

# *NORTH CAROLINA BOOKLET.*

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**VOL. I.**

**JULY 10, 1901.**

**No. 3.**

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## **THE STAMP ACT ON THE CAPE FEAR.**

**BY**

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RALEIGH :  
CAPITAL PRINTING COMPANY.  
1901.

"Carolina! Carolina! Heaven's blessings attend her!  
While we live we will cherish, protect and defend her."

## THE STAMP ACT ON THE CAPE FEAR.

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Substituting the word "wrongs" for the word "crimes," Madame Roland's dying exclamation, "Oh! Liberty how many crimes are committed in thy name!" may well be applied to history. Perhaps history lies in attributing to her the exclamation. Who knows? There are ten thousand "facts" of history that have been disputed or denied with great plausibility. Napoleon said that history is a lie, and he was right well informed. Any one who really knows the truth about the history of the people of North Carolina will be ready to concur with the great Corsican, when he reads the standard histories of the United States, so far as the treatment of North Carolina and North Carolinians is concerned, from Colonial days down to the close of the war of 1861-'65.

In the first edition of his work Bancroft paid a magnificent tribute to the liberty-loving spirit of the people of North Carolina as displayed in Colonial days, but in the edition published during the war for Southern independence, called by the victorious Northern people "The Rebellion," the tribute was eliminated, and no longer appears in that standard work. The contribution of money and troops by North Carolina during the campaign of 1754—which was the first time in our Colonial history that troops were raised by a Colony to serve outside of its borders in the common defence of all—and in the campaigns of 1755 and 1758—

in the latter of which her soldiers were the advanced guard, and one of them by his gallantry in capturing an Indian and securing information for which a reward had been offered, but which he never received, assured and hastened the capture of Fort DuQuesne, and the conduct of her troops in the American Revolution, have all been ignored or misrepresented by the writers of American history. The same story might be continued to include the aforesaid "rebellion," but we will let that pass for the present, and take up an older theme.

The celebrated Stamp Act which was passed by the British Parliament March 22, 1765, and the repeal of which occurred just one year afterwards, was one of the most potent causes of the Revolution of 1776, which resulted in the establishment of the Government of the United States of America. One year previous to the passage of this Act—namely in 1764—the Parliament of Great Britain had, for the first time, undertaken to appropriate the property of American subjects to the purpose of increasing the revenues of the Crown by imposing a duty on sugar, coffee, wine, and other articles of foreign growth imported into the Colonies. Finding that there was still a deficit in the revenues, after the imposition of these duties on foreign imports, and in pursuance of a previously declared purpose, they passed the Stamp Act in 1765. This Act, containing fifty-five sections, provided an elaborate system of stamp duties for the Colonies, and all offences against its provisions were made cognizable in the Courts of Admiralty in which there were no juries, "so that," as Bancroft says, "the Americans were not only to be taxed by the British

Parliament, but to have the taxes collected arbitrarily, under the decree of British Judges, without any trial by jury." The bill of 1764 had met with no opposition in Parliament, but the Stamp Act was opposed there and debated for some time. In the Colonies it was almost universally denounced as unconstitutional, unjust, and ruinous to the Americans, because it clogged business, by imposing a heavy tax on every kind of paper-writing used in ordinary transactions, as well as in Court proceedings, and taxed the privilege of publishing, advertising in, or reading newspapers, pamphlets, and other publications. This Stamp tax was in addition to the impost duties on sugar, coffee and all luxuries, which went to the Crown, and was entirely outside of the taxes imposed by the Colonial Legislatures for local government. The people of the Colonies were poor and harassed by all sorts of trials and dangers, and they justly regarded this enormous burden of taxation, imposed by a parliament in which they had no representation, as a cruel wrong, and, as Washington called it, "a direful attack upon their liberties," and therefore it roused the people of the Colonies as no act of Parliament had ever done before, and united them in a determination to resist the enforcement of it.

