

Hepburn, James ^[1]

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ca. 1752–May 1798

James Hepburn, Loyalist ^[2] merchant, attorney, politician, and planter, was born in Scotland. The year and circumstances of his migration to America are unknown, but prior to 1772 he was a clerk for the firm of Alston, Young, and Co., merchants trading extensively in Virginia and North Carolina. In 1771 he entered into partnership with Joseph Montfort ^[3], treasurer of the northern district of North Carolina, and Robert Nelson, merchant, as Hepburn, Nelson, and Co., for trading on the Cape Fear River ^[4]. In 1771 or 1772 Hepburn went to London and purchased goods for the company, but the venture was unsuccessful and in 1774 the firm was dissolved. Hepburn had by then achieved sufficient local prominence to be appointed, in April 1774, justice of the peace for Cumberland County ^[5]. Also in that year he was licensed as an attorney and qualified in the courts of Cumberland, New Hanover, and Halifax counties.

Hepburn's Loyalist sympathies were in evidence as early as July 1775, when Governor Josiah Martin ^[6] considered him reliable enough to furnish wagons to transport the records of Lord Granville ^[7]'s land office to safety. In the same month the Wilmington Committee of Safety ^[8] denounced him in the strongest terms as a traitor to American liberties. The following month he petitioned the committee to be restored to favor, and was ordered to sign the association not to engage in trade with England. Within a few weeks he took his seat as a delegate from Campbellton to the Third Provincial Congress ^[9] convening at Hillsborough on 20 August. He signed the test and was appointed to several committees, including one charged with securing the support of Scottish immigrants.

His adherence to the patriot cause was of short duration. In February 1776, he took part in the Moore's Creek Bridge campaign ^[10] as secretary to Donald MacDonald ^[11]. Before the battle he was sent under a flag of truce to demand Richard Caswell ^[12]'s surrender, and reported back to MacDonald that the patriot position could be attacked. After the battle he was imprisoned successively at Halifax, Charlotte, Salisbury, and again at Halifax.

In September 1778 Hepburn appeared in New York City, where he was licensed to practice law, and remained there until at least November 1779. By June 1780, shortly after the capture of Charleston by the British, he had established himself in that city as a public notary and attorney. When Governor Thomas Burke ^[13] of North Carolina was imprisoned on James Island near Charleston in November and December 1781, Hepburn was among several prominent Loyalists from North Carolina who attempted unsuccessfully to obtain for him a parole within American lines.

When the British evacuated Charleston in December 1782, Hepburn was among the large number of Loyalists who went to St. Augustine. He was befriended by the governor of East Florida, Patrick TONYN, and received appointments as proctor of the court of vice-admiralty, attorney general, and member of the council of the province.

In July 1784, Hepburn migrated to the Bahama Islands, the British colony eventually to receive many southern Loyalists. A sizable number had gone there already, and had begun an insistent demand for land, provisions, and offices that alarmed the governor, John Maxwell. Within a few days of his arrival Hepburn had assumed the presidency of the dissidents, who styled themselves the Board of American Loyalists. The governor had no military force at his disposal, and during the following months the Loyalists, led by Hepburn and Robert Johnston of South Carolina, refused to recognize Maxwell as governor and attempted to gain their demands through rioting, the disruption of law courts, and petitions to the king and various officials in England. Maxwell retaliated by refusing Hepburn and Johnston licenses to practice law, dissolving the troublesome assembly, and issuing a precept prohibiting the election of Hepburn to that body. When the new assembly met in February 1785, Hepburn was returned as member for Cat Island, and the governor promptly prorogued the assembly. Maxwell was recalled to England, and the new governor, John Powell, soon was embroiled in the same difficulties. Powell complained to authorities in England that Hepburn, "the most vociferous," and Johnston, "the most able and dangerous," were inflaming the Loyalists.

The new assembly, however, proved more tractable to the government. Hepburn and several other dissident members failed to prevent the return of members supporting the governor, and in September 1785 the assembly expelled Hepburn and four of his supporters. After this incident he ceased active opposition to the government, withdrew to his substantial estate on Cat Island. The estate consisted of some 1,300 acres and was worked by 65 enslaved people. Hepburn proceeded to become a prominent cultivator of cotton. In 1796 he again was elected to the assembly, but this time his service was uncontroversial. At his death he left a widow, Mary, and three children, James, John, and Eliza.

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Additional Resources:

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