

“Blood for blood”: David Fanning and Retaliatory Violence between Tories and Whigs in the Revolutionary Carolinas

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Abstract

This paper, relying primarily on Loyalist Colonel David Fanning's personal narrative of the American Revolution, will argue that Fanning applied, in some of his actions, a form of retributive reasoning similar to that described by Historians Wayne E. Lee and Jeffrey J. Crow as typical for the revolutionary Carolinas. In Fanning's case, the code by which he decided what to do in given situations was more complex than a one-dimensional law of retaliation; Fanning made an effort to incorporate conventional forms of honor into his actions, but harbored a great deal of distrust for his adversaries that came out of the experiences he had during the Revolution with his Whig opponents. His targets were purposive, aimed at Whig leadership, supplies and government officials. Fanning's level of violence escalated toward the end of the revolution due to his genuine disdain for the rebels and his resentment at fighting what he eventually acknowledged to be a losing war.

Keywords: Fanning; Retaliation; Retribution; lex talionis; Burke

On 28 February 1782, the infamous loyalist partisan David Fanning wrote a cold and threatening letter of protest to Governor Thomas Burke of North Carolina. The Whig government had hanged “three of my men, one Captain and two privates,” and was detaining an additional “Captain and six men under the sentence of death.”¹ Fanning knew that the British cause had entered its death throes with the definitive American victory at Yorktown, Virginia, in October, 1781, but fighting units remained mobilized until the signing of the peace treaty in 1783, and in the meantime governments throughout the former colonies had to make decisions about how to deal with the militia men who continued the civil war in the southern frontier. The majority of men serving in Fanning’s Royal Militia of Randolph and Chatham had remained at large, still capable of doing considerable damage in the absence of a large Continental Army presence. In an effort to dispel further loyalist activity, acting North Carolina Governor Alexander Martin framed a proclamation on 25 December 1781 that pardoned most men whom sided with the British, provided they complete a twelve month period in service to the American government. After receiving word that the rebels sought to make peace with him on his own terms in order to prevent as much violence as possible, Fanning proposed the establishment of an independent loyalist state within North Carolina, whereby all previous offenses would be forgotten and men would be subject to British law within its boundaries. The notion of creating a separate state was never truly entertained by the Whig government, and Governor Martin’s proclamation explicitly excluded from pardon all men who were guilty of “murder, robbery and

¹ David Fanning to Thomas Burke, 29 February 1782, *The Colonial and State Records of North Carolina*, ed. William Saunders, 26 vols. (Raleigh, N.C.: P. M. Hale, Printer to the State, 1886), 16: 205-206. Documenting the American South. University Library, The University of North Carolina at Chapel Hill, 2007.<http://docsouth.unc.edu/csr/index.html/document/csr16-0033>

house-breaking.”² Therefore, North Carolina subsequently carried out the executions of men captured while serving in Fanning’s militia.

Enraged by the illusion of justice that the Whigs were using to legitimize the executions, Fanning warned Burke that if more of his captured men were harmed, he would unleash a campaign of terror the like to which North Carolina had never seen, exacting “blood for blood,” Tory for Whig, in tenfold measure:

Sir, if the requisition of my articles do not arrive to satisfaction and the effusion of blood stopped and the lives of those men saved ... I will retaliate blood for blood and tenfold for one and there shall never an officer or private of the rebel party escape that falls into my hands hereafter but what shall suffer the pain and punishment of instant death. I have got your proclamation whereas it specifies ... that all officers, leading men, persons of this class, guilty of murder, robbery and house burning, to be precluded from any benefit of your proclamation. For there never was a man who has been in Arms on either side but what is guilty of some of the above mentioned crimes, especially on the rebel side, and them that’s guilty is to suffer instant death if taken. If my request ... [isn’t] granted ... by the eighth day of March I shall fall upon the severest and most inhuman terms imaginable to answer the ends for satisfaction for those that are so executed, and if the request is granted immediately, send a Field Officer to Deep River to Mr. Windsor Pearce and there he may remain unmolested or to Colo. Phelan Obstone’s under a flag till we can settle matters, so no more but I am in behalf of His Majesty’s Troops.³

² Proclamation by Alexander Martin concerning a pardon for loyalists, 25 December 1781, *Ibid.*, 17: 1049-1050. <http://docsouth.unc.edu/csr/index.html/document/csr17-0339>

³ Fanning to Burke, *Colonial and State Records*, 16: 205-206.

