any, were willing to engage in the type of protest, injury, and degradation found in North Carolina during the war. Political protest and backcountry rough music had relaxed into familiar forms, altered by the citizens' experiences on the frontier undoubtedly, but not crossing into killing a targeted opponent as had occurred on occasion during wartime. Likewise, the rationale for engaging in forms of violent protest had reverted into more 'traditional' forms. Backcountry society maintained the tradition, from the Sugar Creek War and of the Regulators, of opposing the unfair practices of the government. Similarly, that same backcountry spirit would also reject transgressions of the community's moral authority has had been the custom, brought to America from western Europe.

While backcountry residents may have tolerated or encouraged tax evasion and resistance to the government, they did not tolerate open displays of sexual immorality. In at least one documented case, the residents of Fayetteville subjected two individuals to abuse due to such behaviour. The General Assembly, in 1786, received a petition requesting the release of several men of their conviction for their participation in a riot. Little is known about how this particular incident unfolded except that the Superior Court of Law and Equity in Wilmington had convicted and fined Nathan Steadman, Sr. and Jr., along with Duncan Ockeltree, James Dick, and Anthony Rosney on the charge of 'riot and assault'. Specifically, these men had attempted to 'expell[sic] from Fayetteville' Thomas Calvin and Mary Brown for 'who had rendered themselves obnoxious to the Inhabitants of Fayetteville by many immoralities repeatedly committed and continued by them, and by their lewd life and Conversation'.⁸⁹ The state legislature was made aware of this incident because the inhabitants of Fayetteville had submitted a petition to relieve the convicted men of their penalties.

This petition is consequential because it is informative of the persistence of some form of charivari or skimmington for transgressing communal norms of acceptable moral behaviour. It is unknown how Calvin and Brown were treated or what precisely they did that triggered an assault and riot in the town. Nevertheless, this incident indicates that

⁸⁹ House Journals, 27 Nov, 29 Jan 1786, Clark, *NCSR* 18: 28-9, 402, 406-7

administering a public and humiliating rebuke to moral offenders was practised in eighteenth-century North Carolina as it was in centuries past in the British Isles and further afield in Western Europe. For the authorities to have become involved, this rough music episode was likely violent. Perhaps Calvin or Brown were forcibly removed from a building and whipped or mistreated in some other manner. Residents, like their European ancestors, were expected to adhere to acceptable social mores and traditional norms of behaviour. Incidents such as this almost certainly occurred on occasion throughout North Carolina during this period of history, even if unrecorded.

Moral policing through popular justice was a practice that had been ongoing for a considerable period, not just in the Carolinas but in other states as well. During the colonial period, adultery was widely considered contemptible behaviour and was treated accordingly. The use of crowd beatings, the throwing of dirt or small rocks by mobs, and the public parading of an offender atop a wooden rail to the auditory sound of insulting chants or songs were all customary means of humiliating a person for breaking societal norms in New England and New York during the eighteenth century.⁹⁰ These were, by any measure, textbook episodes of rough music as reviewed previously. Despite the lack of detail in the North Carolina incident, the Fayetteville incident likely shared one or more ritual characteristics with these types of moral policing, highlighting the historical continuity of this practice.

Ritualised violence was employed for a variety of reasons during the late eighteenth-century in the backcountry of North Carolina. Although scholars have often attempted to categorise the rituals that make up this area of inquiry, it is important to understand that how the general practice of rough music, political protest, and ritual violence evolved within the society in which these events occurred. In the case of North Carolina, the Revolutionary War wrought a terrible hardship on those who were unprepared to align themselves with the dominant state authority. Many of those disaffected suffered forms of ritualised torture under less than legal circumstances. As a result, those same victims found their own rationale for subjecting their torturers to killings and ritual violence.

⁹⁰ Steven J. Stewart, 'Skimmington', 47-50, 54. See also Thomas Humphrey, 'The Anatomy of a Crowd: Making Mobs in Early America', *Journal of Early American History* 5, no.1 (2015): 69, 74, 77-8.

The war caused an evolution in the habits and customs of violence that was visited upon either faction in the backcountry. It was targeted and informed by earlier practices; this was particularly true in the continued use of the whip. However, these practices were intensified and distorted by circumstance. The people were so routinely subjected to violence that the older custom of restraint, at least during the war, no longer applied in every situation. Much as the frontier shaped earlier forms of ritual violence in North Carolina, as demonstrated during the Sugar Creek War and by the Regulators, the war transformed it further. Older norms and limits did not apply during the conflict. The reasons for such rituals took on a personal dimension and were shaped by the experiences of those who subjected others to these practices.

As the political and social climate evolved in the years after the war, so did the types of ritual violence. Forms of violence and intimidation were used to demonstrate displeasure with either opposing political factions, or to defy government agents. The brutality of war gave way to more traditional forms of protest and humiliation through violence, either implied or through assault. Individuals and groups of people utilised the implication of, or outright physical abuse of, their foes to demonstrate resistance to outside authority and to maintain moral order within a locale.

Chapter Five: Ritual in War and Recovery in South Carolina, 1775-1799

In the years following the chaotic and tumultuous Regulator campaign, South Carolina was embroiled in another conflict: the American Revolutionary War. The war, which entangled the British American colonies in a conflict, proved extraordinarily brutal in South Carolina and had profound and, often, devastating impacts on the nascent American states. Cruelty and repeated atrocities committed by both the British military along with Tory loyalists and their counterparts, the colonial Whigs and rebels, would prove to have a deleterious effect on the people of the backcountry of South Carolina. Devastating losses of life and property in the state's interior would contribute to years of anger and resentment toward former foes and intrastate elites.

The war, particularly in the backcountry, was characterised by incidents of numerous atrocities.¹ This included incidents of torture, arson, and murder. Violence such as this was, more often than not, inspired by insult, humiliation, or other incidents of outright violence. Few scholars have attempted to wrestle with these incidents within the sphere of ritualised violence except for Richard Maxwell Brown, who called these incidents 'an early manifestation of lynch law',² a term that would later become synonymous in the nineteenth century with extrajudicial ritual violence, and will be explored in more detail in a later chapter. This chapter will assert that much of the retaliatory violence pervasive in the backcountry during the war, although improvised, was ritualised by the retaliatory motive prompting many of these incidents.

As a consequence of widespread atrocities and retaliatory violence, the Revolutionary War left the South Carolina backcountry society in disorder. Many residents in isolated settlements experienced differing forms of partisan guerrilla fighting, including plunder, torture, arson, and, in some cases, murder. This violent upheaval would bring about another

¹ Don Higginbotham, *The War of American Independence: Military Attitudes, Policies, and Practice, 1763-1789*, (New York: Macmillan, 1983), 375.

² Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (Oxford: Oxford University Press, 1975), 6-7.

period of instability marked by economic and social grievance. These grievances sparked a number of protests and incidents of ritual violence toward past offenders.

Communal demonstrations of anger during this post-revolutionary period furthered incidents of intimidation, whipping, property destruction, and retaliatory murder. Both personal and political grievances exemplified backcountry anger at the perceived leniency shown to former enemies and the social and economic stressors within the region during the postwar period. Consequently, there were intensifying sectional grievances between the coastal region and the backcountry, resulting in incidents of political protest that shared many attributes of pre-war rites of colonial American protest, including those used by the Regulators, in both North and South Carolina.

Despite concessions won by the Regulators in South Carolina with the passage of the Circuit Court Act of 1769, which gave the region courts, jails, and the power to arrest and punish criminals locally, the backcountry continued to lag behind the relatively prosperous coastal planter region in both economic and political power. The introduction of law and order and a relative civilization into the backcountry led to the concurrent ability to invest and develop the region. Despite this, there remained economic and political disparities between the backcountry and the coastal region.

Coastal, or lowcountry elites, still in control of the legislative assembly, gave little consideration to the concerns of the impoverished backcountry settler. The refusal of the government to abide by the Crown's 'requirement of dividing the existing number of representatives with new parishes' and the tax burden placed upon the backcountry by the coastal provincial government created an environment that bred resentment.³ This backcountry resentment led to suspicion. If the monied classes were for or against a position, that was reason enough to counter it. Such contrarian sentiment was exemplified in 1766, long before the Revolution. An example of this would be backcountry loyalism to the British Crown by creating the 'Loyal Frontier Friends Club' in the backcountry settlement of Ninety-

³ David Duncan Wallace, *South Carolina: A Short History, 1520-1948* (Chapel Hill: University of North Carolina Press, 1951), 264.

Six. This organisation was created in direct opposition and retaliation to Charleston's resistance to the British Crown's Stamp Act tax established that same year.⁴

This backcountry association was one example of how the backcountry expressed anger over perceived inequalities regarding its governance. This feeling of umbrage would lead to a politically charged environment in the South Carolina interior region. This fractured inland society within the backcountry would result in divided allegiances which would escalate and intensify violence and brutality during the war.⁵ Despite grievances backcountry settlers held toward lowcountry elites, asserting that the inland region held strong loyalties toward the Crown before and during the Revolution is a mistake.

Loyalties held by those in the backcountry would sometimes prove fluid. As posited by historian Rachel Klein, backcountry grievances that sparked the Regulator conflict, in many ways, echoed grievances that the elite class held toward Parliament and the Crown.⁶ Albeit, the two factions were not that different in disposition but likeminded. Both were intent on a representative government and contentious to the point of violence over the inability to control their destinies.

In July 1774 South Carolina's districts sent local representatives to attend a 'General Meeting of the Inhabitants of the Colony' in Charleston. This meeting nominated, appointed, and instructed 'deputies,' and the Commons House of Assembly resolved to 'recognize, ratify and confirm the appointment' of five delegates to attend the meeting of what would be popularly known as the First Continental Congress in Philadelphia.⁷ Notably, the backcountry participated independently, by selecting its own delegates to Charleston. Notable names from

⁴ Henry Laurens, *The Papers of Henry Laurens*, ed. George C. Rogers Jr. and David R. Chesnut (Columbia SC: University of South Carolina Press, 1976), 5: 53; Klein, *Unification of a Slave State*, 79.

⁵ Klein, *Unification of a Slave State*, 79; Jerome Nadelhaft, 'The "Havoc of War" and Its Aftermath in Revolutionary South Carolina, *Histoire Sociale* 12, no. 23 (1979): 98.

⁶ Klein, *Unification of a Slave State*, 80-1.

⁷ Albion Woodbury Small, *The Beginnings of American Nationality; the Constitutional Relations Between the Continental Congress and the Colonies and States from 1774 to 1789* (Baltimore: Publication Agency of The Johns Hopkins University, 1890), 1-2: 17.

the backcountry who attended the meeting included former Regulators Moses Kirkland and Benjamin Farrar.⁸

South Carolina also convened a separate and provisional congress to address its own grievances and discuss ongoing tensions with British rule. It was believed by coastal elites that they required the support and participation of backcountry leaders to present a united front to the British government, and to demonstrate solidarity with other colonies.⁹ Realising that this required the participation of backcountry representatives, effort was made to include a significant number from the region in the meeting. Four of the largest districts, 'of Ninety-Six—between Broad and Saluda Rivers—between Broad and Catawba Rivers—and for the Eastward of the Watteree River' sent 'ten representatives' each, and six persons for each of the parishes in the colony to ensure that a cross-section of voices were heard in Charleston.¹⁰ This measure was devised to achieve a measure of unity regarding the ongoing crisis with the Crown. In total, fifty-five out of the one hundred eighty-seven chosen were from the largely poor and sparsely populated inland districts. Among these selected to represent their respective backcountry districts, including former Regulators John Savage and James Mayson of the Ninety-Six, and Benjamin Farrar who represented the district of Saxe Gotha.¹¹

It must be noted that the agreement and action by some to send delegates to Charleston did not preclude discord in the backcountry. By the time of the first military engagements in 1775 between the British and American colonial forces in New England, partisan divisions in the backcountry had become increasingly tense. German-speaking colonists in the backcountry, concerned over any misunderstanding regarding their loyalties, sent emissaries to Charleston to assert their 'affections' to the royal government.¹² Likewise, in July 1775, the provincial congress' Council of Safety, reacting to rumours of defections to

⁸ Walter B. Edgar and N. Louise Bailey, ed., *The Biographical Directory of the South Carolina House of Representatives, Session Lists, 1692-1973* (Columbia SC: University of South Carolina Press, 1974), 1: 5, 164-5; Klein, *Unification of a Slave State*, 82.

⁹ Klein, *Unification of a Slave State*, 82.

¹⁰ John Drayton, *Memoirs of the American Revolution From its Commencement to the Year 1776, Inclusive; As Relating to The State of South-Carolina and Occasionally Referring to the States of North-Carolina and Georgia* (Charleston, A.E. Miller, 1821), 155.

¹¹ William Moultrie, *Memoirs of the American Revolution, so far as it related to the States of North and South Carolina, and Georgia* (New York: David Longworth, 1802), 1: 16-7.

¹² Drayton, *Memoirs*, 311.

the loyalist cause, sent representatives into the backcountry to shore up support for the American rebellion.¹³

By the autumn of 1775, anxiety was high, and accusations of misplaced loyalties were flying about in the backcountry district of Ninety-Six. Loyalists described their opponents as 'notorious Horse thieves' made 'disperate[sic] thro extreme Poverty to which their Crime had reduced them & ready for hire to execute the most atrocious Designs'.¹⁴ A proclamation by William Henry Drayton countered this accusation by stating that loyalists were 'deceiving their neighbours, and wickedly selling their country,' calling such individuals guilty of 'fraud and misrepresentation'.¹⁵ Although the use of such rhetoric might be expected in what was shaping up as a backcountry civil war, it would only serve to deepen mistrust in advance of the conflict to come.

In November 1775, a loyalist militia laid siege to the rebel-controlled fort of Ninety-Six. The blockade of the fort by loyalists resulted in a stalemate. In turn, the impasse was followed by an intra-state rebel campaign to purge the surrounding region of prominent Tory loyalists either through arrest or intimidation. However, in 1776, after the British failed to seize Charleston and moved on to other targets, much of the province entered a relatively quiet period for the first few years of the war.¹⁶ This would prove to be only a reprieve for South Carolina.

¹³ Marvin L. Cann, 'Prelude to War: The First Battle of Ninety Six: November 19-21, 1775, *The South Carolina Historical Magazine* 76, no. 4 (1975): 201-2; Klein, *Unification of a Slave State*, 83.

¹⁴ Thomas Brown to Lord William Campbell, 18 Oct 1775 in James H. O'Donnell, 'A Loyalist View of the Drayton-Tennent-Hart Mission to the Upcountry', *The South Carolina Historical Magazine* 67, no. 1 (1966): 18.

¹⁵ Declaration, South Carolina-Ninety-Six District in R.W. Gibbes, ed., *Documentary History of the American Revolution: Consisting of Letters and Papers relating to the Contest for Liberty, Chiefly in South Carolina, from Originals in the Possession of the Editor, and other sources. 1764-1776* (New York: D. Appleton & Co., 1855): 180-3.

¹⁶ Klein, *Unification of a Slave State*, 83.



Image 6: South Carolina during the American Revolutionary War¹⁷

In 1779, the British, eager to capitalise on their success in the seizure of Savannah, Georgia, again turned their attention towards neighbouring South Carolina. The British army, having struggled to subdue the northern American colonies, believed there was sufficient loyalist support in the south to assist in securing the region.¹⁸ Subsequently, in the following year, the British military strategists believed that an invasion of the Carolinas would enable them to seize the all of the southern colonies. To achieve this goal, the British besieged Charleston, and the city fell in May 1780.¹⁹ Following this victory, the British forces began

¹⁷ David Ramsay, 'South Carolina and Parts Adjacent; Shewing the Movements of the American and British Armies', *The History of the Revolution of South-Carolina, From a British Province to an Independent State* (Trenton: Isaac Collins, 1785).

¹⁸ Higginbotham, *The War of American Independence*, 353-7.

¹⁹ Klein, *Unification of a Slave State*, 83-4.

swiftly to seize control of inland settlements. A campaign of brutality and horror would soon be visited upon the residents of the South Carolina backcountry.

As the British army fanned across South Carolina, panic set in among many inhabitants, especially those who had expressed even the slightest sentiment in support of the rebellion. For example, the Reverend Pugh, a resident of the backcountry settlement of Cheraws, stated in his journal that on 22 May, he was 'much terrified about the English Light Horse coming'. Pugh surrendered himself to the British authorities the following month and took an 'Oath of Allegiance to the King'. On the following Saturday, 2 July, Pugh stated that while giving a sermon at a local church, the service was 'broke[n] up by the rebels taking the horses.'²⁰ This illustrated the contradictory atmosphere experienced by many like Pugh, who may have supported the cause of independence itself but did not support the disruption that the conflict brought to their local communities. This disruption also meant that many people would abide by whoever controlled their local area.²¹ Loyalties and hatred were often fluid in the backcountry. Despite holding fidelity to the cause of independence, many opted to give in to the ruling order. Other individuals, induced by the promise of some compensation, opted to provide information leading to the capture and arrest of anyone suspected of providing aid to the rebel cause.²²

Following the fall of Charleston and the British army's successful incursions into the backcountry, those who pledged loyalty to the British quickly grew in number.²³ For others, reports of atrocities committed by the British and their sympathisers energised rebel support. One of the most infamous of these tales included a 'massacre' that occurred on the border of the Carolinas. On 29 May 1780, a group of Virginian Continental soldiers, unable to reach Charleston before the city fell, were surrounded by a detachment of a cavalry unit commanded by Lieutenant Colonel Banastre Tarleton. Despite there being some controversy about how the event unfolded, the perception among contemporaries was that the

²⁰ Gregg, *History of the Old Cheraws*, 302, 304.

²¹ Higginbotham, *The War of American Independence*, 357.

²² 12 Sep 1781, *The Royal Gazette* [Charleston].

²³ David Fanning, *The Narrative of Colonel David Fanning (A Tory in the Revolutionary War with Great Britain) Giving an Account of His Adventures in North Carolina from 1775 to 1783, as Written by Himself with an Introduction and Explanatory Notes* (Richmond VA: n.p., 1861), 12.

Virginians, attempting to surrender, were brutally killed by Tarleton's forces.²⁴ This controversial event galvanised support for the rebellion and would not be forgotten.

Perhaps even more important than the number of battles for independence fought in the backcountry during this period, the 'civil war' within South Carolina and the retributive nature of its reprisals between the region's rebels and Tories are vital in understanding the backcountry experience during the later stages of the war in South Carolina. These actions were not traditional rough music or protest movements but a new type of ritual violence. The war unleashed a torrent of retributive violence, which was, itself, the ritual, whilst the act of violence was often improvisational, depending on the circumstances in which it occurred.

One incident of retaliatory violence involved a notorious rebel leader, Captain James McKoy. McKoy, known for the murder of loyalists and numerous other incidents, had a reputation of being 'peculiarly obnoxious to the British' and was targeted for capture. British patrols, unable to find McKoy, travelled to his house, where they interrogated his wife. Not willing to disclose her husband's whereabouts to her captors, she was tortured. The method chosen involved taking a flint out of the lock of a musket and putting Mrs McCoy's thumb in its place. The screw was applied, placing her thumb in the place of the flint and allowing the hammer to fall. This method 'was applied until the thumb was ready to burst.'²⁵ The British unit was carrying out a retributive ritual in order to apprehend, by whatever means, their reviled enemy.

The torture of McKoy's wife was relatively mild in comparison with two other South Carolina cases of retributive violence, which occasioned the abuse and execution of two rebel militiamen. The first incident involved the murder of a well-known Whig militia officer,

²⁴ Higginbotham, *The War of American Independence*, 361; Robert M. Weir, "The Violent Spirit," the Reestablishment of Order, and the Continuity of Leadership in Post-Revolutionary South Carolina, in *An Uncivil War: The Southern Backcountry during the American Revolution*, ed. Ronald Hoffman, Thad W. Tate and Peter J. Albert (Charlottesville: University Press of Virginia, 1985), 72. Tarleton contradicts the accusation that he ordered the massacre of the surrendering American forces in his account of the event in Banastre Tarleton, *A History of the Campaigns of 1780 and 1781, in the Southern Provinces of North America* (London: T. Cadell, 1787), 31-2.

²⁵ Edward McCrady, *The History of South Carolina in the Revolution, 1775-1780* (New York: Macmillan, 1901), 610-11. See also Hugh McCall, *The History of Georgia, Containing Brief Sketches of the Most Remarkable Events, Up to the Present Day* (Savannah GA: William T. Williams, 1816), 307.

Colonel Abel Kolb, on the evening of 26 April 1781.²⁶ Kolb, an officer in General Francis Marion's brigade, had proved troublesome to the British in securing the Carolina frontier and was a sought after prize for the Tory militia. Having tracked Kolb to his residence, a band of loyalist militia surrounded the property. Kolb, inside the house with his wife and children at the time of the attack, surrendered after having received assurance that no physical harm would come to him or his family. However, after he and his family emerged from the house, he was summarily shot and executed.²⁷ Likewise, Adam Cusack, a ferry operator, was allegedly charged with refusing to assist British officers in their attempt to cross a river and having turned and fired at them, was arrested. The British, after some deliberation, executed him by hanging in front of his wife and children. Cusack's wife, who begged for her husband's life, was nearly and purposefully trampled by the horse of one of the soldiers at the hanging. Another British officer intervened, saving her life.²⁸ The Tories and the British, in these instances, demonstrated their contempt in carrying out immediate and unnecessary executions of those who frustrated their efforts to pacify the state. Violence, such as these incidents, was cruel and demonstrated to witnesses and those who received news of the consequences of rebellion against British authority.

The British and the Tories did not have a monopoly on brutality against their enemies. Whig rebel units were equally inclined to engage in excessive violence against their opponents. Individuals under the command of General Marion, who led legendary engagements against the Loyalist militia, reportedly whipped captured prisoners. Likewise, a Tory militiaman named John Stilwell, who attempted to surrender to his pursuers, 'was asked for his pistol', which he provided and 'was instantly shot through the body with it'. Injured, Stilwell was then ordered to surrender his sword. He did and was 'cut through the skull in five or six places'. Released by his captors and still alive, 'his brains...were two inches issued from his head.' Two days later, Stilwell died.²⁹ It might be argued that the execution of Stilwell was

²⁶ JJ Melton, 'Col. Kolb's Spirit Lives On,' *Laurinburg Exchange*, 22 Oct 2021, accessed 23 May 2023, <https://www.laurinburgexchange.com/news/54043/col-kolbs-spirit-lives-on>.

²⁷ Edward McCrady, *The History of South Carolina in the Revolution, 1780-1783* (New York: Macmillan, 1902), 147, 638; Ramsay, *Revolution...South Carolina*, 2: 371.

²⁸ Edward McCrady, *The History of South Carolina in the Revolution, 1775-1780* (New York: Macmillan, 1901), 748.

²⁹ Col. [John] Watson to Gen. [Francis] Marion, 15 Mar 1781, in R.W. Gibbes, ed., *Documentary History of the American Revolution: Consisting of Letters and Papers relating to the Contest for Liberty, Chiefly in South*

one of expediency. However, the brutality in which it was carried out signified anger aimed either at Stilwell or what he represented, a hated enemy who had carried out reprisals on backcountry residents.

Both factions routinely used arson and plunder to terrify and fatigue their opponents. Crops and houses were burnt after partisan militia pillaged the contents of the property of persons known to be allied with one party. Major Andrew Hamilton of the Whig-aligned Ninety-Six militia described these incidents as routine and targeted the residences inhabited by women whose husbands were away at war.³⁰ Likewise, Silas Sterling, a veteran of the Continental Army, who was attached to a Ranger unit in upstate South Carolina witnessed widespread plunder and property destruction by loyalists throughout the Ninety-Six district in present-day York County.³¹ In fact, pension statements indicate that the practice was widespread throughout the state and further afield even prior to the fall of Charleston in the spring of 1780. It was a manifestation of ritual violence to intimidate and demoralise an opposing faction. Pillaging, as a ritual, is discussed at length in the earlier chapter on ritual humiliation and intimidation in North Carolina during the war. It shared some characteristics, in some respects, particularly when coupled with arson, to the pre-revolutionary practice of property destruction used by the Hearts of Steel. In the last two decades of the eighteenth century, plunder, or 'house wrecking', would find widespread utility in the north of Ireland in County Armagh and is discussed in detail in the next chapter on Ulster.

Perhaps unsurprisingly, pillaging was not only a widespread problem in South Carolina as in North Carolina. General George Washington was well aware of the propensity of his army to carry out the illegal practice. He was also quick to quash it when it was discovered. Customarily, the American Continental Army in the North brutally whipped anyone suspected of pillaging, either covertly or through assault and robbery. In comparison, the British Army were known to have pillaged entire towns like a swarm of locusts. It was also said that the British plundered anything they could carry, regardless of the item's utility to the army. Hook

Carolina, in 1781 and 1782, from Originals in the Possession of the Editor, and Other Sources (Columbia SC: Banner Steam-Power Press, 1853), 39.

³⁰ Pension application of Andrew Hamilton S18000, 24 Oct 1832, trans. Will Graves, accessed 21 Feb 2024, Southern Campaigns American Revolution Pension Statements & Rosters, <http://revwarapps.org/>.

³¹ Pension application of Silas C. Sterling R10120, 4 Oct 1843, trans. Will Graves, accessed 21 Feb 2024, *ibid*.

notes that this was a widespread problem throughout the entire theatre of the pillaging, a widespread issue in both South Carolina and North Carolina during the American Revolutionary War. General George Washington was well aware of his army's tendency to engage in this illegal practice, and he took swift action to stop it when he discovered it. Typically, members of the American Continental Army in the North faced severe punishments, including brutal whippings, if they were suspected of pillaging, whether through covert theft or direct assault.³²

In contrast, the British Army had a notorious reputation for pillaging entire towns indiscriminately. They were known to take anything they could carry, regardless of its usefulness to their military efforts. This practice was prevalent throughout the entire theatre of war, creating a terrifying experience for those who faced its consequences firsthand.³³

In November 1780, British general Lord Cornwallis complained that loyalist allies did not assert themselves in the defence and security of the Ninety-Six settlement. He complained that the settlement did not defend itself from Whig plunder and other cruelties. Loyalists were frequently terrorised 'by the Rebels in the most cruel manner, and not unfrequently murdered, [and] under circumstances of savage barbarity.'³⁴ British Colonel George Hanger characterised the South Carolina 'back-woodsmen' as tenacious enough to track an opponent over 'two hundred miles' and 'shoot him before his own door, and ride away to boast of what he had done on his return.'³⁵

Many of these murders and atrocities were motivated by the spirit of vengeance and of shifting loyalties before, during, and after the war. Rites of retribution were so pervasive and common that General Nathaniel Greene characterised the state of the backcountry as a 'butchery'.³⁶ Likewise, Continental Army Lieutenant Enos Reeves stated during the Battle of Camden in 1782 that 'the Whig and Tory inhabitants shot at each other, wherever they

³² Hooch, *Scars*, 128-31

³³ *ibid.*, 131

³⁴ Cornwallis to Lieutenant Colonel Kirkland, 13 Nov 1780 in Charles Ross, ed., *Correspondence of Charles, First Marquis Cornwallis* (London: John Murray, 1859), 1: 69-70.

³⁵ George Hanger, *The Life, Adventures and Opinions of Col. George Hanger, Written by Himself* (London: J. Debrett, 1801), 2: 405.

³⁶ Nathaniel Greene to Joseph Reed, 4 May 1781, Joseph Reed Papers 1757-1874, New York Historical Society.

happened to meet, as all parties rode with their rifles, and numbers of Whigs were murdered in their beds, and their houses destroyed.³⁷ It is also likely that many, who witnessed or were the targets of harassment or violence, would seek whatever form of retaliatory justice could be arranged, depending on the time and circumstance in which it occurred, against those who had harmed them or their families. For many, the backcountry war became personal, and the rites of improvisational brutality and murder were the means by which it was carried out.

An exemplar in the study of extralegal retributive violence of an improvised nature is that of William 'Bloody Bill' Cunningham. The history of Cunningham exemplifies how family loyalties could override political allegiances. Cunningham thought to be from Ninety-Six, was described as a young man whose 'political opinions leaned to the Whig side'. Nonetheless, like many who fought in the backcountry's 'civil war', he had family members whose allegiances did not align with his own. As a member of the rebel militia, he was charged for refusing to follow orders, court-martialled and acquitted. Sometime later, Cunningham, in Savannah, Georgia, in 1778, received news that his brother had been 'abused and murdered' by Whig Captain William Ritchie, a member of his former regiment who targeted Tory loyalists in the Ninety-Six, some say in personal retaliation for Cunningham's regimental behaviour. Ritchie had also reportedly abused Cunningham's bedridden father. This news enraged Cunningham, who swore revenge against Ritchie.³⁸

Unsurprisingly, Cunningham sought Ritchie to deliver his rage. He found the Ritchie residence and swiftly approached. Ritchie, outside at the time of Cunningham's arrival, reportedly proclaimed to a comrade, 'lord have mercy on me...for yonder is Cunningham, and I am a dead man'. Ritchie then ran over and attempted to escape over a fence, but Cunningham 'shot him down.'³⁹ Shortly thereafter, Cunningham was informed that rebel militia officer Samuel Moore abused his sister-in-law in an attempt to learn Cunningham's whereabouts. Enraged, Cunningham tracked him down and engaged Moore in a chase on

³⁷ John B. Reeves, ed., 'Extracts from the Letter-Books of Lieutenant Enos Reeves, of the Pennsylvania Line (continued)', *The Pennsylvania Magazine of History and Biography* 21, no. 4, 1897: 474-5.

³⁸ Samuel Curwen, *Journal and Letters of the Late Samuel Curwen, Judge of Admiralty, etc., a Loyalist-Refugee in England, during the American Revolution*, ed. George Atkinson Ward (New York: Leavitt, Trow & Co., 1845), 639-41.

³⁹ *ibid.*

horseback. Upon overtaking Moore, then in another act of vengeance, he 'cut him down with [a] sword.'⁴⁰

Little is known about Cunningham's exact whereabouts after the vengeance killings of Ritchie and Moore. However, he reappeared in June 1780 as a captain in the Tory militia unit commanded by his cousin Patrick Cunningham.⁴¹ It was likely that around this period, Cunningham began to engage in what would be called, in contemporary terms, guerrilla warfare. Cunningham developed a reputation as an exceedingly violent man who was unrepentant in the use of violence against Whig militia and their supporters and was responsible for the killing of rebel partisans in the north-western region of South Carolina.⁴²

At this point in his career, Cunningham committed one of the most notorious acts of brutality in the war. In late 1781, Cunningham and his men chose to avenge a rash of rebel victories in South Carolina. Maintaining considerable distance from Whig forces, he and his men began to engage in a campaign to 'plunder, burn and murder' the homesteads and settlements deemed to hold rebel sympathies.⁴³

Cunningham and his men occasionally instigated skirmishes with Whig militia units. On 16 November 1781, Whig commander Captain Sterling Turner, who had fought in battle with a comrade of Cunningham that afternoon, camped at Clouds Creek, South Carolina. Sometime after midnight, Cunningham attacked Turner's encampment, killing six men. Turner, who realised his position was untenable, offered to surrender after a two-hour fight. Cunningham, having no appetite for mercy, decapitated Turner with his sword and killed the remainder of Turner's men. One of those men, a militiaman named Butler, was 'tortured alive

⁴⁰ *ibid.*, 642.

⁴¹ Bobby Gilmer Moss, *Roster of the Loyalists in the Battle of Kings Mountain* (Blacksburg, SC: Scotia-Hibernia Press, 1998), 20-21. According to Moss, William Cunningham was present at the Battle of King's Mountain in Oct 1780. Curwen, *Journal*, 640-1.

⁴² Andrew Waters, 'William "Bloody Bill" Cunningham and the Bloody Scout', *Journal of the American Revolution*, 8 Jul 2021, accessed 13 Apr 2023, <https://allthingsliberty.com/2021/07/william-blood-bill-cunningham-and-the-bloody-scout/>.

⁴³ Ramsay, *History of South Carolina*, 257.

and it is said many other cruelties committed on him [too] shameful to repeat'.⁴⁴ This incident and others like it went beyond the battlefield; this was an act of improvised ritual cruelty.

Why had the backcountry become so inflamed by the type of atrocities discussed during the war? Klein offers a possible explanation. Similarly to the ambitious men with a 'dint of character' who coalesced around the movement that became the South Carolina Regulators, there were those in the backcountry who wielded considerable influence within their communities.⁴⁵ These men were often tradesmen whose livelihoods benefitted their surrounding communities. Depending on their allegiances to the Whig or Tory cause, these Backcountry elites could create substantial difficulties for those whose politics did not align with their own. Shop owners or gristmill operators, both essential to backcountry society, could turn away the business or other forms of the trade from individuals with whom they disagreed.⁴⁶ Residents, should their allegiances not align with local elites, often found they were 'debarred' from 'all trade with the country stores' and could find their very survival in jeopardy.⁴⁷ This meant that it was in the best interests of many to align themselves with these prominent individuals, even when their inclinations did not. Local elites used these tactics to maintain and assert their authority over those dependent upon their services or protection.

This type of local partisan leadership alone does not account for the brutality of the backcountry conflict. Klein's assertion that these local elites, Whig and Tory, had the means to enforce their political stances on the local population meant that one community aligned with one faction and a neighbouring settlement with another. Further complicating the social dynamic of the frontier was that any person who openly dissented from the orthodoxy of the elites may have found themselves an economic and social pariah. The region 'resembled a piece of patch work' that made 'continual inroads into one another's settlements.'⁴⁸ The

⁴⁴ LeRoy Hammond to Nathaniel Greene, 2 Dec 1781, *The Papers of Nathaniel Greene*, ed. Dennis M. Conrad (Chapel Hill: University of North Carolina Press, 2015), 9: 651.

⁴⁵ Brown, *South Carolina Regulators*, 25; Klein, *Unification of a Slave State*, 84-89.

⁴⁶ Klein, *Unification of a State Slave*, 85.

⁴⁷ William Drayton to Council of Safety, 16, 21, 1775, in Gibbes, ed., *Documentary History...1764-1776*, 141-150.

⁴⁸ Robert Gray, 'Colonel Robert Gray's Observations on the War in Carolina', *The South Carolina Historical and Genealogical Magazine* 11, no. 3 (1910): 153.

deeply partisan backcountry war, described as 'sanguinary' in its character, left the area unfit for human habitation.⁴⁹

Dependence, influence, and proximity were critical ingredients that undoubtedly served to intensify the conflict in the interior of South Carolina. The accelerant for backcountry atrocities centred on the ritual motive of retribution. So many were likely guilty of some manner of barbarism that, according to Aedanus Burke, 'there are not one thousand men in the County who c[oul]d escape the Gallows.'⁵⁰ This type of violence differed from the restrained nature of traditional forms of ritualised communal violence designed to intimidate or humiliate an offender as discussed previously; however, it would change the how communities responded to social, economic and political stressors in the months and years after the conflict.

The economic and social cost of the war was immeasurable, particularly for backcountry residents. Not only did the conflict impact the people, but it also left a devastated and 'dreary' landscape which inhibited social and economic recovery for many years afterwards. William Moultrie stated that livestock and wild animals were absent, and no 'vestiges of horses, cattle, hogs, or deer, &c. was to be found.' The only signs of life were 'camp scavengers...[who were] picking the bones' of the unburied dead.⁵¹

The state of South Carolina was ill-prepared to recover from the turmoil of the Revolutionary War and continued to face a considerable amount of disorder in the years following the Treaty of Paris in 1783, which formally ended the conflict. The nineteenth-century historian David Ramsay observed that 'The eight years of war in [South] Carolina were followed by eight years of disorganisation.'⁵² The trauma of the conflict and the subsequent

⁴⁹ *ibid.*, 154.