What did the people of North Carolina do about it? If you seek information on that question from the histories of the United States you will be disappointed. It is not in them—but the facts were published in official papers at the time, and are supported by tradition in such a way as to make any mistake about them impossible. I can very well understand that the carelessness and indifference of our peo-

ple about their own achievements has caused them to be doubted or denied, but why historians should persistently refuse to give credit to North Carolina people for what they have done in every war from Colonial days down to the close of the war for Southern independence in 1865, I confess I do not understand. It has been the fashion for over a hundred years to sneer at them, and this, too, in the face of a record which is, in many respects, absolutely unparalleled.

Now let us begin with the resistance to the Stamp Act in 1765. I assert, with absolute confidence in the correctness of the assertion, that, although the people of the other Colonies were as resolute in their determination to resist the act, and although they exhibited their feeling by half-masting flags, burning effigies, forming processions and forcing stamp-masters to resign, yet *in one colony only* did they, openly, in large numbers, and with arms in their hands, resist an armed force—a twenty gun sloop of war—in an attempt to land the stamps, and this two weeks after they had compelled a stamp-master to resign his office. This was at Brunswick on the Cape Fear River, sixteen miles below Wilmington, on the 28th of November, 1765, when the sloop of war *Diligence* arrived with the stamps—the stamp-master, William Houston, having been compelled to resign on the 16th. As early as the 3d of May in that year, the Assembly of the Province had met, but as soon as Governor Tryon discovered its temper by inquiring of the Speaker, John Ashe, what they would do about the Stamp Act—to which Ashe replied that “it would be resisted to blood and death”—Tryon, on the 18th of May, prorogued

(adjourned) the Assembly to meet at Newbern November 30th, but finding before that time that, instead of abating, the spirit of the people was growing more intense, he again prorogued the Assembly until March 12th of the next year. This proroguing of the Assembly on the 18th of May and again on the 25th of October, 1765, prevented North Carolina from sending delegates to what is known as the Stamp Act Congress, (as such delegates had to be elected by the Assembly); and the fact that there were no delegates to that Congress from North Carolina was charged as a want of courage and patriotism, by certain persons who have undertaken to write history, without knowing the facts. Tryon's trick to keep the Assembly from sending delegates, however, was vain, for the people in Wilmington, under the leadership of Col Hugh Waddell, assembled and passed resolutions denouncing the Stamp Act, and expressing a determination to resist it, and this was done openly under the very nose of the governor.

This was in the summer of 1875 and the armed resistance to the landing of the stamps occurred on the following 28th of November. On that day the sloop of war Diligence, accompanied by the sloop of war Viper, arrived at Brunswick with the stamps on board, but her arrival having been anticipated for some time, an armed force from Brunswick and New Hanover counties (the former county having been established in 1764 out of the territory of the latter) were on the ground ready to resist the landing of the stamps. This force was under the command of Col. Hugh Waddell and Col. John Ashe, Speaker of the Assembly.

The Royal Governor, Tryon, who was himself a soldier,

holding the commission of Lt. Col. of the Queen's Guards, was greatly scandalized and indignant at such defiance of authority, but Capt. Phipps of the Diligence seems to have taken matters very philosophically and left the governor to do the fretting, a process which he had been undergoing ever since the 16th when the stamp-master, Houston, had been "compelled in the Court House in Wilmington in the presence of the Mayor and some Aldermen to resign his office," as Tryon wrote to Conway, Secretary of State. The Mayor referred to was Moses John de Rosset, but the names of the Aldermen who were present are not known.

Tryon did not write a word to the British authorities about all this business until the 26th of December, 1765, when he began his first letter to Hon. Seymour Conway, Secretary of State, by saying, "It is with concern I acquaint you that the obstructions to the Stamp Act passed last session of Parliament has been as general in this Province as in any Colony on the Continent," and goes on to say that "the first intelligence of the general alarm which was spread against the Stamp Act in this Colony was in October last at a time I lay extremely ill of the fevers of this country which with repeated relapses I have experienced these five months" It was in this letter that he said, "Near fifty of the above gentlemen (the merchants of New Hanover and Brunswick counties) waited on me to dinner, when I urged to them the expediency of permitting the circulation of the stamps;" and in the same letter he gave an account of the incident at the Court House in Wilmington when Houston was compelled to take the oath not to distribute the stamps, and added that some merchants of

Wilmington had been "as assiduous in obstructing the reception of the stamps as any of the inhabitants."

