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The North Carolina Loyalists: Faulty Linchpin of a Failed Strategy

William Paul Burke

College of William & Mary - Arts & Sciences

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THE NORTH CAROLINA LOYALISTS:
FAULTY LINCHPIN OF A FAILED STRATEGY

A Thesis

Presented to
The Faculty of the Department of History
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree of
Master of Arts

by
William P. Burke
1988
APPROVAL SHEET

This thesis is submitted in partial fulfillment of the requirements for the degree of

Master of Arts

[Signature]
Author

Approved, December 1988

[Signature]
James Whittenburg

[Signature]
John Selby

[Signature]
Thad Tate
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The writer wishes to express his appreciation to Professor James Whittenburg, under whose guidance this investigation was conducted, for his criticism and sound advice during my years of research. The author is also indebted to Professors Thad Tate and John Selby for their careful reading and criticism of the manuscript.
This study evaluates the successes and failures of the North Carolina Loyalists during the American Revolution. It traces their fate from an initial disaster at the Battle of Moore's Creek Bridge in 1776, through the four years of Whig hegemony that followed, to the dramatic climax of Loyalist hopes during the British invasion of the state in 1781. Throughout these years, the Whigs and Tories of North Carolina were locked in a deadly civil war, the outcome of which was not certain until over a year after the British surrender at Yorktown.

This study utilizes the writings of both factions, including Loyalist chieftain David Fanning and Whig moderate James Iredell. The letters of British officers and statesmen reflect their frustration in coordinating British troops with Crown supporters. The Moravian diaries and minutes of the Whig provincial congresses and courts provide insight into the Whigs' struggle to maintain law and order. Finally, the army of historians who have grappled with the Loyalist dilemma help to narrate the events of the Revolutionary War in North Carolina and interpret the role that the Loyalists played in shaping these events.

The North Carolina Loyalists failed to control their own state because they were outnumbered and lacked strong leadership. Like Loyalists throughout British North America, they suffered from the inherent disadvantage of trying to preserve an extremely unpopular status quo. The Loyalists' only hope was a massive and swift British offensive coordinated with their own Tory units, but sporadic and meager support from the British war machine doomed Loyalist attempts at winning control of the state. Finally, the Whig government in North Carolina was successful in maintaining a respectable amount of law and order and held out the alluring promise of peace and stability for the war-torn state.
the North Carolina Loyalists acted hastily and suffered from mediocre leadership. Ironically, the ultimate failure of the campaign reinforced British belief that the southern Loyalists could become a viable force when coordinated with British regulars.² The two men responsible for the southern expedition were later to become intimately associated with plans to use Loyalists. Lord George Germain guided the strategy from Whitehall and demanded complete colonial submission. Gen. Henry Clinton was appointed by Gen. Sir William Howe in January 1776 to take charge of the campaign's land forces. He was to become commander in chief in North America two years later. Both Germain and Clinton failed to distinguish themselves in this expedition.³

In October 1775, General Howe received detailed instructions. The campaign included ten thousand stands of arms for the Loyalists and seven regiments transported by a naval convoy commanded by Sir Peter Parker. December 1, 1775, was the departure date for the convoy. It was to sail from Ireland to the Cape Fear River, North Carolina, where it was to be joined by a smaller force under Clinton from Boston. Whatever number of Loyalists gathered by Governor Martin would also be utilized. Governor Campbell of South Carolina and Southern Indian Superintendent John Stuart would also join the forces.⁴ The Carolina Whigs would be crushed, the Loyalists would restore royal
authority, and the redcoats would move into other disaffected areas.

Although timing was crucial, the troops from Ireland did not depart until February 13, 1776, and several vessels had to return to port after stormy weather. High winds and heavy seas plagued the voyage, and the first of the battered ships limped into the Cape Fear anchorage on April 18. The entire fleet was not assembled until May 3. Charles Stedman, commissary for the British army, arrived a few weeks after the disaster at Moore's Creek Bridge. He recalled that the troops from Ireland were so tardy that "no time could be spared sufficiently to make a proper trial of the affections of any of the provinces".5

The frigate Mercury, the armed sloop Scorpion and three transports under Clinton departed Boston on January 20. On board were two companies of light infantry and some Scottish Highlanders. The latter were a recruiting tool for the Scotch living along the Cape Fear. The convoy arrived on March 12, only to be greeted with the news of the defeat at Moore's Creek Bridge. Whig intelligence had sounded the alarm early. On February 17, the Pennsylvania Evening Post reported that "twenty-five transports, with four thousand troops on board," had sailed from Ireland for America. Three days later, more information revealed that the convoy was "to rendezvous in Virginia, and a part or all of the forces to proceed to South Carolina".6
Charles Stedman outlined the Loyalist phase of the expedition. "The Highlanders were to march down the Cape Fear to Wilmington, where they were to be met by the king's troops, and such vessels of war, of easy draught of water, as could come up there." Since Governor Martin later reported that Whig control of the colony extended one hundred miles inland, Germain directed Clinton not to make North Carolina the focus of operations. The primary purpose of the expedition remained the same: to assemble and arm Loyalists. To appease Martin, the British command promised him command of any provincial corps that might be formed and to receive the pay of a British colonel.

Governor Martin's responsibility for recruiting Loyalists was no easy task. He had been instructed to send "emissaries amongst the Inhabitants of the well-disposed Counties with authority and commissions". The crown would supply them with arms and the same pay as the regular troops, and they would be "liberally paid" for horses and wagons they brought with them. Further, the troops would not be obliged to serve out of the province without their consent, all arrears of quit rents would be cancelled, and grants of land were made according to rank and merit, with all grants rent-free for twenty years. That less than 1,600 men out of a total provincial population of approximately 180,000 enlisted under these terms points to some grave deficiencies in Tory popular support.
On January 10, 1776, one week after the outline of the expedition reached Martin, he issued a proclamation calling upon all royal subjects to unite, and declared the royal standard raised in North Carolina. Loyalist leaders in eight counties were given the authority to commission officers, recruit militias, seize rebel arms and "impress all necessary provisions and transportation resources". A rendezvous was to occur no later than February 15. Clinton and Lt. Gen. Charles Lord Cornwallis, commander of the troops sailing from Ireland, were scheduled to be off the Cape Fear by then. With effective British assistance still months away however, the rendezvous would be premature. A former military man, Martin should have understood the precarious timetables of eighteenth century warfare and avoided over-reliance on the timely arrival of redcoats. Stedman claimed that it was "necessary to embody the Loyalists, as the only chance of keeping them steady in their intentions".

Perhaps if the British command and even Governor Martin had better understood the motivations of the North Carolina Loyalists they could have galvanized them into action more effectively early in the war. The peculiar social environment of North Carolina presented a challenge to both the Whig and Tory leaders who recruited armed support. According to historians Michael Kay and William Price, war or the threat of war affected the everyday
lives of North Carolinians because of the "greater frequency and geographical proximity of wars, as well as the continuous and distinctive fears of the colonists for the Indians in the west and the slaves within". Nonetheless, their willingness to enlist in active military service was "quite another matter". Surveyor William Byrd II described North Carolina as an isolated, "undifferentiated wilderness inhabited by uncivilized rustics," who paid "no tribute to God or Caesar". Geographical conditions contributed to the isolation of widely separated communities. Some of the factors were shallow rivers, poor harbors, numerous swamps and the slick red clay roads.

North Carolina had experienced tremendous internal strife and political disorder in the colonial period. The Anglican establishment was weak. The crown's involvement after the colony came under royal authority in 1729 was generally negative, and the personalities of many of the governors were at best disruptive. The legitimacy of provincial authority was often challenged, most notably during the Regulator Movement from 1766 to 1771. According to historian Roger Ekirch, "North Carolina's role in the American Revolution was shaped by the still-rumbling waves of Regulator turbulence".

The Regulation, an organized movement of white farmers, swept the western counties of Orange, Anson, and
Rowan from 1766 until 1771. The farmers used political pressure to democratize local government. They brought lawsuits, presented petitions to the governor, council and assembly, tried civil disobedience, and finally turned to violence. On May 16, 1771, the two-hour Battle of Alamance was a decisive military defeat for the Regulators at the hands of Governor Tryon's militia forces. The Regulators were not a mob; out of a taxable population of 8,000 men from the three counties, between 6,000 and 7,000 joined the rebels. Although the revolutionary allegiances of these citizens may never be known with certainty, many Regulators were hostile or indifferent to the Whigs in the early years of the Revolution. For example, over five hundred backcountry citizens in early 1775 signed addresses of loyalty to the crown.17

Whig and Tory leaders recognized the potential power of the ex-Regulators. Governor Martin found the "peoples in the western parts of this Province withstanding . . . steadily all the efforts of the factions to seduce them from their duty". They breathed a "good spirit" into the western counties, the most "populous part of the province". Patriot leader Samuel Johnston was warned that "[James] Hunter, the Regulator," threatened to bring one thousand men from Guilford to interrupt the Third Provincial Congress meeting in Hillsborough in August 1775. In May 1775, Lord Dartmouth wrote that the "Spirit
in support of Government has shown itself in the back Settlements of North Carolina, and is considered by the King as a Circumstance that we ought in the present moment to improve to every possible advantage. John Adams recognized that the restless North Carolina backcountry offered the most resistance to Whig authority, which he attributed to the "hatred" the ex-Regulators felt "towards their fellow citizens". Both revolutionaries and British strategists realized that fifty percent of the colony's total population lived in the backcountry. Pockets of loyalism could even be found in the valleys of the Blue Ridge Mountains, where small farmers were alarmed by the economic boycotts and embargoes of the Whigs. Yet why would only one hundred ex-Regulators fight at the Battle of Moore's Creek Bridge?

Governor Martin believed that because the men of the backcountry took the oath of allegiance after Alamance, they would support the crown, not embrace their former enemies the Whigs and would never again contest British authority. However, it is likely that the majority of them decided to remain neutral and sit out the war. Perhaps the renewed conflict with Britain seemed anti climactic to their earlier struggle for greater democracy. So who did take up arms for King George III?

The Highlanders of Cumberland County were the key to Martin's mobilization. There were nearly fifteen thousand
Highland settlers in North Carolina, and Martin estimated that three thousand would join him.\textsuperscript{22} One-fourth the total migration from Scotland during the years 1768 and 1775 arrived in North Carolina, with the colony gaining about five thousand Scots. Despite the rumors of war, 172 new Highland emigrants arrived off Cape Fear as late as October 21, 1775. Why was the largest, earliest and most vigorous settlement of Highlanders in America prior to 1783 along the Cape Fear River in North Carolina?\textsuperscript{23}

There was in Scotland a Carolina "mania" that did not end until the outbreak of the Revolution. One wave of immigration arrived immediately after the Battle of Culloden in 1745. All North Carolina taxes were remitted for ten years for any Scottish immigrant. This tax incentive was offered by Governor Johnston, himself a Scot. Economic and social upheaval caused a second wave of migration from 1760 to 1775, and the decline of the clan was a key factor.\textsuperscript{24}

Many colonists feared that the radical element in America would be strengthened by the tide of unhappy Highlanders. The region received shiploads of "harassed, down-trodden and maligned people".\textsuperscript{25} The mainland and island areas north and west of the Grampian Mountains were the Highlands, a mysterious area to any Englishman in the 1700s. It was full of people sharing in bizarre traditions, speaking in a peculiar language, and paying
little attention to the pronouncements of Parliament. Subsequently, British commissioners were instructed in September 1775 not to give clearance papers to those vessels carrying Highlanders bound for America.\textsuperscript{26}

In 1773, an unknown author under the pseudonym "Scotus Americanus" published a pamphlet praising North Carolina as the colony "most proper for Highlanders of any degree to remove to, if they want to live in a state of health, ease and independence". Perhaps unknown to most of the Highlanders were the requirements issued by Governor Martin. All settlers had to declare their loyalty to the King and promise "to lay down their lives in defense of His Majesty's Government".\textsuperscript{27} The Scottish also faced abuse and intimidation throughout the thirteen colonies. Even in the original draft of the Declaration of Independence, Jefferson accused the British of sending to the colonies not only "soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us".\textsuperscript{28} The words "Tory" and "Scot" were synonyms. Scottish prisoners from Fraser's Highlanders were called "rascally cut-throat dogs, murtherers, and blood hounds".\textsuperscript{29} Despite the derision and ridicule, four circumstances gave the Highlanders strong reason to persevere as staunch Loyalists.

