

## **Johnston's Riot Act** <sup>[1]</sup>

# **Johnston's Riot Act**

by Barry McGee, 2006



"Samuel Johnston." Image courtesy of the North Carolina State Archives.

<sup>[2]</sup>Johnston's Riot Act of 1771 was an attempt by members of the royal colonial government to control and punish the Regulators, North Carolinians from the frontier counties who had revolted against them. Particularly in vast, western counties such as Orange <sup>[3]</sup>, Rowan <sup>[4]</sup>, and Anson <sup>[5]</sup>, the sheriffs and other appointed officials proved to be dishonest. Governor William Tryon <sup>[6]</sup> wrote in 1767 that "the sheriffs have embezzled more than one-half of the public money ordered to be raised and collected by them." The Regulators <sup>[7]</sup> formed to oppose the unjust practices. When local authorities ignored and harassed them, the Regulators turned violent. The North Carolina Assembly tried to address the injustices, but legal remedies moved too slowly for the Regulators. In September 1770 a mob stormed into the Hillsborough courthouse, drove the judge from his bench, tormented and brutally whipped attorneys, then rioted through the streets.

When word came that the Regulators were ready to march on New Bern to take over the Assembly, the legislators immediately took action to punish them. Samuel Johnston <sup>[8]</sup>, of Edenton <sup>[9]</sup>, an attorney, clerk of court, and Assembly member since 1759, introduced the "Riot Act," which he based on English law. This act gave the attorney general the right for one year to prosecute charges of riot in any court he chose in the province. When summoned by the court, the rioters had to surrender within 60 days or be declared outlaws whose lands and chattels would become the property of the government and who could be killed with impunity. The militia would enforce the law, which the Assembly ratified on 15 Jan. 1771.

Peaceful citizens protested that Johnston's Riot Act violated their rights, and the Regulators sneered at the "riotous act." They vowed to stop courts from meeting and swore that "now we shall be forced to kill all the clerks and lawyers." The ultimate defeat of the Regulators ended the need for Johnston's Riot Act, which expired in early 1772.

### **Reference:**

William S. Powell, *The War of the Regulation and the Battle of Alamance, May 16, 1771*(1949).

### **Image Credit:**

"Samuel Johnston." Photograph no. 53.15.1550. From the Audio Visual and Iconographics Collection, Division of Archives and History Photograph Collection, North Carolina State Archives <sup>[10]</sup>, Raleigh, NC, USA.

### **Subjects:**

American Revolution (1763-1789) <sup>[11]</sup>

Law and legal history <sup>[12]</sup>

War <sup>[13]</sup>

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Encyclopedia of North Carolina. University of North Carolina Press.<sup>[15]</sup>

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