We are made abruptly aware of the harsh retaliatory nature of warfare during the American Revolution from this clear and unsmiling correspondence. The Proclamation that spelled the doom of his men implied that one side had been guiltier of atrocities than the other, and this was galling to Fanning beyond measure.

Fanning's threats show how easily the personal could become political in North Carolina, where longstanding local rivalries turned shockingly violent once adversaries squared off against one another over the independence movement. Historians regard the lower south as the site of the most brutal violence of the revolutionary period, precisely because so much of it was carried on by bands of loyalist and patriot militias rather than regular armies. In this setting, hatreds ran deep, and men on both sides suffered captivity and violence in a manner that often extinguished any hope for trust, even though traditional beliefs in the importance of "honor" remained intact,⁴ at least on the surface.

An early twentieth-century historian, Samuel A'Court, dismissed Fanning's actions as merely the byproduct of his nature, and thereby marginalized his experience as idiosyncratic. Fanning's company was notorious for burning, slaughtering, murdering and seizing whatever he deemed worthy; Ashe explains away these actions as merely stemming from the fact that Fanning was excitable by nature, "always on the warpath ... being entirely irrepressible."⁵

The question the historian must ask, however, is what drove this campaign of destruction? Historian Wayne E. Lee, drawing on the scholarship of Harold Selesky, has a more compelling

⁴ Jeffrey J. Crow, "Liberty Men and Loyalists: Disorder and Disaffection in the North Carolina Backcountry." In *An Uncivil War.: The Southern Backcountry during the American Revolution*. eds. Ronald Hoffman, Thad W. Tate and Peter J. Albert. (Charlottesville, VA: The University Press of Virginia, 1985), 125-178.

⁵ Samuel A'Court Ashe, "David Fanning" in *Biographical History of North Carolina from Colonial Times to the Present*, eds. Samuel A. Ashe, Stephen B. Weeks, and Charles C. Van Noppen (Greensboro, NC: C. L. Van Noppen, 1906), 93-97.

explanation than Ashe, arguing that the regional culture of North Carolina was guided by the “law of retaliation,” or *lex talionis*, in which families or individuals who had grievances with one another were accustomed to righting the wrongs they thought had been done to them through retributive violence that could easily spiral out of control.⁶ The policies of the oligarchical colonial government leading up to the Revolution opened up a profound set of issues about which to argue, and the outbreak of the war massively expanded the potential violence that might need to be avenged. On top of this, North Carolinians developed and collectively acted upon notions about what was and was not acceptable in war, and were inclined to punish through retributive violence that which they did not think conformed to the “norms of war”: “North Carolinians understood military activity within a particular framework – war came with violence, but it also came with rules,” and when “norms of war” had been violated, “men of either side seldom restrained their acts of retribution.”⁷

This paper, relying primarily on David Fanning’s personal narrative of the war years, will argue that Fanning applied, in some of his actions, a form of retributive reasoning similar to that described by Lee as typical for North Carolina. In Fanning’s case, the code by which he decided what to do in given situations was more complex than a one-dimensional law of retaliation; Fanning made an effort to incorporate conventional forms of honor into his actions, but harbored a great deal of distrust for his adversaries that came out of the experiences he had during the Revolution with his Whig opponents. His targets were purposive, aimed at Whig leadership, supplies and government officials. Fanning’s level of violence escalated toward the end of the

⁶ On the “law of retaliation” see Wayne E. Lee, *Crowds and Soldiers in Revolutionary North Carolina: The Culture of Violence in Riot and War* (Gainesville, FL: University Press of Florida, 2001), 177.

⁷ *Ibid.*,

revolution due to his genuine disdain for the rebels and his resentment at fighting what he eventually acknowledged to be a losing war.