His letter, in full, is as follows:

"BRUNSWICK, 26th December, 1765.

"*The Right Hon'ble H'y Seymour Conway:*

"In obedience to His Majesty's commands communicated to me by the honor of your letter of the 12th of July last, it is with concern I acquaint you that the obstruction to the Stamp Act passed last session of Parliament has been as general in this province as in any Colony on the continent, tho' their irregular proceedings have been attended with no mischief, or are by any means formidable. I am much of the opinion that whatever measures are prescribed and enforced his Majesty's authority to the more formidable Colonies to the Northward will meet with a ready acquiescence in the Southern provinces, without the necessity of any military force. The first intelligence of the general alarm which was spread against the Stamp Act in this Colony was in October last, at a time I lay extremely ill of the fevers of this country, which with repeated relapses I have experienced these five months past. I was very impatient to seize the first opportunity to communicate my sentiments to the merchants of New Hanover and Brunswick counties, who are the persons that carry on the commerce of the Cape Fear River (and where I imagined the stamps would arrive) on the then situation of public affairs. On the 18th November near fifty of the above gentlemen waited on me to dinner when I urged to them the expediency of permitting the circulation of the stamps, but as my health at that

time would not allow me to write down my speech I must beg to refer you, sir, to the enclosed Carolina Gazette of the 27th November in which you will find nearly the substance of what I declared and proposed to the above gentlemen. Their answer and my reply are inclosed. Two days before the above meeting, Mr. Houston, the distributor of the stamps, was compelled in the Court House in Wilmington, and in the presence of the Mayor and some Aldermen to resign his office. The stamps arrived the 28th of November last in his Majesty's Sloop, the Diligence, Capt. Phipps commander, but as there was no Distributor or other officer of the stamps in this country after Mr. Houston's resignation the stamps still remain on board the said ship. No vessels have been cleared out since the first of November from this river or from any other in this province that I have received intelligence of. Some merchants from Wilmington applied to me for certificates for their ships, specifying that no stamps were to be had, which I declined granting, referring them to the officers of his Majesty's Customs. They have been as assiduous in obstructing the reception of the stamps as any of the inhabitants.

"No business is transacted in the Courts of Judicature, tho' the Courts have been regularly opened and all civil government is now at a stand. This stagnation of all public business and commerce under the low circumstances of the inhabitants must be attended with fatal consequences to this colony, if it subsists but for a few months longer. There is little or no specie circulating in the maritime counties of this province, and what is in circulation in the back counties is so very inconsiderable that the Attorney-

General assures me that the stamp duties on the instruments used in the five Superior Courts of this province would in one year require all the specie in the country ; the business which is likewise transacted in the twenty-nine inferior, or County Courts, the many instruments which pass through the Sheriff's hands and other civil officers ; those in the Land Office, and many other instruments used in transaction of public business were the reasons which induced me to believe the operation of all its parts impracticable, and which likewise prompted me to make my proposals for the ease and convenience of the people, and to endeavor to reconcile them to this Act of Parliament.

"On the 20th of last month I opened and proclaimed my commission at Wilmington, when I consulted his Majesty's Council if any measures could be proposed to induce the people to receive the stamps. They were unanimously of opinion that nothing further could be done than what I have already offered.

"I have his Majesty's writs for a new election of Assembly, but shall not meet them till next April at Newbern. I am, sir, etc.,

"WM. TRYON."

The fact of the formidable display of force on the 28th November, 1765, which prevented the landing of the stamps was carefully suppressed by Tryon. He did not wish to let the home government know how far matters had gone. He did not wish them to be shocked by the statement that these colonists had not only prevented the landing of the stamps, but had seized a boat of the Dili-

gence, and, after leaving a guard at Brunswick, had marched to Wilmington with it where they were greeted by a triumphal procession and a general illumination of the town. But matters were growing worse and so rapidly that he was compelled to report them.