⁵⁰ Aedanus Burke to Arthur Middleton, 14 May 1782, Joseph W. Barnwell, ed., 'Correspondence of Hon. Arthur Middleton, Signer of the Declaration of Independence', *The South Carolina Historical and Genealogical Magazine* 26, no. 4 (1925): 200.

⁵¹ William Moultrie, *Memoirs*, 2: 354-5. In a footnote, Moultrie clarifies that the scavengers were 'turkey buzzards'.

⁵² Ramsay, *History of South Carolina*, 238.

‘disorganisation’ would profoundly affect the interior region, and deepen the sectional divisions within the state, already present before the war.⁵³

The first matter to sow division in backcountry society was the question of what to do with loyalist militia and sympathisers that remained in the state. The war officially ended; however, armed gangs called ‘out-Lyers’ by Burke continued to raid and plunder settlements in the interior. Recognising that the situation was intolerable, Governor John Rutledge wished to negotiate a settlement with these ‘banditti’ and offered terms that included pardons in an effort to speed reconciliation and thus recovery for the state.⁵⁴ Former American Continental Army officer and South Carolina militia Brigadier General Francis Marion acknowledged a similar sentiment the same year.⁵⁵

Despite the policy of forgiveness and reconciliation advocated by Rutledge and Marion, many South Carolinians were not willing to absolve the persons that many saw as responsible for the ‘uncommonly Cruel war’.⁵⁶ Rutledge, in a written address to the legislature in 1782 asserted that ‘the good People of this State have not only felt the Common Calamities of War, but from the Wanton and Savage manner in which it has been prosecuted they have experienced such severities as are unpractisd[sic] and will Scarcely be Credited by Civilized Nations.’ He further acknowledged that the treatment of loyalists in the state had been ‘Extraordinarily’ lenient. He informed the assembly that they must weigh the arguments regarding confiscating the property of accused loyalists.⁵⁷ The legislature responded. On 26 February, seeking to alleviate ‘the burden and expenses of the war’ that fell ‘on the distressed inhabitants of [the] State’, the assembly passed the Confiscation Act. The law enacted measures to expropriate the property, including any slaves, of specifically named loyalists residing within South Carolina. It was also stated that ‘instead of inflicting capital punishment on such persons, they shall be...forever banished from this State’, and if any person returns

⁵³ Nadelhaft, “The Havoc of War”, 107; Klein, *Unification of a Slave State*, 109.

⁵⁴ Aedanus Burke to Arthur Middleton, 15 March 1782, ‘Correspondence’, 201.

⁵⁵ Robert D. Bass, *Swamp Fox: The Life and Campaigns of General Francis Marion* (Orangeburg SC: Sandlapper Publishing Co., Inc., 1974), 236.

⁵⁶ Theodora J. Thompson and Rosa S. Lumpkin, ed., *Journals of the House of Representatives 1783-1784* (Columbia SC: University of South Carolina Press, 1977), 317.

⁵⁷ A.S. Salley Jr., ed., *Journals of the House of Representatives of South Carolina, January 8, 1782-February 26, 1782* (Columbia SC: The State Company, 1916) 9, 13.

after banishment, they would be tried, and if found guilty, 'suffer death, without benefit of clergy.' The legislation was targeted at a specific list of names and was not intended to be wielded against any persons not named by the legislature.⁵⁸

In the following year's legislative session, the Confiscation Act was expanded to include a larger group of individuals 'who have joined the enemy and withdrawn themselves' to British-held territory or loyalist militia units. This time Whig militia officers were told to 'make a just and true return...of all such person or persons...who have joined the enemy'. The property of these individuals was to be sold at auction with eight weeks' notice, and the proceeds were to be deposited into the state treasury. This legislation also reinforced the penalty for returning to the state after banishment, death following a public trial.⁵⁹

Complicating the move to seize Tory-owned property, the new governor, John Matthews, permitted British merchants to continue to trade in South Carolina for six months following his decision. This move permitted unrestricted trade by the merchants and to collect debts owed to them without interference by the state or any other party.⁶⁰ This angered some local Charleston merchants and, more importantly, backcountry farmers and others who, already incensed at the leniency shown to former loyalists, felt as if their concerns about this arrangement were not taken into account.⁶¹ Matthews action, although not a primary focus of backcountry anger, did little for backcountry residents, and deepened their resentment.

Despite the uncertainties of how former loyalists might fare amongst an angry citizenry, many in the legislature 'were softened with pity, and had compassion for their fellow citizens' who wished to return to and resume their lives in the state. Because of this, many accused Tories were removed from the confiscation and banishment lists, and their

⁵⁸ Thomas Cooper, ed., *The Statutes at Large of South Carolina; Edited, Under Authority of the Legislature* (Columbia SC: A.S. Johnston, 1838) 4: 516-23.

⁵⁹ *ibid.*, 4: 568-70.

⁶⁰ John Almon, *The Remembrancer, or Impartial Repository of Public Events for the Year 1783* (London: J. Debrett, 1783), 59-60; see also Nadelhaft, "'Havoc of War'", 111.

⁶¹ Klein, *Unification of a Slave State*, 124.

property was returned to them.⁶² Nonetheless, many in the backcountry were not ready to absolve their former neighbours for their actions.

Backcountry representatives and their constituents, who experienced the war first-hand, maintained a certain level of umbrage against their former loyalist foes. The backcountry men in the state assembly were described as 'of the lower and rougher class' and who 'breathed nothing but the bitterness of vengeance, and would hear of no forgiveness'.⁶³ Pierce Butler, concerned with the anger that emanated from backcountry legislators, stated in a message to James Iredell, that he would endeavour to 'instil into the minds of the back-country members, that mercy and forgiveness are Godlike virtues.'⁶⁴

By March 1784, the state assembly, no longer dominated by the interior district, 'postponed the banishment of over sixty persons and halted the further sale of seventy-one estates.'⁶⁵ Despite this reprieve of the 1782 Confiscation Act, the 1783 law that requested lists of names from militia officers remained. This list of persons, according to historian Jerome Nadelhaft, contained 678 names, all from Orangeburg, Camden, and Ninety-Six, areas that suffered significantly during the war. No names were returned from the lowcountry parishes, inclusive of Charleston.⁶⁶ This was most likely indicative of a deepening chasm between the coastal region and the interior, not simply based on economics or other forms of political preference, but by veterans of backcountry brutality.

Certain residents in the backcountry, unwilling to abide by the clemency offered by the legislature, exhibited their displeasure towards former loyalists returning to the backcountry. In April 1784, former Tory William Rees was assaulted after returning to his former residence at High Hills. Rees, described as having held a position as captain in the Whig militia, was imprisoned after the fall of Charleston in 1780. Paroled to his house, the British

⁶² Moultrie, *Memoirs*, 2: 325-6; Thompson and Lumpkin, *Journals of the House, 1783-1784*, 23-24.

⁶³ Johann David Schoepf, Alfred J. Morrison, ed., *Travels in the Confederation, 1783-1784* (Philadelphia: William J. Campbell, 1911), 204.

⁶⁴ Pierce Butler to James Iredell, 4 Feb 1784, Griffith J. McRee, ed., *Life and Correspondence of James Iredell, One of the Associate Justices of the Supreme Court of the United States* (New York: D. Appleton and Company, 1858), 2:87-8.

⁶⁵ Nadelhaft, "'Havoc of War'", 113; Cooper, *Statutes*, 4: 624-626.

⁶⁶ Nadelhaft, "'Havoc of War'", 113. Nadelhaft speculates that either the coastal region either lost their names list or ignored the act.

offered him a commission in the militia, which he accepted. In his new role, Rees had property belonging to General Thomas Sumpter seized and two Whig sympathisers arrested. Reportedly, Rees verbally abused one of the arrestees by threatening his life. Rees also was alleged to have ordered the execution of another by hanging. His tenure as a Tory militia officer, however, was short-lived. Having fled the American victory, he took refuge at St. Augustine in British-controlled Florida.⁶⁷

In late 1783, Rees petitioned the state assembly to have his banishment overturned and his property restored. His request was granted and he planned his return home. Rees' homecoming was not well-received. The following year, on 31 March, Rees arrived at the High Hill Tavern. Upon arrival was met by Patton Mahon, one of the men he abused during the war. Mahon was accompanied by 'other persons who said Tory Rees had used remarkable ill, when they were prisoners...under sentence of death.' At some point, there was a physical altercation between Rees and these men. On 3 April, unwilling to let the issue go, and in the tradition of the South Carolina Regulators,

'a few of the sons of Liberty, Archibald Henson, young John James, Seth Pool, Patton Mahon, Ambrose Gale, &c. went to said Rees's house, with good hickories in their hands, said Rees saw them coming, took a gun, went up stairs, and shut himself up in a room, the boys followed him, but Rees went out of a window, Pool pursued him, Rees got on the top of the house, Pool still pursued, caught, and brought him down, stripped off his shirt, and laid on his bare back, the juice of hickory, to the amount of fifty stripes.'⁶⁸

The Rees incident is unusually detailed and caused some commotion in Charleston. The *South-Carolina Gazette and General Advertiser* issued a rebuke to the abuse of Rees and the report of the incident. The newspaper stated the 'frolick, no doubt, took its rise in the country' and that 'the Champions of the town are again probably to strike some notable stroke for the admiration of their County Party. Thus we may have this blessed business

⁶⁷ 29 Apr 1784, *Gazette of the State of South Carolina*, Charleston Library Society or CLS. Henceforth, GSSC.

⁶⁸ *ibid.*

continued by action and re action, *ad infinitum*, if not timely Prevented.’ Furthermore, ‘if one man can pick out a Mr. Rees, against law,--another, and a third, and so on may pick out a Mr. Any-body and everybody; and then, What must become of Law, Order, and Government?’⁶⁹ This indicated that there was as much of a worry about publicising the attack on Rees, as the attack itself.

There is little to indicate if similar attacks, such as the whipping of Rees, were perpetrated on other former Tories or their sympathisers. The attack was a demonstration of power with the intent to humiliate, intimidate, and cause physical pain. The author of the report on the attack, only known as I.M.K., stated that ‘they...[did] not oppose the law’ and ‘if the Assembly had known the man, they would not have permitted him to return.’⁷⁰ This was even though Rees’s petition for the restoration of his citizenship and property garnered sixty signatures from area residents.⁷¹ The *South-Carolina Gazette and General Advertiser*, presumably speaking on behalf of coastal interests, opined that this behaviour and the report of the attack was unacceptable, and such behaviour threatened the economic and social reputation of the state.⁷² This debate reflected the intrastate sectional division that existed throughout much of the eighteenth century.

Backcountry opposition to the Tories returning would be demonstrated again in the *Gazette of the State of South Carolina* a few weeks later. On 6 May, a letter was published addressed to ‘Whig readers’ that conveyed that a group of twelve Tories, ‘who had been very active while the British forces were in possession of this State, and who had returned to their plantations on Fishing-Creek...were visited by the old neighbours, who were unfortunate enough to be on the Rebel side.’ The story continued that these ‘neighbours’ informed the former Tories that they were ‘obnoxious to those whom they had plundered and burnt out of house and home’ and ordered them to leave within twenty days. On the twenty-third day, those remaining in the area were attacked. The attack reportedly resulted in eight deaths and

⁶⁹ 11 May 1784, *South-Carolina Gazette and General Advertiser* (Charleston). Henceforth, SCGGA.

⁷⁰ 29 Apr 1784, GSSC, CLS.

⁷¹ ‘Inhabitants Of S.C., In Behalf of William Rees, Petition Citing His Many Services to the American Cause and Asking that His Property and Citizenship Be Restored to Him’, 1783. loc. S165015 00367, SCDAAH.

⁷² 11 May 1784, SCGGA.

the escape of four other persons.⁷³ No further detail of this attack was reported in any other South Carolina news outlet. Nadelhaft speculated, probably correctly, that the newspaper was attempting to 'stir up anti-Tory and anti-British sentiment in Charleston'.⁷⁴ Few, if any, other reports offer any information about the ritual abuse of former or accused Tory Loyalists returning to their property in the interior of South Carolina.

Anti-Tory sentiment continued to linger in the backcountry. In a letter entered into the record during the legislative session on 24 January 1787, it was reported that 'Three persons who distinguished themselves in His Britannic Majesty's Cause in the late war' presented themselves as candidates for public office in the 'Lower District between Broad and Saludy Rivers'. In response, a group calling themselves 'of the Whig party...Collected a Mob, and with force wrested the Box which contained the Votes from the Holders, and destroyed both'. The letter expressed disappointment that the 'Broils and Feuds' between former the Whigs and Tories and requested advice from the legislature on how to proceed.⁷⁵ This incident and the number of years that spanned the assault of Rees, the reported murder of the Tories returning to their property, demonstrated that Whig animosity toward former loyalists remained an issue for years after the end of the war.

Resentment from the former Whigs was not the only challenge backcountry residents faced in the post-war period. Compounding the tensions regarding former Tories was a notable increase in vagrancy and crime in the backcountry. Much of the region, by 1784, had only begun to experience a partial recovery. In many counties, the soil remained fertile ground for aspiring planters, yet many of those inhabiting the land lived in a state of deprivation. On a tour of the backcountry, William Drayton noted that the houses along the road, in many cases, were best described as 'Huts...built of logs' that were 'open to the Wind and Rain'. The simple dwellings were 'inhabited by a Parcel of half naked Beings, almost every one without shoe or Stocking.'⁷⁶ The ruin of war and people in a state of pervasive poverty

⁷³ 6 May 1784, GSSC, CLS.

⁷⁴ Nadelhaft, "'Havoc of War'", 120.

⁷⁵ Thomas Gordon and Robert Rutherford to John Fauchereaud [sic] Grimke, 24 Jan 1787, Michael E. Stevens and Christine M. Allen, ed., *Journals of the House of Representatives 1787-1788* (Columbia SC: University of South Carolina Press, 1981), 11.

⁷⁶ Keith Krawczynski, 'William Drayton's Journal of a 1784 Tour of the South Carolina Backcountry', *The South Carolina Historical Magazine* 97, no. 3 (1996): 198-9, 204.

provided a setting for an increase in vagrancy and crime. It was also an environment in which old wartime grievances could be satiated.

During his tour of the backcountry, Drayton was advised to alter his journey due to 'recent accounts of a number of Horse-Thieves' on the 'Road through the Forks of Saluda & Broad River'.⁷⁷ Similarly, a letter from Fishing Creek that same year stated, 'There is not one week but what there is a Robbery committed or Horses stolen__They are robbing of Travellers in open daylight upon the Highway, and it appears to be out of the power of the Law to suppress'. The author, William Bratton, informed Governor Benjamin Guerard that 'we have no goal nor place of confinement' to hold wrongdoers accused of any crime. Butler further stated that this was as difficult a situation as those in his war faced during the later years of the war.⁷⁸

Stealing horses, one of the most prominent crimes in the decade preceding the war, remained prevalent in the backcountry. This offence was a particular issue in the Ninety-Six district. In response, the state assembly authorised that the penalty for first-time offenders of this crime would be raised from public whipping to death. The Ninety-Six grand jury had requested this change in the law as early as 1780. Even though it was not passed until 1784, this likely reflected that some instances of vigilante action did take place prior to the change in the state legal code.⁷⁹ Although no record of these instances has been found in the historical record, it is reasonable to assume that those incidents could have involved the whipping or execution of an offender.

Arrests of those accused of serious crimes, such as horse stealing, would have, on occasion, provided an opportunity to satisfy personal vendettas against criminals who had committed violent and atrocious deeds against fellow South Carolinians during the war. Furthermore, unlike ritualised whipping of offenders, as had been commonplace during the Regulator movement, a few notable incidents resulted in the deaths of the alleged offenders.

⁷⁷ *ibid.*, 197.

⁷⁸ William Bratton to Governor Benjamin Guerard, 26 Feb 1784, loc. S165009 0276, SCDAH.

⁷⁹ Nadelhaft, "'Havoc of War'", 119; McCord and Cooper, *Statutes*, 4: 622.

One example of postwar ritual retribution involved the extrajudicial execution of an individual that occurred during a session of the circuit court at the settlement of Ninety-Six. The accused, known by the name Loveless, was accused of stealing one or more horses. He was arrested and brought to trial for his alleged crimes. The presiding judge, Aedanus Burke, witnessed all that transpired during and in the immediate aftermath of the verdict. Loveless, well known to the surrounding area as a former Tory, was known for stealing from others and had been 'one of a murderous band, which had killed General Butler's father and uncle' during the war. However, the prosecution had not presented convincing evidence for a conviction. The jury, in response, returned a verdict of not guilty. Shortly after the decision was announced, a group of men led by Butler entered the courtroom and forcibly seized Loveless in front of 'judge and jury...before he could be released from the bar.' No one in the courthouse, including Burke, attempted to intervene. The men, reportedly enraged not only by the acquittal but by the supposed atrocities committed by Loveless, 'carried him into the court-yard, and they hanged him on a tree' adjacent to the courthouse.⁸⁰ The execution not only signified that Loveless was not going to be allowed to leave the court a free man, but it also demonstrated that the judiciary could not stop the pursuit of vigilante 'justice'. The hanging was a retributive ritual execution conducted in public without fear of arrest by the authorities.

Another incident, similar to Loveless hanging, was definitively motivated by revenge and premeditated and occurred in Greenville. A man referred to as 'Bloody Bates' was jailed on the charge of horse thievery. Identified by witnesses as a former Tory, Bates had reportedly led an attack on a small settlement in the Ninety-Six district called Gowan's Fort. The attack, perpetrated by a Tory-allied group of indigenous tribesmen and militia, led to the massacre of all but one inhabitant of the settlement. The sole survivor of that attack, a man known as Motley, travelled to the jail to exact justice. Motley and a group of his comrades entered the jail and forcibly removed the prisoner. Bates was then taken 'out a short distance' and executed by Motley. Even though Motley allegedly committed the murder, he was never

⁸⁰ Joseph Johnson, *Traditions and Reminiscences Chiefly of the American Revolution in the South: Including Biographical Sketches, Incidents and Anecdotes Few of which have been Published, Particularly of Residents in the Upper Country* (Charleston: Walker & James, 1851), 427-8.

held to account for his actions by the authorities. Motley lived another ten years as a 'respectable' free man.⁸¹

In comparison to the campaigns of the Regulators, these incidents hold very little in common with the norms of eighteenth-century rough music or political protest. On the other hand, these two incidents were explicitly ritual retaliatory reprisals. They were symbolic of the ire held by many in the backcountry who were victims of plunder, arson, and murder. Nonetheless, there are parallels with traditional forms of communal violence. The perpetrators demonstrated that they would not tolerate leniency toward those who had offended the local community during the war and that the community, in the form of extrajudicial executions, would be the final arbiter of justice. Both assassinations were committed in public view, and there is no evidence that either Bates, Motley, or any other co-conspirator was charged with any violation of the law. The local authorities, and by extension, the community, did not attempt to sanction any participant, legally or socially. The assassinations were tacitly approved, even if not judicially sanctioned.

These two examples were expressions of power. The assailants demonstrated power over an offender and were simultaneously rebuking the legal system for not administering justice in a manner felt by the local community to be sufficient for the crimes of these men. They were, however, not grand demonstrations of political anger or a rebuke of authority on a grand scale, as seen in earlier movements in the Carolinas or the north of Ireland in the 1760s and 1770s. This type of communal violence resulted in death, not intimidation and humiliation. These outcomes resulted from anger, not only of the two assailants but of the frustration and resentment many in the backcountry felt for the leniency shown towards specific individuals connected to horrific acts of barbarity during the war. Burke stated in 1783 that a 'spirit of private revenge' had taken over the state, and such behaviour had 'a direct tendency to create disorder and anarchy'.⁸² This was an exemplar of what Burke feared.

⁸¹ *ibid.*, 428-9; John B.O. Landrum, *Colonial and Revolutionary History of Upper South Carolina, Embracing for the most part the Primitive and Colonial History of the Territory Comprising the Original County of Spartanburg with a General Review of the Entire Military Operations in the Upper Portion of Upper South Carolina and Portions of North Carolina* (Greenville SC: Shannon & Co., 1897), 360-3. Johnson stated that Bates was killed inside the jail, whereas Landrum portrays the incident as involving other men, who removed Bates and assassinated him away from the jail.

⁸² Almon, *The Remembrancer*, 1783, 287.

Despite the brutality demonstrated in these two cases, other substantial difficulties would continue to plague South Carolina in the post-war era.⁸³

The problem of vagrancy, similar to the type which precipitated the Regulator campaign on vice, plagued the war-ravaged backcountry. In April 1784, the Grand Jury for the Georgetown district issued a public list of grievances complaining of the 'idle and dissolute' as a danger 'to the public peace'. Furthermore, it was asked if any 'bad consequences could...result from putting in force the ancient statute laws...[that involved] whipping them publicly, if they were strangers...and compelling them to labour,' if they were area residents. The coastal parish of Beaufort issued a public grievance regarding similar conditions in November of the same year.⁸⁴ Perhaps this resulted from the socio-economic conditions outside of Charleston; however, Burke offered an alternative explanation. He stated that there was contempt for 'civil order' and a 'love of pleasure and dissipation' which had taken hold in sections of South Carolina.⁸⁵ Regardless of the reasons why, vagrancy and disorderly behaviour needed to be addressed by the government, or risk having extrajudicial forces who would.

In response to idleness and other forms of vice, and because of the possible economic ramifications of not doing so, the legislature did act, albeit not as urgently as many would have wanted. In 1785, the state legislature passed a bill to allow 'several counties' to 'have the power to erect...at the charge of such county... [a] court-house... [and] county goal...together with a pillory, whipping post and stocks'. This initial legislation, part of a larger bill to create counties from larger colonial-era districts, only empowered the counties to handle their criminal courts and the punishment of offenders. It was not until 1787 that the legislature passed bill number 1376 to suppress vagrancy and 'other Idle and Disorderly Persons'. This law aimed to suppress not only vagrancy but horse stealing, abusing slaves, gamblers, and people who harboured criminals. Punishments for violating this law included

⁸³ Nadelhaft, "'Havoc of War'", 117.

⁸⁴ 8 May, 11 Nov 1784, SCGGA.

⁸⁵ Almon, *The Remembrancer*, 1783, 286.

being committed to jail and, or public whipping. Magistrates who failed to implement the law were liable to be fined.⁸⁶

The incidents that did occur but were lost to the historical record were indicative of discontent directed toward not only criminals and former Tories but also of dissatisfaction at the socio-economic condition that many in the backcountry experienced in the years following the war. For area residents, conflict had not ended; it had simply changed. Those resentments would be felt throughout much of the region because of a court system that many felt existed to serve the needs of outside interests, to the chagrin of backcountry society.

As previously discussed, the Charleston-based government of South Carolina, eager to facilitate an economic recovery from the war, allowed British merchants to remain in the state for a limited period. As part of this agreement, merchants were allowed to demand payments from debtors. This debt, much of it accumulated during the British invasion of South Carolina, set the stage for a crisis due to the inability of planters to satisfy their creditors. As a result, planters in the coastal region were experiencing distressing levels of debt. Nevertheless, it also impacted backcountry residents drawn into the crisis by their inability to satisfy creditors in the state, who were indebted to British merchants.⁸⁷

Burke noted that by the early to mid-1780s, there was a convergence of British merchants, former Tories, and elites who had served in the American Continental Army to ‘subvert the rights and privileges’ of the ordinary class of citizen who had borne the burden and cost of fighting the war.⁸⁸ Together this unlikely coalition, ‘monopolized...trade, speculated on our necessities...[and] plunged us into...debt’ according to Burke.⁸⁹ This debt was a concerted effort to upend the financial independence of the large planters in the state. However, it is unclear if Burke understood the depth of despair these debts placed on

⁸⁶ Cooper, *Statutes*, 4: 664, 5: 41-3.

⁸⁷ Klein, *Unification of a Slave State*, 123-6.

⁸⁸ George C. Rogers, “Aedanus Burke, Nathaniel Greene, Anthony Wayne, and the British Merchants of Charleston”, *The South Carolina Historical Magazine* 67, no. 2 (1966): 79.

⁸⁹ Aedanus Burke, *A Few Salutory Hints, Pointing Out the Policy and Consequences of Admitting British Subjects to Engross Our Trade and Become Our Citizens* (New York: S. Kollock, 1786), 4.

backcountry farmers with much to lose and no ability to delay their creditors. Left with few options, upstate agrarian interests would turn to threats and protests.⁹⁰

As backcountry debtors found themselves unable to keep pace with payments on their obligations, creditors utilised the courts to attempt to enforce actions against delinquent borrowers, possibly hoping to 'get into their possession the plantations of their debtors for much less than their value.' Sheriffs, as officers of the court, often found themselves targeted as they attempted to serve writs against planters. In one such instance, Whig veteran Colonel Hezekiah Mayham, upon being served by the sheriff, 'obliged him to eat it on the spot.'⁹¹

Anger from backcountry creditors boiled over into a protest in the spring of 1785. Circuit Judge John F. Grimké, who intended to oversee the court session there, stated that upon arrival at Camden he was informed that 'Persons from the Vicinity of the High Hills of Santee had the head of the several branches of black River had associated to interrupt the proceedings of the Court.' Despite the warning, the session on 26 April went ahead as planned. By the following morning, persons had arrived 'the night before' and 'they were extremely resolute and determined to stop the proceedings' that morning. In an effort to end the session, many within the group engaged in a series of threatening speeches aimed at prospective jurors. The protestors believed the court session could not proceed on that day if the jury were not seated. Grimké, who was defiant, knew he could select a secondary jury from those near the courthouse and hoped that a brief delay would allow a 'sufficient force' to gather to 'deter them from their proceedings.'⁹² Unbeknownst to Grimké, the protestors were not so easily dissuaded.

As Grimké took his seat, one of the protestors 'began to call over a list of several names' intending to intimidate the jury.⁹³ The sheriff asked for the man's name and why those

⁹⁰ Klein, *Unification of a Slave State*, 126-7.

⁹¹ Timothy Ford, Joseph W. Barnwell, ed., 'Dairy of Timothy Ford, 1785-1786. With notes by Joseph W. Barnwell (Continued)', *The South Carolina Historical and Genealogical Magazine* 13, no. 4 (1912): 193.

⁹² Robert A. Becker, 'John F. Grimke's Eyewitness Account of the Camden Court Riot, April 27-28, 1785', *The South Carolina Historical Magazine* 83, no. 3 (1982): 210-1. Grimké discussed selecting Tales to supply a jury for the day. Tales, as explained by Becker, 'were persons added to a jury' if an insufficient number of jurors showed to court.

⁹³ Grimké later stated that Hill believed he was reading out the names of the Common Pleas Jury when it was the list of Grand Jurors he was reading.

names were read aloud and received no reply. Grimké then ordered the sheriff to apprehend the man, identified only by his surname, Hill, who audibly repeated the list of names. Hill was then surrounded by his comrades with the intent to protect him from the sheriff. Grimké, agitated, descended from his seat towards Hill. The protestors then ‘fled crying out “here he comes, here he comes.”’ The jury then urged Grimké to restrain himself and informed him that they feared they would be overwhelmed by the group should he continue. Grimké then appealed for assistance, but the ‘malcontents had...dispersed themselves thro’ out the village of Camden’. The attempt to deter the jury had worked. Many called to sit on the jury that day ‘had quitted the Town with precipitancy and apprehension.’ By this time, Grimké had no choice and adjourned the court session until months later, in November.⁹⁴

Similar court disruptions spread throughout other areas of the state. By November, ‘no officer of justice “dare serve a writ, or levy an execution”’ outside of Charleston.⁹⁵ The court system was paralysed. In response, the general assembly passed legislation to pacify dissenters and stabilise an increasingly chaotic situation within the county courts. The first of these, in 1785, allowed indebted property owners to offer self-selected portions of their land to creditors in lieu of debts. Also, the state passed a law that year, creating new counties and authorising their respective county courts from larger districts. In 1787, another act passed into law that allowed debtors to remit payments to creditors in instalments rather than lump sum payments as had been customary.⁹⁶

These acts only partially satisfied the grievances of backcountry residents. Increasing the number of courts meant that juror service was more frequently demanded of area residents, while others decried the insufficiency of the new county courts. According to Klein, central to these problems were the justices appointed to the county courts by the state legislature. Many of them, drawn from backcountry elite, were inexperienced and perhaps not always attuned to the demands of the citizens of their respective counties. Moreover,

⁹⁴ *ibid.*, 212-3.

⁹⁵ 26 Oct 1785, *The Columbian Herald or the Patriotic Courier of North-America*.

⁹⁶ Cooper, *Statutes*, 4: 710-6, 5: 36-8.

despite the legal remedies passed by the state assembly, high levels of debt continued to threaten the economic feasibility of backcountry planters.⁹⁷

In February 1790, discontent over the inability of debtors to satisfy their creditors and lack of specie spilt into violence in Winton County. Despite having submitted petitions to the state requesting that the county court be suspended and for debt relief, no substantive action was taken on their behalf.⁹⁸ As a result, later that year, and during the opening session, agitated protestors forced the court session to end. A local militia captain, John Wickly, 'encouraged by Col. Willm[sic] Davis, John Redd, & others' told those assembled that 'there should be no more County Courts' and 'tore down from the Court House all the Sheriff's Advertisements for Sales' that were levied against those who held outside debts and that 'there should be no more Sales of Property in this County'. The demonstrators then 'pulled down the justices' and jurymen's benches' and also 'took the Clerk's Table, opened the Drawer and threw out into the Rain.' The following day, the building was set ablaze.⁹⁹

This action, similar to the property destruction of the North Carolina Regulators on the courthouse in Hillsborough and of Edmund Fanning's house and the actions of the Hearts of Steel in Ireland in the late 1760s and early 1770s, demonstrated total contempt of the entire situation and was a typical collective political protest. The legislature had not substantively addressed the issue of oppressive debt, and Winton County residents, after years of no relief, acted.

As Klein notes, it would be a mistake to assume that the rioters were simply poor inhabitants of Winton County. They faced a significant amount of indebtedness due to their investments in land and slaves. This is not to say that those who had participated or abetted in the attack on the Winton courthouse had wealth that rivalled that of the elite coastal

⁹⁷ Klein, *Unification of a Slave State*, 136-8.

⁹⁸ Winton County, Petitions, 1788, loc: S165015 0002; 20 Oct 1788, loc: S165015 00074; 18 Jan 1791, loc: S165015 00063, SCDAH. The SC House of Representatives voted to suspend courts in Winton and Orange counties in 1789, but these efforts were defeated in the Senate. See Michael E. Stevens and Christine M. Allen, ed., *Journals of the House of Representatives 1789-1790* (Columbia SC: University of South Carolina Press, 1984), 173-4, 178-80, 215-8.

⁹⁹ Barnwell County (Winton County), County and Intermediate Court Minutes, 1786-1791, WPA Transcription, 65-33-116, 1936, loc: L06011, SCDAH. John Davis, Charles J. Brown, William Sturgis, and Daniel Green were reported to have also encouraged Wickly and the mob.

planters, but that they were aspirational in terms of their economic fortunes and had accrued significant levels of debt in the process.¹⁰⁰ This was primarily, but not exclusively, an aspirational group of influential people, frustrated by the inaction of the legislature, who took action to subdue the immediate threat of the court who could expropriate their property. It is not entirely different from the type of people who sympathised with or participated in the Regulator movement in South Carolina before the war. Much like that movement, this was an expression of frustration toward the Charleston-based government and an expression of intrastate sectional power. The burgeoning backcountry planter class expressed not only through petitions but also violent action that they would not allow the sale of their property to satisfy outside interests without consequence.

Dissatisfaction and anger at state courts was a phenomenon that was by no means isolated to South Carolina. Courts were besieged in Massachusetts during the campaign, known as Shay's Rebellion. Civil unrest was linked, as in South Carolina, to economic woes, including the inability of plebian farmers to service their outstanding debts. At least at the beginning of the Shay's movement, a common ritual practice was to block the entrance of local courthouses by gangs of armed men. However, this campaign was far more widespread and organised than anger at South Carolina courts. Shay's Rebellion was not a random outburst but a well-organised movement that spread outside of Massachusetts and into neighbouring states, including much of New England and New York. It is also worth noting that many of those who participated in acts of ritual protest used the term Regulators to describe themselves. The movement's adherents primarily focused their anger on debtor's courts and, in some instances, set buildings, including courthouses, on fire.¹⁰¹ While the causes of Shay's Rebellion are complex, there are similarities with the attacks on South Carolina courts particularly in the use of arson and attempts to interrupt court sessions.

For many in the backcountry, the war did not simply end with the formal conclusion of hostilities. The post-war decade was a period of conflict and created opportunities for many aggrieved to satisfy their vendettas against those who had abused them and their

¹⁰⁰ Klein, *Unification of a Slave State*, 137-9.

¹⁰¹ David P. Szatmary, *Shays' Rebellion: The Making of an Agrarian Insurrection* (Amhurst MA: University of Massachusetts Press, 1980): 56-7, 79, 112-3.

families. The state, hoping to encourage an environment of reconciliation and economic stability, often remained, at times, unconcerned with the 'ruins & devastations of the late unnatural war'.¹⁰² The region's residents, who had experienced indescribable losses, were distressed by the return of the former foes to the state, and by interests who had taken advantage of their economic condition.

The state government, perhaps not wholly aware of the experience and reality of its backcountry residents, was, at times, indecisively slow to respond to many grievances and was paralysed by the desire for some measure of reconciliation between their former enemies and to spur economic recovery for the state. Those in the backcountry would take the opportunity to express their displeasure through the abuse, and on occasion, murder, of former Tories through new and less elaborate forms of ritual violence as perhaps had been customary in the decade before the war. Area residents would also protest the dispossession of their properties at sheriff's sales through verbal harassment and, in one case, the burning of a courthouse.

The types of protests and violent actions during these years indicated a sense of immediacy felt by those who expressed their displeasure. Unwilling to allow their former abusers to live amongst them, there were no reports of flags, mock tribunals, or performative noise. Only the urgency of action executed against their foes, inclusive of former Tories or officers of the court. These acts were performative and ritualistic in that they were conducted openly and without fear of arrest from legal authorities or interference from state agents but lacked, in most cases, the symbolic nuance of the Regulator movement. This behaviour reflected a republican sensibility and the reality of society in the southern frontier, uncoupled from customary British norms of expression and protest.

In comparison, the years following this period were relatively stable, with no significant movements or campaigns of civil disorder in the old backcountry resulting in communal violence and protest on par, comparable with the atrocities committed during the war and immediately afterwards. While some of this may be attributed to the spread of the

¹⁰² Inhabitants of Winton County, Petitions, 20 Oct 1788, loc: S165015 00074, SCDAH.

Second Great Awakening and the religious fervour that spread into many rural areas in South Carolina after 1800, it may also reflect the movement of the southern frontier into the Mississippi Territory and further afield as settlements expanded westward outside of the state.

Chapter Six: Sectarian Brutality in County Armagh, 1783-1797

The violent sectarianism associated with the history of Ulster is not solely connected to the Troubles of the twentieth century but is irrevocably linked to a multi-year campaign of violence between Protestant and Catholic adherents that occurred in the late eighteenth century. These events, commonly called the Armagh Disturbances, often resembled ritualised warfare more than political protest and simple expressions of collective discontent. These events precipitated religious violence that consumed the north of Ireland for nearly two centuries.

