

## **ABSTRACT**

KAISER, JOHN JAMES. "Masters Determined to be Masters": The 1821 Insurrectionary Scare in Eastern North Carolina. (Under the direction of James E. Crisp.)

This thesis seeks to explain how the militia and patrols worked together in a flexible system designed to suppress both real and potential slave unrest. As the summer of 1821 neared its end, depredations committed by runaway slaves caused widespread alarm throughout Eastern North Carolina. Their depredations resulted in an insurrectionary scare that grew to include eight counties in Eastern North Carolina.

Although documentation is sparse, there remains a trail of communications between militia officers and Governor Jesse Franklin detailing the scare from its inception. In addition, numerous militia officers wrote the Governor and General Assembly to justify their actions during and after the scare. These letters and petitions provide the story of the 1821 insurrectionary scare. Furthermore, this thesis will place the insurrectionary scare within the context of circumstances prevalent in Eastern North Carolina in 1821. These circumstances included an outbreak of yellow fever, extreme weather, harsh political bickering (both local and national), and a large (and increasing) slave population combined with White flight to the South and West.

This thesis begins with the discussion of an unfortunate occurrence on Street's Bridge that left several militiamen and citizens wounded. Their presence on the bridge was part of a system designed to ensure the subjugation of the local slave population. However, in a highly ironic twist of fate, these two groups of men (citizen and militia) encountered one another on Street's Bridge. The exchange of fire that resulted caused several casualties on

both sides. Both groups shot at men they mistook for runaway slaves— a mistake rooted in both deeply held fears and a severe lack of martial discipline.

Expanding outward, I propose an answer to the question of how militia and patrols worked together to suppress slave rebelliousness by examining the respective organizations in their actions, duties, and membership. Comparing patrol appointments and militia lists with county tax lists and census data allow for a better understanding of the men who served in these organizations. While overlapping in some respects, for the most part the militia and patrols served different roles and recruited different members. The roles of the respective organizations were consistent with their membership. The militia, composed primarily of nonslaveholding whites, served in a role that kept them restrained by their officers, while the patrols, composed mainly of slaveholders, performed duties that required greater autonomy and interaction with individual slaves.

This thesis concludes with an examination of the militia response throughout Eastern North Carolina and the aftermath of the scare. Reviewing the records of the militia's response provides some answers to what factors triggered white fears that depredations by outlying slaves were more a nuisance. Furthermore, the response of militia officers to what might appear a failure by conventional military standards provides insight into the militia's role as a force best used to inspire fear— more so through its image than its actions.

The culmination of this scare came long after the last militiaman had returned home from serving his state. In perhaps the most important change to come from the insurrectionary scare, the legislature shifted responsibility for militia payments from the General Assembly to the County Courts. The shift helped to ensure that militia members could expect a more willing hand to control the purse strings that governed their pay. This

change proved highly providential to future militia call-outs, since the former system allowed statewide political infighting in the legislature to prevent militiamen who served in 1821 from receiving state payment for their service.

**“Masters Determined to be Masters”: The 1821 Insurrectionary Scare in Eastern North  
Carolina.**

by  
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## DEDICATION

This work is dedicated to,  
My God— my greatest strength,  
My wife Allison— my greatest comfort,  
My daughter Sasha— my greatest joy.

## BIOGRAPHY

John Kaiser grew up in New York, but left the state to seek educational opportunities in North Carolina. He enrolled at the University of North Carolina at Wilmington (U.N.C.W.) in 1997. He graduated with a B.A. in Communication Studies in 2001. Seeking the challenge of law school, he obtained a Judicial Scholarship and enrolled in Ohio Northern University's Pettit College of Law. He graduated from law school in the top quarter of his class in 2004. Long before attending law school John had a deep interest in the study of history. This interest led him to the history program at North Carolina State University. The same interest in history and love for research has motivated him to seek enrollment in a P.H.D. program in history in the coming year.

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## TABLE OF CONTENTS

	PAGE
Introduction .....	1
I. One Night at Streets' Bridge: An Insurrectionary Scare in the Microcosm .....	8
Peculiar Conditions and Local Fears.....	10
August 20 <sup>th</sup> , 1821.....	14
Shadows in the Dark.....	16
The Aftermath.....	19
Beyond Street's Bridge.....	23
II. Militia and Patrols: "Our Best and Only Remedy" .....	26
The North Carolina Militia.....	27
Militia Service and the Common Man.....	33
A Defective Militia System.....	36
The Public Arms.....	36
The Officer Corps.....	39
Discipline and Fines.....	40
The Militia: The Paradox of Inferior Superiority.....	46
Patrols.....	50
Frequency and Composition of Patrols.....	53
Reflecting on Patrols.....	61
III. "Circumstances that Gave Concern" .....	63
The Precursors to White Fear and Black Unrest.....	63
Inchoate Revolt in Eastern North Carolina?.....	63
Economic and Political Concerns.....	66
Social and Environmental Factors.....	71
The Insurrectionary scare of 1821.....	75
The Slaves and Their Depredations .....	77
Universal Alarm.....	79
White Response and Frustration.....	90
Why They Served.....	93
In the Wake of Fear.....	97
Conclusion .....	101
Authorities Cited .....	105
Appendix .....	112

## INTRODUCTION

One night at Street’s Bridge, during the climax of an insurrectionary scare, a mixture of peculiar circumstances ineffably altered the lives of half a dozen men. Near-fatal wounds and serious disabilities resulted from a tragically comical confusion by two groups of armed Whites— each mistaking the other for runaway slaves under the light of the Carolina moon.<sup>1</sup> The reason these men patrolled Street’s Bridge, why their fingers pulled their respective triggers so quickly, and the repercussions— understanding the answer to each question provides a deeper insight into insurrectionary scares in general— and Eastern North Carolina in particular.<sup>2</sup>

The purpose of this Master’s thesis is to examine the full course of the 1821 insurrectionary scare in Eastern North Carolina. It is an attempt to understand both the probable causes for servile unrest and the resulting changes in patrols and militia call outs meant to suppress any potential insurrectionaries among the Black population.<sup>3</sup> The study reaches its climax in the action of the state legislature to solidify the militia system and pass the political costs on to the counties. Such a study provides a depth of insight regarding the system of militia and patrols that acted together in a flexible system for the repression of

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<sup>1</sup> New Bern (N.C.) *Carolina Centinel*, Aug. 25, 1821. The article describes the events on Street’s Bridge happening “[a]s soon as the moon rose[.]”

<sup>2</sup> For the purposes of this Thesis Eastern North Carolina includes the followings counties: Robeson, Cumberland, Johnston, Wilson, Nash, Halifax, Northampton, Edgecombe, Wayne, Wilson, Sampson, Bladen, Brunswick, Duplin, New Hanover, Onslow, Jones, Craven, Carteret, Lenoir, Greene, Pitt, Beaufort, Washington, Bertie, Hertford, Tyrrell, Hyde, Chowan, Gates, Perquimans, Pasquotank, Camden, Currituck, Dare, and Tyrrell. The Author chose these counties based on a combination of factors— principally geography and demographics. For a full explanation, see Appendix.

<sup>3</sup> This study reviews both sides of the possible stimulus to slave rebellion— those factors that actually influenced slaves to flee or fight their masters and those factors which might cause local Whites to perceive the threat of potential unrest in the slave population.

slave unrest. Both their defects and their strengths acted to encourage or allay White fears of servile rebellion.

With the events at Street's Bridge in mind, this thesis surveys the events in a broader context, examining the reaction of almost half a dozen county militias, ranging as far south as New Hanover County, as far West as Bladen County, and as far North as Perquimans County. From mid-August to the end of September 1821, over six hundred militiamen wandered the swamps, pocosins, and rivers banks of Eastern North Carolina in search of a highly mobile band of armed runaway slaves. Taken from their families and labors, the men of the North Carolina militia endured "the sickly season" of the year in what appears to the modern observer a fruitless endeavor that captured only two potential insurrectionaries— one of whom was acquitted.<sup>4</sup> However, failing to capture these ante-bellum insurgents did not equal failure to the respective counties militia officers. For perhaps the most important aspect of a militia call out was not the capture of insurrectionaries, but the better subjugation of the bulk of the slave population. Their purpose might be best described as an inoculation from the "insurrectionary spirit" through a display of white martial power (even if lacking in discipline).

This thesis will contribute to three areas of North Carolina history that remain relatively unfathomed: slave insurrectionary scares, militia, and patrols. The history of slave insurrection scares in North Carolina remains largely unwritten— it is a history composed

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<sup>4</sup> The Craven County courts tried and convicted Harry Black, a free person of color, with conspiracy and rebellion. The prosecutor charged Black based on allegations that he, in the company of several slaves, fired upon and raided the home of a White resident of Jones County. The raid was rather severe as "the house bore the marks of 17 buck shot[.]" "Communications," New Bern *Carolina Centinel*, February 9, 1822. Black appealed his case, and on retrial, a new jury acquitted Black of the charges. It is noteworthy that a local militia Lt. Col. accused white men of selling weapons illegally to slaves. Lt. Col. Lewis Foscue to Jesse Franklin, October 10, 1821, Governor Franklin, Governors Letter Books, North Carolina Department of Archives and History [Hereafter referred to as NCDAH].

primarily of footnotes and asides in most texts on North Carolina history.<sup>5</sup> Historian R. H. Taylor aptly wrote in 1928, “As to insurrections in North Carolina, there were none; as to conspiracies, there were a few; but as to rumors of conspiracies and insurrections, there were a multitude.”<sup>6</sup> It is for this reason I conjecture that many historians have shied away from reporting on what they believed to be non-existent or barely noticeable events compared with the well-known conspiracies of Gabriel, Vesey, and Turner.<sup>7</sup>

Another palpable problem inherent in studying the history of North American slave revolts is the lack of records left behind by oppressed and mostly illiterate slaves. Beyond that, Whites often refused to publish articles and letters on slave revolts for fear of inspiring further activity among the slave population.<sup>8</sup> This fear that the example of even unsuccessful slave conspiracies would inspire new revolts existed to such a degree that some Southerners destroyed existing records from previous insurrections.<sup>9</sup>

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<sup>5</sup> Samuel Ashe’s extensive work on North Carolina History briefly mentions the insurrectionary scares of 1802, 1821, and 1831. Samuel A’court Ashe, LL.D., *History of North Carolina*, vol. II (Raleigh: Edwards & Broughton Printing Company, 1925), 186, 282, 342. Few scholarly works that address slave insurrection scares in North Carolina: Strickland, J. S. (1982), *The Great Revival and Insurrectionary Fears in North Carolina: An Examination of Antebellum Southern Society and Slave Revolt Panics*, in O. V. Burton & R. C. McMath (Eds.), *Class, Conflict, and Consensus: Antebellum Southern Community Studies* (pp. 57-95), (London: Greenwood Press); Rosser Howard Taylor, “Slave Conspiracies in North Carolina,” *The North Carolina Historical Review*, V (January, 1928): 20-34; Morris, Charles Edward. “Panic and Reprisal: Reaction in North Carolina to the Nat Turner Insurrection, 1831,” *North Carolina Historical Review*, 62 (January 1985): 29-52.

<sup>6</sup> R. H. Taylor, “Slave Conspiracies in North Carolina,” 29.

<sup>7</sup> One exception is Herbert Aptheker whose work sheds light on long forgotten and neglected episodes of Black rebellion and resistance.

<sup>8</sup> Aptheker notes that with limited exceptions “it was a practice of the rulers of the South to censor news of slave unrest.” Herbert Aptheker, *American Negro Slave Revolts*, 6<sup>th</sup> ed. (New York: International Publishers, 1993), 155. Aptheker records the obvious reason for such censorship when he quotes a Charleston resident’s letter published in the *Philadelphia Enquirer* in November 1861. “This news is suppressed as far as possible, and kept entirely from the papers, for the negroes hear what is published if they do not read it, and such examples might produce disastrous consequences.” Aptheker, *American Negro Slave Revolts*, 160-161.

<sup>9</sup> Thomas W. Higginson detailed such events in his articles for the *Atlantic Monthly*. Recounting how records of slave insurrections “have now come to be among the rarest of American historical documents,” Higginson relayed the following events in his article on the Vesey Conspiracy. “In 1841, a friend of the writer, then visiting South Carolina, heard from her hostess, for the first time, the events which are recounted. On asking to see the reports of the trials, she was cautiously told that the only copy in the house, after being carefully kept for years under lock and key, had been burnt at last, lest it should reach the dangerous eyes of the slaves. The same

Even more neglected is the history of the North Carolina Militia. Aside from brief flusters of activity during the Revolutionary War, the War of 1812, and the Civil War, historians have neglected this ante-bellum institution.<sup>10</sup> The records from those periods being more abundant, this is not surprising. Yet, there remain in the county court minutes, miscellaneous county papers, and various and sundry sources— untold stories of the militia in Eastern North Carolina that exist outside times of foreign invasion or conventional war. For that reason, this thesis will go into detail about the Eastern North Carolina militia's strengths and defects shortly before and during the second decade of the nineteenth century.

Lastly, the system of patrols used by individual counties to police their respective slave populations remains a dark corner of history, not only in North Carolina, but also in the entire United States.<sup>11</sup> Historian Sally Hadden has begun to shine light on this subject, but there is still much to discover.<sup>12</sup> However, Hadden's work in *Slave Patrols* leaves much

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thing had happened, it was added, in many other families.” Thomas Wentworth Higginson, *Black Rebellion: Five Slave Revolts* (New York: De Capo Press, 1998; reprint, [*Traveller's and Outlaws*], Boston: Lee and Sheppard, 1889).

<sup>10</sup> Jerry Cooper acknowledges as much on the national level in his research guide, *The Militia and the National Guard in America since Colonial Times*. “Assessing the history of the militia during the half century following the war of 1812 is difficult. The few general studies and monographic works covering the period contrasts markedly with the quality and quantity of scholarship treating earlier eras.” Jerry Cooper, *The Militia and the National Guard in America since Colonial Times: A Research Guide* (London: Greenwood Press, 1993), 67. For an interesting study of the origins of the North Carolina militia through the Revolutionary War see, Wheeler, Earl M., “Development and Organization of the North Carolina Militia,” *North Carolina Historical Review*, 41 (July 1964): 307-323.

<sup>11</sup> Historian Sally Hadden notes the oddity that many historians have ignored the history of patrols despite the important role patrols played in maintaining the South's peculiar institution. “Although patrols were an integral part of both masters' and slaves' lives in the South, they have received but scant attention from scholars to this point.” Sally Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge: Harvard University Press, 2001), 2.

<sup>12</sup> Unfortunately, many of those questions seem to require the introduction of patrol records that to this point remain undiscovered. For example, we know little of the interactions among patrollers while performing their duty. The historical record holds very few glimpses into the minds of men reflecting on their role as patrollers. Even in contemporary documents, while praising the militia as a bulwark of freedom, the patrols receive little more than brief asides. Such a disparity may be due (at least in North Carolina) to the more centralized nature of the militia versus the diffusive nature of patrols and their regulation throughout the various counties.

room for further, more localized, studies of patrols.<sup>13</sup> In addition, Benjamin Callahan's Masters Thesis on slave patrols, "The North Carolina Slave Patrol," represents the first attempt to write a comprehensive history of North Carolina's slave patrols.<sup>14</sup> However, Callahan's thesis is limited since it mainly focuses on patrol statutes and regulations. In addition, Callahan's sources are limited in scope with regard to Eastern North Carolina.<sup>15</sup>

Although some historians have alleged that the patrol system suffered from infrequent appointments and unwilling patrollers—and no doubt at some times that was the case—there is no reason to make such an assumption with regard to the patrols of North Carolina.<sup>16</sup> This thesis will show through a study of patrol records in several Eastern North Carolina counties that the county courts appointed patrols dutifully during the early 1820s, often tailoring them with regard to duration, geographic area, duties, and manpower. With reprimands from county courts for dereliction of duty rare, there is little reason to believe that patrols acted in any way detrimental to the performance of their duties.<sup>17</sup>

Herbert Aptheker's *American Negro Slave Revolts* provides a well-reasoned definition of insurrection. Aptheker's definition—a three part test—required that the reputed insurrection involved "a minimum of ten slaves"; that the rebellious slaves sought

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<sup>13</sup> See Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*.

<sup>14</sup> See also Benjamin F. Callahan, "The North Carolina Slave Patrol," (M.A. Thesis, University of North Carolina at Chapel Hill, 1973).

<sup>15</sup> See Callahan, "The North Carolina Slave Patrol," especially the list of primary sources at 65-66. In addition, the volume contains some errors and mistakes of which the reader should be cautious.

<sup>16</sup> North Carolina historian R. H. Taylor wrote, "As a rule patrolmen were derelict in the performance of their duties." R. H. Taylor, "Slave Conspiracies in North Carolina," 21.

<sup>17</sup> For example, the first reference in the 1820s to a fine for failure to perform patrol duty does not arise in Craven County until 1824. Craven County Court Minutes, 1820 -1824, NCDAH. Callahan found no evidence either way for any statute that sanctioned or prohibited the practice of substitution. Callahan, "The North Carolina Slave Patrol," 40. This author also found no evidence for substitutes being an alternative for those who sought to avoid patrol duty.

out freedom; and “contemporary references label[ed] the event as an [insurrection].”<sup>18</sup>

While the insurrectionary scare of 1821 does not appear to have been an actual conspiracy, it remains of significant historical importance.<sup>19</sup> Whatever the veracity of allegations of an insurrection, the scare deserves academic attention. Its repercussions and costs were quite real—several white fatalities and disabilities, and no doubt much harassment of the local Black community, both slave and free.<sup>20</sup> In addition, the 1821 scare occurred with suspicious propinquity in time to the planned Denmark Vesey revolt—less than a year before.<sup>21</sup>

Most importantly, observing the events of 1821 provides a telling snapshot of a time of struggle between Whites and Blacks in Eastern North Carolina.<sup>22</sup> Whether or not a conspiracy existed, it is evident local Whites believed this to be true and reacted. Their reaction inextricably ties together militia, patrols, and the slaves’ (actual or rumored) unrest into a dialectic that shows a struggle for limited freedom by slaves against a White majority intent on maintaining the status quo of Black submission.<sup>23</sup> The story is admittedly one-

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<sup>18</sup> Aptheker, *American Negro Slaves Revolts*, 162. Aptheker claimed that, even constrained by his definition of insurrection, he “found records of approximately two hundred and fifty revolts and conspiracies in the history of American Negro slavery.” Aptheker, *American Negro Slaves Revolts*, 162.

<sup>19</sup> Although an argument could be made for an actual insurrection being in the works, it appears that most likely the events were a scare caused by an active group (or groups) of maroons—admittedly the term is used generously here—in the swamps of Eastern North Carolina.

<sup>20</sup> One man died allegedly at the hands of the Black insurrectionaries, another died shortly after the insurrectionary scare had begun to quiet down when he was shot by the New Bern town guard under suspect circumstances that suggest White fears were still aroused. Lt. Col. Foscue to Jesse Franklin, August 17, 1821, Governor Jesse Franklin, Governors Letter Books, NCDAH; New Bern *Carolina Centinel*, Oct. 20, 1821.

<sup>21</sup> Denmark Vesey’s rebellion was scheduled to begin in July 1822—about a year after the depredations that led to the 1821 insurrectionary scare began in Eastern North Carolina. In addition, Lt. Col. Andres from Bladen County suggested that some of the runaways left North Carolina to return to South Carolina and Georgia. Lt. Col. Samuel Andres to Jesse Franklin, September 18, 1821, Governor Franklin, Governors Letter Books, NCDAH. It is a curiosity whether they might have been involved in Vesey’s plot so soon after.

<sup>22</sup> For a detailed account of another insurrectionary scare with many similarities that occurred a decade later (the 1831 insurrectionary scare that followed Nat Turner Rebellion) See Charles Edward Morris, “Panic and Reprisal: Reaction in North Carolina to the Nat Turner Insurrection,” (Ph. D. Diss., University of North Carolina at Chapel Hill, 1979).

<sup>23</sup> “PRIOR TO THE 1830s, Black subordination was the practice of white Americans, and the inferiority of the Negro was undoubtedly a common assumption[.]” George M. Frederickson, *The Black Image in the White*

sided and incomplete from the outset of this project since historical sources from early ante-bellum slaves are severely limited. In an attempt to overcome that handicap, this thesis uses court records, letters, and other documents that reveal Black attitudes and words, although told through White voices.

The above sources allow the author to piece together a period of time where Whites and Blacks struggled to establish their relative positions. While slaves pushed toward greater freedom by running away, outlying, arming themselves, and collecting in swamps, Whites of all classes responded by taking part in either militia call outs or patrol groups. Both responses were designed to show the slaves that Whites were intent on maintenance of the culture of Black submission.<sup>24</sup> Perceiving the world around them, Eastern North Carolina's leading class of men— almost all slaveholders— witnessed events that led them to believe an insurrection was imminent. Afraid of the consequences of “the greatest of all imaginable scourges,” county court justices reacted by calling out the militia and stepping up patrols in an effort to return the status quo of Black submission.<sup>25</sup>

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*Mind: The Debate on Afro-American Character and Destiny, 1817-1914* (New York: Harper & Row Publishers, 1971), 43.

<sup>24</sup> Whites even showed greater toleration of runaways when they followed the “custom” of “lurking about for the purpose of concealment” because in many ways it represented their recognition of Whites’ ability to punish them and fit White expectations of Blacks’ fear of White authority. Runaways who did not follow this custom were seen as potential insurrectionaries. See Report of the Committee of Claims on the Petition of Colonel William Hill, 1823, Committee Reports, Session of 1823-1824, General Assembly Session Records, NCDAH.

<sup>25</sup> Committee of Claims Report on the Petition of Col. Wm. Hill, 1824, Committee Reports, Session of 1824-1825, General Assembly Session Records, NCDAH.

## CHAPTER I

### One Night at Street's Bridge: An Insurrectionary Scare in the Microcosm

#### Historiography

On August 20, 1821, Captain John Rhem led a company of Craven County militiamen in search of a band of armed runaway slaves. Shortly after midnight, Captain Rhem and his men encountered a group of armed Whites on Samuel Street's Bridge over the Neuse River. The events that followed echoed for decades after in the form of permanent disabilities, financial loss, and annual petitions to the Craven County Court.

Guion Griffis Johnson—the first historian to bring the event to academic circles—mentioned briefly that:

The nervousness of even the militia during this "Negro-hunt" is revealed by the one battle of the occasion. Toward the last of August two attachments of the Onslow militia were drawing toward the swamp where the runaways had taken refuge. They met at night, unknown to each other, at Trent Bridge near New Bern. Each fired, thinking that the other was the band of desperadoes, and the battle terminated, wrote the *Fayetteville Observer*, "with no little slaughter on both sides; each captain being dangerously wounded and from five to six privates on each side, also badly wounded."<sup>26</sup>

However, Johnson's account contains numerous flaws. She incorrectly states the location, the parties involved, and the results of the "unfortunate occurrence." Most of these mistakes are attributable to errors contained in the *Fayetteville Observer's* article that she cites.<sup>27</sup> Yet

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<sup>26</sup> Guion Griffis Johnson, *Ante-Bellum North Carolina: A Social History* (Chapel Hill: University of North Carolina Press, 1937), 514-515.

<sup>27</sup> The original *Fayetteville Observer* source is no longer available, but several newspapers in North Carolina and beyond reprinted the article. For an example of the *Fayetteville Observer's* article, see *Massachusetts' Spy*, Sept. 19, 1821; *Edenton Gazette*, Sept. 10, 1821; Salisbury (N.C.) *Western Carolinian*, Sept. 11, 1821; *Hillsborough (N.C.) Recorder*, Sept. 5, 1821.

her account is correct about the “nervousness” of Eastern North Carolina’s white population during this insurrectionary panic— or at any other time of a feared uprising.

Johnson’s retelling of the events at Street’s Bridge has been the starting point for other histories of slave insurrections and the North Carolina counties involved. Herbert Aptheker’s well known work *American Negro Slave Revolts* cites Johnson’s *Ante-Bellum North Carolina* to describe the odd event of “two companies of militia accidentally fir[ing] upon one another.”<sup>28</sup> John Hope Franklin cites Johnson in *The Militant South* to show how “tense” militia members could be during an insurrectionary scare.<sup>29</sup>

In Joseph Parson Brown’s *Commonwealth of Onslow County* he describes the “furor and excitement” that existed in the counties of Onslow, Jones, Carteret, and Duplin” by referencing how “[t]wo companies of militia...sent on a ‘negro hunt’...each thinking the other to be the desperadoes, fired on each other[.]”<sup>30</sup> Various published histories of Craven and Onslow County reference Johnson’s characterization of the events at Street’s Bridge.<sup>31</sup>

The story— although usually a footnote in histories of slave rebellion— needs significant correction. More importantly, the real story goes even further toward proving how scared and nervous the White population had become during a relatively minor insurrectionary scare. What happened on Samuel Street’s Bridge is not only a story worth telling, but it is valuable to understanding the White response to numerous small-scale real or

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<sup>28</sup> Herbert Aptheker, *American Negro Slave Revolts*, 267.

<sup>29</sup> John Hope Franklin, *The Militant South: 1800-1861*, (Cambridge: Harvard University Press, 1956), 78.

<sup>30</sup> Joseph Parson Brown, *The Commonwealth of Onslow County: A History* (New Bern: Owen G. Dunn Company, 1971), 64. Brown’s reference to Duplin County is most likely an error— as there is no record of the scare reaching Duplin County. It is also unclear if Brown is relying on Johnson’s work since he includes no citation in the text.

<sup>31</sup> Joseph Parson Brown, *The Commonwealth of Onslow County: A History*, 64; Alan D. Watson, *Onslow County: A Brief History*, (Raleigh: North Carolina Department of Cultural Resources, 1995), 39-40.

perceived slave insurrections that occurred with surprising frequency throughout the nineteenth century.<sup>32</sup>

### **Peculiar Conditions and Local Fears**

In Chapter III this thesis will provide a complete discussion of factors, both environmental and social, that seem to predict a greater level of slave rebelliousness. Nevertheless, it is necessary to briefly discuss the local problems residents of Craven County faced during the summer and fall of 1821. These problems at the local level included large crop failures, extraordinary weather, a growing free black population, and reports of spreading cases of yellow fever. In addition, two events that often inspired thoughts of freedom in the enslaved population occurred in July of 1821— a large Fourth of July celebration and a five-day long religious revival.<sup>33</sup> All of these factors added to the likelihood that some slaves would choose at the very least running away and outlying and at the extreme insurrection to achieve their liberty.<sup>34</sup>

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<sup>32</sup> There are conflicting views of the history of slave rebellion in North America. Herbert Aptheker argued, “Discontent and rebelliousness were not only exceedingly common, but, indeed, characteristic of American Negro slaves.” Herbert Aptheker, *American Negro Slave Revolts*, 374; However, the general view has long been that North America suffered surprisingly few insurrectionary attempts by slaves. Scholars like Ulrich Phillips presented slaves as contented with their lot and for the most part docile, childlike, and content. That view was so persistent that Stanley Elkins published *Slavery: A Problem in American Institutional and Intellectual Life*— an attempt to explain the Sambo personality attributed to ante-bellum plantation slaves exemplified in Phillips work. Stanley Elkins, *Slavery: A Problem in American Institutional and Intellectual Life*, 2<sup>nd</sup> ed. (Chicago: University of Chicago Press, 1968). A little less than a decade later Genovese argued that the slaves’ success through forms of resistance short of outright rebellion achieved accommodations from Whites allowing them to forge “a world of their own...[that] sapped their will to revolt.” Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, (Pantheon, 1972; Reprint, New York: Vintage Books, 1976), 594. While Aptheker presents a view that overemphasizes slave willingness to participate in open rebellion, Genovese presents an alternate thesis of resistance and accommodation.