First, even with the bitter memories of the Battle of Culloden, the British had succeeded in pacifying their former enemies. The Highlanders were transformed by
British policies after 1746: the banning of distinctive clan garb, confiscation of all weapons, forbidding military service for their chiefs, and restriction on the clergy. There was no longer danger of revolution. The Highlanders' military abilities were widely respected, though their tactics seemed primitive and reckless. Historian Duane Meyer noted that "the signal to attack was followed by a mad charge at the enemy as the clansmen shrieked, screamed, and brandished their claymores. The very sound and fury of the Highland army terrorized its opposition." With the coming of the American Revolution, London relied heavily on these Highland warriors.

A second motivating factor was fear of reprisal. More than any group in the empire, the Highlanders were acquainted with the painful aftermath of an unsuccessful revolution. Governor Martin and several other Tory leaders threatened the Highlanders with retaliation if they refused to fight for the King. Martin promised that properties and lives would be forfeited. Many Highlanders were convinced that the British army was invincible. A Highlander named William Bourk proclaimed in the winter of 1776 that "we should all be subdued by the month of May, by the king's troops".

A third factor has already been discussed: the generous land grants of Governor Martin and the solemn oath that went with them. Further, British policies such as the
Stamp Act rarely concerned the Highlanders, for they lived in an isolated community around Cross Creek. A final reason for the fidelity of the Scots can be found in the large numbers of retired officers on half pay living in North Carolina. Many of them quickly volunteered in Loyalist units, and they formed the nucleus of the leadership corps.32

By no means was the Highlander response unanimous. They provided manpower to both Whig and Tory. In August 1775 the Whig Provincial Congress sent an unsuccessful twelve-man delegation to recent Scottish settlers to gain their support. However, the Highlander's unbending loyalty to his landlord, in this case Governor Martin, put Tory recruiters at a distinct advantage. As early as March 1775, Governor Martin was confident in procuring "a considerable body of Highlanders in the Midland counties in whose Zeal and Steadfast loyalty I can safely confide".33 Historian Ian Graham claimed that the Highlanders provided so much of the Tory manpower that when nearly all of the officers of the Highlanders fell into Whig hands after the Battle of Moore's Creek Bridge, there was little danger of another "Highland uprising" in the near future. For years after the battle, the campaign was known as the "Insurrection of Clan MacDonald".34 Only thirty one years after the bitter defeat at Culloden, the Highlanders were the most loyal friends of the King in North Carolina.35
The settlement far to the north and west of the Highlanders failed to support the Crown. The Moravians were ardent pacifists who were more sympathetic with the Whigs. With the Loyalists gathering at Cross Creek, "three times the Brethren of Salem were asked for their assistance, especially for an advance of money". The Moravians refused, claiming they "could not meddle," and that "God so ordered that no one was drawn into the movement". A Moravian merchant with nine wagons of salt was detained by the Loyalists at Cross Creek, but was released after twenty four hours and an earful of threats.

In summary, Governor Martin's hopes for a powerful Tory army rested on the shoulders of the Highlanders and ex-Regulators. After the Cross Creek rendezvous, they were somehow to "smuggle themselves down to Wilmington, regardless of what forces they left in their rear, provided they met none in front to oppose their progress". Martin's orders for raising the royal standard could not be changed, even though the news of the British delays reached him early. Lack of communication with the interior of the colony made it treacherous to cancel the rendezvous, and it was believed that the Whigs had acquired the names of the Tory leaders and might crush the movement before it began. Local leaders assured Martin that no less than three thousand would be mustered, even though no more than one thousand arms were available.
Loyalist hopes brightened with the arrival of two Scottish-born officers sent by General Gage to enlist recruits for the Royal Highland Emigrant Regiment. Lt. Col. Donald MacDonald was a veteran of Culloden, and Captain Donald McLeod had fought beside him at Bunker Hill. In the meantime, local chieftains Allan McDonald and his son-in-law Alexander McLeod raised two companies of Loyalists. In general, the recruits were poor and recent immigrants. Highlanders of long residence in North Carolina generally refused to commit themselves, although three of the five Scotch delegates to the Whig Provincial Congress at Hillsborough now joined the Loyalist cause.39

Donald MacDonald was commissioned Brigadier General, and on February 1, 1776, he raised the royal standard at Cross Creek. Hundreds of Highlanders responded with alacrity, many attending the spirited nightly balls given to bolster morale. The governor believed that seven thousand men had joined him, but actually only 1,500 were in the field. On the day of the battle, Martin still believed that 3,500 Tories took part.40 Only one week behind schedule, the Tories marched from Cross Creek with 1,400 Highlanders and 130 backcountry Loyalists on February 18. They carried 650 guns.41

Where were the ex-Regulators? Leaders of several backcountry units on their way to Cross Creek were arrested and thrown into jail at Halifax, the recruits returning
home. Smaller groups were dispersed by patriot militia. When Donald McLeod took command of five hundred backcountry Tories, he rewarded them with a hogshead of rum, which they promptly consumed. When a rumor started that the Whigs were fast approaching, the five hundred disappeared and left McLeod to fend for himself. Other groups arrived at Cross Creek only to depart when two promises were broken: Governor Martin was not present, nor were the expected one thousand British regulars. Charles Stedman later reminded British officials that "if the mother-country would provide a respectable force to countenance and cooperate with them, they would immediately attach themselves to her cause".

Col. James Moore was nearby with two thousand patriot militia. On the night of February 18 the armies encamped four miles apart at Rockfish Creek. Under flags of truce, MacDonald sent Moore a copy of the January 10th Proclamation, and Moore delivered the test oath of the Continental Congress. After two days of verbal sparring, MacDonald suddenly withdrew his forces back to Cross Creek. As a British officer, his main objective was to reach Wilmington to deliver recruits for the Royal Highland Emigrant Regiment. Reports that six hundred reinforcements under Richard Caswell were on their way to join Moore also discouraged a Tory assault.

Time was against MacDonald and the Tories. Two
companies returned home and Moore had finally slammed shut all the roads to the sea. MacDonald again set out from Cross Creek and headed down the east side of the Cape Fear. Patriot forces again blocked them, this time at Corbett's Ferry on the Black River. According to Stedman, Caswell was "a sensible, discerning man," who "readily foresaw their route would be by the Black River Road". Sensing battle, MacDonald issued his company of shock troops broadswords and claymores, the traditional hand weapons of the Scots. Again, the Tory attack was cancelled when a captured enemy scouting party revealed that Caswell had entrenched himself on the far side of the river.

MacDonald's troops crossed the Black River four miles upstream of the enemy by February 26. The Tories escaped the trap by detaching a decoy unit that beat drums, squealed bagpipes, and popped rifles near the Whig camp while the main body of Highlanders marched up the river. A surprised Caswell hurried his troops downriver towards Moore's Creek and won the race against the Loyalists, who lagged six miles to the west. The Whigs dug themselves into an impregnable defensive position near the lazy tidal creek, and were reinforced by a battalion of Wilmington minutemen under the command of Col. Alexander Lillington. Even more troops were speeding overland from Dollison's Ferry under Colonel Moore in an attempt to assist Caswell. Eighteen miles and one thousand patriot militia now
separated the Loyalists from Wilmington.46

As the Loyalists launched their final drive for the coast, Brig. Gen. MacDonald fell ill. His secretary, James Hepburn, was sent under a flag of truce to the enemy camp to deliver the usual demands for the oath of allegiance and surrender, and secretly to gather information on the enemy's defenses. Hepburn's glowing reports of Caswell's vulnerable position on the near side of Moore's Creek proved fatal. That night, the diligent Caswell removed his men fifty yards beyond the far side of the creek and threw up entrenchments within this muck-ridden trap.47

MacDonald hastily called a council of officers. Although half of his men were without firearms and the older officers strongly opposed an attack, the younger and more aggressive faction prevailed. Donald McLeod was to lead the dawn assault. Only five hundred of 1,600 men had firearms as they marched out of camp at one o'clock on the morning of February 27. After floundering through six miles of swamps, they reached Caswell's abandoned campsites by dawn. McLeod then ordered three columns to advance across the bridge, with James Campbell's broadswordsmen leading the way. The Highlanders' rallying cry, "King George and Broad Swords," was passed along the line. As historian Hugh Rankin described it, "Three cheers rang out, the drums began to roll and the shrill squeal of bagpipes bit through the cool morning air". Only nine men would
make it across the bridge. 48

There was not much left of the bridge at this point. Half the planking had been removed, and Caswell had greased the two bare log stringers with soft soap and tallow. McLeod and Campbell led a furious charge on the patriot works. They were met by "Old Mother Covington and her daughter," two cannon that combined with musket fire to sweep the bridge clean, wiping out the leaders and toppling others into the creek. McLeod was mortally wounded, with nine musket balls and twenty-four swan shot raking his body. As Lillington's patriot militia encircled the confusion and broke through the Loyalists' rear, the rout became complete. Loyalists who managed to cross the bridge were all shot down, with McLeod's body just a few paces from Caswell's earthworks. 49

There were feeble efforts to rally the shattered Tories. According to Stedman, the Highlanders' fire was "hasty and wild". "Those from the backcountry were more successful in their retreat, as being better woodsmen than the Highlanders." 50 Colonel Cotton fled at the initial roar of the cannon, and Thomas Rutherford, former member of the Provincial Congress, "ran like a lusty fellow." MacDonald had remained in the Loyalist camp and was soon captured. The bewildered Loyalists crashed through the marshes, while a few lucky ones escaped on horses cut from supply wagons. As many as three men on a single horse
joined the headlong flight.  

Several hours after the battle, Colonel Moore arrived at the scene and organized a pursuit. Over 850 Loyalists and more than thirty officers were captured. Most of the rank and file were paroled, while the officers were tried in Halifax and then sent to Philadelphia prisons. The spoils of war included 150 dirks and swords, 1,500 stand of firearms, two medicine chests, thirteen wagons with teams, and a chest holding £15,000 in gold coins. General MacDonald's muster lists were also found, discouraging those who escaped from returning to their homes. Josiah Martin fled the colony altogether, departing with the British squadron bound for Charleston, South Carolina. He described the battle as a "little check the loyalists here have received". British officials casually placed the blame on "accidental delays" and "unfavorable conditions".

Perhaps the most immediate cause for the defeat was the divided leadership of the Loyalists. They failed to anticipate the vigorous opposition to their march, and many Loyalists saw the campaign only as an opportunity to restore the exiled Governor Martin to his mansion at New Bern. The failure of British troops to arrive in time to assemble and arm Tories was another reason for the Moore's Creek debacle. In fact, the problem of integrating Loyalists into the regular army would never be resolved. Historian Paul Smith remarked that "Loyalists never
occupied a fixed, well-understood place in British strategy". They would become dispirited and disillusioned by the continual failure of the world's most powerful nation in fighting a limited wilderness war across an ocean, where her manpower and logistics were stretched beyond their limits. Moore's Creek Bridge was only the first of several disappointments for the King's friends.

Was a Loyalist victory possible at Moore's Creek Bridge? If a healthy General MacDonald had led a veteran army into hand-to-hand fighting, the Loyalists might have been able to reach Wilmington. There Tory numbers might have swelled to ten thousand by the time deserters and ex-Regulators, emboldened by victory, poured in from the backcountry. A junction with Governor Martin would have made the army a formidable element in future British strategy. Historian Robert DeMond believed that victory might have enabled the British to conquer North Carolina in 1776. Instead, after the British expedition bungled their attack on Charleston, they abandoned the southern campaign altogether. Initial Loyalist enthusiasm faded.

A grim test now awaited the infant Whig government in North Carolina. In the coming years, with no end to the Revolution in sight, could patriot leaders extinguish the glowing embers of loyalty without igniting a new conflagration? Would they establish legitimate law and order without alienating the King's friends? An uneasy
four years would pass before the redcoats returned to rally the Tar Heel Loyalists. Echoes of the Highlanders' valiant struggle in the swamps of Moore's Creek would haunt the countryside for the remainder of the American Revolution.

Tis the summons of heroes for conquest or death,
When the banners are blazing on mountain and heath,
They call to the dirk, the claymore, and the targe,
To the march and the muster, the line and the charge.
Notes for Chapter I


3Smith, *Loyalists*, p. 23

4Ibid.


7Stedman, *American War*, p. 202. In the Fall of 1775, the British discovered that the entrance to the river was too shallow for their warships.