Many scholars who have studied these events focused on the motivations of the participating factions and not on types of violence and how they intersect with ritual protest and expressions of power. Few, if any, have attempted to analyse and interpret the ritual practices of procession, plunder, property destruction, maiming, and murder in County Armagh during this period. This chapter will discuss the types of violence wielded by various factions within the Armagh disturbances, notable incidents of atrocity, and an interpretation of the meaning behind these events.

Researchers have often centred on the social, political, and economic rationales for the disturbances. This has often focused on the financial stresses that many families experienced in the last decades of the century. Specifically, significant numbers of the tenants of County Armagh made their living working as linen weavers. Many of these had eschewed agricultural pursuits altogether in favour of linen production by the latter one-third of the century due to the enterprise's profitability. Weaving was, for a time, primarily an activity of Protestant families in the county, yet Roman Catholics realised that this pursuit was also a means to improve their quality of life and began to undertake the practice.¹ These new entrants into linen production brought increasing competition for smaller tracts of land and tenancy, so that both Catholic and Protestant alike found themselves in increasing in

¹ David W. Miller, 'The Armagh Troubles, 1784-95', in *Irish Peasants: Violence & Political Unrest 1780-1914*, ed. Samuel Clark and James S. Donnelly (Madison WI: University of Wisconsin Press, 1983), 160-3

competition with one another.² Underscoring this dynamic was a set of economic and social circumstances that differed significantly from those in other areas of Ulster, which contributed to the sectarian violence that took place in the county.³

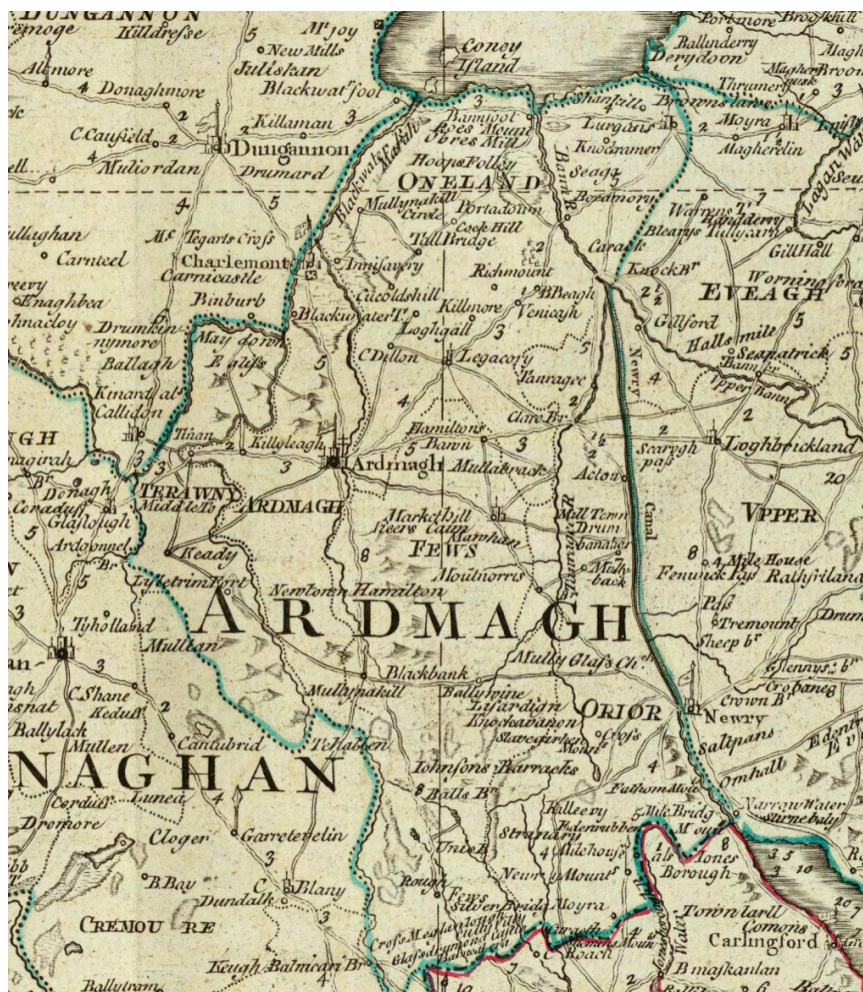


Image 7: Map of County Armagh in 1790 ⁴

The competition for land and economic grievance accentuated an already prevalent social divide that had existed throughout the century, that of a two-class system that placed Roman Catholic adherents at the bottom of a tiered system of justice and rights, one that prioritised the citizenship of members of the established Anglican Church of Ireland, and at

² Brendan McEvoy, 'The Peep of Day Boys and Defenders in the County Armagh, *Seanchas Ardmhacha: Journal of the Armagh Diocesan Historical Society* 12, no. 1 (1986): 125.

³ Peter Gibbon, *The Origins of Ulster Unionism: The Formation of Popular Protestant Politics and Ideology* (Manchester: Manchester University Press, 1975), 22-43.

⁴ John Rocque, *A map of the Kingdom of Ireland (Northern section)* [map]. 1790. 1: 38,000. London: Robert Sayer. David Rumsey Map Collection, <[https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~3639~420014:A-map-of-the-Kingdom-of-Ireland--No?sort=Pub_List_No_InitialSort&qvq=g:A%20map%20of%20the%20Kingdom%20of%20Ireland%20\(Northern%20section\);sort:Pub_List_No_InitialSort;lc:RUMSEY~8~1&mi=0&trs=1](https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~3639~420014:A-map-of-the-Kingdom-of-Ireland--No?sort=Pub_List_No_InitialSort&qvq=g:A%20map%20of%20the%20Kingdom%20of%20Ireland%20(Northern%20section);sort:Pub_List_No_InitialSort;lc:RUMSEY~8~1&mi=0&trs=1)> (accessed 5 Oct. 2023).

least, in part, the rights of dissenting Protestants, most of whom were Presbyterians. This legal system of religious apartheid was arguably designed to maintain the ascendancy of Protestants in the country of Ireland, which was numerically majority Catholic.⁵ These laws, commonly referred to as the penal laws, were a series of acts passed by the Irish Parliament in the seventeenth and eighteenth centuries. In addition, there were sectarian tensions that were almost certainly rooted in stories told of the massacres of Protestants at the hands of Irish Catholics in the previous century. During the Irish rebellion of 1641, an ‘incredible Number of Protestants’ inclusive of ‘Men, Women, and Children’ were either murdered outright or ‘perished by Hunger and Cold’ at the hands of Irish Catholic rebels.⁶ While it is unknown as to what degree this played directly in the disturbances, it certainly contributed to an atmosphere of danger and suspicion. Adding to this, by the late eighteenth century, many of the restrictions placed on Catholic participation in the social and economic life of Ireland were under consideration for repeal or had already been abolished.⁷ This undoubtedly put some strain on the lower order of young Protestant men whose only recompense for their station in society was that at least they were not Catholics. The men who participated in the initial outbreak of sectarian violence claimed that enforcement of one of these laws was why they were able to claim legal justification for their actions. However, the initial acts of violence connected with the Armagh disturbances were not, at least initially, sparked by sectarianism.

The principal document which most historians use to interpret the events in County Armagh, *An Impartial Account of the Late Disturbances in the County of Armagh*, was written by J. Byrne, who has since been cautiously identified as John Byrne, an Armagh resident who was later selected by area residents as their representative on the Catholic Committee in 1790.⁸ His narrative of the disturbances, which is central to understanding the first years of these events, was published in 1792. Byrne’s attributed the start of the violence to a

⁵ Oliver Rafferty, *Catholicism in Ulster, 1603-1983: An Interpretative History* (Columbia SC: University of South Carolina Press, 1994), 57-8; Gibbon, *Ulster Unionism*, 32-33.

⁶ Edward Hyde, earl of Clarendon, *The History of the Rebellion and Civil Wars in Ireland with the true State and Condition of that Kingdom before the Year 1640; and the most material Passages and Actions which since that Time have contributed to the Calamities it hath undergone* (London: H.P., 1720), 12. See also Aidan Clarke, ‘The “1641 massacres”’ in *Ireland: 1641 Contexts and reactions*, ed. Micheál Ó Siochrú and Janes Ohlmeyer (Manchester: Manchester University Press, 2013), 37-51.

⁷ Sean Farrell, *Rituals and Riots: Sectarian Violence and Political Culture in Ulster, 1784-1886* (Lexington KY: University Press of Kentucky, 2000), 19.

⁸ Miller, ‘Armagh Troubles’, 165.

disagreement and subsequent brawl between two men. This event precipitated a chain of events that would leave County Armagh ablaze with sectarian hatred and suspicion. It is worth noting that this initial incident, which took place on 4 July 1784 at a fair in Mountnorris, involved two inebriated men. The men fought, and the loser of this contest, embittered, vowed vengeance against his opponent. This individual, thought to be from the village of Edenknappagh, became infatuated with his former opponent and his associates. His infatuation resulted in the emergence of a gang known as the Nappach Fleet.⁹ The formation of this group, appeared to initially be solely concerned with retaliating against the victor and any of his friends.

Byrne stated that during the initial gathering of the Nappach Fleet, the group's commander, a supposed Roman Catholic whom he mockingly dubbed 'Captain Whiskey', eagerly 'proposed an advance, all the beef and bacon that could be found in any of the houses of the victor's friends, together with arms of any sort', in a campaign of plunder against his opponent's comrades. Captain Whiskey further encouraged his associates to 'cut the web of the looms' in the houses of his targets 'and to be sure not to spare the beds by any means in their search of arms!'¹⁰ Undoubtedly, this was a tactic that the Nappach Fleet hoped would bolster the group's numbers and excite them through a campaign of terror against their opponents. This incitement to plunder foreshadowed the tactics that would be widely employed in subsequent years.

Following the initial plundering activities of the Nappach Fleet, other 'factions' began to coalesce in County Armagh. These gangs, not unusual in Ulster during this period, were not thought to be sectarian in any identifiable manner. They were 'associations...formed of a parochial nature' and tended to come from territorial divisions in County Armagh. Moreover, they were primarily composed of 'journeymen weavers' who were members of the lower strata of Armagh society. Two other gangs were known to have formed during this period:

⁹ J. Byrne, 'An impartial account of the late disturbances in the county of Armagh', in *Peep O' Day Boys and Defenders: Selected Documents on the County Armagh Disturbances 1784-96*, ed. David W. Miller (Belfast: Public Record Office of Northern Ireland, 1990), 11-3; McEvoy, 'Peep of Day Boys', 128. Byrne stated that the fight was near Markethill; McEvoy narrows this to Mountnorris.

¹⁰ Richard Musgrave, *Memoirs of the Different Rebellions in Ireland, from the Arrival of the English: also, A Particular Detail of that which Broke Out the XXIIID of May, MDCCXCVII; with the History of the Conspiracy which Preceded It*, (Dublin: Robert Marchbank, 1801), 54; Byrne, 'Impartial Account', 13.

the Bawn Fleet, named for the village of Hamilton's Bawn, and the Bunker's Hill Defenders, which Irish historian Brendan McEvoy suggested would have likely emerged from the Bunker's Hill area in Edenknappagh. Notably, the Defenders, thought to have originated in a Catholic neighbourhood, had initially chosen a dissenting Protestant minister as their leader. The Defenders and the Bawn Fleet opposed the Nappach Fleet.¹¹

While little is known about the specifics of what transpired between these gangs in the early months of 1785, what is clear is that during the first half of the year, the Nappach Fleet replaced its leader. The group also reportedly engaged in multiple incidents of plunder in a search for weaponry. In Terraskane, the Nappach Fleet 'forced open many doors in that quarter and carried off four guns without doing any more harm.'¹² The Nappach Fleet also ventured into the area of Ballymanob to plunder the houses of residents there and 'entered the house of [a] Mr. Callaghan, searched for arms, but found none, except an old sword'. Unexpectedly, Callaghan treated the men with kindness and hospitality, which impressed the gang so much that they left the sword and vowed 'that they never more would disturb his family', a promise that was kept in the forthcoming years. However, other residents in the area were not as cordial as Callaghan. Several victims of the raids, including several poor women 'swore that they would sell their clothes, to buy guns to shoot the rogues, before they would be tossed out of their beds at night any more: and so many of them did'.¹³

Sometime after Whit Monday, which would have been near to mid-May 1785, the gangs began to segregate and 'to enlist under the banners of religion'. According to avowed Protestant Sir Richard Musgrave, the 'Roman Catholicks shewed[sic] uncommon eagerness to collect arms', and as a result, 'the presbyterians began to disarm them.' Although Musgrave is almost undoubtedly biased and does not offer a sufficient explanation of how the sectarian divide occurred, it should be adequate to understand that it did happen. It is reasonable to assert that the Protestants of the Nappach Fleet became enraged at any armed resistance to

¹¹ Testimony of Reverend Mortimer O'Sullivan, 13 Apr 1835, *Report from the Select Committee on Orange Lodges Appointed to Inquire into the Nature, Character, Extent and Tendency of Orange Lodges, Associations or Societies in Ireland* (London: Her Majesty's Stationary Office, 1835), 33; Musgrave, *Memoirs*, 54; McEvoy, 'Peep of Day Boys', 128-129.

¹² Byrne, 'Impartial Account', 17-18.

¹³ *ibid*, 18-19.

their plundering campaigns. Moreover, as many of the victims of these acts were likely Catholics who were barred from ownership of weapons by the Penal Laws of Ireland, Protestants of the Nappach Fleet found justification to continue acts of plunder to confiscate arms from Catholic households.¹⁴ McEvoy suggested that the Nappach Fleet found further validation of their actions based upon an address made to the militia units known as the Volunteers by Lord Charlemont, Governor of Armagh, and the county's largest landowner. Charlemont had issued a public proclamation that opposed the admission of Catholics into Volunteer units. Thus, the Nappach Fleet believed that confiscating arms aligned with this prohibition.¹⁵ It also was around this period that the Nappach Fleet evolved into the group popularly known as the Peep O'Day Boys, also occasionally referred to as the Break O'Day Men. It was the Peep O'Day Boys who were the antagonists in many of the violent events in the forthcoming years.

Given the evidence presented to this point, it seems likely that the acts of plunder engaged in by the Nappach Fleet were part of the routine activities of the gang before the sectarian separation and a potentially profitable enterprise for the men, given that it has been stated that many of its members were from the 'poorer and less respected' strata of society.¹⁶ It is also reasonable to assume that such activities would have provided a measure of power over the individuals whose houses they invaded. For men from the lower class of society, such a feeling would have been intoxicating. Likewise, justifying their actions under the guise of law enforcement would have further imbued the group with a sense of not only legal but also moral authority.

¹⁴ John Ogle to Edward Cooke, 15 July 1796, Miller, *Peep O'Day Boys*, 138; Robert Quigley, 'Orangism: A Brief Account of the Rise and Progress of the Orangemen in Ireland', 1 Aug 1821, *Morning Chronicle* (London), henceforth *LMC*; Charles Hamilton Teeling, *Observations of the History and Consequences of the Battle of the Diamond* (Belfast: John Hodgson, 1838), 6-7; McEvoy, 'Peep of Day Boys', 131-2. It is unknown when precisely this occurred. Robert Quigley asserted that it happened between the latter half of 1785 and early 1786; John Ogle believed it was early 1786. McEvoy stated that he believed, given the evidence, that it occurred after an averted confrontation between the Bunker's Hill Defenders and the Nappach Fleet on Whit Monday, 1785.

¹⁵ *Historical review of the Orange Association*, Stowe Manuscript, Royal Irish Academy, A.i.3, 22. Henceforth RIA.

¹⁶ McEvoy, 'Peep of Day', 123.

The newly christened Peep O'Day Boys took their name from the hours in which they commonly engaged in plunder, inclusive of confiscation of arms from Catholic households.¹⁷ Although the Peep O'Day Boys believed that these acts of plunder were legally justified, evidence suggests that the justification of collecting arms was only a pretext for outright theft. John Ogle characterised the activities of the faction as 'ransacking the houses of Papists & taking not only arms but other valuables' while Charles Teeling described them as 'deliberate acts of plunder.'¹⁸ These acts became so prolific in 1785 and into 1786 that they were destined to result in organised opposition.

The local Irish Volunteers alarmed by the chaos spreading throughout the county issued a statement against the practice of 'plundering the Papists of arms'. The Volunteers sought to shield local residents from harassment and violence, and in a display of solidarity, they 'marched in conjunction with the artillery company to Lisnadal church; they vowed to protect the Roman Catholics as far as their power lay'. The Peep O'Day Boys were annoyed by the Volunteers' plan and, in response, 'vowed vengeance against such of the Catholics as were volunteers, and swore that they would disarm them also.' Consequently, information about a planned attack by the Protestants made its way to several residents in the area who, in turn, 'formed an ambush in the garden, whilst another party were stationed in the house' to aggressively defend their property. However, the Peep O'Day Boys received advance notice of the ruse and opted not to proceed with their plan on this occasion.¹⁹ Nonetheless, plundering attacks against Catholic households continued in and around Armagh City.

Sometime after the abandoned attack, the Peep O'Day Boys, undeterred in their crusade, entered the town of Armagh and preceded to 'the house of a respectable Roman Catholic and rapped at the door of his house'. The noise awoke a Protestant next-door neighbour who, in turn, 'gave them a severe reprimand, and dismissed them from their nocturnal enterprize.' Angered, the Peep O'Day Boys decided to take vengeance and attack a Catholic tenant of the Protestant man who rebuked them. The tenant, a resident of an area

¹⁷ Lieutenant-Colonel William Verner, 7 Apr 1835, Reverend O'Sullivan, 13 Apr 1835, *Select Committee on Orange Lodges*, 1: 5, 34.

¹⁸ Ogle to Cooke, 15 Jul 1796, Miller, *Peep O'Day Boys*, 138; Teeling, *Diamond*, 6.

¹⁹ Byrne, 'Impartial Account', 29-30.

known as the Waste-lands, lived 'on the road to Hamiltons-Bawn'; once there, the gang 'forced open his door and carried off a gun that he lent his tenant to protect his property' from nocturnal marauding. It was not unusual during this point in the disturbances for Protestant landowners to loan weaponry to their Catholic tenants and neighbours to protect them from attacks. Catholics whose houses were targeted not only faced plunder but, increasingly, physical abuse.²⁰

Many of the Catholic residents who were unlucky enough to experience being targeted by the Peep O'Day Boys appealed to the local magistracy for assistance. The magistrates, described by Byrne as an often 'supine and useless lot', were hesitant to commit the accused Peep O'Day Boys to jail. Moreover, in trials of the few who were indicted and tried, the juries, 'mostly composed of the Peep-a-day Party,' often acquitted the accused regardless of the evidence presented.²¹ This undoubtedly left the Catholics in a precarious position, and forced them to take matters into their own hands.

Similar to the defensive posture taken in the town of Armagh in advance of a probable Peep O'Day Boy raid, the 'thinly scattered' Catholic tenants 'were compelled, for personal safety, to the adoption of nightly guards or patrols'. The organisation of these groups 'served...a double purpose—either for immediate defence, or more distant alarm; similar postings being extended, at times of increased apprehension, for some miles over the face of the country.' One of these groups was known as the Granemore-Defenders, who, after the acquittal of a member of the Peep O'Day Boys, associated themselves together for mutual defence. The group were 'supplied with arms, by a Protestant shop-keeper of the town of Armagh' who almost certainly had a prior business or personal relationship with one or more members of the defending group that accounted for the supply of weapons.²²

Near the time of the emergence of the Granemore-Defenders, another attack occurred in the Willis-grange neighbourhood near Loughgall. Byrne describes the incident as perpetrated by the Nappach Fleet, not the Peep O'Day Boys, and it is unclear if this event was

²⁰ *ibid.*, 30; Quigley, 'Orangism', 1 Aug 1821, *LMC*.

²¹ McEvoy, 'Peep of Day', 134; Quigley, 'Orangism', 1 Aug 1821, *LMC*.

²² Teeling, *Diamond*, 7; Byrne, 'Impartial Account', 31-2.

motivated by sectarianism. Nonetheless, during this attack, men forcibly entered the 'house of a poor man, that never was able to purchase a gun in his life: they dragged his wife and five small children out of a straw-bed, and cut his web in the loom, and destroyed what little provisions were in the house'.²³ This incident, which became increasingly characteristic of the nocturnal raids perpetrated during this period, was simple robbery but was purposefully destructive. The attack targeted what was certainly the couple's primary source of income, their loom. This, and the destruction of the family's private property would have undoubtedly ruined the family financially, even threatening their survival. Wanton destruction, as described here, was intended as a means of effectively banishing a person or a family from an area altogether. At this point Catholics in other areas of the county began to, like the Granemore association, coalesce for the purpose of mutual aid and defence.

Despite organising associations for self-defence, Catholics were exasperated with the frequency of the nocturnal raids. These incidents were difficult to defend against and frustrated any attempt to anticipate when and where they may occur. The Peep O'Day Boys would launch an attack, and the Defenders would rush to respond. Notwithstanding these obstacles, the Defenders would prove themselves as formidable opponents. By 1786, confrontations between the Peep O'Day Boys and defending groups became increasingly commonplace. In one notable occurrence, as the spate of robberies reached the town of Tanderagee, the Defenders repelled a group of Peep O'Day Boys. During this event, the Catholic Defenders were able to cause the Peep O'Day Boys to retreat due to their aggressiveness in combat. During the melee, a Defender reportedly proclaimed that any person who harmed a Protestant would be rewarded with five pounds bounty. The Peep O'Day Boys were so overwhelmed that they fell back into the house of a constable for their safety. Undeterred, the Defenders attacked the house, breaking at least one or more windows in pursuit of their adversaries. Local magistrates, in what was likely a demonstration of bias against the Defenders and the Catholic community, later arrested several Defenders for damage to the residence.²⁴ This event signified a period of increasingly tumultuous violence.

²³ Byrne, 'Impartial Account', 31.

²⁴ Musgrave, *Memoirs*, 55; Byrne, 'Impartial Account,' 32. Musgrave reported the reward as being for 'the head of a Protestant'.

Near the time of the riot in Tanderagee, a group of Peep O'Day Boys raided the residence of a Mr Murphy, who reportedly suffered not only a physical beating but the destruction of all of his 'liquors and groceries' as well as his personal belongings. Likewise, a Protestant man and his Catholic wife were assaulted in their house in Markethill; the man managed to fend off one of his assailants, killing him in self-defence. He was arrested for killing the man but was later acquitted of the charge.²⁵

At this point, the nocturnal depredations had reached a fever pitch. The actions of the Peep O'Day Boys began to resemble the backcountry assaults and plunder between the Tories and Whigs in the Carolinas during the American Revolution. As in the Carolinas, the Peep O'Day Boys took on a role that mimicked the Tory actions after 1780 in the assaults of families and individuals who posed no physical threat. These attacks were repeated, humiliating, and, at times, presented the threat of bodily harm for those who experienced them. Conversely, unlike in the American war, the acts of plunder, robbery, and assault that were taking place were attempts to frustrate and intimidate Catholic residents into fleeing the area. In contrast, in the Carolinas, they were actions wrought out of a power struggle between two factions and often reflected a retaliatory attitude against actions taken by another party or person. The Catholics in County Armagh presented only a social and economic threat to the authority of the Protestant ascendancy, not an immediate physical danger. Because of this, the Protestant gang enjoyed a sense of superiority through the abuse and humiliation of people who they believed were in the lowest strata of society. As the Peep O'Day movement originated from the peasantry, these attacks on Catholics should be interpreted as a means by which one group asserted its authority downward on those who might challenge their position. However, the Catholic Defenders did not simply acquiesce to their opponents.

The local authorities did respond to these events in Tanderagee, albeit without the fortitude that would have stopped or slowed the spread of the disturbances. The leader of the Peep O'Day aligned Nappach Fleet was acquitted by a jury for his part in the disorders. At the same time, four Defenders were charged and found guilty of participating in events in Tanderagee. Byrne stated that he believed as a result of the conviction of the Defenders that

²⁵ Byrne, 'Impartial Account,' 32.

the Catholics 'were thrown into despair that they could get no satisfaction...whilst the Peep-o-day-boys held a kind of triumph at the sentence of the Tanderagee Defenders.'²⁶

Feeling invulnerable, the Portnorris-based Peep O'Day Boys, after the conviction of the Defenders, continued their campaign of terror with renewed ardour. Byrne branded the events after the trials as 'barbarous' and stated that to describe them 'would astonish human nature'. It must be assumed that the actions of the Protestant gang resembled earlier rituals of nocturnal robbery, assault, and even murder, only perhaps carried out more frequently and with intensified brutality. However, it appears that only specific locales within the county were touched by the violence. The areas around Lurgan and within the estate of Richhill in the county were noted for being 'remarkably quiet' to this point, even though many of the 'rioters' lived in that area. The relative tranquillity was due to at least one landlord, William Richardson, who was a captain of a local unit of Volunteers, had made it known that if any tenants aided or abetted 'any person under the character of a rioter' that their leases would not be renewed.²⁷ This was a serious threat, as many of the poor tenants would have used their meagre means to make improvements to the land and their houses, and should such threats be realised, the tenant and his family would have faced ruin. It was telling that this threat accomplished, to this point, what the magistracy could not, or was unwilling to do, quell the violence.

Byrne lamented the consequences of the continued violence as having a deleterious impact on County Armagh. The ferocity of the attacks sent 'working people...flying away from their looms--one party for fear of their next-door neighbour, and the other for fear of the law'. This chaos meant, in effect, that economic activity was in decline as less linen was being produced in the county. Linen weaving was a critical component of the economy in the region, with many residing on tracts of land too small to support large-scale agricultural work; the theft or destruction of looms and driving away weaving families would have impacted the number of families living in a state of near deprivation. What, then, was the net gain for the

²⁶ *ibid.*, 33.

²⁷ *ibid.*, 34-5. The Richhill landlord that made the threat was identified as 'William Richardson, then Captain of the Richhill Volunteers' by Armagh historian T.G.F. Patterson, according to the manuscript published by David Miller.

Protestants engaging in violence? It seems inevitable that by targeting the looms of Catholic residents, the attacks benefited the perpetrators in two ways: by forcibly reducing the numbers of Catholic weavers who competed with their Protestant counterparts for wages and by the theft of household goods and other materials by the Peep O'Day Boys who undoubtedly used their loot for material benefit.²⁸ This had been the strategy of the old Nappach Fleet and indeed carried over into the actions of the Peep O'Day Boys. It also explains why plunder, widely employed throughout 1786, continued to be a primary tactic used throughout the disturbances.

On Christmas 1786, the Catholics of Ballymore, near Tanderagee, attended holiday prayers. Protestants, described by Byrne in this instance as the Nappach Fleet, 'posted themselves behind the ditches to fire on these poor people, at their return from prayers'. An old man, who was running late to attend the prayer service, discovered the 'Fleet' and alerted those in the chapel to the attack. In response, the Catholics remained in the chapel, and their attackers departed from the area without firing upon their targets.²⁹ This planned ambush was, to this point, inconsistent with the majority of tactics employed by the Peep O'Day Boys. Had this assault proceeded as intended, the impact would have been profound. The Defenders, who were already engaged in attempting to thwart their enemies, would have certainly responded in kind with measures of equal brutality. This event did portend an increasing escalation in the types and intensity of violence in the years ahead.

Nocturnal raids continued to terrorise and disrupt the civil tranquillity of the county after the planned Christmas ambush. Local authorities were, for a time, so alarmed that they requested assistance from the seat of government at Dublin Castle. That assistance would arrive in the form of the British military, as 'two troops of light horse' were dispatched to Armagh City to assist in quelling the night raids. The Peep O'Day Boys, ill-equipped to engage military-trained soldiers and not wishing to provoke a confrontation, slowed the pace of their activities for a time. The reprieve from the violence proved temporary, as several Peep O'Day Boys indicted for violent acts, including rioting, were acquitted despite aggressive

²⁸ *Orange Association*, RIA, A.i.3, 22; Byrne, 'Impartial Account', 35.

²⁹ Byrne, 'Impartial Account', 35.

prosecutions by local magistrates.³⁰ Soon, another party would join the fray, and add further complexity to the power dynamic of the disturbances.

By early 1788, the violence prevalent in the environs of Tanderagee and Armagh had spread to other locales. Rumours of violence in 'the mountains about Newtownhamilton, [where there had been] outrages and religious wars' had spread throughout the county, although Presbyterian minister William Campbell disputed this in a report to Lord Charlemont. He did, however, acknowledge that robberies and other criminal activity had occurred in County Armagh and speculated that 'every drunken quarrel, or rescue of cattle, or unfortunate accident...is immediately ascribed to' sectarian violence.³¹ Campbell likely sought to placate Charlemont's fears that violence was becoming widespread.

Desperate to find a strategy to slow the proliferation of violence, the Catholics sought to bring economic pressure onto those who allied themselves with their oppressors. As a result, Catholic communities enacted a boycott of any Protestant merchant known 'to be any way active in aiding or abetting the Peep-day-boys'. This strategy backfired, as 'many well-disposed Protestants [turned] against them', and the ill-feeling created by the boycott filtered down into the lower strata of Protestant society, as it alienated both 'the rich and poor' from the Catholic cause.³² Catholic residents, as a result, became increasingly isolated from the broader society around them. Many began to flee the county for their safety.

By the late 1780s, areas of County Armagh most afflicted by the disturbances were bleeding refugees into other regions of Ireland. The goal of the Peep O'Day Boys did seem to indicate that they wished to force out Catholics from the county, and their tactics were helping them to reach this objective. Forcing out an unwanted segment of the population was, in some respects, similar to the Whigs in North Carolina terrorising the disaffected and banishing them from the state. The difference is that the Whigs offered an opportunity during the American Revolution for the disaffected to take an oath of loyalty. In contrast, it is unclear if the Peep O'Day Boys allowed the Catholics to convert to a form of the Protestant faith. On

³⁰ *ibid.*, 47-48.

³¹ William Campbell to Charlemont, 9 Feb 1788, *Charlemont Papers*, 2: 70

³² Byrne, 'Impartial Account', 54. See also Musgrave, *Memoirs*, 55.

the other hand, the propensity of the Peep O'Day Boys to not only pillage but sometimes destroy property was, in some respects, similar to the tactic of property destruction frequently employed by the Hearts of Steel. This tactic would become more evident in subsequent years as outright destruction, sometimes by fire, was more widely utilised to drive away Catholic residents and maintain Protestant supremacy in County Armagh.

The disturbances at this juncture increasingly required the assistance of a more robust and public agent of authority. This would come in the form of the previously mentioned Volunteer militia units that had existed since 1778 for the purpose of defending Ireland and maintaining civil order. While no particular external threat to Ireland had materialised, to this point, the Volunteers were, on occasion, utilised in the 1780s as agents of law enforcement.³³ However, by the late 1780s the Volunteers were 'disintegrating', and their commander, Lord Charlemont, could do little to ameliorate the decline of the Volunteers or to pacify Armagh.³⁴ The Volunteers even in their decayed state would play an important role in the disturbances; one that did not favour the Catholics.

On May Day 1788,³⁵ a procession of 'great number of Papists' calling themselves Defenders, reportedly accompanied by Protestant allies, marched from Blackwatertown to Moy. They were, for reasons lost to time, accompanied by the Thirteenth Regiment of Foot. Upon entering Moy, they were met by a Volunteer unit and granted permission to pass. According to Byrne, this procession had swelled to nearly ten thousand Catholics, and soon, rumour took hold that the procession had planned to storm the Volunteer armoury. However, it does not appear that the Catholics intended to undertake such an operation. It was a show of strength and one of the first notable rituals undertaken by the Catholic Defenders to intimidate the Peep O'Day Boys and their sympathisers. Nevertheless, the Volunteers reacted alarmingly and moved to defend 'the garrison'. However, no confrontation occurred on this day, either with the Protestant gang or the Volunteer unit. The event did have the

³³ 10 Mar, 28 Apr 1786, 25 Mar 1788, *BNL*.

³⁴ Maurice J. Craig, *The Volunteer Earl: Being the Life and Times of James Caulfield First Earl of Charlemont* (London: Cresset Press Ltd, 1948), 225; Lord Charlemont to Haliday, 1 Aug 1788, *Charlemont Papers*, 2: 76.

³⁵ McEvoy, 'Peep of Day', 139. McEvoy stated that May Day in Byrne's narrative represented the 'old' calendar and this occurred on May 12.

unanticipated consequence of alarming the local populace enough that new companies of Volunteers were raised in its wake.³⁶

The May Day procession is consequential for the show of force and arguably solidarity that the Catholic Defenders presented in Moy. Demonstrations in the form of processions were not uncommon. The Oakboys had used similar tactics, albeit with the implication of violence, in the summer of 1763. Similarly, masonic processions had been used to assemble spectators in Ireland throughout the eighteenth century. It is notable that Byrne may not have witnessed this event and was told of it by another. There is no mention of chants, songs, or any form of auditory expression by the marchers. There was also no description of the people in the procession, if they had carried banners, or were dressed in any unifying manner. At first glance, the event may have seemed historically unmarkable; however, what is of consequence is the assemblage of such a vast number of people standing together in opposition, daring their opponents to move against them.

As noted, the large Defenders procession precipitated the raising of new Volunteer units, including the Benburb Volunteer unit. Although the new Volunteers were instructed not to demonstrate bias in the performance of their duties, they had been, at least to some extent, infiltrated by Peep O'Day Boys.³⁷ Furthermore, the Volunteers, charged with enforcement of the laws of Ireland, where granted the legal authority to disarm those who were barred from ownership of arms which added to the burden of the Catholics who sought to defend themselves against aggression.³⁸ The armaments and trappings of state power to carry out the goals of the Protestant faction changed the nature of the disturbances. Nocturnal outrages slowed, if not ceased altogether for a period, and the sectarian violence moved to the public sphere.³⁹

³⁶ Byrne, 'Impartial Account', 54-55; Dennis Taaffe, *An Impartial History of Ireland from the Period of the English Invasion to the Present Time* (Dublin: J. Christie, 1811), 4: 487.

³⁷ Musgrave, *Memoirs*, 64; 28 Nov 1788, BNL.

³⁸ Francis Plowden, *The History of Ireland, from its Invasion Under Henry II to its Union with Great Britain* (London: R. Wilks, 1809), 2: 280.

³⁹ Farrell, *Rituals*, 22; Byrne, 'Impartial Account', 56-7; McEvoy, 'Peep of Day', 139.

The new Peep O'Day-infused Volunteers wrought increased tensions with the Catholic community, and this, in turn, sometimes resulted in violence. The first notable incident between the Catholics and the new Volunteers occurred near Granemore. A Volunteer unit was returning from a training exercise in preparation for a 'grand review', and a group of Catholic women blocked the road on which the unit was travelling. The women then as 'a collective body attacked the volunteers, and set the dogs at them'. The men of the township, who were away working in the nearby hills, were unavailable to intercede. The Volunteers had no gunpower to retaliate, having expended it during their exercises, and retreated. However, the Volunteers did return with reinforcements, and the potentially explosive situation ended without further incident.⁴⁰

The violence sparked by the Catholic women bore some similarities with the fact that women were often principal players in the rites of protest in seventeenth and eighteenth-century England against injuries by unscrupulous merchants, as explained by E.P. Thompson in his work, 'The Moral Economy of the English Crowd in the Eighteenth Century', only now the damage was not economic but the safety of the family and their property.⁴¹ Clearly, this demonstration was one of frustration and anger that Catholics were vulnerable to not only the Peep O'Day Boys but of agents of the state in the form of the Volunteers. Perhaps the women believed that the Volunteers would not engage them with violence, or maybe they did not care. Either way, the women acted in a manner that rejected the authority of the Volunteers and the Protestant ascendancy.