<sup>33</sup> Aptheker noted, “The prevalence of revolutionary sentiments and slogans frequently reached the consciousness of America’s slaves and affected their behavior.” Aptheker, *American Negro Slave Revolts*, 371.

<sup>34</sup> Outlying slaves were those slaves who evaded capture for a substantial length of time despite remaining in general area of their respective plantation. Often Whites complained that these slaves committed numerous depredations and crimes during their time as outliers. See Chapter III for a detailed discussion of these factors.

The problems of crop failure can be directly tied to strange and damaging weather. Indeed, residents of Craven County endured harsh weather throughout 1821. In April of 1821, New Bern's *Carolina Centinel* reported "[e]xtraordinary weather."<sup>35</sup> The editors noted that their recent weather "had more the character of winter than spring," with both "considerable quantities" of snow and "[i]ce, half an inch in thickness," occurring in late April.<sup>36</sup> Because of this inclement weather, "the products of the gardens and the fruit trees" had been "destroyed."<sup>37</sup>

By June of 1821, Representative W.C. Stanly of New Bern wrote that:

The universal opinion is, that, since the memory of man, never was there so hard a winter as the one past and never was there known so unpropitious a spring and one in which so much rain had fallen- The late heavy and continued rains have materially injured both our corn and cotton.<sup>38</sup>

He continued on to state, "Hundreds of acres of cotton, in the counties of Onslow Jones & Craven, have been abandoned— Some have replanted with corn but most have entirely surrendered to the grass."<sup>39</sup> Because of this harsh weather, farmers in the above-mentioned counties were "thankful to gather half crops."<sup>40</sup>

The rain that caused the crops of Onslow, Jones, and Craven to become "yellowish and sickly" also damaged the health of Whites in Eastern North Carolina.<sup>41</sup> Residents in Craven County could read weekly in the *Carolina Centinel* updates on the number who died

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<sup>35</sup> "Extraordinary weather," New Bern *Carolina Centinel*, April 21, 1821.

<sup>36</sup> "Extraordinary weather," New Bern *Carolina Centinel*, April 21, 1821.

<sup>37</sup> "Extraordinary weather," New Bern *Carolina Centinel*, April 21, 1821.

<sup>38</sup> W. C. Stanly to J. G. Blount, June 18, 1821, *The John Gray Blount Papers*, Vol. IV, ed. Dave T. Morgan (Raleigh: State Department of Archives and History, 1982), 349-350.

<sup>39</sup> W. C. Stanly to J. G. Blount, June 18, 1821.

<sup>40</sup> W. C. Stanly to J. G. Blount, June 18, 1821.

<sup>41</sup> W. C. Stanly to J. G. Blount, June 18, 1821.

of yellow fever in Wilmington and surrounding areas. The disease even interrupted the fall terms of several surrounding county courts.

The growing free black population (and increasingly “free” slave population) of Craven County was particularly troublesome to local Whites. A Craven County Grand Jury complained in 1820 “the great number of slaves in this county and particularly in the Town of Newbern [are] hiring of their own time to the great injury of all well disposed citizens.”<sup>42</sup> The Grand Jury estimated that just within the town limits, one hundred slaves “[were] permitted to hire their own time.”<sup>43</sup>

Slaves that hired their own time had a particularly dangerous amount of freedom of movement. Their freedom of movement allowed them to take part in and observe celebrations of liberation both political and spiritual. July of 1821 presented two such highly interesting opportunities to the local Black population. First, Rev. William Compton held a camp meeting in Adams’ Creek from Thursday, July 12 through Monday, July 16.<sup>44</sup> Revivals offered chances for slaves and free men to join as equals in the eyes of God— and for such reasons they may have played a role in the earlier 1802 insurrectionary scare.<sup>45</sup>

Second, the town of New Bern held a particularly large full-day Fourth of July celebration. It must have been a magnificent display, replete with the discharge of cannons and musketry and speeches on liberty. The New Bern Guards, a private militia company,

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<sup>42</sup> Craven County Records, Criminal Action Papers, 1820, NCDAH.

<sup>43</sup> Craven County Records, Criminal Action Papers, 1820, NCDAH.

<sup>44</sup> “Religious Intelligence,” New Bern *Carolina Centinel*, July 21, 1821.

<sup>45</sup> Strickland suggests that the spirit of the revival and Christian brotherhood “may well have spilled over into the society at large, leading to a general violation of interracial propriety.” Strickland, J. S., *The Great Revival and Insurrectionary Fears in North Carolina: An Examination of Antebellum Southern Society and Slave Revolt Panics*, 80-81.

marched through town in procession to the local Baptist Church.<sup>46</sup> One need not possess too great a power of imagination to picture the effect on black faces in the crowd hearing the words of the Declaration of Independence read aloud declaring, “all men created equal...endowed by their Creator with certain unalienable rights[.]”<sup>47</sup> Nor is it difficult to reason the response of an enslaved population to the words of John H. Bryan’s oratory that day, a speech deeply interwoven with references to slavery and revolt. Bryan proclaimed from the pulpit of the Baptist Church, “Shall we raise no trophy of feeling to the day of our emancipation, to the day that made us men?”<sup>48</sup> Indeed, the toasts given on the fourth included the following,

“‘Independence! Or death with the brave!’ Then triumph rent the air,  
then slavery perished there.”

How could so obvious an irony be lost, even on illiterate and uneducated slaves— much less those with an education?<sup>49</sup>

Consequently, the months of June and July were the incubational period of the feared insurrection. Captain Rhem reported that “for several months previous to the month of August [1821]...a number of negroes were collected together in arms and were going about the counties of Craven, Carteret, Onslow and Jones committing thefts and alarming the inhabitants[.]”<sup>50</sup> This felonious activity by itself did not inspire the White population to fear an uprising, indeed it was only when “[t]he outrages of these villains became so frequent and

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<sup>46</sup> “Fourth of July,” New Bern *Carolina Centinel*, July 7, 1821.

<sup>47</sup> The Declaration of Independence, 1776.

<sup>48</sup> “Fourth of July,” New Bern *Carolina Centinel*, July 7, 1821.

<sup>49</sup> “Fourth of July,” New Bern *Carolina Centinel*, July 7, 1821. One was more likely to find a literate slave in North Carolina than most other slave states since North Carolina law did not forbid an owner to teach his slave(s) to read and write until the 1830s.

<sup>50</sup> Committee of Claims Report on the Petition of Capt. John Rhem, 1823, Committee Reports, Session of 1823 – 1824, General Assembly Session Records, NCDAH.

daring...it was thought necessary to adopt measures either to arrest or disperse them.”<sup>51</sup>

The county courts and militia officers of Bladen, Carteret, Jones, and Onslow County made allegations similar to those found in John Rhem’s petition to justify their respective militia call outs. The sources from these counties independently alleged that the slaves were forming together in armed bands and ranging throughout their counties committing depredations including arsons, daytime thefts, jail-breaks, attempted murder, and murder.<sup>52</sup>

### **August 20<sup>th</sup>, 1821**

Sometime in the middle of August, Captain John Rhem of the Craven County militia, received orders from Craven County Militia Col. John J. Smith to muster his men and proceed to New Bern to “arrest or disperse” the runaway slaves.<sup>53</sup> Rhem’s orders noted that upon reaching New Bern he could expect further instructions.<sup>54</sup> When Captain Rhem arrived in New Bern Lt. Col. Thomas H. Daves ordered him to “patrol [and] scour a section of the county using all endeavors to arrest all negroes whom he should meet armed or traveling under suspicious circumstances.”<sup>55</sup>

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<sup>51</sup> Committee of Claims Report on the Petition of Capt. John Rhem, 1823, NCDAH.

<sup>52</sup> For further information on depredations by runaway slaves see; Petition of Colonel Wm. Hill to the North Carolina General Assembly, Nov. 1823, Miscellaneous Petitions, Session of 1823 – 1824, General Assembly Session Records, NCDAH; Governor’s Letter Book, 1821, Lt. Col. Samuel Andres to Governor Franklin, Sept. 18, 1821. NCDAH; Lt. Col. Lewis Foscue to Jesse Franklin, August 17, 1821, Jesse Franklin, Governors Letter Books, NCDAH; Committee of Claim Report on the petition of Capt. John Rhem, 1822, Petitions, Session of 1822 – 1823, General Assembly Session Records, NCDAH. Most of these claims overlap between counties at the time of the scare. However, the claim of rape does not appear until later in petitions by Militia officers for payment.

<sup>53</sup> Petition of Capt. John Rhem, Nov. 1823, Petitions, Session of 1823 – 1824, General Assembly Session Records, NCDAH.

<sup>54</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>55</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

Having received orders to “patrol the district between Bachellor Creek and Powell’s Branch,” on August 20, 1821, Captain Rhem divided his company and “sent detachments of his men into different directions.”<sup>56</sup> That day a post rider— a young boy— reported that on his way to Street’s Bridge to deliver the mail he saw three Blacks, one of whom pointed a gun at him.<sup>57</sup> The post boy recounted his story to the driver of the Washington Mail stage; a local newspaper’s account records that “the driver alarmed by his story, took the Kinston road, and falling in with a part of Capt. Rhem’s company, they guarded him to the Washington road, and across the bridge.”<sup>58</sup>

Once safely across Street’s Bridge the stage driver “gave the alarm, and a party of ten men turned out voluntarily and without orders, to stop the runaways.”<sup>59</sup> These citizens of Craven County “established themselves at the foot of the bridge, on the north side of the river.”<sup>60</sup> By this point, Captain Rhem had already received orders to march with eight of his men and “take a stand for the night of the 20<sup>th</sup> of August at a certain bridge where it was apprehended those negroes would likely pass.”<sup>61</sup> Captain Rhem and his men “took possession of the centre [sic] of the bridge” before nightfall.<sup>62</sup>

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<sup>56</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH; New Bern *Carolina Centinel*, August 25, 1821.

<sup>57</sup> New Bern *Carolina Centinel*, August 25, 1821. This most likely occurred between 12 and 1p.m. on Monday, since the Stage between New Bern and Plymouth left New Bern each Monday at approximately noon. “New Stage Lines,” Washington (N.C.) *American Recorder*, January 8, 1819.

<sup>58</sup> New Bern *Carolina Centinel*, Aug. 25, 1821.

<sup>59</sup> New Bern *Carolina Centinel*, Aug. 25, 1821.

<sup>60</sup> New Bern *Carolina Centinel*, Aug. 25, 1821.

<sup>61</sup> Committee of Claims Report on the Petition of Capt. John Rhem, Nov. 1822, Committee Reports, Session of 1822, General Assembly Session Records, NCDAH.

<sup>62</sup> New Bern *Carolina Centinel*, Aug. 25, 1821.

## Shadows in the Dark

The night began without incident.<sup>63</sup> Captain Rhem settled in at the south end of Street's Bridge with eight men, while on the opposite end of the bridge a party of ten citizens guarded the north side. There is even reason to believe that when the night began at least one of the parties— if not both— were aware of the other's presence. The *Carolina Centinel* recorded that "the party on the north side of the bridge heard Rhem's men all the first part of the night."<sup>64</sup> Later on— during the early part of the night— Captain Rhem sent away four of his men for some unknown reason.<sup>65</sup>

At some point, either "an hour after the moon rose" or "after midnight" Captain Rhem and his men heard "the steps of sundry persons...on the opposite end of the bridge."<sup>66</sup> Although Captain Rhem could not make out if the men approaching were black or white, he could identify that it was "five men...advancing abreast, armed with guns."<sup>67</sup> The band of men on the northern side of the bridge approached within twenty-five yards of Captain Rhem before he called out, "Who comes there?"<sup>68</sup> From the darkness came the reply, "Who are

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<sup>63</sup> Street's Bridge disappears from historical documents sometime in the late 1830s after Samuel Street's death. Its exact location is presently unknown, but contemporary documents place it approximately eight miles northwest of New Bern. The Neuse River is approximately 665 feet wide at the point where the present bridge day bridge is located— that point is relatively close to the former location of Street's Bridge. Victor Jones, librarian at the New Bern-Craven County Public Library, graciously provided this information— using the GIS maps available at [http://gismaps.cravencounty.com/maps/disc\\_map.htm](http://gismaps.cravencounty.com/maps/disc_map.htm).

<sup>64</sup> New Bern *Carolina Centinel*, August 25, 1821.

<sup>65</sup> New Bern *Carolina Centinel*, August 25, 1821. The article describes this as happening "[a]s soon as the moon rose[.]"

<sup>66</sup> New Bern *Carolina Centinel*, August 25, 1821; Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH. The *Carolina Centinel* alleged this occurred "an hour after the moon rose," while the petition of Capt. John Rhem records it as happening after midnight. New Bern *Carolina Centinel*, August 25, 1821

<sup>67</sup> New Bern *Carolina Centinel*, August 25, 1821; Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>68</sup> New Bern *Carolina Centinel*, August 25, 1821; Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

you?”<sup>69</sup> The petition of John Rhem states that immediately after shouting “who are you” the citizens on the northern side of the bridge “fired the whole five guns.”<sup>70</sup> *The Carolina Centinel* records that Captain Rhem made one last attempt to identify the other party, shouting, “Stand, or I will fire on you.” Immediately after Rhem’s imperative *The Carolina Centinel* claimed someone on the other side “gave the word of command... ‘Fire[.]’”<sup>71</sup>

Whichever account is correct, the events that followed were shocking and near lethal for several men on both sides. The citizens on the north side of the bridge fired first at Capt. Rhem’s party. Their shots hit at least two targets in Captain Rhem’s Company. One piece of buckshot pierced Captain Rhem’s right breast, the buckshot then passed through his lung and lodged in his back. In addition Captain Rhem took four pieces of buckshot to the arm— two inches below his shoulder— severely shattering the bone.<sup>72</sup> The force of the buckshot knocked Captain Rhem against one of his company— F. Amyett.<sup>73</sup> During the same volley, Alexander Taylor received “a wound in the head” that rendered him “useless” and “insensible.”<sup>74</sup>

Despite serious injury to Captain Rhem, both he and several of his men managed to fire back upon the party on the north side of the bridge. Captain Rhem’s counterattack “wound[ed] three of the opposite party.”<sup>75</sup> Christopher Bexley and Thomas Ewell sustained

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<sup>69</sup> New Bern *Carolina Centinel*, August 25, 1821; Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH. The *Carolina Centinel* records that the citizens on the north side replied, “Who’s that?” while the Petition of John Rhem records the response as “Who are you?” New Bern *Carolina Centinel*, August 25, 1821.

<sup>70</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>71</sup> New Bern *Carolina Centinel*, August 25, 1821.

<sup>72</sup> Petition of Capt. John Rhem (attached sworn testimony of Dr. Wm. Boyd), Nov. 1823, General Assembly Session Records, NCDAH.

<sup>73</sup> New Bern *Carolina Centinel*, August 25, 1821.

<sup>74</sup> New Bern *Carolina Centinel*, August 25, 1821; Petition of Captain John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>75</sup> New Bern *Carolina Centinel*, August 25, 1821.

serious wounds to their legs, while a third man (C. Kelly) sustained unknown injuries.<sup>76</sup> After both sides had exchanged fire “both parties retreated[.]”<sup>77</sup> Allegedly, each party was still “ignorant of the force of his adversary,” still unaware they had fired on fellow Whites.<sup>78</sup> Captain Rhem was brought nearly a mile to the home of his friend John Fonvielle;<sup>79</sup> Mr. Kelly walked to Samuel Street’s home; the party on the north side of the bridge brought both Thomas Ewell and Christopher Bexley to an undisclosed location; and Alexander Taylor remained senseless on the bridge until the next morning.<sup>80</sup>

The newspaper accounts that followed provide a vivid example of how events communicated over distances can gradually morph to include embellishments and new facts. The earliest published account—and the most accurate—appeared in the *Carolina Centinel* on August 25, 1821.<sup>81</sup> Yet even it contained some inaccuracies as to what happened after both sides had fired upon one another—as Samuel Street disputed that several wounded were left on his bridge.<sup>82</sup>

The story reached Orange and Wake Counties by the end of the first week of September. The *Hillsborough Recorder* published the details of “an unfortunate

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<sup>76</sup> New Bern *Carolina Centinel*, August 25, 1821.

<sup>77</sup> New Bern *Carolina Centinel*, August 25, 1821.

<sup>78</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAAH.

<sup>79</sup> John Fonvielle and John Rhem are often tied together in the historical record—which may reflect their friendship. The men were neighbors on the South side of Street’s Bridge. Rhem spent almost two months recuperating at Fonvielle’s home after he was wounded at Street’s Bridge. Petition of Captain John Rhem (attached sworn testimony of Dr. Wm. Boyd), Nov. 1823, General Assembly Session Records, NCDAAH. In addition, John Fonvielle acted as a witness and posted bond for John Rhem’s marriage to his wife Nancy Green in 1813. North Carolina Marriage Bonds, Craven County, NCDAAH.

<sup>80</sup> “Letter to the Editor from Samuel Street,” New Bern *Carolina Centinel*, September 1, 1821; New Bern *Carolina Centinel*, August 25, 1821; Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAAH.

<sup>81</sup> New Bern *Carolina Centinel*, August 25, 1821. The accuracy of the *Carolina Centinel* article on the events of August 21, 1821 is established by the article’s general agreement with the contents of both petitions written by Captain John Rhem to the General Assembly.

<sup>82</sup> “Letter to the Editor from Samuel Street,” New Bern *Carolina Centinel*, September 1, 1821. Samuel Street—the owner of Street’s Bridge—wrote in to complain that the *Carolina Centinel*’s story had incorrectly reported that multiple persons had been left on his bridge after the altercation.

occurrence...[that]...took place near Newbern.”<sup>83</sup> The published account was a reprint of the *Fayetteville Observer’s* article. On September 7, 1821, the *Raleigh Register* published another account, also labeling it an “unfortunate occurrence.”<sup>84</sup> This article states that “two detachments of militia were callout to go in search of [runaway slaves].”<sup>85</sup> The article goes on to claim that after “several fires were exchanged...two or three were killed & several wounded.”<sup>86</sup> The reported deaths were an embellishment already contradicted by numerous reports throughout the state.<sup>87</sup> News of the near fatal events even reached the *Niles’ Register* in Baltimore by October 6, 1821.<sup>88</sup> The *Register* published a short and general description that claimed, “two parties of militia...met each other in the night and fired upon [one] another.”<sup>89</sup>

## The Aftermath

The severely wounded numbered at least five men— one whose injuries remain lost to the historical record since he never requested aid. The remaining men had injuries including head contusions, broken legs, and pierced lungs. A local surgeon— William Boyd from New Bern— was called to John Fonvielle’s home on the morning of August 21, 1821. Captain Rhem would spend fifty-one days at the house of John Fonvielle— with at least one

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<sup>83</sup> *Hillsborough Recorder*, September 5, 1821.

<sup>84</sup> *Raleigh Register*, September 7, 1821.

<sup>85</sup> *Raleigh Register*, September 7, 1821.

<sup>86</sup> *Raleigh Register*, September 7, 1821.

<sup>87</sup> The *Western Carolinian* of Salisbury and the *Edenton Gazette* both carried reprints of the *Fayetteville Observer’s* article. See Salisbury (N.C.) *Western Carolinian*, September 11, 1821; *Edenton Gazette*, September 10, 1821.

<sup>88</sup> “Fatal recontre,” *Niles’ Weekly Register*, October 6, 1821.

<sup>89</sup> “Fatal recontre,” *Niles’ Weekly Register*, October 6, 1821.

surgeon visiting him daily— before it was even safe to move him without risking his life.<sup>90</sup> During the course of Captain Rhem’s treatment, he suffered severely from a “perforated [right] lung” and the removal of almost one hundred pieces of bone from his compound fractured right arm.<sup>91</sup>

The remaining injured men also required significant time to rest and recuperate. Alexander Taylor’s head injury disabled him “for 2 months from pursuing his ordinary labor.”<sup>92</sup> While both Christopher Bexley and Thomas Ewell were shot in the leg, Bexley was “confined to his bed [and was] still greatly disabled [in 1824],” while Ewell’s injury “so severely wounded [him]...render[ing] him unable to move about but upon crutches.”<sup>93</sup> Ewell— described by Captain Rhem as “a man of little property”— was so severely disabled he “[had] been reduced to the necessity of asking charity.”<sup>94</sup>

The North Carolina General Assembly’s Committee on Militia Claims took pity on the petitioner— John Rhem— and recommended that Rhem, Taylor, Bexley, and Ewell receive compensation for “all expense arising out of the circumstances[.]”<sup>95</sup> On December 17, 1822, the North Carolina Senate read and rejected the resolution in favor of compensating Captain Rhem, Taylor, Ewell, and Bexley. Captain Rhem petitioned again in November of 1823 on behalf of all those injured on Street’s Bridge. This time the committee recommended the rejection of his petition because Rhem had not followed Chapter 199 of the

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<sup>90</sup> Petition of Capt. John Rhem (Sworn statement of Dr. Wm. Boyd), Nov. 1823, General Assembly Session Records, NCDAH.

<sup>91</sup> Petition of Capt. John Rhem (Sworn statement of Dr. Wm. Boyd), Nov. 1823, General Assembly Session Records, NCDAH.

<sup>92</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>93</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>94</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>95</sup> Committee of Claim Reports on the petition of Capt. John Rhem, Nov. 1822, General Assembly Session Records, NCDAH.

North Carolina Code.<sup>96</sup> Chapter 199 of the State Code required any man injured while in militia service for the state to apply to their county court for compensation.<sup>97</sup> The North Carolina House of Commons agreed and voted to table Rhem’s petition.<sup>98</sup>

Frustrated by their failed attempts to gain compensation from the North Carolina General Assembly Captain Rhem and private citizens Ewell and Bexley petitioned the Craven County Court. The court heard testimony of witnesses to the events and the testimony of Captain Rhem’s surgeons.<sup>99</sup> The witnesses’ testimony convinced the Court that the “obscurity of the night and [the] alarm existing at the time” caused the parties to mistake each other for the runaway slaves that each sought. Captain Rhem’s doctors testified that even in 1824 the wound in his arm was “still open [and] unhealed.”<sup>100</sup>

The court found— based on the testimony of his doctors— that Captain Rhem’s injuries caused him a loss of “at least one half of his ability to labor.” Consequently, the County Court awarded Captain Rhem \$200 to compensate him for his medical costs and \$100 per annum for his disability.<sup>101</sup> This was roughly adequate compensation since Captain Rhem incurred \$225 in costs for his surgeon’s care (for approximately three months) and the

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<sup>96</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>97</sup> Committee of Claims Report on the Petition of Col. Wm. Hill, Nov. 1823, General Assembly Session Records, NCDAH. The statute referenced by the Committee was entitled “An act for relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence in the militia service of this state...” *Acts of the General Assembly of the State of North Carolina, 1784*, (New Bern: Thomas Davis, 1784), 28.

<sup>98</sup> Petition of Capt. John Rhem, North Carolina General Assembly Session records, Nov. 1823 – Jan. 1824 Session, NCDAH.

<sup>99</sup> Unfortunately, the Court’s records do not contain their testimony.

<sup>100</sup> Petition of Capt. John Rhem (attached sworn testimony of Dr. Wm Boyd), Nov. 1823, General Assembly Session Records, NCDAH.

<sup>101</sup> Craven County Court Minutes, August 1824, NCDAH.

required medicines.<sup>102</sup> Both Thomas Ewell and Christopher Bexley were granted quarter disability status and \$40 payments for said disability.<sup>103</sup>

The Court sympathized with Captain Rhem and Misters Ewell and Bexley. The Court found that Captain Rhem acted “under lawful commands of his superior officers.”<sup>104</sup> Furthermore, despite the language of the statute— under which they applied for aid— that limited its application only to those “wounded, or rendered incapable of procuring for themselves and families subsistence in the militia service of this state,” the Court awarded pensions to Ewell and Bexley.<sup>105</sup> Surprisingly, the County Court ruled that Misters Ewell and Bexley were “engaged in their duty as private soldiers under the lawful commands of their superior officers” at the time of the events at Street’s bridge.<sup>106</sup> This meant the Court had to find that Mr. Ewell and Mr. Bexley were part of Captain Rhem’s company of militia— something we know is false from Captain Rhem’s own petition to the General Assembly.<sup>107</sup>

Likely, the Court was deliberately misstating the facts to allow Bexley and Ewell— private citizens— compensation under a statute designed to compensate militia members and those officially called out by the local or state government. The Court most likely agreed with the sentiment expressed by Captain Rhem in his petition to the legislature one year

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<sup>102</sup> Craven County Court Minutes, August 1824, NCDAH; Petition of Capt. John Rhem, North Carolina General Assembly Session records, Nov. 1823 – Jan. 1824 Session, NCDAH.

<sup>103</sup> Craven County Court Minutes, August 1824, NCDAH.

<sup>104</sup> Craven County Court Minutes, August 1824, NCDAH.

<sup>105</sup> *Acts of the General Assembly of the State of North Carolina, 1784*, 28.

<sup>106</sup> Craven County Court Minutes, August 1824, NCDAH.

<sup>107</sup> Craven County Court Minutes, August 1824, NCDAH. Capt. Rhem’s petition refers to the party on the north side of the bridge as a “[party of] citizens, endeavouring to a suppress a body of villains, without waiting the orders of authority.” Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH. There is little doubt all the men from the party on the north side of the bridge were not acting in a legitimate and authorized military company. They were private citizens, concerned by the alarm that armed slaves were moving through the county, who for the sake of expediency banded together to protect their families and property.

earlier, when he wrote that Thomas Ewell and Christopher Bexley were “in the discharge of the duty of citizens endeavouring to suppress a body of villains.”<sup>108</sup> Implicit in this comment is the recognition that the safety of all Whites in the county required such a reaction from the White population—including the nonslaveholders and the poor. An energetic and vigorous response from men like Bexley and Ewell was necessary to ensure the repression of future uprisings before the shedding of any White blood.

### **Beyond Street’s Bridge**

The scare that began in Onslow County and spread throughout Eastern North Carolina proved greatly alarming to the white inhabitants of Bladen, Carteret, Craven, Jones, New Hanover, Onslow, and Perquimans Counties.<sup>109</sup> However, it is in Craven County where the historian finds the most vivid example of the depths of White fear during times of reported slave rebelliousness.

On September 10, 1821, in response to the rumors of insurrection, the Craven County Court appointed fifty-two men to patrol duty—as many as the court appointed during the preceding year (1820) and more than the subsequent years 1822.<sup>110</sup> The Court appointed patrols from seven different patrol districts, with patrol groups ranging in size from four to ten men.<sup>111</sup> Some patrols received special orders to search “wherever negroes may hide,” while others had their districts geographically expanded to focus on local swamps and

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<sup>108</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>109</sup> See Chapter III for a complete discussion of the widespread alarm that existed in several counties.

<sup>110</sup> Craven County Court Minutes, 1820-22, NCDAH. The Craven County Court appointed fifty-two patrollers in 1820 and twenty-seven patrollers in 1822.