8Smith, *Loyalists*, p. 24; Robert O. DeMond, *The Loyalists in North Carolina During the Revolution* (Durham:

9 DeMond, Loyalists During the Revolution, pp. 87-88.


11 Rankin, Continentals, pp. 31-32.

12 Stedman, American War, p. 203.


16 Ekirch, Poor Carolina, pp. 216-217.


18 Governor Martin to Lord Dartmouth, March 10, 1775, as quoted in Ekirch, Poor Carolina, p. 210; Powell, Regulators, pp. 544-545; Lord Dartmouth to General Gage, as quoted in Powell, Regulators, pp. 549-550.

19 As quoted in Hoffman, Uncivil War, p. xiv.


21 Ibid., p. 99; Rankin, Continentals, p. 30.

22 Ekirch, Poor Carolina, p. 210; Rankin, Continentals, p. 32.

23 Ian C. C. Graham, Colonists from Scotland:

24 MacLean, Scotch Highlanders, pp. 102, 108.


28 As quoted in DeMond, Loyalists During the Revolution, p. 88.

29 Graham, Colonists from Scotland, p. 152.

30 Ibid., p. 152; Meyer, Highland Scots, pp. 12, 147.


33 Graham, Colonists from Scotland, p. 155; Powell, Regulators, p. 546. The Highlanders were the only group in North Carolina to side with the royal governor during both the Regulator Movement and the American Revolution.

34 Meyer, Highland Scots, pp. 142-143; Graham, Colonists from Scotland, pp. 150, 158.

35 Meyer, Highland Scots, p. 156.


37 Stedman, American War, p. 204.

38 DeMond, Loyalists During the Revolution, p. 89.


Rankin, Continentals, p. 36; Rankin, "Campaign," p. 37.

Stedman, American War, pp. 206-207.

Rankin, "Campaign," p. 42; MacLean, Scotch Highlanders, p. 127; Caruthers, Revolutionary Incidents, p. 82. According to Caruthers, "for an army of 1,500 men who were without artillery, to think of passing a fortified camp, mounted with five pieces of artillery and protected in front by a stream that could not be crossed except on the bridge, would have been the height of folly". Within a week, the Tories attempted this at Moore's Creek Bridge.

Rankin, Continentals, p. 41; Stedman, American War, p. 204.

Rankin, Continentals, pp. 42-45. Moore's Creek flows lazily through the marshes surrounding the bridge, which was located on a sand bar, the highest point in the area. The creek is fifty feet wide at the bridge, is five feet deep and has a tidal change of three feet.

Stedman, American War, p. 205.

Rankin, Continentals, pp. 46-47; Caruthers, Revolutionary Incidents, pp. 87, 93.

Rankin, Continentals, pp. 48, 49.

Stedman, American War, p. 206.

Rankin, Continentals, pp. 48-49.

Ibid., pp. 50, 160-161; Caruthers, Revolutionary Incidents, p. 106.

Rankin, "Campaign," p. 55; Rankin, Continentals, pp. 48-49.

Stedman, American War, pp. 203-204; Caruthers,
Revolutionary Incidents, p. 68; Jones, Defense of North Carolina, p. 249.

55 Smith, Loyalists, pp. ix, 9.

56 Calhoon, Loyalists in Revolutionary America, pp. 503-504; Higginbotham, American Independence, pp. 138-139.

57 Caruthers, Revolutionary Incidents, pp. 111-112; Rankin, Continentals, p. 54; DeMond, Loyalists During the Revolution, p. 96. Rankin believed that "viewed from a perspective of nearly two hundred years," the campaign "assumes greater importance than in 1776".

58 Meyer, Highland Scots, p. 131.
CHAPTER II
TORIES ON THE RUN: 1775-1780

The four years following the Battle of Moore's Creek Bridge were the most crucial for North Carolina during the American Revolution.¹ With the British Army abandoning them, many North Carolina Tories agreed with Sir Henry Clinton's prediction that they would have to face the "rage and fury of an incensed multitude".² Both contemporaries and historians have debated the effectiveness of North Carolina's Whig government of 1775-1780. Some, like historian Jeffrey Crow, accused the Whigs of conducting a brutal campaign of terror that created Loyalists out of neutrals. Crow claimed that by 1780, a significant group of angry and revengeful Tories overran the state, and that Whig policy failed to extinguish "lower class resistance" to the revolution.³ Historian A. Roger Ekirch interpreted these events very differently. He found the Whig oligarchy to be decisive in severely punishing overt loyalism and in maintaining regular court sessions. Although they recognized their lack of backcountry support, the Whigs established a much needed degree of public order and confidence in government. By the early 1780s Ekirch claimed, the majority of the state sided with the Whig
government because it promised peace and stability.4

Those who lived through these troubled years recorded mixed reviews of Whig effectiveness. James Iredell, state Attorney General from 1779-1781, lamented that many citizens adhered to the "reign of the Tories" out of "fear and in consequence of the distractions of the times," and in "terror for their Persons and Property".5 Archibald Maclaine, Whig representative in the provincial congresses, wrote bitterly in 1781 of the "tyranny under which this part of the country groans," attributing much of it to the "malice, and self-interested views" of the "newly converted loyalists". Years earlier he had warned that if the anti-loyalist statutes were not softened, especially the excesses of the Confiscation Act that violated the canons of "civilized nations," they would trigger reprisals against American merchants.6 Exiled Royal Governor Josiah Martin complained in 1780 that the North Carolina Loyalists "had been intimidated beyond belief by the cruel apprehensions of their persecutors".7 The Moravians noted in 1776 that the harsh treatment they received from the Whigs almost forced them to side with the crown. Four years later they reported that "barbarous and unjust treatment" drove many "who would gladly have remained peaceful" to the Tories, and that "all circumstances indicate that people everywhere would like to have peace".8

That both Tory and Whig factions wanted peace is
significant. In fact, historian Carole Troxler concluded that the cultural, economic, occupational, racial, ethnic, class, religious, and age backgrounds of the Loyalists were "virtually indistinguishable" from those of the revolutionary camp. According to Troxler, the hated Tories were a representative cross section of the state's population, including farmers (forty-seven percent), shopkeepers and merchants (thirty percent), officeholders (eleven percent) and professional people (four percent). The key to understanding the fears, motives and responses of this group lies with the local issues which affected their daily lives, property, money, and religion.9 There was indeed a fine line between Loyalist and Whig, and the burden of preventing the "distractions of the times" from motivating those with loyalist tendencies rested on the shoulders of the Whig statesmen.

Emerging first in 1774 and continuing until the ratification of the Federal Constitution in 1787, anti-loyalist legislation flourished in North Carolina. Until 1777, the safety committees in North Carolina were harsh but fair. Weapons in the Whig arsenal included publishing names, social isolation, and even confinement, with the aim of intimidating the Loyalists. County committees of safety were elected in late 1774 and 1775. The Wilmington committee was chosen in November 1774 to maintain peace, to execute the resolves of the First
Continental Congress, and to "inspect the conduct of the Inhabitants" of the town in regards to those resolves.  

The Association which the Congress drafted defined the term Loyalist: "foes to the right of British-America". A common punishment was publishing names of suspected Loyalists in local newspapers. Citizens were to "break off all dealings with him or her". 

In October 1775, the Second Continental Congress recommended the numerous assemblies and committees "to arrest and secure every person" who endangered the safety of the colony or American liberties. Likewise, the Third Provincial Congress appointed committees of "Secrecy, Intelligence and observation," giving them the power to arrest and examine all suspected Loyalists and to refer them to a higher authority if necessary.  

This was not just political rhetoric. In Bute County, William Duncan appeared before the committee after refusing to subscribe to the Association. He insisted on waiting until he received "Advice from his Owners". He was given one week to sign, and in the meantime there would be no dealings with him, and his name was advertised. In June 1776, the Tryon Committee of Safety sent under guard to Rowan county the "notorious" Ambrose Mills, being one of the "greatest enemies of our pese". Mills had enough influence to "pradgudise not only his neighbors" but those "at a great distance" against the American cause. He was confined
until a "fare Tryal" could prove "a great deal more . . . against him". Three months later, he was discharged after taking the oath.15

Loyalist motives ran from medical to mystical. In October 1776, Temperance Snead petitioned the Provincial Congress for the release of her husband from a long confinement. His treasonous actions were brought on, in Temperance's words, from "unhappy instructions, ill advice, and wicked insinuations given by a certain James Cotton". Combined with his feeble mind and the "many disorders" that afflicted his body, Samuel Snead was driven to the Tory camp.16 The examination of Henry Daniel in August 1778 revealed his reason for not taking the oath of allegiance: "he hoped god would keep him from the marke of the Beast," adding that "the Devil might join them Before he would". If he was put into the Continental Army, Daniel promised to "shoot the first officer that would offer to Command him". The laws of the United States did not have "any Concern with him".17

With how much emotion William Collson's petition was read in the General Assembly will never be known. He had gone "within the Enemys lines". He blamed "Mistaken Notions of Honour and Attachment" to the government under which he was born, and the influence of those "whom I thought much Wiser than my Self". "Sincerely Sorry" for what he had done, he claimed that he had never taken up
arms against his country, and had now joined the patriot army "to Serve honestly and faithfully for the Space of Twelve months". He hoped to be restored to his estate the "privileged of a Citizen". His petition was rejected.18

Eleven citizens "Inimical to the Liberties of their country" in Wilmington came from all walks of life. Seven merchants, one doctor, two tailors, and a planter were publicly condemned in March 1775 for refusing to sign the association. There was to be "no trade, commerce, dealings or Intercourse" with them.19 Similarly, Doctor Piles' name was published in the Cape Fear Mercury because he refused to take the oath.20 The "wicked and detestable" James Hepburn, attorney at law in Cumberland county, attempted to raise a company to "Act against the American cause". He maliciously asserted that "50,000 Russians" were in his Majesty's service, already embarked to "subdue the Americans".21 One month after his name was advertised, he signed the Association.22 A "Vague complaint" was made in December 1775 that the Reverend Cupples made an "unwarrantable or dangerous" statement regarding "Lord Dunmore's late Proclamation". The Bute committee acquitted him, finding his intentions "friendly to this country".23

In short, no profession offered a haven.

Beyond the committees, however, lay a vicious arena for extralegal justice. After the news of Lexington and Concord reached the colony in May 1775, many citizens took
the law into their own hands. Violent measures were taken despite the protests of the moderate Whigs. These moderates realized that tar and feathers were not the most effective way of converting recalcitrant Tories.24

The experiences of Janet Schaw, a Scotch woman traveling through the Cape Fear region from March to September 1775, accurately reflected the grim realities that awaited many Loyalists. She reported a state of martial law in North Carolina. Those who refused to drill with the militia "must fly out of the country," leaving their effects to the mercy of the people "whose kindness is little to be trusted".25 During a military parade, Schaw heard the "cry of tar and feather". It was a "poor English groom," who was "dragged forward, poor devil, frightened out of his wits". He was spared the tar bucket, but was mounted on a table and forced to beg "pardon for having smiled at the regt," and was drummed and fiddled out of town, with "strict prohibition of ever being seen in it again". When Schaw contested the authority of an officer in forcing the oath, the officer pointed to his soldiers, and with the "most insolent air," replied, "dispute it, if you can".26

Schaw was shocked when she learned that if a man refused militia duty in Wilmington, an officer with his "posse" might "cut up your corn, shoot your pigs, burn your houses, seize your Negroes and perhaps tar and feather
These were not idle threats. After burning Fort Johnston in July 1775, Whig troops "wantonly destroyed the corn and burnt the houses of several planters". These planters had aided Governor Martin, who at the time was exiled aboard the frigate Cruizer. Schaw also reported that one of the last members of the assembly loyal to Governor Martin, John Rutherford, was forced to give up his seat, and to resign his commission as "Receiver General of the quit-rents". Rutherford was "anxious in regards to his children," for the "ill humour" had reached a "very great height".

The Moravians found that conditions in the backcountry had become "more and more debased" by 1777. Militia service could, in just a few months, turn "many a lad" into a "thorough scamp," for in a military setting, "Men became more and more brutal." Those who sided with the King were driven from their homes by persecution and many could be found hiding in the woods. Immediately after Moore's Creek Bridge, Loyalists were "more sharply treated by their opponents," forcibly disarmed, and required to take an oath to remain neutral or to fight against Britain. One Moravian observed triumphant militia returning from a plundering escapade, many wearing "Scottish clothes".

