

Deposition of Waightstill Avery

PRO CO 5/314, ff. 108-109
CR-VIII, 518-521

North Carolina
Mecklenburg County

[March 8, 1771]

(Copy)

Waighstill [Waightstill] Avery Testifieth and saith that on the sixth Day of March Instant about nine or Ten OClock in the Morning He this Deponent was at the now dwelling house of one Hudgins who lives, and keeps the Atkin Ferry at the lower end of the long Island.

And He this Deponent there saw Thirty or Forty of those People who style themselves Regulators, and was then and there arrested and forceably detained a prisoner by one of them (who said his Name was John McQuiston)¹ in the Name of them all calling Him and them the people, and that soon after one James Graham² (commonly pronounced Grimes) spoke to this Deponent these Words "You are now a Prisoner and You must not go any where without a Guard." immediately after one Thomas Hamilton³ spoke Words of the same Tenor and purport adding that "You must keep with Your Guard and You shant be hurt." Before this Deponent left the House the aforesaid James Graham desired him to step aside and then told him "You had best to call for a Bowl of Tody and treat the Captains for they are going to ride on to the regulating Camp." The Bowl of Tody being spent this Deponent was conducted under Guard of two Men to the regulating Camp (as they termed it) about a Mile distant, where were many more persons of the same Denomination and others came there some Hours after, in the whole as this Deponent supposes and imagines about two hundred and Thirty. Here this Deponent remained for 4 or 5 Hours and got leave to pass from one part of their Camp to another repeatedly, as lead by Curiosity to hear and see what was said and Transacted, and discover the Temper of the Parties. etc. But was still deemed a Prisoner by all and many took upon them to command this Deponent. That from themselves He this Deponent learned the Names of five their Captains or leading Men then present (Viz., Thomas Hamilton and one other Hamilton,⁴ James Hunter, Joshua Teague one Gillespie⁵ and the aforesaid James Graham. He this Deponent heard many of them whose Names are to Him unknown say approbrious Things against the Governor the Judges of the Superior Court against the House of Assembly and other persons in Office. and while a surrounding Crowd were uttering Things still more approbrious the said Thomas Hamilton stood in the Midst and spoke Words of the following Tenor and purport (the Crowd still assenting to and affirming the Truth of what was said) "What Business has Maurice Moore to be judge, He is no Judge, he was not appointed by the King He nor Henderson neither, The'll neither of them hold Court. The Assembly have gone and made a Riotous Act, and the people are

more intraged than ever, it was the best thing that could be for the Country for now We shall be forced to kill all the Clerks and Lawyers, and We will kill them and I'll be damned if they are not put to Death. If they had not made that Act We might have suffered some of them to live. A Riotous Act! there never was any such Act in the Laws of England or any other Country but France, they brought it from France, and they'll bring the Inquisition."

Many of them said the Governor was a Friend to the Lawyers and the Assembly had worsted the Regulators in making Laws for Fees. They shut Husbands up in Gaol that He might not see their roguish proceedings and then the Governor and the Assembly made just such Laws as the Lawyers wanted. The Governor is a Friend to the Lawyers, the Lawyers carry on every Thing, they appoint weak ignorant Justices of Peace for their own purposes. They had worsted the Regulators in making Laws for Fees but they the Regulators were sworn that they should not get them. There should be no Lawyers in the province, they damned themselves if there should. Fanning was outlawed the Twenty second of March and any Regulator that saw Him after that Time would kill him and some said they would not wait for that, wished they could see him, and swore they would kill him before they returned if they could find him at Salisbury — Some wished they could see Judge Moore at Salisbury that they might flog him, others that they might kill him, Others said neither Judges nor Kings Attorney should come they would be waylaid, one Robert Thomson⁶ said Maurice Moore was purjured and called him by approbrious Names as Rascal, Rogue, Villian, Scoundral, etc. others assented to it. Thomson said Maurice Moore was partial in the Tryal of his Suit, that when He the said Thomson obtained a Recovery in a Land Cause Judge Moore granted a new Tryal but when He was cast and the other contending party obtained a Recovery Judge Moore damned himself (on the Bench) if he knew what to do and denied a Tryal. but that He the said Thomson was in possession, stood in defiance, and would see who would take it from Him.

When News was brought that Captain Rutherford at the head of His Company was parading in the Streets of Salisbury, this Deponent heard Sundry of them urge very hard and strenuously that the whole Body of the Regulators then present should March into Salisbury with their Arms and fight them saying They had Men enough to kill them, We can kill them We'll teach them to oppose Us.

Taken sworn to & Subscribed this eighth
Day of March 1771 before Me

Waighstill [Waightstill] Avery

Wm Harris,⁷ Justice of the Peace

¹John McQuiston could not be further identified.