<sup>111</sup> The Craven County Court appointed patrols for the following districts: Adam’s Creek (4 men), Capt. Rhem’s district (7 men), Brinson’s district (4 men), Town of New Bern (and all places within four miles) (10 men), Whitford’s district (6 men), Potter’s district (7 men), Capt. Rhem’s district (9 men), Upper ends of Craven County (from Cox’s Mill to Half-Moon Swamp) (5 men). Craven County Court Minutes, September 1821, NCDAH.

creeks.<sup>112</sup> The court may have been content to appoint these patrols in September— a month after the militia was called out— because the militia had already assumed patrol-like functions. The militia’s orders required them to “patrol [and] scour” throughout Craven County and in pursuance of those orders Captain John Rhem sent several detachments of his men “into different directions.”<sup>113</sup>

While the patrols actively sought out any remaining outlying slaves in and around the town of New Bern, the actions of New Bern’s town guards showed the incident at Street’s Bridge to be more than an isolated occurrence. Over one month after various militia officers reported the insurrection quelled and the runaways returned to their respective plantations two “centinels on guard at the jail” in New Bern shot and killed a white man.<sup>114</sup> One of the guards thought that this man— then cloaked in night— passed in a “suspicious manner,” and the guard “hailed him” three times.<sup>115</sup> When the suspect did not respond with anymore than the inquiry “who are you?” the first guard fired a warning shot that the man failed to respond to. At which point a second guard “inconsiderably fired his piece[.]”<sup>116</sup> Upon inspection the suspicious man was found to be John S. Clements— a local man. He died later that night from his wounds.<sup>117</sup> One cannot help but wonder if anxiety from the earlier reported uprising had the town guards on edge, or if New Bern’s inhabitants contemplated the irony of two

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<sup>112</sup> Craven County Court Minutes, Sept 1821, NCDAH.

<sup>113</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH. It is unknown if Capt. John Rhem’s company was the only Craven County militia unit called out during the 1821 scare. In addition, Capt. Rhem does not state the size of the detachments he sent in different directions, but it may be safely presumed they were similar in size to the group of eight soldiers he retained for himself.

<sup>114</sup> New Bern *Carolina Centinel*, October 20, 1821.

<sup>115</sup> New Bern *Carolina Centinel*, October 20, 1821.

<sup>116</sup> New Bern *Carolina Centinel*, October 20, 1821.

<sup>117</sup> New Bern *Carolina Centinel*, October 20, 1821. John J. Clements may have served as a patroller during the scare a month earlier. The Craven County Court appointed J. Clements to a patrol in the Town of New Bern on Sept 10, 1821. Craven County Court Minutes, September 1821, NCDAH.

similar incidences where Whites mistook each other for rebellious slaves— with serious consequences.

This fear caught up the residents of Craven County during the summer of 1821 and the County Court reacted by calling out the county’s militia regiment and greatly increasing the number of local slave patrols.<sup>118</sup> Then midday, August 20, 1821, a young mail carrier claimed that a group of slaves had aimed a firearm in his direction. That report, combined with previous reports of approximately eighty slaves having taken up refuge in White Oak swamp, led Capt. Rhem (and his superiors) to believe these runaways would attempt to cross Street’s Bridge that night. Unfortunately, a stage driver on his way to Washington made a similar report to the residents on the North side of the Neuse River and they responded by turning out armed in an ad-hoc patrol. Both parties spent the better part of the night waiting for the arrival of the predicted insurrectionaries— presumably with tension building throughout the night. That fear and tension led to an “unfortunate occurrence” that permanently disabled at least three men; cost Craven County over twenty-five hundred dollars between 1820 and the 1850s; and possibly cost the life of John S. Clements.<sup>119</sup>

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<sup>118</sup> The Craven County Court appointed fifty-two patrollers during the September term, 1821— as many as it appointed during the whole year in 1820 and more Patrollers than it appointed during the years of 1822 and 1823. Craven County Court Minutes, 1820-1824, NCDAH.

<sup>119</sup> Christopher Bexley died in 1837 and his widow did not petition to continue his disability payments, although the Craven County Court did posthumously award her one last twenty-five dollar disbursement the year of his death. Captain Rhem and Alexander Taylor passed away in the 1850s. Craven County Court Minutes, 1837, NCDAH.

## Chapter II

### Militia and Patrols: “Our Best and Only Remedy”

#### Militia and Patrols

Whether during relative calm or during insurrectionary scares, county and state governments had a system in place to address both the times of peace and panic. The North Carolina Militia and the county slave patrols acted as the two most powerful and ready mechanisms to suppress slave unrest throughout the ante-bellum era.<sup>120</sup> The residents of Edgecombe County described the militia and patrol— upon the discovery of an insurrectionary plot— as the “best and only remedy within our power.”<sup>121</sup> The militia and patrols functioned in a system of overlapping responsibilities and expectations, controlling slave behavior on the public roads and city streets, as well as in the slaves’ own quarters on their masters’ plantations. Generally, the patrol’s position was preeminent in times of relative peace, while the militia superseded or shared their responsibilities in times of panic.

The kind of men who served in the patrols and militia appear, respectively, radically different from one another with regard to their economic and social background. Both slaveholders and nonslaveholders had large majorities in their respective organizations— with masters occupying the majority of slave patrol positions, while nonslaveholders filled

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<sup>120</sup> Such mechanisms also included the town constabulary, sheriffs, and private slave hunters. For a more complete discussion of other societal mechanisms for the suppression of illegal activity by slaves, see Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas*, 79-84. There also existed an expectation that individual masters enforce proper discipline with respect to their slaves.

<sup>121</sup> Petition from the Residents of Edgecombe County, December 1825, Senate Bills, Session of 1825 – 1826, General Assembly Session Records, NCDAH. Some of Edgecombe County’s most prominent citizens signed the petition; John G. Blount (owned 30 slaves), Theophilus Parker (owned 34 slaves), and S. D. Cotton (owned 14 slaves) were just some of the names among the signatories of the petition. United States Census Office, Fourth Census of the United States, 1820, Edgecombe County, North Carolina, Manuscript in <http://www.ancestry.com> online collection, last accessed April 16, 2006.

the ranks of enlisted men throughout the militia in Eastern North Carolina. In this way, Whites of all classes served together to an important end: to show the enslaved population that Whites had the power and solidarity to ensure the status quo of Black submission and White dominance. It is an interesting display of a racial alliance across class lines, to ensure racial dominance of Whites— most likely because Whites of all classes feared Black rebellion.<sup>122</sup> Both Whites and Blacks could have interpreted any defects within this structure of patrols and militia as an opportunity for the more daring slaves to achieve greater freedom.

### **The North Carolina Militia**

All freemen (including free blacks in theory but not in practice) between the ages of eighteen and forty-five years of age were members of the state militia.<sup>123</sup> The list of exemptions was of substantial length, but the most noteworthy included ministers of the Gospel, those who objected to bearing arms for religious reasons, and numerous government officials.<sup>124</sup> The last exemption was particularly galling to those who sought a more egalitarian militia service by all white males in North Carolina. The *American Recorder*, in Washington, North Carolina, published an article that lamented how “the farmer and mechanic with their children and apprentices, are then subjected to a draft while the gentlemen [illegible] holding a public office, and his children who are at college are totally

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<sup>122</sup> See John Spencer Bassett, *Slavery in the State of North Carolina* (New York: Johnson Reprint Corp., 1973; Reprint, Baltimore: John Hopkins Press, 1899), 94. “The possibility of slave insurrections was a source of the greatest solicitude to the Southern whites.” Bassett, *Slavery in the State of North Carolina*, 94.

<sup>123</sup> John Haywood, *The Laws of North Carolina: Arranged Under Distinct Heads, In Alphabetical Order*, (Raleigh: J. Gales, 1819), microfiche, 377.

<sup>124</sup> Haywood, *The Laws of North Carolina*, microfiche, 377.

exempt from it.”<sup>125</sup> The author even argued that the failure to enroll the wealthier class of citizens “produce[d] an impression of degradation[sic] in regard to our militia which is extremely injurious to it.”<sup>126</sup>

Notwithstanding the many exemptions, over 49,000 North Carolinians were subject to militia duty at the beginning of the 1820s.<sup>127</sup> Those who served in the militia devoted a relatively small amount of time to their service. The law compelled them to attend company, regimental, and battalion musters and reviews.<sup>128</sup> The statutes set a minimum for musters at one regimental or battalion muster per year, but the general officers could order more musters at their own discretion.<sup>129</sup> In addition the law directed that each company commander “at least once in every three months...muster, train, and exercise such company, and shall cause them to remain under arms at least three hours in each and every day” during the muster.<sup>130</sup> This amounted to a minimum of four musters each year for the average militia member. Officers performed more muster duty; the law directed them to appear for each muster a day early.

By 1820, the commanders at all levels mustered militia half a dozen times a year.<sup>131</sup> Some high-ranking officers perceived even this limited number of musters as problematic and overly burdensome. In his 1821 letter of resignation, Calvin Jones, a former Adjutant General of the North Carolina militia, and at the time a Brigadier General in the militia,

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<sup>125</sup> “American Militia,” *Washington American Recorder*, January 8, 1819. Republished from the Washington, D.C. *National Intelligencer*, n.d.

<sup>126</sup> “American Militia,” *Washington American Recorder*, January 8, 1819.

<sup>127</sup> Adjutant General’s Militia Return, North Carolina General Assembly Session Records, Nov. – Dec. 1820 Session, NCDAH.

<sup>128</sup> Haywood, *Laws of North Carolina*, microfiche, 377-78.

<sup>129</sup> *North Carolina Militia Laws 1807(?)*[Place and publisher missing], microfiche, 5

<sup>130</sup> *North Carolina Militia Laws 1807(?)*[Place and publisher missing], microfiche, 8

<sup>131</sup> “On Militia Musters,” *Niles Weekly Register*, June 9, 1821.

recommended “that the militia be restricted to muster but once in a year.”<sup>132</sup> He argued that this would limit the problems of numerous musters that exposed a militia members’ “health to the elements, his awkwardness to public gaze, and his morals to the contamination of electioneering treats.”<sup>133</sup> Service in the militia was troublesome enough to some men that they sought service in fire companies to “escape military duty.”<sup>134</sup>

In addition to musters, the fear of foreign invasion or Indian wars kept the militia ever vigilant. In addition, they were subject to call outs to guard jails and catch runaway slaves. The state also expected their service during times of “sudden emergency,” like an actual or feared servile insurrection.<sup>135</sup> With fear of Indian raids in Eastern North Carolina extinguished with the native population pushed back to the west, and the war of 1812 over, the most present and pressing reason to maintain a well-regulated militia was the continued repression of the slave population. The militia served as a both a disincentive to revolt in times of calm and a military display of power in times of unrest

For this reason, the legislature designed the process of calling out the militia to allow a “prompt and energetic response.”<sup>136</sup> The relevant statutes required only the authorization of two or three justices of the peace in the affected county.<sup>137</sup> Yet, the decision of the

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<sup>132</sup> *Niles Weekly Register*, June 9, 1821.

<sup>133</sup> *Niles Weekly Register*, June 9, 1821. William Attmore commented on a muster in Washington, Beaufort County, North Carolina, “Many disorders in town, the Militia some of them fighting. This is the practise[sic] every Musterday.” William Attmore, “Journal of a Tour to North Carolina by William Attmore, 1787,” James Sprunt Historical Publications, vol. 17, ed. By Linda T. Rodman (1922), 13.

<sup>134</sup> Guion Griffis Johnson, *Ante-Bellum North Carolina: A Social History*, 133. The exemption lasted from 1820 through 1825 and only applied to the towns of Wilmington, New Bern, Fayetteville, and Tarboro. The North Carolina legislature eliminated the exemption because service in these fire companies often “served as a screen for those wishing to escape military duty.” Johnson, *Ante-Bellum North Carolina*, 133.

<sup>135</sup> Governor Franklin’s message to the North Carolina General Assembly, 1822, Governor’s Message, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

<sup>136</sup> Jesse Franklin to Col. Wm. Hill, August 18, 1821, Governors Letter Books, NCDAH.

<sup>137</sup> Jesse Franklin to Col. Wm. Hill, August 18, 1821, Governors Letter Books, NCDAH. There were two

county's justices of the peace to call out the militia had to be based on their judgment that the civil authority was "insufficient for the suppression and detection of any conspiracy or insurrection among the slaves[.]"<sup>138</sup> This meant that the decision by the justices of the peace to call out the militia was an affirmation that increased patrols alone were unable to deal with the potential danger perceived from the slaves' actions.

However, views on whether the civil authority was "insufficient" could be radically divergent. Furthermore, two highly influential men, Governor Jesse Franklin and Brigadier General William Clark could not even agree on which statute authorized the militia's actions. Brig. Gen. Wm. Clark wrote from Pitt County one month after the end of the 1821 insurrectionary scare to Col. John Hill of Carteret County. Clark wrote of the requirements for calling out the militia; "It requires that the negroes and free people of colour should have collected themselves in arms committing thefts and alarming the inhabitants and that those facts should be distinctly stated by three or more Justices of the Peace of your County."<sup>139</sup> Clark drew the above language almost directly from a 1795 act that authorized any three justices of the peace to call out the militia "to suppress such depredations or insurrection."<sup>140</sup>

In contrast, Governor Franklin wrote repeatedly to the officers in charge of the militia response in Onslow, Jones, and Bladen counties regarding the proper "inquiry" to determine

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separate statutes that might be employed to call up the militia. Their distinction is not clear, but one seems to have dealt with large scale insurrections while the other dealt with problems on a County level. John Haywood, *A Manual of the Laws of North Carolina, Arranged under Distinct Heads, in Alphabetical Order*, (Raleigh: J. Gales, 1819), microform, 337-340.

<sup>138</sup> Jesse Franklin to Col. Wm. Hill, August 18, 1821, Governors Letter Books, NCDAH.

<sup>139</sup> Report of the Committee of Claims (attached letter from Brigadier General William Clark to Col. John Hill), 1825, Session of 1825 – 1826, General Assembly Session Records, NCDAH.

<sup>140</sup> Haywood, *A Manual of the Laws of North Carolina*, 337; *Laws of North Carolina, 1795*, (Edenton: Hodge & Wills, 1795), 11.

if the militia's call out was necessary and proper.<sup>141</sup> After cautioning Colonels Hill and Andres that the decision to call out the militia should be one made with "caution and sound discretion," Governor Franklin suggested a general inquiry that would determine if a call out was justified under the current statute.<sup>142</sup> The inquiry suggested by Governor Franklin required an affirmative response to the question whether "a conspiracy or insurrection actually exist[s], or are their causes to induce a well-founded belief that such is intended."<sup>143</sup> The next inquiry for the justices of the peace was to determine whether "the civil authority [was] sufficient to suppress such conspiracy or insurrection without the aid of the military."<sup>144</sup> If there is an affirmative answer to the first inquiry and a negative response to the second, then the militia call out is justified.

In his letters, Governor Franklin cites a different act than that referenced by Brig. Gen. Clark. The Governor refers to the 1802 *Act to Prevent Conspiracies and Insurrections Among the Slaves*. The 1802 act contains inquiries similar to those suggested by the Governor, but quite different from those required in the 1795 act referenced by Brig. Gen. Clark.<sup>145</sup> The 1802 act obligates any commissioned officer in the militia— when directed by two or more justices of the peace— to order out the local militia.<sup>146</sup>

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<sup>141</sup> Jesse Franklin to Lt. Col. Lewis Foscue, September 10, 1821, Governors Letter Books, NCDAH.

<sup>142</sup> Jesse Franklin to Lt. Col. Lewis Foscue, September 10, 1821, Governors Letter Books, NCDAH.

<sup>143</sup> Jesse Franklin to Lt. Col. Lewis Foscue, September 10, 1821, Governors Letter Books, NCDAH.

<sup>144</sup> Jesse Franklin to Lt. Col. Lewis Foscue, September 10, 1821, Governors Letter Books, NCDAH.

<sup>145</sup> It is clear the Governor is referring to the 1795 act since he mentions that initially the assent of only two Justices of the Peace is necessary. Col. Wm. Hill of Onslow County also refers to the "law of '95" in his initial letter to Governor Franklin, but apparently from his actions, he failed to grasp that the act required he wait for orders from the Governor before he call out any men. Col. Hill seems to have understood the statute to only require he "communicate to [the Governor] for [his] further government." Col. Wm. Hill to Jesse Franklin, August 8, 1821, Governors Letter Books, NCDAH.

<sup>146</sup> "An Act to Prevent Conspiracies and Insurrections Among the Slaves," *Laws of North Carolina, 1802*, (Raleigh: Joseph Gales, 1802), 13.

The above comments on the statutes for calling out the militia in times of insurrection show two decidedly different views.<sup>147</sup> For an actual commander of the militia living in Eastern North Carolina, such as William Clark, questions regarding the sufficiency of the civil authorities and the veracity of insurrectionary fears appear of little consequence when weighed against the general alarm and fear among the inhabitants at the depredations committed by runaway slaves within the county. The latter concerns support Clark's choice of the decidedly more liberal of the two co-existing statutes. In contrast, Governor Franklin, a Western North Carolinian from Surry County— and far removed from the scare at his residence in Wake County— felt a need for greater caution and checks upon those calling out the militia to ensure they did not make a hasty or unsound determination that would greatly cost the state of North Carolina in militia pay.<sup>148</sup> The Governor relied on the 1802 act since it provided justification for his particular concerns that the militia required more restraint.

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<sup>147</sup> Between 1795 and 1821, the North Carolina legislature enacted three significant laws relevant to calling out the militia. The first enactment of 1795, entitled "An Act to Prevent and Person who may emigrate from any of the West-India or Bahama Islands, or the French, Dutch or Spanish settlements on the Southern Coast of America, from Bringing Slaves into this State....," required the authorization of three or more justice of the peace to call out the militia "when any number of negroes, or other slaves, or free people of colour, shall collect together in arms, and be going about the country, committing thefts and alarming the inhabitants of any county...." *Laws of North Carolina, 1795*, 10-11. Three years later in 1798, the North Carolina legislature enacted a law to "provid[e]...for the suppression of insurrections." This act appears both overly complex and inflexible. The 1798 act, while initially requiring the assent of only two justices of the peace, required that the sheriff summon the local magistrates to the local courthouse. If a majority of the magistrates agreed that an insurrectionary threat existed then the law required that they send an express to the Governor. Ultimately, the governor was responsible for issuing orders to the militia. "An Act to Amend the Fifth Section of an Act, Chapter Sixteenth, Passed at Raleigh, on the Second of November, one thousand seven hundred and ninety-five, proving among other things for the suppression of insurrections," *Laws of North Carolina, 1798*, (Wilmington: A. Hall, 1798), 4-5. Lastly, the 1802 act— passed in response to an insurrectionary scare the same year— removed many of the requirements of the previous act of 1798. The 1802 "Act to Prevent Conspiracies and Insurrections Among the Slaves" required the final authorization of only two justices of the peace and dropped the requirement for notification of the governor. "Act to Prevent Conspiracies and Insurrections Among the Slaves," *Laws of North Carolina, 1802*, 12-13

<sup>148</sup> Surry County had a slave population of 1,365, eleven percent of its total population. This is a much lower percentage than the slave population of any Eastern County. It may help to explain Governor Franklin's cautiousness and strict interpretation of the relevant statute.

## Militia Service and the Common Man

The men who composed the militia, beyond the exemptions and age requirements, were not selected on any criteria such as land holdings or wealth— although the exemption for office holders acted as an exemption for many in the upper class. Therefore, the militia represented a cross-section of the various economic classes of North Carolina— and for those reasons, its largest single class of men consisted of non-slaveholders.<sup>149</sup> Not only did militia call outs of this period consist primarily of nonslaveholding Whites, beyond that, many junior officers recorded on the extant lists were themselves non-slaveholders.<sup>150</sup>

When called out during the insurrectionary scare of 1821, Colonel John Hill divided the regiment in Carteret County into three companies. Colonel Hill owned only two slaves, and of his three subalterns— Captain George Dudley, Captain James Noe, and Sergeant George Piner— only Dudley held slaves.<sup>151</sup> Of the remaining sixty-nine officers, non-commissioned officers, and privates only two lieutenants from Captain Dudley's company held a significant number of slaves. Among the remainder of the men, officers and privates alike, only a handful held slaves— most of whom like Private John Porter owned only one

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<sup>149</sup> Except for in Perquimans County, this appears to be an oddity, where, of those whose name appears in the 1820 census, a slight majority of militia privates called out during the 1821 scare owned at least one slave. Perquimans County Records, 1824, Miscellaneous Papers, NCDAH. This document had been missed by historians (it is absent from all references to the 1821 insurrectionary scare), most likely since it is hidden within a document concerning a later militia call out of 1824. Militia Claims for Service in Suppressing Runaway Slaves, Perquimans County Records, Slave Records, NCDAH.

<sup>150</sup> This conclusion was reached based on a comparison of extant lists of militia cited below with the 1820 U.S. Census records and the respective counties tax records.

<sup>151</sup> George Dudley held seventeen slaves. United States Census Office, Fourth Census of the United States, 1820, Carteret County, North Carolina, Manuscript, accessed on <http://www.ancestry.com>, last accessed on November 12, 2006.

slave.<sup>152</sup> In addition, the average landholding of a Carteret County militia member during this call out amounted to 118 acres valued at \$280.<sup>153</sup> Contrast this with the average slaveholdings and landholdings of Carteret County patrollers during the same period. While eighty-one percent of the militiamen owned no slaves, eighty percent of patrollers owned at least one slave or more. The disparity in landholdings was even more marked— patrollers owned an average of twice as many acres (242 acres), valued at \$1,116.<sup>154</sup>

The Craven and Hyde county militia also show a high incidence of nonslaveholders among the enlisted men and lower ranking officers. Among a company of Craven County militia called out during the same insurrectionary scare of 1821, only one officer among the four militia members mentioned in the records owned slaves. The remaining three men owned no slaves, and Capt. Rhem described one man as being a man of “no property.”<sup>155</sup> In Hyde County, a petition for compensation regarding militia duty to guard a prison, revealed the names of several officers. Of seven officers and non-commissioned officers mentioned in the petition, only three held slaves: Col Jon W. Roper held seven slaves, First Sergeant Matthias Bell held four slaves, and Captain Joseph Mays held three slaves.<sup>156</sup>

Of Gates County militia called out to search for runaway slaves in 1818, approximately two-thirds owned no slaves. These men also possessed moderate

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<sup>152</sup> Of the seventy-three men who served during the 1821 scare forty-eight could be identified using the 1820 U.S. Census and the Carteret County Tax lists for 1818 – 1824. United States Census Office, Fourth Census of the United States, 1820, Carteret County, North Carolina, Manuscript, accessed on <http://www.ancestry.com>, last accessed on November 12, 2006; Carteret County Tax Book, 1818 – 1824, NCDAH.

<sup>153</sup> Based on a comparison of Col. John Hill’s petition and the Carteret County tax lists. Petition of Col. John H. Hill, 1825, Petitions, Session of 1825 – 1826, North Carolina General Assembly Records, NCDAH; Carteret County Tax Book, 1818-1824, NCDAH.

<sup>154</sup> Petition of Col. John H. Hill, 1825, Petitions, Session of 1825 – 1826, North Carolina General Assembly Records, NCDAH; Carteret County Tax Book, 1818-1824, NCDAH.

<sup>155</sup> Petition of Capt. John Rhem, Nov. 1823, General Assembly Session Records, NCDAH.

<sup>156</sup> Petition to the County Court, Hyde County Records, Miscellaneous Papers, Militia Records, NCDAH. The petition mentioned privates collectively therefore no names were provided.

landholdings of little over one hundred acres on average valued at four hundred and fifteen dollars.<sup>157</sup> While their land holdings were valued at significantly more than those of the average Carteret County militia member, they were still well below the average landholdings and land values found among the patrollers of the various counties. For example, among two patrols appointed in Chowan County during the March and June terms of 1820, the members held an average of three slaves and landholdings of 310 acres valued at \$1,130.<sup>158</sup>

However, some county militias contained a greater number of slaveholders among its officers than those mentioned above. In 1818, the Chowan County Court called out the militia to guard the prison— five militia captains led 120 men.<sup>159</sup> Only three of those five militia captains— Henry Elliot, Charles Johnson, and Richard Blount— were slaveholders, owning nineteen, fifty-three, and thirty slaves respectively. In addition when the Perquimans' County Court called out the militia in response to the 1821 insurrectionary scare Captain Elliot's company contained a slight majority of slaveholders.<sup>160</sup>

It is not surprising that so many militia privates and non-commissioned officers belonged to the nonslaveholding class. However, the number of officers who either held no slaves or very few is surprising. The system seems not only to have rested on the backs of nonslaveholding Whites, but also to have found a significant number of its officers and non-

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<sup>157</sup> This is based on a comparison of the Gates County militia call out lists with Gates County tax lists. Gates County Court Minutes, 1818, NCDAH; Gates County Tax Book, 1818 - 1822, NCDAH.

<sup>158</sup> This is based on a comparison of the Chowan County Patrols slips with the Chowan County Tax Book. Chowan County Patrol Slips, Chowan County Records, Miscellaneous Records, NCDAH; Chowan County Tax Book, 1818 – 1820, NCDAH.

<sup>159</sup> Militia Petition for pay, Chowan County Records, Miscellaneous Records, NCDAH.

<sup>160</sup> Of seventy-six men in Captain Elliot's company forty-four were recorded in the 1820 United States Census and local tax lists. Of those men, twenty-two owned no slaves, five owned one slave, five owned two slaves, and thirteen owned three or more slaves. Militia Claims for Service in Suppressing Runaway Slaves, Perquimans County Records, Slave Records, NCDAH; United States Census Office, Fourth Census of the United States, 1820, Perquimans County, North Carolina, Manuscript, accessed on <http://www.ancestry.com>, last accessed on November 12, 2006.

commissioned officers in the nonslaveholding class. This places the membership of the militia in marked contrast to the patrols— whose members were overwhelmingly slaveholders.

### **A Defective Militia System**

There were persistent complaints about the militia's deficient discipline, poor readiness, less-than-reliable officer corps, and the abysmal state of its public arms. Numerous governors, adjutant generals, and General Assembly committees expressed shock at the state of the militia. Nonetheless, rarely did the legislature take any serious actions to remedy these flaws.

### **The Public Arms**

Highly in question during this period was the state of the public arms for the militia. Although militiamen were expected to attend musters and turnout “furnished with arms, ammunition and accoutrements,” local militia officers still made a habit of requesting arms from the state.<sup>161</sup> During the 1821 scare Colonel William Hill of Onslow wrote Governor Franklin, “the arms that the citizens generally of our country are in possession of are insufficient for an attack on those negroes; we therefore should be glad to obtain [arms].”<sup>162</sup> This should not be taken to imply that the local Whites were lacking in their private arms, since the state never sent arms, and yet the militia was still able to take to the field and perform their duty. However, there remains a need for further explanation of why local

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<sup>161</sup> Jesse Franklin to Colonel Wm. Hill, August 18, 1821, Governors Letter Books, NCDAH.

<sup>162</sup> Jesse Franklin to Colonel Wm. Hill, August 7, 1821, Governors Letter Books, NCDAH.

militia commanders seemed intent on obtaining allotments of the public arms despite a well-armed white population.

In its 1818 term, the General Assembly passed a bill commanding the Adjutant General to “collect,” “clean,” and “repair the arms belonging to the state in the possession of the militia[.]”<sup>163</sup> The original bill contained a clause stating that the cause of the legislation originated in the “ruinous order” of the public arms “distributed amongst the militia.”<sup>164</sup> The legislature feared this might harm the state’s chance of obtaining arms under a federal act that provided for arming the various state militias.<sup>165</sup>

The Adjutant General recorded that orders issued for the return of the arms on January 14, 1819 received “no attention” from the commandants of the regiments.<sup>166</sup> The Adjutant General issued another order July 23, 1819, that received only “imperfect attention” by several regiments and no response from regiments of Washington, Cumberland, and Halifax Counties.<sup>167</sup> The Adjutant General complained to the Governor in his annual return, “more than half of the public arms have either been lost or destroyed, by the negligence of the officers or soldiers in whose hands they were confided.”<sup>168</sup>

The Adjutant General recorded each county’s reply as to the state of its arms and the collection of the counties’ arms. Of the arms deposited in New Hanover, half were lost in a

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<sup>163</sup> Adjutant General’s Militia Return, 1819, Militia Return, Session of 1819, General Assembly Session Records, NCDAH.