By December 1776, the state had adopted a constitution, and the first general assembly elected under its provisions met in April 1777. To that point, the state
government had been a patchwork of conventions and councils that grappled with maintaining authority. By the close of 1776, new laws against loyalist activities had spread over the land like a cancer. Jonathan Dix and David Thompson were put under guard after they applied for passes to travel to see their "Respective Families" in New England. They appeared "inimical to the American cause," but were later released.33 A Doctor Fallon was kept in close custody and later in near solitary confinement for a month for publishing "scandalous reflections," until he finally agreed to sign a recognizance for his good behavior.34 In fear of a Loyalist conspiracy in January 1776, all pilots on the Cape Fear were "immediately secured".35 In November 1775, the Wilmington committee ordered an examination of every family's weapons, allotting only one gun for each white man and giving a receipt for the value of those confiscated.36 Bute county formed a similar association for "patrolling and Searching Negro Houses, for Arms," and to apprehend murderers, horse stealers, and Loyalists.37 A petition from thirteen prisoners from the New Bern jail in 1776 asked "not anything Else But a fair and just trial". Confined for seventy days, they concluded with the hope that "sum of you knows sum of us".38

Examples of mercy were rare. Pleading poor health and "Destitute of any means of Procuring a Livelyhood," the Reverend George Micklejohn petitioned the Provincial
Congress in November 1776 for permission to return to his family. Six months had passed since the congress removed him from the county because of an "inimical charge". His petition was granted. In October 1775, the Tryon County committee resolved to avoid "acts of inhumanity" against Loyalists. When Loyalist names were advertised, citizens were asked not to "coerce them by famine," or refuse them the "necessaries of life," especially by refusing to "grind at the mills". The congress, meeting in April 1776 at Halifax, expressed its "compassion" for the unhappy families of the Moore's Creek Bridge prisoners, who had been removed to other provinces. Claiming "We war not with the helpless females which they left behind," the congress considered the prisoners "hostages" for their families' good behavior.

The year 1777 marked new beginnings for the state of North Carolina. The state constitution established a new government "in order to prevent Anarchy and Confusion". An earlier congress had admitted "exercising a severity," prompted by a concern for the common safety and self-preservation. The Whigs continually fought a deep fear: that the Loyalists would rise again, either on their own or with the assistance of troops. The provincial congress at Halifax shuddered at the thought of Tories who might "drench this Province in blood and slaughter".

Laws punishing Loyalists after 1776 were
straightforward and harsh. Their intent was to drive Loyalists from the state, not simply to put social pressure on them. Those refusing the oath in 1777 but allowed to remain in the state were barred from occupying any "Office, Appointment, License, or Election of Trust or Profit," and prohibited from voting. They could not prosecute any "Suit of Law," inherit land, keep "Guns or other Arms," convey land to others for longer than one year, or leave the state without permission from the governor and council.\textsuperscript{44} Those found guilty of Treason, usually as a result of actively opposing the state by enlisting with or provisioning the enemy, "shall suffer death without the Benefit of Clergy," and would have his or her estate forfeited. Misprision of Treason covered a broader range of activities, including conveying intelligence to the enemy, speaking or writing against the public defense, exciting people to "resistance and insurrection," spreading "false and dispiriting news," and discouraging "inlisting into the Service of this State". Punishment was "Imprisonment during the War," and forfeiture of one half of his or her "Lands, Goods, Tenements and Chattels".\textsuperscript{45}

"All free Male Persons" above the age of sixteen were required to take the state oath. Two special categories were noted. "All the late Officers of the King," and all who traded immediately to England or Ireland within the last ten years (storekeepers, agents, factors) were
required to take the oath or depart. Merchants could sell their real estate and property before they left. "Quakers, Moravians, Menonists and Dunkards" were required to take a similar oath, not requiring military service, or depart the state as well. A sixty day grace period was given before departure to "Europe or the West Indies". The county courts, at their discretion, could compel a swift departure or grant permission to extend residency.46

The key to the evaluation of any law is its interpretation (broad or narrow) and enforcement (lax, just or brutal). Whig officials hoped to prevent "Dangers which may arise from Persons disaffected to the State".47 Until Cornwallis' invasion of North Carolina in 1780, the Whigs were amazingly successful at averting these "Dangers". A case in point is the struggle surrounding the Confiscation Act of 1777.

Don Higginbotham has claimed that the most divisive issue to arise in state-level politics was the confiscation of Loyalist estates. He believed that many Whigs opposed the indiscriminate seizures of Tory property.48 The act called for all "Lands, Tenements, Hereditaments, and moveable Property" of persons "inimical" to the United States confiscated by the state for its own use. "Inimical" had many meanings: those presently absent from the country and having title to property on July 4, 1776, and those who had "aided or abetted the enemy". An open
invitation was given for those "inimical" to appear at the next general assembly held in October 1778 to be "admitted to the Priviledge of a Citizen," in which case his property would be restored to him. However, with the crimes of Treason and Misprision of Treason well defined, few probably dared reentering the state.

Carrying the act into effect took additional pieces of legislation. In 1778, each county court was to appoint three commissioners to discover, take possession, and render accounts of the forfeited lands. It was not until 1779 that sixty eight estates were declared confiscated, and in 1780 the act was suspended. Reasons for its suspension ranged from the "unsettled state of public affairs" caused by the fall of Charleston, fluctuations of the economy, and the failure of the act to answer "the purposes intended". The suspension came in the nick of time for Robert Fields, who in September 1780 took the oath and had his property "Unconditionally Restored to him".

Commencing with a call for a simple inventory of estates belonging to Moore's Creek Bridge prisoners in May 1776, the demand for confiscation spread throughout a broad segment of the population. Even for the Moravians, the land office had become a "veritable Inquisition". Portions of the confiscated estates were reserved for wives, families, and aged parents living on them, and in one case particular attention was paid to the wife and children on
an inventoried estate to provide them with the "common
necessaries of life". By no means was the Confiscation
Act an example of appalling brutality or the blind rage of
Whig lawmakers.

James Iredell emerges as a champion of moderation.
His cousin, Henry Eustace McCulloh, had more land at stake
than anyone else: 49,150 acres. Leaving North Carolina
in 1773 to act as an agent for his ailing father, he
returned to the United States in 1778 to prevent disposal
of his property and to claim "accidental and Unoffending
Absence". In an emotional petition to the General
Assembly in 1779, Iredell requested that his cousin be
granted more time for "his personal appearance," and that
no punishment should be inflicted where there has been "no
crime". He urged McCulloh in the "strongest manner" to
appear personally before the congress to "prevent a most
dreadful Injury". Iredell believed that McCulloh and
others were real British subjects, many of whom were absent
from the state because of circumstances out of their
control, and therefore owed no allegiance to North
Carolina. For example, Thomas Bog's "business of great
Consequence" kept him out of the state, and he explained
that he had earlier refused to take the oath because it
would have prevented him from attending his business in
England. Despite Iredell's position as the state's chief
legal officer, his petitions to save McCulloh's estates
were rejected.61

Iredell was not alone. In May 1780, the merchants of Cape Fear cited the Confiscation Act as endangering the "credit of the State," reminding the legislature that merchants carried on "extensive business without any Funds of Their own," but with credit from abroad. Confiscating the property of persons who "may be subject to the Enemy" was contrary to the custom of "civilised nations"; they noted losses to honest citizens while giving the dishonest man a chance to "defraud his creditor". Certainly there was more British property in America than American property in England.62

Radical Whigs clamored for more. "The Offender is very inadequately punished," cried petitioners from Mecklenburg County. That "Heirs claiming confiscated properties" were given an unlimited time to do so, and the lands could be rented for one year terms but not sold, made the act "repugnant" to its intentions.63 Thirty-four petitioners from Hanover county attempted to add a new twist to the law. Thomas Rogers, being a "Great Sufferer by the Tories," and lately having captured two horses and two wagons from them, hoped to sell the plunder "to make Good his now Damages".64 Charles McLean's "militia" failed in the pursuit of some Tories, but "Laide hold of several horses" belonging to the Tories and put them to sale as a "Reward Due them". In a petition, they "took Bond" to the
governor in the "Name of the State". McLean and countless others sought to legalize their depredations.

Local vigilantes and impromptu militia units were out of the reach of law and order. Raw militia were sent out to harass and frighten suspected Tories. Companies of light horse were often hired out to bring "disorderly persons" to justice. The draft requiring militia service inflamed Loyalist resistance. In December 1778, a Moravian was threatened with "ruin" if his son was not "delivered" to a militia captain. Besides paying a heavier tax, the Moravians paid a £25 fine for each draft refusal.

Throughout the year 1780, the Moravians noted several Tory hunts conducted by out-of-state militia. A Colonel Armstrong warned the Salem congregation that a troop of light horse from Virginia known to "deal sharply" with Tories was approaching. A "wandering party" from South Carolina amused themselves by threatening to burn Salem, believing it to be the home of Tories. Twenty light horse threatened to make a brother "go with them," accusing him of lodging British officers; later it was discovered that the light horse "were really South Carolinians". Their villages temporary Tory prisons, the Moravians witnessed whippings and beatings; one Tory received "more than a hundred lashes". When the Tories did escape capture, their livestock was often taken as compensation.

There were signs of occasional leniency. In 1780,
Tories could surrender and receive pardon, usually under the condition that they would serve three months or longer in the manpower-starved American army. Some were even allowed "to go home and wash their clothes". American commander William Smallwood's proclamation of October 1780 attempted to control plundering: any soldier engaging in that practice would be hanged.

Considering the magnitude of the changes in the revolution and the incessant war that engulfed the colonies, the Whig transition to power was surprisingly smooth. North Carolina's definition of treason was similar to most of the states, and many Whig leaders, including James Iredell, fought to maintain procedural rights in legal matters and refused to jettison the rule of law. Since the Continental Congress in Philadelphia lacked the power to crush localized disaffection, the responsibility for this assault on the "internal enemy" lay with the states. North Carolina's legislators made few radical changes in law, and their fundamental judicial framework was virtually a copy of the pre-revolutionary court system. Just how much the hysteria of the times disrupted the actual operation of justice is open to debate. Some judicial irregularities suggest that the court system did not operate without prejudice during the revolution in North Carolina. Iredell received a complaint from William Hooper in 1778 that a man "convicted of an
atrocious murder, without a single circumstance to palliate his guilt," was given a reprieve by the governor. The following day the culprit escaped. Hooper noted the negative effect this and other injustices had on the Loyalists: "Our Laws they say are caput mortuum." Whig laws either "cannot be executed," or the Whigs are "afraid to execute them". Hooper believed that corrupt court practices would be an "encouragement to Secret assasination, when agression thus escape with impunity". For example, resolves of the House and Senate in November 1779 requested the governor to "grant a Pardon" to two officers for the killing of Lemuel Jones and William Coyle, "two known Traitors". Actions such as these only worsened the bitterness between the two factions.

The Whig government succeeded in preventing counterrevolution in North Carolina during the American Revolution. However, in the summer of 1777, a plot shook the uneasy government to its foundations. Historian Jeffrey Crow's study of the Llewelyn Conspiracy concluded that motives for it were a "curious blend of Anglican faith, personal malice, and loyalty to the Crown". In an effort to establish secret Tory societies in the South, wealthy planter John Llewelyn and at least ninety others organized themselves in late 1776. The movement had heavy religious connotations. Noting that the Anglican Church was disestablished in 1776 and appealing to the
simple Anglican farmers, Llewelyn planned to seize the magazine at Halifax with the hope of cooperating with British commander William Howe. After this was aborted, Llewelyn engaged in later plots and called for killing "all the heads of the country," capturing the magazine and the governor during a planned slave rebellion, and assassinating several personal enemies of his own. These violent intrigues were discovered before they were implemented, yet none of the conspirators was executed.79 The following year a smaller plot was uncovered, the leaders hoping to "ride to Our horses knees in Liberty Mens Blood and Guts". Another conspirator later claimed that the "liberty party were all turning Romans".80

A large amount of the violence during the 1775-1780 period lacked purpose. Outlaw gangs ran amuck, intent on plundering, beating and killing, but often in the name of no specific cause. The violence increased and Whig hegemony crumbled with the return of British redcoats in 1780 and the establishment of a British haven for Loyalists in Wilmington. The revengeful Loyalists under local chieftain David Fanning waged a brutal civil war with the bewildered Whig militia. Leaders from both sides accused one another of "barbarities that would disgrace the Savage," and "wanton exercises of cruelty". An American general remarked that "civil wars are always attended with something horrid," and the "bare Idea of Friend against
Friend . . . shocks human nature". American Commander of the Southern Department, Nathanael Greene, believed that in 1781 North Carolina was "in Danger of being laid waste by the Whigs and Tories who pursue each other with as much relentless Fury as Beasts of Prey".