In November 1788, there was a notable incident between the Volunteers and the Defenders, which exemplified the growing tensions between the two groups. The confrontation, dubbed the Battle of Drumbee by Byrne, occurred on 21 November, when a company of Benburb Volunteers, dressed in blue and white military regalia, paraded down the Eglish Road to attend church services in Armagh. During this march, they had at the head of their formation a man, described by Byrne as an 'idiot', armed with a bayonet at the end of his musket. A local Catholic and Defender named James Hughes questioned the man as to

⁴⁰ Byrne, 'Impartial Account', 57, 59.

⁴¹ Thompson, 'Moral Economy', 115-8.

what was the purpose of the bayonet, to which he replied, 'to kill the Papists!' Angered by this response, Hughes rushed the man and disarmed him. Hughes then earnestly fell back to inform the Volunteers of what he had done. The Volunteers responded as if the entire company was being challenged and 'beat up the Prussian drum...and pursued Hughes to the house of one Corrivan.' Local women, upon seeing what had occurred, marched out to the Volunteer unit and 'gave them much abusive language, and threatened that they would be prepared for them, as they returned.'⁴²

Although the Volunteers had initially planned to return from Armagh City via the Blackwater-town road, they were determined to antagonise the Catholics who had confronted them and decided to travel back via the route from which they came. The Volunteers, back on the Eglish Road, played the songs, 'The Boyne Water' and 'The Protestant Boys', with the intent of 'insulting' the assembled Catholics. The unit was further emboldened after having borrowed some 'firelocks' that they had acquired in Armagh City. As the unit made their way toward the spot of the previous confrontation, they were met by a man named Arthur McGlone, 'with his hat in hand, who assured them, that no violence should be offered to the company, if they pledged their word that they would pass in a peaceful manner.' The commander of the unit, Lieutenant Young, agreed. It is important to note that many members of the unit were intoxicated, and in their drunkenness, someone reportedly pushed McGlone. A young boy then threw a stone at McGlone's assailant. The company responded with a barrage of gunfire, killing two and 'wounding two or three others.' The Defenders who were present at this melee assaulted a number of the Volunteers, one of whom received a broken jaw. Other Defenders scrambled for weapons and fired at the Volunteers, who quickly retreated.⁴³

⁴² Byrne, 'Impartial Account, 60; 28 Nov 1788, *BNL*; T.G.F. Patterson, 'The County Armagh Volunteers of 1778-1793' *Ulster Journal of Archaeology* 4 (1941): 113.

⁴³ Byrne, 'Impartial Account, 60-1; 28 Nov 1788, *BNL*; Thomas Prentice to Lord Charlemont, 28 Nov 1788, *Charlemont Papers*, 2: 79-80. The *BNL* report and the letter to Charlemont stated that the Defenders assaulted the Volunteers with 'vollies of stones.' Interestingly, the newspaper also admitted that the Peep O'Day Boys had infiltrated the Volunteer units. See also Patterson, 'The County Armagh Volunteers', 111, 113, for corroborating evidence that many, if not all, Volunteer units had flute (or fife) and drummers who would have played the offending music.

The Volunteers, on this occasion, as before, used trappings of power, including weaponry, uniforms, and songs, to assert their authority as law enforcement along their route. They purposefully antagonised their foes by altering their return down the same road after securing firearms. It is certain that, given the details provided here, a violent incident was a foregone conclusion. The Defenders were not participating in a form of ritual but were provoked into responding to the repeated pattern of abuse by the aggressive and intoxicated militia. This type of incident foreshadowed types of violence that accompanied sectarian marches in the first half of the nineteenth century, which will be discussed in a subsequent chapter. It is also worth noting that the women, using 'abusive language', were the catalyst of the incident. The intransigence of those women may indicate that others like them may have held significant sway within the Catholics who defied the Peep O'Day Boys in County Armagh.

Two weeks later, the Volunteers, unwilling to let the preceding event go, 'returned with a reinforcement of two other companies, properly equipped'. 'They marched in three divisions through the country, without meeting any opposition' on the way to attend church services. Upon their return, as they passed the place of the incident two weeks prior, 'they gave three cheers, in imitation of the Indian warhoop, that they had scalped or taken the life of a brother!'⁴⁴ Similar to the intimidation of the Anglican itinerant, Rev. Charles Woodmason by the Presbyterians in the South Carolina backcountry in the 1760s, 'the warhoop' was indicative of a sort of rough music ritual. Accompanied by a larger procession, armed and dressed in military regalia, the Peep O'Day-infused Volunteers delivered a message proclaiming superiority to area Catholics through this rite.

On New Year's Day 1789, Byrne recalled that the remnant of the group still calling itself the Nappach Fleet assembled in 'the amount of several hundreds' for the purpose of committing arson attacks on the houses of known Defenders 'in the environs of Bunkerhill'. However, a network of Defenders stationed to guard against attacks, was able to thwart the assault. The Defenders, in this instance, were able to force a retreat of the Nappach Fleet through an 'incessant firing of musketry' in their direction. Despite the use of firearms, there

⁴⁴ Byrne, 'Impartial Account', 61-2.

were no deaths reported from this confrontation.⁴⁵ However, the use of arson, reminiscent of the attacks of the Hearts of Steel, would surface again during the disturbances in a few short years.

By the summer of 1789, tensions between the Volunteers and the Catholic inhabitants remained high and spilt over into violence yet again. On Saint John's Eve, 23 June, Catholic inhabitants of the county gathered to celebrate in the traditional manner. This festival had the typical holiday trappings such as dancing, music accompanied by pipers and fiddlers, and 'a large garland of flowers'. The festive scene worried onlookers, particularly at a time of heightened sectarian tensions. Concerned that this gathering of Catholics was a meeting of Defenders, John Moore, an Irish M.P. for Ballynakill and Captain of the Drumbanagher Volunteers brought some of his men and ordered the celebrants to disperse. After instructing the crowd to leave, Moore requested the garland from the Catholics, presumably to remove the centrepiece of their festivities. The Catholics then proceeded to gladly presented it to him, after which the Volunteers departed. However, the commotion of the festivities and the subsequent withdrawal of the Volunteers drew the attention of an ancillary Protestant mob. The mob took advantage of the absence of the Volunteers and opened fire on the assembled Catholics. It is unclear if anyone was killed, but what is known is that a 'ball was lodged in the back of one man, and another was slightly wounded' in the frenzy. In a letter to Charlemont, Rev. Edward Hudson stated that after this affair, the spirit of revenge had taken hold throughout the countryside. This event occasioned an increasingly militant and cohesive posture by the Defenders toward their oppressors.⁴⁶

Near the time of the Saint John's Eve incident, a man known as 'Sharky' was taken 'by a party of light horse near Jonesborough' to Dublin Castle 'on suspicion of being a general or captain of the Defenders'. Sharky had on his person a document containing a Defender oath and rules that indicated a growing cohesiveness and willingness to unify to defend Catholics and Catholic beliefs against aggression by the Protestants who sought them harm. Included in this document was a statement of allegiance to King George III, rules by which sworn

⁴⁵ *ibid.*, 75-6.

⁴⁶ Byrne, 'Impartial Account', 77-8; Rev Edward Hudson to Lord Charlemont, 11 Jul 1789, *Charlemont Papers*, 2: 102-3; Musgrave, *Memoirs*, 64.

Defenders were to abide, including the provision that Defenders were to be armed with 'gun and bayonet', and the indication of organisational hierarchy inclusive of a leader known as the 'grand master'. These formalised rules foretold an increasingly defiant and hierarchical organisation willing to take aggressive measures to defend Catholic interests and residents.⁴⁷

Sometime after the Saint John's Eve affair, the Peep O'Day Boys assaulted Catholic clergyman Rev. Courtney, 'curate of Mullybrack, Tanderagee, &c....and cut and beat him in a most shocking manner'. Following this beating, and in the spirit of earlier attacks on Catholic houses, the gang attacked a Catholic chapel 'near Portadown'. Inside, the Protestants violently smashed the windows and also destroyed a small stone crucifix which had been gifted to the Catholic tenants in the area by Michael Obbins of Portadown. This incident, particularly because the crucifix had been given to the chapel by a respected local gentleman, 'roused the Defenders into a sort of madness, and was the occasion of several meetings and quarrels in that quarter.'⁴⁸

In July 1789, the Defenders were confronted by Volunteer militia yet again. The Volunteers were mustering on the land of a Mr. Trevors, near or at Lisnagade outside Banbridge. An unnamed tenant rented the land where the muster had taken place, and the Volunteers had made a path through his crop. This alarmed the tenant, who requested that the Volunteers not trespass until the crop had been harvested. The Defenders were informed of the disagreement and moved immediately to occupy the site and deny the Volunteers access. A local magistrate, desirous of avoiding conflict, entered the area and informed them that the Volunteers would not be permitted to trespass on the land. The Defenders were told to disperse, and as they prepared to do so, a shot rang out from their location towards the Volunteers. Both parties opened fire, yet neither party reported any casualties. The Volunteers stormed the Defenders and captured '11 stand of arms'. The incident was ignored by the authorities, except by the Peep O'Day Boys, who decided to pull 'down several houses on the estate of Mr Trevor, belonging to his Popish tenants', and one female tenant was verbally abused and raped by a drummer of the 69th Regiment, an act encouraged by the

⁴⁷ Musgrave, *Memoirs*, 57, Appendix II, 8-9; see also McEvoy, 'Peep of Day', 149-50. The Defender oath and rules were dated, 24 Apr 1789.

⁴⁸ Byrne, 'Impartial Account', 79; McEvoy, 'Peep of Day', 145.

Peep O'Day Boys. The rapist, identified as John Miller, was later convicted and sentenced to public whipping.⁴⁹

Although the initial event at Lisnagade did not have its genesis in ritualistic intent, it did indicate the more aggressive posture the Defenders had assumed in light of preceding events. As the Volunteers had spread throughout the county, the Defenders demonstrated a willingness to react quickly and aggressively. In contrast, while the Volunteers were restrained to a degree in how they enacted their aggression toward the Catholics, the Peep O'Day Boys were only restrained if they were taken into custody. However, the destruction of the tenants' houses on Trevor's estate was both retributive and ritualistic, and the rape of the female resident was emblematic of the Protestant gang's contempt of Catholic women.

In light of the flogging of convicted rapist, John Miller, it is worth noting that Byrne and McEvoy mention instances where convicted men were publicly whipped for their crimes in connection with the Armagh disturbances to the year 1790.⁵⁰ This type of judicial punishment, widely used in the Carolinas as previously described, never made the jump to the rites of extrajudicial violence as was seemingly common in the southern region of British America in the eighteenth-century. Several possible explanations exist; perhaps court-mandated flogging was not commonplace in Ireland, even though the practice did exist. As flogging was used by American militia units as a means of punishment and every freeholding adult male was a militiaman, Americans were exposed to the practice more often. Conversely, the Volunteers did not impress men into service, and fewer people would have seen the whipping as often. However, the simplest answer is that attacking or destroying property was so ingrained into the mentality of mob justice during this period that it simply never occurred to anyone participating in these acts of violence to abuse someone with a whip.

As in the cases of public flogging, the often-useless judiciary acted to indict and convict individuals in connection with violence in the county. In 1790, several accused men were indicted for acts of riot, assault, murder, and house 'breaking'. Most of those cases resulted

⁴⁹ Byrne, 'Impartial Account', 80-1.

⁵⁰ Byrne, 'Impartial Account, 76-7, 85, 101-2; McEvoy, 'Peep of Day', 146

in convictions, and harsh sentences including execution and whippings were imposed on the guilty.⁵¹ As a result of these judgments by the court, sectarian violence declined, at least in part due to a willingness by the judiciary to punish malefactors.⁵² Moreover, the authorities were so alarmed at the lack of order in the county that a request for military assistance was granted.⁵³ Although it is unclear how many or for how long British soldiers were stationed in the area, this action undoubtedly also contributed to a lull in the violence for much of the calendar year. It was unlikely that either the Peep O'Day Boys or the Defenders were prepared to contend with an aggressive magistracy or with the British Army.

These aggressive acts by the authorities did not mean that there were no incidents of violence that year. There were other sporadic incidents of ritualised and often repetitive acts of violence against property in County Armagh that were seemingly unrelated to the Armagh disturbances. These few events denote the commonality of property violence as a means of demonstrating anger or intimidating an individual. In one incident, a number of assailants fired gunshots into a house, and later, stones were thrown through the windows of the same property. In another, brick-bats and stones 'broke and destroyed the windows' of a house following the demands that the property owner submit themselves to an assembled mob.⁵⁴ While neither of these incidents is particularly remarkable, it is worth noting that violence against property was popularly utilised as a tactic of communal violence in late eighteenth century Ulster.

By 1791, violence returned with a vengeance in County Armagh. Early that year, there was an appalling ritualised atrocity carried out by the Defenders on the Forkhill estate against a young Protestant family. It is worth discussing the events that led up to this incident in some detail. The Forkhill estate, primarily inhabited by poor Gaelic-speaking native Irish tenants, was owned by Richard Jackson, a Protestant, from its purchase in 1742 until his death in 1787. Jackson had taken a hands-off approach to the estate, allowing the communities that had predated his arrival on the estate to remain. For this strategy Jackson had been, unbeknownst

⁵¹ 9 Apr, 17 Aug 1790, *BNL*.

⁵² McEvoy, 'Peep of Day', 146.

⁵³ Marquis of Buckingham to Lord Grenville, 31 July 1789, *The Manuscripts of J.B. Fortescue, Esq., Preserved at Drogheda* (London: Eyre and Spottiswoode, 1892), 1: 486-7

⁵⁴ 17 Aug, 14 Dec 1790, *BNL*.

to him, criticised by the Anglican Rector of Forkhill parish, Edward Hudson.⁵⁵ Upon Jackson's death, the estate was transferred to a board of trustees, the daily oversight of which fell to Hudson.⁵⁶

Hudson had ambitious plans for Forkhill, part of which involved changing the character of the estate. In a letter to Lord Charlemont, he conveyed his hope 'to make our savages happy against their will, by establishing trade and industry among them'. Hudson lamented the difficulties he faced by characterising the tenants as lazy and imprudent and referring to their 'love of intoxication' and of 'hereditary animosities, handed down from generation to generation.'⁵⁷ To remedy the social condition of the tenantry, he brought forth plans to educate the children living on the estate and brought in Protestant families to live alongside the Gaelic Irish.

None of Hudson's plans were well-received by the tenants. Although McEvoy described the tenants as silently resentful by 1789, his changes to the estate caused a commotion within the Catholic community and the ranks of the Defenders.⁵⁸ Undoubtedly, with the other abuses the Catholic community was subject to during this period, Hudson became a target of violence. By 1789, resentment had boiled over, and the Defenders attempted to assassinate him.⁵⁹ Likewise, the estate's mills were set ablaze, and the Defenders terrorised Hudson's Protestant tenants.⁶⁰

The determination in which the Defenders asserted themselves against Hudson and his plans for the estate was unlike any other previously discussed incident. This is almost certainly because the tenants had previously enjoyed Jackson's *laissez-faire* approach and had been able to practice their faith and traditions unmolested. Hudson had interfered, and

⁵⁵ James B. Leslie, *Armagh Clergy and Parishes: Being an Account of the Clergy of the Church of Ireland in the Diocese of Armagh, from the Earliest Period, with Historical Notices of the Several Parishes, Churches, &c.* (Dundalk IE: William Tempest, 1911), 302. Hudson was Rector of Forkhill parish from 1779 until 1795; McEvoy, 'Peep of Day', 151-2.

⁵⁶ McEvoy, 'Peep of Day', 152.

⁵⁷ William Edward Hartpole Lecky, *A History of Ireland in the Eighteenth Century* (London: Longmans, Green, and Co, 1903), 3: 423.

⁵⁸ McEvoy, 'Peep of Day', 153.

⁵⁹ Leslie, *Armagh Clergy*, 302.

⁶⁰ Lecky, *Ireland*, 3: 424; Byrne, 'Impartial Account', 105.

any planned changes to the living circumstances had to be dealt with. While the attempt on his life was not ritualised, the terror campaign against the Protestant tenants and the destruction of property were rituals that sent a message that changes to the current set of circumstances would not go unpunished. Despite these events, Hudson pressed on, and his determination would change the lives of a family forever.

As stated, Hudson had planned to educate the children of the Forkhill families. The first teacher who held this position was pushed out of the role since he had promised the parents that he would instruct forty children in his charge in the 'popish prayers in Irish', which delighted the parents of the students. However, due to a minor conspiracy to rid the school of this amenable teacher, he was replaced by the young eager Protestant, Alexander Barclay.⁶¹ Barclay set about his duties by dispensing with the instruction of Catholic prayer and opted to teach lessons of Protestant prayers in English. Adding to the discontent felt by the Catholics was the fact that Barclay's brother-in-law, known as Dawson, was believed 'to be a spy and an informer' whose testimony had led to the conviction of two area residents at the Lent Assizes in 1790. The Defender also suspected that Dawson had participated in the destruction of the vestments of a Forkhill priest.⁶² Barclay's teaching and his familial associations would make him a target of the Defenders early in the following year.

On 28 January, 'forty or fifty' Defenders approached the Barclay family residence having marched open by torchlight from the Mullaghbawn district. Inside were Barclay, his wife Mary, and her teenage brother, Nathaniel. One of the assembled man, Terence Byrne knocked at the door, and Barclay who knew Byrne, opened the door. Immediately, the Defenders rushed into the house. It was speculated that perhaps the men were seeking Dawson, but finding him not there, they decided to punish the family. Barclay was quickly stabbed by several men, who 'then put a cord round his neck....to force out his tongue; part of which...they cut off. They then cut off the four fingers and thumb of his right hand.' His wife, Mary was subjected to a similar treatment, as they 'cut off her four fingers and thumb,

⁶¹ Byrne, 'Impartial Account', 105; McEvoy, 'Peep of Day', 154. McEvoy notes that Barclay's name is sometimes spelt Berkley, Barclay, and Berkeley.

⁶² McEvoy, 'Peep of Day', 154; Byrne, 'Impartial Account', 105; L.P. Murray, 'Shanroe Barrack (1795-1821)', *Journal of the County Louth Archaeological Society* 9, no 1 (1937): 22. Murray noted that Dawson's name may have also been Donaldson.

with a blunt weapon, which...took them up above ten minutes.' As for Nathaniel, they also 'cut out his tongue, and cut off the calf of his leg'. Mary later died due to her wounds, whilst Barclay and Nathaniel survived, albeit in a debilitated state.⁶³

The unparalleled attack on the Barclay family was unquestionably brutal. Maiming and brutalising of the family, given the evidence, was a result of the frustration and ire of the Defenders in the immediate area. It was uncommon for the Defenders to engage in directly unprovoked ritual acts of violence on this level of brutality towards Protestants who were not participating in Peep O'Day activities. It is also worth noting that there was a processional torchlight march to the Barclay residence, which indicated the purposeful and planned nature of what was about to occur. The act of mutilation, in particular, the attack of cutting the tongue, was reportedly used in other areas of Ireland outside of Ulster in the eighteenth century.⁶⁴ The act of cutting the tongue was, in this case, due to the anger felt by the Defenders at Barclay and his wife for Barclay's role in teaching Protestant prayers to Forkhill children, and also symbolic of anger felt toward Hudson, and the incursion of the expectation of Protestant norms forced onto local Catholic residents. A man who cannot speak without his tongue cannot teach Catholic children. Likewise, the brutality of this attack may have also reflected the anger and frustration of the Defenders at their inability to curtail Peep O'Day Boy incursions and at the unwillingness of the authorities to meaningfully quell violence against Catholics.

There were at least two notable plots to destroy the houses and other property of Protestants by Defenders. On 15 November, in the village of Emyvale, outside of County Armagh, a group of approximately five hundred Defenders 'broke the windows and threatened destruction to the Protestants in that town.' Similarly, in Forkhill, a mill belonging to Robert Best and John Dick was set ablaze and destroyed.⁶⁵ It is interesting to note, in the case of the gathering in Emyvale, that few, if any, scholars have mentioned such a gathering outside of County Armagh. A public assembly of five hundred Defenders would have instilled

⁶³ McEvoy, 'Peep of Day', 154-5; Musgrave, *Memoirs*, 61-2.

⁶⁴ Musgrave, *Memoirs*, 8, 99, 369-70. Whilst Musgrave's accounts of the 'cutting of tongues' are likely accurate, readers should take into account his Protestant biases when reading about these incidents.

⁶⁵ 30 Mar 1792, *BNL*.

considerable apprehension within the Protestant community in that area. It may be that they felt emboldened to these ends because there was little threat that the Peep O'Day Boys would attempt to challenge them outside of Armagh. Likewise, the arson attack at Forkhill indicated that the animosities following the Barclay tragedy persisted for some time within the immediate area.

After having demonstrated a willingness to subject their foes to abuse, the Defenders turned the tables and plundered their Protestant neighbours. By late 1792, 'in a part of the county adjoining the country of Cavan', there were many Presbyterians with 'whom...the Catholics there had long subsisted a traditional animosity'. The Defenders acted to rob 'the Protestants of their arms with impunity'. The Protestants, disgusted by the Defender attacks, aggressively moved to counter their opponents. Within weeks after the Defender attacks, Presbyterians, described as 'well-armed' from County Cavan, engaged the Defenders in pitched battles. 'The Presbyterians were accused of having "overrun the country, pillaged, plundered, and burned without requiring any mark of guilt but religion."' ⁶⁶ The Defenders would suffer another blow, this time at the hands of an aggressive judiciary in the spring of 1793 in County Louth. It was at the Dundalk assizes where, 'twenty-one Defenders were sentenced to death and thirty-seven to transportation and imprisonment' for conspiracy to commit murder according to Musgrave. ⁶⁷

In the same year, the Volunteers were disbanded in favour of a conscripted militia force. Former Volunteers were allowed to retain their weaponry, and as a result, the Peep O'Day Boys were invigorated with a new 'supply of arms.' The imbalance of firearms in favour of the Protestants alarmed the Defenders, who sought to match the Protestants by robbing others of their weapons or, as finances allowed, purchasing armaments. ⁶⁸ The arms race between the two factions set the stage for public engagements and a final confrontation.

⁶⁶ Lecky, *Ireland*, 213

⁶⁷ Musgrave, *Memoirs*, 63.

⁶⁸ Lord Annesley to Lord Downshire, 1 June 1792, Miller, *Peep O'Day Boys*, 112; Lecky, *Ireland*, 178; McEvoy, 'Peep of Day', 161-2.

The Defenders, energised in arms and numbers, began to express themselves to the public. This display of power alarmed Protestants, fearful of crowds of armed Defenders. At the Loughgall Fair in July 1795 'the Protestants found themselves furiously assailed and after making faint resistance and suffering dreadfully were driven out of the Fair. They rallied...and after hard fighting remained at night in possession of the town.'⁶⁹ The Defenders, defiant, publicly assembled in the areas of 'Loughgall, Charlemont, Richhill, Portadown, Lurgan, the Bann-Foot and Blackwater-Foot and robbed Protestants of their arms.' Moreover, the Defenders their cache of weapons to fire into the residences of Protestants in Tentaraghan parish in an effort to intimidate the opposition.⁷⁰ As such insults could not go unanswered, there was vigorous renewal by the Peep O'Day Boys in terrorising Catholic residents.

The Peep O'Day Boys, upset by the aggressiveness of the Defenders, turned their ire toward often defenceless Catholic residents. Although many Catholics did not directly associate with the Defenders, to many Protestants and especially to the Peep O'Day Boys, they were synonymous with one another.⁷¹ To attack the Catholics was to strike at the Defenders. Determined to drive the Defenders from the county, the Peep O'Day Boys waged a crusade of total destruction against Catholic residents. In a change of tactics, the Peep O'Day Boys opted not only to plunder houses but to destroy them. This new tactic, which was likely far more merciless than previously used, was termed 'papering and wrecking'. Papering referred to a 'written notice...[being] thrown into or posted upon the door of a house warning...to betake themselves "to Hell or Connaught."' Wrecking meant that if the resident ignored the warning to leave, the house would be destroyed. These attacks usually happened at night, as the Protestant mob forced open the doors of the homes and 'everything that was capable of being broken in the house, looms and webs' was destroyed. Often included throwing 'the furniture out of the house smashed', and on occasion, the houses were set ablaze. However, the terms should be understood in a general sense as there were 'different

⁶⁹ *The Dublin University Magazine: A Literary and Political Journal* (Dublin: William Curry, Jun. and Company, 1837), 10: 470.

⁷⁰ Musgrave, *Memoirs*, 67.

⁷¹ Quigley, 'Orangism'; 7 Aug 1821, *LMC*.

names for the different acts that were committed; one where the house was totally destroyed, and another where it was only wrecked.’⁷²

The wreckings were so prolific during this period that it was said that upwards of a dozen houses were destroyed in some manner per night during the peak of the terror. Moreover, Catholic churches were also targeted; mobs wrecked several, and some were destroyed by fire. The violence ‘commenced in the neighbourhood of Churchill between Portadown and Dungannon, and then it extended over nearly all the northern counties commencing where the county of Down and the County of Armagh end at Newry, round by Antrim, Down and Tyrone.’ These attacks continued for several years, stretching from 1794 through the defeat of the Defenders at the Battle of the Diamond in 1795 until at least 1797.⁷³

It is important to note at this juncture that the Peep O’Day Boys either officially disbanded or were absorbed into a new organisation immediately after the Battle of the Diamond in late 1795. This new organisation, one that would play a significant role in ritualised violence in the nineteenth century, went by the moniker ‘the Loyal Orange Order’.⁷⁴ This new organisation, unlike that of the Peep O’Day Boys, mimicked the organisational structure and principles of the Freemasons who were numerous in Ireland in the eighteenth-century. The purpose of the Orange organisation was to proclaim and maintain the ascendent position that Protestants had traditionally enjoyed *vis-à-vis* the status of their Catholic counterparts.⁷⁵ To this end, its members, referred to as Orangemen, picked up where their predecessors left off and ‘continued harassing the catholics with great cruelty for many months, with little interruption from the magistrate.’⁷⁶

By the end of 1795, the campaign of attacks continued apace. The Orangemen, unencumbered by the defeated Defenders, declared their intention that no Catholics would be permitted to reside in the county, the result of which was seen in the continued plunder,

⁷² Extracts of the Colonel William Blacker manuscripts made by T.G.F. Paterson, Miller, *Peep O’Day Boys*, 125; Testimony of James Christie, 10 Jul 1835, *Select Committee on Orange Lodges*, 1: 379; Quigley, ‘Orangism’, 14 Aug 1821, *LMC*. See also General W. Dalrymple to T. Elham, 9 Aug 1794, Miller, *Peep O’Day Boys*, 113.

⁷³ Testimony of James Christie, 10 Jul 1835, *Select Committee on Orange Lodges*, 1: 379-80; Lecky, *Ireland*, 429.

⁷⁴ Musgrave, *Memoirs*, 72; McEvoy, ‘Peep of Day’, 114-5.

⁷⁵ Farrell, *Rituals*, 30-1.

⁷⁶ William Richardson to the Duke of Abercorn, 14 Feb 1797, Miller, *Peep O’Day Boys*, 136.

destruction, rape, and murder of Catholics. Whilst the tactics were unquestionably brutal, the Orangemen justified their actions as removal of the 'damn'd Papist villain[s]' from society.⁷⁷ Thomas Knox, Dungannon magistrate, explained the inaction of the authorities to stop the violence when he stated, 'we have a rather a difficult card to play; they [the Orangemen] must not be entirely discountenanced—on the contrary, we must in a certain degree uphold them, for with all their licentiousness, on them we must rely for the preservation of our lives and properties should critical times occur.'⁷⁸ This indicated that there was a real fear in segments of Protestant society that the Catholics, if given the opportunity, would rise and slaughter their oppressors.

While few detailed accounts of these attacks survive, there is one report of an incident that demonstrated the ferocity with which the Catholics were treated not only by the Orangemen but also by the military. An example of this was the papering and ensuing attack and murder of Cormick Dougan. Dougan, a Catholic, dwelt 'about two miles from the city of Armagh, on the road leading to Rich-hill' and received a notice to vacate his property and leave the area. Dougan realised the implications of the warning and 'became alarmed for his safety, and [yet] having no resource[s] if he left his house' he would have 'to beg with his wife and helpless young children in some other quarter of the kingdom'. Determined to defend his property, Dougan asked for assistance from several friends to stay at his house and protect it in case of attack. The Orangemen realised that Dougan had no plan to vacate and 'attacked his house by firing into the door and windows,' to which the occupants answered by returning gunfire against their assailants. Surprised by the resistance from Dougan and his friends, the Orangemen retreated from the house and requested assistance. Soon afterwards, a 'detachment of the Rothsay and Caithness Fencibles' in Richhill, described as 'zealous in the Orange cause', marched to the Dougan residence. Hoping that the military was there to restore order, Dougan 'called out, and humbly solicited the protection' of the soldiers. The commanding officer 'answered that they should have their request, provided they quietly came out of their house and surrender to him.' Dougan, having been assured of his and his friends' safety, emerged from his house. He and his friends were immediately 'fired on by the

⁷⁷ 21 Dec 1795, *TNS*.

⁷⁸ Lecky, *Ireland*, 437.

soldiers and Orangemen conjointly; three of them were instantly killed, [while] Dougan's thigh was...shattered by a number of shots, and he was then made prisoner, and his house burned to ashes'. The corpses of the deceased and a wounded Dougan were then taken into Richhill and dumped into the street 'like dead pork on a quay'. An inquest later revealed that the bodies of the men had their 'skulls battered in with the butts of firelocks—their eyes turned out of their sockets with the points of bayonets'.⁷⁹

The brutality of the Dougan incident demonstrated utter contempt by the Orangemen and their sympathisers to the Catholics. Much like the attack on the Barclay family by the Defenders years earlier, this indicated that the Orangemen, like their predecessors, did not view the Catholics as fellow Irishmen or even human beings. While it is unclear how common the desecration of the bodies of the dead was in this post-Diamond frenzy of violence, what is known is that several murders were committed in the attempts to drive off Catholics from Armagh and in other counties in Ulster. A report in *The Northern Star* stated that 700 to 800 Catholic families had been 'driven from their homes' by the end of 1796. Whilst motivations for these attacks were undoubtedly to preserve Protestant social and economic power, it is worth noting that some who participated were interested in obtaining 'the snug bits of land' on which the Catholics had formerly resided.⁸⁰ Attempts to drive away Catholics through violence reportedly occurred in the counties of 'Tyrone, Derry and Monaghan' resulting in upwards of 10,000 refugees who fled their homes to seek safety in other locales.⁸¹

The end of the outrages in Armagh and adjacent counties ended sometime in 1797. It is known that vast numbers of Catholics who fled the violence went to Connaught or Mayo, that most of them had never had an association with Defenders, and that 'almost all of them weavers'. Some had escaped after having been given notice, whilst others pre-emptively left for their safety without provocation. As the Peep O'Day Boys and their successors, the Orange Order, wanted, the Catholic population of County Armagh declined, and those who remained

⁷⁹ Quigley, 'Orangism', 14 Aug 1821, *LMC*. Dougan reportedly later died of his injuries; see 07 Apr 1796, *The Northern Star* [Belfast]. Henceforth, *TNS*.

⁸⁰ 4 Nov 1796, *TNS*; Patrick Tohall, 'The Diamond Fight of 1795 and the Resultant Expulsions', *Seanchas Ardmhacha: Journal of the Armagh Diocesan Historical Society* 3, no. 1 (1958): 27

⁸¹ Jim Smyth, *The Men of No Property: Irish Radical and Popular Politics in the Late Eighteenth Century* (London: Macmillan Press Ltd, 1998), 111; Charles Hamilton Teeling, *Personal Narrative of the "Irish Rebellion" of 1798* (London: Henry Colburn, 1828), 8.

were left with a sense of fear and in a state of constant insecurity. For other Catholics, formerly associated with the Defenders, many would find temporary solace in the cause of the United Irishmen, who themselves faced defeat in their rebellion in 1798.⁸²

The Armagh disturbances, as discussed, demonstrate a severe escalation of the ferocity of ritualised violence associated with matters of social, political, and, perhaps, economic supremacy. Property destruction, exemplary of most of the incidents of the Hearts of Steel movement in the years preceding the violence in Armagh, was employed with ferocity against the Catholics. Likewise, plunder, also utilised by both Whig American and Tory irregulars in the Carolinas during the American Revolution, was used to demoralise the Catholics and motivate the Peep O'Day Boys, particularly in the early years of the Armagh violence. However, the insanity of the violence allowed both factions to dehumanise one another, leading to incidents of maiming, murder, and rape, and the deepening of intergenerational sectarian hatred.

What occurred in Armagh during this period should probably be considered a form of performative irregular warfare. History bears out this explanation, as will be discussed in a subsequent discussion on ritual violence in Ulster in the first part of the nineteenth century. Whilst scholars may debate the rationale for the disturbances, the incidents here demonstrate that there was an increasing ferocity in the types of violence employed. For example, during the Barclay atrocity, it is unlikely that the terrible things that the Barclays were subjected to had anything to do with their actions but, rather, anger at William Richardson and Barclay's brother-in-law. Likewise, the violence visited upon Dougan and his friends was not directed at them as individuals, but at Catholics in general. Moreover, the biases and occasional inaction by the judiciary to effectively deal with the ongoing violence fed an appetite, particularly of the Peep O'Day Boys, to continue to escalate attacks on Catholics.

⁸² Lecky, *Ireland*, 443-4, 455.

Section III: 1800-1840

Chapter Seven: Maintaining Authority in the Carolinas, 1799-c. 1840

South Carolinian David Ramsay wrote in 1789, reflecting on the aftermath of the Revolutionary War, that 'the political character of the people was...changed from subjects to citizens.' Expounding upon this, he further stated that 'citizens are so far equal, that none have hereditary rights superior to others. Each citizen of a free state contains, within himself, by nature and the constitution, as much of the common sovereignty as another.'¹ Americans would soon use this newfound station to explore where and how often to use violence to protect that sovereignty, and how to wield violence as a tool to both project dissatisfaction toward those in authority and to protect their social and economic standing within society.

The use of communal ritualised violence in the first four decades of the nineteenth century varied. It flared up at times, almost indiscriminately depending upon the local, state or republic-wide socio-political circumstances surrounding its occurrence. As a result, there were vastly differing forms of ritualised violence found in the Carolinas during this period. These included rituals reminiscent of older forms of rough music designed to intimidate without causing permanent harm, including the use of rail riding to tarring and feathering, extensive use of the whip as used in the colonial area, and, on occasion, outright maiming and murder. The nineteenth century also saw the term 'lynch law' emerge into the common lexicon. The term, not specifically designating a vigilante-led hanging as many may believe, was akin to any form of ritual violence perpetrated against an offender who, it was believed, had offended the moral sensibilities of a community or had committed a crime.

The incidents and types of violence found in the more extensive rural interior of North and South Carolina varied depending on the circumstances in which they occurred. They did, as will be demonstrated, share a great deal in terms of why and how they occurred. For this reason, the two states of North and South Carolina are, in this chapter, treated as one entity when discussing acts of ritualised humiliation, intimidation or outright physical harm.

¹ David Ramsay, *A Dissertation on the Manner of Acquiring the Character and Privileges of a Citizen of the United States* (Charleston: n.p.: 1789), 3.

The majority of the incidents discussed fit into a number of categories. These include incidents of violence and intimidation triggered by moral offences connected with religious faith or social mores, issues of authority at colleges and universities, political protest, social bullying, and violence perpetrated against abolitionists, whom, it was feared, were seeking to ferment revolt amongst the enslaved population. Each of these types of rough music, lynch law, and other types of ritualised violence were contests for power. They either challenged existent legal, economic, and political power or were instances where those in power sought to maintain the status quo.