By examining briefly the tumultuous Carolina landscape in which Fanning found himself in his youth, we can gather a sense of the call for retribution so potent in many of the small, insular counties where loyalism prevailed. As the Revolution marched on, the constant back and forth revenge plots intensified, undermining both sides claim to moral superiority. Regardless, both the Whigs and Tories would continue to rationalize their actions based on the illegitimate actions of the other side. Fanning's narrative serves as an excellent example of the rhetorical distinction between "killing" and "murder" for men at the time, and allow the reader to understand the snowball effect that this war of retaliation had on violent behavior.

If the personal was political in North Carolina, we must look to Fanning's youth to fully understand the level of mistrust toward Whigs that skyrocketed once the revolution broke out, and the desire to respond in kind to unkindness. David Fanning was born 1755 in Amelia County, Virginia. His father, also named David Fanning, died prior to his birth in an apparent drowning, and his mother, whose name is unknown, died when he was nine years old, leaving him and his sister Elizabeth orphaned. Prior to his mother's death in 1764, the family moved to Johnston County, North Carolina. No account of his sister's fate could be found, aside from the fact that the two were separated. David became the ward of county justice Needham Bryan Jr. Due to harsh treatment, he ran away from his home at sixteen and wandered the land on foot until he was discovered and taken in by John O'Deniell in Orange County, North Carolina until around the age of nineteen. O'Deniell helped cure Fanning of a skin disease that had plagued his scalp throughout his youth, leaving his head scarred and balding. His "scald head" was a source

of discomfort for Fanning throughout his entire life, and he soon developed a habit of hiding his scalp under a hat or silk cap.

Following his departure from O'Deniell's residence, Fanning moved to a farm in upcountry South Carolina, settling on Raeburn's Creek, a tributary of the Reedy River. While there, Fanning enlisted in the local militia and began to trade with both the Cherokee and Catawba Indians. It is likely that this is the point in Fanning's life when he began to develop his strong loyalist mentality. The reason given in much of the historical literature (including Thomas Wynne's preface to David Fanning's journal in 1861) claims that the source of Fanning's rabid loyalty to the crown stemmed from an apparent robbery that he experienced when returning from a trading expedition with the local Cherokee Indians. Wynne writes: "He [Fanning] was met by a party of lawless fellows who called themselves Whigs, and robbed by them of everything he had."⁸ Resentment of this alleged attack then sowed the seeds of hatred for the Whigs within Fanning, resulting in his immediate siding with the Tories. This simplistic argument as to why Fanning aligned with the British comes from an unsubstantiated statement by amateur historian Reverend Eli Caruthers in 1854.⁹ But there may be a kernel of truth to the story, in that the Whigs throughout the lower south were highly suspicious of people who had close trading ties with the Indians, always believing that these individuals somehow plotted with Indians against agrarian-minded colonists.¹⁰ Fanning may indeed, as an Indian trader, have experienced the wrath of Whigs, and may have distrusted the attempts of the planting majority to undermine his economic endeavors.

⁸ Thomas Wynne, Preface to *The Narrative of Colonel David Fanning . . . from 1775 to 1783, as Written by Himself*, by David Fanning (Richmond, VA: Printed for private distribution only, 1861), vi.

⁹ Eli W. Caruthers, *Revolutionary Incidents: And Sketches of Character, Chiefly in the "Old North State"*. (Philadelphia, PA: Hayes & Zell, 1854).

¹⁰ Crow, *An Uncivil War*, 125-178.

The Native Americans in the area shared a tumultuous past with the colonists, and interacting regularly with the Indians might also have instilled an attitude of justice and retribution within a young David Fanning.¹¹ Following the events of the Cherokee War in 1760, the Native Americans were left bloodied and brooding as large portions of their land was taken by the colonies. The British Crown's attempt to halt the further spread of the Colonies, and guarantee the Indians more of their land than the colonial governments of the lower south wished to allow, was seen as a hostile act by those who became revolutionaries. The Indians' predisposition to align with the British in hopes of preserving more of their lands made them, and anyone who had close relations with them, seem to be a threat.¹²