In December 1781, at the height of this civil war, serious charges were levelled by several counties against the North Carolina Whig government. It was blamed for the violence that wracked the state. Mecklenburg county claimed that "there is Scarce a Shadow of civil government exercised in the State". Military power controlled many of the civil functions, the judicial department was "dormant," civil officers neglected their duties, militia officers manipulated others through "fraud, bribery and partiality," and the legislature failed to meet during "momentous affairs". Other petitions noted "the greatest robberies" and "acts of violence" committed upon Tory property and accused the department of war of being "deranged".

Despite these charges, the track record of the Whig government before the chaos of the final British invasion of 1781 is impressive. Few large scale acts of defiance emerged during these years. It is true that in 1778 a group behaved "in a riotous manner" at a militia muster and "Horawed for King George the Third". Other Loyalist utterances like "God damn the State" and "Huzza for King George" that were recorded during these years cannot
overshadow the fact that by 1780, large numbers of hardcore Loyalists had either left the state or had been killed. The Whigs had laid the foundation for peace and stability. Their harsh persecution of overt Loyalists dampened the spirits of fence-sitters and those casually committed to the crown. Many Loyalists who were able to endure the drafts, oaths, and confiscation probably simply wanted to be left alone by 1780.

The Whig regime forced hundreds of Tories to flee North Carolina. Josiah Martin reported in September 1777 the arrival of two vessels in New York from the state, bringing "Twenty Two of His Majesty's Refugee Subjects". Ten months earlier he reported from Long Island the arrival of "refugees who had taken sanctuary on board the ships in Cape Fear river". In July 1777, the North Carolina Gazette reported a vessel leaving the state, filled "with a great number of Tories". Some groups begged the royal governor for the chance to leave, and to be granted the "prayer of our petition". Many were driven from their families and forced to hide out for years in the mountains.

Whig measures in the years 1775-1780 dismantled the strength of the King's friends in North Carolina by reducing their numbers and restoring civil government. The Whigs proved, even in the midst of war, their ability to establish legitimate authority. By the early 1780s, Whig strength would, however, be tested by a new British
invasion under Lord Cornwallis. Whig resistance would frustrate Cornwallis' hopes and would cause Sir Henry Clinton to lament years later that Cornwallis' invasion was "so destructive a misapplication of his talents".91
Notes for Chapter II


4A. Roger Ekirch, "Whig Authority and Public Order in Backcountry North Carolina, 1776-1783," in Hoffman, Tate and Albert, eds., An Uncivil War, pp. 100, 117, 121.


6Archibald Maclaine to James Iredell, Sept. 21, 1781, ibid., 2: 247; See also ibid., 1: ixxxvi.


9Troxler, Loyalist Experience, p. viii.

Eleventh Article of Association, First Continental Congress, Sept. 20, 1774, as cited in McEachern and Williams, eds., Wilmington Minutes p. 96; See also July 10, 1775, p. 24.

Second Continental Congress, October 6, 1775, ibid., p. 99.

Third Provincial Congress, Sept. 9, 1775, ibid., p. 103.

Bute Committee Minutes, Jan. 6, 1775, in Bute Committee of Safety Minutes (Warrenton, NC: Warren County Bicentennial Committee, 1977), p. 15.


Petition of Temperance Snead to Provincial Congress, Oct. 7, 1776, Secretary of State Papers, NC Archives, Raleigh.


Petition of William Collson, North Carolina General Assembly Session Records, Box 1, 1780, ibid.

Wilmington Committee of Safety, March 7, 1775, McEachern and Williams, eds., Wilmington Minutes, p. 21.


July 7, 1775, ibid., pp. 40-41.

August 8, 1775, ibid., p. 50.

Dec. 1775, Bute Committee Minutes, p. 36.

DeMond, Loyalists, p. 76.


Ibid., pp. 190-192.
27Ibid., p. 198.
28Ibid., p. 205.
29Ibid., pp. 211, 213.
30Fries, Moravians, 3: 1036.
31Ibid., 3: 1026, 1050.
32Ibid., 3: 1029.
34Jan. 15-17, 1776, and Feb. 5, 1776, ibid., pp. 73, 75, 77, 78, 82.
35Jan. 5, 1776, ibid., p. 70.
36Nov. 13, 1775, ibid., p. 61.
37July 8, 1775, Bute Minutes, p. 24.
38Petition to Provincial Congress, Nov. 7, 1776, Secretary of State Papers, Provincial Conventions and Congresses, NC Archives, Raleigh.
39Nov. 11, 1776, ibid.
40Tryon County Minutes, NC Archives, Raleigh.
41Provincial Congress at Halifax, April 29, 1776, Clark, ed., State Records, 10: 549.
43Provincial Congress at Halifax, April 29, 1776, Clark, ed., State Records, 10: 548.
44Laws 1777, Clark, ed., State Records, 24: 89.
46Ibid., 24: 86, 88-89.
47Ibid., 24: 84.
53

48Higginbotham, ed., Iredell, 1: ixxxv.


51Laws 1779, ibid., 24: 263-264; Governor Martin's "sundry horses" and "chariot" were ordered "sold for ready Money". See Nov. 15, 1776, Journal of Provincial Congress, p. 14.


53Sept. 3, 1780, North Carolina General Assembly Session Records, Box 1, NC Archives, Raleigh.


55Higginbotham, ed., Iredell, 1: ixxxv.


57Memorial of James Iredell, ibid., 2: 78.

58James Iredell to Henry E. McCulloh, Nov. 21, 1778, ibid., 2: 57.

59Ibid., 1: ixxxv.

60Petition of Thomas Bog, Aug. 12, 1780, General Assembly Session Records, Box 1, NC Archives, Raleigh.

61Higginbotham, ed., Iredell, 1: ixxxvi.

62May 1780, General Assembly Session Records, Box 1, NC Archives, Raleigh.

63Oct. 1779, ibid.

64Petition of the Inhabitants of Black River in Hanover County, April 5, 1780, ibid.


June 5, 1780, June 25, 1780, ibid., 4: 1543, 1548.

Aug. 28, 1780, Sept. 5, 1780, ibid., 4: 1561-1562, 1564, 1626.

June 8, 1780, ibid., 4: 1655.

Oct. 31, 1780, Nov. 8, 1780, ibid., 4: 1574, 1576.


Higginbotham, ed., Iredell, 1: ixxx, ixxxii.

Ibid., 1: ixxxv, xxviii.

William Hooper to James Iredell, Nov. 17, 1778, ibid., 2: 55-56.

Nov. 6, 1779, General Assembly Session Records, Box 1, NC Archives, Raleigh.


Ibid., pp. 4-7, 9-11.

Memorial of John Walker, Aug. 4, 1779, Criminal Action Papers, Salisbury District Superior Court, NC Archives, Raleigh.

General Drayton To Governor Burke, July 6, 1781, Clark, ed., State Records, 15: 511.


General Assembly Session Records, Box 1, NC Archives, Raleigh.

Examination of George Redman, July 27, 1778, Criminal Action Papers, Salisbury District Court, NC Archives, Raleigh.

Indictment of James Usher, Feb. 23, 1779, and
Indictment of Archibald McCoy, March 5, 1778, ibid.


87 Governor Martin to George Germaine, Nov. 8, 1776, ibid., 10: 899.


90 Ibid., 11: xvii; Ekirch, "Whig Authority and Public Order," in Hoffman, Tate and Albert, An Uncivil War, pp. 100, 121.

91 Clinton, American Rebellion, p. 271.
CHAPTER III
SOUTHERN CAMPAIGN: 1778-1781

Over four and a half years after the Loyalist disaster at Moore's Creek Bridge, a British army under Lt. Gen. Charles Lord Cornwallis invaded North Carolina in late 1780 with the hope of renewing Loyalists' still undoubted fidelity to the Crown. In the intervening period, the British war machine marched through the northern states, especially New York, New Jersey and Pennsylvania. There were many British victories, but Washington's American army remained a viable force. After a resounding American victory at Saratoga, New York in late 1777, the rebellion acquired an international flavor. For England, the year 1778 opened with impending threats from France and Spain, and the British command was compelled to split their forces. For the remainder of the Revolution, all major British offensives were confined to the southern states. Southern Loyalists loomed large in this new strategy.¹

The growing burden of war debt and higher taxes, mounting criticism from the parliamentary opposition and the discouragement of top officials rocked the British war effort. Informed sources believed that even Lord North was for peace at any price, and naval commander Lord Howe
asserted that England must abandon America altogether. The only way to win over a parliamentary majority to continue the war was to convince the opposition that a large, untapped reservoir of southern Loyalists would enable Britain to continue fighting both France and America.  

Finally, the King's friends were in the spotlight. Lord Germain put his hopes into "Americanization" of the war. The British could actually expand their operations with minimal expense once Loyalists were released from the Whig regime. As soon as redcoats liberated territory, loyal Americans would be responsible for defense and establishing law and order. The same redcoats could then move into other disaffected areas.  

Much of the confidence in Loyalist strength had been generated earlier through glowing reports from several Tory leaders: Governors Lord William Campbell of South Carolina and Sir James Wright of Georgia, and Lt. Col. Moses Kirkland, Deputy Superintendent of Indian Affairs in East Florida. Kirkland claimed that a "great Majority" of Carolinians were loyal subjects, "groaning under the usurped authority of Congress". To remove Whig tyranny from the South, General Henry Clinton, Commander in Chief of all British forces in America, embarked 3,500 men for Georgia in November 1778. In December 1779, a force of 8,500 troops departed for South Carolina.  

From 1779 to mid 1780, the war in the South proved to
be a spectacular narrative of British victories, including the destruction of two Continental armies. Beginning in December 1778 and continuing through 1779, Georgia was the first to fall. During this time, about seven hundred North Carolina Loyalists marched towards Savannah to join a new provincial corps, the North Carolina Volunteers. Their leader, John Hamilton, had left from New York with British forces, already accompanied by thirty exiled North Carolina Loyalists. As a result of numerous skirmishes, only half of the seven hundred Loyalists reached the British army in Georgia. North Carolina Whigs also marched to South Carolina and Georgia, prompting a Whig statesman to remark: "Our troops go to the Southward never to return, a soldier made is a Farmer lost". Many North Carolinians never did return, a fact that would shape her response to the British invasion of 1780.

Clinton landed thirty miles below Charleston in February 1780. Backed by fourteen thousand British troops, sailors and marines, Clinton's iron grip tightened around the beleaguered city until American Major General Benjamin Lincoln surrendered his 5,500 man army on May 12, 1780. Not only would this be the most severe reversal that an American army would suffer during the entire war, it eliminated the entire Continental establishment of North and South Carolina and Georgia.

North Carolina Loyalists were jubilant. Over 1,200
militia and 814 Continentals with sixty four officers, all from North Carolina, were marched off as prisoners of war. British regiments quickly overran South Carolina and established posts in the interior at Augusta, Ninety Six, Rocky Mount, Camden, Cheraw and Georgetown. Repentant Whigs and Carolina Loyalists were organized into militia units under Major Patrick Ferguson. British success in the South, the treason of Benedict Arnold, and the mutiny at Morristown, New Jersey made the coming months the darkest period of the revolution for the Whigs. Their enthusiasm hit its lowest point since December 1776.

Would North Carolina be the next domino to fall?

An immediate invasion of the state was not forthcoming. The British would avoid the summer heat and wait until early Fall when ripening crops would assure plenty of provisions. Clinton left Charleston on June 8 to return to New York, leaving Cornwallis in command of the South. Clinton would continue to underestimate the task of occupying North Carolina and saw it only as a minor operation leading up to a major one: an invasion of the Middle Colonies, beginning in the Chesapeake. British overconfidence in their strategy of "Americanization" would prove fatal in the months ahead. The overwhelming Loyalist response to British occupation never materialized, and that disappointment should have radically altered future plans for Cornwallis' new command. At a thousand miles distance,
Clinton was unable to reassess British strategy. In the meantime, the mood in the Carolinas would shift dramatically.