<sup>164</sup> A bill to authorize the building of an arsenal in Fayetteville, Dec. 1819, Senate Bills, Session of 1819, General Assembly Session Records, NCDAH.

<sup>165</sup> A bill to authorize the building of an arsenal in Fayetteville, Dec. 1819, General Assembly Session Records, NCDAH.

<sup>166</sup> Adj. General’s Militia Return, 1819, General Assembly Session Records, NCDAH.

<sup>167</sup> Adj. General’s Militia Return, 1819, General Assembly Session Records, NCDAH.

<sup>168</sup> Adj. General’s Militia Return, 1819, General Assembly Session Records, NCDAH.

large fire and the other half were “thrown into the streets.”<sup>169</sup> Similarly, two separate fires destroyed most of the arms in the possession of Northampton County, and what remained was lost. Someone stole many of Pasquotank County’s arms and the remainder proved “impossible to repair...without a workman.” Columbus County reported having no public arms “although 64 stands were ordered to be sent” by the General Assembly in 1812. Edgecombe County reported possessing some arms, but reported an unspecified number missing and most likely “in the hands of persons who have absconded [and] left the country.”<sup>170</sup>

In the same year, Governor Branch addressed the assembly with regard to a shipment of arms from the United States War Department numbering 1,525 stands of arms. Governor Branch proposed to the legislature that based on the 1818 resolution to collect the public arms that, “it surely cannot be prudent to distribute the present quota.”<sup>171</sup> However, the legislature still had not acted in 1822 when the Adjutant General proposed in his annual return that the public arms should be “deposited in the same place,” a single arms depot in Fayetteville.<sup>172</sup> He argued this policy would be less costly than the current policy of storing arms in Edenton, New Bern, and Fayetteville— with numerous smaller caches held by county commanders. The records of the General Assembly show no action taken on this

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<sup>169</sup> Adj. General’s Militia Return (attached Report on Arms returned to Adj. Gen), 1819, General Assembly Session Records, NCDAH. The Colonel Commandant of New Hanover County reported that he thought “very few of [the arms] were saved.” Although the records provide no explanation for why the arms were “thrown into the streets” it was most likely due to one of the fires that plagued antebellum Wilmington.

<sup>170</sup> Adj. General’s Militia Return (attached Report on Arms returned to Adj. Gen), 1819, General Assembly Session Records, NCDAH.

<sup>171</sup> Governor John Branch’s Address to the North Carolina General Assembly, 1819, Governor’s Address, Session of 1819, General Assembly Session Records, NCDAH. Presumably, The Governor based his opinion on the Adj. General’s report on the state of the arms distributed to the various counties. Adj. General’s Militia Return (attached Report on Arms returned to Adj. Gen), 1819, General Assembly Session Records, NCDAH.

<sup>172</sup> Adj. General’s Militia Return, 1822, Militia Returns, Session of 1822 – 1823, General Assembly Session Records, NCDAH.

issue during the 1822 session. The North Carolina legislature most likely rejected such a policy because it would create a severe logistical problem by delaying the militia's response to any danger that might arise.

### **The Officer Corps**

In Governor Branch's annual address to the General Assembly of the state, he had reserved some harsh words for the militia's officer corps. While condemning the mercurial nature of appointed judges, he compared them to militia officers who:

When the title is obtained, and in some few instances a tour of the state is made; and when in truth, the judge becomes somewhat qualified to discharge the truly interesting and solemn functions of his office, a resignation takes place[.]<sup>173</sup>

He did not limit his rhetoric to allusions and analogy, but instead directly criticized the militia for "the ease with which the most of our militia officers exonerate themselves from the discharge of duties required of them by law." He remarked scathingly, "we see nearly all, good, bad, and indifferent, fly the same useless round, and pass off like meteors, without rendering any beneficial service to the cause, which in the first instance they so zealously espouse." Such led him to believe that "there must be a defect in the existing regulations."<sup>174</sup>

The Governor went on to wonder aloud whether the present scheme of musters was beneficial or if it had a "tendency to palsy and enervate by inviting to dissipation; and thereby, lavishly sowing the seeds of vice and immorality, generating at the same time habits destructive to subordination." This is similar to the sentiments expressed in Brigadier

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<sup>173</sup> Governor Branch's Address to the North Carolina General Assembly, 1819, General Assembly Session Records, NCDAH.

<sup>174</sup> Governor Branch's Address to the North Carolina General Assembly, 1819, General Assembly Session Records, NCDAH.

General Calvin Jones' letter of resignation submitted to the legislature in December of 1820. Calvin Jones served in the militia over twenty-four years and shared responsibility as a legislator for writing the militia laws that had existed over the last decade of his service. His letter argued that under the current system of musters, "no substantial benefit is obtained and the real injury inflicted upon wealth and morals is incalculable."<sup>175</sup>

### **Discipline and Fines**

The "dissipation" and apathy that infected the militia affected members of all ranks. Some members of the militia when ordered out were either negligent or directly refused to attend.<sup>176</sup> The militia had two primary means to fight this apathy— military discipline (i.e. drill) and fines. It was hoped that disciplined men would act with proper deportment when at muster and that fines would give an economic punishment that might produce attendance by the negligent.

Fines imposed by the legislature played a large part in the discipline of the troops. For the working-class citizen these fines could be quite expensive. One contemporary commentator noted "their wages [were] generally less than their fins[sic]."<sup>177</sup> The system of discipline included the courts-martial that met annually in each county to hear charges and impose fines for failures to appear, failures to be adequately armed, and sundry other offenses under the militia laws.<sup>178</sup>

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<sup>175</sup> Calvin Jones' Letter of Resignation, 1820, Resignations, Session of 1820, General Assembly Session Records, NCDAH.

<sup>176</sup> A Bill to Better Regulate the Militia, Dec. 1822, Senate Bills, Session of 1822 – 1823, General Assembly Session Records, NCDAH.

<sup>177</sup> "American Militia," Washington (N.C.) *American Recorder*, January 8, 1819. The article specifically mentions stage drivers, ferrymen, pilots, and mariners.

<sup>178</sup> See NCDAH collection for the Nash County Courts-Martial and Northampton County Courts-Martial.

However, discipline also meant the actual exercises used by the officers to drill the soldiers at musters. The distinction exists between monetary forms of discipline (fines) and non-monetary forms of discipline. Those non-monetary forms of discipline might include more frequent mustering of the men, intense drilling by the officers and other on-the-field methods of punishing negligent attendees.

The preceding several decades had seen an effort to enforce greater discipline over the militia. Former Adjutant General Calvin Jones wrote:

Exertions to discipline the militia have been perseveringly made for 30 years. Instructions have been given and penalties inflicted. Laws and regulations have multiplied without end...what has been the result? The militia are now, in point of efficiency, exactly as they were when these mighty efforts commenced.<sup>179</sup>

Jones added, “one week in actual service will do more for discipline than the whole life of a man who is dragged from his family half a dozen times in the year[.]”<sup>180</sup> The officers of the Nash County Court-Martial, a body that met annually to try cases, assess fines, and perform general business such as commissioning subalterns and approving exemptions from service, concurred with the above sentiment. They petitioned the General Assembly to reduce regimental and battalion muster requirements from the three-day minimum/six-day maximum for officers to “one days training, drilling, and exercising...in each and every year.”<sup>181</sup> The sole dissenter, Henry Blount, pleaded separately, “The laws at present are more lenient than they should be to effect the discipline which our militia requires, or that the

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<sup>179</sup> *Niles Weekly Register*, June 9, 1821.

<sup>180</sup> *Niles Weekly Register*, June 9, 1821.

<sup>181</sup> Petition from Nash County Court-Martial, 1821, Miscellaneous Petitions, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

officers, both field and subaltern...are too remiss in their duty.”<sup>182</sup>

In Governor Franklin’s last address to the General Assembly in 1821, which he delivered shortly after the recent insurrectionary scare, he warned the assembled legislators that if they did not give the militia “first importance” and render it “particular attention” they would “create the necessity for [regular troops].”<sup>183</sup> He hoped that the militia would “always be your safeguard upon sudden emergency.” However, should the legislature ignore their responsibility to ensure proper discipline they would create a need for a regular force of troops— something the Governor suggested was both more costly and dangerous.<sup>184</sup>

The fines established by the militia laws were a significant part of the legislature’s ability to discipline the militia. The fines acted as the best corrective measure the Adjutant General had at his disposal to deal with negligent officers. However, these fines had mixed results. There were fines for officers who failed to make returns, and for all militia members who failed to attend battalion, regimental, and company musters— and double fines for those who lived within one mile of the place of muster. The government enforced the fines through two separate means. The law directed that the Adjutant General sue officers in their respective county courts for failure to make returns, while the county courts-martial judged fines for non-attendance and failure to appear properly armed.

Despite the complaints of non-attendance by officers and subalterns alike, militia fines remained set at the same level for over a decade. Non-commissioned officers and

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<sup>182</sup> Petition from Nash County Court-Martial (attached dissent), 1821, Miscellaneous Petitions, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

<sup>183</sup> Governor Holmes’ Message to the North Carolina General Assembly, 1821, Governor’s Address, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

<sup>184</sup> Despite such threats, at no point did North Carolina institute a regular army during the ante-bellum period.

privates who failed to attend a company muster incurred a fine set at a maximum of twenty shillings [two and a half dollars] and a minimum of ten shillings [one and a quarter dollars].<sup>185</sup> The legislature set the fine for attending without the proper arms and accoutrements at a maximum of ten shillings and a minimum of five shillings [three quarters of a dollar].<sup>186</sup> Both of these fines remained unchanged from 1808 to 1819.<sup>187</sup> By the 1820s these fines were still unable to “compel obedience,” and an 1822 house bill aimed to punish men who when “ordered out on duty...shall neglect or refuse to attend agreeable to orders.”<sup>188</sup> The above bill increased the fine for failure to appear when called out to a maximum of five dollars [forty shillings] for each day any “militia man shall fail to appear.”<sup>189</sup>

Yet, no matter how large the fines, failures in the ability to collect and retain them limited their effectiveness. For example, although many fines for failure to return had accumulated by 1819 over the course of the prior two years, the amount was unknown to the Adjutant General, as the funds were under the control of the Wake County Superior Court’s Clerk.<sup>190</sup> It would take two years and a General Assembly committee to resolve how the

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<sup>185</sup> Haywood, *Laws of North Carolina*, microfiche, 378.

<sup>186</sup> Haywood, *Laws of North Carolina*, microfiche, 378.

<sup>187</sup> *North Carolina Militia Laws 1807(?)*[Place and publisher missing], microfiche, 8; Haywood, *Laws of North Carolina*, microfiche, 378.

<sup>188</sup> A Bill for the Better Regulation of the Militia, Dec. 1822, Senate Bills, Session of 1822 – 1823, General Assembly Session Records, NCDAH.

<sup>189</sup> A Bill for the Better Regulation of the Militia, Dec. 1822, Senate Bills, Session of 1822 – 1823, General Assembly Session Records, NCDAH. Some confusion may arise from the use of Shilling and Dollars. Until 1809, the currency of account in North Carolina was shillings and pounds. In 1809, the legislature passed into law a bill that made it “lawful for the records to be kept in dollars and cents.” Ashe points out in his history of North Carolina that the change was not “obligatory.” Samuel A’Court Ashe, LL. D., *History of North Carolina*, II, 199-200. The conversion rate for dollars to shillings was roughly equal to 1 dollar for 8 shillings.

<sup>190</sup> Adj. General’s Militia Return, 1819, General Assembly Session Records, NCDAH.

funds would be distributed between the Adjutant General and Wake County Court for various fees.<sup>191</sup>

During the same year, Governor John Branch presented an outline of the problems with the system of militia fines during his annual address:

For every failure it is made the duty of the Adjutant General, to commence suits indiscriminately against the delinquent officers; appeals are then made with great confidence to the executive, who is clothed with the power of remitting the fines; and it is often difficult as the law bears heavily on all, to discriminate between those who are disposed to do their duty, and those who are not.<sup>192</sup>

Thusly, the problem arose, that militia officers would be delinquent in their returns, the adjutant general would incur the costs of the county court to charge them with their delinquency, and when the adjutant general obtained a judgment against them, the delinquent officer would merely petition the governor for a remittance.<sup>193</sup> Compounding this problem, numerous governors liberally granted these remittances. To eliminate this defect Governor Branch proposed removing “every pretext for a non-performance of duty” so that the “law may have its effect.”<sup>194</sup>

The investigation of the Committee on Militia Laws into the fines held by the clerk of the Wake County Superior Court clearly illustrates the problems mentioned above.<sup>195</sup> Out of

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<sup>191</sup> Committee Report on the Fines held by the Late Clerk of the Wake County Court, 1820, Committee Reports, Session of 1820, General Assembly Session Records, NCDAH.

<sup>192</sup> Governor Branch’s address to the North Carolina General Assembly, 1819, General Assembly Session Records, NCDAH.

<sup>193</sup> In 1820, the General Assembly passed a bill that directed the Adjutant General to sue in superior court instead of county court. The reason behind this is not clear, except perhaps to make the charges appear of a more serious nature— as superior courts heard matters of a criminal nature while county courts handled the daily business of the county and civil suits. A Bill to Alter Militia Fines, Dec. 1820, Senate Bills, Session of 1820, General Assembly Session Records, NCDAH.

<sup>194</sup> Governor Branch’s address to the North Carolina General Assembly, 1819, General Assembly Session Records, NCDAH.

<sup>195</sup> Committee Report on the Fines held by the Late Clerk of the Wake County Court, 1820, General Assembly Session Records, NCDAH.

thirty-seven suits filed against militia officers, “thirty-six of those against militia officers have been dismissed by the order of the governor or on trial acquitted by the jury.”<sup>196</sup> An attached balance sheet of militia fines shows that the governor remitted two fines valued collectively at \$100, while the General Assembly remitted six fines collectively valued at \$450 during the preceding year.

The governor and General Assembly remitted fines for various reasons, including failure of subordinate officers, recent and unexpected assumption of the post, returns getting lost in the mail, and insolvency.<sup>197</sup> However legitimate (or illegitimate) their reasons, the remittances granted by the executive and legislative branch corrupted the ability of the system of fines to compel obedience from officers, as an officer could have “great confidence” that his case would be dismissed or the fine remitted. Additionally, the stagnant fines for non-commissioned officers and privates created no incentive to regularly attend muster or call outs for those who would otherwise be negligent or simply refuse to show.

However, the Adjutant General still reported some relative success with the penalty of fines in his 1820 return to the General Assembly:

Several officers have failed in making returns and other performances of duty for the present year; against whom suits will be instituted indiscriminately as heretofore done. I have the pleasure to remark however that failure of duty among the general and field officers is much less frequent of late, than were several years ago.<sup>198</sup>

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<sup>196</sup> Committee Report on the Fines held by the Late Clerk of the Wake County Court, 1820, General Assembly Session Records, NCDAH. .

<sup>197</sup> Report of the Committee on Militia Laws, 1820, Committee Reports, Session of 1820, General Assembly Session Records, NCDAH; Petition for Remittance of Fine for Failure to Complete Return, 1820, Miscellaneous Petitions, Session of 1820, General Assembly Session Records, NCDAH.

<sup>198</sup> Adj. General’s Return, 1820, Militia Return, Session of 1820, General Assembly Session Records, NCDAH.

He attributed this “less frequent” failure of duty to “defaulting officer[s] [being] often driven to a resignation of his commission by the coertions[sic] of the civil law, which is certain in its application to them.”<sup>199</sup>

### **The Militia: The Paradox of Inferior Superiority**

The defects of the militia did not escape the notice of North Carolina’s most prominent men. Governors, Adjutant Generals, and numerous House and Senate committees complained of problems with militia discipline, maintenance of the public arms, frequent resignations, and a general apathy among militia members. Yet none of the above-mentioned public officials did much in the 1820s to solve the defects in the militia system. Despite many proposals to solve the problems facing North Carolina’s militia the legislature remained largely inactive.

A committee formed to respond to the part of Governor’s message that related to the militia laws issued a report on December 9, 1821.<sup>200</sup> The committee regretted the militia’s present “degraded state,” and its “ruinous decline of military spirit.” The militia was so defective that some men in the state legislature suggested it “a force unworthy of the patronage of the state.”<sup>201</sup> The committee placed the blame squarely with the legislative body itself. Showing little restraint in its criticism, the committee’s report cited numerous “fruitless attempts...to encourage the militia” to a level of “high and distinguish[ed] ground.”

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<sup>199</sup> Adj. General’s Return, 1820, Militia Return, Session of 1820, General Assembly Session Records, NCDAH. This particular comment is odd considering the number of fines remitted. However, perhaps even the flawed process of collecting fines still created enough incentive for some officers to fulfill their duty due to the costs it imposed to challenge the suit and petition for remittance.

<sup>200</sup> Committee Report on the Militia Laws, 1821, Senate Committee Reports, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

<sup>201</sup> Committee Report on the Militia Laws, 1821, General Assembly Session Records, NCDAH. The report does not mention who proposed that the militia should be cut off from state funding.

However, the committee's plans for a "more efficient and systematic plan for the better regulation of the militia," when sent to the full body were "treated with cold indifference."<sup>202</sup>

The committee scolded the legislative body for not "properly extending...legislative encouragement." However, the report, although filled with strong language, was admittedly deficient due to a lack of time.<sup>203</sup> The report concluded by suggesting further and full inquiry into the militia laws as well as a recommendation that the legislature purchase copies of Scott's Rules and Regulation of Discipline.<sup>204</sup> It is unlikely that the State Senate's rejection of their recommendation surprised the already disheartened committee on militia laws.

The committee's comments were appropriate when comparing the militia to a regular army. In such a comparison the militiamen appear undisciplined, poorly armed, inadequately drilled, shabbily uniformed, and all around a pale comparison to the regular soldier. However, the militia had two main purposes to serve. The militia was expected to both resist a foreign invader and suppress potential internal rebellion. While the former was a real threat in the minds of some North Carolinians (only seven years removed from the end of the War of 1812), the latter was an ever-present and often acknowledged danger. Writing only one year after the 1821 scare a South Carolinian commenting on the failed Vesey conspiracy acknowledged that the danger of an insurrection by the enslaved population "at all times threatens us...."<sup>205</sup>

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<sup>202</sup> Committee Report on the Militia Laws, 1821, General Assembly Session Records, NCDAH.

<sup>203</sup> The committee regretted it did not have "more time to have bestowed on the subject." Committee Report on the Militia Laws, 1821, General Assembly Session Records, NCDAH.

<sup>204</sup> This is possibly a reference to Winfield Scott's, *Rules and Regulations for the Field Exercise of and Maneuvers of Infantry*, (1815) [Place and publisher missing].

<sup>205</sup> Edwin C. Holland, *A Refutation of the Calumnies Circulated Against the Southern & Western States...*, Reprint (New York: Negro University Press, 1969; Reprint, Charleston: A.E. Miller, 1822), 82.

Therefore, as long as foreign invasion appeared unlikely the most probable use of the militia was suppression of internal unrest— i.e. slave rebellion. This can explain the legislature’s relatively modest efforts to effect change in the discipline of the militia. For, to understand the neglect of the legislature towards the militia, one needs look no farther than the militia’s potential enemy. The enemy was none other than the unfortunate human beings that state laws reduced to human chattel.

As one South Carolina writer candidly stated only a year later in response to Denmark Vesey’s insurrectionary plot:

We regard our negroes as the ‘JACOBINS’ of the country, against whom we should always be upon our guard, and who, although we fear no permanent effects from any insurrectionary movements on their part, should be watched with an eye of steady and unremitting observation.”<sup>206</sup>

Despite the author’s confidence that an insurrectionary attempt by slaves would create “no permanent effects,” he also admitted that during an insurrectionary attempt “valuable lives...may be lost, and blood may run in torrents for an hour[.]”<sup>207</sup> However, any attempt at insurrection had the “utter impracticability of succeeding,” this the author claimed was demonstrated by the “general inferiority in the gifts of nature” bestowed on the Africans.

When placed in the construct of White superiority contrasted with Black inferiority, some Whites believed that even a rag tag band of militiamen should easily be capable of subduing the unarmed, cowardly, and imbecilic slaves.<sup>208</sup> Therefore, even a minimal investment in the state militia secured adequate results when insurrectionary panics flared up.

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<sup>206</sup> Edwin C. Holland, *A Refutation of the Calumnies Circulated Against the Southern & Western States*, 61.

<sup>207</sup> Edwin C. Holland, *A Refutation of the Calumnies Circulated Against the Southern & Western States*, 67-68.

<sup>208</sup> The slaves were expected to be unarmed since the law required as much. In addition, the impression that they were cowardly and imbecilic— false stereotypes of African slaves which seem common, if not near universal, among the master class— are most likely due to a mixture of restrictions created by the slave code and efforts at self-preservation by the slaves themselves to appear less threatening toward their respective masters.

Whites were, for the most part, armed and ready to march under the leadership of militia officers against any group of slaves daring enough to attempt insurrection. For such a purpose, they served adequately. While everything from their uniforms to their drills was less than impressive to the common observer, they could serve, and served successfully, when called out to deal with potentially rebellious slaves. Eyewitness testimony substantiates this contention.

Harriet Jacobs, a slave from Edenton, North Carolina, describes in her narrative the events of 1831, when many White North Carolinians feared that Nat Turner's uprising was spreading to their state. Jacob's view of the militiamen is contemptuous and colorful, describing them as "a motley crowd."<sup>209</sup> The body of the militia, according to Jacobs, was composed of poor Whites— Whites for whom insurrection scares provided a chance to exercise "a little brief authority."<sup>210</sup> She alleged that these militiamen were not above stealing from slaves and free people of color; framing slaves by "scatter[ing] powder and shot among their clothes"; and raping female slaves.<sup>211</sup> At one point, Jacobs described the assembled militiamen as "A rabble, staggering under intoxication."<sup>212</sup>

Yet despite their lack of discipline, their drunkenness, and their contemptible appearance, Jacob's account clearly displays the fear and awe that the militia could inspire in the enslaved population— even in relatively well-educated and sophisticated slaves like Jacobs. She viewed the militiamen as "a troop of demons, terrifying and tormenting the

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<sup>209</sup> Harriet Jacobs (1861), *Incidents in the Life of a Slave Girl*, in W. L. Andrews & H. L. Gates jr. (Eds.), *The Civitas Anthology of African American Slave Narratives*, 462-642, (Washington, D.C.: Civitas /Counter- point, 1999), 521.

<sup>210</sup> Harriet Jacobs (1861), *Incidents in the Life of a Slave Girl*, 521.

<sup>211</sup> Harriet Jacobs (1861), *Incidents in the Life of a Slave Girl*, 522.

<sup>212</sup> Harriet Jacobs (1861), *Incidents in the Life of a Slave Girl*, 524.

helpless.”<sup>213</sup> She even describes the terror inspired by the militia in the general slave population; while the militia roamed the city and countryside, enslaved women hid in the swamps, black men kept quiet, and all too audible “shrieks and shouts continually rent the air.”<sup>214</sup>

This is the paradox of inferior superiority: that a militia composed of nonslaveholders (and often poor) Whites, whose material poverty was only excelled by their want of discipline, could very effectively inspire fear and awe in the eyes of the local slave population. Although ill-suited and poorly equipped for modern warfare, they were well prepared for a different purpose. As Edwin Holland wrote in 1822, “The only principle upon which any authority over [slaves] can be maintained is *fear*; and he who denies this, has but little knowledge of them.”<sup>215</sup> Thusly, when white men shouldered arms and marched through the countryside, it could not have failed to inspire fear in the slave population, a fear essential to maintaining the South’s peculiar institution.

### **Patrols**

Unfortunately, there exists a paucity of documents and records pertaining to North Carolina’s slave patrols. This is due to their decentralized nature, with authority resting in the various counties for overseeing the patrols. This meant that the rules that governed each patrol could be very different from one county to the next.

However, it is best to begin with the commonalities shared by patrols in Eastern North Carolina’s counties. The state’s patrol statute of 1794 exempted patrollers from jury

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<sup>213</sup> Harriet Jacobs (1861), *Incidents in the Life of a Slave Girl*, 522.

<sup>214</sup> Harriet Jacobs (1861), *Incidents in the Life of a Slave Girl*, 521-524.

<sup>215</sup> Edwin C. Holland, *A Refutation of the Calumnies Circulated Against the Southern & Western States*, 43-44.

duty, roadwork, and payment of county taxes up to forty shillings.<sup>216</sup> Beyond exemption from some duties and taxes, the patrollers had the incentive of receiving “one half of the penalties recovered” against masters whose slaves were found to have violated the laws.<sup>217</sup> In addition, the patrol laws entitled patrollers to recover at least one-half of the proceeds of the sale of contraband found in slaves’ quarters.<sup>218</sup> This created a monetary incentive for patrollers to remain vigilant in searching out hidden contraband such as guns and swords (not to mention to possibility of hidden money).<sup>219</sup>

For the more sadistic among them, the ability to inflict “a punishment not exceeding fifteen lashes” was yet another incentive. Patrols could inflict lashes on all slaves discovered off their owner’s plantation; slaves who traveled on the Sabbath; or slaves traveling at other “unreasonable times” without a “proper permit or pass.” Under the patrol law punishments could only be inflicted with the concurrence of a majority of the patrollers present; however, no minimum numbers of patrollers was set.

The level of control by each county court was remarkable. The state statute granted them “full power and lawful authority to direct, in such manner and in such numbers, and under such rules, regulations and restrictions” by which the patrols would be “appointed and governed.”<sup>220</sup> The counties were not even required to pay the patrollers. If they “deem[ed] it

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<sup>216</sup> Haywood, *Laws of North Carolina*, microfiche, 411

<sup>217</sup> Haywood, *Laws of North Carolina*, microfiche, 411- 412

<sup>218</sup> Craven County Court Minutes, June 1821, NCDAH.

<sup>219</sup> Author Unknown, *The Experience of Thomas H. Jones, Who Was a Slave for Forty-Three Years* (Boston: Bazin and Chandler, 1862), 34. <http://docsouth.unc.edu/fpn/jones/jones.html>. Thomas Jones, a slave in Wilmington during this period, wrote about his fear of patrollers. Jones feared that the patrollers would confiscate his money (which he kept hidden in a box) — money he saved in order to purchase the freedom of his family. “I have been compelled to hide that box in a hole, dug for it, when I knew the patrollers were coming to search my cabin. For well do I know, if they found my box, I should be penniless again.”

<sup>220</sup> Haywood, *Laws of North Carolina*, microfiche, 412

necessary,” the county court could tax each black poll in the county to pay the patrols. Financial support of patrols in such counties rested on slaveholders and free blacks.

The statute also required patrols to “patrol their respective districts once at least in two weeks.”<sup>221</sup> However, on the County level this also varied. In Craven County, the patrols were required to ride “twice every thirty days,” while the Chowan County Court required the local patrol to be active “once a week, or oftener[.]”<sup>222</sup> For the most part the county courts actively appointed patrols, but with patrols conducting their duties once every two weeks in times of peace, they could appear inactive and complacent— even when fulfilling their appointed duties.