Early in February, 1766, and while the men of war, Diligence and Viper, were still lying at their anchorage at Brunswick, two vessels, the Dobbs and the Patience, arrived, the one from St. Christophers and the other from Philadelphia. Their clearance papers were not stamped, as required by the Stamp Act, and thereupon Capt. Lobb, of the Viper, seized them. The captains of the vessels protested that they could not get stamps at the ports from which they came, and showed certificates of the fact, but this availed nothing and the vessels were held. As soon as this became known the excitement among the people over the circumstances was intense, and they assembled with arms to the number of about six hundred, and chose Col. Hugh Waddell as their commander. Of their subsequent proceedings Tryon gives some account in his letter of February 25th to the Secretary of State, but he suppresses some of the facts, as he had previously done about the resistance to the landing of the stamps.

This letter of February 25th is as follows :

*“The Right Honorable Henry Seymour Conway, Esq.,  
One of His Majesty’s Principal Secretaries of State:*

“BRUNSWICK, the 25th February, 1766.

“SIR:—As I wish to give you as particular a relation for his Majesty’s information as I possibly can of an illegal as-

sembly of men in arms, assembled at Brunswick on the 19th inst., I have collected all the letter correspondence that has come to my knowledge, previous to the 19th inst., during the time the men remained in arms, as well as after they dispersed.

"In this letter I shall chiefly confine myself to the narrations of the actions and conduct of the body assembled, desiring leave to refer you to the letters as they occur in point of order and time.

"The seizures Capt. Lobb made of the Dobbs and Patience sloops, (as by his letter to the collector for taking the papers and the Attorney General's opinion thereon) was an affair I did not interfere with. In the first instance I never was applied to, and in the second, I thought it rested with Capt. Lobb

"On the 16th, in the evening, Mr. Dry, the Collector, waited on me with a letter he received dated from Wilmington the 15th of February, 1766, and at the same time informed me he had sent the subscribers word he should wait on them the next day. I strongly recommended him to put the papers belonging to the Patience Sloop on board the Viper (those of the Dobbs had some time before been given to the owners on his delivering security for them) as I apprehended, I said, those very subscribers would compel him to give them up. His answer was, "They might take them from him but he would never give them up without Capt. Lobb's order." The weather on the 17th prevented Mr. Dry from going to Wilmington till the next day.

"The next intelligence I received was in the dusk on the evening of the 19th soon after 6 o'clock by letter delivered

me by Mr. George Moore and Mr. Cornelius Harnett bearing date the 19th and signed "John Ashe, Thomas Lloyd, Alexander Lillington." My letter of the same night directed "To the Commanding Officer either of the Viper or Diligence Sloops of War" will explain the opinion I entertained of the offer made of a guard of gentlemen, and my declaration to the detachment I found surrounding my house. This letter my servant about three in the morning put on board the Diligence who lay moored opposite to my house at the distance of four or five hundred yards, and returned to me again in a short space of time with Capt. Phipp's letter in answer. Soon after I had put up the lights required. Capt. Phipps came himself on shore to me, the guards having quitted the posts they had taken round the house, and on the beach. With a most generous warmth and zeal Capt. Phipps offered me every service his ship or himself could afford. I assured him the services I wished to receive from his Majesty's sloops consisted wholly in the protection of the Fort. That as Capt. Dalrymple had but five men in garrison to defend eight eighteen pounders, eight nine pounders, and twenty-three swivel guns all mounted and fit for service together with a considerable quantity of ammunition, I wrote an order to Capt. Dalrymple "to obey all orders he might receive from the Commanding Officer either of the Viper or Diligence sloops of war," and desired Capt. Phipps would send it to the Fort. I made it so general because Capt. Phipps told me neither of the sloops had a pilot then on board, and that it was uncertain which ship could get down to the Fort, distant four leagues from where the ships then lay off Brunswick; Capt.

Johnston. I then returned on shore. In the evening Capt. Phipps waited on me from on board the Viper, and acquainted me that all was settled; that Capt. Lobb had given his consent for the owners to take possession of the Sloops Ruby and Patience, as the copy of Capt. Lobb's orders for that purpose will declare.

"This report was not consistent with the determinations I concluded Capt. Lobb left the Diligence in, when I met him according to his appointment but a few hours before.