In addition to interacting with a disgruntled, pro-Tory Indian population, Fanning's exposure to the colonies in backcountry, or upcountry (non-rice producing areas) areas of both Carolinas further enforced his Tory proclivities. After he settled in Raeburn's Creek, Fanning lived in a community that skewed Tory, and took on the resentments against the Whig gentry that were common among his neighbors. High salt prices, taxes and land insecurity were among the major concerns facing residents and a regressive tax system and compulsory militia service exacerbated class tensions. Historian Robert S. Davis has explained Fanning's stomping ground of Raeburn Creek as a center for loyalist activity, with major Tory figures like Moses Kirkland, Richard Pearis, the Cunningham Brothers, and their famous cousin William "Bloody Bill" Cunningham residing in or holding leadership positions within town.¹³ Historian Jeffrey J. Crow

¹¹ Tom Hatley, *The Dividing Paths: Cherokees and South Carolinians through the Era of Revolution* (New York, NY: Oxford University Press, 1993), 102.

¹² Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American Communities*. Studies in North American Indian History. (New York, NY: Cambridge University Press, 1995), 4-26

¹³ Robert Davis, in "Loyalism and Patriotism at Askance," in *Tory Insurgents: The Loyalist Perception and Other Essays*, eds. Robert M. Calhoon, Timothy M. Barnes, and Robert Scott Davis (Columbia, SC: The University of South Carolina Press, 2010). 250.

argues that loyalism and disaffection with the colonies did not merely stem from a love for the crown, but instead “grew out of a particular set of political, economic, and social circumstances that caused people” to resist or ignore the whims of a dominant colonial oligarchy ruled by an “upper class consisting of planters, merchants, and lawyers.”¹⁴ Crow goes on to say that increasing pressure from the Whigs during the onset of the war caused disaffection to be “turned into a retributive loyalism, and the war became a contest for local authority and control of highly prized resources – grain, livestock, horses, arms, and ultimately the land itself.”¹⁵ Prior even to the promulgation of the Declaration of Independence, tensions within Raeburn Creek grew so strained that Fanning, in his journal entry for 15 May 1775, described the key role that he played in calling up a company of militia that immediately declared itself in support of the king over the rebels:

The first day of May, Capt. James Lindley of Rabern's Creek, sent to me, as I was a Sergeant of the said company, to have his company warned to meet at his house 15th of said month. I did accordingly, and presented two papers; there was 118 men signed in favour of the King, also declared to defend the same, at the risk of lives and property, in July 1775.¹⁶

Meanwhile, two Whig sympathizers were busy trying to convert the majority of townsfolk over to the patriot’s side, but according to Fanning their efforts were met with hostility and the two

¹⁴ Crow, *An Uncivil War*, 127

¹⁵ *Ibid.*, 128

¹⁶ David Fanning, *The Narrative of Colonel David Fanning, (a Tory in the Revolutionary War with Great Britain;) Giving an Account of His Adventures in North Carolina, from 1775 to 1783, as Written by Himself.* (Richmond, VA: Printed for private distribution only, 1861), 1

men were lucky to escape the town with their lives. This show of strong loyalist support in the South Carolina backcountry inspired the Whigs to launch the “Snow Campaign” of December 1775, in which patriot militias captured, arrested, or otherwise disrupted Loyalist leaders, forcing many of the most talented to leave the state.. While the Snow Campaign was a loss for the Loyalists, the fact that Raeburn Creek’s residents were not swayed by the Whig sympathizers demonstrates the resolve of the Loyalists with whom Fanning surrounded and aligned himself.

Despite the blow dealt by the Snow Campaign, Fanning and other partisans continued to try to thwart the Whigs, and had their greatest success after 1778, when the British army under General Lord Cornwallis began to focus efforts in the south. Emboldened by the presence of the British army, loyalist militia numbers swelled and more daring raids within the Carolinas took place. During the early years of the war, however, in 1776 and 1777, partisans like Fanning lived a precarious existence in which captivity was an ever present possibility. In a surprise attack on 22 December 1775 at the Battle of Great Cane Brake, a large rebel force of nearly 4000 completely routed a gathering loyalist militia¹⁷; a young Sergeant Fanning was forced to hide among the Cherokee lands until his eventual capture and imprisonment on 18 January 1776. Fanning writes in his journal that was detained until 10 May 1776, when he released under the condition that he return to his land and refrain from re-entering the conflict:

On the 10th of May 1776 hearing the Rebels had issued a proclamation to all the friends of government, offering them pardon and protection, provided they would return to their

¹⁷ John B. McLeod, "Battle Of The Great Cane Brake Or All-American Skirmish On The Reedy", *Southern Campaigns of the American Revolution*, Vol.2, No.11, Nov. 2005. p.13-16

respective habitations and remain neutral, this induced me for to return to my home, where I arrived on the 10th of June.¹⁸

Fanning violated his parole within a week of returning home, when a man describing himself as a “friend to Government” sought him out as a guide into the Cherokee lands. The mysterious stranger turned out to be a Whig emissary looking for potential Indian sympathizers. Reflective of the fear that the Colonists had of the Native Americans involvement, Fanning described the result of this encounter in his journal:

I agreed to conduct him to any part of the country he wanted for to go to, provided he would keep it secret. This he promised for to do. But immediately he went and lodged information against me, and swore that I then had a company of men, ready in order, for to join the Indians. In consequence of this, I was made prisoner again, on the 20th, by a Capt. John Rogers, and thrown into close confinement with three centinels over me.¹⁹

This ploy landed Fanning in his second of what would be fourteen imprisonments, if his own account is to be believed. For the next three years of the war, Fanning participated in an exhausting game of cat-and-mouse that spanned both Carolinas. In Fanning’s narrative, on 13 February 1779, following his latest jail break, he discovered there was a bounty of three hundred dollars posted for his capture. Despite his caution, Fanning asserted that he was betrayed by an unnamed party and pursued by more than a dozen Whigs. Receiving two bullets in his back, Fanning eluded his pursuers and sought medical help at a friend’s house. Fanning describes in

¹⁸ Fanning, Narrative, 3-4.

¹⁹ *Ibid.*, 4.

his journal during his recuperation, that he received a second conditional pardon that required him to remove himself from the conflict and serve as a guide for rebel forces should the need arise:

[I] had an express sent off to Gov. Rutledge at Charlestown, about a week after his answer came back with a conditional pardon for that which I had done, should be forgotten, and that I should live quietly and peacefully at home; and be obliged to pilot parties through the woods as occasion might require ... I remained at home a year and twelve days, and was repeatedly urged for to [accept] of a company in the Continental service, which I always refused.²⁰

Fanning violated this parole wholly following the British victory at Charleston in May of 1780, whereby he and William “Bloody Bill” Cunningham organized local men into a new militia. With the Royal army positioned at the border of North Carolina, loyalist insurgency rose dramatically. Historian Jeffrey J. Crow writes that the powder keg generated from years of escalating policy and maltreatment from the colonial government finally sparked, and the establish Whig authority in North Carolina crumbled in the blowback: “wearied by years of whiggish oppression, disaffected North Carolinians looked to the British for protection and the restoration of order and stability. Longtime loyalists and angry new converts saw in the movements of the British army the means of revenge.”²¹ Fanning reflects this new hunger in his journal, writing that “We now found ourselves growing strong, and numbers flocking daily to

²⁰ *Ibid.*, 12.

²¹ Crow, *An Uncivil War*, 159

us.”²² Following the American retreat at Camden in August 1780, Loyalist numbers were seeing an all-time high. William Armstrong, a revolutionary veteran from Lincoln county explains that the loyalists expressed “more confidence and they became more bold, more daring, and more numerous.”²³ Hungering for a revenge years in the making, these new loyalists sought to match the Whigs cruelty for cruelty, developing their own sense of ad hoc justice.