The counties varied widely in everything from the method of appointing patrollers to whether their patrols received compensation. For example, the legislature passed a bill in 1817 directing that patrols in Columbus County be appointed by “the captain or commanding officer of each militia company...at each muster...not exceeding five for each company...[to serve] until the succeeding company muster[.]”<sup>223</sup> On the other hand Edgecombe County employed voluntary patrols to serve anywhere from six months to one year.<sup>224</sup> Both Columbus and Edgecombe County patrols received no pay for their services.<sup>225</sup>

However, county courts appointed the majority of patrols, by selecting names from militia lists and tax lists. Upon appointment by the county court, the court ordered the new

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<sup>221</sup> *Laws of the State of North Carolina, 1794*, (Halifax: Hodge & Wills, 1794), microfiche, 3-4.

<sup>222</sup> Craven County Court Minutes, November 1823, NCDAH; Chowan County Records, Patrols Slips, Miscellaneous Slave Records, NCDAH.

<sup>223</sup> This system was similar to that in effect in South Carolina, but does not appear to have been in effect in any other Eastern North Carolina county during this period.

<sup>224</sup> Edgecombe County Court Minutes, November 1824, NCDAH.

<sup>225</sup> *Laws of the State of North Carolina Enacted in the year 1817*, (Raleigh: Thomas Henderson, 1818), chap. LXI, microfiche, 57; Edgecombe County Court Minutes, November 1824, NCDAH.

patrollers to qualify for their post. This meant taking the oath prescribed by the legislature, which read:

I, A B do swear, that I will as a searcher for guns, swords, and other weapons, among the slaves in my district, faithfully, and as privately as I can, discharge the trust reposed in me as the law directs to the best of my power. So help me God.<sup>226</sup>

The patrol oath lists only one of the two duties that comprised the greatest share of the patrollers' time: checking slaves for passes (and the validity of those passes), and seeking out arms with which the slaves might rebel. As time passed, the patrollers' duty to ensure slaves traveled only with authentic passes evolved as their primary role.<sup>227</sup>

### **Frequency and Composition of Patrols**

Complete or near complete records exist for the patrols of Carteret, Craven, and Chowan Counties during this period, while fragmentary records exist for Edgecombe, Jones, Onslow, and Wayne Counties.<sup>228</sup> The complete records provide an idea of the frequency of patrol appointments, while all the above-mentioned patrol records shed light on the type of men called to patrol duty.<sup>229</sup> These records offer an interesting picture of the slave patrols—at odds with the traditional description given them by historians such as Eugene D. Genovese and Kenneth Stampp.

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<sup>226</sup> Haywood, *Laws of North Carolina*, microfiche, 393. The oath was unchanged for almost a century, which explains the use of the older term “searchers” instead of the contemporary term “patrols.”

<sup>227</sup> Benjamin F. Callahan, “The North Carolina Slave Patrol,” 15. An example of a typical pass from the period comes from Tyrrell county, “Jack [illegible] [may] travel [to see] his wife every night [illegible] from 1 of December until the [illegible] January.” Tyrrell County Records, Slave Pass, 1822, Records of Slaves and Free Persons of Color, NCDAH.

<sup>228</sup> See collections at NCDAH for Chowan, Wayne, and Pasquotank counties. All patrol records for Carteret, Craven, Edgecombe, Jones, and Onslow Counties were gleaned from the county court minutes of each county at NCDAH.

<sup>229</sup> The 1820 U.S. Census records were used to determine slave ownership. United States Census Office, Fourth Census of the United States, 1820, North Carolina, Manuscripts, accessed on <http://www.ancestry.com>, last accessed on November 12, 2006.

Genovese wrote in *Roll, Jordan, Roll* that poor Whites “provided the backbone of the hated slave patrols.”<sup>230</sup> In addition, Kenneth M. Stampf voiced a similar opinion in *The Peculiar Institution*. His comments are indicative of the conclusions that scholars have reached based on the assumption that nonslaveholding Whites constituted the bulk of patrollers. Stampf wrote, “The nonslaveholding whites, to whom most patrol service was relegated, frequently disliked the masters almost as intensely as the Negroes, and as patrollers they were in a position to vent their feelings toward both.”<sup>231</sup> The slave narratives collected by the federal government during the 1930s— where numerous slaves recalled patrollers as poor white males— supported Stampf’s conclusion.<sup>232</sup>

Historian Sally Hadden has shown that such assumptions are not always correct. Hadden found that in the eighteenth century most patrollers “reflected a middling sort.”<sup>233</sup> Moreover, even after 1820 when some white men of high status saw patrol duty as beneath them, North Carolina proved to be the exception.<sup>234</sup> Hadden states that in North Carolina “patrolling continued to be the work of men from all classes well into the nineteenth century, and nonslaveholders remained in the minority of patrol groups.”<sup>235</sup>

A review of the above-mentioned counties supports Hadden’s position. A patrol appointed by the Wayne County Court during the June term of court consisted of Jacob

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<sup>230</sup> Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, 22, 617-619.

<sup>231</sup> Kenneth M. Stampf, *The Peculiar Institution: Slavery in the Ante-Bellum South* (Vintage Books: New York, 1964), 215.

<sup>232</sup> Stampf does not cite a source for his statement regarding poor Whites serving as the backbone of the patrol system; Genovese cites directly to the slave narratives. The slaves own perception of poor Whites performing the bulk of patrol work might result from the limited period the W.P.A. interviews cover (confined mostly to the last two decades of slavery). There is little doubt that location and time are factors that likely affected which white men served as patrollers.

<sup>233</sup> Hadden, *Slave Patrols*, 99.

<sup>234</sup> Hadden, *Slave Patrols*, 99.

<sup>235</sup> Hadden, *Slave Patrols*, 99.

Herring, John Cotton, Ichabod Herring, Samuel Whitfield, Joseph Burton, and Simon Johnston.<sup>236</sup> Johnston held only one slave, while Samuel Whitfield owned thirty-six slaves; Cotton held eleven slaves and Herring held eight slaves.<sup>237</sup> In Edgecombe County during the November 1824 term, fourteen men volunteered to patrol District 8. Of those fourteen men Peter Evans owned forty slaves and the remainder of his patrol owned between four and eighteen slaves— with only three men owning no slaves.<sup>238</sup>

Similarly, of two slave patrols appointed by the Chowan County Court in June and September of 1820, both patrols were composed entirely of slaveholders.<sup>239</sup> The patrol appointed in June consisted of white slaveholders— most owning between two and eight slaves— while the September patrol ranged from Michael Wilder with five slaves, to William Roberts who held twenty-four slaves, the remainder of the patrol owning an average of six slaves. The patrols appointed in September of 1821 by the same court were similar in many respects. One patrol included James Coffield, the owner of thirty slaves; while the

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<sup>236</sup> Patrol appointment slip (August 1818), Wayne County Records, Records of Slaves and Free Persons of Color, NCDAH.

<sup>237</sup> In addition, another patrol member, Joseph Burton, held three slaves. Only one patroller was unidentifiable using the 1820 census— Ichabod Herring. United States Census Office, Fourth Census of the United States, 1820, North Carolina, Manuscripts, accessed on <http://www.ancestry.com>, last accessed on November 12, 2006.

<sup>238</sup> Edgecombe County Court Minutes, November 1824, NCDAH. Out of fourteen patrollers appointed, nine are recorded in the 1820 U.S. Census. Of those nine, six are recorded as slave owners. Peter Evans owned forty slaves, Willis Wilkins owned twelve slaves, Wm. Clark owned five slaves, Allen Nettle owned seven slaves, Jonas J. Carr owned ten slaves, Alexander S. Cotton owned either twelve or eighteen slaves (there were two Alexander Cottons recorded in the 1820 Census), and John R. Scarborough owned four slaves. Benjamin Weaver, Elisha Peal, and Wm. J. Ruffin owned no slaves. United States Census Office, Fourth Census of the United States, 1820, North Carolina, Manuscripts, accessed on <http://www.ancestry.com>, last accessed on November 12, 2006. All Census Data cited hereafter was obtained from the Fourth Census of the United States, 1820, which is hereafter referred to as the Fourth U.S. Census, 1820.

<sup>239</sup> Patrol Appointment slips, Chowan County, Miscellaneous Slave Records, NCDAH. Fourth U.S. Census, 1820.

same patrol included James Hinsley, the owner of five slaves. This patrol also was the only one appointed that September term that included a man who held no slaves.<sup>240</sup>

Near the epicenter of the insurrectionary scare in Jones County, the Jones County Court appointed two patrols in May 1820. Neither patrol contained any non-slaveholders. Furthermore, of four patrollers appointed to serve, each man was responsible for at least sixteen slaves as either an overseer or master.<sup>241</sup> The largest slaveholding belonged to Edmond Hatch jr., owner of 44 slaves, and the smallest belonged to Buckner Hatch, owner of 16 slaves.<sup>242</sup> The other patrol appointed in May consisted of three slaveholders, the largest of which was Council Fields, owner of sixty-two slaves.<sup>243</sup>

These findings are consistent with recent scholarship that argues against the common belief that mostly poor Whites served as patrollers.<sup>244</sup> While that time-honored generalization might apply in other states, such is not the case for the eastern counties of North Carolina during this period. Slaveholders held a virtual monopoly on Eastern North Carolina's patrols. In particular, men with small and moderate slaveholdings (from two to six slaves) filled the slave patrols ranks.

In addition, the county courts actively appointed patrollers throughout the year, but a graph of the number of patrollers appointed would show troughs and peaks throughout the

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<sup>240</sup> Patrol Appointment slips, Chowan County, Miscellaneous Slave Records, NCDAH. Jesse Parker held no slaves according to the 1820 census. Fourth U.S. Census, 1820.

<sup>241</sup> The 1820 Census creates some problems by listing each head of household as an overseer or master, but making no distinction between the slaves owned by the head of household and slaves supervised by the head of household. Although, it is safe to assume that overseers who supervised large numbers of slaves (such as Alfred Harget (77 slaves) owned some number of slaves. Jones County Court Minutes, 1820, NCDAH.

<sup>242</sup> The remaining two members of the patrol, Alfred Harget and John Morris, were overseers for seventy-seven and twenty slaves, respectively. Fourth U.S. Census, 1820.

<sup>243</sup> The remaining two members of the patrol, Hardy Mundine and James H. Barber, owned two and three slaves, respectively. Fourth U.S. Census, 1820.

<sup>244</sup> Hadden, *Slave Patrols*, 99. Hadden notes that in North Carolina during the nineteenth century "men from all classes" shared patrol work, however, "nonslaveholders remained in the minority on patrol groups." Hadden, *Slave Patrols*, 99.

ante-bellum period. Comparing patrols is not an easy task since each county required different terms of service ranging from six months to a year. Making matters worse, in many counties it is not clear whether local patrol regulations were in force or if the state regulations governed in their absence.

Perhaps the most complete patrol records in Eastern North Carolina are those of the Craven County patrol.<sup>245</sup> Between 1818 and 1824, the Craven County Court appointed 230 patrollers in twelve out of Craven's fourteen districts.<sup>246</sup> These patrols ranged in size from two to ten patrollers a district, with the larger patrols usually reserved for the town of New Bern.

A clear pattern emerges with regard to the appointment of patrollers in number and districts. The number of patrollers appointed by the Court was highest between June and November. For example, in 1820, the Craven County Court appointed forty-eight out of fifty-two patrollers were appointed to serve a one-year term during the period from June to September, as well as seventy-three out of seventy-five men in 1821 and twenty-four out of twenty-seven men in 1822. The patrol slips for Chowan County display a similar pattern. Of twenty-eight patrollers appointed in 1820, nineteen received their appointment during the September term. In 1822 out of twenty-eight appointments to patrol, seventeen occurred during the month of September. This ensured extra patrols in both counties during the months between September and February, and appears to be the result of White concerns

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<sup>245</sup> Craven County Court Minutes, 1818 – 1824, NCDAH. The patrol appointment records are contained within the day-to-day business of the Craven County Court.

<sup>246</sup> Craven County Court Minutes, 1820 – 1824, NCDAH.

about insurrections near the end of the growing season and during the holidays.<sup>247</sup>

Due to the large number of appointments between June and November, the patrols reached their greatest manpower during the months between September and February. Of the Craven County patrols appointed between 1819 and 1823, the number of patrollers serving from September through February shows that such patrols often included anywhere from three to twenty patrollers more than the rest of the year.<sup>248</sup> This meant an increase of one to five new patrol units throughout the county.

The Craven County Court appointed patrollers to serve for one year— although a small number were appointed for six months.<sup>249</sup> Their service began soon after they qualified by taking the oath. In 1823, the county court ordered patrollers to take the oath of a “searcher” within ten days after receiving their orders or pay a fine of twenty-five dollars; presumably, this had been a problem during this earlier period.<sup>250</sup> When these patrollers went about their jobs, they were expected to do several things. First, they were expected to check slaves’ passes and to ensure they were accurate (not forged) and proper (dated for a definite period). Patrols were likely to get suspicious if a slave was found somewhere off the

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<sup>247</sup> The difference in the manpower of patrols throughout the year despite year long appointments is due to the county courts continually appointing differing numbers of men to patrol duty each term. Thereby creating certain times of the year when more patrols were active, as their patrol terms overlapped; for a reference to the increased likelihood of rebellion in the Christmas season see Calvin Jones to John Owen, December 28, 1830, Governor John Owen, Governors Letter Books, NCDAH.

<sup>248</sup> Average number of patrollers per month for Craven County between 1819 and 1823, in order from greatest to least (shown by number of patrollers/month), is as follows: Feb. (55), Jan. (52), Nov. (52), Dec. (51), Oct (45), Sept. (45), May (41), Mar. (40), Apr. (40), Jun. (39), Aug. (36), and Jul. (34). Craven County Court records, 1819 – 1823, NCDAH. All numbers have been rounded up to the nearest whole number.

<sup>249</sup> During the scare at least one patrol was appointed to serve only six months. In addition, the patrol had special orders that allowed them to patrol the Town of New Bern and the area up to four miles surrounding the town in any places that slaves might hide. Craven County Court Minutes, September 1821, NCDAH.

<sup>250</sup> See patrol oath in Haywood, *Laws of North Carolina*, microfiche, 393; Craven County Court Minutes, November 1823, NCDAH.

main road, out after certain hours, or was behaving in an unusual manner.<sup>251</sup>

Second, they were expected to search for weapons on slaves found traveling and in slave quarters. In March Term 1819, Patroller Eden T. Jones received permission to sell two guns found in the possession of slaves.<sup>252</sup> A year later, during the December term of court, the “patrols returned a number of guns which were taken from negro slaves.”<sup>253</sup> The guns were found based upon information provided by an informer who the court ordered to receive half the proceeds from their sale. During the insurrectionary scare’s initial stages on August 11, “the [Craven County] town patrols returned two guns and one pistol which were taken from Jim, the slave of T. F. Smith.”<sup>254</sup> Presumably, the patrols found these arms without an informer, since they received half the proceeds of their sale.<sup>255</sup> The discovery of arms hidden among the slave population was not limited to Craven County. Shortly before the Carteret County Court called out its militia in 1821, the county patrols discovered “guns [and] swords [and] pistols...in possession of the negro slaves.”<sup>256</sup>

Lastly, often county courts appointed patrollers to patrol within certain geographically defined areas— as opposed to a set district. At some times this was as simple as splitting a regular district into upper and lower sections.<sup>257</sup> At other times, certain landmarks demarcated the patrol’s assigned district. During the insurrectionary scare of 1821, the court expanded one patrol’s duty’s to include Captain Rhem’s district “extended

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<sup>251</sup> See Haywood, *Laws of North Carolina*, microfiche, 515, 520

<sup>252</sup> Craven County Court Minutes, March 1819, NCDAH.

<sup>253</sup> Craven County Court Minutes, December 1820, NCDAH.

<sup>254</sup> Craven County Court Minutes, June 1821, NCDAH.

<sup>255</sup> The court clerk did not record who benefited from the other half of the proceeds. Presumably, the sheriff who the Court ordered to sell the arms received the other half of the proceeds.

<sup>256</sup> Carteret County Court Minutes, August 1821, NCDAH.

<sup>257</sup> Craven County Court Minutes, June 1820, NCDAH.

from Stony Branch to Middle Branch on Neuse Road.”<sup>258</sup> During the same term of court another patrol was given power to, “search all places where it is probable negroes may resort and that they have power to patrol 4 miles from said town [of New Bern].”<sup>259</sup> Yet another patrol during the same term patrolled “the upper ends of Craven County from Cox’s Mill to the Half-Moon Swamp.”<sup>260</sup>

Patrol boundaries could be elastic within a given county. In Edgecombe County, the county court allowed patrollers to search within their own district “or any other parts of the county they think proper to patrol.”<sup>261</sup> In Craven County, the usual town patrol for New Bern was authorized to “patroll districts adjoining the town of New Bern.”<sup>262</sup> While yet another Craven County patrol received authority to patrol “any other district they may choose to patrol in [Craven County].”<sup>263</sup>

However, such elasticity still did not prevent slaves from circumventing the patrol system. There were two ways slaves could avoid patrols. First, they could take to the water. Citizens in New Bern complained to the legislature that free blacks and slaves who had use of a boat “then elude the vigilance of the patrols, and escape from performing the labour due to their owners.”<sup>264</sup> Second, slaves could take advantage of geographical boundaries that rendered patrol work difficult. The citizens of Lenoir County petitioned the legislature to allow Lenoir County patrols to patrol in Wayne County because “[the] district...has been generally neglected by [the patrols].” Because the location was “at some distance from the

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<sup>258</sup> Craven County Court Minutes, September 1821, NCDAH.

<sup>259</sup> Craven County Court Minutes, September 1821, NCDAH

<sup>260</sup> Craven County Court Minutes, September 1821, NCDAH

<sup>261</sup> Edgecombe County Court Minutes, November 1825, NCDAH.

<sup>262</sup> Craven County Court Minutes, May 1827, NCDAH.

<sup>263</sup> Craven County Court Minutes, August 1828, NCDAH.

<sup>264</sup> Petition from the Citizens of Craven County, Nov. 1831, Petitions, Session of 1831 – 1832, General Assembly Session Records, NCDAH.

body of the patrols generally appointed” the slaves of “Wayne Lenoir and Duplin counties [were] in the habit of collecting at those houses.”<sup>265</sup>

### **Reflecting on Patrols**

It is hard to judge how effective patrols were when so many of their actions went unrecorded. They could inflict numerous lashings and searches without a single one entering the historical record, unless the slave belonged to a particularly powerful planter willing to bring civil suit over the matter.<sup>266</sup> However, it would be reasonable to assume that the more numerous patrollers were, the more they acted to deter slaves and inspire fear and caution within the slave population.

The patrols appointed by the county of Craven show a trend in appointment where most patrollers served between the months of September and February, while the months from March to August consistently appear to have the fewest active patrollers—depending on the number of men appointed to patrol duty at each term. The 1821 insurrectionary scare accelerated this cycle, resulting in the appointment of fifty-two patrollers during the September term—more than were appointed during the whole year of 1822.

While the patrol system proved flexible and could respond quickly to threats, sometimes local circumstances required a stronger response. Moreover, when the patrols were viewed as insufficient to quell a perceived rebellious spirit in the local slave population, the county court could order out the local militia. However, even in such situations the slave

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<sup>265</sup> Petition from the Citizens of Lenoir County, 1831, Petitions, Session of 1831 – 1832, North Carolina General Assembly Session Records, NCDAH.

<sup>266</sup> Slave narratives from the period give some detail, but they are too few to construct a complete picture of the activities of patrols. Moreover, the very nature of patrol work often did not require patrollers to generate the kind of paperwork that the historical record could preserve.

patrol served an important role. In times of insurrection, it acted as an auxiliary to the militia. Moreover, when the time to discharge the militia from the field arrived, the patrols most likely served to calm White fears of lingering Black insurrectionaries.

Furthermore, these patrols were not the exclusive domain of disgruntled poor Whites, as historians have previously claimed and ex-slaves recounted. Instead, the patrols enrolled mainly slaveholders, with individual slave holdings of varying sizes. This is likely because slaveholders wanted to ensure that their property's discipline was not left to the discretion of nonslaveholders— who might show too much carelessness or cruelty.

## **Chapter III**

### **“Circumstances that Gave Concern”**

- Samuel Ashe

#### **The Precursors to White Fear and Black Unrest**

Was there a real insurrection or insurrectionary threat in Eastern North Carolina in the year 1821? The answer to that question will most likely remain unknown. However the question of whether the local white population had reason to fear an insurrection can be answered—and it can be answered in the affirmative. White North Carolinians had real reasons to fear servile unrest in the early 1820s. The predictors of revolt in Eastern North Carolina were legion: a weak economy with limited specie; the emigration of a large number of Whites simultaneous with a growing black population; intrastate political struggle between east and west; and severe weather that damaged already devalued crops and caused an outbreak of yellow fever. Samuel Ashe, a noted North Carolina historian, wrote, “The year 1821 appears to have been remarkable for circumstances that gave concern.”<sup>267</sup>

#### **Inchoate Revolt in Eastern North Carolina?**

Whether or not the above factors influenced specific slaves to take up the risk and burdens of open rebellion is not within our ability to know. Historians such as John Hope Franklin and Eugene D. Genovese have suggested factors that may have influenced a slave’s decision to fight or flee the plantation. For Genovese those factors were mostly societal and demographic and included: enslaved percentage of the population; famine, disaster or lack of

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<sup>267</sup> Samuel A’court Ashe, LL.D., *History of North Carolina*, vol. II, 281.

food; exposure to free blacks; concentrations of slave ethnicity; and degree of paternalism.<sup>268</sup> Those presented by Franklin are much more individual and included: death of a master; threat of sale, punishment, or the break up of a family; and proximity of their plantation to a swamp or community of runaway slaves.<sup>269</sup> Consistent with the above concerns, during the summer of 1821, White Eastern North Carolinians witnessed: torrential rains and other extreme weather conditions that damaged crops and caused many to abandon their fields; the celerity with which the Black population grew; political division both local and national; and verbal attacks from northern abolitionists. All this could have provoked a fear of unrest among their enslaved population. Governors, legislators, and newspaper subscribers were not blind to these conditions.

These factors fed into the cycle of apathy and horror discussed by Bertram Wyatt-Brown in *Southern Honor*.<sup>270</sup> Wyatt-Brown describes a cycle of intermittent bursts of insurrectionary fear tied to Whites' perception of the world around them and the need to exorcise the demons of their own fears of Black revolt.<sup>271</sup> By no means should the reader

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<sup>268</sup> Eugene D. Genovese, *From Rebellion to Revolution*, 11-12; and Eugene D. Genovese, *Roll, Jordan, Roll: the World the Slaves Made*, 587-595. While Genovese offers these factors to explain the relative lack of insurrectionary attempts in North America compared with South America and the West Indies, it is reasonable to suggest that the same factors can also be used to explain the difference in insurrectionary activity between different areas in the United States. Bertram Wyatt-Brown also discusses conditions that influenced Whites perception of potential slave unrest. Wyatt-Brown claims that impudence of slaves, "downturns in the plantation economy," political problems, and the advancement of slaves in the areas of plantation privilege and religion. Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982), 406-412.

<sup>269</sup> John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 1999), 20, 23, 27. While "runaways continued to congregate deep in the woods or swamps," sometimes these swamp dwelling outlaws "coaxed fellow slaves off plantations." Franklin and Schweninger, *Runaway Slaves: Rebels on the Plantation*, 27-28. Col. Wm. Hill of Onslow County wrote Governor Franklin to similar effect soon after the initial call out, writing, "they are everyday increasing their number by seduction, threats, and force." Col Wm. Hill to Jesse Franklin, August 8, 1821, Governor Franklin, Governors Letter Books, NCDAH.

<sup>270</sup> See Bertram Wyatt-Brown, *Southern Honor*, 402-435.

<sup>271</sup> Bertram Wyatt-Brown, *Southern Honor*, 405. R. H. Taylor claimed that, "In the slaveholding communities of the ante-bellum South the entire white population labored under a haunting fear of a slave insurrection...this

confuse apathy with an absence of fear. As many historians of the South have noted most Southerner's labored under a haunting fear of servile unrest.<sup>272</sup>

Often, these fears came to the surface in the form of numerous insurrectionary scares. Real conspiracies caused some of these scares— like Gabriel's Rebellion and the Vesey Conspiracy— but many more seem to result from a combination of White fear, suspicious circumstances, and the behavior of the enslaved population.<sup>273</sup> However, the evidence that most of these specters of Black revolt existed mainly within White minds can be found in the amazing celerity with which normalcy returned following insurrectionary scares. Patrols would resume their duty as the sole guardians of the public from slave depredations and vagrancy soon after the militia had returned home. Whites could sleep soundly again, assured that the Blacks had been reminded of their inferior position.<sup>274</sup>

Yet most slaves never participated in an insurrection or challenged their master's authority through violence. Far more common were other methods of resistance short of rebellion. These methods of resistance ranged from simple labor stoppages and feigning sickness to arson and running away. Nevertheless, the American South paled in comparison

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fear rendered both slaveholding and nonslaveholding whites alert in the detection of symptoms of insubordination among slaves." R. H. Taylor, "*Slave Conspiracies in North Carolina*," 20.

<sup>272</sup> R. H. Taylor, "*Slave Conspiracies in North Carolina*," 20.

<sup>273</sup> Herbert Aptheker has claimed he discovered over two hundred and fifty slave conspiracies and insurrections in the history of North America. All of these two hundred and fifty insurrections, Aptheker claimed, fit within his definition of an insurrection. Aptheker's three-part test for an insurrection required: the involvement of a minimum of ten slaves; the slaves' goal was to achieve their freedom; and contemporary observers classified the events as an insurrection, rebellion (or other similar wording). Aptheker, *American Negro Slave Revolts*, 162.

<sup>274</sup> For evidence consistent with this attitude see the letter of Col. William H. Hill to Gov. Franklin, "the negroes were struck with dismay. I seem to feel [they are] convinced that masters are determined to be masters at all hazards of property or even life." Governor's Letter Book, 1821, Col. William H. Hill to Gov. Franklin, Nov. 7, 1821. With slaves convinced that any attempt to rebel would ultimately be suicidal North Carolinians could return to the safety that Southerners prided themselves on— as Southerners often bragged about sleeping with their doors unlocked. Wyatt-Brown wrote that in times of calm Whites "left doors unlatched, windows open, gates ajar." Bertram Wyatt-Brown, *Southern Honor*, 402-435.

to the much stronger tradition of insurrection and rebellion in South America and the West Indies. This has caused historians to inquire into the relative paucity of slave revolt in North America. The three main views on the subject can be described as infantilization, accommodation, and pragmatism.

Elkins thesis argued that the slavery in the United States fostered docility, humility, and laziness in plantation slaves— characterized by the Sambo stereotype— that plantation slaves lacked the will to revolt.<sup>275</sup> However, the work of Eugene Genovese and Kenneth Stampf dispute such a conclusion. Genovese argues that the slaves’ success through forms of resistance short of outright rebellion achieved accommodations from Whites allowing them to forge “a world of their own...[that] sapped their will to revolt.”<sup>276</sup> Moreover, Kenneth Stampf claimed that slaves knew “the futility of rebellion.” Knowing the futility of any insurrectionary attempt the great majority of slaves “refused to join in any of the numerous plots.”<sup>277</sup>

### **Economic and Political Concerns**

North Carolina’s economic troubles began in 1819— the effects of the national Panic of 1819. One historian of the Old North State described the period as one of “widespread financial distress.”<sup>278</sup> Governor Branch claimed that the “pecuniary embarrassments” of the state had caused more “intemperate discussion than every other subject combined.”<sup>279</sup> He

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<sup>275</sup> Elkins, *Slavery: A Problem in American Institutional and Intellectual Life*, 86-89.

<sup>276</sup> Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, 594

<sup>277</sup> Stampf, *The Peculiar Institution*, 140.