In the years after the American Revolution, irreligious apathy took hold in the sparsely populated backcountry regions of the Carolinas to the new states of Kentucky and Tennessee.² The collapse of the Church of England in the American states meant that no person owed their allegiance to an establishment church. Arguably, this had been true since the colonial era as many of the old backcountry settlements were made up of German-speaking Moravians, the Presbyterians of Scottish and Ulster heritage, and other smaller Christian sects.³ However, the distances and lack of clergy meant that for many, officiated religious services were irregular. Adherents depended upon itinerant clergy and Christian meeting houses that were often, at best, ramshackle primitive structures. For others, it became easier to ignore religious practice altogether.

The state of backcountry religion was, by the last decade of the eighteenth century, in a perilous state yet poised for dramatic and often explosive growth. In this environment, a pre-existing schism within the Carolinian Presbyterian community found itself. Sometimes described as Old Light versus New Light, the so-called New Light Christianity began as an evangelical insurgency in the mid-eighteenth century. This new type of Christian faith appealed to many who were poor, without formal education, and who lived in isolated circumstances. New Light Christianity eschewed rationality and reason in exchange for a personal relationship with the Creator, an emphasis on emotion, and God's grace as a means

² Peter N. Moore, 'Family Dynamics and the Great Revival: Religious Conversion in the South Carolina Piedmont,' *The Journal of Southern History* 70, no. 1 (2004): 40.

³ Christine Leigh Heyman, *Southern Cross: The Beginnings of the Bible Belt* (New York: Alfred A. Knopf, 1997), 10.

of escaping eternal damnation.⁴ Not beholden to the practices of the old Presbyterian faith, soon clergy of the New Light persuasion began to alter how Presbyterians worshipped. A new religious fervour was poised to spread throughout much of the Carolina Piedmont and Appalachian region and would bring about a wholesale change in American religious thought and practice.

As this religious revolution was primed to explode throughout the backcountry, not everyone accepted the changes in traditional religious theology and liturgical practices. Several Presbyterian congregations fractured over changes brought by New Light observing clergy. New Light theology attacked the behaviour of many in the Carolina Piedmont, namely those who behaved in a manner deemed immoral and unbecoming of the pious Christian behaviour that New Light ministers hoped to impart in the communities in which they preached. One example was found in North Carolina in a conflict between a New Light clergyman and his congregation at Stony Creek Presbyterian church. The Reverend James McGready, whose parents migrated to America from Ulster, took up the mantle as a firebrand of New Light preaching in the old Carolinian backcountry. McGready's preaching angered a number of his congregants, who were described as 'loose in their religious habits and morals'. In protest, the offended congregants removed the minister's pulpit from the church, set it outside, and burned it in a bonfire. The culprits also left a note 'in the clerk's seat...written with blood, warning him that unless he desisted from his way of preaching, their vengeance would not be satisfied with the destruction of the pulpit; and his person would not be inviolate.' In the end, it was the New Lights who would emerge victorious as, according to William Henry Foote, 'the dissipation of these families became the ruin of their character and property'.⁵

There were other minor incidents of intimidation of varied members of evangelical clergy in the Carolina backcountry during this era. In May 1800, James Jenkins, an itinerant

⁴ Durward T. Stokes, 'North Carolina and the Great Revival of 1800,' *The North Carolina Historical Review* 43, no. 4 (1966): 407; Philip N. Mulder, 'Converting the New Light: Presbyterian Evangelicalism in Hanover, Virginia,' *The Journal of Presbyterian History* 75, no. 3 (1997): 142.

⁵ William Henry Foote, *Sketches of North Carolina, Historical and Biographical, Illustrative of the Principles of a Portion of Her Early Settlers* (New York: Robert Carter, 1846), 375. According to Foote, this incident occurred in approximately 1791, predating the scope of this chapter. Nevertheless, it is essential to understand the impact of church authority on backcountry behaviour and morality in the decades to come.

Methodist minister, was in Manchester, South Carolina and was in the process of providing the Christian sacrament of communion to a group of enslaved individuals when another man entered the building and threatened to whip Jenkins. He also reported that one of his fellow clergymen, 'Brother' Garrison, faced down an angry mob nearby for preaching in a New Light manner.⁶ Scenes such as this may have occurred on occasion but were not commonplace as an evangelical fervour swept across much of the American backcountry in what would become known as 'The Great Revival.'



Image 8: Region in which Stony Creek Presbyterian is located in a map from 1811. It is in the environs of present-day Burlington, North Carolina.⁷

The incidents at Stony Creek and Manchester signified that those who partook in these incidents felt threatened by the growing religious fervour inspired by McGready. Their behaviour, not dissimilar to the harassment of Charles Woodmason decades earlier or even the abuse suffered at the Hillsborough courthouse during the reign of the Regulators in North Carolina in its ritual, demonstrated a willingness to try to drive McGready, Garrison, and

⁶ James Jenkins, *Experience, Labours and Suffering of Rev. James Jenkins The South Carolina Conference* (n.p: n.p, 1842), 40.

⁷ Mathew Carey, *The State of North Carolina from the best Authorities, &c.* [map]. 1811. 'David Rumsey Map Collection' < https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~24399~890088:North-Carolina-?sort=Pub_List_No_InitialSort&qvq=w4s:/where%2FNorth%2BCarolina%2Fwhen%2F1811;sort:Pub_List_No_InitialSort;lc:RUMSEY~8~1&mi=0&trs=1 > (accessed 17 Jan 2024).

Jenkins from the area. However, none of these attempts were effective. The clergymen persisted in their duties, and represented an evangelical Christianity that became an agent of moral authority throughout much of the rural Carolina Piedmont region.

The turning point for the power of the evangelical church as an agent of moral authority began in earnest at a religious revival at Cane Ridge, Kentucky, in 1800. Thousands of people, often poor and isolated, found a common cause in their shared religious faith at this event. This phenomena spread, and the number of attendees grew. At these events, one might hear preaching from clergy associated with the Presbyterian faith and insurgent Methodist and Baptist Christian sects. Attendees would also witness the emotional conversions of other attendees, listen to fiery evangelistic sermons, and sing Christian hymns with hundreds or thousands of other people. This environment provided an 'immense attraction in the glorious release offered by ministerial descriptions of redemption and heaven' along with the benefit of community and fellowship with one's neighbours.⁸ As a result, experienced these early camp meetings would often return home and agitate along with their neighbours to constitute new evangelical churches; churches that would become central agents of morality within the communities they existed. The Carolinas proved no exception.⁹

The pious demeanour of these new churches meant that congregants were often called upon to confess and repent of their transgressions. Sometimes, there were church trials of members who refused to confess to an accusation of wrongdoing. Many records document the trials of accused congregants of a multitude of moral transgressions;¹⁰ one was found to result in an incident of collective violence. In 1803, Reverend William Capers expelled a female congregant at a Methodist meeting house after a church trial 'conducted with exact conformity to Discipline'. The accused's father-in-law believed her guilty, whilst her husband

⁸ John B. Boles, *The Great Revival: Beginnings of the Bible Belt* (Lexington KY: University of Kentucky Press, 1996), 119.

⁹ Richard A. Humphrey, 'Development of Religion in Southern Appalachia: The Personal Quality', *Appalachian Journal* 1, no. 4 (1974): 247-8.

¹⁰ Disciplinary records for congregants can be found in most south-eastern Presbyterian, Methodist, and Baptist church records. For example, extensive records have been examined at Columbia [Presbyterian] Theological Seminary in Decatur, Georgia, dealing with eighteenth and nineteenth-century churches in the Carolinas. Similarly, extensive Baptist church records for the period in question regarding church authority in South Carolina can be found on microfilm at SCDH.

believed her innocent of the charges. The trial and subsequent guilty verdict split the local community; many, if not all, were church members. As a result, the judgment against the woman there was what Capers described as a 'riot and considerable violence' in the immediate aftermath.¹¹ While it remains unclear if this incident could be described as ritualistic, it was undoubtedly communal and caused a rift within the local community.

The Chester Methodist church riot exemplified the budding authority of the evangelical movement. Many small communities had one, maybe two churches, and as membership was considered 'socially obligatory',¹² expulsion from a local congregation may have meant that the former congregant may have been shunned by the local community altogether. In many cases, the threat of such punishment would have supplanted the need for traditional rough music or charivari for offences repugnant to the community's moral values. The implicit threat of social discipline was observed in the early nineteenth century by David Ramsay, who stated,

'...great good has resulted from the labors of the Methodists in evident to all who are acquainted with the state of country before and since they commenced their evangelisms in Carolina. Drunkards have become sober and orderly—bruisers, bullies, and blackguards, meek, in offensive and peaceable—profane swearers, decent in their conservation. In the cause of religion the Methodists are excellent pioneers and prepare the way for permanent moral improvement...'¹³

Research in this area has borne out Ramsay's conclusion. Occasions of ritual violence connected with moral turpitude were rarely found until the 1830s, and even then, the cases were extraordinarily sporadic. However, they do exist and demonstrate that the Western European rough musicking tradition had not disappeared from the Carolinas altogether.

¹¹ William May Wightman, *Life of William Capers, D.D., One of the Bishops of the Methodist Episcopal Church, South* (Nashville: Barbee & Smith, 1902), 103-104.

¹² H. Richard Niebuhr, *The Social Sources of Denominationalism* (New York: Meridian Books, 1922), 17-8.

¹³ David Ramsay, *History* 20-22.

Although it is all but certain that some form of communal ritual violence occurred in remote areas and was never recorded for the sake of posterity in the intervening years, two consequential events very similar to one another occurred in 1837 and 1838, both in North Carolina. These two incidents involved the physical removal of people connected with actions repugnant to the moral norms of a community and they were given a 'riding' out of town on a rail.

In July 1837, in Salisbury, North Carolina, at approximately ten o'clock at night, a man was seen 'mounted on a rail without saddle or martingale, leisurely parading down the street accompanied by a body guard, who marches to the tune of "Racoon on the rail."' The unnamed individual was accused of having 'taken up at a place where his marriage now was not likely to be signally honored' and he was forcibly removed from the town limits. The following evening, an effigy of the man was paraded 'through the town on a rail to the same tune.'¹⁴

In the following year, in May, another man was forcibly removed from the small town of Lexington, North Carolina, on a rail. The accused offender had 'left his own wife and children, and eloped with the worser....half of another man and the two took up their abode in the quiet village of Lexington.' Having been made aware of the offence, the townspeople 'took the fellow out of bed, put his across a rail, and rode him through the Town at the witching hour of midnight'. The individuals who carried out this rite sang the tune 'Settin' on a Rail'. The ritual concluded when the man agreed to leave the town 'without delay' to a singing crowd of onlookers.¹⁵

¹⁴ 15 Jul 1837, *Carolina Watchman* (Salisbury NC); 19 Jul 1837, *Fayetteville Weekly Observer*.

¹⁵ 10 Mar 1838, *Tarboro Press*; 28 Feb 1838, *The North-Carolina Star*.

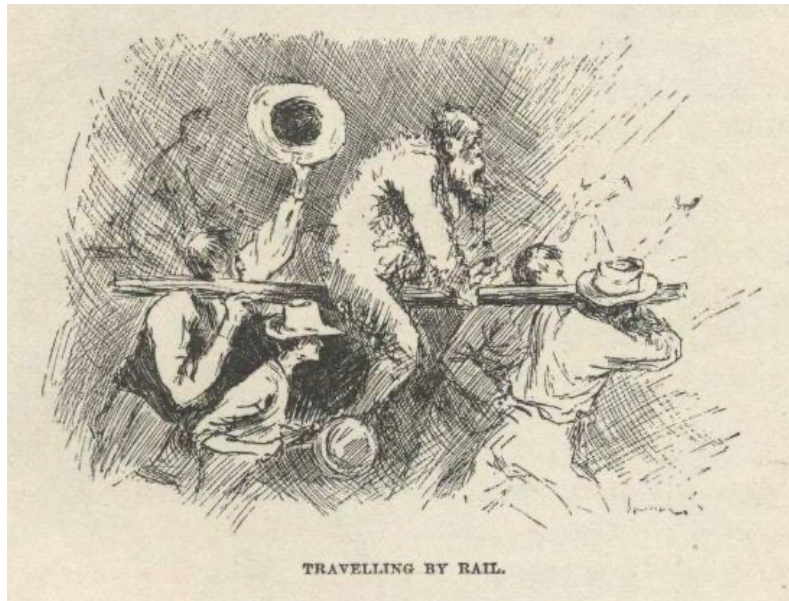


Image 9: Travelling By Rail, image taken from 1885 edition of Mark Twain's *Adventures of Huckleberry Finn*¹⁶

Subjecting a moral offender to riding on a rail is a classic example of the earlier tradition of rough music. More specifically, it is reminiscent of the tradition of 'riding the stang' in Scotland.¹⁷ Although it is easy to draw a direct connection between the population in the Carolinas of Ulster or Scottish heritage to these two incidents, a cursory examination of several reports in the United States that mention subjecting an accused offender to a 'riding' are numerous.¹⁸ It must be concluded that the explanation for the popularity of this ritual, particular during the 1830s has no easy answer. However, it is worth discussing the song by which the Carolina offenders were marched out of town.

The song, 'Settin' on a Rail,' is reportedly a song that has its origins in African-American folk music and became popular with mainstream audiences in the 1830s. The song, published in 1836, contains lyrics almost certainly designed to mimic speech by individuals living in rural areas or enslaved African Americans. The popularity of this tune seems to indicate the intent to intimidate and humiliate those subjected to a riding as expected. The song may also somewhat account for the popularity of administering ridings as punishment later in the

¹⁶ Mark Twain, *Adventures of Huckleberry Finn* (New York: Charles L. Webster and Company, 1885), 291.

¹⁷ Thompson, 'Reconsidered', 4-8, 10, 12; Ingram, 'Ridings', 82, 86

¹⁸ The earliest mention of possibly subjecting someone to 'riding on a rail' as a punishment appeared on 4 Apr 1820 in the *Rutland Weekly Herald* (Vermont). Subsequent reports of similar rituals appear on 26 Jun 1821 in the *Buffalo Journal* (New York) and 11 Feb 1823 in *The Portland Gazette*. However, reports of this type of rite explode after 1830 in newspapers throughout America.

1830s. It further demonstrated that the power to police moral offence lay with the people of the community. It is also likely that the individuals subjected to this treatment in North Carolina were probably not congregants of a local church, and this ritual was a method to expel people from the local community who were otherwise not subject to church or civil authority. The communal singing of this song further signalled that the offender was viewed as beneath the social status of an enslaved person, which would demonstrate that their place within the community was untenable.

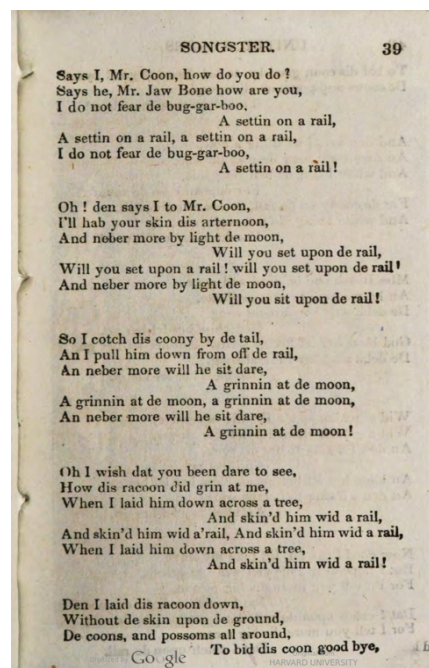


Image 10: Partial lyrics of the song 'Sittin' on a Rail' (1836)¹⁹

These are examples of what was, undoubtedly, a culture that rebuked moral offence either through the authority of a church or via direct action, much as those in the British Isles and other areas of Western Europe had done centuries before. Indeed, other incidents, including ridings, perhaps ritual whippings, or even tarring and feathering, were administered throughout the Carolinas. Many of these incidents would have been considered inconsequential to record, yet they do indicate the local population's power toward maintaining social order. However, other types of ritual violence attempted to challenge

¹⁹ *The United States Songster: A Choice Selection of About One Hundred and Seventy of the Most Popular Songs* (Cincinnati: U.P. James, 1836), 38-40. The title page of this text mentions that the book contains 'Settin on a Rail' and a number of original songs implying that this song predated its publication.

authority during this period; this included upheavals within academic institutions in the Carolinas.

Universities at and after the turn of the nineteenth century in the Carolinas were the scene of several violent and humiliating incidents at state institutions of higher education. Like many students today, students attending these new universities and colleges were eager to test the boundaries of authority, knowledge, and the expectations of society. Ritual violence as a means of testing authority was not simply an issue in the Carolinas but one that educational institutions were struggling to deal with across much of the early American republic.²⁰

The University of North Carolina, the second publicly chartered and first to begin holding classes, was formed from an uneasy alliance between two factions who opposed one another on theological and political differences, the Presbyterians and the Federalists.²¹ From its beginnings, there were tensions relating to the purpose of and in the instruction provided to its student body. In addition, the student body had become problematic for the university administration. 'Drunkenness, swearing, gambling, and fighting' had become widespread amongst the student body, all of whom were young men. Frustrated by the disciplinary actions taken against student offenders and possibly motivated by a secondary political agenda, the students revolted in the summer of 1799.²² The students, having threatened members of faculty over their authority, acted with utter brutality almost reminiscent of actions taken by some of the Regulators before the Revolution. The president of the university, James Smiley Gillaspie, was horsewhipped by a student who had been 'expelled unjustly' whilst other students 'waylaid and stoned Mr. Webb, accosted Mr. Flinn with the intention of beating him...and at length uttered violent threats against Mr. Murphy and Mr. [Joseph] Caldwell, which were never put into execution.' As a result, Gillaspie resigned, and three of the offending students were expelled from the school.²³

²⁰ Steven J. Novak, *The Rights of Youth: American Colleges and Student Revolt, 1798-1815* (Cambridge: Harvard University Press, 1977), 76-94.

²¹ *ibid.*, 107.

²² Sarah McCulloh Lemmon, ed., *The Pettigrew Papers, 1685-1818* (Raleigh: North Carolina State Department of Archives and History, 1971), 243.

²³ Joseph Caldwell to John Haywood, 4 Nov 1799, Robert Digges Wimberly Connor, *Documentary History of the University of North Carolina, 1776-1799* (Chapel Hill: University of North Carolina Press, 1950), 442; Kemp P.

The direct motives for this event remain unclear. Kemp P. Battle, a former president and scholar of the history of the University of North Carolina, believed that it was simply student behaviour and the punishments administered by the faculty that was the direct cause, whilst another later twentieth-century historian believed there were external political overtones to the physical abuse of the faculty and the president of the school.²⁴ If the former is accurate, then this is simply the students challenging the authority of the faculty and administration; if it is the latter is also true, the replacement of Gillaspie by Caldwell and the subsequent withdrawal of monetary support by the state legislature indicated yet although this was still a contest of power it was one imbued with the partisan infighting that was taking place in the state writ large between the federalist faction and the Presbyterians who were competing for political and social supremacy within the state. Nonetheless, whipping, a rite of both legal and extrajudicial punishment, was used to humiliate the target of student dissatisfaction.

The early history of defiance by students at the University of North Carolina flared up again; this time, the occasion was the war between the United Kingdom and the United States, popularly referred to as the War of 1812. The university president, Reverend Dr Robert Hett Chapman, a Presbyterian clergyman, had encountered some hostility from some due to his stance as a 'Peace Federalist'. In contrast, many students in his charge favoured military confrontation with British forces. Chapman was, according to historian Battle, 'too honest to conceal or to tone down his views', which enraged many students.²⁵

This time, and unlike the confrontation of 1799, the students clandestinely acted against Chapman. In January 1814, a group of students broke into Chapman's stable, 'cutting the hair from the tale of a horse' which belonged to him. A cart was also stolen, a small building described as a house was pulled down, and a gate to Chapman's property was stolen. Warrants were issued to detain several students suspected of these property crimes,

Battle, *History of the University of North Carolina: From its Beginning to the Death of President Swain, 1789-1868* (Raleigh: Edwards & Broughton Printing Company, 1907), 155; Lemmon, *Pettigrew*, 243.

²⁴ Battle, *History*, 155; Novak, *Youth*, 113.

²⁵ Battle, *History*, 232-3.

although Battle notes several accused were not guilty.²⁶ The insults against Chapman were not yet complete. He later received a note which stated:

Dear Sir:--Having been informed that you are anxious to know why your gate-post was decorated with tar and feathers, this is to inform you that it was intended by the patriotic students to deride Toryism, and as a monument to the memory of the inspired politician and designing traitor.

In a balmage, Sir, of delicious tar you will be secure as Pharoah and, in a hieroglyphic of feathers, rival in finery all the mummies of Egypt.

I am yours, etc,

FRIEND TO RELIGION

BUT AN ENEMY TO HYPROCRISY²⁷

In one final and public insult to Chapman, a senior student, William Biddle Shepard, who had familial and social connections to several influential North Carolinian families, made an open oratory in defiance of the President. After being told to cease, some other students chanted, 'Go on! go on!' The students excitedly and openly defied Chapman and other faculty members present on this occasion. The result was that a number of the participants in this public display of defiance were either suspended or expelled from the university altogether.²⁸

These incidents, far less intimidating than the physical abuse administered to the faculty at the university in 1799, had, in the end, the same general result. Chapman resigned his office. The students shamed Chapman and demonstrated their complete lack of respect for him as both a clergyman and the most senior member of the faculty. Most interesting is not the open defiance of Chapman but the secretive theft, destruction, and tarring and feathering of his property. Instead of direct violence against Chapman, he was symbolically humiliated by these incidents. For their part, the students who openly defied the faculty were almost certainly aware of the consequences of their actions. However, they achieved one final insult in their successful attempt to drive Chapman from the institution. Incidents such as

²⁶ *ibid.*, 234.

²⁷ *ibid.*, 235.

²⁸ *ibid.*, 236-7.

these were not confined to North Carolina academia; student revolts also occurred in South Carolina.

The students at South Carolina College were recorded as having regularly broken the tranquillity of the campus and its neighbours. Near the end of 1813, it was recorded that 'noise and riot' were recurrent occurrences at the college. Some of the complaints lodged against the students included the disruption of church services, an attempt to steal a church bell, and 'disrespectful behaviour' towards faculty members and members of the local community. The faculty considered these continuing events intolerable and suspended three students on 8 February 1814. In an apparent reaction against the crackdown on student behaviour and spurred on by the students who were suspended, groups of students revolted. That evening, a 'number of [intoxicated] students' described as wearing 'various disguises', 'burnt a Professor in effigy, whilst others...were stationed as guards at the house of the Professors to prevent their coming out.' Subsequently, several student rioters then outfitted themselves with 'drum and fife'. Several others proceeded to the college library and forced their way into the building. Once inside, the rioters damaged several windows and 'carried off the bell and destroyed it.' While this scene of mayhem was underway, at least two of the residences that housed a tutor and professor were pelted by 'brick-bats' in an assault. Terrified by the riot, the college trustees requested the assistance of the local militia to quell the student revolt. Although it was noted that some of the rioters put up resistance to the authorities, they were eventually subdued.²⁹

Rowdy and often, illegal behaviour was systematic at the college. In 1822, another disturbance occurred at South Carolina College. College president Thomas Cooper noted that the school had experienced some manner of yearly rebellion. He mentioned that mischievous students routinely committed theft from the houses and from the fields of residences near or on the campus. Rebellious activity was only limited to these sorts of acts. In January 1822 the entire junior class openly rebelled against the rules and regulations of the school when they refused to attend required prayers and recitations. Dismayed by the defiance of the students,

²⁹ M. LaBorde, *History of the South Carolina College, from its Incorporation December 19, 1801, to Nov. 25, 1857, including Sketches of its Presidents and Professors* (Columbia SC: Peter B. Glass, 1859), 74-77.

college administration demanded that students to sign a pledge to 'promise on our honour, to obey the law known to be in force in this College: to enter into no combination to resist them: and to perform the duties enjoined upon us by the Faculty, under the authority vest in them by the Trustees.' Twenty junior class members refused to sign, while only eight complied. As a result, those who refused were suspended. The faculty countered by offering 'an alternative of a milder nature.' This was rejected, and on successive evenings, 'the College...exhibited a scene of riot and disturbance'.³⁰ While the details of these events were not recorded, it is worth noting that once again, as was the case in 1814, that this was a battle over who had supremacy at the College of South Carolina.

While both events allude to a struggle between the faculty and the students, the 1814 events are more enticing from a historical perspective. Within that riot, a comparison can be made to previously discussed incidents of property destruction. Notably, the destruction of the bell within the library echoes what the Regulators did to the Hillsborough church bell. Similarly, a comparison can also be drawn to the destruction of the crucifix and of the windows at a Roman Catholic chapel in County Armagh in the 1780s by men aligned with the Peep O'Day Boys. Another comparison can be made to the vandalism to the dormer windows of Fanning's house in Hillsborough and on numerous occasions, as discussed, during the cases of arson during the Steelboy movement in the north of Ireland. Although it can be argued that the incident at the college was not as severe as the prolonged and often deadly incidents in Ulster, the act of vandalism demonstrated anger against the prevailing agents of authority as it did elsewhere. It is worth noting that in the 1814 riot, the fife and drum were utilised to rouse the student population and onlookers to what was occurring and used to intimidate, much like crowd noise, those whom the students targeted. Like the processions in Ulster by the Hearts of Oak and the Volunteers or the music performed by the South Carolina Regulators, music or noise was central to the atmosphere of the occasion. These events were purely a short-lived explosion of anger over the authority and control over the students by the faculty of the institution. These incidents, emblematic of questions over authority and, in

³⁰ Thomas Cooper to Thomas Jefferson, 14 Feb 1822, The Thomas Jefferson Papers, Series 1, General Correspondence, 1651-1827, Library of Congress; Robert Cahusac to William Porcher, 17 Feb 1822, MSS 43/0568, South Carolina Historical Society.

particular, of assertions of power from below, were not confined to academia but to the general political environment.

It is important to note that the ritual rebellion against the Carolinian institutions of higher education was not limited to North and South Carolina. This information is derived from historian Steven Novak's research on various student revolts that occurred from the late eighteenth century through 1815. His work highlights disturbances at institutions such as William and Mary, the University of Virginia, and Middlebury College during this period. The rebellious tactics used by the students included property destruction, arson, throwing urine through faculty members' windows, physical assaults, and chanting to disrupt academic ceremony.³¹

While none of these rituals was particularly unique, it is noteworthy that nearly all of the riots or rebellions described in Novak's work were relatively restrained. None reached the level of violence or atrocity seen during the American Revolution. The causes of these incidents and rituals were complex, as discussed in Novak's scholarship. He characterized college and university students of that era as a 'lost generation,' overshadowed by their fathers' significant victories in the war. In essence, Novak broadly regarded these young men as feeling eclipsed by the previous generation, leading them to defy authority and embrace a spirit of rebellion, which, on occasion, manifested as disobedience or violence.³²

As briefly mentioned, there were considerable tensions between two competing factions for control of the University of North Carolina; this was a microcosm of increasingly contentious political debates on issues of federal authority and economic policy. Factionalism such as this was part and parcel of a more significant issue surrounding competing interests between the Jeffersonians and the Federalists that flared up throughout the United States in the first decades of the 1800s. One of the more consequential factional issues surrounded how the American states dealt with an overseas conflict between the British and French governments, one that had threatened the neutrality of the United States. Interference

³¹ Novak, *Youth*, 101, 119, 126, 144, 155-6.

³² *ibid*, 164-9.

caused by the European war threatened American commerce and exposed a divide between Carolinians who depended upon foreign trade and the patriotism of the inland region.³³

Unsurprisingly, much civil unrest in the first decade of the century was connected to the interference from the British Royal Navy boarding American-flagged naval vessels. Namely, this centred on the practice of impressment, whereas British naval vessels would intercept and board American ships at sea, claim that an American sailor was a British subject and press him into naval service. One of the most well-publicised events related to this practice was the attack and capture of the U.S.S. *Chesapeake* in 1807 under the auspices of looking for deserters from the Royal Navy. During this brief engagement, three American sailors died, and four were forcibly taken by officers onboard the H.M.S. *Leopard*. This affair was widely publicised in American print media and lambasted as a national embarrassment.³⁴ Consequently, there was considerable outrage throughout much of the United States, which led to several riots and other forms of civil disorder in a number of cities, including but not limited to the cities of Norfolk, Philadelphia, and Charleston.³⁵ Further incidents demonstrations of considerable protest and anger continued from this point and throughout the War of 1812 in Charleston.

During the summer of 1812, the office of the founder of the *Charleston Courier*, Aaron Smith Willington, was 'pulled down' by a group of assailants described as 'foreign renegades'. This attack on Willington's property resulted from previous threats against him and his business. Based upon a report, the so-called 'foreign renegades' likely harboured anti-British sentiment and felt that Willington had not espoused the same views.³⁶ This event followed a

³³ Brian Schoen, 'Calculating the Price of Union: Republican Economic National and Southern Sectionalism, 1790-1828', *Journal of the Early Republic* 23, no. 2 (2003): 182-4, 194. Schoen's entire piece is an excellent primer on the political debates that portended the sectional crises of the mid-nineteenth century. See also Richard Buel Jr., *America on the Brink: How the Political Struggle Over the War of 1812 Almost Destroyed the Young Republic* (New York: Palgrave Macmillan, 2005).

³⁴ Robert E. Cray, Jr, 'Remembering the USS Chesapeake: The Politics of Maritime Death and Impressment,' *Journal of the Early Republic* 25, no. 3 (2005) 445-6; Buel, *America*, 32-33.

³⁵ Henry Adams, *History of the United States of America During the Second Administration of Thomas Jefferson* (New York: Charles Scribner's Sons, 1890), 4: 27; 6 Jul 1807, *The Evening Post* (New York); 13 Jul 1807, *Charleston Courier*. *The Evening Post* will be henceforth abbreviated NYEP and *The Charleston Courier* as TCC.

³⁶ 6 Aug 1812, *United States' Gazette for the Country* (Philadelphia).

violent riot perpetrated in Baltimore against the newspaper the *Federal Republican* who did not share in the pro-war fervour that swept across much of the country during this period.³⁷

It is worth elaborating on the Baltimore riot as a significant event that deviated from the established norms of rioting in the Anglo-American tradition. This particular riot has attracted scholarly interest, notably from Paul Gilje, who views it as aligning, in certain respects, with the practices of English and American mobs from the preceding century, especially in the ritual of collectively demolishing a building. The editor of the *Federal Republican* offended nationalistic and partisan sentiments by resisting the prevailing conflict, prompting the mob to exact a heavy toll through the complete destruction of his newspaper business. During the initial assault on the newspaper, the mayor of Baltimore was present but made no effort to intervene against the mob; his only concern appeared to be the safety of those inside the building.³⁸

What followed diverged sharply from the typical restraint of the pre-Revolutionary War era. The newspaper, undaunted, relocated its operations to a new site. Anticipating another potential attack, several staunch Federalists gathered to protect the newspaper office. In a bid to halt the escalating violence, gunfire erupted, resulting in one fatality. At this juncture, authorities intervened, placing the Federalist defenders in jail for their safety. However, this action failed to dissuade the mob; they subsequently stormed the jail and assaulted the Federalists, leading to another death and multiple injuries. Additionally, the new newspaper offices were besieged, looted, and ultimately destroyed by the mob.³⁹

Gilje referred to these events as 'savagery' and representative of the 'emergence of a new form of rioting representative of the heterogeneous and confused democratic society.' His perspective seems warranted, considering the various ethnic and class tensions present in Baltimore during this time.⁴⁰ In contrast, while the Carolinian interior was not recorded as experiencing any violence on this level, some civil unrest did occur.

³⁷ 24 Aug 1812, *TCC*. See also Buel, *America*, 162.

³⁸ Paul A. Gilje, 'The Baltimore Riots of 1812 and the Breakdown of the Anglo-American Mob Tradition', *Journal of Social History* 13, no. 4 (1980): 548-50.

³⁹ Buel, *America*, 162-3; Gilje, 'Baltimore', 555.

⁴⁰ Gilje, 'Baltimore', 552, 557.

Despite the relative wartime peace in the sparsely populated interior, there were notable incidents of unrest in the Carolinas. While little is known of the characteristics of the events or why they occurred it is worth noting that they did. For example, in North Carolina, there were a considerable number of indictments for rioting. Between 1811 and 1815, there were 152 prosecutions for rioting, which resulted in 81 convictions. These records demonstrated that riots, in some form, were incredibly commonplace throughout North Carolina.⁴¹ Similar incidents of tumult almost certainly occurred in South Carolina during the same period. Unfortunately, the circumstances of these charges were rarely recorded. While national politics may have inspired the motivations for these events, it is reasonable to assume that many were also rooted in local events, people, and other varied circumstances.

It would also be a mistake to assume that there was little care for national affairs in the Piedmont region. In 1807, several community meetings were organised in Union County, South Carolina, to debate and vote on several resolutions which condemned British attacks on American shipping and further 'expressed a criticism of what they saw as "the docile...measures heretofore studiously pursued by our government"'. In the end, the people who attended the meeting on 15 August 1807 openly pledged their 'lives, fortunes and sacred honor for the support of...[these] measures on this all important occasion.'⁴² The unanimity with which these meetings were attended and resolutions agreed to left little evidence to suggest dissent amongst the local population. While there were undoubtedly incidents of violence, even ritualised, on occasion, there was no need to express such discontent in instances such as these where the entirety of the local populace expressed the same or a similar opinion.

There were, of course, limited incidents of political disagreement. It was rare that these disagreements resulted in performative events such as the burning of someone in effigy or carrying someone out of town on a rail; however, on occasion, such disagreement might

⁴¹ Guion Griffis Johnson, *Ante-Bellum North Carolina: A Social History* (Chapel Hill: University of North Carolina Press, 1937), 667. Johnson states that rioting was the fourth most common reason for prosecution across the state. He further noted that the records from Rockingham County were inaccurate and not included in his data.

⁴² Michael Gaffney, *The Journal of Michael Gaffney*, ed. Ronald G. Killion and Bobby Gilmer Moss (Gaffney SC: The Gaffney Ledger Inc, 1971), 28-9.

result in an incident of personal violence. For example, in 1825, on election day in the town of Halifax, North Carolina, there was a disturbance at the polling station located at the courthouse. Two men, Hamlin Turner and Henry Potter, were shot during what was presumably a disagreement, one almost certainly related to the election. Turner died as a result of his wounds whilst Potter recovered.⁴³

The Halifax incident is not representative of ritual group violence or protest. It is, however, important to note the personal and sometimes deadly tone that often surrounded the use of violence in the interior of the Carolinas. Unlike the larger cities and towns, those who resided in rural settlements in the Piedmont often knew one another, and disagreements over personal and political matters could sometimes result in maiming or death.

As stated, violence was not unfamiliar to some segments of the population residing in the Carolina Piedmont region. David Hackett Fischer described many of these violent interactions as mutual and quite brutal. Brutal violent contests had taken place since the colonial period and were referred to as 'rough and tumble'. Within this type of ritual, fighting between two or more combatants could sometimes go as far as resulting in the loss of an eye, finger, or ear.⁴⁴ The existence and reluctant acceptance of this type of violence signified that, in other cases, the abuse of other unwilling participants could be seen as culturally adjacent. Carolina historiography reflects certain types of incidents resulting in the abuse and humiliation of another less physically capable individual. One example occurred in the first decade of the nineteenth century in the then-small settlement of Charlotte, North Carolina.