The growing loyalist ranks adopted a guerilla warfare tactic that targeted Whig supplies; because of this, the Whigs labeled them as bandits acting outside the norms of war. The two parties contested over control of local resources such as weapons, farm crops and cattle, as sustaining the men became problematic in the war-torn south. The Whig government laid claim to a farmer’s stock under the guise of law, and the Tories would liberate the farmer as a means of self-defense. The so-called Tory banditry thus became an effort by loyalists to divert much needed resources away from the Patriots’ cause, as well as protect their own land and provisions. Matthew Ramsey, a captain in the Chatham County Whig militia and prisoner of David Fanning, vented his frustration of the Tory militia targeting Whig livestock to General Horatio Gates, after a cattle train destined for the Rebel army was intercepted by Fanning and his men:

[After being ambushed by Fanning’s men, the Tories] Surounded the House we Lay in, and Took us prisonars. I Expected Nothing but present Death; if it had not been for One of them that seemed to have the Command [Fanning], they would of put us to the Sword. They ware Verry well arm'd ... I think they are the worst enemy that we have at this present. all their Studey Seems to be is to prevent the [Rebel] army from being Supply'd

²² Fanning, Narrative, 12.

²³ Declaration by William Armstrong concerning his military service in the Revolutionary War, 20 May 1833, *Colonial and State Records*, 22: 107-110. <http://docsouth.unc.edu/csr/index.html/document/csr22-0014>

with provisions. They are a Lawless Gang, it is Impossible to Catch them among so many Swamps.²⁴

Ramsey escaped his confines and Fanning, ill-suited to give chase, rallied with the British garrison at Deep River, North Carolina. Following a raid he led in May or June of 1781, Fanning returned to his camp to confront a power struggle within the ranks. Operating without a field officer, Fanning shared command with one William Elwood who, in an apparent fit of jealousy, turned some of the men against Fanning by convincing them of his desire to convert the militia men into Regular troops, resulting in the immediate desertion of some. Keeping with conventional norms of British military form, Fanning in response vowed never to go on another scout until there was an established field officer for the regiment. The majority of the men elected for him to be elevated to that rank, and on 5 July 1781, he received commission as a militia colonel. His first action as an officer was to order a general muster of the troops, whereby every man was to give an oath of allegiance, drafted by Fanning himself.

Concern for upholding traditional forms is prevalent throughout Fanning's narrative, but so too is the obvious need to legitimate his actions. Historian Wayne E. Lee writes that "On the one hand, he [Fanning] constantly reaffirms his commitment to the 'rules,' from the simplest traditions of a flag of truce to a body of regulations prohibiting plunder. On the other hand, he equally constantly reminds his reader of how the Whigs had violated those rules, killing and plundering illegitimately, violating their paroles, and even conspiring to turn a truce conference into an ambush...His insistence on forms reveals their importance to him,"²⁵ even if he was

²⁴ Matthew Ramsey to Horatio Gates, 9 August 1780, *Ibid.*, 14: 543-545.
<http://docsouth.unc.edu/csr/index.html/document/csr14-0438>

²⁵ Lee, *Crowds and Soldiers*, 192-193.

selective on when and to whom they applied. Both sides tended to grant “parole” to captives, giving them the option to go home as long as they promised to stay off of active duty. Fanning violated the official paroles he was granted on the two occasions mentioned earlier, yet still retained the notion that keeping one’s word was paramount. His own behavior might be described as a form of “situational ethics,” given the weakness of the loyalist movement during the early stages of the war when there was no British Army in the region to provide support or supplies. As the war progressed and more people became affected by its far reach, one’s honor was taken as a binding agreement, and violation of that agreement had egregious consequences, sometimes for many people.

Thomas Burke, for example, was no stranger to Fanning, because on 13 September 1781, just five months before the disputed executions discussed at the beginning of this paper, Fanning’s forces had captured Burke in Hillsborough, North Carolina. As Fanning was wounded in the battle, his men turned Burke over the British in Wilmington, North Carolina as a prisoner of war, leaving Martin to act as governor in his place and craft the proclamation that so grievously offended Fanning. Burke was then paroled by the British, with the stipulation that he stay on James Island in South Carolina, and remove himself from the conflict. After several months in British captivity, Burke began to fear for his life in the presence of men fueled by a hatred for the Whig gentry, and he grew angry at the Continental Army’s failure to exchange him for a British officer. Misinterpreting Nathanael Greene’s advice “to return to your government,”²⁶ Burke broke parole and fled from James Island to return to his role as governor in North Carolina. Greene had in fact only meant that Burke should secure his own release and return home. He viewed Burke’s return to office as a direct breach to his parole that undermined