<sup>278</sup> Ashe, *History of North Carolina*, 269.

<sup>279</sup> Governor Branch’s Message to the North Carolina General Assembly, 1820, General Assembly Session Records, NCDAH.

attributed this to “that inveterate hostility which...exist[s] between Creditor and Debtor.”<sup>280</sup>

Many of these creditors had significant collateral in slave capital and could force their sale to fulfill the debtor’s obligations. It is well established that the threat of public sale significantly influenced a slave’s decision to run away.

A substantiated fear of default was most likely the reason behind creditors’ firm enforcement of obligations. Their fear of default most likely originated in the observation that “an unprecedented depression of prices unparalleled in the history of our time” had occurred.<sup>281</sup> The Governor and the North Carolina legislature linked these problems to the national tariff and banking practices— casting public blame on them.

By the end of 1821, the state was still in a state of “pecuniary distress” that left many citizens unable to repay their obligations.<sup>282</sup> Samuel Ashe wrote, “Financial distress pervaded the state.”<sup>283</sup> Federal legislation caused significant distress to the region— specifically the tariff and the Navigation Acts that many North Carolinians despised. The state legislature adopted resolutions directing their representatives in the federal legislature to oppose the tariff and the navigation acts in 1820 and 1821, respectively.<sup>284</sup>

The tariff had a widespread effect on the state, while the Navigation Act that forbade trade with the British West Indies hurt the eastern part of North Carolina especially. A bill presented to the North Carolina General Assembly explained that the navigation act had,

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<sup>280</sup> Governor Branch’s Message to the North Carolina General Assembly, 1820, General Assembly Session Records, NCDAH.

<sup>281</sup> Governor Branch’s Message to the North Carolina General Assembly, 1820, General Assembly Session Records, NCDAH.

<sup>282</sup> Governor Franklin’s Message to the North Carolina General Assembly, 1821, General Assembly Session Records, NCDAH.

<sup>283</sup> Ashe, *History of North Carolina*, 281.

<sup>284</sup> Ashe, *History of North Carolina*, 282.

“destroy[ed] an indispensable and lucrative trade heretofore existing between this state and the British West Indies.”<sup>285</sup>

The same time also witnessed the conclusion of the Missouri controversy over the expansion of slavery into the territories in August 1821. The issue was incredibly divisive in the nation at large as well as within North Carolina. A North Carolinian writing from Washington commented that during the debates “there was talk of breaking up the union.”<sup>286</sup> Sectional controversy also split eastern and western North Carolina, with the west in favor of limiting the expansion of slavery in the northwestern territories while the east was firmly against such a compromise. Prominent newspapers such as the Raleigh *Register* and *Minerva* took completely opposite stances on the compromise— the former against any encroachment on the expansion of slavery, while the latter went as far as suggesting that the federal government could propose gradual emancipation.<sup>287</sup>

It has been suggested that the Missouri Compromise debates are responsible in part for inspiring the actions of Denmark Vesey in 1822 in South Carolina.<sup>288</sup> There is no less reason to believe that such debates might have played a role in motivating slaves in Eastern North Carolina to seek out their freedom. There is even reason to believe that as late

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<sup>285</sup> House Resolution on the Navigation Acts, 1821, House Resolutions, Session of 1821 – 1822, General Assembly Records, NCDAH.

<sup>286</sup> Ashe, *History of North Carolina*, 281.

<sup>287</sup> Robert D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth, 1584 – 1925*, (The Reprint Company: Spartanburg, 1973; Reprint, Chicago: American Historical Society, Inc, 1929), 506.

<sup>288</sup> For a contemporary account of the Vesey conspiracy written by a Southerner who blames the Missouri compromise debate in part for influencing the Vesey conspiracy see Achates (pseud.), *Reflections Occasioned by the Late Disturbances in Charleston*, (Charleston: A.E. Miller, 1822), reprinted in *Slave Insurrections: Selected Documents*, (Westport: Negro University Presses, 1970), 8; The confession of Jack Purcell, taken after the aborted insurrection attempt of Denmark Vesey states, “He [Vesey] one day brought me a speech which he told me had been delivered in Congress by a *Mr. King* on the subject of slavery.” *An Account of the Late Intended Insurrection among a Portion of the Blacks of this City*, (Charleston: A.E. Miller, 1822), 42. [Emphasis in original]. Mr. King delivered his speech against slavery during the greater Missouri Compromise debates— the author of the pamphlet provides the link to his readers in a footnote. *Slave Insurrections: Selected Documents*, (Westport: Negro University Presses, 1970), 27fn.

as December 1825, slaves in Edgecombe County North Carolina, believed “the general government set them [free] last October and that they are now unjustly detained in servitude.”<sup>289</sup>

The Missouri Compromise was part of a much larger problem, northern abolitionism. Even in the 1820’s— decades before abolitionist zeal reached its peak— Eastern North Carolinians perceived northern abolitionists’ criticisms as dangerous to their personal safety and a nagging reminder of the precarious position in which their peculiar institution left them. North Carolinians saw northern anti-slavery agitation as deeply problematic to their personal safety because of its influence on their slaves. The editors of the *Cape Fear Recorder* lamented in 1823:

There is a portion of our black population, led on and encouraged by the thoughtless remarks of our northern brethren, that will not listen either to the voice of affection or authority— disdaining all remembrance of comparative ease and luxury— abandoning the walks of civilized society, and forming bands, in secret places, to meditate on crimes too revolting to mention— to shocking for thought, and thus entailing a certain and fearful retribution.<sup>290</sup>

The *Cape Fear Recorder* published an editorial— a month before the insurrectionary scare of 1821— in response to an abolitionist article published in New York. The editor of the *New York Daily Advertiser* criticized the barbarity of an ad he read in the *Cape Fear Recorder* declaring the outlawry of a slave named Cupid.<sup>291</sup> Finding particularly troublesome the concluding language that read, “I will give reward for the apprehension and

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<sup>289</sup> Petition of the Citizens of Edgecombe County, December 1825, General Assembly Session Records, NCDAH.

<sup>290</sup> “Editorial,” Wilmington (N.C.) *Cape Fear Recorder*, August 2, 1823.

<sup>291</sup> “From the Cape Fear Recorder,” Wilmington (N.C.) *Cape Fear Recorder*, June 8, 1821.

delivery of negro CUPID to the jailor of this count, or for his HEAD.”<sup>292</sup> The editor’s of the *Cape Fear Recorder* chided abolitionists, alleging “in every shape, and in every place, they are continually dealing out abuse upon us in the most gross terms[.]”<sup>293</sup> They defended their local government’s actions as being within the law and necessary because the town’s “most respectable citizens” believed Cupid responsible for a rash of arsons that had set “the fairest part of [their] town in ashes.”<sup>294</sup> The criticisms of the *New York Daily Advertiser*’s editor were incomprehensible to the inhabitants of Wilmington who “deemed themselves unsafe, everynight[sic] they laid their heads upon their pillows.”<sup>295</sup>

Meanwhile, within the state the east/west divide grew as Western North Carolinian representatives pushed for a Constitutional Convention. This push began in 1816, and by 1821, the legislature still debated the issue, without any action favorable to the west.<sup>296</sup> When several eastern representatives voted with the west on the admission of Davidson County, an action that would bring more power to the western part of the state through greater representation in the state legislature, they were voted out of office in a heated campaign.<sup>297</sup> Connor’s history of North Carolina describes their votes on the admission of Davidson County as a “betrayal” of the east.<sup>298</sup> In addition, the east/west divide is clearly

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<sup>292</sup> “OUTLAWRY,” Wilmington (N.C.) *Cape Fear Recorder*, April 14, 1821. [Emphasis in original.]

<sup>293</sup> Wilmington (N.C.) *Cape Fear Recorder*, June 8, 1821.

<sup>294</sup> Wilmington (N.C.) *Cape Fear Recorder*, June 8, 1821. The article states that it was believed Cupid burned down his owner’s stables, home, and other buildings in addition to a large warehouse, a large quantity of naval stores, and the center of town.

<sup>295</sup> Wilmington (N.C.) *Cape Fear Recorder*, June 8, 1821.

<sup>296</sup> Ashe, *History of North Carolina*, 282.

<sup>297</sup> Ashe, *History of North Carolina*, 288. Although this vote occurred in 1822, the buildup surrounding the idea of convention was no doubt present long before.

<sup>298</sup> Connor, *North Carolina: Rebuilding an Ancient Commonwealth, 1584 – 1925*, 471.

seen in an analysis of the votes regarding pay for the militia called out during the 1821 insurrectionary scare.<sup>299</sup>

### **Social and Environmental Factors**

During the summer and fall of 1821 Eastern North Carolina experienced severe and excess rainstorms. As discussed in the first chapter, Representative W. C. Stanly of New Bern wrote in June to John Blount regarding meetings he had with “many of the farmers of *our* County” as well as neighboring counties of Onslow and Jones.<sup>300</sup> Stanly wrote that the recent winter was the harshest “since the memory of man...”<sup>301</sup> The rain storms severely damaged the corn and cotton crops of Craven, Onslow, and Jones Counties.<sup>302</sup> Indeed, “Hundreds of acres of cotton, in the counties of Onslow Jones & Craven, have been abandoned- Some have replanted with corn but most have entirely surrendered to the grass.” This was made all the worse by prior expectations that there would be an “abundant harvest.”<sup>303</sup>

This heavy rain also appears to be the most likely culprit behind an increase in cases of yellow fever in Eastern North Carolina. Wilmington was especially hard hit, resulting in the County’s Superior Court canceling its fall term “from the great prevalence of the Yellow Fever [sic] there.”<sup>304</sup> Judge Badger of the Superior Court, incapacitated by what was most likely either yellow fever or malaria, was also unable to hold court in Onslow, Duplin,

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<sup>299</sup> See Chapter III.

<sup>300</sup> W. C. Stanly to J. G. Blount, June 18 1821, *The John Gray Blount Papers*, Vol. IV, ed. Dave T. Morgan (Raleigh: State Department of Archives and History, 1982), 349-350. [Emphasis in original]

<sup>301</sup> W. C. Stanly to J. G. Blount, June 18 1821.

<sup>302</sup> W. C. Stanly to J. G. Blount, June 18 1821.

<sup>303</sup> W. C. Stanly to J. G. Blount, June 18, 1821.

<sup>304</sup> Recommendation to pay Judge Paxton, 1821, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

Carteret, Hyde, and Beaufort Counties during the fall term of 1821.<sup>305</sup> Newspapers in Edenton, New Bern, Raleigh, and all over Eastern North Carolina covered the story, oscillating between severe overstatement and understatement of the deaths caused by the fever.

These problems faced only those farmers who remained in Eastern North Carolina. Yet, by this point, some of North Carolina's best and brightest as well as many of her poorest had begun fleeing the state in search of cheaper and more fertile lands further west and south.<sup>306</sup> Prominent legislator Archibald D. Murphy estimated "as early as 1815" that approximately "200,000 North Carolinians were living in other states."<sup>307</sup>

This emigration exacerbated the demographic problems of North Carolinians—leaving the eastern portion of North Carolina with a dangerous ratio in the number of slaves and free people of color to Whites. The 1820 census showed nine percent growth in the white population (almost twelve thousand individuals) since 1810. In contrast, the slave population of Eastern North Carolina grew by an average of almost twenty percent (over fourteen thousand slaves). For the five counties involved in the insurrectionary scare the numbers are more dramatic, with a growth in the white population of only three-and-a-half percent compared with a twenty percent growth in the Black population since the 1810 United States Census.<sup>308</sup>

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<sup>305</sup> Recommendation to pay Judge Badger, 1821, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

<sup>306</sup> Hugh T. Lefler and Albert R. Newsome, *The History of a Southern State: North Carolina*, 3<sup>rd</sup> ed. (Chapel Hill: University of Chapel Hill Press, 1973), 321-323.

<sup>307</sup> Lefler and Newsome, *The History of a Southern State: North Carolina*, 321.

<sup>308</sup> Bladen, Carteret, Craven, Jones, Onslow, and Perquimans Counties. United States Census Data for 1810 and 1820 obtained from Geospatial & Statistical Data Center, University of Virginia Library, accessed at <http://fisher.lib.virginia.edu/collections/stats/histcensus>, last accessed on August 10, 2006.

The 1820 United States Census recorded that several Eastern North Carolina counties had majority slave populations: Bertie, Chowan, Greene, Hertford, Jones, Lenoir, New Hanover, and Northampton.<sup>309</sup> In addition, Craven County's substantial free black population numbered at 1,744 created a Black majority in that county. Those counties that did not have a Black majority still included large slave populations. The average Eastern North Carolina county contained a population of three thousand six hundred and twenty-four slaves and free people of color (approximately forty-three percent).<sup>310</sup> Furthermore, the counties where the 1821 insurrectionary scare originated— Bladen, Craven, Jones, and Onslow— had slave populations of forty, fifty-one, fifty-six, and forty percent respectively.<sup>311</sup>

Lastly, there was the problem of urbanization and the autonomy it brought to some of Eastern North Carolina's slaves. Eastern North Carolina had several important cities: Wilmington in south, Edenton in the north, Fayetteville to the west, and New Bern in the center. All of these cities— except for Fayetteville— had slave majorities. The most important of these cities was New Bern, the former location of the state's capital. New Bern was home to a population of 1,475 Whites, 1,920 slaves, and 268 free blacks.<sup>312</sup> It was also the source of many complaints from citizens living outside of its city limits and neighboring counties.

Historian James Sidbury has discussed urbanization in Richmond, Virginia, in the context of Gabriel's Rebellion of 1800— especially the autonomy it enabled urban slaves to

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<sup>309</sup> 1810 U.S. Census; 1820 U.S. Census, Geospatial & Statistical Data Center, University of Virginia Library, accessed at <http://fisher.lib.virginia.edu/collections/stats/histcensus>, last accessed on August 10, 2006.

<sup>310</sup> See FN. 1 for the list of counties included in this analysis.

<sup>311</sup> Fourth Census of the United States, 1820, Geospatial & Statistical Data Center, University of Virginia Library, accessed at <http://fisher.lib.virginia.edu/collections/stats/histcensus>, last accessed on August 10, 2006.

<sup>312</sup> "Population of the Principle Towns," Washington (N.C.) *American Recorder*, August 24, 1821.

exercise.<sup>313</sup> In two very important ways, New Bern was quite similar to Richmond. Although it was not quite as big as Richmond, New Bern was home to a majority slave population. In addition, many of the slave's masters allowed them to hire out their own time. The Craven County Grand Jury complained in 1820 "the great number of slaves in this county and particularly in the Town of Newbern [are] hiring of their own time to the great injury of all well disposed citizens."<sup>314</sup> The Grand Jury estimated that just within the town limits one hundred slaves "[were] permitted to hire their own time."<sup>315</sup>

This problem spilled out of New Bern, into the countryside and neighboring counties. The residents of Craven County who "reside[d] upon Neuse River and the adjacent creeks above the town of New Bern" complained to the legislature that slaves "[came] up from the town of Newbern...with passes from their owners...to sell, buy, traffic and fish[.]"<sup>316</sup> The petitioners complained that these slaves were not only illegally trafficking with their own slaves but also inducing them to runaway and assisting them in evading the patrols.<sup>317</sup> The citizens of Lenoir County complained that "for many years" slaves from New Bern had

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<sup>313</sup> James Sidbury, *Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel's Virginia, 1730 – 1810*, (Cambridge: Cambridge University Press, 1997). Sidbury claims that one of the problems posed by urbanization was that "White Richmonders often dealt with black men and women without knowing whether they were enslaved or who owned them if they were." According to Sidbury, the results of urbanization meant, "Lines of authority inevitably blurred." James Sidbury, *Ploughshares into Swords*, 185.

<sup>314</sup> Craven County Records, Criminal Action Papers, 1820, NCDAH.

<sup>315</sup> Craven County Records, Criminal Action Papers, 1820, NCDAH. Many Whites recognized that allowing slaves to hire their own time (and the freedom of movement and time it allowed them) was problematic to their peculiar institution. See Thomas Pinckney, *Reflections, Occasioned by the Late Disturbances in Charleston*, (Charleston: A.E. Miller, 1822), p. 9.

<sup>316</sup> Petition from the Citizens of Craven County, 1831, Petitions, Session of 1831 – 1832, General Assembly Session Records, NCDAH.

<sup>317</sup> Petition from the Citizens of Craven County, 1831, Petitions, General Assembly Session Records, NCDAH.

“regularly visited...hiring their time.”<sup>318</sup> It was believed these slaves were “disseminat[ing]...seditious writings [and] notions among their slaves[.]”<sup>319</sup>

### **The Insurrection of 1821**

Historians have called the events of 1821 many things. Ashe called them an “insurrection”; Johnson refers to the “so-called insurrection”; Aptheker claimed the slaves actions “assumed the proportions of rebellion”; while Taylor refers to the events as a “disturbance.”<sup>320</sup> While it is difficult to determine which of the above descriptions best fits the actions of the slaves involved, it is clear what the white residents of Eastern North Carolina thought about the events. The magistrates of Onslow County ordered out the militia, warning that the slaves “intend an insurrection.”<sup>321</sup> The militia officers who corresponded with Governor Franklin saw the event as an insurrection or at the least the beginnings of an insurrection.<sup>322</sup>

Whites feared an insurrection for several reasons. Among them were the kind of slaves involved in this insurrectionary scare, their alleged depredations, their method of movement, and their perceived “menacing attitude” during the initial stage of the

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<sup>318</sup> Petition from the Citizens of Lenoir County, 1831, Petitions, Session of 1831 – 1832, General Assembly Session Records, Session, NCDAH.

<sup>319</sup> Petition from the Citizens of Lenoir County, 1831, Petitions, General Assembly Session Records, NCDAH.

<sup>320</sup> Ashe, *History of North Carolina*, 282. Guion Griffis Johnson, *Ante-Bellum North Carolina: A Social History*, 514. Herbert Aptheker, *American Negro Slave Revolts*, 267; Taylor, “*Slave Conspiracies in North Carolina*,” 31.

<sup>321</sup> Orders of the Justices of the Peace of Onslow County to Col. Wm. Hill, August 7, 1821, Governor Franklin, Governors Letter Books, NCDAH.

<sup>322</sup> In a letter to Governor Franklin Samuel Andres’ detailed why he believed an insurrection was intended by the local slaves. Lt. Col. Samuel B. Andrew to Jesse Franklin, September 18, 1821, Governor Franklin, Governors Letter Books, NCDAH.

insurrection.<sup>323</sup> The perception that the militia was needed to suppress the runaway slaves' actions was widespread in Eastern North Carolina, occurring as far west as Bladen County, as far south as New Hanover County, and as far north as Perquimans County. As the scare wound down, Brigadier General William Clarke wrote to Colonel John H. Hill of the Carteret County Militia with directions regarding further troops— if such proved necessary. The Brigadier General's letter clearly tied together troop levels with the ability to subjugate any insurrectionary fire that might have burned in the enslaved population. Furthermore, his letter displays that the insurrectionary scare of 1821 was an example of the militia's duty to "accomplish [the] subjugation" of North Carolina's slave population.<sup>324</sup>

The first militia call out took place on August 7, when the Onslow County Court sent orders to Colonel Commandant William L. Hill to call out "two hundred volunteers at least" to be used in a "continual search for said [runaway] negroes until they be subdued."<sup>325</sup> Soon after the militia call out in Onslow, both Bladen and Jones County issued orders for their militia regiments, in August 13 and 18 respectively, to suppress "depredations" caused by "a number of negroes."<sup>326</sup> Within the same month, the Justices of the Peace of Craven, Carteret,

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<sup>323</sup> Committee of Claims Report on Carteret County Militia Petition, December 1822, Senate Committee Reports, Session of 1822 – 1823, General Assembly Session Records, NCDAH.

<sup>324</sup> "[S]hould you also find that the number of militia, which you have called out is insufficient to quell them you will then make such further requisition on the militia of your County as may seem equitable and just. Should that also prove insufficient to *accomplish their subjugation*; you will then inform me of that fact and I will call to your aid such portion of the militia of the adjoining counties as may be competent to accomplish it." Committee of Claims Report on the Carteret Militia Petition (attached letter from Brig. Gen. William Clark to Col John Hill, October 20, 1821), 1825, House Committee Reports, Session of 1825 – 1826, General Assembly Session Records, NCDAH. [Emphasis added]

<sup>325</sup> Orders of the Justices of the Peace to the Col. Wm. Hill, August 7, 1821, Governor Franklin, Governors Letter Books, 1821. NCDAH.

<sup>326</sup> Orders of the Justices of the Peace to the Jones County Militia, August 13, 1821, Governor Franklin, Governors Letter Books, NCDAH.

Perquimans, and New Hanover ordered into the field their respective county's militias for similar purposes.<sup>327</sup>

### **The Slaves and Their Depredations<sup>328</sup>**

The white description of the slaves involved and their alleged depredations was remarkably similar from county to county. Colonel Wm. Hill described the runaway slaves alleged to have taken part in the insurrection in Onslow County as, “the most daring, cunning and desperate slaves, who well armed and accoutred had long defied the civil authority[.]”<sup>329</sup> These runaways had committed “many felonious acts” over the preceding weeks, which included, “breaking open stores and other houses, having burnt some houses, and shot one man.”<sup>330</sup> Colonel Hill further claimed that the runaways had in “open day...ravaged farms...and ravished a number of females.”<sup>331</sup> These offenses were not limited to any

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<sup>327</sup> However, there is no evidence that any of these militia regiments, other than that of Carteret requested pay from the legislature. The Perquimans regiment requested pay from the County Court; there is no surviving militia lists for the Craven regiment, or even orders calling them out. While there is evidence that the New Hanover County Court called out its local militia regiment, there is no evidence they ever mustered or took to the field.

<sup>328</sup> This section often quotes the petitions of the militia officers of the respective counties to the General Assembly seeking financial compensation for their service. As these petitions were made after the fact and in an effort to obtain payment for services, there are reasons to question their veracity. However, for the most part these petitions bear significant similarities with regard to the depredations mentioned in the letters written by militia generals in 1821 to the governor and the various orders to call out the militia issued by the respective county courts— remaining consistent while adding more details about the events. The only significant difference is the inclusion of a claim that white women were ravished by the runaway slaves- a claim missing from any document about the scare from 1821.

<sup>329</sup> Petition of Colonel Wm. Hill, 1823, Miscellaneous Petitions, Session of 1823 – 1824, General Assembly Session Records, Miscellaneous Petitions, NCDAH.

<sup>330</sup> Col. Wm. Hill to Jesse Franklin, August 7, 1821, Governors Letter Books, NCDAH.

<sup>331</sup> Petition of Col. Wm. Hill, Miscellaneous Petitions, Session of 1823 – 1824, General Assembly Session Records, Miscellaneous Petitions, NCDAH.

particular area in Onslow County, but were “committed by them daily and nightly in every corner of the county.”<sup>332</sup>

Colonel Andres of the Bladen regiment of militia recited how runaways had broken open a jail to “rescue a runaway negro,” and had since been seen “lurking about us, breaking open our houses and killing our stock[.]”<sup>333</sup> Colonel Andres himself claimed to have been the target of threats from several runaway slaves, and felt confident that “nothing but the protection of God prevented an attempt being made [on my life].”<sup>334</sup>

In Carteret County it was reported that runaways and free persons of color “were collected together...under arms and were committing many depredations on the property of good people.”<sup>335</sup> While in Jones County, the Justices of the Peace claimed, “a number of negroes...collected together in said county in arms [was] going about the county committing thefts and alarming the inhabitants.”<sup>336</sup> The Jones County Militia’s Lt. Col. was more precise when he wrote Governor Franklin, “There has been one man killed by the negroes, several others shot at, some store houses and mills broken open and robbed, and other private families assailed by night.”<sup>337</sup> It appears that Lt. Col. Foscue of Jones County might also have been a target of revenge by slaves as he reported being “shot at and wounded by a

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<sup>332</sup> Petition of Col. Wm. Hill, Miscellaneous Petitions, Session of 1823 – 1824, General Assembly Session Records, Miscellaneous Petitions, NCDAH.

<sup>333</sup> Lt. Col. Samuel Andres to Jesse Franklin, Sept. 18, 1821, Governors Letter Books, NCDAH.

<sup>334</sup> Lt. Col. Samuel Andres to Jesse Franklin, Sept. 18, 1821, Governors Letter Books, NCDAH.

<sup>335</sup> Committee of Claims Report on the Carteret County Militia’s Petition, December 1822, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

<sup>336</sup> Orders of the Justices of the Peace to the Jones County Militia, August 13, 1821, Governors Letter Books, NCDAH.

<sup>337</sup> Lt. Col. Lewis Foscue to Jesse Franklin, August 17, 1821, Governors Letter Books, NCDAH.

dastardly assassin” in the summer of 1821.<sup>338</sup> The attempt was serious enough for Lt. Col. Foscue to offer \$500 reward for identity of his would-be assassin.<sup>339</sup>

### Universal Alarm

The alarm mentioned by the Justices of the Peace of Onslow County seems to have been extensive. In Onslow County the local militia Colonel feared “great injury to the citizens of the lower part of the state[.]”<sup>340</sup> When he later petitioned the legislature for pay, he claimed that during the 1821 scare, “So alarming was its progress, that no inhabitant could feel himself at any moment secure in his life, person, or property, from the plunder, rapine, and devastation...A universal panic pervaded the county which drove the citizens in many instances from their families and homes.”<sup>341</sup>

The alarm quickly spread to Carteret County. Colonel John Hill wrote that, “a number of runaway slaves [were] then approximating to a state of insurrection and spreading alarm and terror upon the inhabitants of the county.”<sup>342</sup> An earlier petition from an officer in the Carteret County militia recounted that “much more mischief was apprehended and great alarm spread among the citizens.”<sup>343</sup> Similarly, in Craven County there existed “great alarm

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<sup>338</sup> “\$500 Reward,” Wilmington (N.C.) *Carolina Centinel*, June 23, 1821. The identity and race of the assassin is unknown.

<sup>339</sup> “\$500 Reward,” Wilmington (N.C.) *Carolina Centinel*, June 23, 1821 and July 7, 1821. Foscue wrote that “shortly after sundown”— while returning home— he was “shot at and wounded by a dastardly assassin.”

“\$500 Reward,” Wilmington (N.C.) *Carolina Centinel*.

<sup>340</sup> Col. Wm. Hill’s Petition, 1823, House Committee Reports, Session of 1823 – 1824, General Assembly Session Records, NCDAH.

<sup>341</sup> Col. Wm. Hill’s Petition, 1823, House Committee Reports, Session of 1823 – 1824, General Assembly Session Records, NCDAH.

<sup>342</sup> Committee of Claims Report on the Carteret Militia’s Petition, 1825, House Committee Reports, Session of 1825 – 1826, NCDAH.

<sup>343</sup> Committee of Claims Report on the Carteret Militia’s Petition, December 1822, Senate Committee Reports, Session of 1822, NCDAH.

among the citizens.”<sup>344</sup> One Lieutenant Colonel in Bladen County wrote Governor Franklin that “nothing but the protection of God” preserved his life and property from slaves who had been bold enough to threaten him.<sup>345</sup>

What alarm could send the inhabitants of Onslow County running from their homes? What could create universal panic in the mind of the inhabitants of Carteret, Craven, Jones, and Bladen Counties? The answer is the ultimate White fear, a fear so hard to confront that it was not explicitly articulated until four years after the event— in a Committee Report on the Onslow, Bladen, and Carteret Counties militia call outs from the 1821 insurrectionary scare. The Committee of Claims wrote in its recommendation to the General Assembly:

The Committee are of opinion it is a state of things that might alarm the most stouthearted. For in a few fleeting hours, the houses of our citizens might be wrapt in flames, their throats cut, and their wives and daughters might become prey to the brutal lusts of wretches, who once let loose upon society, would stop at nothing to satiate their diabolical passions.<sup>346</sup>

This fear of retribution and vengeance at the hands of the enslaved Black population was strong enough to send the White population of Onslow County fleeing from their homes and create a state of universal alarm in the surrounding counties. This fear no doubt lingered deep within the minds of many Whites even in times of relative peace and calm.

