

Rutherford, John ^[1]

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25 Jan. 1724–31 May 1782

John Rutherford, receiver general of the [quitrents](#) ^[2] and member of the Royal Council of North Carolina, was born at Bowland, Midlothian County, Scotland. He was a twentieth-generation descendant of Robertus dominus de Rodyrforde, the twelfth-century founder of the Rutherford family. John Rutherford was the eldest of seven children born to James and Isabella Simpson Rutherford. His brothers who survived to majority, James (1725–82) and Thomas (1734–80), followed him to America. In 1743 James conducted a mercantile business in [Wilmington](#) ^[3] after which he moved his residence to [Cumberland County](#) ^[4], where he was justice of the peace and colonel of the militia. Thomas Rutherford, also a resident of Cumberland County, served as deputy secretary of the province in the mid-1760s and register and clerk of the Cumberland County Court in the 1770s. After his election from that county to the first four [provincial congresses](#) ^[5], he joined the Loyalists at [Moore's Creek Bridge](#) ^[6]. The subsequent defeat led to the capture of Thomas Rutherford and confiscation of his property. He was sent to Philadelphia, paroled, exchanged, and died on board ship in 1780 in Clinton's fleet, which was returning to Charles Town.

John Rutherford arrived in America in 1739. He was a protégé of his cousin, [James Murray](#) ^[7], who established him in the merchandising business in the Cape Fear. Rutherford was barely twenty-one in 1745, when he served [New Hanover County](#) ^[8] as a commissioner of the roads. By 1747 he was living in Wilmington, where he conducted the affairs of Rutherford and Company, dealers in lumber and merchandise. He was elected town commissioner of Wilmington from 1749 to 1751, and in the latter year the Assembly named him commissioner of the pilotage of the [Cape Fear River](#) ^[9].

In March 1750 Rutherford embarked for England, where he procured by assiduous personal effort, and with the assistance of Surveyor General of the Customs Robert Dinwiddie, a commission as receiver general of the quitrents for North Carolina dated 13 Nov. 1750. In 1752 the Crown appointed him to the Council of North Carolina. In 1757, however, Governor [Arthur Dobbs](#) ^[10] in Council suspended Rutherford from his offices for the following reasons: allowing James Murray, a member of the Council and former secretary and clerk of the Crown, to issue small denomination promissory notes to be accepted by Rutherford for quitrent payments; disbursing quitrent moneys without the governor's consent; failing to discharge properly and diligently his duties as receiver general; and aiding Murray to form a junto in the Council and Assembly to thwart the will of the governor and Crown. Rutherford again journeyed to England, where he successfully defended his conduct; on 2 and 30 Apr. 1761 he received renewed commissions as receiver general and councilor respectively. By December 1761 he again enjoyed possession of those offices, which he retained until the outbreak of the Revolution.

Rutherford's position in the government improved upon the accession of [William Tryon](#) ^[11] as governor in 1765. Tryon appointed Rutherford a member of the expedition to survey the [Cherokee](#) ^[12] boundary line in 1767. The next year the governor elevated him to the rank of lieutenant colonel in the campaign against the Regulators and when ill relinquished command of the troops to the receiver general. Rutherford also served in the 1771 expedition against the Regulators, which culminated in the [Battle of Alamance](#) ^[13]. In 1772 he and [William Dry](#) ^[14] joined commissioners from South Carolina to survey an extension of the boundary line between the two colonies.

At the onset of the Revolution Rutherford gave nominal support to Governor [Josiah Martin](#) ^[15], after which he retired to his country estate, Hunthill. He remained unmolested until 1781, when upon the arrival of Lord Charles Cornwallis he announced his support for the British cause. After Cornwallis withdrew his troops, Rutherford fled for safety to Charles Town, S.C., leaving the bulk of his estate to Patriot confiscation. Ill health and poverty forced Rutherford to embark for Scotland in 1782. He died the same year in Cork, Ireland, before reaching his homeland.

In 1754 Rutherford married Frances Johnston, twice a widow, first of one Button and second of Governor [Gabriel Johnston](#) ^[16]. In the aftermath of the settlement of the Johnston estate, Rutherford obtained a Royal warrant dated 5 Feb. 1761 for £12,500.8.8 sterling for the arrears of salary due to Johnston while governor of North Carolina. The warrant was made on the South Carolina quitrent fund, as similar moneys in North Carolina were insufficient. Rutherford experienced difficulty obtaining payment despite the best exertions of his friend and attorney in Charles Town, Henry Laurens. At the outbreak of the Revolution £2,018.19.2 remained to be paid, which sum was collected after much delay by the Rutherford heirs.

Rutherford greatly enlarged his estate in the 1750s, at which time he acquired a plantation at [Rocky Point](#) ^[17] which he called Bowland. Between 1762 and 1766 he maintained a mercantile partnership with Alexander Duncan of Wilmington. Apparently Rutherford financed many of his transactions by a loan of £7,440 sterling obtained from John Murray of Philiphaugh in May and June 1761. Rutherford's delay in liquidating the debt prompted Murray to demand additional security for the loan in 1768 in the form of Rutherford's landholdings, a bequest of £1,000 in Duncan's will, unpaid debts

owed the Duncan partnership, and the twenty-two people Rutherford enslaved. Subsequently, Rutherford was bankrupted and, after a decision by the Chancery Court of North Carolina on 15 Jan. 1771, presumably lost the above assets including Bowland. In desperation he prepared to leave the province and inquired of friends about possible positions in government offices in London. However, by 1775 he had executed a remarkable financial recovery, which found him in possession of a 4,000-acre estate, Hunthill, acquired from Sampson Moseley. Hunthill, located at Holly Shelter Creek about thirty miles north of Wilmington, contained 300 cleared acres, 26 teams of oxen, 150 head of cattle, a gristmill, a large double sawmill, and naval stores ^[18] facilities. The property also included the 150 workers that were enslaved by Rutherford.

By temperament Rutherford was a genial man. Although he complained of severe deafness in 1758 and Governor Martin declared him unfit for public office by virtue of the same malady in 1774, Rutherford conducted private and public business with seeming ease. Nor did gout prevent him from being a charming host and traveling often in his service to the government and in a private capacity. Although Governors Dobbs and Martin accused Rutherford of indolence, particularly in regard to his duties as receiver general, Rutherford appears to have been an industrious, even tenacious, individual when the occasion demanded.

Nevertheless, Rutherford was a retiring, scholarly person who enjoyed the solitude of his large library. His intellectual attainments were exemplified by the publication in England in 1761 of The Importance of the Colonies to Great Britain ^[19]. Dedicated to the Earl of Halifax (George Montague-Dunk), this was essentially a mercantilistic tract positing the argument that England should encourage colonial production of raw materials in order to stimulate English manufacturing. This policy would curtail colonial manufacturing, produce a larger colonial market for English manufactures, reduce English unemployment, and diminish English dependence on external trading markets. Rutherford observed significantly that to compel the colonials, intentionally or not, to resort to manufacturing would result in their eventual independence.

John and Frances Rutherford, who died in 1768, had three children: Frances (1756–1809), John, Jr. (1762–1813), and William Gordon ^[20] (1764–1818). The children were probably born at Bowland plantation, Rocky Point, but upon the death of their mother were sent to Scotland for their education. They returned to North Carolina briefly on the eve of the Revolution. Rutherford subsequently entered John, Jr., in the British army and William Gordon in the navy where they both enjoyed distinguished careers. After the Revolution the children worked tirelessly to obtain restitution of their father's estate, but not until 1811 did their perseverance produce a final, and satisfactory, settlement.

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