²⁶ Nathanael Greene to Thomas Burke, 18 March 1782, *Colonial and State Records*, 16: 238-240. <http://docsouth.unc.edu/csr/index.html/document/csr16-0062>

the legitimacy of prisoner exchange and felt it endangered the lives of any American in captivity of the British.²⁷ Burke's violation of parole squandered his reputation in the public eye, and he left his office in May 1782. The role of honor tied in deeply with the surrounding air of retaliatory violence, which is why many would go to great lengths to justify their actions in order to avoid besmirching their honor. While Fanning benefited from paroles which he often violated, his personal narratives emphasized instances where he thought Whigs engaged in malicious trickery to harm him and his men.

Following the defeat of General Cornwallis by Washington at Yorktown in October 1781, the British Crown's hold on the colonies began to loosen. In November 1781, the British withdrew from the port city of Wilmington, effectively cutting off Fanning's resource base. Recognizing that he could not succeed as an unaided militia unit, Fanning submitted his proposal for an independent loyalist state within North Carolina on 7 January 1782. Eight days later, Fanning received a letter from his former prisoner, Captain Matthew Ramsey stating that his request had been granted, and that three men were going to ride to meet Fanning to accept a formal surrender and pardon. Fanning writes in his narrative that he sensed deception in the words, and following the murder of one of his officers by a band of Whigs, did not meet the three men for surrender:

In the course of this correspondence, endeavoring to make peace, I had reason to believe they did not intend to be as good as their words; as three of their people followed Capt. Linley; and cut him to pieces with their swords. I was immediately informed of it, and kept a lookout for them. Five days after their return, I took two them and hung them, by

²⁷ Nathanael Greene to Thomas Burke, 31 May 1782, *ibid.*, 16: 330-332.
<http://docsouth.unc.edu/csr/index.html/document/csr16-0136>

way of retaliation, both on the limb of the same tree; the third made his escape ... in the mean time, the gentlemen waiting on me at the place appointed, there came around a company from the Hawfield's, commanded by Capt. Scorely, which plainly and evidently appeared to me, there was nothing but treachery meant.²⁸

After the botched peace conference attempt, Fanning received word that three of his men had been executed by the state of North Carolina under the guise of penal state justice, and thus produced the threatening letter at the beginning of this paper. In response to his letter, General John Butler of the Continental Army crafted a response that urged Fanning to be patient and allow the Governor more time to respond. General Butler muses that if Fanning had asked for simple parole for him and his men, his request would have been granted immediately; but the unusual request for a permanent asylum required government approval:

Your letter of 26th of last month was handed to me last night. I have observed the contents. Had you proposed that you and the men now in actual service with you would have taken a parole to some certain bounds, until you could have been sent to Charleston, to be exchanged, I should have entered into that business. But your propositions are many, and some of them uncustomary in like cases. I conceive it out of my power — However as his Excellency Governor Burke is now at Halifax I will send him your letter with the proposals to him by express. This is now the 5th day of March; of course, it must

²⁸ Fanning, Narrative, 48-49.

be several days after the 8th before his answer can come to hand; in the mean time it may be as well to postpone the desperate measures, you have in contemplation.²⁹

While Butler's words may read as hopeful, the General forwarded the letter to Thomas Burke with the comment that he found Fanning's proposal "to be a very ridiculous piece, though I doubt not that he is earnest and the tenor of it."³⁰ The tenor was felt soon after when Fanning was forced into making good his threat for violence, as his men were attacked two days later by a party of Whigs. According to Fanning's narrative, he did try to prevent the fighting by sending an emissary for peace to the Rebel militia Colonel Belfour. The Colonel had other plans apparently, as Fanning's emissary returned with Belfour's message, "there was no resting place for a tory's foot upon the Earth." A short fight followed, with neither side suffering a casualty.