One of the most well-known characters to scholars of the cultural history of early North Carolina was Charlie Polk, son of Thomas Polk, who was a leading figure in the Sugar Creek War in the 1760s. Charlie Polk, sometimes called 'The Devil', was an outrageous character. His contemporaries well knew Polk as an avid fiddle player who, as legend has it, delighted to terrify pious Protestant congregants who were on their way to camp meeting

⁴³ 24 Aug 1825, *NYEP*.

⁴⁴ Fischer, *Albion*, 737.

revivals.⁴⁵ He was also known to be a violent man and was suspected of the untimely death of his wife.⁴⁶ Polk did demonstrate, on at least one occasion, his willingness to abuse and humiliate another individual, Zaccheus Wilson.

Wilson, who was visiting the town of Charlotte, North Carolina, quickly discovered Polk's cruelty. Wilson happened to be in a tavern when Polk entered, along with some friends, and approached him. Polk and his friends, for unknown reasons, gathered around Wilson and attempted to compel him to consume an excess amount of alcohol. Wilson refused. Polk, unwilling to accept his answer, then forced Wilson into consuming an excess quantity of liquor. As a result, he became quite intoxicated. Polk, amused, forced Wilson onto a cow outside the tavern and 'rode him up and down the street' as if to display his control over the man. One of Polk's comrades then cut off the cow's tail and dripped the blood into a 'glass of liquor'. Wilson, who was defenceless, was forced to consume the blood-liquor mixture by his harassers. Sometime later, after being informed of what had happened to their father, Wilson's sons ventured into Charlotte and 'walked the streets popping their fists and calling on the offenders to come out.'⁴⁷

The actions by Polk and his friends, described by historian Daniel Patterson as a prank, fit a sort of rough music punishment administered to a moral offender in seventeenth-century England. One might even ask whether Wilson was placed upon the cow backwards, not unlike a traditional rough music ritual in the British Isles. Nonetheless, this was a ritual incident, yet Wilson had committed no offence. Polk was the offender, yet he and his friends felt free to exercise their physical power over another man and humiliated him in the process.

The type of cruelty administered by Polk was not simply limited to social bullying. By the 1810s, a new term for communal or group ritual violence came into the American lexicon. Many Americans 'lynch law' or 'Judge Lynch's Court' was increasingly invoked to deal with

⁴⁵ Patterson, *True Image*, 60-1. Patterson that his source for this story came from a Torrance MSS located in the Boyers Papers in the Charlotte-Mecklenburg Public Library. The library cannot, at present, locate this manuscript after moving their archives to another location. It was suggested that other similar stories like this were contained within this manuscript.

⁴⁶ John Brevard Alexander, *Reminiscences of the Past Sixty Years* (Charlotte: Ray Printing Co., 1908), 281-2.

⁴⁷ James A. Wallace to Lyman Draper, 8 Jun 1875, Lyman Draper Papers, 2GG143[b]-144, microfilm, NCDA.

the threat of criminal behaviour and, perhaps most consequently, the threat of agitation by abolitionists and the revolt of the enslaved population.

There is considerable debate over the origin of the term lynching and lynch law. The practice of lynch law and lynching is not a new one; it has been discussed throughout this work. It was, in practice, the rites of extrajudicial violence and punishment administered throughout the Regulator movements, it was the jostling of magistrates and cess agents in Ulster, and it was seen in ritual torture administered by both the Whigs and Tories in the Carolina backcountry during the American Revolution. However, the term lynch law, within the American mythos, is linked to one of two men who lived in the mid to late eighteenth century, William and Charles Lynch. Charles Lynch was a Whig militia officer and magistrate and presided over questionably legal trials and the administration of the punishment of accused Tories and their sympathisers. Likewise, William Lynch is suspected, by some, to have played an underhanded role in the prosecution of a man for high treason in Virginia during the Revolutionary War.⁴⁸ Regardless of the true origins of lynch law, it became the de facto term for extrajudicial ritual violence in America during the nineteenth century.

Some of the earliest references to lynch law in American newspapers emerged in the second decade of the century. The *Richmond Enquirer* used it to describe the capture and subsequent whipping of three suspected counterfeiters.⁴⁹ The phrase shows up again in the *Hartford Courant* a few years later in an article discussing the capture of a number of banditti outside of Charleston who were robbing travellers. The criminals were found residing in a building called the 'Five Mile House' just outside the city. Upon the discovery of the rogues inside, a group of vigilantes ordered to evacuate the building and burnt the house down.⁵⁰ Both of these incidents represent rather ordinary and almost mundane types of ritual punishment that were discussed previously, namely whipping and property destruction. However, there was no mention of an elaborate performative ceremony, the ritual violence performative. It made the point that if you violate the law, you will be punished by the people.

⁴⁸ Christopher Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America* (New York: Palgrave Macmillan, 2002), 15-20.

⁴⁹ 11 May 1813, *Richmond Enquirer*.

⁵⁰ 9 Mar 1819, *Hartford Courant* [Connecticut].

Lynch's law described the administration of a regular extrajudicial exercise, which was already familiar to many Americans.

By the mid-1820s, the use of the phrase, at least in the print media, began to explode with some regularity. The Hillsborough newspaper *Recorder* excitedly relayed a report from Arkansas of the use of lynch law by a group of indigenous people against a man who had been accused of murder yet recently acquitted in a court of the charge. The man, known as Johnson, was widely believed to be guilty of the crime yet allowed to leave the courthouse a free man. Nonetheless, Johnson was captured by 'Indians' and then stripped of his clothes. They then 'applied the oil of hickory to his back and limbs'; in other words, he was extensively whipped. In addition, his head was shaved, and one of his ears was removed. The vigilantes then set him in a canoe without an oar and left him adrift in the river.⁵¹

This story of the maiming of an accused but acquitted criminal is a tale of morality as much as it is of brutality. Although this event did not occur in the Carolinas, a North Carolina newspaper published it, and it was a public warning that if the court system did not deliver what the populace thought was a just conviction and punishment, then the people would. It also seems likely that the so-called 'Indians' were, in fact, area residents who were determined to punish a man who, it was widely believed, was guilty of the crime of which he had been accused.

As in the incident in Arkansas, reports poured in from less populated territories and states of the expedient justice provided through lynch law in what was then the frontier. The popularity of these articles almost certainly had become so pervasive that *The Charleston Mercury* published a short treatise on the efficiency of extrajudicial punishment. The editor of the newspaper simply stated that 'They can do as other Judges have done in frontier counties: the fellow to a Black Jack, and give him Lynch's Law, if it happens to be inconvenient to go through the form of law.'⁵² As popular as vigilante law was amongst some, it became apparent that the courts could not allow these incidents go entirely unchallenged.

⁵¹ 9 Jul 1828, *Recorder* [Hillsborough NC].

⁵² 5 Dec 1827, *The Charleston Mercury*. Henceforth, *TCM*.

In 1827, on 31 July, a young man named Joseph Martin died of his injuries after being tortured in an effort to force him to confess to the location of a trunk that belonged to two local women near Fox's Mill, South Carolina. Two men, Alexander Boyd and Henry Shultz, were accused and tried for his death at the Edgefield County Courthouse in October of the same year. The state prosecutor called Berry Arnold who testified that after Martin denied knowing the whereabouts of the trunk, Boyd came up and stated, 'give him to me, I'll make him find the trunk' and took Martin to a house. Shultz then arrived at the house and blankly stated to Martin, 'although I think you guilty of this act, your countenance does not bespeak you a rogue; you are a young man and fitted for better business.' Martin again denied knowing the whereabouts of the lost item. Sometime later, Shultz, troubled by Martin's denial, tied him up and was encouraged to 'give him Lynch's law'. Shultz then informed Martin that if he did not disclose the location of the trunk, 'they would whip him'; Shultz then took Martin and 'turned his clothes down over his shoulders'. Another man present, only identified as Lynar, 'with a switch forked 5 or 6 inches at the end, and fraz-lled....gave him 5 lashes'. After the initial lashing, Martin reportedly cried out, 'O, Lord!' and they administered five additional lashes with the switch. The defendants then requested that Arnold get additional switches to beat Martin. Arnold left and did not return.⁵³

Sometime later that evening, Martin was seen in the company of Shultz in the woods. Martin was reportedly covered 'with mud, blood oozing through his shirt, bloody fluid from his nostrils', having finally admitted to the location of the trunk. Martin, too severely injured to return to his family, remained with Shultz for part of that evening. The next day Martin was said to have been 'badly bruised or whipped...few marks on [his] face and head—blows seemed to have been inflicted with a blunt stiff instrument, rather than a tapering, keen hickory—more like they had been inflicted with a *bulbus vine* found near him.' It was estimated that Martin had forty to forty-five lash marks on his back and another several injuries to his groin. The jury, having taken into account the circumstances and evidence presented, returned with a verdict of guilty of the charge of manslaughter.⁵⁴

⁵³ 16 Oct 1827, *TCC*.

⁵⁴ 16, 17 Oct 1827, *ibid.*; 12 Oct 1827, *TCM*.

This trial of Boyd and Shultz could have resulted in a conviction of murder. The jury, both sympathetic to the theft of the trunk and to the 'justice' that Shultz attempted to obtain through the punishment of Martin, was emblematic of the position in which lynch law had within the interior of the Carolinas. A crime had been committed, and many may have felt that the legal system would have been too slow to respond and recover the stolen items. However, the extralegal application of lynch law could not go unanswered.

The tragedy of Joseph Martin's death did little to limit the awareness and calls for lynch law. If anything, lynch law proved to become ever more popular due to the debate around calls for emancipating the enslaved. By the end of the second decade of the nineteenth century there was significant debate in the halls of the U.S. Congress on extending slavery into the western territories in the late years of the second decade of the nineteenth century.⁵⁵ Amid this highly charged political environment, two significant events sent shockwaves through Southern society. The first was the discovery of a conspiracy for a slave revolt in 1822 in the lowcountry of South Carolina. At the centre of this plot lay free black American Denmark Vesey, who was accused of 'inciting support' for a planned uprising involving a vast network of conspirators spread throughout both the city of Charleston and the surrounding countryside. The Vesey plan involved a 'coordinated attack' with the ultimate goal of setting Charleston ablaze and the conspirators fleeing to Haiti. The supposed plot was uncovered before it was put into action; Vesey was tried along with other accused co-conspirators and hanged along with thirty-five others.⁵⁶ The plot alarmed and horrified South Carolinians, leading them to view the enslaved population with heightened suspicion. Another incident that exacerbated Southern anxieties about their slaves was the 1831 Southampton slave revolt in Virginia, which was led by Nat Turner. The violence and fatalities resulting from Turner's actions profoundly shocked and dismayed many across the Southern slaveholding states. This event arguably contributed to the growing acceptance of lynch law,

⁵⁵ Douglas R. Egerton and Robert L. Paquette, ed. 'Introduction', in *The Denmark Vesey Affair: A Documentary History* (Gainesville FL: University Press of Florida, 2017), ix.

⁵⁶ James O'Neil Spady, 'Power and Confession: On the Credibility of the Earliest Reports of the Denmark Vesey Slave Conspiracy', *The William and Mary Quarterly* 68, no. 2 (2011): 287.

particularly aimed at those who advocated for the abolition of slavery, both openly and covertly.⁵⁷

Feeding into this paranoia, Carolinian newspapers, particularly those based out of Charleston, played a significant role in the panic and furthered the debate in the use of, or why, lynch law should or should not be permitted in the Carolinas. This debate became so prolific that newspapers would either promote or decry lynch law and so-called 'Lynch Clubs' who wished to exercise the rites of extralegal violence upon anyone who might threaten the social order in the Carolinas.⁵⁸ For example, in September 1835, *The Charlotte Journal* warned of the existence of an 'Auxiliary Anti-Slavery Society' in Tennessee, and responded by invoking the name of 'His Honor Judge Lynch' as the means of 'stopping the mischief' should that group or others like it make its way into the state.⁵⁹

The Carolinas was not alone in experiencing sustained periods of paranoia and violence. This was a nationwide issue, affecting the socio-political climate throughout the republic. As a result, the 1830s became a decade described as the start of 'America's greatest sustained plague of rioting.' During this period there were anti-abolitionist riots in New York City and Philadelphia in 1834, and widespread instances of collective violence in 1835, 1838, and 1839. These incidents were just a few examples of a larger trend that heralded a new era of the 'politics-out-of-doors' that was similar the years before the American Revolutionary War and but differentiated by increased brutality of characteristic of the Jacksonian era.⁶⁰

As in the Baltimore riot of 1812, much of these urban riots were said to have developed due to a web of interconnected factors, including ethnic and class cleavages

⁵⁷ Jakobi Williams, 'Nat Turner: The Complexity and Dynamic of His Religious Background', *The Journal of Pan African Studies* 4, no. 9 (2012): 118-9, 121; Cutler, *Lynch-law*, 96.

⁵⁸ 24 Aug, 3 Sep 1835, *TCM*; 25 Aug, 3 Sep, 8 Sep 1835, *TCC*; 1 Sep 1835 *Fayetteville Weekly Observer*, 21 Nov 1835, *Western Carolinian* [Salisbury].

⁵⁹ 11 Sep 1835, *The Charlotte Journal*.

⁶⁰ Thomas P. Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York: Oxford University Press, 1991), 164-5; Carl Prince, 'The Great "Riot Years"; Jacksonian Democracy and Patterns of Violence in 1834, *Journal of the Early Republic* 5, no. 1 (1985): 1-2, 4, 8; Gilje, *Mobocracy*, 8. Prince research reveals that there were at least twenty-four riots in 1834 alone and a similar number in 1835, underscoring the intensity of social unrest.

inclusive of racial tensions related to abolitionist political agitation.⁶¹ The New York Riot of 1834 symbolised partisan and sectarian tensions that were exacerbated by increasing numbers of Irish Catholic immigration into the city and was manifest by widespread attacks on property and assaults on persons. Riots also broke out throughout Portsmouth, New Hampshire, and abolitionists were attacked by mobs in Norwich, Connecticut, Newark, New Jersey and again in New York City in the same year. Historian Carl Prince has concluded that this continuing period of sustained tension and civil unrest 'should not be viewed separately' but that they were manifested through increased tensions in a federal republic undergoing massive transformation, including demographic change and industrialisation. Prince further stated that 'the release of tensions by means of violence' was manifest in 'cities, towns, villages, [and] countryside.'⁶²

As Prince noted, the tensions of the 1830s were also evident in the countryside. Similar to the South Carolina backcountry of the 1760s, law enforcement was often ineffective or, in some cases, non-existent. Residents sometimes resorted to a deadly form of popular summary justice against those suspected of criminal acts. Christopher Waldrep, like Prince, described a Jacksonian spirit that swept through the republic. Many believed that power resided in the ordinary citizen and could be demonstrated publicly if necessary. This was particularly evident on the American frontier in the 1830s, especially in Missouri and Mississippi.⁶³

In contrast to the urban riots in the North, which primarily involved arson and property destruction, frontier ritual violence had a more personal and brutal character. This violence manifested in several extralegal killings of suspected offenders. In one case of the application of lynch law, men were executed by hanging as a result of mob justice. In another instance, a man of mixed white and black heritage was tied to a tree and burned alive because he was widely suspected of murdering a sheriff.⁶⁴ Unfortunately, the rural interior of the Carolinas

⁶¹ Prince, "Riot Years", 4, 8-9.

⁶² *ibid.*, 12-3, 16-8.

⁶³ Waldrep, *Lynching*, 41, 46-55.

⁶⁴ *Ibid.*

proved no exception to the ritual administration of popular justice in the form of lynch law. In many instances this was attributable to the anxieties over abolitionist agitation.

In 1835, it was reported that a 'Lynch Club' in Columbia, South Carolina, ceremoniously punished a man on 'Main street, about 10 o'clock in the morning' for an unknown offence.⁶⁵ In Aikin, South Carolina, it was reported that a man 'was found in the cotton field with the negros' and when caught he 'feigned partial insanity.' It was further stated that two other men were captured under similar circumstances in the 'Orangeburg district'. The newspaper joyfully stated that 'Judge Hang presided there and passed sentence on them.'⁶⁶ Another news article stated that the postmaster in Martin County, North Carolina, was 'caught...distributing incendiary pamphlets' yet cleared of the charge by a 'committee of investigation.' The same article warned its readers that 'Madam RUMOR is Judge Lynch's Prosecutrix, [and] *every body* must take care that, like Caesar's wife, they remain *unsuspected*.'⁶⁷ The term incendiary almost certainly alluded to concerns over abolitionist agitation, and the concern that the enslaved population might be incited to revolt. Both signified that some manner of paranoia had taken hold and that the status quo in terms of civil order and authority needed to be maintained, even through extrajudicial means.

The paranoia of insurrection and abolition became so great that nearly major Charleston newspaper was tempted to present some news regarding suspicious behaviour and lynch law. In Charleston, an individual known as R.W. Carroll, who had 'rendered himself...obnoxious to the citizens, from his connexion[sic] with Slaves, as a receiver of stolen goods...was...compelling to undergo the operation of Lynch's Law.' As a result, he was forcibly removed from his residence and had 'about twenty lashes inflicted on him.' He was then stripped of his clothing, tarred and feathered, and marched in a procession to the jail. It was of particular interest that this ritual was performed in a quiet and orderly manner in public.⁶⁸

⁶⁵ 14 Sep 1835, *TCM*.

⁶⁶ 3 Oct 1835, *Tarboro' Press* [NC].

⁶⁷ 10 Sep 1835, *The Weekly Standard* [Raleigh NC].

⁶⁸ 5 Sept 1835, *Herald of the Times* [Elizabeth City NC].

Despite this case having occurred in Charleston, it is further indicative of the intolerance that Carolinians had for not only thieves but also thieves who dealt with the enslaved population. Carroll was not maimed or fatally injured, fortunately, but he was undoubtedly humiliated. The public, not taking this occasion to cheer or jeer the ritual, must have remained quiet either to satisfy their curiosity or due to their concern over a man so associated with some of Charleston's enslaved population. The fact remains that Carroll was not killed by the mob, and signified that whilst his presence was considered repugnant to the citizenry, no one believed he was attempting to agitate for a slave insurrection.

In another example of the tarring and feathering of a suspected abolitionist in 1838, a man named Andrew Jackson Smith was accosted by a mob from a nearby village that Smith later derisively called 'Featherville'. The catalyst for the raising of the mob was the 'suspicions' of the 'vigilant postmaster' who noted that Smith was both a stranger to the area and was carrying around a trunk. The trunk, according to the news article, was reportedly filled with copies of the abolitionist newspapers *The Emancipator* and *The Liberator*. Because of these suspicions, Smith was taken into the village and tarred and feathered. It was also reported that he was deemed not guilty of the charge for which he was given lynch law. The news report of the incident added, 'The man who would come here at this time to raise a rebellion, is unworthy the name and the respect of a man. He is, indeed, fit for murder, stratagem, and spoils.'⁶⁹ A similar tarring and feathering ritual was performed on Lunsford Lane, a formerly enslaved man who had obtained his freedom after he arrived in Raleigh in 1842 in an effort to purchase the freedom of his family. Lane narrowly escaped with his life as he was threatened to be hung.⁷⁰

Smith and Lunsford suffered traditional rites of communal extralegal violence, the type of which was not uncommon even during the mid to late eighteenth century. What changed was the terminology used to describe the rituals of violence and intimidation and how power was projected. In the colonial period, ritual violence was used for political protest

⁶⁹ 3 Nov 1838, *TCM*.

⁷⁰ Lunsford Lane, *The Narrative of Lunsford Lane Formerly of Raleigh, N.C. Embracing an Account of his Early Life, the Redemption by Purchase of Himself and Family from Slavery and his Banishment from the Place of his Birth for the Crime of Wearing a Colored Skin* (Boston: Mewes and Watson Print, 1848), 38-47.

and to assert a desire for legitimacy from the lower strata of Carolinian [white] society. In contrast, in the Revolutionary era, ritual violence was a contest between differing factions attempting to directly and indirectly harm one another amidst the broader struggle for legitimacy. By the late 1820s and into the 1830s, the rites of intimidation and humiliation were often used in an attempt to subjugate threats to the existing social order and power structure. In some ways, this was not unlike the Peep O'Day Boys and the perceived threat of the Irish Catholic Defenders in Ulster. The rituals may have been different, but the result was similar: to use intimidation in the form of violence to quell a threat from the lower strata of society to the ascendant social order.

In the early nineteenth century, Carolinians tested the boundaries their newfound independence had wrought for them. Instead of subjects, they were citizens, and in the process, North and South Carolinians established new institutions and types of religious worship and, in some areas, established a social order based upon an underclass of enslaved persons. Throughout this era, the limitations of these institutions would be challenged, and those in power would use older means of ritual violence to maintain their position. In some cases, those who challenged that authority would ultimately fail; in others, time would render them victorious. Other actors may have challenged moral and social norms to see how far they could be pushed.

Rituals such as whipping, tarring and feathering, riding someone on a rail, property destruction, the burning of effigies, and hanging were already part and parcel of Carolina history by the dawn of the new century. These rituals persisted into the new century, yet the rationale for their varied. Communities used older rituals to enforce morality in the rare circumstance that church authority could not. In other instances, the authority of state institutions was challenged by young men dissatisfied with the authority of their academic institutions. In at least one case, an instance of social bullying through the ritual humiliation of a weaker individual. Although the challenges to authority persisted as they had in the prior century, others proved that they would use and coerce others to use the rituals of violence to protect entrenched interests, such as slavery, that had existed since the colonial era.

Chapter Eight: Procession and Protest in Ulster, 1800-c.1835

At the end of the eighteenth century, an exhausted Ulster had experienced the tumult of the Armagh disturbances, the pandemic of house wreckings and murder that raged through the Armagh, Monaghan, and Tyrone countryside, and the threat of civil war and invasion wrought by the Rebellion of 1798. Indeed, while the upheaval of violence directed toward the Catholic population of Ulster gave momentary pause to the means of collective action, there was still a 'sense of Catholic popular opposition to the political establishment',¹ an establishment that had allies in certain segments of the Protestant population in Ireland, namely the Orange Order. As a result, sectarian tensions would continue to result in violence between militant factions throughout the early nineteenth century. These factions would carry out an internecine war with one another, which would often have deadly consequences. The fight to 'plant the tree of sweet Liberty', in the words of Irish poet Micheál Óg Ó Longáin, was only beginning.²

After the chaos of the late eighteenth century, Ulster found a way to resume a sense of normality, and part of that normality included the rites of communal or group violence. The rites of violence most commonly focused on communal interactions at fairs and races and commemorations such as the anniversary of the Battle of the Boyne or Saint Patrick's Day. Although riots, pitched gun battles, and processions were overwhelmingly a significant part of violence during this era, the genre of sectarian violence does not wholly cover the rites of protest and violence in Ulster for the period beginning in 1800 through the 1830s. Old grievances reasserted themselves during this period amidst the backdrop of sectarian tensions. These grievances were centred on matters of economic well-being and, in some cases, brought together sectional factions to secure concessions from the landed gentry and the church. Anxieties shared by both sectional factions included the threat of evictions, compulsory tithing and rising food and rents.

¹ Kyle Hughes and Donald M. Macrailld, *Ribbon Societies in Nineteenth-Century Ireland and its Diaspora* (Liverpool: Liverpool University Press, 2018), 29.

² Tom Dunne, *Rebellions: Memoir, Memory and 1798* (Lilliput Press: Dublin, 2004), 279–83.

This chapter does not aim to provide an all-encompassing history of sectarian conflict or agrarian agitation in Ulster during the period in question. However, it is a primer on the repetitive rituals employed by various factions in Ulster during the early nineteenth century. The rituals associated with direct violence or intimidation were symbolic of the ability to project power from an ascendant position or challenge the status quo through protest against a dominant political or economic faction.



Image 11: Ulster, taken from a map of Ireland, 1823³

The story of ritual violence in Ulster is far different from those of the Carolinas during the first decades of the nineteenth century. Although the American Revolutionary War had inflicted massive upheaval and violence on those who resided in the Carolina backcountry, by 1800, any lingering resentments against former Tory Loyalists had faded, and any lingering

³ Fielding Lucas Jr., *Ireland, A General Atlas Containing Distinct Maps of all the Known Countries in the World, Constructed from the Latest Authority* (Baltimore: Fielding Lucas Jr., 1823), accessed 13 Feb 2024, Rumsey Collection, https://www.davidrumsey.com/luna/servlet/detail/RUMSEY~8~1~20~10082:Ireland-?showTip=false&showTipAdvancedSearch=false&title=Search%20Results%3A%20List_no%20equal%20to%20%274584.016%27&thumbnailViewUrlKey=link.view.search.url&helpUrl=http%3A%2F%2Fwww.lunaimaging.com%2Fsupport%2F6_0%2FLUNA%2Fen%2FAbout_Luna_and_Insight.htm&advancedSearchUrl=http%3A%2F%2Fwww.lunaimaging.com%2Fsupport%2F6_0%2FLUNA%2Fen%2FAdvanced_Search.htm.

resentments present in the Carolinas did not factor into the daily lives of the residents in the region. Conversely, for those in Ulster, the rebellion of 1798 and the house wreckings and murders of the previous decade were recent memories and profoundly impacted the political resentments of both Protestants and Catholics.

Hatreds exploded into violence during the summer of 1802 in confrontations between Catholic Freemasons and members of the Orange Order. On 7 June of that year, a riot occurred in Kilrea at the local fair. It was reported that at about 'six o'clock in the evening, after the great part of the people were supposed to have gone home, a large mob, calling themselves Freemasons and headed by the Master of the Vow Lodge, assembled in a very tumultuous manner, armed with large sticks' who called 'out for any Orangeman or Protestant.' Seventeen Orangemen still present at the time were 'severely beaten' and sought protection in a house. The Catholic Masons reportedly perused them and threw a barrage of stones into the house. In response, several Orangemen, who were armed on this occasion, returned fire, wounding several and killing two of their attackers.⁴ This incident did nothing to calm tensions and, in fact, inflamed anxieties.

A few weeks later, after the Kilrea riot, there was another violent confrontation at Struel Wells near Downpatrick on 27 June, where two men were killed. This incident was reported to have not been premeditated and resulted from a quarrel between two individuals. Other comrades of these two men did not engage in the melee. Six men were convicted of riot and 'unlawfully appearing under arms' whilst another individual, implicated for participation in the riot, was acquitted of all charges.⁵

The Freemasons, as noted by historian Sean Farrell, who played an adversarial role against the Orange-aligned Protestants in these riots, were effectively a sympathetic remnant, at least for a short period, who held to the ideals of the old Catholic Defenders. The Masonic Order had a considerable number of Catholic members in the late eighteenth and early nineteenth centuries in Ireland. Since it was effectively a last refuge for the Catholic

⁴ 15 Jun 1802, *BNL*; 19 Jun 1802, *FLJ*.

⁵ Robert Mackie Sibbett, *Orangeism in Ireland and Throughout the Empire* (Belfast: Henderson & Company, 1915), 2: 102; 28 Aug 1802, *Freeman's Journal*. Henceforth, *Freeman's Journal* is abbreviated *FJ*.

association after the violence of the 1790s, it was natural that conflict between the Masons and the Orangemen would occur at least within the first decade of the century.⁶ The Orange Order commemorations marking the anniversary the Battle of the Boyne included public processions meant to publicly proclaim and celebrate the ascendant position of Protestant Christianity in Ireland.⁷ Certainly, those public parades would have inflamed tensions with the Irish Catholics, many of whom experienced the violence in the previous decade. The Masons were one of the few outlets by which collective disaffection could be expressed. That same disaffection would result in another incident a few years later.

In Armagh City on 12 July 1806, an Orange procession was interrupted by members of the Limerick militia and assembled Catholics. This attack was reportedly due to 'opposition offered in the House of Common by Dr. Duigenan to a Bill to extend the Irish Act of 1793', which was to allow Irish Catholics to hold 'military distinctions in England'. Anger at this opposition was directed toward the Orange procession. The Orangemen were described as those 'who had given no offense, speedily retaliated, and wounded several of their assailants.' While there was no evidence that anyone was fatally wounded due to this exchange, it was a harbinger of a sort of assault-retreat-fight ritual that characterised public violence between the Orange Order and Catholics in the first two decades of the century.⁸

The incidents in 1802 and 1806 were relatively minor, given the explosion of sectarian violence that unfurled a few years later. Between 1806 and 1809, there was a lull in reported sectarian violence between the two factions for several years. It has been suggested that this may be attributed to the lack of an effective 'tangible foe' for which the Orange Order was required to motivate and swell its ranks. Farrell notes that as 'Orangeism and its allies remained firmly entrenched within the northern judicial system and at Dublin Castle, the movement had lost much of its spirit and momentum.'⁹ This was only temporary as by 1809,

⁶ Farrell, *Rituals*, 35, 53. See also Sibbett, *Orangeism*, 102. Sibbett claimed that those who claimed the title of Freemason in the Kilrea riot were not Freemasons. Sibbett is almost certainly protecting the reputation of the later Masonic Order as being associated with Protestant Christianity in 1915 when his book was published.

⁷ 13 Jul 1802, *BNL*.

⁸ Sibbett, *Orangeism*, 2: 106-107; 15 July 1806, *BNL*.

⁹ Farrell, *Rituals*, 55.

there was a renewal of sectarian hostilities and by 1811, the Orange Order found renewed ardour due to the resurgence of Catholic agitation.

Despite the reprieve in major incidents of sectarian violence occasional clashes occurred. During the annual Battle of the Boyne commemoration on 12 August 1809, there was a violent clash in Omagh. The local Orange lodge, accompanied by the yeomanry, paraded through the town when the 'King's County regiment at Strabane', many of whom were intoxicated, began to loudly demand that the yeomen remove orange lilies from their hats. A fight ensued, and regimental commanders 'sent the drums to beat to arms' to which '25 or 30' shots were made. Two men died at the scene, and three others were mortally wounded.¹⁰ Despite the loss of life, this was a relatively minor incident but remains indicative of a continuing undercurrent of tension between the two factions.

This relatively quiet period was soon broken when word began to spread of an increase in Catholic political agitation in 1811. This was primarily attributed to the action of the Catholic Board, who had directly appealed to the prince regent for Catholic legal relief, circumventing the typical route of petitioning Dublin Castle and the Lord Lieutenant. To many, this action indicated that the Catholic Board adopted an aggressive strategy for Catholic emancipation. Actions such as this alarmed many who had assumed that the Protestant ascendancy was secure and helped to invigorate participation in Orange Order activities. Consequently, this would lead to several successive years of increasingly violent confrontations.¹¹

Annual commemorations of the Battle of the Boyne in 1811 sparked several violent confrontations throughout Ireland. In Letterkenny, a frenzied Orange mob dragged a Catholic man through the streets. In Castlebar, a Catholic man was stabbed with a sword by a member of the 101st regiment. In County Fermanagh, Orangemen who were placed under arrest for assaults at a fair in Monea were freed by a mob 'of the *Brotherhood*' who stabbed and shot at those defending the jail. At least one man died in the attack, and the attackers mutilated

¹⁰ James Galbraith to [Marquis of Abercorn], 17 Aug 1809, T2541/IA/5/7/28, PRONI. See also 28 Aug 1809, *The Bath Journal*; 22 Aug 1809, *The Edinburgh Advertiser*.

¹¹ Farrell, *Rituals*, 55-6.

his corpse.¹² These incidents indicated a breakdown of order, outside even the typical processional fight ritual that typified some events in the previous decade. It did not take long for the newspapers and government officials to take notice of the increase in violence. The *Freeman's Journal* remarked that while the Orange Order comprised a 'few good and honourable men', it also contained many 'many bad men, and large portion of fanatic idiots'.¹³ Lord Castlereagh, careful not to appear blatantly partisan, praised the Order yet ordered the removal of Orangemen from the Londonderry militia and explained that such membership was 'incompatible with military service'.¹⁴ Despite the admonishment, violent sectarian clashes continued.

By the summer of 1813, sectarian violence had become as common as it was in County Armagh in the late eighteenth century. In Belfast, opponents of an Orange procession verbally harassed and then assaulted the parade with 'mud and brick bats'. The Orangemen retreated into a house only to emerge with arms. They shot four people, two fatally.¹⁵ On 26 July, several Catholics, identified as Ribbonmen,¹⁶ gathered 'to take some revenge on Davidson a publican who occasionally...[gave] admission to Freemasons and Orangemen'.¹⁷ Two lodges of the latter and one of the former were in the habit of periodically meeting' at Davidson's tavern. Davidson was reportedly warned ahead of time that he was a target for violence. He took heed of those warnings and organised a defence of his property. Catholic agitators attacked but were repulsed, with three Ribbonmen having received fatal injuries. The following day, a 'large body of Orangemen and Freemasons assembled from the adjacent country and villages and triumphantly paraded the streets of Garvagh'.¹⁸ It is easy to see that, in a sense, these incidents began to share certain similarities with the type of celebratory

¹² 28 Jul 1811, *The Examiner* [London]. See also 17 Apr 1812, *FJ*.

¹³ 3 Sep 1811, *FJ*.

¹⁴ 6 Dec 1811, *Liverpool Mercury*.

¹⁵ 16 Jul 1813, *BNL*.

¹⁶ Ribbonism is a complex entity that has differing rationales for its actions. In Ulster, 'it was a Catholic league against Protestant Orangeism' and was proclaimed by at least one Irish activist to be an evolution of the Defenders in Armagh. See Tom Garvin, 'Defenders, Ribbonmen and Others: Underground Political Networks in Pre-Famine Ireland, *Past & Present* no. 96 (1982): 136, 138. On the other hand, a threat of Ribbonism may have been overstated, as 'were largely a manifestation of Protestant anxieties'. See Hughes and Macraill, *Ribbon Societies*, 3.

¹⁷ By 1813, it seemed that the Freemasons were no longer affiliated with Catholics as they had been in 1802 but with Protestants in Ulster.

¹⁸ 3 Aug 1813, *BNL*; 3 Aug 1813; *Londonderry Journal*, MIC60/9, PRONI.

bravado of the Peep O'Day Boy-infused Volunteers in Armagh disturbances of the previous century. The battle at Garvagh was planned, as was the response of the defending Orangemen and Masons. There was no attempt to lessen the odds of injury or fatality, and the procession the next day was done both to boast of a victory of the Orange Order and to proclaim Protestant supremacy over the vanquished Catholic rival.

The incidents at Belfast and Garvagh were indicative of what Farrell called a 'murderous and ritualized form of combat' that would be repeatedly used in the 1810s. These events, in effect, were choreographed to where 'Orange combatants retreated to the relative safety of a sympathetic house. Besieged there by their Catholic assailants, the...Orangemen (often members of the yeomanry) resorted to gunfire' to gain an advantage, and often, a victory.¹⁹

To this point, the type of ritual discussed has almost no similarity to anything found in the Carolinas. There are several reasons for this; first off, the Carolinas, with the exception of the American Revolutionary War and the period after its conclusion, had no simmering social tensions akin to the sectarianism found in the north of Ireland after independence. The Carolinas were predominantly Protestant, and no religious ascendancy challenged the prevalence of protestantism despite the Great Revival of 1800. However, that was not the case in Ulster. Many Protestants were undoubtedly aware that despite their ascendant position, there was concern related to their status as a 'minority, surrounded by a potentially hostile Catholic population'.²⁰

Toward the end of 1813, 'the spirit of religious animosity...[had] reached an alarming height'. Further confrontations occurred in the counties of Fermanagh, Tyrone, Donegal, and Derry. One of which was a riot at a fair at Kerrykeel reportedly caused by a rumour that Ribbonmen Catholics planned to set 'fire to a [neighbouring] small village' and massacre its inhabitants. The two factions gathered, and initially no violence ensued until an Orangeman hoisted 'an orange coloured flower' into the air as a symbol of 'defiance' against perceived

¹⁹ Farrell, *Rituals*, 61.