"To be regular in point of time I must now speak of some further conduct of the inhabitants in arms, who were continually coming into Brunswick from different counties. This same evening of the 20th inst. Mr. Pennington, his Majesty's Comptroller, came to let me know there had been a search after him, and as he guessed they wanted him to do some act that would be inconsistent with the duty of his office, he came to acquaint me with this enquiry and search. I told him I had a bed at his service, and desired he would remain with me. The next morning, the 21st, about eight o'clock, I saw Mr. Pennington going from my house with Col. James Moore. I called him back, and as Col. Moore returned with him I desired to know if he had any business with Mr. Pennington. He said the gentlemen assembled wanted to speak with him. I desired Col. Moore would inform the gentleman, Mr. Pennington, his Majesty's Comptroller, I had occasion to employ on dispatches for his Majesty's service, therefore could not part with him. Col. Moore then went away and in five minutes afterwards I found the avenues to my house again shut up by different parties of armed men.

Soon after the following note was sent and the answer annexed returned :

“SIR:—The gentlemen assembled for the redress of grievances desirous of seeing Mr. Pennington to speak with him sent Col. Moore to desire his attendance, and understand that he was stayed by your Excellency, they therefore request that your Excellency will be pleased to let him attend, otherwise it will not be in the power of the Directors appointed, to prevent the ill consequences that may attend a refusal. They don’t intend the least injury to Mr. Pennington.”

Friday, the 21st February, 1766.

To his Excellency.

#### THE ANSWER.

“Mr. Pennington being employed by his Excellency on dispatches for his Majesty’s service, any gentleman that may have business with him may see him at the Governor’s House.”

21st February, 1766.

It was about 10 o’clock when I observed a body of men in arms, from four to five hundred move towards the house. A detachment of sixty men came down the avenue, and the main body drew up in front, in sight, and within three hundred yards of the house. Mr. Harnett, a representative in the Assembly for Wilmington, came at the head of the detachment, and sent a message to speak with Mr. Pennington. When he came into the house he told Mr. Pennington the gentlemen wanted him. I answered, Mr. Pen-

nington came into my house for refuge, he was a Crown Officer, and as such I would give him all the protection my roof, and the dignity of the character I held in this province could afford him. Mr. Harnett hoped I would let it go, as the people were determined to take him out of the house if he should be longer detained ; an insult he said they wished to avoid offering to me. An insult, I replied, that would not tend to any great consequence, after they had already offered every insult they could offer, by investing my house, and making me in effect a prisoner before any grievance, or oppression, had been first represented to me. Mr. Pennington grew very uneasy, said he would choose to go to the gentlemen ; I again repeated my offers to protection, if he chose to stay. He declared, and desired I would remember, that whatever oaths might be imposed on him, he should consider them as acts of compulsion and not of free will ; and further added that he would rather resign his office than do any act contrary to his duty. If that was his determination, I told him, he had better resign before he left me. Mr. Harnett interposed, with saying he hoped he would not do that. I enforced the recommendation for resignation. He consented, paper was brought, and his resignation executed and received. I then said, Mr. Pennington, now sir, you may go ; Mr. Harnett went out with him ; the detachment retired to the town. Mr. Pennington afterwards informed me, they got him in the midst of them when Mr. Ward, master of the Patience, asked him to enter his sloop. Mr. Pennington assured him he could not, as he had resigned his office. He was afterwards obliged to take an oath that he would never issue any stamped pa-

pers in this province. The above oath, the Collector informed me, he was obliged to take, as were all the clerks of the County Courts, and other public officers. The inhabitants, having redressed after the manner described their grievances complained of, left the town of Brunswick about 1 o'clock on the 21st. In the evening I went on board the Viper and acquainted Capt. Lobb I apprehended the conditions he had determined to abide by when I left the Diligence, were different to the concession he had made to the committee appointed for the redress of grievances; that I left the Diligence in the full persuasion he was to demand a restitution of the papers or clearances of the Patience sloop, and not to give up the possession of that vessel; that I found he had given up the sloop Patience, and himself not in possession of the papers. He answered, "As to the papers, he had attested copies of them, and as to the sloop, he had done no more than what he had offered before this disturbance happened at Brunswick." I could not help owning I thought the detaining the Patience became a point that concerned the honor of government, and that I found my situation very unpleasant, as most of the people by going up to Wilmington in the sloops would remain satisfied and report thro' the province, they had obtained every point they come to redress, while at the same time I had the mortification to be informed his Majesty's ordnance at Fort Johnston was spiked. This is the substance of what passed on board the Viper. On the 22d Capt. Phipps accompanied me to Fort Johnston, where I found Capt. Dalrymple sick in bed, two men only in garrison, and all the cannon that were mounted, spiked with nails. I gave or-