Initial Loyalist efforts in western North Carolina were crushed. On June 20, despite warnings from Cornwallis to "remain quiet", 1,300 poorly armed North Carolina Loyalists under Colonel John Moore were annihilated by a detachment of Whig militia under Griffith Rutherford at Ramsour's Mill, North Carolina. After the battle, only three hundred Loyalists would continue on into South Carolina to join Cornwallis. Cornwallis blamed the disaster on the lack of "Order or Caution". The Loyalists would never again challenge the Whigs in that area of North Carolina.

Shortly after this "unlucky business", four successive skirmishes in July all but destroyed British control of the Carolina backcountry. A panic stricken Loyalist force of eight hundred under a Colonel Bryan, aware of the disaster at Ramsour's Mill, fled to South Carolina when Whig militia approached. Sharp attacks were launched on British posts at Rocky Mount and Hanging Rock in early August. It is significant that in all of these encounters, the Whigs were the aggressors. Viewing North Carolina as a haven for Whig partisans, Cornwallis boldly decided to invade the North State and chose Camden to be his base of operations.

The Whigs hoped to organize a new Continental force to
support growing partisan strength. Cornwallis' new opponent was Major General Horatio Gates, the grandfatherly hero of Saratoga. Arriving on Deep River in North Carolina in July 1780, he found himself commanding 1,400 Maryland and Delaware Continentals. Gathering militia as he marched into South Carolina, he unwisely took the direct but barren and Tory-infested route to Camden, instead of traveling through the friendly counties of Rowan and Mecklenburg. On August 16, his half-sick, half-starved and exhausted army met defeat at the hands of Cornwallis, who sent Gates' 2,500 militia reeling northwards while the Continentals temporarily held ground to prevent complete disaster. Barely seven hundred regulars regrouped at Hillsborough, North Carolina. Gates' three day, 130 mile flight from the field of battle ended his brief stint as commander of the Southern army.

Ironically, Camden did little to bolster declining Loyalist strength. Cornwallis still believed that if he did not attack North Carolina, the British would have to "give up both South Carolina and Georgia and retire within the walls of Charleston". He further reported that the attachment of "our poor distressed friends in North Carolina are as strong as ever," and he noted that the Highlanders had offered to form a regiment when the redcoats entered the state. Could Cornwallis invade North Carolina yet still follow Clinton's instructions of
June 1, 1780: "to regard the safety of Charleston and the tranquility of South Carolina as the principal and indispensable objects" of his attention? Clinton also recommended establishing a post on the Cape Fear River for "encouragement and succor" for Loyalists and to "strike terror into the lower counties, which were for the most hostile". These instructions may have worked in June, but by September they demanded the impossible from Cornwallis.

Cornwallis reported the rise in partisan strength to Clinton. "The severity of the rebel government has so terrified and totally subdued the minds of the people," wrote Cornwallis, that the Loyalists were not "inclined to rise until they see our Army in motion". The country between the Santee and Pedee rivers was "in an absolute state of rebellion". Whig chieftains spearheaded a legendary opposition in the Carolinas. Many sought to revenge the "massacre" at the Waxhaws on May 29, 1780, a fierce encounter just inside the South Carolina border. Lt. Col. Banastre Tarleton and his Tory legion of Pennsylvania and New York Loyalists attacked retreating Virginia Continentals under Col. Abraham Buford shortly after the surrender of Charlestown. "Bloody Tarleton" and his dragoons killed 113, wounded 150, and took fifty three prisoners. Buford's men reported continued slaughter after displaying white surrender flags. Tarleton's subsequent atrocities and ruthless raids fanned the flames of
rebellion.

Brig. Gen. Thomas Sumter fought back. Nicknamed the "Gamecock," Sumter's peaceful existence as an ex-Continental officer was shattered when Tarleton's dragoons burned his plantation. He quickly returned to the war as a Whig guerilla leader, disrupting communications and attacking British posts in upper South Carolina for the remainder of the British occupation. He paid off his fighters in goods, slaves and other Loyalist property, a practice that became known as "Sumter's Law".22 Francis Marion's partisan army in South Carolina similarly compelled the British to weaken their primary armies at the threat of Marion's approach. A natural leader, the "Swamp Fox" relied on the element of surprise to prevent Loyalists from organizing. In the same way, South Carolina militia Brigadier General Andrew Pickens successfully disrupted Loyalist recruiting activities. He destroyed mills used by the British for grinding grain, and coordinated his militia units effectively with Continentals, as witnessed in the North Carolina campaign of 1781. Pickens had taken a loyalty oath following the surrender of Charleston, but sought revenge after Tories plundered his plantation.23 During this bitter civil war, the only Loyalist as effective as these Whig partisans was David Fanning of North Carolina.

Ironically, the British troops sent to aid the
Loyalists quickly became hated overseers. On what historian Don Higginbotham terms the "Front behind the Front," life for the average backcountry civilian became harder under British occupation. Until 1780, the Revolution had left large areas of the Carolina backcountry untouched, and the inhabitants enjoyed a lack of governmental regulation. Now British forces, with hopes of a Loyalist majority, made their presence felt too strongly. On countless occasions, British officers ordered Whig plantations burned. Loyalists took advantage of British hegemony in South Carolina and settled old scores with rebel neighbors. Large numbers who had been indifferent or neutral now blamed the British for disrupting the peace. It often became impossible to distinguish sincere Loyalists from lawless plunderers. Historian Carole Troxler claimed that formulating a British policy in the Carolinas that reconciled reluctant Americans and inspired pessimistic Loyalists "required wisdom beyond the command of the British in America".

Perhaps the greatest British blunder came on June 3, 1780, when Clinton suddenly took a hard line against the Whigs. In a controversial proclamation, Clinton forced all men paroled after Charleston to support the British actively and to take an oath of allegiance, or else be considered "enemies and rebels". This action drove many into the rebel camp and disheartened staunch Loyalists who
now saw Whig firebrands retain all the privileges of British citizens by merely taking the oath of allegiance. The British command was relying on an alleged Loyalist majority and did not attempt to pacify the Whigs. As historians Franklin and Mary Wickwire pointed out, Clinton's proclamation laid the foundation for a "second rebellion" in South Carolina. American Lt. Col. Henry Lee referred to the proclamation as a "severe alternative, but justifiable in war".

Even after Camden, the planned North Carolina invasion was postponed until supplies from Charleston arrived and the British recovered from epidemics of malaria and yellow fever. A frustrated Tarleton remarked that an immediate advance into North Carolina would have continued the "confusion and dispersion of the American army," but he admitted that "many material requisites" were lacking. Cornwallis also continued to hope for a diversionary force in the Chesapeake, a move that he considered "of the greatest and most important advantage" to his strategy. Cornwallis now watched as Loyalist forces evaporated. To the west, Loyalist leader Patrick Moore surrendered ninety three of his men and 250 stand of arms in an attack led by Col. Charles McDowell and Lieutenant Colonels Sevier and Clarke on the Pacolet River. After a skirmish with Major Ferguson, rebel forces struck the Tory camp at Musgrove's Mill on the Enoree River on August 19. The
British-Loyalist force lost sixty-three killed and 160 wounded with American losses at four killed and nine wounded. Cornwallis' left wing was crumbling.

After a three-week delay, Cornwallis moved north from Camden on September 8, only to be delayed two weeks by widespread illness. In the meantime, North Carolina's Whig governor Abner Nash called for a Board of War to preserve "liberty and order," assembled militia units to respond to the British threat, and recommended the "speedy trial of traitors". North Carolina's Whig partisans Col. William Davie and William Davidson prepared the defenses of Charlotte, North Carolina. Davie's horsemen dealt harshly with Tories and were nicknamed the "Bloody Corps". As Cornwallis' forces entered the state, the counties of Mecklenburg and Rowan proved to be more "hostile to England than any others in America".

Loyalists who did attempt to aid the British were "checked" by the "vigilance and animosity" of the Whigs. Intelligence concerning the Continental forces was totally unattainable, and all communication between Loyalist and redcoats was "totally destroyed". Even British foraging parties were "every day harassed". Colonel Davie launched surprise attacks on redcoats and Loyalists. He referred to the latter as "lawless Marauders" who wreaked havoc and destruction. In one skirmish, Davie held off Cornwallis' entire army for several minutes with a mounted
force of no more than twenty. In another at Wahabs plantation, Davie attacked three hundred of the enemy and captured ninety-six horses and 120 stand arms.\textsuperscript{34}

Cornwallis fought his way into Charlotte on September 26 after bitter street fighting with Davie's men. Josiah Martin, former royal governor of North Carolina, then returned to the state for the first time since 1776. Accompanying Cornwallis, he appealed to the Loyalists in a formal proclamation to "testify the reality of their loyalty and spirit," and to enlist in the provincial corps.\textsuperscript{35} This corps was under Martin's personal command, and he offered a bounty of three guineas, full pay, and free grants of land at the end of the war. Despite these efforts, North Carolina's Attorney General, James Iredell, wrote calmly to his wife that "Public affairs are not in so desperate a situation as perhaps at your distance may be conceived".\textsuperscript{36} Iredell sensed a turning point in the war in the South. In fact, a day before Iredell's letter was written, a smashing American triumph would put a sudden end to Cornwallis' first foray into North Carolina.

Cornwallis had dispatched Major Patrick Ferguson's Loyalist forces to the foot of the Blue Ridge Mountains to bolster the British left flank. Foolishly moving beyond the reach of Cornwallis, Ferguson's corps was attacked by the woodsmen of present day east Tennessee as well as some Carolina and Virginia frontiersmen at King's Mountain, just
inside the South Carolina border. Many were ex-Regulators who had left North Carolina in disgust between 1771 and 1775. Ferguson had enraged his foes by a proclamation labelling them "mongrels" and the "dregs of mankind". In one of the fiercest battles of the Revolution, three hundred Loyalists were killed or wounded, and nearly seven hundred were captured. Included in the losses were 450 North Carolina Loyalists under Col. Ambrose Mills. Ferguson was dead.37

In what Loyalist historian Robert DeMond called "unforgivable" action, the killing continued long after the Loyalists exhibited white flags. Later, a committee of colonels tried thirty-six of the captured Tories, charging them with murder, turning out women and children and destroying homes. Nine were executed.38 After the battle, Cornwallis complained to American General Smallwood that the Loyalists' treatment was "shocking to humanity".39 Regardless of the morality of King's Mountain, North Carolina historian Samuel Ashe claimed the battle marked the "conquest" of the western Loyalists. DeMond called King's Mountain the "death blow" from which North Carolina Loyalists "never recovered".40

The first British invasion of North Carolina was over. One fourth of Cornwallis' army was destroyed. The "extent and poverty" of the state had worn it down. Loyalist support wilted once the true nature of the
untenable British position at Charlotte was realized and
the ruthless treatment of the Loyalists after King's
Mountain was revealed. Even the British stronghold at
Ninety Six seemed vulnerable to attack and its garrison
doubtful. On October 12, 1780, Cornwallis' army began to
withdraw to Winnsboro, South Carolina. During the retreat,
Loyalist guides deserted the army, leaving it panic
stricken. Thirty supply wagons were captured along the
route. American confidence soared. Colonel Davie was sure
that "the convention of Saratoga has flew through his
lordship's head five hundred times" during the retreat.41
Wracked with fever, Cornwallis complained as he painfully
jostled his way back to South Carolina that if there was a
"powerful body of friends in North Carolina," they had not
"given evidence of either their number or their
activity".42 In other words, Cornwallis was now
questioning the basic premise upon which the war in the
South was based.

After the Revolution, Clinton wrote that the
"precipitancy" of Cornwallis' abandonment of Charlotte
"threw away forever" Loyalists' "confidence of support from
the King's army," and that they were "exposed to
persecution and ruin by his retreat".43 Perhaps Cornwallis
should have marched to Cross Creek instead of Charlotte,
where, as Tarleton argued, the inhabitants were "almost
universally loyal".44 Would or could North Carolina
Loyalists respond if a second invasion was made? If not, it would spell disaster for the next British army to try.

The year 1781 did in fact open with a renewed British invasion of North Carolina. For three months at Winnsboro, Cornwallis had pondered the future course of the southern campaign and decided that the only way of subduing the region was to carry the war to the Chesapeake. The alarming spread of disaffection and the constant incursions of the Whig partisans, not the Continental Army, kept the country in "continual alarm". Cornwallis declared that defensive measures would be "certain ruin to the affairs of Britain". In addition, area Loyalists appeared outwardly disgusted with British performance and the conduct of British leaders. After receiving reinforcements from Maj. Gen. Alexander Leslie, Cornwallis marched northwards on January 7, 1781. His uncertainty was voiced in a letter to Clinton the day before his departure: "Events alone can decide the future steps". Within four months, however, Cornwallis would be abandoning North Carolina altogether and would be marching towards a world turned upside down at Yorktown, Virginia.