²⁰ Maureen Wall, 'The Age of the Penal Laws,' in *The Course of Irish History*, ed. T.W. Moody and F.X. Martin (Lanham MD: Roberts Rinehart Publishers, 2001), 176.

Catholic aggression. Thankfully, no lives were lost, but this incident demonstrated how quickly a rumour combined with the display of a provocative symbol could easily lead to an outbreak of violence.²¹

The following year, there was a spate of house wreckings in Kilkeel. There, on 9 February, a group of Orangemen 'rifled the houses, cast the property of the Catholics into the streets, and drove the inhabitants to seek safety in the fields'. This attack was in retaliation for an affray in the town where Orangemen were driven out only to return in more significant numbers for the purpose of exacting revenge for their defeat.²² The house wreckings can be viewed through the lens of how the Orangemen had fallen back in other contests at fairs and races only to emerge with weaponry. As this strategy was used extensively to intimidate Catholics in Ulster in the 1790s, it would resurface occasionally as necessary by the Orange Order. Orange ritual tactics were to ensure that they came out as the ultimate victors, either through a strategized retreat and re-emergence or to return with greater numbers at a later time.

By 1815, it was reported that 'a very bad spirit' had taken hold of the people in the north of Ireland. Violent quarrels had repeatedly occurred to the point that one writer described them as an almost daily exercise. Rumours abounded of plans to attack and despoil the houses and property of Catholics and Protestants alike. These reports had seemingly driven many to the point of paranoia and madness, all of which fed into further violence. Some had taken the rumours so seriously that they added nightly patrols to protect against the depredations of the opposing party.²³

Despite the riots and house wreckings, the locus of the display of power stayed with the public procession. The Orangemen maintained their annual Boyne celebration, and as Farrell notes, the Catholics held public processions on Saint Patrick's Day. Often, these events were characterised by large Catholic parties, accompanied by drums and fifes, and participants held 'white handkerchief[s] between them'. However, unlike the Orange

²¹ James Sinclair, Gartan, Londonderry to Abercorn, 1 Sep 1813, T2541/IB/3/19/16, PRONI.

²² 5 Mar 1814, *FJ*; 11 Mar 1814, *The Morning Post* [London].

²³ 27 Apr 1815, *The Bath Chronicle*.

marches, it was unusual, if unheard of, for a Catholic procession to spark a violent incident.²⁴ As with sectarian parades today, the goal was the same, 'to mark...territory and to openly display partisan strength'. However, Orange processions tended to be far more provocative and often challenged Catholic sensibilities and sensitivities. The Orange Order maintained its rituals to promote its leading position in Irish society. The trappings of colour, music, and speech were a means to an end to humiliate and provoke attacks from Catholics, and this was particularly true when Protestant parades ventured into heavily Catholic areas.²⁵

The years 1818 and 1819 were particularly notable for the number of reported sectarian violent incidents. These incidents included a riot at the fair at Crossmaglen on 26 June 1818 that resulted in the death of one man who was hit on 'the head with a loaded whip'²⁶ and another, a riot that resulted after an Orange procession near Kilrea in the following month which resulted in several injuries and at least one death.²⁷ There was a notable affair on 30 October 1818 at Aughnacloy in County Tyrone. At the races there, a large number of Catholics, estimated to be nearly four hundred people, who called themselves the Treugh Rangers, assaulted a crowd, initially described as 'peaceable men who were returning home'. The 'peaceable men' were later proven to be an 'unruly' Orange-affiliated contingent ready to fight. For their part, the Treugh gang were prepared to accommodate their foe. Accompanied by fifers and wearing 'coloured clothes', the Rangers turned aggressively toward the crowd whilst performing their melody. Many of the Rangers, armed with 'large sticks', then surged toward the Orange contingent and proceeded to beat 'every Protestant they met until they arrived at Mulnahorn Bridge'. Once there, the Treugh gang, described as being made up of both men and women, launched another wave of assaults, this time with stones and other weaponry, against anyone they believed was a Protestant. Area yeomanry alerted to the fight arrived and attempted to stop the violence by brandishing their weaponry. For a brief moment, this brought the fight to an end. However, unable to resist one final insult, the Treugh Rangers threw a barrage of stones toward their Orangemen and let out a

²⁴ 19 Mar 1824, *BNL*; Farrell, *Rituals*, 62.

²⁵ Farrell, *Rituals*, 62.

²⁶ 19 Mar 1919, *BNL*.

²⁷ 29 Jul 1818, *The Times* [London].

victorious yell. Their patience exhausted, the yeomanry then fired at the Treugh group, which resulted in one death and the wounding of two others.²⁸

It is difficult to ascertain how specifically ritualistic the Aughnacloy event was unless the motivations for the attack from the Rangers are viewed as retributive for earlier mistreatment and abuse of Catholics by Orange-affiliated individuals. This conclusion, of course, requires several assumptions; first, the participation of both men and women as an expression of extreme anger and dissatisfaction due to past abuses, both explicit and implicit treatment by the Orange Order, Protestants in general, the gentry, and perhaps even the state. Second, it is clear that the Treugh Rangers intended to launch some manner of offensive at Aughnacloy. Dressed in 'coloured clothing' and flanked by fifers, the Rangers presented themselves in a manner similar to that of an Orange procession, including the performance of a melodious march. Either way, the Treugh Rangers were ready and willing to inflict violence upon their opponents. The ritual was implicit in the motivations preceding the attack if this was motivated by past transgressions. There were, however, also practical motivations for the symbols used by the Treugh gang. Witnesses suggested that the fife was played to garner attention; however, the music may have been used to signal to others to signal the start of the assault. The coloured clothing would have allowed Rangers to determine friend from foe in the confusion.

Given the violent incidents previously discussed, it is essential to note that outside of processional ritual, the retreat of the Orangemen from a Catholic mob or the beating of Protestants by Catholics at Aughnacloy were both forms of a retributive or retaliatory violence ritual. This practice was similar, in a sense, to the practice of retributive violence that was widely practised in Carolinas, particularly in South Carolina, during the American Revolution. The act of retaliatory violence was the ritual, while the implementation of the ritual could vary based on circumstance and environment. Nonetheless, the attack on Protestants and the subsequent reporting of the events at Aughnacloy resulted in little but furthering the suspicion that Protestants held toward Catholics in the north of Ireland.

²⁸ 30 Nov 1818, *Dublin Journal*; 26 Nov 1818, 8 Apr 1819, *FJ*; Stokes Report on the Aughnacloy Riot, 19 Dec 1818, 1955/33, National Archives of Ireland as cited in Farrell, *Rituals*, 51-2.

Despite the violence and subsequent injuries and deaths of the previous year, the thirst for violence would not be quenched. In July 1819, at the fair of Craigbilly, near Ballymena, an assemblage of Orangemen and Ribbonmen met in a pitched battle. At about six in the evening, over five hundred people, remarked to be Ribbonmen, were 'parading the Fair Green, with...fife and horn.' At the head of this troop of Ribbon-aligned Catholics were 'three men armed with swords in a state of defiance, calling out "clear the way, here we come, that can clear all before us."' A local man, Reverend Fitzsimmons, who witnessed the gathering, 'implored them to disperse'. While some did leave, others remained at the fairgrounds. Then, suddenly, a group of Orangemen turned and attacked the remaining Ribbonmen. Having already prepared for a fight, the Catholics repelled the Orangemen back toward Ballymena. It was there that a 'furious contest..., with sticks, swords, and every other weapon of destruction they could meet with', yet as usual, the Orangemen turned their retreat into an offensive and drove off the Ribbonmen. The Protestant faction, in a post-contest fervour, attacked and wrecked a local residence. Two men were gravely injured, both with mortal wounds.²⁹

The contest at Craigbilly and Ballymena provide an excellent insight into the ritual of the Ribbonmen. They were practising what was, effectively, a ritual similar to that of the Defenders of the prior century. The Ribbonmen attempted, on occasion, an offensive strategy, as they had in Aughnacloy. Mimicking the pageantry of the Orangemen with music, they entered the fairgrounds to try to provoke a reaction from their foes. As rumour had spread of a confrontation ahead of the fair,³⁰ the Ribbonmen surely knew that the Orange Order would respond through their delegation of fighters. It is also fair to assume that the Orangemen continually ensured they would come out on top of most incidents. Therefore, they could assure that Protestants remained ascendant. Despite these so-called victories, Catholic agitators continued to press their case through the use of violence.

Violence, however, was not the sole means by which Catholics agitated for equal standing with their Protestant counterparts. As Farrell points out, two significant issues

²⁹ 9 Jul 1819, *BNL*; 2 Jul 1819, *The Irishman* [Belfast]. See also Sibbett, *Orangeism*, 2: 179-80.

³⁰ 2 Jul 1819, *The Irishman*.

amplified the ongoing campaign between the Ribbonists and the Orange Order. One was the appointment of Richard Colley Wellesley as the new Lord Lieutenant. Wellesley noted for not holding staunch anti-Catholic views, took a more conciliatory view on the Catholic question. He ordered that an Irish police force be established, demanded the removal of officials who were sympathetic to the Orange cause and sought an end to the sectarian celebrations that were often the catalyst for sectarian violence. The other was the rise and agitation of the Catholic Association led by Daniel O'Connell.³¹ These developments reinvigorated the Orange Order and its campaign to harm or otherwise inhibit Catholics from obtaining social and political power.³²

Up to this point, there had been little variation in the repertoire of intimidation and violence between the Catholic Ribbonists and the Orangemen. The performative dance of attack, retreat, and retaliate had repeated itself again and again over throughout the preceding decade. While these actions continued, individuals were occasionally targeted for humiliation or intimidation. One of those targeted was John Lawless, a Dublin-born, Belfast-based campaigner for Catholic emancipation who was described as the 'most energetic member of the committee of the Catholic Association' and was derisively given the nickname 'Mad Jack Lawless' by Daniel O'Connell.³³ The Orangemen, irritated by the actions of Lawless, were determined to make a spectacle of his likeness. During an Orange commemoration of the Battle of the Boyne in Belfast in 1822, an effigy of Lawless was paraded about Belfast and burnt. Lawless made a complaint to the legal authorities a few days before the same commemoration in 1823. He further stated that 'apprehensions may be reasonably entertained' and that 'the personal safety of many individuals hazarded on the 12th inst. should similar Orange processions...take place.' Lawless made this complaint alluding to the public peace, but underneath his complaint was a concern for his and other individuals' safety should they be allowed to reoccur.³⁴ In addition, Lawless attempted to use this complaint as a means of protesting and attempting to suppress Orange processions altogether. The effigy,

³¹ Daniel O'Connell and the rise of the Catholic Association is a complex story that Farrell attempted to address briefly but deserves more attention outside of this work. See Fergus O'Ferrall, *Catholic Emancipation: Daniel O'Connell and the Birth of Irish Democracy, 1820-30* (Dublin: Gill and Macmillian Ltd, 1985).

³² Farrell, *Rituals*, 65-75.

³³ Christopher Bailey, 'Matthew James Lawless', *Irish Arts Review* 4, no. 2 (1987), 20.

³⁴ 16 Jul 1823, *FJ*.

in this case, served as a warning to Lawless and furthered the message to Catholics that continued action to overturn the Protestant ascendancy would be met with further violence.

The display and abuse of the effigy of Lawless was undoubtedly not the first procession that such practices. However, effigies were not noteworthy or particularly controversial within the repertoire of contention. It was also used occasionally in a non-sectarian context, which will be discussed later in this chapter. The practice seemed relatively widespread in other areas of the United Kingdom during this period.³⁵ The exercise in mocking or even burning effigies was also not unknown in America during periods of political or economic pressure as existed prior to the American Revolutionary War or early years of the American republic, as discussed. It was a widespread practice in the English-speaking world and commonly found in other areas of Western Europe during this era. Nonetheless, the use of the ritual was significant within the context of the time and place in which it occurred. The use of an effigy has been found to not only communicate with the targeted individual and his or her associates but also communicated the disdain or otherwise negative position that the group displaying the effigy had toward a person or on a political matter.³⁶ Thus, the Orangemen had found another means by which they could communicate their disdain those who agitated for Catholic liberation.

The same summer that John Lawless lodged his objection to the carrying of effigies and Orange processions, another sectarian clash took place on 12 June in Maghera. A letter sent to *The Irishman* conveyed that an eyewitness saw an intoxicated man, identified as a 'nominal Catholic', bounding about town annoying both 'Protestants and Catholics'. At first, the man's antics were ignored until the man entered a grocery. A constable arrived to take the man into custody, where he was liberated by a group of men. At some point after a brief scuffle, two men identified as Orangemen 'came rushing to the street hurling defiance against any rascals...that would dare to oppose them.' The cry of these two men was the striking of a match to an already tension-filled moment. Soon, there was an all-out brawl taking place in

³⁵ 29 Nov 1820, *The Taunton Courier* [Somerset]; 20 Nov 1820, *The Morning Courier* [London]; 02 Dec 1820, *The Bristol Mirror*.

³⁶ Florian Göttke, 'Burning images: Performing effigies as political protest,' (PhD dissertation, Universiteit van Amsterdam, 2019), 14.

the street. A military troop, identified as the 77th Regiment, nearby quickly swooped to quell the disturbance. One of the soldiers, Ensign James Elliot, was then hit by a stone, and upon seeing one of their own injured, other soldiers fired a few shots. No one was hit; however, the soldiers of the 77th withdrew. Subsequently, 'both sides rallied once more, and the battle was renewed with increased violence'; they were 'heaving stones at each other in the most savage manner.' One faction, acknowledged as Ribbonmen, moved toward the houses of the Protestants and smashed the street-facing windows of their residences. A local Orangeman, H. McCracken, fired a shot toward the Ribbonmen, sending the party into a fury. The Ribbonists then turned toward McCracken's house in an attempt to wreck his property. At this point, a band of yeomanry and additional Orange fighters arrived and fired their weapons at the Ribbonman, triggering a retreat. Nine Ribbonmen and one Orangeman were killed as a result. The following day, the Orangeman, to underscore their apparent victory, paraded through the ruins of Maghera, though under the watchful eye of the yeomanry and a detachment of the 77th to ensure no further breach of the peace.³⁷

Initial reports seemed to suggest that the intoxicated individual was the catalyst for the subsequent riot. The men who attempted to rescue 'the nominal Catholic' from arrest were undoubtedly aware of the tension-filled atmosphere in Maghera and may have attempted to cause a confrontation by freeing the man from the constable. It certainly raises the question of how premeditated this riot was; the account in *The Irishman* would have led the public to believe that this was perhaps an impromptu conflict. Evidence suggests otherwise. The parties present on that day were eager to engage one another, each hoping for a victory or at least vent their sectarian hatred for their opponent. The Ribbonmen reached into the repertoire of contention in the breaking of the windows of known Protestant houses and of the attempted wrecking of the house belonging to H. McCracken. On the other hand, the Orangemen were certainly not willing to allow the Ribbon attack on Protestant property to go unanswered, and as usual, called for support from other Orangemen and the yeomanry to end the fight. By this point, the Ribbonmen almost certainly knew the outcome; it had happened repeatedly. The Catholic party was willing to suffer the indignities of a brawl

³⁷ 18 Jul 1823, *The Irishman*; 21 June 1823, *The Morning Post* [London].

and the loss of life for the opportunity to vent their anxieties and anger toward those they blamed for their status in society. The Maghera riot was a deadly form of street theatre.

Despite the brutality at Maghera, celebrations on the Twelfth of July of that same year proceeded without any major incident of violence, except for an incident near Armagh city. It was there that the local Orange Lodge, anticipating trouble, procured arms to carry along the route. On its way to Middleton, the Orange procession was met by a group of 'men and boys...standing on the road' who blocked the path forward. The group then launched a barrage of insults at the Orangemen. Emboldened by the affronts, some boys aggressively threw stones at the Orangemen. The Orangemen, quick to anger, turned and fired their weapons towards the group. As a result, one person died, and five others were wounded, three of whom received life-threatening injuries.³⁸ This affair is reminiscent of the parade of the Volunteers on the Eglish Road, whose parade was interrupted when a young boy threw a stone at one of the Volunteers who responded by opening fire on a group of Catholics during the Armagh Disturbances. It may well be that this event was not forgotten by the Orangemen when they prepared for their march, armed and ready to fire at the slightest indignity.

Public processional violence notwithstanding, there are other accounts of violence toward Catholics. For example, in mid-December 1823, it was reported that the house of a man named James McCusker, near Tempo, was raided by a suspected Orangeman. McCusker was assaulted, and 'almost every article of furniture which he possessed, broken.' The roof of his house was also said to be 'torn off, and several shots fired down.' In the McCusker case, fifteen men were prosecuted, five of whom directly and forcibly entered McCusker's house, with the remaining men standing outside of his front door. One of the assailants 'snapped a pistol at him' and then knocked McCusker to the floor. McCusker was then stabbed several times by men who were armed with guns, bayonets, and 'kents or pikes'. McCusker's five children, scared, ran outside and were knocked down by the party waiting outside the door. There, the children were also assaulted. McCusker's brother, who was also in the house, was killed. The attacking party, who hoped to drive the family from the area, then set fire to the house. The men, identifying themselves as 'The Clubby Peelers', visited McCusker on two

³⁸ 16 Jul 1823, *Dublin Journal*; 21 July 1823, *The Waterford Mirror*.

other occasions to insult and intimidate the family. McCusker lodged a criminal complaint, and several of the men were arrested. Subsequently, the Peelers were also identified as aggressors at a riot in Fivemiletown about a month and a half prior to the siege of the McCusker family. Despite the charges and subsequent trial, all the men were acquitted.³⁹

Although the reports on the assault on McCusker did not definitively define the cause of the assaults as sectarian, the fact that many of the assailants in the McCusker case had reportedly been involved in a riot some weeks prior provided some credence to the report that they were Orangemen. While McCusker is not named as being a Catholic, much less Ribbonman, it is difficult to assert that the motivations of the Peelers were sectarian with any certainty; it also seems that it would be reasonable to believe that the attack was motivated by religion or ethnic bias. Despite the unknowns, it is notable that these attacks carried out at night, share some similarities with the nocturnal actions of the Peep O'Day Boys. Grievances settled under the cover of darkness as carried out during the Armagh troubles, or even the Hearts of Steel, demonstrate some cultural continuity throughout the decades.

Assaults and property destruction carried out in remote locations and under the cover of darkness may or may not have been widespread during this period in Ulster. News reports of such incidents are too sporadic to establish a consistent pattern or movement of this type of ritual violence. Nevertheless, the events undoubtedly occurred outside Ulster, as reports of similar assaults were made in 1828.⁴⁰ However, incidents of this type never rose to the prominence of the riots at public events or during Orange Order processions in the 1820s. Despite this, this type of violence is consistent with the existence of socio-political tensions throughout Ireland during this period. Events such as this are similar, in some limited respects, to the raids, torture, and plundering that took place during the American Revolution in the Carolina backcountry.

Assaults on property and persons would still not be the focal point of the conflict between the Orangemen and the Catholics. Processional rituals and subsequent violence

³⁹ 29 Dec 1823, *The Waterford Mirror*.

⁴⁰ 29 Jan 1828, *BNL*.

continued to be a problem for civil authorities and a headache for the British government. Major riots were reported in Killeshandra in 1825, Fintona in 1826, Blackwatertown, and throughout the countries of Tyrone and Monaghan in 1828, as well as in Armagh and Strabane in 1829.⁴¹ Although these incidents had their specific genesis, the rhythm and ritual followed a similar pattern of those in previous years. Two parties fought, and if and once the Catholic-aligned faction appeared to gain ground, Orange sympathetic reinforcements would appear and drive off the Catholics, leaving injuries and death in their wake. The scale and frequency of these contests, at times, were evocative of an open civil war, a war where the battles were sometimes fought with stones and pikes and, on occasion, brought to a close through the use of firearms.⁴²

By the close of the 1820s, primary records shed light on the rituals of Orange processions. These were rituals designed to inflame sectarian tensions when performed before a hostile crowd and to boost the spirits of Orangemen and those who held Orange-aligned sentiments. One of the most prominent of these rituals was the performance of music, not simply any music but sectarian songs, some of which had been performed by the Peep O'Day-infused Volunteer units of the late eighteenth century. Namely, songs were 'Croppies Lie Down', 'Boyne Water', and 'The Protestant Boys'. It was reported in July 1829 that the Orangemen, in their annual procession to mark the Twelfth of July, these songs as their procession wound through the town of Enniskillen.⁴³ 'Croppies Lie Down' is of particular interest as it is dated from the 1798 rebellion and celebrated the victory of the loyalist Protestants over the vanquished 'traitors and croppies'; croppies taken from the moniker given to the rebels because of their short hair. The song, much like 'The Boyne Water' and 'The Protestant Boys', implied that anyone not Protestant and not loyal to the British Crown was a traitor and a coward and would suffer for their impudence at the hands of the righteous and loyalist Orangemen.

⁴¹ 29 Jan 1825, *FJ*; 17 Apr 1826, *TCM*; 24 Feb 1826, *Stockport Advertiser* [Greater Manchester]; 23 May 1828, 17 Jul 1828 *BNL*; 17 Aug 1829, *Carlow Morning Post*; 22 Aug 1829, *FJ*. For further information on the Fintona riot see, Pat McDonnell, 'From the Lammas Fair to New South Wales: The Story of a Dromore Convict' *Clogher Record*, 13 no. 3 (1990): 61-4.

⁴² Neil P. Maddox, "'A Melancholy Record': The Story of the Nineteenth-Century Irish Party Processions Acts", *Irish Jurist* 39 (2004): 248.

⁴³ 17 Jul 1829, *FJ*; 20 Jul 1829, *Carlow Morning Post*.

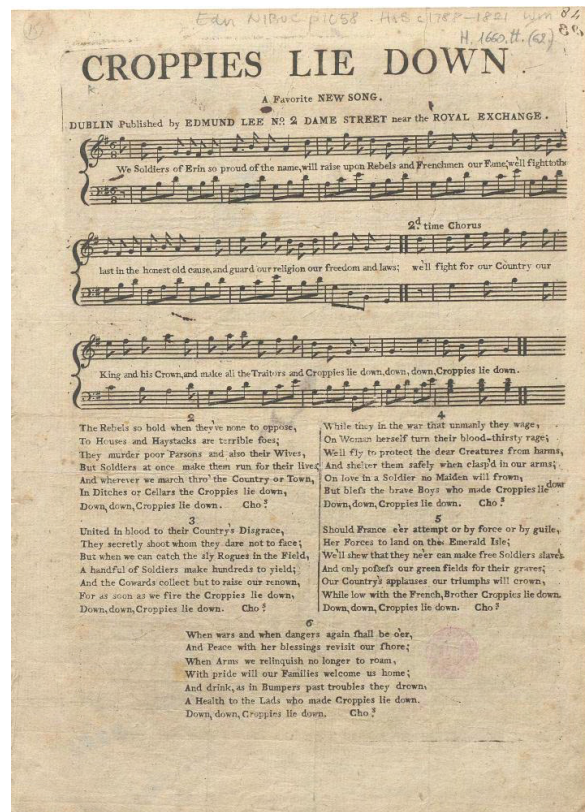


Image 12: *Croppies Lie Down* (Dublin: Edmund Lee, circa 1797)⁴⁴

Rituals associated with Orange processions did not begin and end with only music. The Orange Lodges were aware of the need for a spectacle to draw a crowd, both friend and foe, and spectacle is what they delivered every commemoration of the Twelfth. Orange flowers, ribbons, banners of King William, and flags were typically displayed for everyone to see. In at least one instance, in Enniskillen, it was said that Catholics were forced to pass underneath Orange arches erected for their celebration and to remove their hats when doing so.⁴⁵ For the Catholics, this was a ritual of forced humiliation and for the Orangemen, a great delight. Likewise, an Orange-aligned organisation, the Apprentice Boys of Derry, had an additional annual ritual in the city of Derry/Londonderry to commemorate the shutting of the gates of the municipality, which occurred in December 1688 and prompted Catholic Jacobites to attack the city.⁴⁶ It was at these celebrations that the effigy makes its grand return to sectarian Protestant ritual. Each year, news reports stated that an effigy of Robert Lundy was ceremoniously hung and burned.⁴⁷ Lundy, who had been the Governor of Londonderry when

⁴⁴ 'Croppies Lie Down', Irish Song Project, accessed 1 Mar 2024, <https://irishsongproject.qub.ac.uk/song/151>.

⁴⁵ *ibid.*

⁴⁶ Shaul Cohen, 'Winning While Losing: The Apprentice Boys of Derry Walk Their Beat', *Political Geography* 26, no. 8 (2007): 956-7.

⁴⁷ 24 Dec 1824, 26 Dec 1828, 25 Dec 1832, 24 Dec 1833, 23 Dec 1834, 24 Dec 1839, 22 Dec 1840, BNL.

the city was besieged, was remembered as a traitor who had attempted to foil the defence of the city against the Jacobites. Lundy, obviously dead by the time these rituals occurred, stood in as a symbol of the treatment that those who stood against Protestant Orange authority should expect to receive.

By 1832, the government was exhausted with the continued violence and threat of civil unrest. Parliament passed a bill stating that it would 'be illegal for any person to join in a procession for the purpose of commemorating any festival or anniversary of a political event connected with religious distinction, at which processions badges should be worn and music played.'⁴⁸ Parliament was well-aware of how ritual and symbol were intertwined to create a catalyst for civil unrest. The act proved controversial, although it did have a dampening effect on Orange processions and public commemorations. Orange processions did occur at Randalstown in 1832 and Newtonhamilton, Middleton, Markethill, and Portadown in 1833, with many of the participants being quickly arrested for violating the statute.⁴⁹ However, by 1835, sectarian feelings had been subdued by the law found another outlet, attacks on property and persons.

In May 1835, John Hagan of Knocknamuckley stated that on 22 May, a 'large number of persons' estimated to be between fifty to one hundred, 'had three drums and fifes with them; they were playing party tunes and shouting "to hell with the Pope"'. Subsequently, gunshots were heard. Hagan was then threateningly asked if he had heard about the abuse that his neighbour, Terence Sheeky, had received the previous week. Then Hagan stated that a barrage of stones were thrown at him. He further stated that there was a 'great state of alarm and terror in consequence of the nightly parading, drum beatings, firing of guns and exasperating expressions of mobs collected together' in his area.⁵⁰ Similar nocturnal depredations were reported throughout the counties of Armagh and Down in late 1834 and

⁴⁸ Anthony Lefroy, House of Commons Debate, 25 June 1832, Party Processions Bill in Ireland, Hansard, June 1832, 13: 1023, online. Accessed 13 February 2024, https://api.parliament.uk/historic-hansard/commons/1832/jun/25/party-processions-ireland#column_1024.

⁴⁹ 7 Nov 1833, *FJ*; 18 Mar 1834, *BNL*.

⁵⁰ Testimony of John Hagan to William John Hancock, 24 May 1835, *Third Report from the Select Committee Appointed to Inquire into the Nature, Character, Extent and Tendency of Orange Lodges, Association or Societies in Ireland with the Minutes of Evidence, Appendix and Index* (London: HM Stationary Office, 1835), 203-4.

1835.⁵¹ This suggests that the processions law did little more than to drive sectarian violence into an informal setting, one to which the authorities would have trouble controlling or suppressing. The result was a return to a form of terror not dissimilar to that perpetrated by the Peep O'Day Boys.

The underground or nocturnal violence described here only has one parallel in the Carolinas throughout this study: the American War of Independence of the previous century. However, compared with what was discussed in the previous chapter on Carolinas, there was a hint that rising tensions relating to abolitionist activity and the threat of slave insurrection could have driven people to carry out activities, while not exactly as those described here, that were extreme by the standards of behaviour of the previous decades in the Carolinas. During periods of social and political tension, violent ritual practices became the means by which anxieties could be expressed. The type of ritual violence here, inflicted by one party on the other was, in most cases, was deadly and not in line with typical means of protest and disaffection, as demonstrated by the North Carolina Regulators or the Hearts of Oak of the eighteenth century.

Although sectarian ritual and rioting dominated much of the scholarship on early nineteenth-century violence and protest, other types of performative violence, intimidation and humiliation occurred during the same period. These other incidents and movements more closely align with E.P. Thompson's moral economy thesis. The catalyst for these events often meant that some material change had occurred that threatened the well-being or could cause harm to those in the lower socio-economic strata of society. This change often resulted, in certain circumstances, in instances or campaigns of 'direct popular action, disciplined, and with clear objectives' designed to urge those in authority to change their decision or policy.⁵² While violence did occur within these campaigns, it was restrained and limited, similar in some respects to the rites of agrarian protest demonstrated by the Hearts of Oak and the Regulator movements in the Carolinas.

⁵¹ *ibid.*, 198-206.

⁵² Thompson, 'Moral Economy', 78.

One of the earliest instances of restrained and disciplined ritual protest occurred in 1808 in Banbridge. Protestants and Catholics, in an early demonstration of religious solidarity, came together to protest non-residents who had 'outbid locals for land'. Echoing the Hearts of Oak, the locus of these protests centred around the mock hanging of the offenders who had allowed this practice to occur.⁵³ However, the movement never blossomed into a large-scale threat to the civil authorities in the province.

Seven years later, there was an explosion of anger throughout the United Kingdom due to a revision of a protectionist bill that would have forbidden the importation of oats, wheat, and barley below a price regime set in favour of British domestic production. Commonly referred to as the Corn Law of 1815, or more precisely 'An Act to amend the Laws now in force for regulating the Importation of Corn', the proposed bill would have artificially kept prices of essential nutritional ingredients or goods out of reach of the poorest in the British Isles.⁵⁴ The legislation represented a material change and potential harm to the poorest in society. Unsurprisingly, riots and other forms of civil unrest occurred in London and Glasgow.⁵⁵ Belfast would prove no exception.

On the evening of 17 March, a mob of young men, women, and children proceeded in an impromptu procession throughout the streets of Belfast. Within the procession were 'two Poles, on one of which was a large loaf and on the other a small one.' Underneath each loaf of bread, there were two slogans. One stated, 'King and Constitution' and the other, 'No Corn Bill.' The crowd marched toward the residence of the Marquis of Donegall. The Marquis was not at home when the crowd arrived. As a result, they proceeded back towards Belfast, 'they broke some panes of glass, shouting out for the Marquis'. Unsuccessful in any attempt to rouse the presence of the Marquis, they continued to commit minor property offences until dispersed by a party of soldiers.⁵⁶

⁵³ Allan Blackstock, 'Tommy Downshire's Boys: Popular Protest, Social Change and Political Manipulation in Mid-Ulster 1829-1847', *Past & Present*, no. 196 (2007): 133; Sexton to Beckett, 7 Sep 1808, The National Archives UK, HO 100/148, fos. 315-16.

⁵⁴ *The Statutes of the United Kingdom of Great Britain and Ireland* (London: George Eyre and Andrew Strahan, 1816), 6: 50-1.

⁵⁵ 14 Mar 1815, *The Morning Post*; 12 Mar 1815, *Bell's Weekly Messenger* [London]; 22 Oct 1815, *The News* [London].

⁵⁶ 21 Mar 1815, *BNL*.

A week before the events in Belfast, there was a riot related to the Corn Bill in County Antrim. The event was provoked by a meeting of landowners in Antrim who were meeting on 2 March to agree upon a letter that would be addressed to the Parliament regarding the proposed legislation. Word of this meeting had had gotten out to the public via some 'inflammatory hand-bills' which called 'upon the people of Antrim to save their families from starvation and famine, which were alleged to be the objects of the Meeting.' Upon the day of the meeting, a mob of both men and women, many reportedly in a state of drunkenness, attacked those who were attempting to gain entrance to the courthouse where the assembly was to take place. The mob, having entered the courthouse, attempted to shout down any discussion. The High Sheriff of County Antrim, James Agnew Farrell attempted to pacify the mob without success. Farrell and other attendees, realising the danger that they were in, hurriedly retreated to a local inn for safety. This act further incensed the mob who broke several windows. After a two-hour siege, the mob appeared to relent and stated that the men could leave. However, the men were greeted by a cascade of 'stones and dirt' as they left the building. Farrell, determined to make an example of some of the perpetrators, arrested five men for participation in the riot. All of whom were tried and found guilty.⁵⁷

A month later, two of the guilty, Arthur Sheflington and William Jackson, who were both sentenced to a period of imprisonment, were to be publicly whipped. This government-sanctioned ritual, which was to be carried out on a cart as it was paraded throughout the local area, was interrupted by another mob. Farrell, a few soldiers, and the man who was charged with flogging Sheflington and Jackson were pummelled by brickbats and stones from an angry crowd. The Sheriff, once again fearing for his safety, retreated into a local house, which was soon besieged by the angry mob. Several windows were broken; however, Farrell managed to escape serious injury as additional soldiers arrived to restore order.⁵⁸

As in Thompson's moral economy and regarding the Catholic Defenders in the 1780s, women were actors in these violent protests. Women were most likely to bear the burden of ensuring that their families, especially their children, were provided nutrition, of which wheat

⁵⁷ 7 Mar 1815, *BNL*; 6 Apr 1815, *FJ*.

⁵⁸ 4 Apr 1815, *BNL*.

and barley would have been essential. Therefore, women may have not only been participants but also among some of the instigators of the tumult as they were in Thompson's thesis. In addition, it is worth noting that the mob were acting in a manner to strike back at a situation which was out of their immediate control. There was no chance that the Parliament was going to retract the legislation. The rioters certainly knew this, but through direct action, they could attempt to assert power in the only manner available: violence to property and person.

The 1815 Corn Bill disturbances were relatively minor compared to the outbreak of disobedience and ritual protest in Ulster's rural interior from 1829 through the 1830s. As with the threat posed by the Corn Bill, this protest movement, referred to as 'Tommy Downshire', effectively blended differing forms of agrarian ritual protest and agitation along with the strategic use of symbolism and the use of implied or threatened violence to obtain concessions from landowners and their agents. It is also notable that in a period of sectarian tension, the Downshire movement cut across what was, by contemporary standards, a stark and often violent social divide.⁵⁹ Allan Blackstock's scholarship on the Downshire movement has shown a blending of older more conservative means of ritualised protest thought to have disappeared from Ireland by the late eighteenth-century along with a level of organisational sophistication not thought to have existed in the country during the period in question.⁶⁰ While Blackstock's work discusses, at length, the rationale by which the initial period of disturbance occurred and the ritual manner in which the protests took place, the Downshire movement has never been examined through a comparative lens.

The events primarily attributed to the Tommy Downshire campaign occurred in a mainly rural region spanning 'north Armagh and west Down, with its epicentre in the Down parish of Tullylish.'⁶¹ Blackstock noted that many of those residing in the area were leasing lands from members of the landed gentry, either directly or through land agents as had been commonplace during the disturbances of the Hearts of Steel in the 1760s and 1770s. The landed gentry who had interests in the region were a group of men who held a diversity of

⁵⁹ Blackstock, 'Tommy Downshire', 125-6,

⁶⁰ *ibid.*, 127.

⁶¹ *ibid.*, 131

religious practices and political opinions, with many divided over questions of support for Catholic emancipation and sympathies for the Orange Order.⁶² This was consequential, given the makeup of the Downshire movement, and its crossover appeal to Protestant and Catholic alike.