The reasons for the great fear and alarm revolved around more than crimes committed by runaway slaves. The county court and superior court records are replete with crimes committed by slaves, ranging from theft to murder, but this usually did not lead the white population to fear an insurrection. Several additional factors combined to make the crimes

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<sup>344</sup> Committee of Claim Reports on the Petition of Capt. John Rhem, November 1822, Senate Committee Reports, General Assembly Session Records, NCDAH.

<sup>345</sup> Lt. Col. Samuel Andres to Jesse Franklin, September 18, 1821, Governors Letter Books, NCDAH.

<sup>346</sup> Committee Report on the claims of the Onslow, Bladen, and Carteret Militia, 1824, Session of 1824 – 1825, General Assembly Session Records, NCDAH.

committed by runaway slaves during the summer of 1821 appear to Whites as the beginnings of an insurrection as opposed to a certain level of expected Black criminality.<sup>347</sup> First, large and growing numbers of runaways congregated together; second, the runaways appeared to be well armed; and third, the runaways deviated in other ways from their expected (and to some degree accepted) conduct as runaways.<sup>348</sup>

The orders issued for calling out the militia in Onslow, Jones, and Bladen Counties all mention that runaways were “collecting together.” Colonel Hill wrote Governor Franklin that the runaways were “everyday increasing their number by seduction, threats, and force.”<sup>349</sup> These runaways were not only congregating, but also constantly on the move, to the frustration of many militia officers. In Bladen County, Lt. Col. Samuel Andres noted the “great number” of runaway slaves “ranging through the county.”<sup>350</sup> In Carteret County, the runaways were reported to be “going about the county.” This movement could have influenced white perceptions to believe the number of runaways involved to be greater than the number actually committing the depredations.

Part of this phenomenon originates from the mixture of fantasy and fact that Whites heard and believed about the maroon settlements in their local swamps. The swamps of North Carolina— swamps that amounted to between three and four thousand square miles— were in fact good locations for hidden settlements and communities.<sup>351</sup> Their fertile soil

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<sup>347</sup> “To the slaveholders and whites generally, all blacks stole by nature.” Genovese, *Roll, Jordan, Roll*, 599.

<sup>348</sup> Committee of Claims Report on the Petition of Col. Wm. Hill, November 1823, House Committee Reports, General Assembly Session Records, NCDAH.

<sup>349</sup> Col. Wm. Hill to Jesse Franklin, August 7, 1821, Governors Letter Books, NCDAH.

<sup>350</sup> Lt. Col. Samuel B. Andres to Jesse Franklin, August 28, 1821, Governors Letter Books, NCDAH.

<sup>351</sup> *North Carolina: A General Sketch*, North Carolina Board of Agriculture, (Raleigh: J.M. Hale, 1886), 10-11.

could easily grow corn and peas and even “in their natural state, afford[ed] abundant pasturage.”<sup>352</sup>

In addition to these natural benefits, North Carolinians could read in their local paper about maroon colonies discovered as close as South Carolina and Virginia. Writing only a month before the insurrectionary scare of 1821, the editors of the *Raleigh Gazette* described a particularly bold group of runaways operating close to Norfolk, Virginia. The editors noted that once the runaway slave located a hideout in the swamps he next sought out “a gun and ammunition” in order to both defend himself and “accomplish objects of vengeance.”<sup>353</sup> The residents were allegedly frustrated as the runaways had murdered white men— easy targets as they were working in their fields— and had even attempted to assassinate a local magistrate.<sup>354</sup>

The *Carolina Centinel* reprinted an article detailing a hunt for runaway slaves in South Carolina during the Christmas season of 1824. A patrol discovered three settlements of “snug little habitations” that could accommodate twenty men in a local swamp.<sup>355</sup> The settlements had a well, a stackyard, a threshing place, and the writer had little doubt the runaways were “abundantly provided with delicacies as well as necessaries.”<sup>356</sup> Despite the discovery of the settlements, “no correct account of the number of the gang [could] be obtained.”<sup>357</sup>

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<sup>352</sup> *North Carolina: A General Sketch*, 11, 13.

<sup>353</sup> *Raleigh Gazette Weekly*, June 6, 1821.

<sup>354</sup> *Raleigh Gazette Weekly*, June 6, 1821.

<sup>355</sup> *Raleigh North Carolina Star Weekly*, June 7, 1825. Reprint from Georgetown, S.C., December 21, 1824.

<sup>356</sup> *Raleigh North Carolina Star Weekly*, June 7, 1825. Reprint from Georgetown, S.C., December 21, 1824.

The article mentions the discovery of “relics of duck, turkeys, vegetables, and beef.” The article also mentions finding several “fine cabbages” and proof that there had lately been there “at least fifty bushels of rice.”

<sup>357</sup> *Raleigh North Carolina Star Weekly*, June 7, 1825. Reprint from Georgetown, S.C., December 21, 1824.

In a similar fashion, various sources reported the number of runaways involved in the 1821 insurrectionary as “impossible” to determine with any degree of precision, but it was estimated that there were twenty-five to forty, or even double that in Bladen County.<sup>358</sup> Some newspapers estimated that the White Oak Swamp provided refuge for about eighty “armed runaway negroes.”<sup>359</sup> These are the only guesses made of the number of runaways involved; most reports simply refer to “a number of” or “many” runaways, without attempting any estimates of their true number. However, it is clear the number was sufficient to provoke a high level of alarm among the white population.

It seems universally agreed by the various county militia officers who reported to Governor Franklin that the runaways were well armed. In Onslow the runaways were so well armed that the regiment’s Colonel wrote the Governor requesting arms because, “the arms that the citizens generally of our country are in possession of are insufficient for an attack on these negroes; we therefore should be glad to obtain...[guns]...the negroes being strongly armed with double barrel guns, [and] rifles.”<sup>360</sup> In Bladen County, Lieut. Col. Andres reported that the runaways “ranged through the county, armed with swords, [and] guns.”<sup>361</sup> In addition, the reports of the Carteret and Craven County militia petitions record the slaves as “under arms” or “embodied and armed.”<sup>362</sup>

The answer to the question of how slaves— forbidden by law from owning arms— appeared so well armed is of great import. There were numerous means for slaves to obtain

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<sup>358</sup> Lt. Col. Samuel B. Andres to Jesse Franklin, September 18, 1821, Governors Letter Book, NCDAH.

<sup>359</sup> “Communication,” *Hillsborough (N.C.) Recorder*, September 5, 1821. Reprint *Fayetteville Observer*, n.d.

<sup>360</sup> Col. Wm. Hill to Jesse Franklin, August 8, 1821, Governors Letter Books, NCDAH.

<sup>361</sup> Lt. Col. Samuel Andres to Jesse Franklin, August 28, 1821, Governors Letter Books, NCDAH.

<sup>362</sup> Petition from Carteret County Militia, November 1822, Miscellaneous Petitions, Session of 1822, General Assembly Session Records, NCDAH; Petition of John Rhem, November 1822, Petitions, Session of 1822, General Assembly Session Records, NCDAH.

weapons. First, their master could post bond with the county court for a favored slave to carry arms on his plantation— most often for the defense of the plantation or hunting. The county court records of New Hanover and Craven Counties show several slaves a year received authorization to carry arms within the limits of their masters’ plantations.<sup>363</sup> The Court’s permission for the slave to carry arms had no time limit, except the conduct of the slave who was expected to “conduct himself well and honestly.”<sup>364</sup>

Second, the slave could steal arms from their master. Jarvis Brewster noted that during his tour of the South that, “it is common, when the negroes runaway, to take guns with them[.]”<sup>365</sup> Some slaves like a mulatto man named Alfred stole weapons as part of their plan to runaway. His owner reported in the paper that Alfred took clothes and “a well finished pistol, 10 1-2 inch iron barrel, eight square and smooth bore.”<sup>366</sup> Yet other slaves stole weapons and attempted to conceal them from patrols with mixed results. The Craven County court rescinded an order to sell a gun found in the possession of a slave when his owner came forward and “satisfied the court...[the Gun]...was stolen from him.”<sup>367</sup> Indeed many slaves were well aware of the locations where their owners stored their weapons— as evidenced by

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<sup>363</sup> See New Hanover County Records, Records of Slaves and Free People of Color, Permission for slaves to carry arms, NCDAH. A master would post \$200 bond with the local county court in exchange the court would issue an authorization similar to the following: “The County Court of New Hanover granted to Ezekiel Law permission for his negro man Virgil to carry a gun on his own lands at his Stag Park plantation.” New Hanover County Records, Records of Slaves and Free People of Color, Permission for slaves to carry arms, NCDAH

<sup>364</sup> See New Hanover County Records, Records of Slaves and Free People of Color, Permission for slaves to carry arms, 1820-1826, NCDAH.

<sup>365</sup> Jarvis Brewster, *An Exposition of the Treatment of Slaves in the Southern States* (N. Brunswick: D. & J. Fitz Randolph, 1815), 9.

<sup>366</sup> “One Hundred Dollars Reward,” New Bern (N.C.) *Carolina Centinel*, October 6, 1821.

<sup>367</sup> Craven County Court Minutes, February 1822, NCDAH.

Alfred's theft of his master's pistol.<sup>368</sup>

Third, slaves could trade goods (stolen or otherwise) with disreputable white men in exchange for weapons of all kinds. While the law prohibited slaves and free blacks from owning weapons, white men had the ability to buy guns. These same Whites often had little resources, while the slaves had access to their masters' storehouse and fields— thus creating a prime opportunity for a barter relationship to develop. At the conclusion of the 1821 insurrectionary scare Lt. Col. Foscue alleged that William Waters and Hardy Collins “received stolen goods from the negroes and that Collins furnished guns in return, or perhaps bought and disposed of about that time more guns than one private man could use.”<sup>369</sup>

Fourth, slaves could always set their sights on the public arms. From Gabriel's rebellion through Nat Turner's uprising, the insurgents' goal of securing the public arms consistently arises.<sup>370</sup> A decade later in Eastern North Carolina the repercussions of Nat Turner's uprising rippled through and an alleged plot was discovered among the slaves of Onslow County to “go to Newbern, where [they] could get guns swords and other arms[.]”<sup>371</sup> The above is especially troubling considering that in 1824, the armories of Edenton, Fayetteville, and New Bern contained 634, 4988, and 92 muskets respectively.<sup>372</sup> In

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<sup>368</sup> During the Vesey Conspiracy— a year later— slaves discussed obtaining arms from their master's private collections. “Has he [your master] not got arms in his house? I answered, Yes! Can't they be got at? I said, Yes! Then (said he) it is good to have them.” *Slave Insurrections: Selected Documents* (Westport: Negro University Press: 1970), 33; “We have no arms or ammunition, but we will find them in the homes of our oppressors.” Joseph Carroll, *Slave Insurrections in the United States, 1800-1866* (New York: The New American Library, 1969), 135.

<sup>369</sup> Lt. Col. Foscue to Jesse Franklin, October 10, 1821, Governors Letter Books, NCDAH.

<sup>370</sup> James Sidbury, *Ploughshares into Swords: Race, Rebellion, and Identity in Gabriel's Virginia, 1730-1810* (Cambridge: Cambridge University Press, 1997), 59; *Slave Insurrections: Selected Documents* (Westport: Negro University Press: 1970), 38; Aptheker, *American Negro Slave Revolts*, 299.

<sup>371</sup> Examination of the Negroes Charged with Insurrection, 1831, Onslow County Miscellaneous Records, NCDAH.

<sup>372</sup> Abstract of Public Arms in the State Arsenals, 1824, Militia Returns, Session of 1824 – 1825, General

addition, the Fayetteville armory held 450 rifles, 500 horsemen pistols, 500 cavalry sabers, and 320 swords.<sup>373</sup> This posed a considerable danger to Whites that one contemporary observer in Fayetteville pointed out to Governor John Owen:

The white community are in awful peril, from the manner in which the public arms are kept...The companies are obliged to keep them in the arsenal, which an axe or other small implement could open, and thus in a moment the blacks could arm themselves.<sup>374</sup>

Lastly, the petitions display a certain level of shock, not at the depredations committed by slaves, but that they had been committed in “open day.”<sup>375</sup> The North Carolina General Assembly’s Committee of Claims report stated that: “[the runaways] had collected in unusually large numbers, were well armed and instead of lurking about for the purpose of concealment as had been the custom of runaway negroes” the runaways were attacking in open day.<sup>376</sup> This statement implies that it was the bold challenge to White superiority that occurred when runaways acted in the light of day that brought these acts from crimes to insurrectionary acts. For as long as slaves hid, and they occasionally stole from plantations, they were recognizing White authority or at least White power, and acting in the way Whites expected them too. For it was expected by many that Blacks would steal and run away, but not that they would stand up to their masters or be bold enough to act in “open day.”

In addition, there existed other reasons for Whites to believe that this might be a real insurrectionary attempt. From the outset it was rumored that the “length of their connection”

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Assembly Session Records, NCDAH. No record exists detailing the amount of arms stored in New Bern, Edenton, and Fayetteville before this point. Therefore these numbers may not reflect the number of arms stored in the cities respective arsenals in 1821.

<sup>373</sup> Abstract of Public Arms in the State Arsenals, 1824, Militia Returns, Session of 1824 – 1825, General Assembly Session Records, NCDAH.

<sup>374</sup> J.D. Henry to John Owen, September 3, 1830, Governor John Owen, Governors Letter Books, NCDAH.

<sup>375</sup> Petition of Col. William Hill, 1823, Session of 1823 – 1824, General Assembly Session Records, NCDAH.

<sup>376</sup> Committee of Claims Report on the Petition of Col. Wm. Hill, December 1823, Session of 1823 – 1824, General Assembly Session Records, NCDAH.

extended “as far south as Wilmington, and as far north as Washington [Beaufort County, North Carolina].”<sup>377</sup> In a concurring report from a House of Commons Committee on militia claims reported that runaways, “appeared to have reduced their operations to something like a system...[and] that a plan of communication was adopted by the runaway negroes in several adjoining counties and that they were endeavoring[sic] to create disaffection and revolt among the slaves in those counties.”<sup>378</sup> Unfortunately, the evidence that the Committee based this statement on was mostly personal communication left out of the historical record.

Two other factors multiplied this White fear. First, among even those slaves who remained on the plantation, many took on an insolent attitude.<sup>379</sup> Second, there was a general fear that even a small band of slaves acting with limited success could inspire others. A Senate Committee considering the claims of Colonel William Hill and the Onslow Militia concluded, “Where a set of desperado runaway slaves are banded together, there is no knowing how soon they may gain strength, nor can it be ascertained how extensive may be the ramifications of their plot.”<sup>380</sup>

Ultimately, these factors acted to influence the men whose duty it was to call out the militia: the justices of the peace. For it was in them that the legislature had reposed the power to order the militia into the field. Not only were almost all of these local authorities

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<sup>377</sup> Orders from the Justices of the Peace to Col. Wm. Hill, August 7, 1821, Governors Letter Books, NCDAH.

<sup>378</sup> Committee of Claims Report on the Petition of Col. Wm. Hill, December 1823, Session of 1823 – 1824, General Assembly Session Records, NCDAH.

<sup>379</sup> Lt. Col Samuel Andres to Jesse Franklin, September 18, 1821, Governors Letter Books, NCDAH.

<sup>380</sup> Committee of Claims Report on the claims of Col. Wm. Hill, December 1824, Session of 1824 – 1825, General Assembly Session Records, NCDAH.

slaveholders, their slaveholdings were of significant size.<sup>381</sup> Particularly in Onslow County and Jones County, the Justices of the Peace occupied a high place in society. In Onslow County, seven justices signed the order to call out the militia. They had an average of forty-three slaves each, the smallest slaveholder among them owned nine slaves, while the largest holding belonged to Christopher Dudley who held 154 slaves.<sup>382</sup> Similarly, in Jones County, each of the three justices who called out the militia owned at least twenty-two slaves.<sup>383</sup> Even in Carteret, where the number of slave held by the justices are lower, two of the three justices held at least eleven slaves, while one justice held none.<sup>384</sup> These men were undoubtedly more prone to the fear of insurrection due to their significant slaveholdings and the danger, both monetary and personal, should the slaves actually rebel.

The men who took to the field in response to the Justices' orders were mostly "patriotic men who tho' in humble speers[sic] of life...volunteered to protect their neighbors and the law."<sup>385</sup> They were largely non-slaveholders, called away from their farms and other occupations to subjugate the unruly slaves of wealthier men. Even when one considers the number of men eligible for militia duty (every able bodied free male between the ages of eighteen and forty-five), it is still interesting to notice how many privates, corporals, and sergeants held no slaves. The militia call out during the 1821 scare involved a

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<sup>381</sup> Only one justice of the peace involved in calling out the militia during the 1821 insurrectionary scare held no slaves— Andrew Wilson from Carteret County. Fourth U.S. Census, 1820.

<sup>382</sup> The remaining justices and their slaveholdings are as follow: B. K. Smith, forty-four slaves; Edw. Williams, twenty slaves; Eli W. Ward, twelve slaves; Jas. Thompson, twenty-four slaves; Will Jones, forty-two slaves; and Jacob Fields, nine slaves. Fourth U.S. Census, 1820.

<sup>383</sup> James Roberts owner twenty-two slaves, Durant Hatch owned thirty-nine slaves, Edmund Hatch owned forty-one slaves. Fourth U.S. Census, 1820.

<sup>384</sup> Andrew Wilson held zero slaves, George H. Dudley held sixteen slaves, and Jabez Wilks owned eleven slaves. Fourth U.S. Census, 1820.

<sup>385</sup> Col. Wm. Hill to Governor Franklin, n.d., 1821, Session of 1821 – 1822, Governor's Address, General Assembly Session Records, 1821. Col. Hill most likely wrote the letter between October and November of 1821 as the Governor attached a copy to the documents relating to the 1821 scare in November of the same year.

little over six hundred men, ranging from less than fifteen percent about a third of those eligible in each of the affected counties.<sup>386</sup> At some level, there was a choice by militia officers who would serve and who would stay home.<sup>387</sup> It appears those officers overwhelmingly chose the nonslaveholders for the job of searching for and confronting runaway and possibly rebellious slaves.<sup>388</sup>

Much less so than the justices of the peace, the various regimental militia officers that commanded the counties of Onslow, Jones, Bladen, and Carteret were also slaveholders. Colonel William Hill was the largest slaveholders among the militia commanders to receive orders during the 1821 scare; Hill owned thirty-nine slaves. Lieutenant Colonel Andres of Bladen County held at least fifteen slaves;<sup>389</sup> Lieutenant Colonel Foscue of Jones County held six slaves; and Colonel John Hill of Carteret owned the fewest, only two slaves.<sup>390</sup> However, it is clear from the above that the men who decided when the militia was ordered

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<sup>386</sup> Bladen County's regiment had a total strength (officers and soldiers) of 691 men, Carteret County's regiment had 458 men, Jones County's regiment had 339 men, and Onslow County's regiment had 583 men. Alphabetical Arrangement of the Several Counties Militia, 1820, Miscellaneous Reports, Session of 1820, General Assembly Session Records, NCDAH.

<sup>387</sup> No doubt this followed traditional military methods of orders descending down the chain of command and ultimately devolving on the local captains to muster members of their respective companies. Captains, like John Rhem, were the foundation of the militia. It was their responsibility to enlist eligible men, maintained militia lists of those eligible to serve, conducted most of the training of enlisted militiamen. John K. Mahon, *The American Militia: Decade of Decision, 1789-1800* (Gainesville, Florida: University of Florida Press, 1960), 37 – 39. Although the record mentions volunteers it is unclear how many of the men who served were volunteers.

<sup>388</sup> This may have been the result of the immediate need to call out troops with little time to discriminate or actual conscious choice by militia officers. Whether through necessity or deliberate choice the bulk of the burden of militia service fell on the backs of nonslaveholding Whites. Regrettably general statistics on the respective percentages of slaveholders vs. nonslaveholders at the county level for the 1820s are unavailable— if such information were available it would provide a valuable tool to estimate the level of choice by militia officers based on the proportionality (or disproportionality) of those called to serve compared with the general population of their county.

<sup>389</sup> Part of the original census image is missing, so that the tally of slaves is no longer available, however, the census recorded that he had twenty agricultural laborers on his plantation.

<sup>390</sup> Fourth U.S. Census, 1820.

and the men who gave them orders in the field were within the slaveholding class.<sup>391</sup> This is important, as the slaveholding class was the most acutely aware of real or perceived threats from their slaves due to their close interaction with and experience governing slave property.

### **White Response and Frustration**

While the Onslow County Justices of the Peace ordered that Col. Hill call out at least two hundred men for militia duty, the remaining counties left the militia officers to “call out immediately a competent number of the militia...to suppress such depredations[.]”<sup>392</sup> When left to the discretion of officers the size of the body of men called out varied significantly. Jones County’s militia took to the field with over one hundred and five men (including officers); in Bladen the local Lieutenant Colonel called out one hundred men (not including officers); in Carteret County the militia numbered seventy-four men (including officers); and in Perquimans County one hundred and fifty-eight men were ordered into service.<sup>393</sup>

The number of militia called out to suppress the insurrection might seem small to today’s observer. However, there were grumblings from some unnamed legislators at the time that the militia called out more men than necessary to suppress the runaways.<sup>394</sup> One

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<sup>391</sup> The one notable exception of this is the junior officer corp. where a large number of nonslaveholders served as Captains, Lieutenants, and Ensigns— but in Eastern North Carolina they appear to have been only a large minority of junior officers.

<sup>392</sup> Orders of the Justices of the Peace to Col. Wm. Hill, August 7, 1821, Governors Letter Books, NCDAH; Orders of the Justices of the Peace to Lt. Col. Lewis Foscue, August 13, 1821, Governors Letter Books, NCDAH.

<sup>393</sup> Lt. Col. Lewis Foscue to Jesse Franklin, August 17, 1821, Governors Letter Books, NCDAH; Lt. Col. Samuel Andres to Jesse Franklin, August 28, 1821, Governors Letter Books, NCDAH; Col. John Hill’s Petition (attached Militia Returns), 1825, Session of 1825 – 1826, General Assembly Session Records, NCDAH; Militia Claims for Service in Suppressing Runaway Slaves, Perquimans County Records, Slave Records, NCDAH.

<sup>394</sup> Report of the Committee of Claims on the Petition of Col. Wm. Hill, 1824, Committee Reports, Session of 1824 – 1825, General Assembly Session Records, NCDAH. These rumblings that even such a small militia force was still too large might be explained by the attitude of some Whites regarding the relative military value of white and black men. Kenneth Greenberg notes that even in regards to Nat Turner’s fully executed and

committee report answered the unasked question of whether Onslow and Bladen Counties had called out too many men to handle their rebellious slaves. The committee stated:

It would be extremely difficult for a small force to be successful in putting down a combination of only a small number of persons on this description [runaways] for on the first appearance of alarm they would flee from place to another, and from their knowledge and fastness and hiding places in the country, they would elude the vigilance of any military force, unless it was so disposed of in different places as to be able to encounter them at all points.<sup>395</sup>

Those called out to “encounter [the runaways] at all points” found themselves subject to duty of varying duration but of similar inclemency of conditions. The Bladen County Militia’s Lieut. Colonel called out approximately one hundred men of whom “one half were employed three days, and the other half two-days.”<sup>396</sup> The Onslow militia “was in actual service for the space of twenty-six days.”<sup>397</sup> The Carteret County’s militia time in the field differed by company, with Captain Dudley’s men in service an average of thirty days, while Lieutenant James Noe’s discharged his men from duty after twenty-one days, and those under Sergeant George Piner were discharged after twenty-two days.<sup>398</sup> The militia of Jones County’s actual service “[did] not exceed six or eight days.”<sup>399</sup> In contrast to the above, Perquimans County called out one hundred and fifty-eight men, but held most of them in the

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bloody insurrection an idea “circulated...that it took only a small number of white men to subdue slaves in a direct and open confrontation.” Kenneth S. Greenberg, *Honor and Slavery*: (Princeton: Princeton University Press, 1996), 102.

<sup>395</sup> Report of the Committee of Claims on the Petition of Col. Wm. Hill, 1824, Committee Reports, session of 1824 – 1825, General Assembly Session Records, NCDAH.

<sup>396</sup> The Report of the Committee of Claims lists the number as 94, but the Lt. Col. himself records the number as over 100 in his letter to Governor Franklin; Report of the Committee of Claims on the Petition of Col. Wm. Hill, 1824, Committee Reports, session of 1824 – 1825, General Assembly Session Records, NCDAH.

<sup>397</sup> House Resolution on the Militia Claims for Onslow County, 1831, House Resolutions, Session of 1831 - 1832, General Assembly Session Records, NCDAH.

<sup>398</sup> The actual time in service for the men ranged from nineteen days to thirty-two days. Petition of Col. John Hill (Attached Militia Returns), 1825, Petitions, Session of 1825 – 1826, General Assembly Session Records, NCDAH.

<sup>399</sup> Lt. Col. Foscue to Jesse Franklin, October 10, 1821, Governor Franklin, Governors Letter Books, NCDAH.

field for only one day, a handful of privates for two days, and several officers for four or five days.<sup>400</sup>

The most likely explanation for the difference in length of service between counties can be derived from understanding that the panic began in Onslow and spread outward. The militias of Onslow, Carteret, and Jones Counties— at the center of the insurrection scare— served in the field the longest.<sup>401</sup> Those on the furthest extremes— Bladen County in the southwest and Perquimans County in the northeast— had call outs of shorter duration. Those militias on the extremes likely had much less need for an intensive hunt for Negro slaves, serving instead as a show of White solidarity and military superiority to any slaves who might be tempted to follow the example of the runaway slaves of Onslow County.

There is unanimous agreement from all original accounts that the men served under miserable conditions. The slaves' choice of hideouts and travel caused many problems. One Colonel recorded that, when chased by the militia, the runaways would "readily remove to an adjoining county, either by water, or through these swamps and dismals."<sup>402</sup> Such a means of egress was possible because Onslow County, and many other counties in Eastern North Carolina, contained "rivers and creeks" with a "great body of swamps and dismals adjoining them."<sup>403</sup> This meant that hunting runaway slaves meant many days searching and nights camped next to swamps, dismals, and other breeding grounds for diseases like yellow fever and malaria.

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<sup>400</sup> Militia Claims for Service in Suppressing Runaway Slaves, Perquimans County Records, Slave Records, NCDH.

<sup>401</sup> There is no information on how long Craven County's militia served during the scare. There is also no evidence that New Hanover County's militia even took to the field after the New Hanover County Court ordered the local militia officer to muster his men.

<sup>402</sup> Col. Wm. Hill to Jesse Franklin, August 7, 1821, Governors Letter Books, NCDH.

<sup>403</sup> Col. Wm. Hill to Jesse Franklin, August 7, 1821, Governors Letter Books, NCDH.

The officers' letters to Governor Franklin record their movements during their time in the field. There are numerous references to runaways who "hid themselves in some of [the] larger swamps."<sup>404</sup> Lt. Col. Foscue of Jones County sent nearly half his men "down White Oak, who skirmished up and down the river, swamp[s] and pocosins[.]"<sup>405</sup> The remainder of his men searched up and down the river Trent and in a settlement of free persons of color—finding only one runaway.