The new American Commander of the Southern Department, Nathanael Greene, arrived in 1780 and made the unorthodox decision to divide his outnumbered force. His decision would prove masterful. He placed the rugged Brig. Gen. Daniel Morgan 140 miles to the east with six hundred
regulars and North Carolina militia under General Davidson. Morgan destroyed Tarleton's eight hundred light troops and all but a remnant of his feared cavalry at the Battle of Cowpens on January 17. The loss of these troops, used as scouts, guards and partisan fighters by the British was the equivalent of losing an entire army. Another quarter of his army destroyed, Cornwallis desperately pursued Morgan in hopes of regaining six hundred prisoners of war and saving dwindling British prestige. Morgan's army eluded Cornwallis and reunited with Greene, and the British commander made the fateful decision to destroy Greene's army at all cost. One British commander remarked that Cornwallis was determined to follow Greene's army to the "end of the world".48

The "Race to the Dan" was on. Greene was determined to avoid confronting Cornwallis until he could cross the Dan River and reach the safety of Virginia, where he could bolster his outnumbered forces. Reaching Ramsour's Mill in North Carolina and nipping at the heels of Greene's rear guard, Cornwallis destroyed all excess equipment and baggage to turn his army into a quick strike unit. The redcoats now only had the food they could carry and slept without tents. Upon reaching the Catawba River, Cornwallis overwhelmed the eight hundred militia contesting the fords and killed their commander, William Davidson. Heavy rains forced the British to turn northwards to cross the swollen
Yadkin by the upper fords. In the meantime, Greene consolidated Morgan's forces and Brig. Gen. Huger's army of the PeeDee River at Guilford Court House on February 9 and made his final drive towards the Dan. British soldiers faced an exhausted and hostile country and were still over twenty miles behind the Americans. 49

By February 14, Greene's army was safely across the Dan River. Mounted troops under Henry Lee hampered the British pursuit with constant harassment. As historian Hugh Rankin noted, Greene's strategic superiority over Cornwallis in the opening phase of the North Carolina campaign was demonstrated by the fact that Greene won the race. Greene's foresight in rounding up the boats and barges on the key rivers of the retreat route assured American escape. The populous state of Virginia now promised Continental and militia recruits, and provided a refuge to rest the American troops after a grueling march that left both armies ragged. 50

Did this disastrous 180 mile chase across the breadth of North Carolina constitute the "Americanization" of the war that Parliament had hoped for? From the start of the campaign, Cornwallis consistently alienated the local population. At Winnsboro, his quartermaster corps' impressment of horses and wagons estranged neighboring Loyalists. As he drove into North Carolina, Cornwallis enraged slave owners by turning runaways into a black army
of foragers who descended upon farms to carry off all livestock and foodstuffs.\(^5\) The Moravians "suffered much from the passing of the English".\(^6\) The "distressed and scanty" appearance of the redcoats themselves, who seemed incapable of offering assistance and rather in need of it, did little to inspire confidence.\(^7\) Perhaps Banastre Tarleton identified the gravest offense the British command had already committed even before this campaign: neglect. He observed that until 1781, the British had never made any serious effort to "assist the well affected" in North Carolina. From the beginning of the Revolution until Cornwallis' invasion, the Loyalists had been reduced in number and spirit and that British neglect had "confirmed the power and superiority of the adverse party".\(^8\) Perhaps no military genius could have soothed the bitter memories at such a late date.

Cornwallis' army withdrew by easy marches to Hillsborough, North Carolina and raised the royal standard on February 20. He called for all faithful subjects to repair to the British army with their arms and ten days of provisions. Initial Loyalist response was promising. Henry Lee claimed that seven companies were raised in one day. Cornwallis met with Loyalist chieftain David Fanning to discuss additional recruiting.\(^9\) These hopes would fade as disaster struck one Loyalist unit after another.

A party of nearly four hundred Tories under Colonel
John Pyle responded to the proclamation, but an American detachment under Lee and Pickens annihilated them. In an action known as "Pyle's Massacre," the Loyalists mistook the Whigs for Tarleton's men and allowed Lee's militia to parade through their ranks unchallenged. The Loyalists' salutation of "God Save the King" unleashed Whig wrath that left ninety Tories dead and the rest fleeing for their lives. A few days later, four Loyalists from the Deep River settlement were killed and scores wounded when Tarleton's jittery dragoons mistakenly fired on them. Shortly afterwards, a detachment of cavalry under American Col. William Washington killed twenty-three Loyalists herding cattle to the British army. These sharp encounters effectively dampened Tory recruiting.

Only six days after raising the royal standard in Hillsborough, Cornwallis moved west to Alamance Creek between the Haw and Deep rivers, a reputed sanctuary for "numerous friends" of the King and site of the final battle of the Regulator movement a decade earlier. News of Greene's return to North Carolina renewed Cornwallis' hope for drawing the Quaker general into open combat, something that might boost the sagging morale of area Loyalists. Tarleton later criticized the abandonment of Hillsborough, claiming that Cornwallis "relinquished his claim to the superiority of British arms". Blunder or not, the Earl now faced a more formidable enemy, for Greene's army
numbered nearly 4,300 after reinforcements of several thousand militia. On March 15, Greene and Cornwallis' army of two thousand regulars collided at Guilford Court House for ninety minutes. The British army held the field but suffered ninety-three killed, 413 wounded and twenty-six missing, an appalling twenty-seven percent casualty rate. Charles James Fox, a member of parliament's anti-war minority, later exclaimed: "Another such victory would ruin the British army". What part had North Carolina Loyalists played in this showdown? Hamilton's Royal North Carolina Regiment, consisting of 232 men, were detached prior to the battle to guard the baggage.

Cornwallis withdrew southwards and arrived at Cross Creek three days after the battle. There he issued another proclamation expressing the hope that the Highlanders in the area would take up arms for the Crown. They did not, even though Tarleton claimed they "retained great zeal" for the King. A pardon was offered to Americans who would surrender their arms and return to their homes peaceably, but this had little effect. Earlier at Bell's Mill on Deep River, the only Loyalists that did come into camp exasperated Cornwallis: "Many shook me by the hand, said they were glad to see us, and to hear we had beat Greene, and then rode home again; for I could not get 100 men in all the Regulator Country to stay with us, even as Militia". Why would anyone join a tattered army
continually on the move, an army that ground Indian corn with canteens to make bread, feasted on turnips for dinner, and whose numbers had been reduced from 3,224 regulars on January 15 to 1,723 fit for duty on April 16.

With a third of his army sick or wounded, the remainder "without Shoes and worn down with fatigue," and only four days forage within twenty miles of smallpox-infested Cross Creek, Cornwallis immediately moved down the Cape Fear River to Wilmington. It was "totally impracticable" to establish a supply route up the river because its innumerable twists and turns made it vulnerable to attack. Bladen County militia leader Alexander Lillington of Moore's Creek fame once again defended his homeland and harassed the enemy. Cornwallis limped into Wilmington on April 7 and was greeted by Major James Craig, who had established a British post there with 450 regulars in January. General Greene stopped his pursuit and turned towards the weakened posts in South Carolina. Cornwallis would not follow. Writing to Lord Germain, Cornwallis attempted to justify his abandonment of South Carolina. The distance to Camden, the lack of forage and subsistence on the road there, the difficulty of crossing the Pedee River when opposed by numerous rebels, and the inability of his force to resume an offensive posture were the stated reasons.

The grand plan to restore the south lay in ruins. The
Cross Creek proclamation would be the last serious attempt to rally American Loyalists. Cornwallis now looked to Virginia: "Until Virginia is in a manner subdued, our hold of the Carolinas must be difficult, if not precarious". He claimed that it was the only province where offensive operations were possible. True to his plan, by the end of April, Cornwallis marched into Virginia with hopes of uniting with General Phillips. Historian Thomas Baker claimed that this move was "unquestionably the greatest mistake of his long and distinguished military career". Clinton later insisted that if he had been aware of Cornwallis' intentions, he would have prevented the move into Virginia.

In retrospect, Cornwallis never gave the North Carolina Loyalists the opportunity to rally. He never controlled areas of the state for more than a few weeks at a time and made no attempt to restore a temporary government. Yet he complained that Loyalists' "friendship was only passive," and that he was without "one active or useful friend" throughout the entire campaign. He also blamed the geography of the state, which lacked interior navigation and was called by one British general the "most barren inhospitable, unhealthy part of North America". Unfortunately for North Carolinians, Cornwallis' legacy was a vicious civil war that raged until 1782.

Even with Cornwallis' departure from the state in
April, Loyalists were emboldened by the British haven at Wilmington. The assembled in Duplin, Cumberland, Bladen and Anson counties. Effectively snuffing out Whig attempts to organize, Major Craig supplied ammunition and arms to Tories. Several patriot leaders were captured, including Cornelius Harnett and General John Ashe. Samuel Johnston, a North Carolina delegate to the Continental Congress, declined the honorable position of President of Congress in July to return to his family, who had fled from their home in Edenton. Few families escaped the turmoil.

Whig leaders grew uneasy. Statesman William Hooper warned Attorney General James Iredell that Major Craig proposed to "carry havoc and devastation amongst the rebels". Iredell wrote in September that although the "reign of the Tories" would soon be over, he always travelled with an escort of at least twenty-five men. A friend of Iredell living in the Deep River area reported "Banditry" plundering inhabitants of furniture and horses. Fearful Whigs knew the key figure leading the loyal opposition: David Fanning.

Fanning's assertion that much of North Carolina remained under British control long after Major Craig's evacuation of Wilmington appears to be true. An active Loyalist since May 1775, the ruthless Fanning led Tory units in the Carolinas, Georgia and East Florida. Major Craig commissioned him colonel in July 1781. In his
memorial after the war, Fanning claims to have led as many as 950 men in thirty-six skirmishes in North Carolina. He lured men into arms with a bounty of three guineas, free grants of land, and promised new recruits clothing, pay, provisions and "all the advantages of his Majesty's Regular and Provincial Troops". His surprise night raids and ambushes, covering remote terrain, kept the rebels bewildered.74

Fanning's most brilliant exploit was the capture of North Carolina's Whig Governor, Thomas Burke, on September 13. Burke was held hostage by Major Craig for the safety of Fanning and was denied the right of exchange. Burke eventually broke his parole in Charleston and escaped in January 1782.75 Only the evacuation of Wilmington in November 1781 and the departure of Fanning in May 1782 ended the fighting.76 One shudders to imagine the outcome if Cornwallis' army had occupied North Carolina for an extended period of time.

The Earl was well aware that abandoning the Carolinas and invading Virginia was a "hazardous enterprise". Such a drastic move was clear evidence that he had discarded Britain's policy of utilizing Loyalists to pacify the South.77 In fact, when Clinton later urged him to conduct a similar campaign in conjunction with the Tories in Pennsylvania and Maryland, Cornwallis rejected it.78 Lack of cooperation between Cornwallis and Clinton in the summer
and fall of 1781 led directly to the checkmate of Cornwallis' army at Yorktown in October 1781 and an end to the American Revolution. Cornwallis' ultimate rejection of the North Carolina Loyalists and his fruitless invasion of their state in 1781 are unjust memorials to the widespread Tory movement that began on a raw February morning at Moore's Creek Bridge in 1776.
Those people have been induced to brave every danger and difficulty during the late war rather than render any service to the rebels, had their properties real and personal taken to support their enemies, the fatherless and widows stripped, and every manner of support taken from them . . . and no resting place could be found for them.°0

In this statement, David Fanning reminds the historian that the hardships of the Loyalists spanned beyond the eight years of the Revolutionary War. Approximately one thousand provincials and militia left Wilmington with the British in 1781, and more were to follow the exodus. Hundreds took refuge in Britain, the West Indies, Canada, East Florida and the Bahama Islands. Some remained. John Pyle, a veteran of Moore's Creek and "Pyle's Massacre," was found not guilty of treason in November 1782 and quietly returned to Chatham County.81 David Fanning, however, fled from the Carolinas to Florida, the Bahamas, and finally to Nova Scotia in 1784. The British Claims Commission awarded him an insultingly small sum of £60 for his services. North Carolina did not ratify the 1783 Treaty of Paris until 1787, for in it were provisions giving Loyalists property rights. Sale of Tory properties went on until
1790. Bitterness and resentment flared for the rest of the century and beyond.  