The initial incident attributed to Tommy Downshire occurred in early May 1829, on the day of the Tandragee fair near Portadown on the Knockbridge. Rumour had circulated that 'the country people intended to prevent...the passage of any...[ship] on the River Bann towards Newry landed with potatoes.' Despite the warning, 'upwards of one hundred persons armed with guns, pitch forks, sticks, &c' forcibly took control of a potato barge. The attackers assaulted the boatmen on board and then destroyed the cordage, masts and 'everything they found on board and on deck in the cabin' before firing a dozen or more shots into the ship. The assailants then loudly proclaimed 'that Tommy Downshire will not allow any potatoes to leave the country in the future'. The Chief Constable, David Patton, who responded to the incident, was left frustrated in his attempt to apprehend those responsible as the attackers fled prior to the arrival of the authorities. He was stonewalled by witnesses who stated that either they did not see the perpetrators or feigned ignorance as to the assailants' identities. The Chief Constable did not find these answers wholly credible and attributed some of these responses to a 'threatening notice posted...where the outrage was committed, threatening destruction to any person who should offer any information of the person concerned'.⁶³ There was also another motivation, the price of potatoes had fallen and the attempt to export them to ports outside of Ireland to increase the price would have harmed local, and often poor, residents.⁶⁴

The Knockbridge incident was followed by another attempt to stop the export of potatoes on 3 June as the barge *Union* was attacked by a mob who pelted the ship with stones. However, the *Union* was not boarded and managed to find a safe harbour at Tandragee. At Tandragee, the ship took on board a security contingent of police. Adjoining the report of the attack on the *Union*, it was emphasised in a letter to the editor of the *Newry*

⁶² *ibid.*, 132-3.

⁶³ David Patton to William Gregory, 6 Mar 1829, 8 Mar 1829, National Archives UK, HO 100/226. Fos. 331-3.

⁶⁴ Blackstock, 'Tommy Downshire', 136; 5 June 1829, *Newry Telegraph*.

Telegraph despite any accusation or feeling to the contrary that the Knockbridge incident was assuredly not 'actuated by party feelings or religious motives.'⁶⁵

The attacks of shipping shared, in a sense, an older and earlier form of ritualised violence and protest, one that bared more similarity to the tactics of the North Carolina Regulators than any other large-scale movement that has been discussed. While violent, the tactics by which the ships were attacked were orchestrated to avoid fatal injury. While a barrage of stones thrown at the *Union* could have ended someone's life, there is little to suggest that was the objective or even acceptable. Just as the North Carolina Regulators violently commandeered an Orange County courthouse, the Downshire group took control of a potato vessel, destroyed its contents, humiliated its crew and quickly abandoned the ship. Although it could be argued that property destruction has been consistent throughout this work, there was no meaningful attempt to commit a murderous offence. As the Regulators had made a brash statement in their takeover of the Orange County courthouse, the Downshire perpetrators were also making a bold, public declaration in their attempt to shut down potato exports from that part of Ulster. These incidents, like the Antrim riot of 1815, marked a return to a more restrained form of ritual that was absent during the sectarian campaigns of the eighteenth century.

The Tommy Downshire name appeared, for a time, to fade from the public sphere until late in 1830. However, by November, the name was utilised again, this time in a concerted effort to press landowners and their agents for concessions related to rents, cess, and tithes. These issues were significant given the tenuous economic position of many who resided there. Consequently, a coordinated effort was made to revive the Downshire moniker, and printed notices were sent out that required 'the Landlords to lower their rent and the Clergy their tithes' in the general locality of Portadown and Tandragee. The notices further stated that a meeting should take place at nearby Shane Hill, a site noted, according to Blackstock, for its symbolism in both local folklore and history, on 20 November.⁶⁶ The notices further stated that should the demands of the notice not be complied with that

⁶⁵ 5 Jun 1829, *Newry Telegraph*.

⁶⁶ Blackstock, 'Tommy Downshire', 141-2.

certain 'revolutionary threats' would be carried out. Notices were signed with the name Tommy Downshire.⁶⁷

As Blackstock explained, the demand for a meeting at Shane Hill conveyed considerable symbolism. It was both known as the site where the Oakboy movement began and likewise was in an area known for the intemperate demeanour of the local population, particularly towards those in positions of authority.⁶⁸ The choice of this location was purposeful; it 'was appropriated to raise tension' with the landowners, their agents, and with the clergy.⁶⁹

While the selection of Shane Hill may have been rife with symbolism and intended to send a message to the landowners, the use of ritual began in earnest the night before the intended meeting. At night, 'guns were occasionally fired', and constant drumming was heard throughout the 'country adjacent to Lurgan and Portadown' to excite the local population and muster as many attendees as possible. The effect of this attracted a considerable crowd the following day, with an estimated 1200 to as many as 4000 attendees showing up to the meeting at Shane Hill.⁷⁰

Local police were also in attendance, having received advance notice of the gathering. Local authorities were concerned about the anticipation and atmosphere created by the rituals and language that had heralded the event. Hoping to calm what surely seemed like an explosive situation, a policeman 'attempted to address the people on the impropriety of their mode of procedure'; in response, loud noise arose from the crowd, drowning out the remainder of his address. After rejecting the call that they disperse, the crowd demanded that the threat of evictions against small farmers be addressed and that wages be increased to compensate for increased economic pressures. In response, the Chief Constable, J. Brown, stood up and encouraged the meeting to end peaceably.⁷¹ Brown, eager to have meeting

⁶⁷ 19 Nov 1830, *Newry Telegraph*.

⁶⁸ William Blacker to William Gregory, 21 Nov 1830, Chief Secretary's Office: Registered Papers, Outrage Reports, CSO/RP/OR/1830/199, National Archives of Ireland.

⁶⁹ Blackstock, 'Tommy Downshire', 142.

⁷⁰ 23 Nov 1830, *BNL*; Fitzgerald to Lord Downshire, 27 Nov 1830, D671/C/12/445, PRONI.

⁷¹ 23 Nov 1830, *BNL*; 26 Nov 1830, *Newry Telegraph*.

attendees disperse and who had hoped to prevent a riot, calmly removed a banner erected earlier in the day. It was said to be a green and orange tricoloured flag, which was a public proclamation of solidarity between two otherwise warring factions.⁷²

Although no violence had taken place at the gathering and attendees issued no direct threats, the event was rife with a particular type of ritual symbolism that would have been familiar to those who had knowledge of the Hearts of Oak and the Hearts of Steel. The most consequential of these was the use of sound in the form of gunfire and drums. Similar, in some respects, to the use of music used by the Oakboys, or the blowing of horns, commonly used to muster adherents by the Steelboys, drumming and gunfire would have provoked both a sense of fear and excitement in the area around Shane Hill. On the other hand, while no direct comparison can be made to the North or South Carolina Regulator movements in terms of the performative rituals employed on the eve of the Shane Hill meeting, the evidence does suggest the importance of sound during extrajudicial whippings or riots.

At the end of the Shane Hill gathering, attendees decided that another meeting would occur on 4 December. It was also agreed that landowners and their agents would be strongly urged to attend so that deliberations could take place with the tenantry. The announcement of a second meeting did nothing to assuage the fears of the gentry or authorities. Likewise, agitators assured the atmosphere surrounding the Downshire movement remained tense through the sound of gunfire in the evening. This tension was compounded by reports that a person in disguise ventured from residence to residence to encourage the attendance of tenants at the second gathering in an effort to bolster turnout. The evening before the meeting, ritualistic fervour again took hold of the surrounding area. Similar to the sectarian ritual discussed previously that would take place a few years later, in 1835, witnesses described hearing the sound of drums throughout the night, a sound broken only by cracks of gunfire. A flag was once again hoisted upon the hill, and a fire lit 'close to the place which was occupied by the people' coordinating the night-time festivities.⁷³

⁷² 23 Nov 1830, *BNL*; 1 Dec 1830, *The Morning Post*; Fitzgerald to Lord Downshire, 27 Nov 1830, D671/C/12/445, PRONI.

⁷³ Blacker to Gregory, 1 and 4 Dec 1830, Chief Secretary's Office: Registered Papers, Outrage Reports, CSO/RP/OR/1830/253, CSO/RP/OR/1830/57, National Archives of Ireland; 7 Dec 1830, *FJ*. See also Blackstock, 'Tommy Downshire', 143-144.

On the day of the meeting, it was estimated that upwards of 4,000 people mustered onto the hill to make their demands known. Again, the appeal was made that rents be reduced, along with a commiserate increase in area wages. Several gentlemen attended, most notably Lieutenant Colonel William Blacker, an area landowner with considerable political influence. Blacker moved to address the crowd, stating that he was sympathetic to their plight, and advised that petitions be drawn up. While Blacker was treated with due respect because of his social standing in the community and his status as a landowner, the crowd found his solution unsatisfactory. As many meeting attendees left, several decided to take up their cause in the village of Guilford. Once there, they marched to the residence of Henry Hamilton, an area landlord. The group demanded an 'abatement of rent' from Hamilton and informed him that he had 'a fortnight to comply or leave the county.' The quasi-mob proceeded from there to demand an increase in wages from two local employers and stated, much as they had Hamilton, that they needed to comply or 'quit the county.' The group then proceeded back into the village, stopping only to steal food and drink from a number of local shops.⁷⁴

While the excursion by the group that set out to Guilford after the meeting took on a somewhat more pointed tone by directly addressing two targeted individuals resisting the demands of the Downshire movement, nothing serious occurred outside of the pilfering of food and alcohol at local shops. While this was undoubtedly the direct result of the fact that no commitment had been made by the local landowners, employers, or clergy for economic relief, the Downshire movement seemed hesitant to escalate to direct violent action. The only means to this point that were made were through the implication of violence should their demands not be met. In many respects, this was a gentler approach than ultimately actions by the Steelboys or either Regulator groups in the Carolinas. However, the threat of action was there, and it was a threat that was taken seriously. The threat alone pressured those targeted by the Downshire group, and it also, given the political and sectarian environment in Ireland during this time, alarmed the authorities.⁷⁵

⁷⁴ Blackstock, 'Tommy Downshire', 132, 145; 7 Dec 1830, *Newry Telegraph*; 7 Dec 1830, *FJ*.

⁷⁵ Blackstock, 'Tommy Downshire', 145.

The local agent of the Brownlow estate, William John Hancock, who was zealous in his investigation of the Knockbridge incident in 1829, took a particularly aggressive stance toward what he feared the Downshire Shane Hill movement represented.⁷⁶ Hancock had several men arrested for the possession of Downshire tracts, including a member of his yeomanry, William McMullan who defiantly implied that the Downshire movement would use arms should they face resistance from the local constabulary or yeomanry.⁷⁷ Blackstock also pointed out that an irregular campaign of threats was further pressured against clergy and landlords. This campaign amplified an already tumultuous situation that was occurring throughout Ireland.⁷⁸ Though the backdrop of violence and political upheaval, those targeted by Downshire began to feel as if their leverage to maintain control was in a tenuous position. Consequently, it was through these types of threats of violence, and against the backdrop of civil turmoil, that the Downshire movement applied pressure through the careful use of implied violence, not action, ritualised or otherwise. The implication, stated or not, was the ritual and the demand that those who held economic power acquiesce to the demands of those in the lower classes.

It is essential to note the difference between earlier forms of agrarian protest in eighteenth-century Ulster and the Downshire movement. The 'Shane Hill' campaign demonstrated a sort of hybridised variant of Charles Tilly's repertoire of contention. Specifically, the Shane Hill Downshire adherents visited the residences of selected individuals with whom the agitators were aggrieved and used a controversial tricolour flag, gunfire, and drumming to stir and maintain the air of a potential insurrectionary movement. These practices alone represented, according to Tilly, the eighteenth-century model, yet the Downshire movement also employed methods that were commonly associated with nineteenth-century protest, such as organising in a 'symbolically important place' and 'broadcasting demands and grievances by means of placards' namely the Downshire notices.⁷⁹ Although Tilly focused on protests and the fight for political power in French cities, the Downshire movement suggested that a sort of similar evolution took place in the rural hinterlands in the counties of Armagh and Down.

⁷⁶ *ibid.*, 136-7, 145

⁷⁷ Hancock to Gregory, 16 Dec 1830; Hancock to Power, 31 Dec 1830, *Third Report*, appendix B, 43-4, 49.

⁷⁸ Blackstock, 'Tommy Downshire', 145-7.

⁷⁹ Tilly, 'Charivaris', 75-77, 84.

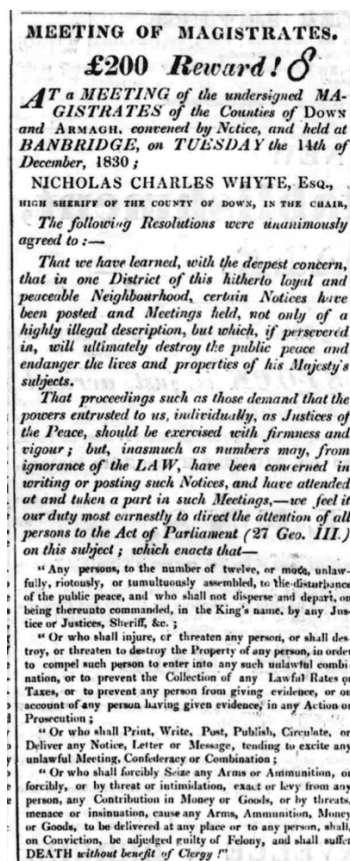


Image 13: Proclamation offering £200 reward leading to the arrest of the organisers or agitators of the Shane Hill meetings⁸⁰

The pressure campaign, however, had yet to yield concessions. Downshire organisers announced that a third meeting would take place on 18 December. Once word of this event reached the ears of the authorities, there were debates on whether coercive measures should be applied to any further gatherings of the Downshire movement.⁸¹ Fearful of an explosive situation, Nicholas Whyte, High Sheriff of the County of Down, offered two hundred pounds reward for anyone publishing and circulating any notice designed to 'excite any unlawful Meeting, Confederacy or Combination'.⁸² This was further complicated by news that other campaigns, with similar concerns, namely on the issue of rents and compulsory tithes sparked gatherings at Fintona, Ballyhugh, and Monyleak. The Fintona meeting was notable for calls to 'destroy the Bishop of Clogher's Palace' unless rents were reduced and compulsory tithing was abolished. Fintona and Ballyhugh attendees, almost certainly inspired by Shane Hill, both

⁸⁰ 17 Dec 1830, *Newry Telegraph*.

⁸¹ Blackstock, 'Tommy Downshire', 148.

⁸² 17 Dec 1830, *Newry Telegraph*.

planted symbolic statements of coordination between the Catholics and Orangemen as 'orange and green flags' were raised at both sites.⁸³

The alarm over the third meeting proved to be unfounded. Whyte, accompanied by Hancock, attended the meeting anticipating an explosion of anger. What they found surprised them. Whyte, who was given a chance to address the meeting, 'assured them that proper inquiry should be made into the grievances of which they complained.' Consequently, his remarks were 'extremely well received', and the meeting peacefully ended. This diplomatic resolution was most likely because one of the land owners, Alexander Robert Stewart, whose estate included Shane Hill, had already announced that he had 'ordered a valuator to view the estate' to reduce the rents paid by tenants in the area.⁸⁴

The conciliatory attitude of the attendees to Whyte was, as explained by Blackstock, likely a result of a letter to the editor of the *Newry Telegraph* sent by 'A Distressed Member of the Shane-Hill Meeting'. The writer emphasised that he or she did not hold 'any political character' and no quarrel was sought between the government and landlords. It was further stated that there were specific individuals who carried out limited and unlawful activities in order to cause alarm amongst land owners and the constabulary, only that the poor tenantry rightfully sought relief from monetary burdens from which they could ill afford. The letter's author further stated that the most prolific agitators did not represent those who only sought a reprieve from repressive rents and tithing. In closing, the author asserted that he or she hoped that no further rituals should occur to excite and agitate rebellion and that their grievances were evidentiary enough to stand alone.⁸⁵

Regardless of the feelings of the author of the letter, it was clear that economic relief was the best method to alleviate what the government, and some land owners, felt was the potential contagion in which an insurrectionist spirit could spread further afield throughout Ulster, and perhaps into the whole of Ireland. Assuming that the letter is accurate, and there

⁸³ *ibid.*; 24 Dec 1830, *Dublin Register*.

⁸⁴ 24 Dec 1830, *Dublin Register*; Lord Downshire to Nicholas Whyte, 24 Dec 1830, D2918/8/51, PRONI. See also Blackstock, 'Tommy Downshire', 130; Blackstock identified Stewart as an absentee landlord whose land agent, Henry Hamilton, was the target of the mob after the second meeting.

⁸⁵ 21 Dec 1830, *Newry Telegraph*; Blackstock, 'Tommy Downshire', 149-50.

is no evidence to doubt that the author and others did not seek confrontation with the landlords, further evidence suggested that some individuals wished to spark a violent confrontation with the landlords and the government. On 31 December, William Wilson, a military veteran and resident of Maryborough, was arrested by the police. During an interrogation, Wilson admitted that he 'was employed at Benburb...some few days ago, by certain persons from Portadown, at 36s. per week, to attend in the neighbourhood of the Shane Hill by night, and *instruct them in military exercise, and drill with arms.*' This alarming news was quickly rebuked in a public statement by an adherent of the Downshire movement who emphatically decried any wish to excite an uprising.⁸⁶

Within a particular context, this could be paralleled in the charge that the North Carolina Regulators were an insurrection and wished to lay siege to New Bern. Although it is certain that a specific contingent of Regulators planned to carry that into effect, it is doubtful that any plan to do so would succeed. However, given the evidence and what was discussed earlier, there was an element in both movements that wished to incite some form of insurrectionary spirit.

Although no further reported gatherings were under the Downshire banner after December 1830, there was at least one other similar meeting at Magherally on 15 January. Again, similar to the gatherings at Fintona, Ballyhugh, and Monyleak, notices were issued for 'the necessary, lawful, and just purpose of taking the most effectual method of having their rents lowered'. Over one thousand people assembled at this meeting under a flag, although not explicitly stated, which was tri-coloured. No violence or even threats were reportedly uttered, and meeting participants retired from the assembly without incident.⁸⁷

As pointed out previously and emphatically emphasised by Blackstock, the most consequential difference is that there was an 'organisational sophistication' to the Downshire movement that was 'apparent in the scheduling and pre-planning of meetings...and the generation of propaganda in the press.' This characteristic makes a one-on-one comparison

⁸⁶ 7 Jan 1831, *BNL*; 21 Dec 1830, *Newry Telegraph*.

⁸⁷ 18 Jan 1831, *BNL*.

with any particular movement or type of ritual protest that employed violence difficult. At the same time, while there are comparative elements in the Downshire movement that can be made to not only the Oakboys but also the North Carolina movement; however, the 'organisational sophistication' reflected an innovative spirit that reflected the repertoire of nineteenth-century protest as envisioned by Tilly.⁸⁸

Religious, political, and economic cleavages were paramount in Ulster during the first three decades of the eighteenth century, and those tensions were often manifest as ritual performative warfare and political protest. The Orange Order, agitated by the events of the late eighteenth century, saw its fortunes rise and fall and rise again based upon the political anxiety sparked by Catholic activism, engaged in domestic and often deadly ritual combat. Sectarian warfare during this period had a certain and inelegant decidedly rhythmic element by which Orangemen would attempt to agitate their foes, who, in turn, would attack only to be repelled by Orangemen or sympathetic yeomen. This ongoing campaign of violence can be seen as an evolution of the Armagh disturbances. On the other hand, although the scale and type of violence shared some similarities to tensions that drove some retributive violence in the Carolinas during the American War of Independence, the Orange-Catholic riots and processions represented a longer and more protracted conflict given the fact that violence flared off and on well into the late twentieth century.

Concurrent with the sectarian war during this period were intermittent political protests or broader non-sectarian protest movements in the early nineteenth century. Unsurprisingly, while some similarities can be drawn between those protest campaigns and the eighteenth-century Regulator movements in the Carolinas, a direct comparison is difficult and limited by the differences in time and circumstance; this is particularly true of the Tommy Downshire campaign of late 1829-1830. Although the preeminent scholar on Tommy Downshire, Allan Blackstock, discussed the similarities and the inspiration drawn from the Hearts of Oak nearly sixty years before the events at Shane Hill, the closest analogue in the Carolinas is the is that of the North Carolina Regulators whose demands for relief from the corrupt practices of local county officials precipitated the events of the mid to late 1760s.

⁸⁸ Blackstock, 'Tommy Downshire', 152; Tilly, 'Charivaris', 75-7.

However, any similarities the Downshire movement shares with the Regulators are likely circumstantial. By 1830, cultural transmission from Great Britain would have wielded more significant influence, given the number of protest movements there in the first decades of the century. At the same time, it cannot be wholly stated that these agrarian campaigns were divorced entirely from historical ritual practices in Ulster and the Carolinas, as discussed. Future scholars may wish to examine more closely the ritual practices between protest movements in Great Britain and Ireland in the nineteenth century.

Conclusion

Communal ritual violence has been analysed from several perspectives concerning the British Isles and the United States throughout the twentieth and early twenty-first centuries. This thesis, using a cultural anthropological approach, has sought to complement earlier scholarly work and extend the body of knowledge regarding these cultural phenomena. It has examined varied forms of ritual violence to appeal to, obtain power, test the boundaries of authority, or maintain socioeconomic or political ascendancy. As such, ritual violence is not only associated with physically violent actions but with the symbols employed to these ends. These symbols have included, but are not limited to, the use of flags and costumes, property destruction, noise and song, and the practice of retribution as a ritual. To this end, this thesis has used a cultural anthropological approach to discuss historical events relating to varied campaigns and incidents of communal ritual violence in Ulster and the Carolinas from 1760 to 1840.

The rites of violence, intimidation, and humiliation can be viewed in parallel with Foucault's assertion that executions are 'the ceremonies by which power is manifested.'⁸⁹ Extrajudicial ritual violence serves the same purpose. Power was manifest throughout the various rites of violence discussed throughout this thesis. Tacitly tolerated even if explicitly discouraged, ritual violence gave rise to frustration and a thirst for political or social agency by those who carried out or encouraged its use.

The use of ritual violence to obtain power, by the mid-eighteenth century, was demonstrated in the rituals of the Sugar Creek War in North Carolina, the Regulator movements, and the campaigns of the Hearts of Oak and Hearts of Steel in Ulster. In all instances, the rites of violence were implicitly restrained and not explicitly revolutionary in their purpose or intent. The fundamental purpose of these rituals was to impose their will on members of the upper strata of society who were perceived to be causing direct or indirect harm and to obtain a measure of power so that they would not continue to suffer neglect. These movements were not revolutionary but were more than a simple protest movement in

⁸⁹ Foucault, *Discipline*, 47.

which they hoped to have their grievances heard. Moreover, these campaigns represented substantive appeals for relief and an attempt to assert themselves as agents of authority in an otherwise hierarchical society.

The methods by which this drive to power was carried forth varied, particularly by circumstances, rationale, and geography. Participants used the tools and means by which they were familiar in their efforts to intimidate, humiliate, and rebuke those who threatened or caused harm to area residents. In the sparsely populated Carolina backcountry, this often resulted in the painful and humiliating use of the whip. The whip was wielded extensively against corrupt agents, the backcountry elite, moral offenders and criminals. The whip was a simple, accessible tool by which the poorest backcountry settler could administer punishment for moral turpitude and abuse otherwise apathetic or corrupt local elites. Flogging was likely employed due to its use by colonial agents, its employment by area militia, and perhaps transported to British America as a disciplinary method on British sailing vessels. The North and South Carolina Regulators used the whip extensively in their campaigns. It was so popular that it was used as a tool of intimidation against those accused of harbouring loyalist sympathies in the anti-loyalist scouring campaigns in North Carolina during the American Revolutionary War. By the late eighteenth century, the whip became a Carolinian and, by extension, an American mainstay of extralegal justice. Conversely, ritual extrajudicial flogging never appeared in the accounts of Ulster extrajudicial violence despite being used on occasion as a tool by state authorities to punish offenders. Extrajudicial whippings were an American ritual innovation used on the Carolinian frontier as a tool of circumstance and necessity.

In contrast to the sparsely populated American frontier, which necessitated tools such as the whip, Ulster was a much smaller region with an established population who had close communal ties with one another. Such an environment proved ideal for using public processions to target individuals for humiliation and intimidation and to strengthen the popular appeal for a cause amongst sympathetic onlookers. These processions inspired their participants, the sight of which could inspire a mix of anger and fear in those who opposed the rationale for such gatherings. Often, these processions were rife with symbolism, both implied and explicit. For example, the Hearts of Oak could muster many people amidst a carnivalesque atmosphere of flags, music, frivolity, and more sinister symbols such as gallows.

Likewise, the Irish Volunteers during the Armagh disturbances used representations of state authority such as uniforms and sectarian music before provoking unsanctioned attacks on defiant Catholic residents. Processional symbolism such as this was interwoven into the tactics of the Orange Order and, to a lesser extent, the Ribbonmen of the nineteenth century. Processional displays of authority or defiance are elemental rituals of the history and culture of extrajudicial violence in the north of Ireland. However, this was not the only tactic widely used in ritual violence in Ulster.

The act of property destruction as a means to express anger and disapproval was a common practice in Ulster and the Carolinas. The Hearts of Steel, after observing the swift suppression of the Oakboys through public processions, resorted to a primarily nocturnal campaign of property destruction, particularly arson, to vent their anger from 1769 to 1772. Similarly, the North Carolina Regulators targeted and destroyed Edmund Fanning's house during the Hillsborough riot in 1770, and later that year, they expressed their disdain by attacking and destroying Judge Henderson's property. In 1767, South Carolina residents notably set fire to the cabins of criminals who were engaging in violent acts. Although the use of property destruction in this tumultuous period reflected various grievances in the Carolinas and Ulster, the practice persisted into the 1780s and 1790s, often resulting in severe consequences.

The ritual of property destruction was intensified during the tumult of the late eighteenth century. The old ritual often simply was to set a residence or outbuilding ablaze, yet during this period, arson was combined with the terror of assault and plunder. This transformation was a result of the partisan hatreds present during the American Revolutionary War in the Carolinas and the sectarian disturbances that began in County Armagh, which would spread into adjacent areas. As devastating as the burning of property would have been during the Regulator movements or by the Steelboys, they were, to a degree, still characterised by restraint. By the 1780s, that limitation diminished due to a conflict over political and economic supremacy. In the Carolinas, loyalist and rebel militia acted with impunity to plunder and burn the property of those they believed were associated with opposing factions.

In Ulster, there was a sense that the ascendent position that Protestants enjoyed over the Catholic neighbours was threatened. Consequently, there emerged a campaign of increasingly brutal sectarian violence, much of which was the result of Protestant aggression in the form of the gang known as the Peep O'Day Boys against Catholics. The cornerstone of this violence involved a campaign of plunder against Catholic residents. Later, this would accelerate into assault and property destruction under the moniker 'house wrecking.' This campaign of increasing sectarian hatred, on occasion, led to the outright assaults or murders of the inhabitants of these dwellings. The Orange Order also adopted this tactic in a campaign to scour and eliminate Catholics from County Armagh and adjacent areas. Unrestrained violence, in which property destruction was a central characteristic, was illustrative of a conflict over political and social supremacy. As expected, this intensification of violence in Ulster and the Carolinas was indicative of innovation necessitated by circumstance from the typically rigid nature of the eighteenth-century repertoire of contention as described by Tilly.⁹⁰

Despite the similarities observed during periods of heightened tension between the Carolinas and Ulster, there were significantly more differences than anticipated. While extralegal humiliation and other forms of violence were imposed on those who committed moral turpitude in the Carolinas, historical records show that such practices were not prevalent in Ulster. These findings are consistent with earlier research, which found no comparable Irish practice outside of the Whiteboy movement of the eighteenth century, which occurred outside of Ulster.⁹¹ Moreover, despite the limited reports of incidents reminiscent of rough music in the Carolinas, there is ample room to believe that the practice was more widespread than what is reflected in the historical record. There are documented incidents of collective ritual violence inflicted on moral offenders in other areas of the British American colonies in the eighteenth century,⁹² and the literary popularity of tales of lynch law on the western frontier in the early nineteenth century suggests that the practice had long been present throughout the country.⁹³ This conclusion is supported by the few existent

⁹⁰ Tilly, 'Repertoires', 11-2.

⁹¹ Chadbourne, 'Rough Music', 176-194.

⁹² Penack, 'Introduction', *Riot and Revelry*, 6-9; Gilje, *Mobocracy*, 20-1.

⁹³ Waldrep, *Lynching in America*, 30-1, 47-8.

records of riots and ritual punishment for immorality in North Carolina after the American Revolutionary War and the previously discussed ridings that were conflated with the term lynch law in the nineteenth century. Equally, the whippings administered to punish immorality by the South Carolina Regulators also qualify. Given existent research, the practice of sanctioning moral crime was almost certainly transported to the Carolinas from other American colonies and, ultimately, mainland Great Britain. On the other hand, it is difficult to ascertain whether the practice occurred in Ulster or was culturally transmitted through Ulster by the Scots-Irish, even if the ritual never gained a foothold in Protestant Ireland.

Another American innovation to the practice of ritual violence was the incidents in the Carolinas that can best be described as testing the limits of burgeoning institutions of authority or tradition. This custom did not exist, at least in a similar manner, in Ulster. Examples include the abuse suffered by Charles Woodmason as an agent of the established church, which was an institution that had no practical authority in the South Carolina backcountry and the abuses suffered by itinerant evangelical clergy near the period of the Great Revival of 1800. Similarly, the rites of property destruction, intimidation, and humiliation at the University of North Carolina and South Carolina College can be viewed through this lens. These were untested, relatively new academic institutions, and students were eager to assess the limits to which the faculty could maintain control over the student body. Conversely, although there were protest movements in Ulster that challenged authority, such as the Oakboy, Steelboy, and Tommy Downshire movements, they shared more similarities with traditional variants of agrarian protest and were not testing the limits of nascent institutions or bodies. The rise of new norms, traditions, and institutions in the Carolinas made this ritual unique within the American context.

By the early 1830s, many Carolinians alarmed by a murderous slave revolt in neighbouring Virginia began to wield authority to maintain control over not only the enslaved population but to ward off any suspicion of behaviour that threatened the social tranquillity and economic prosperity of North and South Carolina. The use or threatened use of ritual violence was only a pretext to maintain hierarchical structures of power. In contrast, Ulster, in the same decade, was reeling from decades of intermittent sectarian ritual warfare. The tactics, particularly after the Party Processions Act, began to, in a sense, revert to the house

wrecking and assaults of the late nineteenth century. During this decade, the widest point of divergence in rites of communal violence in Ulster and Carolinas existed. The context in which violence occurred in both areas varied greatly, and the rituals themselves shared almost no physical characteristic equivalences.

Despite divergences between Ulster and the Carolinas, there are characteristic similarities in motivation as a ritual. Specifically, this can be interpreted as an act of retribution fuelled by a quest for vengeance. Indeed, Richard Maxwell Brown alluded to this in his text, *Strain of Violence*, when he called the campaigns of brutal vengeance in South Carolina during the American Revolutionary War a variant of lynch law.⁹⁴ However, he did not wholly explore the implications of this terminology. Lynch law alone was effectively nothing more than an American name given to ritual violence that gained particular popularity in the first decades of the nineteenth century. Retributive violence, as discussed in this thesis, was characterised as particularly inhumane and sometimes involved the maiming, torture, or death of an individual who was believed to be directly or indirectly responsible for a grievance.

This type of ritual was also clearly present in Ulster. The maiming and killings that occurred in the Barclay household at the hands of disgruntled Irish Catholic tenants are a prime example of retributive ritual. It was also likely the rationale for the seemingly choreographed riots and sectarian warfare between Catholics and Protestants affiliated with the Peep O'Day Boys and the Orange Order. These incidents are a sample of retribution as ritual, a common form of ritual violence, communal or otherwise. Retribution as a ritual deserves to be explored more thoroughly and is an avenue for further study.

Despite the divergences in ritual violence between the Carolinian states and Ulster, circumstance appears to be the most consequential variable between the two regions studied. The rites of violence were most similar during the late colonial period in America and in Ulster. Thematic similarities exist, but in precise terms, divergences in the 1760s widened

⁹⁴ Brown, *Strain*, 6-7.

over time to reach a zenith in the nineteenth century. The research demonstrates that rituals adapted and evolved to the environment and context in which they occurred.

In the Carolinas, the argument is made that, at least during the colonial period, particularly in the backcountry, despite the balance of power being maintained in the coastal region, the frontier acted as a sort of counter to the ability of the elite to assert their authority. Consequently, the Americans, in these instances, used the rites of balance to establish their power. This power was solidified through the tumult of the war. This power was solidified through the first decades of the nineteenth century and maintained through the implicit or direct use of varied rites of violence and intimidation. In comparison, those in Ulster used implied and actual violence in the waning years of the 1760s and early 1770s to push back against the new capitalist classes, as described by Thompson.⁹⁵ However, by the 1780s, the lower strata of society, particularly self-described Protestants, faced a significant struggle. Unwilling or unable to dislodge the elite class, they resorted to various types of ritual violence to entrench their position above the Roman Catholic population. In the process, they gained some favour with the elite classes. However, old grievances resurfaced in the rural interior with a carefully crafted, non-sectarian movement in 1829 and onward into the 1830s. In contrast, participants grappled with how to use the implication of violence to gain concessions from the gentry and their agents.

As a result of these findings and the preceding discussion on specific rituals, does Ulster or Carolinian ritual violence fit within the confines of Tilly's repertoire or Thompson's moral economy? Tilly and Thompson both based much of their work in this area of inquiry on events in Western Europe in the eighteenth and nineteenth centuries. Carolinian, and perhaps, generally speaking, American protest and ritual violence are outliers. That is not to say that American ritual violence wholly exists outside of European models or theories of violence, but it also does not neatly fit within those systems. Neither, in a sense, does Ulster. One existed on a primitive frontier, the other in a somewhat unique environment of ongoing sectarian social tension, as reflected in the source material.

⁹⁵ Thompson, 'Moral Economy', 79-83.

The research presented in this thesis results from a rigorous source collection process. It draws from a vast body of primary and secondary source material, with the preponderance originating from journals, newspapers, pension statements, and government correspondence. Other information comes from historians who corresponded with those who witnessed the events as discussed. This thesis marks an unprecedented comparative examination of cultural history from the north of Ireland and the Carolinas. It is the product of an intercontinental endeavour, meticulously gathering sources from archives in North and South Carolina and collections in Ireland and the United Kingdom. Notably, while some sources were cited within prior scholarship, this thesis includes other documents and news reports that have yet to be included in related academic publications.

It is acknowledged that many sources contain intentional and unintentional biases, particularly in the sectarian atmosphere in the north of Ireland and in narratives from the Carolinas. Despite these biases, these accounts remain valuable. However, the records used are limited in scope and do not fully account for incidents, especially ritual violence in the Carolinas. New information in the future could add to the body of knowledge presented in this text.

In closing, it is worth noting that as tensions escalate in contemporary society, it is essential for scholars to persist in analysing historical incidents of ritual violence. Despite the politicization of events, such as those discussed in this body of work, ritual violence should be understood as more than just insurrection or crime. It often represents a quest for power or a means of maintaining dominance against a perceived threat. While restrained ritual violence, as seen in the events of 6 January 2021 at the United States Capitol or the 23 November 2023 riot in Dublin, is the result of perceived grievances, the narrative presented here should be a reminder that such events can escalate into more overt levels of brutality if the aggrieved feel they lack control over the events that sparked their anger. Therefore, through its comparative lens, this thesis has significantly contributed to understanding how social tension, circumstance, and power dynamics can dictate the intensity of violence.

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