ders for the nails to be immediately drilled out, which he executed without prejudice to the pieces. I returned to Brunswick in the evening, and the next morning sent my letter bearing date the 23d to Capt. Lobb to desire his reasons for spiking the cannon, etc. He returned his reasons for this conduct by letter the 24th inst.

"Capt. Lobb's complaint relative to the provisions for his Majesty's sloops being stopped at Wilmington with the contractor's certificates of the manner of this restraint and my letter to the Mayor of Wilmington to require his assistance in furnishing the provision demanded, will be fully, I hope, understood by that correspondence.

"By the best accounts I have received the number of this insurrection amounted to 580 men in arms, and upward of 100 unarmed. The Mayor and Corporation of Wilmington and most all of the gentlemen and planters of the counties of Brunswick, New Hanover, Duplin and Bladen, with some masters of vessels, composed this corps. I am informed and believe the majority of this association were either compelled into this service or were ignorant what their grievances were. I except the principals. I have enclosed a copy of the association formed to oppose the Stamp Act.

"Thus, Sir, I have endeavored to lay before you the first springs of this disturbance as well as the particular conduct of the parties concerned in it; and I have done this as much as I possibly could without prejudice, or passion, favor or affection. I should be extremely glad if you, sir, could honor me with his Majesty's commands in the present exigency of affairs in this colony, and in the mean time will

study to conduct myself with the assistance of his Majesty's Council in such manner as will best secure the safety and honor of government and the peace of the inhabitants of this province.

“I am, sir, with all possible respect and esteem,

“Wm. TRYON.”

These occurrences took place between the 19th and 21st of February, 1766, and on the 19th Col. Waddell, leaving Col. Moore and the others at Brunswick with about 200 men, took the remainder of the force (estimated by Capt. Lobb in his report to Tryon to be from 300 to 400) and marched to Fort Johnston (now Southport) to take possession of it. He found on his arrival, however, that the guns had all been spiked by Lieut. Calder of the Diligence, who had gone down in a boat for the purpose. I think this Lieut. Calder was the same person who afterwards became Admiral Sir Robert Calder, and who served with Nelson.

While this was going on at and below Brunswick the people up at Wilmington were equally vigilant. They seized a boat which the contractor for supplies for the men of war had sent after provisions, and put the crew in jail, and stopped every person going to Brunswick. The crew of the war vessels had only one day's rations of bread, and Wilmington was the only source of supply. Their prompt and determined action forced Tryon and the commanders of the men of war to terms, and the vessels which they seized were released.

These are the facts in regard to the resistance to the Stamp Act on the Cape Fear, and they constitute over-

whelming evidence of the courage, intelligence, and free spirit of the people. Until the discovery of Tryon's letter-book in London in 1848, they rested largely on tradition, but some of the sons and daughters of the men who did these things lived up to less than fifty years ago, and were thoroughly conversant with the facts.

For a long time before the contemporaneous records were brought to light there were various versions of the story, although in regard to the main facts they agreed. One of these versions confused these events with the "tea parties" at Edenton and Boston, which occurred several years afterwards, and even the historians of the State (Martin, Jones, Wheeler, etc.,) got the dates and the facts all wrong in many instances.

The action of the people at Brunswick and Wilmington was not the result of a sudden impulse, but the culmination of a deliberate plan of resistance, which had been carefully considered and determined upon by local subjects of the Crown, who had no thought at that time of independence, but were asserting their rights under the British Constitution. They did so openly, and without the slightest desire to avoid responsibility, or to conceal their movements, and in doing so they vindicated their claim to the title of "Sons of Liberty," which was given to them.

That no monument has ever been erected to commemorate their heroism is a standing reproach to our people.