During the war, success eluded the North Carolina Loyalists primarily because they were outnumbered. There were not enough loyal citizens to "Americanize" the war, and too many rebels over a remote and inhospitable terrain to subdue. The "middling" numbers of Tories in North Carolina suffered a drastic attrition rate, so that by 1781 their manpower and resources were stretched thin. Hundreds were killed in battles and skirmishes, others fled from drafts, oaths and confiscation, while hundreds of others fought for the King in South Carolina and Georgia. No notable Tory leaders would emerge, except for Fanning and Hamilton.

In addition to the manpower shortage, the inherent mental attitude of Loyalists everywhere presented a dilemma. By nature, the conservative Loyalists, attempting to preserve the status quo, generally declared and organized themselves later than the Whigs. They were vulnerable to persecution and initial military setbacks. Their goals remained muddled and offered no catchy slogans, putting them at a disadvantage in a revolutionary milieu. Promise of British support only increased the tendency of the Tories to rely heavily on the supposed invincibility of the redcoats. In not a single province were the Whigs ousted by unaided Loyalists.
Rebel leaders in North Carolina took advantage of their own numerical superiority and the Loyalists' lackluster organization and suppressed initial Loyalists hopes at the Battle of Moore's Creek Bridge. During the four years that followed, the Whigs established a militia structure that provided a legendary partisan resistance to British authority. At the same time, an effective Whig government took harsh but necessary measures to bring order and stability to the state. The "daring, constancy and fortitude" of Whig leaders alleviated many excesses of the Whig militia. Finally, the American Southern Department was blessed during the 1781 invasion with the leadership of Nathanael Greene, called by one of his contemporaries as "the greatest military genius" produced by the Revolution.

Did the British ever have a realistic chance of utilizing Loyalists successfully? Perhaps if the British had given massive support from the start, and had been blessed with methodical and charismatic leaders who solidified gains and pacified regions through political and social reforms before gobbling up more territory, the strategy might have worked. Instead, the Loyalists did not become the linchpin of British strategy until 1779, a strategy of necessity that was pursued intermittently.

Britain asked the Loyalists to do too much too late in the war.

By the 1781 invasion of North Carolina, the chasm
between the strategy from Whitehall and the military realities in the south created a breakdown in command. Clinton was operating under something similar to nervous exhaustion and was preoccupied with a desire to resign. Cornwallis literally fought an independent war in the Carolinas and never gave Loyalists a fair trial. In the end, he expected them to become an offensive force. Sadly, Cornwallis' invasion left behind "a melancholy camp encumbered with a long train of sick and wounded," a campaign conducted without the "smallest military merit," and the insulting expectation that the North Carolina Loyalists would fail him.

The Crown supporters in North Carolina lost the struggle over home rule. Their accomplishments are often overshadowed by the inherent lawlessness of the revolutionary period, where countless citizens were neither Tory nor Whig at heart, and were plundered and terrorized by both sides at will. The loyal Americans served as scouts, spies, messengers, guides and waggoners. They disrupted local recruiting, fought in crucial battles, waylaid supply trains, and captured the state's governor during a brutal civil war. Those who are quick to point to the Loyalists' misdeeds overlook their courage. As one Whig leader remarked after the war, "no man in a civil war is justly censurable for anything but insincerity in choosing his side, or infidelity in adhering to it".
Notes for Chapter III


5 Higginbotham, American Independence, p. 354; Smith, Loyalists pp. 100,126.


10DeMond, Loyalists, p. 124; Rankin, Continentals, p. 232; Higginbotham, American Independence, p. 357; Smith, Loyalists, pp. 135-136.

11Wallace, Appeal, p. 216.

12Smith, Loyalists, pp. 133-135; Cornwallis to Clinton, June 30, 1780, in Clark, ed., State Records, 14: 866.


15Smith, Loyalists, p. 144; Ashe, North Carolina, 2: 616. Robinson, Revolutionary Sketches, pp. 11-16; Cornwallis claimed that only two thirds of Bryan's force was armed. See Cornwallis to Clinton, July 14, 1780, in Clark, ed., State Records, 14: 867-868.

16Higginbotham, American Independence, pp. 357-360; Ashe, North Carolina, 2: 618-622.

18 Clinton, Rebellion, pp. 186-187; Smith, Loyalists, pp. 133-134.

19 Cornwallis to Clinton, Aug. 29, 1780, as quoted in Smith, Loyalists, p. 146.

20 Cornwallis to Clinton, Aug. 6, 1780, in Appendix, Clinton, Rebellion, p. 448.


23 Rankin, Swamp Fox, pp. 100, 110, 298-299; Rankin, Continentals, p. 291.

24 Troxler, Loyalists, p. 22; Ashe, North Carolina, 2: 645; Plantation burnings were "uniformly enacted" by the British in the South. See Robinson, Revolutionary Sketches, p. 23.

25 Troxler, Loyalists, pp. 140-142; Rankin, Swamp Fox, pp. 73-74.

26 Wickwire, American Adventure, pp. 182-183; Smith, Loyalists, pp. 131-133; Tarleton, Southern Provinces, pp. 73-76.

27 Henry Lee, Memoirs of the War in the Southern Department of the United States (New York: University Publishing Co., 1869), p. 193; Clinton based much of his decision on a report from James Simpson, former Attorney General of South Carolina, who reported that most Loyalist leaders were demoralized and wanted guilty Whigs punished. See Shy, "British Strategy", Crow and Tise, eds., Southern Experience, pp. 166-167.


29 Cornwallis to Clinton, Aug. 6, 1780, in Clinton, Rebellion, p. 449; Smith, Loyalists, p. 146.

30 Ashe, North Carolina, 2: 618.

32 Tarleton, Southern Provinces, p. 160; Jethro Sumner was in command of the Whig militia of the Hillsborough District. See Rankin, Continentals, p. 247.

33 Tarleton, Southern Provinces, p. 160.

34 Robinson, Revolutionary Sketches, pp. 21-26; Rankin, Continentals, pp. 249-250; Ashe, North Carolina, 2: 629-631.


36 James Iredell to Hannah Iredell, Oct. 8, 1780, in Higginbotham, ed., Iredell, 2: 175.


38 Higginbotham, American Independence, p. 364; DeMond, Loyalists, p. 132.


40 Ashe, North Carolina, 2: 636; DeMond, Loyalists, p. 134.


42 Lord Rawdon to Clinton, Oct. 29, 1780, as quoted in Smith, Loyalists, pp. 148-149; Robinson, Revolutionary Sketches, pp. 26-28; Tarleton, Southern Provinces, pp. 166-167; Reasons for the success of the Whig militia can be found in Robert C. Pugh, "The Revolutionary Militia in the Southern Campaign, 1780-1781," William and Mary Quarterly 14(1957): 166-167; Rankin, Continentals, pp. 250-251.

43 Clinton, Rebellion, p. 228; Sir Henry Clinton,

44Tarleton, Southern Provinces, p. 168.


46Smallwood to Gates, Oct. 27, 1780, in Clark, ed., State Records, 14: 712; Loyalist militia were oftentimes seen as little better than rebels, especially in their treatment as prisoners of war. See Troxler, Loyalists, p. 26.

47Cornwallis to Clinton, Jan. 6, 1781, as quoted in Smith, Loyalists, p. 150; Ashe, North Carolina, 2: 666; Cornwallis was also determined to recruit Loyalists. See Cornwallis to Clinton, Jan. 18, 1781, in Clark, ed., State Records, 17: 981-982.


49Whig militia had been raised with offers of a £2,000 bonus, a prime slave, and 640 acres of land. See Ashe, North Carolina, p. 643.

50Tarleton admitted that the retreat was "judiciously designed and vigorously executed". See Tarleton, Southern Provinces, p. 229; Hugh F. Rankin, Greene and Cornwallis: The Campaign in the Carolinas (Raleigh: Division of Archives and History, 1976), pp. 40-56; Ashe, North Carolina, 2: 653-655; George W. Kyte, "Victory In the South: An Appraisal of General Greene's Strategy in the Carolinas," North Carolina Historical Review 37(1960):

51 Jeffrey J. Crow, The Black Experience in Revolutionary North Carolina, 2nd ed. (Raleigh: Division of Archives and History, 1983), p. 75; Crow claimed that the British Army attracted Negroes "like a magnet". Loyalists sold property certificates at an extreme discount. See Wickwire, American Adventure, pp. 232, 236.

52 Betharbara Diary, Feb. 10, 1781 in Adelaide L. Fries, ed., Records of the Moravians in North Carolina, 10 vols. (Raleigh: Edwards and Broughton Co., 1926), 4: 1742; The Brethren who met Cornwallis described him as "friendly" and "satisfied".

53 Clinton, Rebellion, p. 264.

54 Tarleton, Southern Provinces, p. 231.


56 Lee, Memoirs, pp. 256-259; DeMond, Loyalists, p. 136.

57 Tarleton, Southern Provinces, pp. 231-233; Ashe, North Carolina, 2: 656-657; Rankin, Greene, p. 63; DeMond, Loyalists, pp. 135-136; Smith, Loyalists, p. 152.


60 As quoted in Baker, Another Victory, p. 78; Historian David Schenck believed that "the day itself has not yet obtained its proper place in American history" See Schenck, North Carolina:1780-1781, p. 387.

61 Lumpkin, Savannah, pp. 296-298.


63 Cornwallis to Clinton, April 10, 1781, in Clark, ed., State Records, 17: 1011; Ashe, North Carolina, 2: 661-662.

64 "State of the Troops that Marched with the Army Under the Command of Lt. Gen. Earl Cornwallis" in Clark, ed., State Records, 17: 1009; Clinton, Rebellion, p. 264; Rankin, Continentals, p. 313.


69 Cornwallis to Germain, April 18, 1781, Cornwallis to Clinton, April 23, 1781, in Clark, ed., State Records, 17: 1016, 1018; Smith, Loyalists, p. 155.


71 DeMond, Loyalists, p. 139; Ashe, North Carolina, 2: 676; Control of the supply of arms was crucial. See Crow, "Liberty Men," in Hoffman, Tate and Albert, eds., An Uncivil War, pp. 160, 165-166; Fanning had some difficulties arming Loyalists. See Fanning, Narrative, p. 18.
72 DeMond, Loyalists, pp. 138-139; Ashe, North Carolina, 2: 647.


74 Fanning, Narrative, pp. 18-20; DeMond, Loyalists, pp. 141-147; At least on paper, Fanning prohibited plundering and "all irregularities and disorders".


76 Fanning, Narrative, pp. 14-25; On one occasion, Fanning hung two deserters from Hamilton's regiment "both on the limb of one tree" to revenge the murder of a friend. See Fanning, Narrative, p. 30.

77 Smith, Loyalists, pp. 156-157.

78 Clinton to Phillips, April 26, 1781, in Clark, ed., State Records, 17: 1022.

79 Smith, Loyalists, pp. 158-159.

80 Fanning, Narrative, pp. 18-19.

81 Troxler, Loyalists, pp. 28-29, 38, 57; The Williams family of Anson County fled after the Moore's Creek Bridge Campaign to Georgia, then East Florida. After the war, members of the family were in New Brunswick, the Bahamas, North Carolina and London.


85Brown, Good Americans, pp. 112, 122-123; Wickwire, American Adventure, p. 185.


88Gruber, "Southern Strategy," in Higgins, ed., Power, Conflict and Leadership, p. 238. Higginbotham suggested that Sir William Howe might have performed well in the South. See Higginbotham, American Independence, p. 371; Clyde Ferguson claimed that the British lost the southern campaign as early as the Fall of 1776 because of their failure to support the Tories from the start. See Ferguson, "Partisan Militia," in Higgins, ed., Power, Conflict and Leadership, p. 258.

89Smith, Loyalists, p. 173.

90Higginbotham, American Independence, p. 377; Smith, Loyalists, pp. 156-157; Clinton, Rebellion, pp. xxxv, xxxix.

91Cornwallis to Phillips, April 10, 1781, as quoted in Treacy, Prelude, p. 12; Clinton, Observations, p. 10.


94 James Iredell to A. Neilson, June 15, 1784, as quoted in Harrell, "Loyalists," NCHR 3(1926): 575.
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VITA

William Paul Burke


The author has worked at six National Parks as a United States National Park Service Ranger, and is presently a Supervisory Park Ranger for the Interpretation Division of Cape Cod National Seashore.