The sequence of events that followed constituted the most violent period in Fanning's career, as he sought to make good on his threat of retaliation; hoping beyond hope to reignite the Tory movement with what little support he had left or to be relieved by a British reinforcement. The scourge started with none other than Colonel Belfour, whom Fanning attacked and killed at his home plantation:

The first ball he received was through one of his arms, and ranged through his body; the other through his neck; which put an end to his committing any more ill deeds.³¹

Fanning then moved on to Randolph County to attack the residence of another Rebel officer, Colonel Collier, and he "burnt several rebel houses and caught several prisoners." Upon

²⁹ *Ibid.*, 51-52

³⁰ John Butler to Thomas Burke, 6 March 1782, *Colonial and State Records*, 16: 217.
<http://docsouth.unc.edu/csr/index.html/document/csr16-0043>

³¹ Fanning, Narrative, 53

arriving at Colonel Collier's plantation, the Colonel escaped after being shot three times, but Fanning made sure to destroy Collier's entire estate. Fanning goes on in his narrative explaining the pattern of destruction he and his men engaged in during the following days, such as the execution of Captain John Bryan for violating parole:

I told him if he would come out of the house, I would give him parole; which he refused, saying that he had taken parole from Lord Cornwallis, swearing "by God! he had broken that and that he would also break our Tory parole." With that I immediately ordered the house to be set on fire which was instantly done. As soon as he saw the flames of the fire, encreasing; he called out to me, and desired me to spare his house, for his wife's and children's sake, and he would walk out with his arms in his hands. I immediately answered him, that if he walked out, that his house should be saved, for his wife and children. When he came out, he said "Here, damn, you, here I am." With that he received two balls through his body: He came out with his gun cocked, and sword at the same time.³²

Fanning continued his campaign of terror throughout the month of March in 1782. On 8 April 1782, he was once again contacted via emissary of the rebel government to arrange some form of a peace treaty. Presenting the same terms as before, Fanning awaited a response that came ten days later which agreed to all of his demands except one that permitted former Tories to have contact with the British. Fanning's response was not of the peace-keeping sort, refusing to compromise no matter the cost:

³² *Ibid.*, 54

“I would forfeit my life, before I would withdraw any one of the articles that I had presented, as I wished to hold the same connection with the British as formerly; I likewise told him, that I had understood, that they had picked out twenty four of their best horses, and men, from Virginia in order to persue me, and my answer to Mr. Williams was " they might do their best, and he damned" as I was fully determined to still support - my integrity, and to exert myself in behalf of the King and country more severer than ever I did."³³

Fanning's stubbornness and desire to uphold his notion of honor led him on a difficult road to East Florida as he and less than a dozen of his remaining militia fled from prosecution. In December 1783 the North Carolina General Assembly passed the Act of Pardon and Oblivion, a universal pardon similar to Alexander Martin's 1781 Christmas proclamation, whereby all men not guilty of "deliberate and willful murder, robbery, rape, house breaking or any of them" would be absolved of their crimes. The Oblivion act specifically excluded three men from pardon, of which David Fanning was one. After losing all claim to his lands and property, Fanning fled to Nova Scotia where he died of natural causes on 14 March 1825.

Motivations for violence within the American Revolution are plenty; indeed, an entire book can and has been filled with colonists' justifications for warfare. In the revolutionary Carolinas, bitter internal conflicts divided the parochial settlements and fostered a genuine disaffection for the existing oligarchic government. For many, disaffection would shift to retributive loyalism when the opportunity for revenge presented itself. The resulting game of "eye-for-an-eye" continued to amplify and increase in frequency as the revolution moved

³³ *Ibid.*, 58

forward, especially when the political became personal and soldier's lives and families were involved. David Fanning, a man who was raised into this world of growing disdain, became the Loyalist's avenging angel, and sought to punish those who operated outside the "norms of war." Fanning held dear the sanctity of traditional forms, even though he himself was not the best at honoring them. This paradoxical hypocrisy dominated the very rhetorical distinction that men drew between "killing" and "murder", in the sense that it was always wrong if the enemy did it. Fanning's worst campaign of destruction took place when he had no other options by which to win the war for his cause. When faced with a potential way out by way of conditional pardon, he stuck to what he thought was the moral high ground, and refused to compromise his convictions. It is through the lens of David Fanning and men like him that historians can peer into a time when wartime atrocities were legitimized as acts of retribution and when the American Revolution, a war for independence, was also a war of retaliation.

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