Colonel Wm. Hill stressed to the legislature in his petition that the militia members served "in the months of August and September, a busy and unhealthy season of the year, exposed to every privation and inclemency of the weather, in exploring woods, swamps and marshes."<sup>406</sup> In addition numerous claims committees who reported on the repeated requests of the various militias for payment uniformly reminded the legislature that the men of the militias had been "called from their families and occupations at a most sickly and inclement season of the year[.]"<sup>407</sup>

### **Why They Served**

By mid-September, when the level of alarm had largely begun to lower, and the various militia captains had either already discharged their men or were beginning to do so, the respective militia commanders were becoming reflective on the value of their service to the community. They must have felt it necessary to justify their actions when despite calling out at least 637 men across seven counties they managed to capture only two reputed rebels,

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<sup>404</sup> Lt. Col. Andres to Jesse Franklin, September 18, 1821, Governors Letter Books, NCDAH.

<sup>405</sup> Lt. Col. Foscue to Jesse Franklin, October 10, 1821, Governors Letter Books, NCDAH.

<sup>406</sup> Petition of Col. Wm. Hill, 1823, Miscellaneous Petitions, Session of 1823 – 1824, General Assembly Session Records, NCDAH.

<sup>407</sup> Committee of Claims Report on the Petition of Col. Wm. Hill, 1824, Session of 1824 – 1825, General Assembly Session Records, NCDAH.

both in Bladen County.<sup>408</sup> In addition, the legislature likely viewed the large numbers called out, although never assigned a specific cost, as too expensive.<sup>409</sup>

In response to their failure to capture a significant number of the runaways alleged to constitute the insurrection, and perhaps perceiving a possible battle with the legislature over their pay, militia officers pled the case of themselves and their men. Lieutenant Colonel Foscue reported from Jones County that since shortly after the militia was called out “there has been little or no annoyance by the negroes[.]” He added that “[t]hey no doubt dispersed immediately, some have come in, we learn, and others have been taken.”<sup>410</sup> The Lieutenant Colonel is not clear who took the slaves, but since he does not report them as taken directly by his company (something he would surely claim were it true) he must mean some third party such as the slave patrols, constables, slave hunters, or perhaps the owners themselves. Lieutenant Colonel Andres of Bladen County blamed the failure of his men to catch but two runaways on the difficulty of keeping his movements a secret.<sup>411</sup> Despite that, he had succeeded in uncovering some camps likely used by the rebels. He concluded that the militia’s efforts had been of “infinite service to the county” having “occasioned several runaways to go home to their owners.”<sup>412</sup> Although uncertain, he hoped that his efforts had also “occasioned some of the South Carolina and Georgia negroes to hunt other quarters.”<sup>413</sup>

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<sup>408</sup> Col. Wm. Hill to Jesse Franklin, n.d., 1821, Governor’s Address, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

<sup>409</sup> Committee of Claims Report on the Petition of Col. Wm. Hill, 1824, Session of 1824 – 1825, General Assembly Session Records, NCDAH. They claimed they could not understand the reason that the legislature consistently rejected their reports on militia pay, “unless it be the magnitude of the sum involved in those claims.”

<sup>410</sup> Lt. Col. Foscue to Jesse Franklin, Oct. 10, 1821, Governor Franklin, Governors Letter Books, NCDAH.

<sup>411</sup> Lt. Col. Andres to Jesse Franklin, Sept 18, 1821, Governors Letter Books, NCDAH.

<sup>412</sup> Lt. Col. Andres to Jesse Franklin, Sept 18, 1821, Governors Letter Books, NCDAH.

<sup>413</sup> Lt. Col. Andres to Jesse Franklin, Sept 18, 1821, Governors Letter Books, NCDAH. Colonel Wm. Hill notes the same thing in reference to “the negroes now in our county committing these acts, are from Alabama, Tennessee, Georgia, and South Carolina.” Col. Wm. Hill to Jesse Franklin, Aug. 9, 1821, Governors Letter

Col. Hill of the Onslow County militia made claims similar to those of the officers of the Bladen and Jones County militias. However, his explanation provides an even more detailed view of the reasons behind the militia call out.

However much we may lament that more of the offenders were not taken[,] [s]till it does not prove that the draft was useless. Situated as we are with such a population decisive measures must be resorted to. And tho it may not be in our power to take and bring to justice all offenders if gives me pleasure to state that the negroes were struck with dismay and seem to feel convinced that masters are determined to be masters at all hazards of property of even life.<sup>414</sup>

Colonel Hill's defense of his actions explains why the militia would respond so forcefully to rumors of small bands of runaways and why these officers did not view it as a significant loss to capture one or fewer runaways. It was not as important that the militia eradicate the runaways who roamed the county, but instead that its actions impress on the minds of all slaves that Whites were "determined" to be and remain the dominant race, and slave holders could enlist nonslaveholding Whites to enforce the status quo. The master class would hazard their lives to maintain the status quo, but also the nonslaveholding Whites would turn out in arms and take the field for the benefit of all Whites. The militia displayed for Whites and Blacks alike a sign of racial solidarity. Such a display of solidarity was no doubt significant in the decision of the overwhelming majority of slaves' realization that that the odds were stacked significantly against a successful rebellion.

Nevertheless, militia officers were not the only ones to justify the actions of the justices of the peace in calling out the militia. Numerous Committees of Claims in the House

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Books, NCDAH. The only explanation I can find for this strange reference is the large number of slaves sold out of state (and separated from their families) that local newspaper ads indicate often ran away from their new plantations to "lurk" about in the area by their previous homes in Eastern North Carolina.

<sup>414</sup> Col. Wm. Hill to Jesse Franklin, n.d., 1821, Governor's Address, Session of 1821 – 1822, General Assembly Session Records, NCDAH.

of Commons and the Senate of the North Carolina General Assembly unsuccessfully recommended to the legislature that the militia receive pay. After many “unavailing applications” to the legislature for pay— by the militia regiments from Bladen, Carteret, Jones, and Onslow Counties— one Committee reported in exasperation that:

It would be highly impolitic in this legislature to adopt any measure that would damp the ardour and enterprise of our citizens in stepping forward to shield the community from *the greatest of all imaginable scourges*- an insurrection among the slaves. *The mind cannot contemplate such a state of things without shuddering.*<sup>415</sup>

The committee further stated that the militia served with the objective “to avert from the community a calamity which cannot be too seriously deprecated.”<sup>416</sup> The calamity mentioned was the one that made Whites of all classes “shudder,” the idea that one day the enslaved Blacks might cut their throats, raid their homes, and ravish their wives and daughters.<sup>417</sup>

This fear seemed to lurk behind the fears of Whites about impending events expressed with vague and understated terms like “calamity” and “scourge.” While both terms connote horrible events, they come nowhere near the horror Southerners— slaveholders and nonslaveholders alike— must have felt at the thought of their own slaves rising taking revenge upon them.<sup>418</sup>

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<sup>415</sup> Committee of Claims Report on the Petition of Col. Wm. Hill, 1824, Session of 1824 – 1825, General Assembly Session Records, NCDAH.

<sup>416</sup> Committee of Claims Report on the Petition of Col. Wm. Hill, 1824, Session of 1824 – 1825, General Assembly Session Records, NCDAH.

<sup>417</sup> See above, FN 346.

<sup>418</sup> R. H. Taylor claimed, “[F]ear rendered both slaveholding and nonslaveholding whites alert in the detection of symptoms of insubordination among slaves.” R. H. Taylor, “Slave Conspiracies in North Carolina,” 20.

## **In the Wake of Fear**

Not long after the panic subsided and the militia returned to their respective homes, requests for pay began to arrive at the North Carolina Legislature. The representatives of Onslow and Jones Counties in the North Carolina State Senate were successful in passing a resolution to establish a board to evaluate militia claims from the 1821 insurrectionary scare. However, their counterparts in the House of Commons rejected a similar resolution for a Claims Committee that would hear the claims of militia from Onslow, Jones, and Bladen Counties. The separate houses could not reach an agreement so further discussion of compensation was delayed until the next session.

During the 1822-23 session of the North Carolina General Assembly Representative Durant Hatch of Jones County, Whittington Davis of Carteret County, and Edward Ward of Onslow County presented the claims of their respective counties militia units.<sup>419</sup> The Senate forwarded the Carteret County militia's petition to the Committee of Claims; the committee recommended adoption because rejection of the request would be "cruel and unjust."<sup>420</sup> The Committee also recommended the passage of a resolution to pay the Onslow and Jones Militia. The resolution passed the first two readings, at which point it was amended to include Bladen County. The amended resolution passed a third reading in the Senate; however, the House voted to postpone consideration of the same bill indefinitely.<sup>421</sup>

This cycle of requests for pay, recommendations in favor of the militia and rejection by the legislative body happened repeatedly throughout the 1820s— leading to the oddity of

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<sup>419</sup> *Journal of the General Assembly of the State of North Carolina during its session of 1822-23* (Raleigh: Bell & Lawrence, 1823), 13, 14, 16.

<sup>420</sup> Report of the Committee of Claims on the Petition of Ferrence Pelletier, 1822, Committee Reports, Session of 1822 – 1823, General Assembly Session Records, NCDAH.

<sup>421</sup> *Journal of the General Assembly of the State of North Carolina during its session of 1822-23*, 16; Report of the Committee of Claims on the Petition of Ferrence Pelletier, General Assembly Session Records, NCDAH.

the Onslow militia still unpaid a decade later in 1831.<sup>422</sup> Two powerful conflicts framed the issue of militia pay. The first, and most obvious problem, was the paucity of cash available to the legislature to pay for expenses beyond bare necessity. Lefler notes in his *History of North Carolina* that the states meager budget left “[n]othing...for roads, schools, and public welfare[.]”<sup>423</sup> This led to a legislature terribly cautious to expend any funds, even for what they might have deemed noble causes.

Beyond the mere expense of funding the militia, there existed the problematic East vs. West divide, a situation that Lefler described as “the most important and most enduring factors in the history of North Carolina.”<sup>424</sup> There existed “fundamental differences” between East and West, including geography, labor, slave ownership, plantation lifestyle, and even ethnic heritage. While the East enjoyed adequate transportation to coastal markets, employed slave labor, and fostered a plantation economy, the West was landlocked and relied upon mostly free labor working on small farms.<sup>425</sup> Western North Carolinians (and to a lesser extent Central North Carolinians) were much less invested in the slave system than their eastern counterparts— and the votes of their representatives in the assembly show as much.

In November 1822 when the Senate first voted on compensation for the militia’s of Onslow and Jones Counties the bill passed by a vote of 28 to 26. Of those voting in the affirmative, twenty were from eastern counties, six from central counties, and only one from

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<sup>422</sup> House Resolution to pay Militia of Onslow County, 1831, House Resolutions, Session of 1831 – 1832, General Assembly Session Records, NCDAH. In fact it appears the only militia unit that received payment was that of Perquimans County. The Perquimans militia sought and obtained payment from the Perquimans County Court.

<sup>423</sup> Lefler and Newsome, *History of a Southern State*, 319.

<sup>424</sup> Lefler and Newsome, *History of a Southern State*, 176.

<sup>425</sup> Lefler and Newsome, *History of a Southern State*, 176.

a western county. Of those who voted in opposition, eight were from eastern counties, ten from central counties, and six from western counties.<sup>426</sup> When the issue arose again in 1823 the Senate voted 27 to 29 against paying the militias of Carteret, Jones, and Onslow Counties. Once again, support for paying the militia centered primarily in Eastern North Carolina, with nineteen eastern counties and eight central and western counties voting in the affirmative. In opposition, a sizeable minority of twelve eastern counties and seventeen central and western counties defeated the bill.<sup>427</sup>

Although one historian has claimed the militia ultimately received pay for these events there remains no evidence that the legislature paid a single militia claim related to the 1821 insurrectionary scare.<sup>428</sup> The Perquimans County militia— called out to suppress runaway slaves during the 1821 insurrection— did not even submit its claims to the state legislature; it opted instead to submit claims to the Perquimans County Court during the May term, 1822.<sup>429</sup> It appears that most other militia companies merely gave up seeking compensation, as there are no recorded efforts after 1826 from Bladen, Carteret, Jones, or Onslow Counties to receive compensation for service from either the state legislature or their respective county courts. The last time the issue of pay for the Onslow County militia

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<sup>426</sup> Based on an analysis of the votes recorded in *Journal of the General Assembly, Minutes of the Senate*, 1822-1823 session, 41-42.

<sup>427</sup> *Journal of the General Assembly, Minutes of the Senate*, 1822-1823 session, 41-42.

<sup>428</sup> John Spencer Bassett, *Slavery in the State of North Carolina*, John Hopkins University Studies in Historical and Political Science, series 17, (Baltimore: John Hopkins University press, 1899), 96. Bassett appears to be citing the General Assembly Session records— which in their current state do not contain any record of payment to the Jones County militia.

<sup>429</sup> Militia claims for service in Suppressing Runaway Slaves, 1822, Perquimans County Records, Slave Records, NCDAH.

appeared in the North Carolina State Assembly during the 1830-31 session, it was only due to the Committee of Claims noticing that Onslow County's claims were still unpaid.<sup>430</sup>

However, the North Carolina state legislature did agree on substantial changes to the law with profound impact on future militia call outs throughout the state. During the legislative session of 1822, a bill passed that radically changed the procedure of both calling out and paying the militia.<sup>431</sup> The new law required a larger number of justices of the peace to agree that an insurrection was likely— requiring the assent of seven justices. In addition, the new statute required that county militia regiments submit their pay requests to their respective counties Courts. The law authorized each county to collect a tax to pay any expense of calling out the militia.<sup>432</sup>

During the same session, the legislature passed laws to “encourage the apprehension of runaways living in the Great Dismal Swamp;” an act to increase militia fines; and an act requiring the bulk of the public arms to in Edenton and New Bern be delivered to the arsenal in Fayetteville or distributed to the militia companies.<sup>433</sup>

These laws shifted the militia system from one ambiguously under control of the state to an even more decentralized institution. The legislation seems a compromise position between the East and West. To the satisfaction of Eastern representatives, the law ensured a swift and sure militia response. Moreover, it allowed those who served a greater expectation of payment for their service. In return, the West did not have to pay the price for another county's slave management problems. The law that resulted proved the best remedy, placing

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<sup>430</sup> House Resolution to pay Militia of Onslow County, 1831, House Resolutions, Session of 1831 – 1832, General Assembly Session Records, NCDAH.

<sup>431</sup> *The Laws of North Carolina Enacted in the Year 1822*, 26-27.

<sup>432</sup> *The Laws of North Carolina Enacted in the Year 1822*, 26-27

<sup>433</sup> *The Laws of North Carolina Enacted in the Year 1822*, 28-29, 30-31.

responsibility and costs squarely in the hands of local officials. This in effect meant more control for slaveholders since the county court— whose justices would sign any militia orders and lay any taxes— was “the organ of the dominant propertied class.”<sup>434</sup> Although passed too late to assist those who served in 1821, the new law was good news for those militiamen called out to serve in the future since the county courts had a better record of paying for their services than the state.<sup>435</sup>

### Conclusion

The history of the slave patrols and militia in Eastern North Carolina displays an understanding by upper class Whites that the militia was occasionally necessary to their continued control of the slave population. The militia served as an emergency and temporary control, while the patrols served as a constant reminder of Black submission and White supremacy. This system required Whites from all backgrounds to serve in distinct branches of a system for slave control. This system might have fostered in those who served an appreciation for their status as white men— no matter their status among white men.<sup>436</sup> For as Whites they all were potential victims of the conspirator’s knife and the arsonist’s fire— although the wealthy plantation owners certainly had more to fear.

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<sup>434</sup> Hugh Lefler correctly pointed out that the County Courts “shaped county policy primarily for the interest of the upper class rather than that of the entire population.” Lefler, *History of a Southern State*, 323.

<sup>435</sup> The Perquimans County Militia received its pay from the County Court. Militia claims for service in Suppressing Runaway Slaves, 1822, Perquimans County Records, Slave Records, NCDAH. In addition, John Rhem and others— disabled and wounded during the 1821 insurrectionary scare— were denied payment by the state legislature, but received a sizable payment (renewable for life) from the Craven County Court soon after their petition. Craven County Court Minutes, 1824-1850, NCDAH.

<sup>436</sup> One problem in studying the history of the ante-bellum militia and patrols in North Carolina is the paucity of sources written by men who served in either body. The present author was unable to find a single source from the relevant period and region detailing a militia muster or a patrol ride despite countless hours in the archives. This leaves the historian in the awkward and uncomfortable position of making an educated guess as to the effects such service had on the minds and beliefs of those who served.

Nonslaveholding Whites appeared in extremely high proportions on the militia rolls and the muster field. However, this lower class of men did not merely crowd the rolls as privates and corporals. Even among officers, nonslaveholding Whites existed in significant proportions. In contrast, slaveholders not only captained patrols, but they held a near-monopoly on all patrol appointments. Considering that county court justices selected patrollers from the militia and tax lists— long lists where a significant number of names were nonslaveholding yeomen— this suggests a significant level of conscious choice on the part of county court judges to select fellow slaveholders. Most justices of the peace, the men who sat on the county court and appointed patrols, were often not only slaveholders, but among the largest in their respective counties. Therefore, it is perfectly sensible that they wanted to ensure that their property’s discipline remained in the hands of other Whites who could understand the value of a slave and lacked any incentive to treat their property with too much carelessness or cruelty.<sup>437</sup>

Those who ran the system wanted the militia’s and slave patrol’s movements to bring “dismay” to slaves with hopes of insurrection, and “convince” all slaves that resistance was futile. The patrols conducted this objective on a personal level, searching slave cabins for weapons and other contraband, stopping any slaves who might draw their suspicion, and requesting their passes. These tasks were highly personal, demanding the Whites who conducted them to confront, address, and possibly punish the slaves they apprehended. This stands in contrast to the actions of the militia, which were meant to be seen from afar by

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<sup>437</sup> Kenneth Stampp portrays patrollers as poor Whites who often disliked both masters and slaves, and used their patrol appointment as an opportunity to “vent their feelings toward both.” Stampp, *The Peculiar Institution*, 215. It is odd to think that slaveholders, who controlled the county courts, would continually appoint patrollers likely to harm or abuse their valuable human property unless facing extreme circumstances.

slaves— images of Whites drilling and standing together armed— as a deterrent to any spirit of insurrection that might grow among the slaves. Even in times of militia call outs for insurrections, the militia had a much less personal role than the slave patrols. Surprisingly, militia commanders considered it a success even if their labors failed to capture even a single runaway. This is because the capture of the handful of rebels was not as important as exposing the greater body of the enslaved, who remained on the plantation, to the scene of Whites gathered as a military force. These actions convinced slaves (rebellious or otherwise) that masters were “determined to be masters,” and they had the military power to ensure their continued dominance.

It seems that at its roots, this system was designed for the obvious purpose of maintaining the slaves’ submission, but it also provided both comfort to and an outlet for White fears in times of calm and panic. The patrols allowed Whites to sleep at night behind unlocked doors, while the militia provided an ever-ready resort when fears of rebellion needed venting. Numerous and varied factors sparked Whites to actions that often resulted in either increased patrols, militia call outs, or both. The results of White fears of servile insurrection often meant sleepless nights, Whites fleeing their homes, and militia officers and county officials fearful of the consequences of inaction.

This response, in part motivated by deep-seated fear and local circumstances, brought together the White community during times of crisis. While defects within the militia and patrols may have influenced some slaves to seek revolt or at least the relative freedom of the swamps, displays of White military power by the militia and patrols during an insurrectionary scare surely acted to the opposite effect. It is hard to imagine what a slave must have thought upon seeing a fully armed military company of Whites marching past their plantation, much

less the effect on those who watched from hidden positions in the local swamps and pocosins. It is however, much harder to imagine that this did not have the desired effect. Likely, these displays of power dissuaded many potential insurrectionaries. Indeed, these militaristic responses convinced slaves to seek other means, means within the slave system to achieve greater freedom— a method that carried a higher probability of safety and success.<sup>438</sup>

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<sup>438</sup> For examples of resistance other than insurrection and accommodation from within the system, see Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made*. The methods described by Genovese proved more successful at gaining slaves greater freedoms within the plantation system— these forms of resistance included work stoppages and outlying for brief periods.

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## Appendix

## Appendix

When this thesis refers to Eastern North Carolina, it refers to the area composed of the Tidewater and the Coastal Plain regions of the state. Admittedly, this thesis focuses on the central and southern coastal areas between New Hanover and Beaufort Counties—in particular the Counties of Bladen, Carteret, Craven, Jones, and Onslow. However, the aforementioned counties are reflective of Eastern North Carolina as a whole.

These regions are essential to a study of White institutional responses to both prevent and respond to slave rebelliousness for two reasons—demographics and geography. First, Eastern North Carolina had higher ratios of slaves to Whites than the central or western regions of the state. The Counties in the Tidewater and Coastal Plain sections of North Carolina held an average non-white population of 41.7% and 45.1%, respectively.<sup>439</sup> In contrast, the Piedmont and Mountain regions of North Carolina contained a non-white population of 30% and 14%, respectively.<sup>440</sup> This translated in actual numbers to a slave population in the Tidewater and Coastal Plain of over 128,000, compared with an enslaved population numbering over 95,000 in the Piedmont and Mountain regions. The larger number of slaves (both numerically and proportionally) in the east led to greater concern

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<sup>439</sup> *County Population Trends [in] North Carolina 1790-1960 [by] State[,], Region[, and] County*, Carolina Population Center, University of North Carolina and Statistical Services Center – Budget Division Department of Administration, State of North Carolina. North Carolina Population Data Series, No. 1. (March 1969), 2, 3. When the above referenced source counts “non-whites” the numbers accurately reflect the slave population since few Eastern North Carolina Counties had large free black populations in 1820—except for Craven (1,744) and Halifax (1,551). Moreover, the epicenter of the scare, Jones and Onslow Counties, had free black populations of one hundred and sixty-two and sixty respectively.

<sup>440</sup> *County Population Trends [in] North Carolina 1790-1960 [by] State[,], Region[, and] County*, 4, 5.

over potential problems that might arise from the enslaved portion of the population.<sup>441</sup>

Second, Eastern North Carolina seems a natural place to begin an understanding of slave rebelliousness (and Whites' response) since it contained fortuitous geographic features uncommon in North American slavery— extensive tracks of unsettled swamp land. The swamps of North Carolina were thickest along the rivers and coastal areas but penetrated (although less densely) into the Tidewater region of the state.<sup>442</sup> These large swamp areas provided a closely linked safe haven for runaway slaves to either live in hiding or move from county to county, much to the chagrin of their respective Masters within and outside the state of North Carolina.<sup>443</sup> Settlements of runaway slaves (which might be generously termed Maroon colonies) menaced North Carolinians in the north from their homes in the Great Dismal swamp, while North Carolinians in New Hanover County suspected slaves in the swamps surrounding Wilmington of fomenting an insurrection in 1831.<sup>444</sup>

Moreover, in many ways the swamps fed the 1821 insurrectionary scare. The ability of slaves to move through the swamps provided two primary causes for fear among local Whites. First, Whites in Onslow County feared that runaway slaves were communicating

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<sup>441</sup> In response to a request by a newly formed volunteer militia company in Halifax County, North Carolina, for “seventy-five stand of arms,” the Legislature replied that the “numerous black population of that [Halifax] County gives it a greater claim to such indulgence than any other....” However, the legislature still denied the request since it had earlier adopted a policy of not lending arms to volunteer militia companies, as such arms often ended up disappearing due to theft, abuse, or simply leaving the state with emigrating militiamen. Response to Request for Arms, 1828, General Assembly Session Records, Session of 1828 – 1829, House Committee Reports, NCDH.

<sup>442</sup> See 1831 Stage Coach Map. For a contemporary description of the swamps of Eastern North Carolina see Ebenezer Emmons, *Report of the North Carolina Geological Survey: Agriculture of the eastern counties*, (Raleigh: Henry D. Turner, 1858).

<sup>443</sup> Papers in Craven and Washington County frequently ran ads for runaway slaves originating from South Carolina, Alabama, and Tennessee. Many of these slaves had been sold to further south in the interstate slave trade from North Carolina plantations.

<sup>444</sup> This thesis does not discuss the depredations committed by slaves who lived in the Great Dismal, as they appear to have played no role in the 1821 insurrectionary scare. There remains a scholarly need for a complete analysis of slave rebelliousness in North Carolina History.

from Wilmington, New Hanover County to Washington, Beaufort County.<sup>445</sup> The string of swamps that led up the coast of North Carolina from New Hanover County to the Great Dismal (which spanned a large section of Northeastern North Carolina and Southeastern Virginia) aided such communication by slaves. The historical record is clear that many slaves who chose to run away moved between counties (sometimes states), often relying on a support network of slaves on other plantations— often the homes of relatives separated by sale.<sup>446</sup> These slaves could hardly have avoided sharing information about various subjects, including potential insurrection.

Second, the swamps created the illusion of larger numbers of outlaws as the slaves could move about largely in secrecy resurfacing in another section of that county (or another county).<sup>447</sup> This also made them hard to catch and led to White fears that their numbers might be larger than estimated. The records show fears by militia officers that the runaways were recruiting successfully and growing. However, there is no record of the North Carolina militia ever encountering any bands of runaways during the 1821 scare. Therefore, these fears seem largely based on the ability of a relatively small number of runaways (somewhere between forty and eighty) to commit their depredations, and disappear only to reappear in another area to similar effect. Such an elusive nature to the runaways' actions (facilitated by

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<sup>445</sup> Orders from the Justices of the Peace of Onslow County to Colonel Wm. Hill, Esq., August 7, 1821, Governor Letter Book, NCDAH.

<sup>446</sup> See FN 413.

<sup>447</sup> Colonel Wm. Hill of the Onslow Militia wrote the governor shortly after receiving his orders, "...from the situation of the lower counties it is a very difficult thing to take them; the rivers and creeks have [a] great body of swamps and dismals adjoining them, that when pursued they may very readily remove to an adjoining county, either by water, or through those swamps and dismals." Colonel Wm. Hill to Jesse Franklin, August 8, 1821, Governors Letter Books, NCDAH; Lt. Col Andres wrote from Bladen County, "It is impossible to find out the real number of runaways in this county as they are continually passing from one place to another." Lt. Col. Andres to Jesse Franklin, September 18, 1821, Governors Letter Books, NCDAH. Lt. Col. Andres later wrote, "...most of the negroes slipped over into other counties or hid themselves in some of our larger swamps." Lt. Col. Andres to Jesse Franklin, September 18, 1821, Governors Letter Books, NCDAH.

the dense swamps) created problems for any militia response. The slaves' mobility forced militia officers to position troops around swamps and thusly divide their forces into multiple smaller units in hopes of encountering the small bands of elusive outlaws.<sup>448</sup>

Taken together, the extensive network of swamps in Eastern North Carolina and the large slave population (in several counties a slave majority) created an environment much more susceptible to insurrection than that of the Western and Piedmont sections of North Carolina. Admittedly, these conditions were nowhere near as ideal or ripe for insurrection as those present in the West Indies, yet they present one of the most fertile regions for insurrection in North Carolina (and perhaps even the Old South).

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<sup>448</sup> Lt. Col. Lewis Foscue divided his force into "five detached parties in varying sections of the [Jones] County." Lt. Col. Foscue to Gov. Governor's Letter Book, 1821, Franklin dated Aug. 17, 1821. "I divided the men into four companies two on each side of the [Cape Fear] river[.]" Lt. Col. Andres to Jesse Franklin, September 18, 1821, Governors Letter Books, NCDAH.